Report

First Indigenous and local knowledge dialogue workshop

on the

IPBES Business and Biodiversity assessment

Framing the assessment

23-24 September 2023, Bogota, Colombia

Suggested citation

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Disclaimer

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1 Introduction

This is the report of the first Indigenous and local knowledge (ILK) dialogue workshop for the *methodological assessment of the impact and dependence of business on biodiversity and nature's contributions to people* (the "business and biodiversity assessment"), which is being developed by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems Services (IPBES).

The workshop was held in Bogota from 23 to 24 September 2023. The dialogue workshop aimed to provide a platform for discussion between Indigenous Peoples and local communities (IPLCs) and assessment authors, with a focus on key ILK concepts, themes, questions, challenges, opportunities, resources and other issues relating to the business and biodiversity assessment.

This report aims to provide a written record of the dialogue workshop, which can be used by assessment authors to inform their work on the assessment, and by all dialogue participants who may wish to review and contribute to the work of the assessment moving forward, as well as others who may be interested in subjects relating to business, biodiversity and IPLCs.

The report is not intended to be comprehensive or give final resolution to the many interesting discussions and debates that took place during the workshop. Instead, it is intended as a written record of the discussions, and this conversation will continue to evolve over the coming months and years. For this reason, clear points of agreement are discussed, but also, if there were diverging views among participants, these are also presented for further attention and discussion.

The text in section 3 represents an attempt to reflect solely the views and contributions of the participants in the dialogue. As such, it does not represent the views of IPBES or UNESCO or reflect upon their official positions.

The agenda and participants' list for the dialogue are provided in annexes 1 and 3.

2 Background

The IPBES business and biodiversity assessment

Structure and process

The business and biodiversity assessment commenced in 2023 and will be considered by the Plenary at IPBES 12 in 2025. The assessment report will consist of a summary for policymakers and six chapters, each with an executive summary of the chapter's key findings. The chapters are as follows:

- Chapter 1: Setting the scene
- Chapter 2: How does business depend on biodiversity?
- Chapter 3: How does business impact biodiversity?
- Chapter 4: Approaches for measurement of how business depends on and impacts biodiversity
- Chapter 5: Businesses as key actors of change: options for action
- Chapter 6: Options for actions by governments, the financial sector, IPLC, civil society and other actors

The assessment will also identify key gaps in knowledge, data, methodologies and reporting standards.

Rationale and goals

The assessment process recognizes that engaging businesses and the financial sector is essential to address the conservation of biological diversity.

The assessment will aim to strengthen the knowledge base to support efforts by business to achieve the 2050 Vision for Biodiversity and the objectives of the Convention on Biological Diversity, which are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The assessment will support the 2030 Agenda for Sustainable Development and its Sustainable Development Goals, and inform other relevant multilateral environmental agreements, processes and efforts.

The assessment will explore the ways that business and financial institutions depend on biodiversity, and the ways that they impact biodiversity and nature's contributions to people, including in relation to IPLCs. It will assess methods for measuring direct and indirect dependencies and impacts, and will assess options for actions by businesses and by others who interact with business, including governments, the financial sector, IPLCs, and civil society.

The assessment is a methodological assessment, which means that it assesses the different types of available methods and tools for addressing a specific theme, in this case ways to measure how businesses impact and depend on nature.

More can be read about the business and biodiversity assessment, including its scoping report, here: https://www.ipbes.net/business-impact.

Context for the dialogue workshop

IPBES and ILK

IPBES is an independent intergovernmental body established to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development.

Since its inception in 2012, IPBES has recognized that IPLCs possess detailed knowledge of biodiversity and ecosystem trends. In its first work programme (2014-2018), IPBES built on this recognition through deliverable 1 (c), *Procedures, approaches, and participatory processes for working with Indigenous and local knowledge systems.* The IPBES rolling work programme up to 2030 includes objective 3 (b), *Enhanced recognition of and work with Indigenous and local knowledge systems*, which aims to further this work. The IPBES conceptual framework also contains explicit recognition of diverse knowledge and value systems.

Recognizing the importance of ILK to the conservation and sustainable use of ecosystems as a cross-cutting issue relevant to all of its activities, and noting also that approaches and methods for working with ILK and IPLCs in global and regional scale assessments would need to be developed, the IPBES Plenary established a task force on ILK systems and agreed on terms of reference guiding its operations towards implementing this deliverable. IPBES' work with IPLCs and on ILK is supported by a technical support unit for ILK, hosted by UNESCO.

Key activities and deliverables of the task force and technical support unit on ILK so far include:

- Progress in the development of approaches and methodologies for working with ILK was made during previous IPBES assessments (Pollination, Pollinators and Food Production, Land Degradation and Restoration, four Regional Assessments and a Global Assessment

of Biodiversity and Ecosystem Services, Sustainable Use of Wild Species, Diverse Values and Valuation of Nature, and Invasive Alien Species);

- The development and implementation of the "approach to recognizing and working with ILK in IPBES", which was formally approved by the Plenary at its fifth session in 2017 in decision IPBES-5/1, which sets out principles and approaches for IPBES's work with ILK;
- Development and implementation of methodological guidance for recognizing and working with ILK in IPBES, which aims to provide further detail and guidelines on how to work with ILK within the IPBES context; and
- Development and implementation of a "participatory mechanism", a series of activities and pathways to facilitate the participation of IPLCs in IPBES assessments and other activities.
- Organizing ILK dialogue workshops for the IPBES assessments.

Working with ILK in the assessment process

IPBES recognizes that the participation of IPLCs is essential to the process of developing the business and biodiversity assessment. IPLCs are often on the frontlines of environmental and social impacts from business, while at the same time they may be developing their own visions and approaches to generating livelihoods and economies for their communities, often in sustainable, culturally appropriate ways.

Following the IPBES approach to ILK and as part of the participatory mechanism, dialogue workshops are being held during the cycle of the business and biodiversity assessment, as follows:

- Reviewing the scoping report (online, November 2022);[1]
- Discussing key ILK themes and framing of the assessment (23-24 September 2023, Bogota, Colombia – the workshop discussed in this report);
- Reviewing the first draft of the chapters and summary for policymakers (TBC, July 2024).

These workshops bring together IPLCs and authors of the assessment to discuss key themes relating to the assessment. They are part of a series of complementary activities for working with ILK and enhancing participation by IPLCs throughout the assessment process.

[1] The report from the scoping dialogue is available here: https://www.ipbes.net/sites/default/files/2023-06/IPBES_ILK_BusinessBiodiversity_Scoping_REPORT_forWeb.pdf

Other activities during an assessment include an online call for contributions, invitations to contributing authors and review of diverse literature and materials (see figure 1).

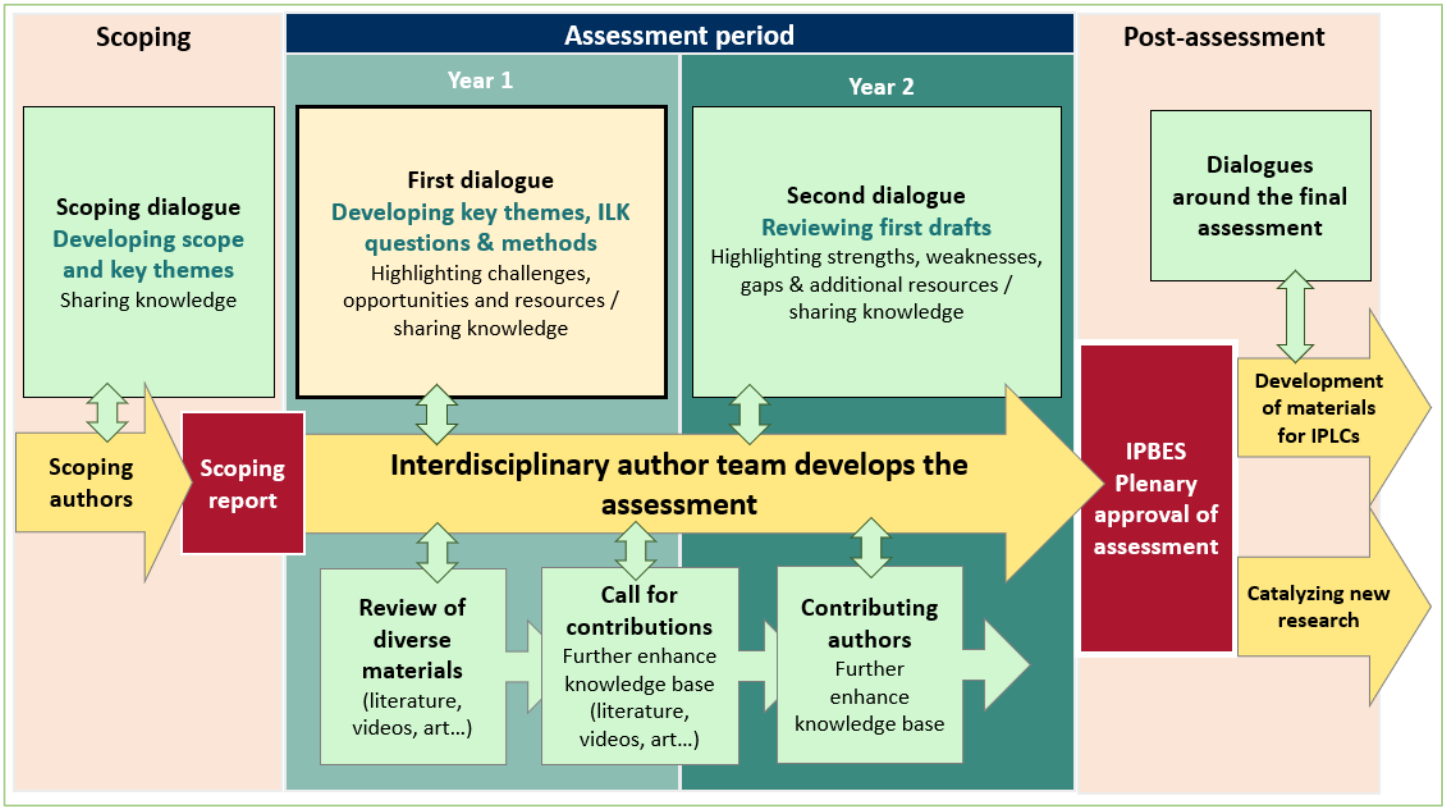

Figure 1: Timeline of work with ILK in the business and biodiversity assessment, following the IPBES approach to ILK.

Objectives of the ILK dialogue workshop

The first ILK dialogue aims to provide a platform for discussion between IPLCs and authors about potential key ILK concepts, themes, questions, challenges, opportunities, resources and other issues relating to the IPBES assessment of business and biodiversity. Specific aims of the dialogue include:

- Developing recommendations from IPLCs for key themes or questions of the assessment, which will help to shape an ILK narrative for the assessment and direct the collection, synthesis and analysis of information;
- Discussing challenges, risks and opportunities related to the assessment from the perspectives of IPLCs;
- Beginning to develop case studies of relevance to the assessment;

- Determining key experts who can contribute to the assessment as contributing authors or participants in future dialogue workshops and review processes; and
- Identifying resources and sources of information that could be included in the assessment.

Methods for the dialogue workshop

The workshop was held in-person over two days. Time was also set aside at the beginning of the workshop to allow participants to discuss the issues they wished to address at the workshop, and how these issues should be approached. The agenda is presented in annex 1 of this report. The process for the dialogue workshop included:

- Initial presentations and discussions on:
    - IPBES and its goals and methods;
    - Workshop aims, methods, and free, prior and informed consent (FPIC);
    - A brief introduction to the business and biodiversity assessment, its goals and proposed methods;
- Discussions around the draft key ILK questions and themes that had been developed for each chapter of the assessment. Participants were asked to reflect on whether these questions and themes were appropriate, and whether any changes needed to be made, as well as responding to the questions and themes as they saw appropriate; and
- Two IPLC caucuses to give IPLC participants a space to discuss any questions, concerns or issues in relation to IPBES, the assessment and the workshop.

Free, prior and informed consent

Free, prior and informed consent (FPIC) principles are central to IPBES work with IPLCs, and a series of ethical principles have been developed to ensure that FPIC is followed in IPBES activities. These principles were agreed upon by the IPLC participants and IPBES authors in the dialogue, recognizing that IPLC participants, authors and the IPBES technical support units have different responsibilities within the process. The principles will be followed by IPLC participants, the assessment authors group and the IPBES technical support units. The full agreed-upon text and the names of those agreeing to these principles are provided in annexes 2 and 3 to this report.

Benefits to IPLCs of participating in the assessments and other activities

During previous ILK workshops, participants noted that the benefits to IPLCs from their participation in an assessment process need to be clear. It was noted that IPBES does not benefit financially from its processes or products, and that the main products of IPBES are publicly

available materials, including assessment reports, summaries for policymakers, webinars and other resources, which aim to provide free and reliable information for policymakers and decision-makers and actors at all levels, including IPLCs. Key benefits of participating in dialogue workshops, and the assessment process as a whole, for IPLCs that were discussed included:

- The opportunity for IPLCs to share experiences with other IPLCs around the world;
- The opportunity for IPLCs to share and exchange experiences and knowledge with IPBES assessment authors;
- The opportunity to bring ILK and IPLC concerns to the attention of policymakers and decision-makers; and
- Use of the final assessments as a tool when IPLCs are working with policymakers, decision-makers and scientists, noting that part of the planning for the final assessment includes the development of an accessible summary for IPLCs and webinars that present the results to IPLCs.

3 Key recommendations and learning from the dialogue workshop[2]

Over the course of the workshop, IPLC participants discussed different aspects of the business and biodiversity assessment. This section details the key messages, recommendations and examples that were shared by participants during the workshop. As much as possible, the text reflects what was said during the workshop by participants, with only minimal editing.

Overarching comments on the process and aims of the assessment

Over the course of the workshop, IPLC participants made a series of overarching comments of relevance to the business and biodiversity assessment.

ILK in the assessment

A participant shared her concerns about the risk of IPLC worldviews and knowledge being consumed and subjugated by the dominant worldview when shared in spaces such as this workshop or the entire assessment process. A participant added that ILK is intertwined with tradition, identity and spirituality that are integral to IPLCs, and that these links cannot be broken. Working with and sharing ILK creates cultural or customary obligations towards the community, including the need to inform community members of the use of information, return information to the community and to use the knowledge shared respectfully and appropriately. These obligations are important to keep in mind when working with ILK.

Participants also asked that IPBES further enhance the dialogue between different knowledge systems. They called for equal standing between science and ILK and asked for more work on practical approaches to achieve this.

Participants emphasized the importance of the use of other sources of knowledge, and ways of expressing and representing knowledge, such as art, songs, or rituals.

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Participation of IPLCs in the assessment

A participant highlighted the importance of IPLC participation in this assessment, as the issues of biodiversity, nature, nature's contributions to people, and ecosystem services are highly important for IPLCs, as IPLCs are often the people most closely connected to nature. Consequently, they may also be the most affected by impacts from business on nature. Participants also noted that many IPLCs have their own ways of doing business, and their own conceptualizations of economy, which will be invaluable for the assessment and for thinking around transformative changes in business.

Participants asked for more representation and participation of IPLCs in the assessment process, to better represent and reflect IPLC worldviews, visions and challenges relating to business and biodiversity.

Participants also noted a need for a focus on participation by Indigenous women, as they often bear particular impacts from and have particular relationships with business.

It was agreed that the author team would explore options for inviting IPLC authors or fellows to fill some of the remaining gaps in the assessment. It was also highlighted that IPLCs could be invited as contributing authors, who add smaller portions of text, or as reviewers, who review and comment on the draft text during the external review period of the assessment.

Participants were encouraged to recommend IPLCs who could participate in different ways, including as authors, noting that IPBES welcomes people who do not have academic backgrounds, as experience and practical knowledge is also valuable for assessment processes.

However, participants highlighted that funding for IPLC participation is a key issue, as many IPLCs are not part of large institutions that can grant them a proportion of their time to volunteer to work on IPBES assessments, including as authors or reviewers. It was agreed that, if incorporated as part of the authors group, efforts would be made to find funding to provide support to IPLCs participating in assessments, above the funding currently offered for participation in dialogue workshops, noting that IPBES itself has limitations in the funding that it can offer.

Accessibility, use and impact of the assessment

Although the Spanish interpretation provided at the workshop was appreciated by the participants, they noted that language is still a barrier to IPLC participation in the assessment. They recommended greater efforts to work with languages other than English to enhance the knowledge-base available, noting that many materials containing information about ILK and IPLCs are not available in English. Working with multiple languages would also increase participation and the accessibility of findings.

A participant emphasized that translating concepts between different linguistic and knowledge systems is also a challenge, and one of the key challenges within this is to adequately represent IPLC worldviews, meanings and ways of thinking in other languages, as many concepts do not have direct translations. As ILK is holistic, with tradition, identity and spirituality intertwined, it is often not appropriate to try to break it down into scientific categories.

Participants recommended that, as much as possible, the assessment, and its findings and options for action, should use simple terminology, be user-friendly and accessible for IPLCs, governments and policymakers, so that the assessment can be easily understood and utilized by different actors.

A participant noted the importance of the assessment for clearly expressing that IPLCs are often the groups that are the most dependent on nature, and therefore the most impacted by business impacts on nature, and that IPLCs are often providing the solutions for nature conservation and land management. As such, it will be important for the assessment to highlight Indigenous rights, and examples of sustainable communities, and to emphasize the importance of better supporting and facilitating IPLC practices, management and governance.

The importance of the free, prior and informed consent and the review of the report

Participants welcomed the use of FPIC in the dialogue and the assessment in general, noting that IPLCs might share confidential knowledge, including about spirituality, in the context of the workshop, and that it is important that they are able to consent to how this is reported and represented. They also noted that knowledge shared by IPLCs can often be misrepresented or exploited with no benefits to IPLCs and without their consent, and with no feedback or information shared with the communities about the use of their knowledge. Having clear FPIC procedures in place is therefore important. Participants also underlined the importance of receiving a draft of the assessment for review before its publication, which can take place during the public external review process in 2024. They noted that the process of providing feedback can be quite laborious and welcomed the offer from the IPBES technical support unit on ILK to receive comments by email and to submit them into the formal review process.

The use of the term “Indigenous Peoples and local communities”

Participants discussed the use of the terminology “Indigenous Peoples and local communities”, noting that there are ongoing debates about this at the international level. Some participants recommended that the terms “Indigenous Peoples” and “local communities” be separated in the assessment and related documents. They suggested the use of “IP and LC” as acronyms to show that these are two distinct groups with different rights frameworks. However, other Indigenous participants recommended that the term “Indigenous Peoples and local communities” be maintained, recognizing that some communities who self-identify as Indigenous, and who are

generally recognized as Indigenous, do not receive this recognition from their governments. The term "Indigenous Peoples and local communities" therefore allows a broader participation of Indigenous groups beyond what might be possible in United Nations processes.

The IPBES technical support unit on ILK noted that IPBES is highly attentive to the debates around this terminology taking place at the international level, and that IPBES will continue to follow the standards set in other fora. They also noted that the IPBES task force on ILK undertook a process of conceptualizing what is understood by the term "local communities" in the IPBES context,[3] recognizing that that there is much uncertainty around who is included within what can be seen as a very broad, vague term. In the IPBES conceptualization, which relies also on work by the Convention on Biological Diversity and others, local communities are understood as non-Indigenous communities which, while highly diverse, are recognized for having historical linkages to places and natural resources, multiple domains of ecological knowledge, dynamic and hybrid resource management techniques and technologies, customary and formal institutions to manage natural resources, and distinctive worldviews and relationships to nature. In this sense, many groups which are part of broader mainstream societies in different countries, for example euro-descendent communities in North America or industrial farmers in Europe, would not be included in this conceptualization. For the business and biodiversity assessment, a footnote and discussion around the issues relating to this terminology was recommended by participants.

They also recommended special attention where the assessment discusses Indigenous rights, as Indigenous Peoples have a different international rights framework than other groups, through the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and this should not be conflated with the rights of local communities or others, so terms such as "IPLC rights" should be avoided.

Comments on the process of the workshop and assessment

Participants noted that they would appreciate having more of a two-way dialogue with the authors in future workshops, so that they can ask more questions and learn about the findings of the assessment. They noted that IPBES is becoming a reference for many IPLCs, for example in Colombia, where IPLCs are using the assessments in different ways.

Participants added that the field visits that were part of previous workshops should be maintained, as it allows participants and authors to experience life in the communities, and to

[3] The full conceptualization of local communities in the *IPBES methodological guidance on recognizing and working with Indigenous and local knowledge* is available here: https://www.ipbes.net/sites/default/files/inline-files/IPBES_ILK_MethGuide_MEP-Approved_5MAY2022.pdf

better understand ILK holders and local people, and the challenges they encounter. Field visits also facilitate discussions between authors and elders, who may not travel to a workshop setting.

Participants also suggested that they should be invited as observers to author meetings, so that they can have more information about how the assessment is developing. The IPBES technical support unit on ILK noted that greater connection to the assessment process may be possible for members of the IPBES task force on ILK, and encouraged participants to apply for task force membership following the call for nominations that was open at the time of the workshop.

Participants also requested to receive more information about the impact of IPBES assessments in policymaking at the national and international levels. Examples were shared of the ways that different countries have built processes and policies around biodiversity and IPLCs, using IPBES assessments as resources. It was also noted that IPBES assessments, especially the Global Assessment of Biodiversity and Ecosystem Services, were used by IPLCs to support their discussions during the development of the Kunming-Montreal Global Biodiversity Framework, which helped to support the recognition of Indigenous Peoples within that framework.

Overall, participants noted that they appreciated the mutual trust built during the workshop, as this was necessary to build true dialogue. They highlighted that as a result, important knowledge, visions and concerns were shared from different countries and contexts.

Chapter 1: Setting the scene

Chapter 1: Introduction by the authors

Participants discussed the scope of chapter one, which includes:

- Introduction to the assessment
- The purpose of the assessment and the intended audiences
- Definitions (including of types of businesses)

It was noted that the assessment intends to discuss businesses at all levels and scales in many different forms and contexts, including businesses of IPLCs.

Participants were then asked to reflect on the following questions:

- Do IPLC businesses have different features, goals, and relationships to people and nature than other businesses? Should they be considered separately? How could the assessment refer to them?
- How do IPLCs conceptualize the relationship between these IPLC businesses, nature and people?
- What are IPLC aspirations and concerns in relation to IPLC businesses?

Chapter 1: Discussion

Conceptualization of the businesses of Indigenous Peoples and local communities

Participants recommended that IPLC businesses should be regarded as a separate category in the assessment, as they have various distinctive features. However, they also highlighted the vast diversity and different contexts in which IPLC businesses can operate. From the discussions, the following conceptualization of IPLC businesses was developed during the workshop, noting that this is a working draft for use in the assessment, which can be further modified later, following additional inputs and discussions.

Draft conceptualization of IPLC businesses

*Businesses of IPLCs are **highly diverse**, ranging from large-scale, profit driven multinationals to small, informal community-based barter and trade systems.*

*However, many businesses of IPLCs share **some common characteristics**.*

*For the purposes of this assessment, businesses of IPLCs are conceptualised as businesses or enterprises that are **owned, co-owned or run by IPLCs**, and which have **some** of the following characteristics:*

- ***Multiple goals beyond profit**, which could include:*
  - *Supporting community self-determination;*
  - *Supporting community development;*
  - *Providing opportunities for youth and/or encouraging youth to return to communities;*
  - *Providing opportunities for women's groups or support for elders;*
  - *Protecting, revitalizing and respecting local values, cosmovisions and heritage;*
  - *Enhancing and revitalizing spiritual connections between communities and nature; and*
  - *Environmental protection or restoration.*
- *May have a collective or communal ownership;*
- *Developed from **Indigenous and local knowledge and practices**, often combined with other knowledge around economics, marketing, etc. (does not exclude businesses based on other knowledge and practices).*
- *Based on the **value systems** of IPLCs, including reciprocity, respect and sharing.*
- *In harmony with **customary governance systems** and should **not be acting in contradiction to community wishes, protocols and customary law.***
- ***Not necessarily registered**, and in some cases may be **considered illegal by national governments.***

IPLC conceptualizations of business

In general, participants noted that IPLCs may conceptualize business very differently from other groups, as many IPLC businesses are tied to nature, and many IPLCs see nature not only as part of their livelihoods, but also as part of their existence, identity and culture.

Moreover, many IPLC businesses may be intertwined with traditional bartering and sharing systems. As a result, many IPLCs, and others, may not recognize these activities as businesses.

The assessment could explore to what extent bartering systems can or should be considered within the broad category of "business".

Examples

Indigenous People in Bangladesh sell forest products and buy other products from the market. Traders go to the village to buy honey collected in the forest. Also in rice harvesting, Indigenous community members work together, store the rice collectively and divide it based on needs. All these practices are combined and so business, livelihoods and culture are intertwined.

In Guatemala, many communities are continuing ancestral practices, and people exchange or buy products in farmers' markets.

There may be also many activities of IPLCs that do not fit within a simple "western" categorization of business, as they are based on community effort for the provision of services, but do not result in any financial gain.

Example

In Guatemala, a community built a reservoir and water distribution system. To do this they worked together as a community, contributing their labour and also contributing to buy the materials needed. There was no financial benefit, besides having a reliable supply of water for the community.

Multiple goals beyond profit

As outlined in the conceptualization above, IPLC businesses often serve multiple roles beyond generating profit, and often profits generated are used to benefit the community collectively. Participants noted that generally it is accepted that IPLC businesses can generate profit, and often this is an explicit aim of their businesses. However, what is done with those profits helps to show if a business falls within what could be conceptualized as an "IPLC business".

Examples

In some communities in Oaxaca, Mexico, elders receive an income from the collective economic activities of the community.

In communities in Bolivia, if a person runs a successful store, there are traditional customs by which the profits will be distributed through the community, especially to vulnerable community members, such as orphans.

Sometimes this relationship between profit and sharing of benefits may not be immediately apparent, but even apparently profit-driven IPLC businesses may have broader goals and aspirations including supporting the community, lands and nature.

Example

In the United States, Indigenous Peoples have sovereign rights over their lands in reservations, so they can build casinos without paying taxes. These are often successful businesses, which make a profit. However, these profits are often reinvested in the community, including paying for their youth to study law and Indigenous policy, so that once they graduate they can protect their community and their lands. This is an example of how what can appear to be a "standard" profit-driven business is actually an IPLC business with diverse objectives for community, lands and nature.

Spirituality and reciprocity

Participants also highlighted that many IPLCs have a close spiritual connection to nature, which is integral to community visions and actions. As such, this will greatly influence the ways that most IPLCs develop and carry out their livelihoods and businesses. This inseparable spiritual aspect of business and livelihoods may be another big difference between IPLC businesses and other types of business.

Participants also underlined that the relationship between many IPLCs and nature is based on gratitude and reciprocity. They compared this to many other businesses, which seem to take from the land without giving back, with a short-term view of extraction, profit and then moving on. Meanwhile many IPLCs are running their businesses with attention to biodiversity conservation and sustainability, thinking long-term. As such, their businesses may be characterized by interrelationships with nature, rather than dependencies on nature, as is discussed more in the section on Chapter 2, below.

Recognition by governments

Participants noted that most countries do not have a formal recognition of IPLC businesses or Indigenous businesses. Some do however recognize Indigenous intellectual property or registered Indigenous trademarks. Meanwhile, other countries do not recognize Indigenous Peoples at all, so absence of such trademarks and intellectual property recognitions does not mean a business is not Indigenous.

Participants also noted that many IPLC businesses may not be recognized as any kind of business by governments. This can partly be due to their small-scale and inseparability from informal barter and sharing systems, as discussed above, so they do not fit standard criteria of what a business might be. A participant added that another reason Indigenous businesses are not recognized by governments could be that they often do not add monetary value to the national economy and the amount they generate is not enough to be reflected in the GDP.

Example

In Ecuador, IPLC businesses are usually run by the community, as a collective, and they benefit the community, with the overall purpose of protecting nature and the territory, while having income for the community (e.g., through ecotourism). This is often very informal and is not recognized by the government.

Other participants noted that IPLC businesses may not be recognized as they have been pushed into the margins or have been rendered unsustainable or unviable by environmental or social change. In many cases businesses of IPLCs may even be deemed illegal, if they are based on harvesting traditional species or accessing areas that have more recently been prohibited by governments. There is therefore a risk in drawing attention to these IPLC businesses.

Example

Rotational farming is one of the oldest Indigenous traditional practices in Asia, and the rice produced is sold to markets. Therefore, rotational farming could be considered as part of a trade or business. However, in many places rotational farming has been criminalized by governments as it is deemed to be environmentally destructive, even though ILK and more recent studies show that it can be part of a sustainable landscape management approach.

Businesses owned by IPLCs that do not fit within the conceptualization

It was noted that not all businesses owned by IPLCs would fit in with the conceptualization given above, as some IPLCs may own large profit-driven companies that are removed from community goals. It was noted that in some cases, entrepreneurship training and capacity-building programmes provided by NGOs or UN bodies aimed at IPLCs may be actively encouraging individualism and personal profit rather than collective benefit, and there is therefore often added pressure to develop businesses that follow models other than the conceptualization of an IPLC business outlined above.

A participant also highlighted that not all Indigenous Peoples will wish to have businesses, and that this would be their choice, as part of their right to self-determination, acknowledged by the UNDRIP.

Chapter 2: How does business depend on biodiversity?

Chapter 2: Introduction by the authors

The authors briefly explained the scope of the chapter as set out in the Plenary-approved scoping report for the assessment. According to the scoping report, chapter 2 is intended to:

- Describe the various ways that businesses **depend** on (or use) biodiversity and nature's contributions to people;[4]
- Explore how this can **hinder or support** other societal goals; and
- Look at methods and approaches to **identify** the ways that business depends on biodiversity and nature's contribution to people.

The authors also presented the draft ILK questions and themes for the chapter, which were:

- How do IPLC businesses depend on nature?
- How do other businesses depend on nature, according to IPLCs?
- How should this be measured? What is important to measure? What are the indicators? How could IPLCs measure this?

Participants were asked to reflect on whether these questions and themes were appropriate, and to begin to respond to them as they deemed appropriate.

Chapter 2: Discussion

How do IPLC businesses depend on nature?

Participants highlighted that, of all societal groups, IPLCs are often the most directly dependent on nature, regardless of income or type of business: most IPLC food systems, livelihoods, beliefs and cultural activities are intertwined with and rely on nature.

However, participants emphasized that the concept of "business dependency on nature" gives an instrumental view of nature, in which nature is there for businesses to use and depend on, directly providing raw materials or indirect benefits from pollination, or creating external costs for example from invasive species.

[4] The concept of "nature's contribution to people" was developed by IPBES and was intended to be broader than the similar concept of "ecosystem services", for example nature's contribution to people includes cultural and spiritual benefits from nature. It is defined in the IPBES glossary as: *all the contributions, both positive and negative, of living nature (i.e., all organisms, ecosystems, and their associated ecological and evolutionary processes) to people's quality of life.*

For IPLCs, and their businesses, there is instead usually a mutual interrelationship with nature. This is a two-way reciprocal relationship, in which IPLCs have a responsibility towards nature and in return, nature has a responsibility to them. Thus, IPLCs and their businesses are often preserving resources and biodiversity. There is also an important spiritual aspect to this relationship between nature and IPLCs, which also infuses their businesses and other activities.

As one participant noted, "Nature gives and I must give to nature, I must restore, I must reforest, I must not litter. I must make rituals".

Participants therefore recommended that terms such as "interrelationship" should be used in the assessment in the case of IPLC businesses, rather than "dependency".

It was also noted that there are therefore many overlaps between chapter 2 and chapter 3, which considers impacts, as the interrelationship between IPLC businesses and nature combines both.

Examples

Participants provided many examples of the ways in which community practices and businesses are restoring nature, supporting communities, and maintaining the interdependence between IPLCs and nature:

In Latin America, the production of llama in Bolivia, which is central for many Indigenous Peoples' cultures, supports communities, llamas and the land. The production of quinoa, led by Indigenous Peoples, also supports people and nature.

In Canada, moose were locally extinct in some areas because they were over harvested, including due to additional pressure from sport hunters. As a result, the Indigenous communities, who were traditionally moose hunters with in-depth knowledge of the landscape and the animals, were banned from hunting. However, after many years of protests, the communities won their right to harvest moose again in the 1980s. As a result, they were able to give back to biodiversity through managing the moose themselves, and now it is a main source of food again for these communities, including single mothers and children who are able to hunt and learn about moose again. The hunting of moose also enabled the community to bring back their ceremonies (e.g., ceremonial drums made of moose skin). After much controversy, the community has proven that they are able to manage the moose population, the ecosystem and the harmony between nature and people.

In Colombia, there are new IPLC businesses such as tree nurseries, which aim to recover species and support reforestation, in which species can be exchanged or sold for money with others who do not have access to certain species. Seed recovery and preservation is another such business, in which some seeds now have a high value as they have been lost from some areas. These

businesses have at their heart an interrelationship with nature, aiming to restore and support ecosystems and connections between nature and people.

Participants emphasized that some communities have customary or community rules and decision-making processes that aim to ensure that the interrelationship between IPLCs, their businesses and nature remains healthy. These can often be linked to spiritual aspects, which may not be easy for science or policymakers to understand.

Examples

In Ecuador, when young people from the community catch a small fish, they return it to the water. They do not do this because it is too small to eat, but because it is believed that it is bad luck to catch a small fish, and that this is dangerous for the community.

Also in Ecuador, the water from one lake becomes low each year and boats begin to get stuck on the bottom. The Indigenous community's wise people then determine whether people can enter the lake, and the exclusion period can last up to three months. This is another way of controlling fishing, based on community knowledge and spiritual connections to the lake, which is hard to explain to people outside of the community.

In Latin America, some communities discuss and perform ceremonies to establish how natural goods are going to be used: there are consultations and a spiritually important sacred fire, before products from the forest can be harvested and used. However, these practices do not always align with national forestry laws and can be criminalized. Nonetheless, in some cases communities maintain these practices, as they see them as part of the important maintenance of the natural resources. Thus, greater recognition of these practices and the communities' contributions to nature are needed.

In some Canadian First Nations communities, there is a concept inscribed in their language that roughly translates as "taking from the creator without compromising the natural integrity that supports these resources". They also adhere to the "seventh generation" concept, also often conveyed in their own language, which means that the community must think seven generations ahead in order to ensure that their activities today are not compromising the ability of future generations to sustain themselves. However, increasingly, communities may find themselves pushed into unsustainable practices, or may be denied access to the land and resources that would allow them to adhere to these principles.

Chapter 3: How does business impact biodiversity

Chapter 3: Introduction by authors

The authors briefly explained the scope of the chapter as set out in the Plenary-approved scoping report for the assessment. According to the scoping report, chapter 3 is intended to:

- Describe the various ways in which businesses impact biodiversity and "nature's contributions to people";
- Describe the various existing methods and approaches for identifying positive and negative business impacts on biodiversity and "nature's contribution to people"; and
- Consider the ways that impacts intersect with IPLCs.

The authors also presented the draft ILK questions and themes for the chapter, which were:

- What are the impacts of business on nature, according to IPLCs?
- How do these impacts effect IPLCs?
- How should this be measured? What is important to measure? What are the indicators? How could IPLCs measure this?
- What are the (positive or negative) impacts of IPLC enterprises on nature and "nature's contribution to people"?

Participants were asked to reflect on whether these questions and themes were appropriate in order to explore the broad themes of the assessment as they relate to IPLCs. They were also invited to begin to respond to the questions and themes as they deemed appropriate.

Chapter 3: Discussion on negative impacts

Overall participants noted that, while there are some positive impacts from other, non-IPLC businesses on nature and IPLCs (which are discussed below), in general the magnitude and complexity of negative impacts cannot be over-emphasized and needs to be the main focus of the assessment. A participant added that at least 60% of Indigenous lands are being threatened by industrial development.[5]

[5] This is also discussed in Christina M. Kennedy, Brandie Fariss, James R. Oakleaf, Stephen T. Garnett, Álvaro Fernández-Llamazares, Julia E. Fa, Sharon Baruch-Mordo, Joseph Kiesecker. 2023. Indigenous Peoples' lands are threatened by industrial development; conversion risk assessment reveals need to support Indigenous stewardship. One Earth, Volume 6, Issue 8, Pages 1032-1049, ISSN 2590-3322, https://doi.org/10.1016/j.oneear.2023.07.006.

Participants highlighted the negative impacts of many types of businesses on IPLCs and nature, particularly from the oil, gas and mining industries, agriculture and monocropping and the tourism industry. They also noted that many "green" industries, such as those around renewable energy, can have significant negative impacts on local biodiversity and people.

Negative impacts on nature and IPLCs can include reductions in numbers of wildlife, disruption of water sources, and contamination of waters and foods, including agricultural produce. This can lead to disruptions in food and water security, and disruptions in related livelihoods, cultures and identities, and damage to rituals and spiritual connections to animals, lands, waters and practices, with significant negative impacts on the physical, mental and spiritual wellbeing of communities. For these reasons, participants noted that it is difficult to separate impacts on humans and nature, because for IPLCs these are interrelated. Moreover, criminalization and persecution of IPLCs and violence against environmental defenders is also a significant issue for IPLCs related to business, and this greatly impacts their abilities to limit the negative impacts of businesses on nature and their communities. The below sub-sections aim to explore these intertwined themes.

Impacts on water and fishing

Participants highlighted that water is of crucial importance to IPLCs, for drinking, fishing, livelihoods and spiritual connections (spiritual connections are discussed in more detail in a sub-section below). Participants highlighted different business impacts on water and explained how these in turn impact communities.

In many cases, industrial developments disrupt the flow of water to communities, either by greatly limiting the water that reaches the community, blocking access or by causing flooding.

Examples

In Latin America, rivers have been diverted by sugarcane plantations, and communities have had their water supplies limited as much of the available water goes to agriculture and tourism.

Big roads and bridges built by industry in the Amazon can cause flooding during the rainy season, which negatively impacts communities.

Participants highlighted that in other cases, industrial development, particularly from the oil, gas and mining industries, causes pollution and contamination of rivers, lakes and seas. Oil leaks occur frequently and contaminate nearby waters. Other chemicals also leak into waters from industrial operations, and untreated sewage from tourist developments is also a significant source of pollution in many cases. Participants noted that even where environmental regulations exist, they are often not implemented effectively.

Example

In a Latin American country, a mining project spilled an unknown liquid, causing the death of many fish. A criminal industrial pollution case was launched, but the company was only given a relatively small fine, which did not cover the damages to the waters and communities nearby. As a result, other companies do not see financial incentives to avoid contaminating waters.

Many countries' regulations prohibit the use of mercury, but there is still a widespread use of this chemical in many places, which contaminates nature and wildlife, especially fish.

In Latin America, palm oil plantations clear the forest and pollute the rivers and the water. Therefore, communities cannot drink the water or eat the fish, which impacts both biodiversity and community health and well-being.

Mining in the sea can also have significant negative impacts on IPLC livelihoods.

Example

In southern Africa, the impact of sand-mining in the sea on fishing communities and IPLCs is an escalating issue, because these companies are taking the whole coastline for their prospects, leaving communities unable to fish, with significant impacts on food security, livelihoods and wellbeing.

Impacts on terrestrial wildlife and hunting

Participants highlighted that industrial development and business often also have large negative impacts on terrestrial wildlife, which can in turn disrupt hunting, which is a crucial source of food, livelihood, culture, identity and spiritual connection for many IPLCs. Large industrial developments and plantation forestry were highlighted as particularly significant threats to terrestrial wildlife.

Example

A participant from Ecuador shared that wildlife is fleeing some areas as a direct consequence of the noise of machines used by oil companies. This impacts food security and also family dynamics. Hunting is culturally important, and a hunter's family is considered to be a "good family", so if hunting is no longer possible it disrupts and breaks family relationships, adding to the other pressures caused by the industrial development.

A participant also highlighted studies that show that many IPLCs are so reliant on hunting that they will themselves leave an area if the wild species that they rely on move away.

Overharvesting by businesses is also causing disruptions in the balance of biodiversity and affects the livelihoods of IPLCs and their food systems.

A participant also highlighted the issue of alien invasive species, some of which are introduced and sustained as part of lucrative businesses, and which also have significant impacts on biodiversity.

Impacts on agriculture

Participants highlighted that agriculture is another important source of livelihood, culture and identity for many IPLCs. Negative impacts from industry on agriculture therefore also have significant negative impacts on many IPLCs.

In some cases, previously sustainable traditional practices are under pressure due to habitat destruction and competition for space.

Example

In Latin America, some communities plant part of the land and then leave it to rest for a long period, and plant in other areas in the meantime. This practice is under threat because of the growing scarcity of land, and overexploitation of the land by projects operating in the same space, such as mining and monoculture, which are damaging the ecosystem.

Contamination of agricultural produce and soils was highlighted as a major impact on IPLCs and biodiversity from business and industrial development.

Examples

In South Africa, agricultural pesticides are being blown into the mountains by the wind and are impacting vegetation such as honeybush and Rooibos. This contamination causes a lot of damage, and also threatens IPLCs and their small-scale farming of these plants, and impacts their ability to acquire organic product certifications and labels.

A company in Guatemala previously harvested organic tomatoes and sold them at a local market, but saw its sales reduced after its products were contaminated by chemicals used by other companies.

Other human-induced environmental changes that impact crops were also highlighted as threats to the agricultural systems of IPLCs.

Example

In Latin America, an agricultural company was attempting to trigger the release of rain from clouds by spraying them with chemicals, which in turn impacted the crops of local people. This provoked a demonstration by Indigenous Peoples.

A participant also recommended that the impacts of modern agricultural practices on agricultural biodiversity and IPLC food security should be included in the assessment. This could include the

impact of genetically modified seeds, which often do not produce plants that themselves produce viable seeds, and have in some areas replaced the diversity of sustainable traditional native seeds, with severe impacts on agro-biodiversity and the sustainability of agricultural livelihoods.

Deforestation, displacement and land use change

Participants highlighted that many large projects that are financed by international financial institutions, including international investment banks, have significant impacts on biodiversity. Many are also often sited on the lands and territories of IPLCs. In many forested areas of the world these projects lead to significant deforestation. As forests have spiritual value for many IPLCs, this is particularly destructive to culture and community well-being.

In many cases, IPLCs are also relocated by or are forced to flee from large industrial developments such as dams. When IPLCs are forced to move, they can no longer practice management and conservation of nature, which then impacts biodiversity.

Participants also highlighted that in many parts of the world such industrial development can be tied to militarization, as is the case in much of Southeast Asia, where large development projects and displacements of IPLCs occur in the lands of IPLCs, supported by governments and military forces. Road building and other developments around contested borders also have significant impacts on nature and IPLCs.

Negative impacts on health, wellbeing, culture, identity and spirituality

From all of the different impacts described above, and many others, participants emphasized the resulting impacts on the health, wellbeing, cultures, identities and spiritual systems of IPLCs. For IPLCs, these are usually tied to nature, lands and livelihoods, and so stand to be greatly impacted by impacts to nature and livelihoods.

Example

In Guatemala, a beautiful lake that attracts many tourists has been impacted by pollution caused by the waste from hotels and restaurants. One significant impact has been that the communities who live around the lake cannot bathe their babies in the lake at birth, which used to be an important ritual for the community and the infant.

Participants highlighted that these impacts on spirituality, culture and identity can have great impacts on community wellbeing, including mental health issues, depression and suicides. These impacts can differently affect different social groups, such as women, youth, children, elders and farmers.

Another participant gave an example that shows the depth of spiritual connection that IPLCs can have to nature.

Example

In 2014, the Poopó Lake in Bolivia dried up. In 2015, the government issued a plan to restore the lake, but part of that plan included the relocation of the local Indigenous Peoples, partly because there were no more fish to eat. Older people decided not to leave the lake because they are devoted to *Cotamama* (mother lake). The whole centrality of their culture, their values, and the structure of the society, including the leadership structure, is tied to the lake. They explained that nobody would leave their mother, and that is how they perceived the lake. However, now that the lake is dry, their society is suffering.

Participants also highlighted that industrial projects, for example geothermal projects, are being built on sacred lands. As a result, IPLCs cannot access these sites to perform rituals and ceremonies, which causes great disruptions to their spiritual systems, as these are the places where they receive blessings and spiritual energy.

A participant shared that some businesses are also using the spiritual systems of IPLCs for ethno-tourism, calling community members for pictures and dances, and using spirituality as a show for tourists. This can disrupt spiritual systems, for example, in some cases rituals that were carried out four times a year are now done every day for tourists. This weakens the knowledge and the culture of the communities involved, which in turn can impact how they relate to and protect nature. Fashion based on cultural designs can similarly impact how IPLCs value their culture and symbols.

A participant from Mexico also shared that mining companies in one area banned Indigenous People from speaking their Indigenous language and wearing traditional clothes, which caused a loss of cultural values.

A participant also noted that destruction of ecosystems leads to a reduction in medicinal plants, which in turn impacts the health and spiritual wellbeing of IPLCs, as medicinal plants are important for both physical and spiritual health.

In these different ways business may be impacting the health, wellbeing, cultures, identities and spiritual systems of IPLCs, with impacts in turn on nature, as the communities risk losing their capacity to manage and protect nature.

Violence and gender dimensions

Participants highlighted that for many communities, violence accompanies industrial development, and that it will be important for this to be addressed in the assessment. A participant noted that environmental defenders are at great risk of being killed or assaulted.

According to a report from Global Witness,[6] between 2012 and 2021, 1733 land and environmental defenders have been killed, most of them Indigenous People trying to defend their lands from industrial development.

Participants also noted that gender dimensions will be important to consider in the assessment, especially in relation to impacts. Businesses, including renewable energy companies, often operate in IPLC territories, and as a result IPLCs can suffer human rights violations, especially women and girls, who can be the victims of sexual and other forms of violence from industrial workers. Moreover, many of the jobs created by such industries are male-dominated, so women can suffer more of the costs and experience fewer of the benefits from industrial development.

Participants also noted that these issues can be related to legal (e.g., oil companies) and illegal activities (e.g. illegal mining) and illegal drug trafficking (e.g., the Pacific Strategic Corridor between the coastline and the mountains for drugs in Colombia). In other cases seemingly legal activities may be backed or controlled by organised crime. IPLCs and others can be killed and displaced by both legal and illegal activities.

While these impacts on IPLCs are direct impacts from industry itself and may not be generated through impacts to nature, for many IPLCs they form a crucial part of the holistic story of industrial impacts on nature and IPLCs. Moreover, by disrupting livelihoods, knowledge systems, culture, identity and spirituality, as described above, the disruption to lands and waters caused by industrial impacts may weaken communities' abilities to defend themselves from social problems brought in by large-scale industrial development, including violence and intimidation. Violence and intimidation also weaken the ability of IPLCs to defend or sustainably manage their lands, which increases the likelihood of negative impacts on nature from business.

Negative impacts on human rights

Participants highlighted that human rights, including new approaches such as "biocultural rights", are an important lens through which to consider the impacts described above. Often, businesses led by national governments or third parties are operating on Indigenous territories, leading to destruction of nature and suffering and displacement of IPLCs (e.g., by large dams). Many such businesses rely on the dispossession of Indigenous and local community lands, and other violations to the rights of Indigenous Peoples and also local communities.

[6] Global Witness. Webpage. Accessed 2023. 1733 land and environmental defenders were killed between 2012 and 2021. https://www.globalwitness.org/en/campaigns/environmental-activists/numbers-lethal-attacks-against-defenders-2012/

However, participants noted that Indigenous Peoples have the right to control their land under the right of self-determination in the UNDRIP, including their natural resources and biodiversity resources.

A participant recommended a paper discussing how business and human rights instruments could help to guide solutions to the triple planetary crisis.[7]

Cumulative impacts and colonialism

Participants also highlighted that impacts on nature and IPLCs from business are acting cumulatively, as communities lose lands, waters and forests, sacred sites, food systems, medicinal plants, traditions and livelihoods, while suffering from pollution, violence, social breakdown, and mental and physical health issues.

Participants also highlighted that current impacts from business on nature and IPLCs also occur within the context of the long history of colonialism, in which IPLCs were dispossessed of lands, which were then in many places destroyed or degraded. Colonialism is still an important force impacting IPLCs in many countries. As such, recent interventions by business, in which communities are displaced or impacted by impacts on nature, cannot be considered in isolation from colonial histories and injustices, as they are another stage of that process.

Competition and pressures on IPLCs to adopt unsustainable practices

While many IPLCs and their businesses aim to protect and sustainably use nature in a relationship of interdependence, as described for Chapter 2, participants also noted that there are many pressures on IPLCs to move away from sustainable systems, which then in turn brings greater risks to nature.

Sustainable businesses and livelihoods of IPLCs may be pushed into unsustainable practices by market forces and competition from bigger businesses.

Example

Small scale First Nations fishers on Canada's east coast won their rights to fish but were then pressured into joining larger fishing fleets in order to compete and maintain a viable income from this activity.

[7] Sara L Seck. March 10, 2022. Business, Human Rights, & the Triple Planetary Crisis: Confronting Overconsumption', Paper prepared for UConn Business & Human Rights Workshop. https://humanrights.uconn.edu/wp-content/uploads/sites/3236/2022/02/Sara-Seck-Business-Human-Rights-and-The-Triple-Planetary-Crisis.pdf

A participant noted that small-scale IPLC businesses often exist without government protections, and they are easily outcompeted or become victims of corruption, for example people selling plants at local markets can be cheated and underpaid. Taxation of small-scale businesses at the same rates as larger companies can also apply pressure to IPLC businesses, pushing them to maximize profit and unsustainable extraction and use of resources.

Other participants provided examples of how businesses apply pressure to IPLCs to convince them to accept industrial development, which then impacts people and nature.

Examples

A participant shared that in South Africa, companies make many promises to poor communities living along the coastlines to develop villages and build infrastructure. Some community members also see industrial development as an opportunity to find a job, and in some instances, end up supporting the mining companies, even while knowing there is a negative impact on nature, as the need for work is stronger than their awareness of the negative impacts on communities and nature. This can then cause conflict with NGOs and others trying to preserve the environment and support sustainable development.

A participant from Canada added that for many industrial projects there seems to be a manipulation to "divide and conquer" aimed at IPLCs, with community members convinced to support oil and gas developments or mines, which then causes conflict and stress within communities and environmental destruction.

A participant from Indonesia shared that some remote rural communities are being encouraged to start small scale mines or logging operations, because they need money to support education and health care. Small-scale financing operations are supporting this trend. As a result, previously beautiful areas with orangutans and pangolins are being destroyed. However, there are community members who want to manage resources sustainably, but they need support and resources.

Procedures, regulations and laws

Overall, participants emphasized that the existence of procedures, regulations and laws, and the extent to which they are followed, has significant impacts on how businesses impact nature and IPLCs.

Participants emphasized the importance of FPIC for IPLCs. Laid out in the UNDRIP, it means that Indigenous Peoples have the right to consent to (or, crucially, to withhold consent from) any business activity that is proposed to take place on their lands and waters. It entails that this decision-making process should not happen without coercion or pressure (it should be free), the process should take place far enough in advance that communities have the time to undergo

their own discussions and decision-making processes (prior), and communities should be adequately informed of the full plans for the business and its potential natural and social impacts.

However, participants highlighted that this rarely takes place in practice. Either no FPIC process takes place, or it has a predetermined outcome that the business or development will go ahead regardless of community wishes. Often communities feel pressured and coerced into accepting a development that they know to be damaging. In other cases, they feel misled about potential benefits, which are exaggerated, for example forecasts of jobs and improved wellbeing, as described above. In some cases, business have not followed appropriate consultation processes, or have created their own IPLC governance systems that comply with their wishes.

Examples

In Latin America, four Indigenous mayors and governors signed up to a carbon scheme for 50 years. However, they had not consulted with their people, which then caused conflict and problems within the community. Eventually the government stopped the project as they recognized that proper consultation had not taken place. However, the palm oil company appealed, further extending the conflict and uncertainty.

In Latin America, a company said that they would work with Indigenous Peoples to receive court approval, but instead they created an Indigenous authority, which consented to everything the company wanted.

Meanwhile, negative impacts are often downplayed or are claimed to be resolved through mitigation and restoration schemes, which often in practice do not function as promised.

Participants also highlighted that weak or non-existent national and local regulations of business activities contribute to negative impacts of business on nature and IPLCs, even though international regulations may exist and there may be recognized standards to be fulfilled.

Meanwhile, in many parts of the world, there is strong environmental and social legislation, but there is also corruption, a lack of resources, a lack of will to apply the law, and lack of information and transparency. As a result, crucial measures such as environmental and social impact assessments may not take place, or may be executed poorly, and FPIC may not be sought from Indigenous Peoples who will be impacted by projects. This is fueled by a general lack of accountability and consequences for negative environmental and social impacts. A participant gave the example of a case in Latin America, where a mining company is still damaging the environment after a court resolution on their duty to clean the river after a chemical spill.

Examples

In Latin America a government was planning to fell trees for a biomass project, without the free, prior and informed consent of the Indigenous population, even though it was in community land. There were regulations protecting the forest, but a court case resulted in only a minimal fine.

In Latin America, there are cases of mining companies and their experts dismissing the values that communities attach to rivers that are being polluted. However, they should recognize and support community values, and consider impacts on rivers accordingly.

A participant from Canada noted that a study showed that injunctions that companies put forward against Indigenous Peoples protecting their land and waters were usually granted, while injunctions requested by Indigenous Peoples against companies were not granted. This seems to show that the legal system supports business over communities.

In Canada, there is a legal duty to consult Indigenous Peoples when there is a development project, for example a mine or pipeline, proposed on their lands, which is in line with the UNDRIP. However, companies often find ways to avoid or minimise this legal duty.

A participant from Africa also highlighted the need to give special attention to how businesses are influencing justice systems, especially at the national level, as businesses are sometimes influencing laws that govern biodiversity. For example, in the agricultural sector companies seek to influence laws around seeds, which can impact IPLCs that rely on traditional seed varieties.

At the same time, participants agreed that some companies do want to do things well, but often the contexts in which they function prevents them to do so, including institutional corruption and crime groups that do not allow compliance with socio-environmental responsibility.

Chapter 3: Discussion on positive impacts

Positive impacts on nature and IPLCs

Participants highlighted positive impacts on nature and IPLCs from other (non-IPLC) businesses.

A participant from Colombia explained that some businesses based on nature and related to tourism, food and the commercialization of traditional recipes have been successful and have supported some Indigenous Peoples in re-discovering traditional foods and their origins.

In other cases, companies are also moving in a positive direction, often supported by international standards and processes. For example, some textile companies are buying more sustainable materials and adopting mechanisms that put less pressure on nature. Other companies are also committed to transforming cocoa and coffee production in organic and sustainable ways, for example in Ecuador and Colombia. To do this well these companies need to have support. If they fail, people will be forced to start or restart practices that are not good for the environment, including tree-felling.

A participant from Bangladesh also highlighted that some Indigenous villages receive money from tourists visiting their villages. With that money, they have further developed and supported their community.

Payments for ecosystems services, and access and benefit sharing

Participants noted that one potentially positive impact on nature and IPLCs from business and finance is payments for ecosystems services, for example REDD+ initiatives, with participants noting that since many IPLCs are protecting areas of high biodiversity and carbon sequestration, they should receive benefits for this contribution to global wellbeing.

There has also been positive progress in access and benefit sharing agreements, in which communities and companies negotiate and reach agreement on what companies can have access to, and what the benefits to communities will be. Participants noted that these agreements are based on the Nagoya Protocol (The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization), but in many cases, communities are working to extend the scope of agreements beyond genetic resources to include access to lands, resources and knowledge, among others. A participant highlighted the positive contribution of companies like Natura, or the Body Shop, which promote good partnerships with IPLCs and share benefits under the Nagoya protocol rules.

Access and benefit sharing are discussed in more detail in Chapter 5 below.

In regard to benefit sharing and claims by companies that they will support restoration and mitigation, a participant noted that IPLCs need to approach such claims with care. Some companies seem to believe that if they pay, or claim to have mitigation and restoration programs in place, they then have permission to engage in environmentally destructive activities. The participant noted that mitigation or restoration are not enough to justify initial destruction of the environment.

Positive impacts from IPLC businesses and knowledge

As also discussed in the section on chapter 2, IPLC businesses often function in an interrelationship with biodiversity, and as such they may be positive for biodiversity. Much of the discussion on this interrelationship for chapter 2 is therefore directly relevant for chapter 3 also, and participants noted that positive impacts from IPLC businesses are important to highlight.

Chapter 4: Approaches for measuring how business depends on and impacts biodiversity

Chapter 4: Introduction by authors

The authors briefly explained the scope of the chapter as set out in the Plenary-approved scoping report for the assessment. According to the scoping report, chapter 4 is intended to:

- Provide an inventory of approaches for the measurement of how business depends on or impacts nature, at different spatial scales and time scales, and in different contexts; and
- Understand how different approaches for measurement are used to assess the contribution of business sectors to nature protection and restoration and other societal goals.

The authors also presented the draft ILK questions and themes for the chapter, which were:

- What is important to measure according to IPLCs?
- What indicators are important?
- How would IPLCs measure impacts and dependencies of business?

Participants were asked to reflect on whether these questions and themes were appropriate, and to begin to respond to them as they deemed appropriate. Participants had also been asked to reflect on these questions during the discussions of chapters 2 and 3, while they were also discussing the ways that businesses depend on and impact biodiversity.

Chapter 4: Discussion

What is important to measure

Participants discussed the different aspects of the interrelationships between IPLCs, nature and business that are important to measure, as discussed below.

Culture, spirituality and wellbeing

A participant from Canada shared that it is necessary to focus on, understand and measure the IPLC conception of wellbeing. Conventional methods of measurement often focus on gross domestic product, but this can be based on assumptions that neoliberal economic development will find ways to meet the social needs, health, wellbeing and welfare of people. However, the participant pointed out that this is clearly not the case, as demonstrated by the hunger, water scarcity and climate crises that are prevalent in many parts of the world. This is particularly the case for Indigenous Peoples, especially if their rights are not recognized.

A participant from Mexico emphasized that many IPLCs may have a different perception of poverty, which can vary according to cultures and context. For businesses, and many people in

broader society, a person is considered poor if they do not have material belongings like a television, or a computer, or access to a road system. However, IPLCs may recognize that if you have clean air or you live in a bountiful forest, you are rich. Often, economic and material values dominate measurement systems, but for IPLCs it could be important to find other systems of measuring wellbeing. This could help to move away from assumptions about the benefits of "development", and demonstrates why attention to IPLC values and worldviews is essential for this assessment.

Example

In Oaxaca, Mexico, in one community there are seven successful community enterprises, the local ecosystems are healthy and well managed, people are happy and healthy, and income is distributed in an equitable way. These are some of the indicators that local people use in their context to measure the success and health of the community.

Another participant noted that often there seems to be a perception in broader society that infrastructure is more valuable than clean air and nature.

Participants agreed that this assessment could therefore be an opportunity to move beyond conventional indicators that focus on the economy and to develop and implement other indicators that focus more on health and wellbeing. This is needed to move past the current environmental and social crises. Indicators and methods are needed to compare the past, present and the future in IPLC culture, ways of life and food systems. Multiscale indicators could reflect IPLCs' relationship with nature, for example if a family is eating well or if they are not being threatened due to competition for resources or lands.

Participants also agreed that measuring systems need to reflect how IPLCs identify and relate to Mother Earth and nature, including the spiritual and cosmological values of Indigenous lands, rather than measuring systems only focusing on the impacts to nature as a "Western-science" concept. Spirituality, culture, or cultural loss are also crucially important to consider, but can be difficult to measure. It could also be important to monitor and measure changes in cultural values relating to specific species or places.

Example

Avocados are sacred to some cultures, but in some cases this cultural value has changed now that they have become highly profitable super foods. This change can then impact how communities manage this species, and the associated land and environment.

A participant also noted that destruction of sacred and cultural places, or loss of access and use of them due to access restrictions or contamination, would also be important to monitor as an indicator of spiritual and cultural impacts from business.

Measuring and monitoring IPLC management of lands, waters and territories could also be important, tracking how and where communities are able to engage in management. IPLC management could include managing their reciprocal relationships and spiritual connections with lands and waters.

A participant from Bolivia noted that it could be useful to explore the implementation of the monitoring process related to Aichi Biodiversity Target 18, as this led to the adoption of four indicators: traditional occupations, Indigenous languages, land tenure and participation. These indicators are now under discussion in relation to the monitoring framework for the Kunming-Montreal Global Biodiversity Framework. All of these indicators could help to explore IPLC connections to nature, and how these might be impacted by business. The participant also noted that "traditional occupations" are complex for statisticians as they need to understand the concept beyond only as "jobs". There are activities that Indigenous Peoples assume as responsibility, like taking care of water, but that would not be understood as an occupation in the usual sense as it does not provide income. For example, in some communities in Bolivia, such responsibilities are assumed and passed rotationally through the community.

A participant also recommended a research article addressing the need to develop an appropriate Indigenous well-being approach that incorporates Indigenous values in relation to natural systems.[8]

Abundance and health of resources

Participants agreed that it would be important to measure the abundance of species and resources that have interrelationships with IPLCs. Measuring and monitoring access to lands and resources is also crucially important for IPLCs, as continuing or reopening access is crucial so IPLCs can continue to manage their relationships and livelihoods connected to nature and manage nature itself. Quality of resources was also noted as highly important, as pollution and contamination by businesses are of grave concern to IPLCs, for example mercury in waters and fish.

Aspects of lands and resources that were noted as important to monitor and measure include entire ecosystems, water quality, trees, fish, edible mushrooms, plants or animals, seeds for agriculture and mercury pollution levels.

[8] Kamaljit K. Sangha, Andrew Le Brocque, Robert Costanza, Yvonne Cadet-James. 2015. Ecosystems and Indigenous well-being: An integrated framework, Global Ecology and Conservation. https://www.sciencedirect.com/science/article/pii/S2351989415000700

Overall, participants emphasized the importance of measuring and monitoring nature and society as a holistic whole.

Conflicts and rights

Participants emphasized the importance of monitoring the participation of Indigenous Peoples in decision-making processes, as they consider this as a crucial indicator of whether their rights, cultures, livelihoods and lands are being protected. The existence of FPIC processes and agreements, and access and benefit sharing agreements, could be indicators of whether meaningful participation and consultation is taking place.

The numbers of biocultural community protocols (described below for chapter 6 as an action for IPLCs), which lay out processes and terms for consultations, decision-making and agreements between IPLCs and companies and other external actors, could also be an indicator of IPLC participation and control over business activities in their lands.

Participation of IPLCs in environmental impact assessment processes could also be monitored, as well as how effectively IPLC values, knowledge systems and methodologies are being included in these assessments, rather than relying only on scientific personnel and methods.

Participants also noted that it would also be important to assess if the policies and actions of large banks and corporations are respecting the rights of Indigenous Peoples.

Participants noted that measuring court cases and social conflicts around business developments would be an important indicator and measure of where business is negatively impacting communities and nature, as most such conflicts revolve around damage and access to nature and ecosystems services. Cases of land dispossession, displacements, social conflicts promoted by business (numbers, dates and locations), numbers of court cases, how these were settled (including amounts of compensation paid to communities, or given for restoration programmes), numbers of cases in human rights offices (e.g., the Interamerican Court of Human Rights or other courts), and the numbers of rights issues raised to the United Nations Permanent Forum on Indigenous Issues and other bodies, could all be analysed, including by using reports from NGOs. Attention should also be given to the killing of environmental defenders, which is reported on by Global Witness,[9] as described above for chapter 3, as this also demonstrates where conflicts around nature and resources are taking place, and the severity of those conflicts.

[9] Global Witness. 1733 land and environmental defenders were killed between 2012 and 2021. https://www.globalwitness.org/en/campaigns/environmental-activists/numbers-lethal-attacks-against-defenders-2012/

Incentives

A participant also recommended monitoring and measurement of harmful incentives, such as those around agriculture.

How IPLCs are measuring and monitoring

Participants discussed how IPLCs would traditionally express and measure the interrelationship between IPLCs and nature. This included through art, rituals and festivals.

Example

In Oaxaca, communities give sacred value to species, places and landscapes that provide sustenance, livelihoods and income. The tejate beverage is made with a special flower that grows only in one community because of the ecological conditions, including water and climate. The importance of this flower is recognized in the churches as part of religious ceremonies. Agave is another crucially important plant, which among other activities is used to make the famous drink mescal. This plant is celebrated in paintings in the main square of a nearby community, which depict the importance of the plant, its history, and women making mescal. There are also festivities based on tejate and mescal, as well as tuna, which also demonstrate the importance of these species and products. Communities also monitor nature and its benefits to the community and discuss and decide how much to harvest and how much to sell as part of their customary law.

A participant from Ecuador added that in terms of knowing, monitoring and assessing, there is a great deal of knowledge in communities, including of how business developments are impacting nature, which often exceeds that of external specialists who are brought in to monitor impacts, for example on how roads are impacting forests and birds.

Other Indigenous-led NGOs, for example in Indonesia, focus on dialogue, co-learning and co-planning with community members, discussing challenges, obstacles, opportunities and resources that exist in their villages and learning together about the local ecology, society and economy, before working collectively on solutions. These types of models would be important in co-developing measurement and monitoring frameworks with IPLCs.

Participants also emphasized the importance of mapping, including for mapping resource use and how IPLCs and their businesses depend on nature. They explained different ways this is being used in community contexts, for example by the Karen community of Bann Huay E Kha in northern Thailand, which is led by women leaders, where the community has mapped out its rotational farming, gardens and forestry. Participatory mapping is also being used in communities in Indonesia to support monitoring and protection of ecosystems.

Community-based monitoring

A participant highlighted that IPLCs are monitoring nature all the time, and have been for centuries and millennia. Participants highlighted that IPLC activities and businesses, even at the smallest scale, contribute to measuring and monitoring nature and related livelihoods. For example, women gathering mushrooms and people gathering firewood for sale are out on the land observing nature, and can provide advice based on what they see. Some communities in Oaxaca have management plans that they need to update periodically, and this provides a great opportunity to further build on traditional monitoring. In general, IPLCs are not only monitoring species of economic importance, but all species and entire ecosystems.

Participants noted that IPBES recognizes the importance of different knowledge systems and the multiple evidence-based approach. Similarly, it is also possible that communities can also do their own measuring and monitoring using various strategies and tools, such as maps, calendars to look at change over time, and developing life plans or future plans, which can include actions and also measuring. New technologies can also be used. The importance of communities taking the lead, so that they understand and control processes, was highlighted, given that the impacts are best understood by communities and will affect their lives.

A participant from Canada highlighted the fundamental importance of community-based monitoring, including by using scientific methods. When such monitoring is done by communities, alternative evidence can be produced that challenges the evidence produced by business or governments. However, a great limitation remains in that it is not always clear which systems they can feed the information into, and what options there are for action based on the information and evidence produced.

Participants noted that in some cases, governments or businesses disregard knowledge produced by communities, or do not believe that communities are able to perform such monitoring in the first place because it is considered too technical, and so external consultants are needed. However, there are now many successful examples of community-based monitoring, for example in Latin America. As further examples, in Brazil and Mozambique, communities are independently conducting monitoring and evaluation using tablets with specific software, without outside support. Due to their familiarity with the land, community members gather better information than outside experts.

Participants noted that capacity-building is also needed for communities to develop their own monitoring and measurement systems, and to understand scientific methods, so that they can be equal partners in co-developed projects. There is also a crucial need for funding to support these monitoring and assessment processes, as many communities do not have the funds to create the kind of monitoring and reporting systems that would be given credibility within, for example, environmental impact assessment processes. Agreements may also be needed with

companies and universities to support monitoring of the impacts of businesses on IPLC lands and resources.

Examples

An author shared that some communities in Namibia also carry out resource monitoring, working with NGOs and governments. When they collect devil's claw (a medicinal plant), they monitor how much is left, so that they know if they can continue to harvest from the area or leave it to rehabilitate. The information is used by the government for resource monitoring and to assist local communities and NGOs to establish supporting initiatives, such as rehabilitation programs if an area has been overharvested.

An author from Kenya explained that in Kenya, national reserves are monitored by local governments. In some cases, local communities have been tasked with monitoring wildlife and the environment, and this supports the knowledge-base on changes in numbers of endangered species and predators, which is important due to human-wildlife conflicts with pastoralists.

Other methods and measurements

Participants emphasized that it will be important to work with IPLCs on co-designing methods for measurement and indicators relating to how businesses impact and depend on nature, and that a mix of methodologies will probably be needed that includes both IPLC methodologies and scientific methods. Some promising methodologies and frameworks already exist, and different examples are discussed below.

A participant recommended the use of social impact assessment methods to assess business impacts on communities and nature.

Another participant highlighted that there are methods devised from social accountability processes and international standards such as the International Finance Corporation (IFC), which has clear performance standards that consider IPLCs (e.g. Performance Standard 7).[10]

Participants noted that other methods of measurement could be based on national and international legal frameworks, business and human rights principles, international performance standards and agreements, and voluntary guidelines, such as those developed with the International Indigenous Forum on Biodiversity and the Convention on Biological Diversity, e.g., regarding traditional knowledge and impacts on sacred sites.

Participants also noted that there may be interesting methods emerging from the development of indicators for monitoring targets and goals of the Kunming-Montreal Global Biodiversity

[10] https://www.ifc.org/en/insights-reports/2012/ifc-performance-standard-7

Framework and the Sustainable Development Goals, noting that trade-offs and synergies exist between different goals (e.g., nature conservation and hunger), but that many connect to business and development in different ways.

Participants also recommended NGO reports and guidelines, which can provide methods to assess national laws, corruption, and other drivers of biodiversity loss. The International Union for the Conservation of Nature and the World Wildlife Fund were also recommended as sources of information.

Processes around monitoring for environmental, social and governance standards may also reveal useful methods.

A participant also highlighted the work of the Taskforce on Nature-related Financial Disclosures, which has developed a set of disclosure recommendations and guidance for organizations to report and act on nature-related dependencies, impacts, risks and opportunities. This process included participation by Indigenous Peoples and NGOs. It remains to be seen how effective it will be in practice and how it respects human rights and biodiversity.

Another participant recommended an article about ecosystem accounting and the need to recognize Indigenous perspectives within this.[11]

A further participant noted that the IPBES Global Assessment of Biodiversity and Ecosystem Services highlighted five main drivers of biodiversity loss and that this work could be used to develop a framework for analysing biodiversity loss and impacts of business.

[11] Normyle, A., Vardon, M. & Doran, B. 2002. Ecosystem accounting and the need to recognise Indigenous perspectives. Humanities and Social Science Communication 9, 133. https://doi.org/10.1057/s41599-022-01149-w: https://www.nature.com/articles/s41599-022-01149-w#citeas

Chapter 5: Businesses as key actors of change: options for action

Chapter 5: Introduction by the authors

The authors briefly explained the scope of the chapter as set out in the Plenary-approved scoping report for the assessment. According to the scoping report, chapter 5 is intended to discuss:

- The role and responsibility of businesses in contributing to transformative change, sustainable development, nature conservation and human wellbeing;
- Challenges and opportunities;
- Options for how businesses can use measurements of how they depend on and impact nature, in their operations and in strategic planning and to improve their social, economic and environmental performance; and
- How this can also influence social norms, consumption and production patterns, and public policy.

The authors also presented the draft ILK questions and themes for the chapter, which were:

- What transformative changes would IPLCs want to see in other (non-IPLC) businesses?
- What are the key actions for other businesses, according to IPLCs?
- How can IPLC rights and interests be protected and promoted by businesses?
- How would IPLCs want to participate in these processes?
- What can other businesses learn from IPLC businesses and economies?

Participants were asked to reflect on whether these questions and themes were appropriate, and to begin to respond to them as they deemed appropriate.

Chapter 5: Discussion

Participants agreed that businesses have a responsibility to contribute to sustainable development, nature conservation, human wellbeing and transformative change. Participants highlighted that business plays a lead role in creating the challenges and negative impacts faced by nature and IPLCs that are discussed above. Business therefore needs to take responsibility for resolving these issues.

Participants made a number of recommendations for how businesses could transform their relationships with nature and IPLCs, which are discussed below.

Changing business models, values and goals

Participants agreed that business models must transform, because “business as usual” is not an option anymore, as it is directly contributing to the interlinked environmental and social crises facing the planet, which are especially keenly felt by IPLCs due to their close connections to nature and vulnerable positions within many societies.

Participants also noted that businesses in general could learn from IPLC businesses and values, including by recognising the role of IPLC businesses in enhancing and restoring the environment, society and culture, and in promoting and protecting human rights, rather than only focusing on short term profit and extraction.

Adopting longer-term visions, including by using work with scenarios, could also support businesses in supporting global and community level goals.

Participants recommended that exploring alternative value systems, including those of IPLCs, could help businesses to conceptualize their relationships with nature and society in different ways, and to move beyond considering only profit as a measure of success.

Dialogue, partnership and participation with IPLCs

In terms of how businesses should work with IPLCs, participants noted that it is neither possible nor appropriate to provide a fixed set of guidelines for businesses, as each community is different, so businesses would need to work collaboratively with communities to determine appropriate mechanisms and processes. However, participants highlighted a number of considerations for businesses in order to ensure good practice, including:

- Businesses are required to recognize Indigenous Peoples as subjects of rights, and to respect and learn about **Indigenous rights**, particularly those pertaining to FPIC and access and benefit sharing, including the Nagoya Protocol, and relevant local community rights, at international, national and local levels;
- Business should aim for **dialogue and partnership** with IPLCs, and seek to be a positive feature of their lands and communities;
- Businesses should learn about the **societies, cultures, knowledge systems and values** of IPLCs on lands where they are planning to start projects;
- Businesses should be attentive to **biocultural community protocols**, and other laws or community plans that IPLCs have produced to convey their plans and rules;
- Businesses should recognize and respect the right of Indigenous Peoples to **refuse projects** proposed in their lands and territories;
- Businesses should be fully **transparent** about likely natural and social impacts of a project, including indirect impacts on IPLC wellbeing. This transparency should continue as a project develops, especially if unforeseen impacts start to evolve;
- Businesses should build **meaningful participation** of IPLCs into environmental and social impact assessments, so that these assessments benefit from ILK, and so that the

assessments explore and analyse all likely impacts from a project, including the issues that IPLCs deem important, which may not be obvious to scientists;[12]

- Businesses should build **meaningful participation** of IPLCs into processes of determining benefits, so that these can be appropriate for community goals and wellbeing;
- Businesses could create **committees or advisory groups** of IPLCs to oversee projects to enhance communication and transparency;
- Businesses should respect and understand **IPLC governance processes**, and engage with recognized authorities, structures or institutions in a community (rather than setting up parallel processes or bodies);
- Businesses should respect and understand **IPLC decision-making processes**, which may require separate private spaces. Businesses will often also need to build enough time into the project development process to allow for IPLC decision-making, especially in relation to large projects that can dramatically alter IPLC lives, lands and waters. Decision-making can for example include rituals or meetings held at specific times during the year, or circular consultations that take a lot of time to implement;
- Businesses should **not pressure or coerce** IPLCs into accepting decisions that will potentially harm their lands, waters and communities;
- Businesses should not use **access and benefit sharing negotiations as part of efforts to pressure or coerce** IPLCs into accepting decisions that will potentially harm their lands, waters and communities;
- Businesses should **work to build relationships and trust** with IPLCs. Participants noted that many communities have complete distrust for businesses due to a long history of abuse. Working on rebuilding these broken relationships will take significant time and energy, but there are good examples to show that it is possible (for example around Rooibos in South Africa).[13]

[12] A participant recommended: Sara Seck et al. April 2022. "Impact Assessment and Responsible Business Guidance Tools in the Extractive Sector: An Environmental Human Rights Toolbox for Government, Business, Civil Society, and Indigenous Groups" (SSHRC Knowledge Synthesis Grant: Informing Best Practices in Environmental and Impact Assessments). https://digitalcommons.schulichlaw.dal.ca/ialawrbc/4/

[13] A participant recommended reviewing the Guidance on Engagement with Indigenous Peoples, Local Communities and affected stakeholders developed by the Taskforce on Nature-related Financial Disclosures (2023). This guidance aims to support meaningful engagement by companies and financial

Free, prior and informed consent

Participants emphasized the importance of businesses adopting and adhering to FPIC mechanisms, recognizing that this is a right of Indigenous Peoples as laid out in the UNDRIP.

They noted that businesses should not see this as a burden, but as part of their duty to do good business for people and the planet.

A participant from Bolivia noted that under article 8(j) of the Convention on Biological Diversity (CBD) voluntary guidelines have been developed, such as the Mo'otz Kuxtal Voluntary Guidelines[14] for the development of mechanisms, legislation or other appropriate initiatives to ensure that FPIC is properly developed for projects working with IPLCs or in their lands and territories. These guidelines could be a good resource for businesses and others.

A participant also recommended the work of the Expert Mechanism on the Rights of Indigenous Peoples and its 2018 study *free, prior and informed consent: a human rights-based approach*.[15]

Access and benefit-sharing

Participants agreed that that companies should comply with international and other standards around access and benefit sharing, such as the Nagoya Protocol, noting that many communities wish to see these principles extended beyond only genetic resources, to include all projects taking place on the lands and territories of IPLCs, or which use their knowledge or other cultural assets.

This should be done within the context of the general guidelines of dialogue and participation given above.

Examples

A participant from South Africa noted that companies that were reluctant in the beginning of the access and benefit sharing process around Rooibos have now formed good relationships with communities, and are seen by Indigenous Peoples as partners. Companies and Indigenous organizations are now working together, looking at how they can support Indigenous Peoples

institutions with Indigenous Peoples, Local Communities, affected and other stakeholders for assessment, management and disclosure of nature-related dependencies, impacts, risks and opportunities. https://tnfd.global/publication/guidance-on-engagement-with-Indigenous-peoples-local-communities-and-affected-stakeholders/

[14] The Mo'otz Kuxtal Voluntary Guidelines are available here: https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-en.pdf

[15] Expert Mechanism on the Rights of Indigenous People. 10 August 2018. Free, prior and informed consent: a human rights-based approach. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/245/94/PDF/G1824594.pdf?OpenElement

and their communities. They are also looking into the non-monetary benefits, such as training of youth by the companies so they can become actors at different points in the value chain.

A participant from Mexico also gave the examples of Natura and Body Shop which are promoting good partnerships with IPLCs and share benefits under the Nagoya Protocol rules.

An author added that there may be a different use of the concept of "benefit-sharing" between the CBD and human rights law. When Indigenous Peoples are asking for benefit-sharing, they are often asking for this in a human rights framework, which should always be applied, as with all human rights. Meanwhile the CBD is more focused on benefit sharing from use of genetic resources (only). Access and benefit sharing should be considered in both senses.

A participant from Nepal noted that many businesses are operating in IPLCs' territories. Benefit-sharing is controversial in some countries, as companies can say that they are giving communities benefits, such as money, training, schools or infrastructure, but often they have already damaged the environment, or will do in the near future. In this case, this is not benefit-sharing, but is instead compensation for damages, because, overall, the community is not actually benefitting. To clarify and remedy this, clear, equitable benefit-sharing mechanisms should be established through policy, in consultation with IPLCs.

An author also noted that often communities are negotiating for basic human rights, such as education, healthcare or clean water, as part of their benefit sharing agreements. These basic human rights should however be provided by the national governments, rather than as part of an exchange with businesses who want access to their lands and resources.

Participants also noted challenges as many countries still have not ratified the Nagoya Protocol, while other countries that did ratify it are now conducting long discussion processes on how to implement it, and thus, are not yet applying it. However, businesses can still commit to these principles. Some countries have also adopted other mechanisms to ensure access and benefit sharing. In other cases, communities have developed their own biocultural community protocols, which detail how consultation and development should take place on their lands, including access and benefit sharing (such protocols exist in communities in Panama, Ecuador, Mexico, South Africa and other countries), and these should be understood, respected and followed by businesses.

Sustainable processes

Participants agreed that businesses should adopt sustainability strategies and approaches, incorporate them into the design of their business plans, and implement them. They must ensure that their operations do not excessively impact nature or communities. Participants provided examples of good practices, where businesses are taking active steps to minimize their environmental and social impacts, for example moving to more sustainable materials.

Restoration and compensation

Participants emphasized that in cases where damage to nature or communities may occur, it is important to properly assess restoration options and impact mitigation, which should be properly accounted for in business models and plans, as well as in compensation for affected communities. Often, businesses under-represent potential damages, or over-estimate the effectiveness of mitigation measures, and damage lands and communities without fully restoring landscapes and ecosystems, or without properly compensating the communities who are impacted.

As companies often underestimate their impacts, ongoing monitoring, assessment and recalculation of compensation and restoration measures is needed throughout the life of a project, to account for unforeseen impacts and unsuccessful mitigation. This monitoring and assessing should be done in collaboration with IPLCs and should include ILK and IPLC values of what is important to measure and assess.

However, participants also emphasized the need to approach compensation with care, as companies it should be clear that offers of compensation do not mean that lands and waters can be irrevocably damaged.

Precautionary principle

Participants agreed that businesses should employ the precautionary principle when assessing likely impacts of a project, or when deciding whether to implement a project. This is particularly important regarding new, untested technologies, including “green” technologies.

Joint investment, partnerships and capacity-building

Participants noted that in many cases, IPLCs are open to participate in joint ventures and partnerships, so that they can be active partners with business.

Examples

In Colombia, a community was looking for partnership, joint investment and funding from a large company that was planning to build a windfarm on their lands.

In South Africa, studies on Rooibos and honeybush indicate great success in the medical field, so communities are keen to further solidify partnerships with business, so that they can benefit equitably from this.

Participants highlighted that businesses need to focus on building their own capacity for working with IPLCs, including understanding FPIC and access and benefit sharing principles, as described above, but also understanding community processes, needs, aspirations, worldviews and knowledge systems, so that true partnerships can be built.

Business can also support capacity-building of IPLCs, including knowledge of business models, finance and economics, and equipment and infrastructure, so that they can better understand and participate in business processes as different stages, including in true partnerships as described above.

Examples

In Mexico, Indigenous Peoples are approaching the financial sector and businesses to explain how to work with Indigenous Peoples, the importance of customary governance, and to highlight successful experiences.

In Kenya, a program on landscape level conservation supported by companies through an ecotourism farm strengthens the capacity of local community institutions. This initiative allowed the creation of community conservancies. This program also generated capacity-building for locals, who are now skilled in conservation techniques and management.

Compliance and reporting

Participants recommended that businesses should seek to comply with, learn from and build on different policies and good practices that exist at different levels.

At the international level these could include the UNDRIP, the Nagoya Protocol, voluntary guidelines on FPIC and access and benefit sharing (for example as developed by the CBD), and guidelines of the World Bank. At the regional level agreements such as the Escazu agreement (the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean) and the African continent free-trade area agreement will also affect the ways in which business is done, and may open up new ways of monitoring and reporting its impacts.

At the local level, it is important for businesses to understand, respect and follow biocultural community protocols, community visions and life plans, or rules expressed orally through governance systems. Businesses should where possible develop rules of procedure with communities as part of the discussions and negotiations around the development of a project.

Example

In the Amazon, Indigenous communities and an oil company created a code of conduct, which included social and environmental aspects, and benefits received by the company. One rule in the code of conduct is that the oil company staff need to leave the community at the end of the workday, as they recognized that if workers stay in the community during the evening and night it would bring negative social impacts. This code of conduct has been respected and has helped to build trust and respect between the community and company.

Participants noted that finding ways for businesses to measure and report on how principles and guidelines are applied would support businesses in operationalizing them. This could be seen as an opportunity for businesses to show their good work, rather than as an obligation.

Enabling and supporting IPLC businesses

Participants emphasized that another way for businesses to protect the environment and support communities is to better support IPLC businesses which may be more sustainable or have positive impacts on nature and people.

Participants noted that companies often promote monopolies, and advocate for regulations and laws that do not allow competition or access by small IPLC businesses.

Example

Business councils can be an obstacle to IPLC businesses. For example, a community in Latin America was producing organic coffee to generate income for the community, but they could not export their coffee because a business council had to certify and approve the product. The council was comprised of big companies that aimed to maintain a monopoly over the exported products.

Participants also noted that companies often apply pressure or incentives to IPLC business to join bigger companies, and in the process, they can draw IPLC businesses into unsustainable pathways, as was discussed above for chapter 3. Businesses could do more to understand the values and principles behind IPLC businesses, so that they can support them in fulfilling multiple goals rather than in only making profit.

A participant from Bangladesh also highlighted intellectual property issues, as IPLC businesses often find that their intellectual property, which could include medicines, art or knowledge, is being exploited by outside businesses. These outside businesses not only do not provide any benefits to IPLCs, but can also out-compete smaller IPLC businesses. In this way, IPLCs may be forced to abandon small, sustainable businesses in favor of more unsustainable practices.

Chapter 6: Options for actions by governments, the financial sector, Indigenous People and local communities, civil society and other actors

Chapter 6: Introduction by authors

The authors briefly explained the scope of the chapter as set out in the Plenary-approved scoping report for the assessment. According to the scoping report, chapter 6 is intended to discuss the options for the ways in which governments, the financial sector, civil society, IPLCs and others can use measurements of the ways that businesses depend on and impact nature, to promote and evaluate business actions and performance.

The authors also presented the draft ILK questions and themes for the chapter, which were:

- What are the key actions for the financial sector, governments, civil society and IPLCs, according to IPLCs?
- How do IPLCs wish to participate in these processes?

Participants were asked to reflect on whether these questions and themes were appropriate, and to begin to respond to them as they deemed appropriate.

Chapter 6: Discussion: roles and responsibilities for governments

Transformative change for governments

As above for businesses, participants agreed that governments also need a transformative change, including in how they perceive IPLCs, business, development, progress and poverty. Transformative change could entail moving beyond only valuing GDP to also valuing the environment and human wellbeing as markers of progress or success, as discussed for chapter 3.

Participants agreed that an ideal situation could be one in which governments see IPLCs as important actors around making business more sustainable and managing business impacts, and in which governments create a positive environment for IPLC businesses, and create certainty around rights and processes to protect these rights. This would also provide a positive environment for other businesses, where they have certainty of what is expected of them, can build partnerships with IPLCs, and where negative environmental and social impacts and conflicts are reduced.

Respecting and recognizing Indigenous Peoples and their rights, knowledge and management

Participants suggested a number of crucial steps that governments could take to support and protect IPLCs and their lands and nature, whilst also promoting sustainable IPLC businesses that

enhance nature and community wellbeing. These should take place in collaboration and consultation with IPLCs. These steps include:

- Formally recognizing Indigenous Peoples, so that they can have more certainty around their rights, self-determination, and related environmental and social protections, including FPIC, as laid out in the UNDRIP, as discussed above. This would also help to protect and enhance sustainable communal practices, such as forestry management and other related practices and businesses.
- Providing land tenure and recognizing land rights is also essential in order for IPLCs to practice sustainable business, protect lands from other unsustainable business practices and for communities to fairly benefit from businesses taking place on their lands.

Examples

In an African country, some communities wanted to work on sustainable forest management and generate income for their communities, but the national regulations only recognized big companies. However, a decree was made a few years ago for local communities to also receive land concessions so that they could begin to manage their forests and receive income.

In New Zealand, the treaty of Waitangi provides that Māori's have rights and lands. They have established their own businesses that have positive impacts on the environment.

- Ensuring access to lands, waters, territories and resources, including around protected areas, would also enhance possibilities for IPLCs to develop and sustain sustainable businesses that protect nature and enhance community wellbeing.
- Decriminalizing traditional and customary IPLC practices that are positive for conservation and resource management and that support community wellbeing would also support the development of sustainable IPLC businesses.

Example

In Canada and California, conservation policies banned Indigenous Peoples from making fires. It is now realized, after many intense wildfires in Canada and the United States, that Indigenous practices with fire were part of a management system that controlled the amounts of dead wood and vegetation that can build up in forests. Without these practices, large and destructive wildfires become uncontrollable.

- Investing in supporting the learning of ILK in situ and the revitalization and continuation of Indigenous languages and cultures would be beneficial, as they are crucial foundations for management of lands and development of sustainable businesses.

Recognizing IPLC businesses

Participants also highlighted that governments should recognize, support and protect IPLC businesses, as this would benefit communities and nature, including by:

- Formally recognizing hidden, informal businesses that currently do not benefit from any kind of recognition or protection. Without recognition, these businesses can be easily exploited or out-competed. Such recognition would also facilitate the certification of IPLC products that can be exported;

Example

Many traditional small-scale Indigenous businesses in Asia have a positive impact on biodiversity, but there are no regulatory institutions or recognition of these traditional economy systems. It will be important to represent this in the assessment to gain better recognition for these traditional economy systems, because Indigenous Peoples' voices are often not respected.

- Recognizing the important contributions that IPLC businesses make to nature and people;

Example

A participant from Mexico noted a report from the World Bank regarding the northern part of Oaxaca, which describes how Indigenous businesses associated with biodiversity are increasing local income and decreasing migration. These are important contributions of IPLC businesses that could be recognized.[16]

- Recognizing that many IPLC businesses need to remain flexible in order to function in changing environments and social contexts, so strict rules, regulations and registration requirements may not be appropriate;

Example

In Kenya, local communities started their own conservancies and adopted the model used by non-Indigenous landowners. However, this became a challenge as communities did not have the same management structures. These models caused divisions within communities.

- Recognizing and preventing exploitation of IPLC intellectual property without benefits to IPLCs, because exploitation of IPLC intellectual property can limit the ways in which IPLCs

[16] For more information:

- https://openknowledge.worldbank.org/server/api/core/bitstreams/45947b07-602a-57f9-a93d-7983d75e4dea/content
- https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=1181&context=isp_collection

can benefit appropriately from their own knowledge systems and practices as they are out-competed by larger businesses;

Example

There are cases of non-Indigenous people claiming to be Indigenous in order to sell traditional medicines, which are often sacred and should not be used without appropriate rituals and knowledge. Indigenous designs and patterns are also sometimes used without permission by the fashion industry without providing benefits to the IPLCs to whom the designs belong.

- Providing additional support to small-scale IPLC businesses, for example by lowering their taxes. Currently, in some countries national governments apply the same tax legislation measures to big companies and small Indigenous businesses, which is a great challenge for small IPLC businesses;
- Providing funding and capacity-building that supports the development of IPLC businesses in ways that respect community values and goals; and
- Recognizing that many IPLCs may have holistic views of community, lands, knowledge, spirituality and business that need to be understood and respected as a whole, so support for IPLC businesses may mean supporting multiple aspects of community life and their lands and waters.

Examples

In South Africa, communities had been completely dispossessed of their land because of colonialism and apartheid. Rooibos was cultivated over 200 years ago, and was commercialized during colonial times, but traditional knowledge and ownership was not recognized. Thus, many IPLCs resided on lands belonging to church and mission stations, as a legacy of the missionary system. Indigenous Peoples fought for the recognition of Indigenous knowledge, their lands and identity, and for access to benefit-sharing around Rooibos. The South African government and the Department of Environmental Affairs were pivotal in supporting Indigenous Peoples in the process of ensuring fair and equitable benefits. Communities are now being supported so they can participate at different stages of the value chain. However, access to and ownership of land remains a crucial barrier.

In the example of one Asian country, the UNDRIP has been ratified but is not being implemented. Lands, territories and resources linked to Indigenous Peoples are not recognized by the government, which has a multidimensional impact on the ways they can do business. Indigenous Peoples have knowledge and sustainable practices, but these activities are criminalized or unrecognized by the government. For example, traditional medicines are not recognized, and the government is importing foreign drinks but is not promoting the products and practices of Indigenous Peoples, such as rice wine. Another example was given of a fishing community, which

has a tradition of using nature in a sustainable way, but is now being restricted by a colonial approach to conservation which prevents their activities. If the government would better recognize and support IPLCs and their businesses, it could support nature conservation and community development.

A participant from South Africa expressed concerns about legislation being developed drafted in Europe and North America prohibiting trophy hunting, which would have a direct impact on small businesses developed around hunting by IPLCs. Indigenous small business is not focused on money but on livelihood, and such legislation would harm those livelihoods (e.g., San are hunter-gatherers, and they have been hunting for generations, and supporting trophy hunting is a way of generating income from this knowledge and skill). So Indigenous Peoples' organizations are trying to persuade those countries to review that legislation.

Enhancing laws and regulatory regimes

Participants also highlighted that there are significant gaps in laws and regulatory regimes around business in most countries, which governments should analyse and fill.

This could include ensuring that businesses carry out thorough environmental and social impact assessments in collaboration with IPLCs, with full consideration of social, cultural and spiritual aspects as they relate to IPLCs.

Enshrining FPIC, access and benefit sharing and transparency in laws and regulations, and stipulating and holding companies accountable for monitoring, restoration and compensation would also better support fair and environmentally and socially sound development. Fines and other legal measures should be applied more strictly when violations occur.

A participant added that human rights due diligence should be mandatory to hold corporations and financial institutions accountable for Indigenous rights; especially for companies that do not have guidelines regarding these matters. Participants recommended that the United Nations Guidelines on Business and Human Rights[17] could be a resource for governments to use as a way of bolstering their processes and legislation.

Participants noted that these issues can also cross national boundaries. For example, in Canada, Indigenous Peoples are now aware that there are accusations that Canadian mining companies have violated Indigenous rights in Latin American countries, and that Indigenous women from Latin America have launched court cases against these companies in response. This incident has

[17] The UN Guiding Principles on Business and human rights: an introduction. 2011. https://www.ohchr.org/sites/default/files/Documents/Issues/Business/Intro_Guiding_PrinciplesBusinesHR.pdf

further undermined trust from Canadian Indigenous Peoples in these companies, and they have seen that the government is not holding the companies accountable for their actions in other countries.

Participants noted that even in countries with strong environmental and social legislation, this can be challenged by conflict, corruption and lack of resources to apply the law. Governments need to do what they can to tackle corruption and a lack of resources directed at environmental and social matters. In conflict areas, it may also be necessary to bring in United Nations forces to stabilize areas.

Participants recommended that governments could ratify relevant international agreements, such as the Nagoya Protocol, to support efforts towards fairer business, or they could develop their own national agreements based on similar principles.

A participant also recommended the sourcebook "Managing Mining for Sustainable Development",[18] which provides national and local policymakers, as well as international development partners, with an introduction to sustainability considerations related to social, environmental and economic impacts of mining, as well as to policy instruments and practices for managing mining towards sustainable development.

Enhancing and respecting courts and grievance mechanisms

Participants noted the importance of international courts and grievance mechanisms, which provide some recourse to IPLCs when they are faced with businesses that do not respect due process or cause environmental and social damage. However, participants also noted that often court decisions that rule in favour of IPLCs are ignored by the businesses and national governments concerned. Governments should therefore do more to recognize and enforce court rulings.

Example

Participants shared examples from different countries in Latin America, where communities took cases of land violations by oil or wind companies or demands for recognition of land ownership to the Interamerican Court of Human Rights, which ruled in favour of the Indigenous Peoples (references available on request). However, the companies did often not respect or implement

[18] UNDP and UN Environment. 2018. Managing mining for sustainable development: A sourcebook. Bangkok: United Nations Development Programme. https://www.undp.org/sites/g/files/zskgke326/files/publications/UNDP-MMFSD-ExecutiveSummary-HighResolution.pdf

the rulings, and the governments also did not seek to enforce the rulings. This can remove incentive for businesses to respect rights, the environment or the rule of law.

Payments for ecosystems services

Participants agreed that payments for ecosystems services, in relation to carbon or biodiversity schemes, are important for IPLCs to explore with governments and businesses, as IPLCs are often conserving areas of high biodiversity or carbon sinks. However, such schemes need to be approached with care, to ensure that FPIC and access and benefit sharing are properly considered, and to ensure there are not negative impacts on communities or nature.

Example

A participant from Ecuador explained that participants in the Socio Bosque Program[19] receive payments for conservation. They are receiving funding from the government to protect forests and resources (32,000USD per year to protect 3000 hectares of forest). They protect their resources, and with the money, the communities also further invest in nature, and in the reconstruction of cultural practices in the forest. This is a positive example of the relationship between nature, communities and funding.

However, participants noted that often such schemes can have negative impacts. In some cases, communities are not allowed to access resources or areas in which the schemes are based. In other cases, communities are asked to sign documents in languages that they do not understand, and they fear that they are giving away the ownership of their lands. There can also be concerns that assigning monetary value to nature, and introducing money into communities, can cause value changes and social issues, if not managed well.

A participant noted that biodiversity credits also need to be approached with care, as they can stipulate the need to maintain or enhance biodiversity, a requirement which needs to be carefully explored with communities who depend on biodiversity for their livelihoods and food systems.

Rights of Nature

Participants also highlighted that governments could do more to recognize the rights of nature. They highlighted that there are positive examples of nature, landscapes or rivers being granted legal personhood, which helps to convey that these are entities with their own rights that deserve protection. This concept intersects well with IPLC worldviews, which often see landscapes or animals as relatives, or spiritual beings.

[19] More information on Ecuador's Socio Bosque Program: https://initiative20x20.org/restoration-projects/ecuadors-socio-bosque-program

Chapter 6: Discussion: roles and responsibilities for the financial sector

In general, participants identified two broad issues relating to the financial sector:

- A lack of funding directed to and appropriate for IPLCs; and
- Financing of large projects which violate IPLC rights and/or cause significant negative impacts to IPLCs and nature.

Funding for IPLCs

Participants agreed that many IPLCs face similar challenges in relation to finance. IPLCs often have limited access to funding or loans, a high debt burden, high vulnerability to financial stress, and limited investment opportunities, which impacts communities and conservation.

Participants highlighted that for many IPLCs, it is not possible to receive loans to set up businesses, or funding for projects. Often this is because processes for applications do not fit with IPLC cultures, processes and realities. For example, donors often require that the recipient is an organization that is legally registered with the government. Many communities do not have these kinds of structures in place, which presents a barrier to receiving funding. Complicated reporting processes may also be significant barriers to small rural communities. Banks may also ask for real estate or an asset to support a loan, but many IPLCs hold land collectively or their ownership is not recognized by governments.

In other cases, communities in Latin America who sought funding to build a hydroelectric dam found that the stipulations for the funding did not align with their values and approach to communal ownership and work.

Moreover, many IPLCs may not be aware of possibilities or processes to apply for funding or loans, so capacity-building and support is needed from donors and others.

However, increasingly, some donors do accept funding applications based on documents from communities themselves. There are also smaller funds and credit unions that specialize in supplying small loans, grants and insurance to IPLCs.

Overall, participants noted that financial institutions need to recognize IPLCs as key players in the conservation of nature, and to do what they can to enhance intercultural dialogue around funding and finance to support this, including by working with Indigenous governments and leaders.

Financing of large projects with negative impacts

Participants also highlighted that many financial institutions often fund large projects that cause significant damage to nature and IPLCs, and impact the rights of Indigenous Peoples.

A participant from Nepal noted that financial institutions are investing in projects on IPLC lands and territories in the name of the green economy, but often their social and environmental safeguards are not in line with United Nations guidelines and international conventions. As such, their operational policies and environmental safeguards should be amended according to International Labor Organization (ILO) Convention 169, UNDRIP, CBD, UN Guiding Principles on Business and Human Rights and other guidelines. Mandatory human rights due diligence legislation needs to be implemented to hold companies and financial institutions accountable for the rights of IPLCs in relation to business. However, participants also noted that some lenders do have extensive policies in place, yet often these policies do not seem to be implemented in practice. Nonetheless, these policies could be built on, with attention to how, and if, they are implemented and what challenges and obstacles exist.

Participants also noted that often complaint and grievance mechanisms do not seem to be effective, and no action is taken when IPLCs raise concerns and evidence of problems and negative impacts. Participants recommended that projects should lose their funding if there is evidence of negative impacts, or if appropriate consultation, FPIC and access and benefit sharing processes have not taken place. There are examples of this occurring.

Example

In Guatemala, a complaint led to the suspension of a project, as it was recognized that it did not properly evaluate its impact on women and the environment, and because of the lack of participation of Indigenous Peoples.

Participants noted that in 2017 the Expert Mechanism on the Rights of Indigenous Peoples, which functions in the framework of the UNDRIP, conducted a study on good practices and challenges, including discrimination, in business and in access to financial services by Indigenous Peoples, in particular Indigenous women and Indigenous persons with disabilities.[20] This study provides examples of rules and procedures for financial institutions and could be an important resource.

An author noted that this 2017 study also explained that financial institutions should always have funds for compensation and redress whenever they are engaging in new projects. These funds should be set aside in case something goes wrong and a complaint is raised. However,

[20] Expert Mechanism on the Rights of Indigenous Peoples. 2017. Good Practices and challenges, including discrimination, in business and in access to financial services by Indigenous Peoples, in particular indigenous women and indigenous persons with disabilities. https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/Session10/A.HRC.EMRIP.2017.CRP.1.pdf

compensatory funds must also be approached with care, as they can potentially lead to the idea that problems can be bought off as they arise, rather than carefully avoided in the first place.

Overall, participants emphasized the need to review the performance of financial institutions in relation to the environment and IPLCs. Collaboration and consultation with IPLCs is important at all stages of policy design, implementation and review by financial institutions.

Example

The International Indigenous Forum on Biodiversity is working on a review of businesses, using non-traditional metrics: they are examining businesses, looking at the number of access and benefit sharing agreements, especially when FPIC is involved, how many claims they received, how many were solved, the economic costs, the impacts on nature and how much was paid to compensate for the damages to nature and communities.

The World Bank Forest Carbon Partnership Facility stipulated that national governments should invite Indigenous Peoples to be part of their initial discussions, as one of the requirements to receive a loan. Some countries were wary of this, partly as they did not want to raise expectations from Indigenous Peoples too early in the process. In Colombia this led to the creation of national roundtables with Indigenous Peoples.

Chapter 6: Discussion: roles and responsibilities for IPLCs

Dialogue

Participants noted that for many IPLCs, dialogue is not easy, as they may be in situations where governments and others will not listen to them, or actively suppress their voices. However, where possible, participants recommended that IPLCs can try to be open to dialogue with business and governments, even if they have been victims of violations in the past, because only through dialogue will problems be solved. IPLCs can also seek to engage proactively in national processes, if there are spaces for them to do so, and in international processes. Participants noted that IPLC organizations, networks and civil society have a special role in starting the dialogue with business and governments.

Participants also noted that in situations where governments or business are suppressing IPLC voices, and where violations or negative impacts are occurring, IPLCs can try to find ways to be heard in different ways, including for example by engaging in international processes.

Participants also noted the importance of joining assessments and monitoring schemes, where these are co-developed with IPLCs, support community knowledge systems, and serve community interests.

Establish local laws and biocultural community protocols

Participants also noted that, where possible, IPLCs can also develop their own laws and protocols, which clearly lay out rules that should be followed by governments, businesses and others who are working in their lands and territories. Within these processes, IPLCs can also determine how and which of their own institutions and leaders will represent them, respecting customary governance systems and institutions.

Even where they are not formally recognized by national governments, such laws and protocols can help to bring the community together to generate a clear vision of the rules and processes they are expecting from outsiders, which then provides a position from which to negotiate and discuss.

Example

A participant from South Africa emphasized the Khoikhoi Peoples' Rooibos Biocultural Community Protocol,[21] which is a guideline for the communities and others working with them. It includes aspects related to businesses, recognition of ILK, research by academics, and how the community will deal with these issues. This document has legal standing, and the organization Natural Justice supported its development. This participant recommends that other communities should also develop biocultural community protocols.

In Oaxaca, Indigenous Peoples are working to include biocultural community protocols in the local legislation, as a way to prevent conflicts and respect Indigenous rights, local communities and afro descendant groups.[22]

Capacity-building and education

Participants also noted that a focus on capacity-building and education can be important for IPLCs, and that IPLC leaders, organizations and networks have a special role in this. They noted that often Indigenous communities do not know about their rights, including FPIC, or national and international redress and grievance mechanisms. This puts them at a significant disadvantage when they are faced with business developments and pressure from governments. Education and capacity-building for communities around these issues is therefore essential.

Moreover, participants noted that many communities need capacity-building and education in relation to law and business, among other topics. This will help them to enter into strong

[21] National Khoisan Council of South Africa. The Khoikhoi Peoples' Rooibos Biocultural Community Protocol. Natural Justice. https://naturaljustice.org/publication/the-khoikhoi-peoples-rooibos-biocultural-community-protocol/

[22] See: https://docs64.congresooaxaca.gob.mx/gaceta/20210707a/87_26.pdf

equitable partnerships with businesses, or hold them to account when they cause negative impacts or do not follow procedures. It will also allow them to create their own businesses in different ways and at different parts of the value chain.

Examples

In the Amazon, some Indigenous Peoples have decided that if companies wish to invest in their territories, the communities need to be ready. They are therefore preparing and educating their people, and only when they are ready will they consider making a joint investment with outside companies, as then they can ensure that any joint investment is connected to their interests, which are to protect nature, their land and their right to self-determination.

Examples given earlier in this report of communities reinvesting profits from casinos (in the United States) and funds from access and benefit sharing (in South Africa) provide examples of how IPLCs are investing in education and capacity-building for their members.

Developing IPLC businesses

Participants highlighted that IPLCs can continue to develop business models that are culturally and environmentally appropriate.

Examples

A participant from Bangladesh highlighted some examples from Asia of how Indigenous Peoples participate in the collective management of forests, ecosystems, resources and products, and connect this with spirituality, culture and social activities. Within this they use their own practices and arrangements to collectively manage forest resources, sell them, divide the benefits and support each other. The most significant aspect of these management practices is Indigenous Peoples' direct participation in decision-making processes through their own village governance structures.

In Oaxaca, communities have been working on sustainable forest management, protecting their environment and culture, while generating income for the community.

An Indigenous-led enterprise in Kenya, the Southern Rangelands Association of Landowners, is a land trust established in 2004 to create community empowerment to ensure security of land tenure over community resources in a just and sustainable manner to improve livelihoods. The association has been able to improve rangelands governance, natural resources management and conservation, and has fostered cultural values and practices that promote the coexistence of people and wildlife and generate benefits for communities. In 2019, there was no encroachment of elephants in the area managed by the association (7,000km^2). During the pandemic the association was able to generate 600,000USD for communities. Now, the association also has opportunities to benefit from carbon markets with the World Bank.

A participant also provided a paper that explains case studies of three successful *Itaukei* (Indigenous Fijian) enterprises and strategies for success of Indigenous businesses on customary land.[23]

Working with access and benefit sharing

Participants also noted that IPLCs can develop strategies, plans and funds to help them benefit appropriately and strategically from access and benefit sharing agreements.

Example

A participant from South Africa shared that a trust has been established where the funds from the Rooibos access and benefit sharing agreement are deposited. That trust will not give out money to beneficiaries, but community members can apply to the trust to start businesses.

Contributions to collective futures

Participants noted that IPLCs must remember that they are guardians of nature, and this is one of their significant contributions to a collective global future.

Participants noted that IPLCs can also seek to explain their worldviews and practices in relation to business and to explain their conceptions of economy, poverty, wellbeing and communal responsibility and connection to nature. This can support the world in moving towards a transformative change in its relationship with nature and people.

A participant also recommended an article about lessons learned about sustainability from an Indigenous business leader.[24]

Chapter 6: Discussion: roles and responsibilities for civil society and NGOs

Participants shared a number of concerns with the work of some NGOs. A participant from Asia shared that communities in her country are exhausted from unfulfilled promises made by NGOs and others to improve their environmental or economic conditions, as communities do not see results or concrete work.

A participant shared that in Latin America, some NGOs were speaking on behalf of Indigenous Peoples, promoting agreements with few benefits to Indigenous Peoples. In other cases, for

[23] Vunibola, S., & Scheyvens, R. 2023. Strategies for success of Indigenous businesses on customary land: case studies of three Itaukei (Indigenous Fijian) enterprises. AlterNative: An International Journal of Indigenous Peoples, 19(3), 646-655. https://doi.org/10.1177/11771801231193594

[24] Deja Leonard. February 26, 2023. Lessons from an Indigenous business leader about sustainability in a world of greenwashing. https://www.theglobeandmail.com/business/careers/article-lessons-from-an-indigenous-business-leader-about-sustainability-in-a/

example around carbon payment schemes, NGOs often take most of the funds, and the communities receive only a small amount.[25]

Overall, participants noted that NGOs need to function within strict rules and guidelines in relation to IPLCs, including FPIC, much as was discussed for business, above.

However, participants also recognized that mainstream civil society has played a significant role in the recognition of Indigenous rights. However, they noted that in many places civil society organizations are declining in power because of the political context of some countries.

A participant provided recommended options for actions for NGOs and civil society:

- Knowing, promoting and following national and international rules and guidelines and holding businesses and governments to account;
- Building capacities with IPLCs;
- Supporting IPLCs' struggles and efforts to expose violations and negative impacts;
- Supporting assessments and monitoring impacts;
- Promoting new models of sustainable businesses (e.g., In Oaxaca, Mexico a successful community-based forest management enterprise was supported and guided by NGOs and academics).

[25] https://d5i6is0eze552.cloudfront.net/documents/Publikasjoner/Andre-rapporter/RFN_Falling_short_2021.pdf?mtime=20210412123104

4 Next steps

The following next steps took place, or will take place, after the workshop:

- A report was developed from the dialogue workshop (this report). The draft report was sent to all participants for them to edit, make additions, and/or approve prior to finalization and publication online;
- Using the report as a resource, the authors will continue to develop the draft chapters of the assessment;
- Author teams may reach out to IPLC participants, and other members of IPLCs, to invite them to be contributing authors; and
- Another dialogue will be organised in mid-2024 during the external review period for the drafts of the chapters and summary for policymakers.

Annexes

Annex 1: Agenda

Acronyms:

IPLCs = Indigenous Peoples and local communities

ILK = Indigenous and local knowledge

Saturday 23 September 2023	
8.30am-9.00am	Registration
9.00am-9.30am	Opening, introductions
9.30am-9.45am	Introduction to IPBES and its work with ILK Aims, methods and agenda of the dialogue Free Prior and Informed Consent
9.45am-10.30am	Introduction to the business and biodiversity assessment: aims, methods, timelines, chapters, final product, ILK in the assessment, progress so far
10.30am-11.00am	Refreshment break
11.00am-11.30am	IPLC caucus
11.30am-12.30pm	Report back from caucus, discussion, including: how can the assessment be useful for IPLCs?
12.30pm-2.00pm	*Lunch*
2.00pm-3.30pm	How do IPLCs conceptualise and engage with business? What are IPLC aspirations and concerns in relation to business at all scales?
3.30pm-3.45pm	Refreshment break
3.45pm-5.55pm	How do IPLC enterprises and other businesses depend on nature? How should these be measured? What are the indicators? How would IPLCs measure these impacts?
5.55pm-6.00pm	Closing of day

Sunday 24 September 2023	
9.00am-9.15am	Updates, review of day 1, plan for day 2
9.15am-10.30am	What are the impacts of business on nature and IPLCs? How should these be measured? What are the indicators? How would IPLCs measure these impacts?
10.30am-11.00am	Refreshment break
11.00am-12.30pm	What should a transformative change for business look like? What would be the role of IPLCs within this? What are the key actions for businesses, according to IPLCs?
12.30pm-2.00pm	Lunch
2.00pm-3.30pm	What are the key actions for the financial sector, governments, civil society and IPLCs, according to IPLCs?
3.30pm-4.15pm	IPLC caucus
4.15pm-4.30pm	Refreshment break
4.30pm-5.15pm	Report back from the IPLC caucus and discussion: could include overarching messages and themes, key approaches and participants
5.15pm-5.30pm	Next steps for the assessment and participation in the assessment: Timelines for collaboration, communication and dialogue throughout the assessment processes, identifying key experts, resources
5.30pm-6.00pm	Next steps and closing

Annex 2: FPIC document

First Indigenous and local knowledge dialogue on the IPBES assessment of business and biodiversity

Free, Prior and Informed Consent

23-24 September 2023

Bogota, Colombia

The individuals whose names are listed at the end of this document agreed during the dialogue workshop to follow the principles and steps laid out in this document.

Background

Within the framework of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), principles of Free, Prior and Informed Consent (FPIC) apply to research or knowledge-related interactions between Indigenous Peoples and outsiders (including researchers, scientists, journalists, etc.). Given that the dialogue process includes discussion of Indigenous and local knowledge of biodiversity and ecosystems, there may be information which the knowledge holders or their organizations or respective communities consider sensitive, private, or holding value for themselves which they do not want to share in the public domain through publications or other media without formal consent.

Principles

The dialogue will be built on equal sharing and joint learning across knowledge systems and cultures. The aim is to create an environment where people feel comfortable and able to speak on equal terms, which is an important precondition for true dialogue.

To achieve these aims, the following goals are emphasized:

- Equality of all participants and absence of coercive influence
- Listening with empathy and seeking to understand each other's viewpoints
- Accurate and empathetic communication
- Bringing assumptions into the open

If participants feel that the above goals are not being achieved at any point during IPBES activities, participants are asked to bring this to the attention of the organizers of the activity, or the IPBES technical support unit on ILK, at: ilk.tsu.ipbes@unesco.org.

Sharing knowledge and respecting FPIC

To ensure that knowledge is shared in appropriate ways during dialogue workshops and other IPBES activities, and that information and materials produced after these activities are used in ways that respect FPIC, the following was put forward:

1. **Guardianship – participants who represent organizations and communities**

- Principles of guardianship will be discussed with IPLC participants at the beginning of IPBES activities.
- Participants who represent organizations or communities will act as the guardians of the use of the knowledge and materials from their respective organizations or communities that is shared before, during or after the workshop. Any use of their organizations' or communities' knowledge will be discussed and approved by the guardians, as legitimate representatives of their organizations or communities. Guardians are expected to contact their respective organizations and communities when they need advice. Guardians are also expected to seek consent from their organizations or communities when they consider that this is required, keeping in mind that sharing details of their community's knowledge can potentially have negative consequences, for example sharing the locations and uses of medicinal plants.

2. **FPIC rights during dialogue workshops and other activities**

- The FPIC rights of the Indigenous Peoples participating in dialogue workshops or other activities will be discussed prior to the beginning of the activity, until participants feel comfortable and well informed about their rights and the process, including the eventual planned use and distribution of information. This discussion may be revisited during the activity, and will be revisited at the end of dialogue workshops once participants have engaged in the dialogue process.
- Participants do not have to answer any questions that they do not want to answer, and do not need to participate in any part of an activity in which they do not wish to participate.
- At any point, any participant can decide that they do not want particular information to be documented or shared outside of the activity. Participants will inform organizers and other participants of this. Organizers and participants will ensure that the information is not recorded. Participants can also request that the information is only recorded as a general statement attributed to a region or country, rather than to a specific community.
- Permission for photographs must be agreed prior to photos being taken and participants have the right not to be photographed. Organizers will take note of this.

3. **After the activity**

- Permission will be obtained before any photograph of a participant is used or distributed in any form.
- Permission will be obtained before any list of participants is used or distributed in any form.

- Participants maintain intellectual property rights over all information collected from them about themselves or their communities, including photographs. Their intellectual property rights should be protected, pursuant to applicable laws.
- Copies of all information collected will be provided to the participants for approval.
- Any materials developed for IPBES assessments or other IPBES products using information provided by participants will be shared with the participants for prior approval and consent (noting that IPBES does not have control over how others may us its publicly available materials that may contain ILK).
- The information collected during the activity will not be used by IPBES for any purposes other than those for which consent has been granted, unless permission is sought and given by participants.
- Participants can decline to consent or withdraw their knowledge or information from the process at any time, and records of that information will be deleted if requested by the participant. Participants should however be aware that once an assessment is published it cannot be changed, and information incorporated into the assessment cannot therefore be withdrawn from the assessment after this point.
- Participants have the opportunity of reviewing and commenting upon the final product during the second draft review period, and a dialogue workshop will be organized to support this, bearing in mind that responsibility for the final product rests exclusively with the authors.

Annex 3: Participants of the dialogue workshop

Indigenous Peoples and local communities		
Edith Bastidas	Colombia	Indigenous women's Network on Biodiversity in Latin America and the Caribbean
Johnson Cerda	Ecuador	Conservation International
Q"apaq Conde	Bolivia	Convention on Biological Diversity
Binota Moy Dhamai	Bangladesh	Member of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
Guadalupe Yesenia Hernández Márquez	Mexico	ILK focal point for IPBES in Mexico
Cecil Le Fleur	South Africa	Leader of the National Khoe-San Consultative Conference
Gathuru Mburu	Kenya	Ngaatho Community Foundation (NCF) and Institute for Culture and Ecology
Sherry Pictou	Canada	Schulich School of Law, Dalhousie University / IPBES ILK task force
Novia Sagita	Indonesia	Yayasan Planet Indonesia
Lucía Xiloj	Guatemala	Maya K'iche' lawyer
Durga Yamphu	Nepal	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)

IPBES business and biodiversity assessment		
Matt Jones	United Kingdom	Co-chair
Steve Polasky	USA	Co-chair
Ximena Rueda	Colombia	Co-chair
Anouska Perram	Australia	Chapter 1
Hongxia Duan	China	Chapter 2
Nicholas Oguge	Kenya	Chapter 3
Bruna Pavani	Brazil	Chapter 4
Jacolette Adam	South Africa	Chapter 5
Inonge Mukumbuta Guillemin	Namibia	Chapter 6
Orlando Vargas Rayo	Colombia	Technical support unit
Alina Vera Paz	Spain	Technical support unit

IPBES task force on Indigenous and local knowledge		
Sherry Pictou	Canada	Schulich School of Law, Dalhousie University / IPBES ILK task force
Peter Bates	United Kingdom	Technical support unit

Annex 4: Conceptualizing businesses of Indigenous Peoples and local communities

A longer draft conceptualisation of the term "businesses of Indigenous Peoples and local communities" (discussed in this report for Chapter 1) was also developed during the dialogue, and is presented below:

Introduction

Indigenous Peoples and local communities are engaged in a diverse range of business activities, ranging from local barter activities to operating multinational corporations. However, many businesses of Indigenous Peoples and local communities share common characteristics. For the purposes of this assessment, **businesses of Indigenous Peoples and local communities** refers to businesses which have some or all of the following characteristics.

Ownership

Businesses of Indigenous Peoples and local communities will usually be owned and governed by Indigenous Peoples or local communities, either collectively or individually. They may however sometimes be owned in partnership with actors who are not Indigenous Peoples or local communities, where the business remains majority-owned by Indigenous Peoples or local communities, or where Indigenous Peoples or local communities have a dominant role in their governance. The mere fact that a business is owned by an Indigenous person or local community member is not sufficient for it to constitute an Indigenous and local community business for the purposes of this assessment.

Values

Many businesses of Indigenous Peoples and local communities are informed by the priorities and values of Indigenous Peoples and local communities. They will often aim to generate profit, but profit maximisation will not be the only objective of the business. Rather, how and how much profit is generated, and how it is used, is determined in accordance with collective values, including spiritual, cultural, social and economic factors, and often with a focus on equity, cultural strengthening and sustainability and based on a reciprocal relationship with Mother Earth.

Governance and management

Businesses of Indigenous Peoples and local communities may be managed collectively at the level of the community or territory and by or under the supervision of customary governance institutions. Businesses of Indigenous Peoples and local communities may also be managed by individuals or small groups within an Indigenous People or local community, but remain under the broader umbrella of custom (for example, customary rules may apply to how a business may use lands and resources and/or how any profits are used). In some cases, businesses of

Indigenous Peoples and local communities may also be at a larger scale – for example financial institutions of Indigenous Peoples and local communities which aim to provide financial services to other businesses of Indigenous Peoples and local communities.

Based on traditions, customs and Indigenous and local knowledge

Businesses of Indigenous Peoples and local communities will often be based on traditional livelihood activities that form a central part of the identity of Indigenous Peoples and local communities. These activities will often make use of Indigenous Peoples' and local communities' traditional knowledge, including traditional ecological knowledge, in developing their business and managing their impacts on nature.

Although many businesses of Indigenous Peoples and local communities are based on traditions and customs, it is important to recognise that engagement in different sectors or use of other modern technology does not exclude a business from being considered a business of Indigenous Peoples and local communities.

Recognition

Businesses of Indigenous Peoples and local communities do not fit neatly into the categories of formal or informal. Some businesses of Indigenous Peoples and local communities may be formally registered under national laws. Others may be formally constituted or recognised under customary law, which may or may not be recognised under national law. Still others may operate without any formal registration or recognition. It is also important to note that many businesses of Indigenous Peoples and local communities may also be considered illegal under national laws, for example where Indigenous Peoples and local communities have been dispossessed of their lands and resources and/or their access and use to lands and resources has been criminalised. This may mean many businesses of Indigenous Peoples and local communities operate at the margins or are even forced out of existence.

Exclusions

The category of businesses of Indigenous Peoples and local communities should exclude any business which operates against the express collective wishes of the Indigenous People or local community whose lands or territories it is operating in, or in violation of customary laws.