

**Report**

**Second Indigenous and local knowledge  
dialogue workshop**

**on the**

**IPBES business and biodiversity assessment**

**Reviewing the first drafts of the assessment**

31 July – 2 August 2024

!Khwa ttu San Centre, near Cape Town, South Africa



### **Suggested citation**

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### **Disclaimer**

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.

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## 1 Introduction

This is the report of the second 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 organized in the context of the first, and only,<sup>1</sup> external review of the assessment, which ran from 24 July to 18 September.

The workshop was held at the !Khwa ttu Centre near Cape town, South Africa from 31 July to 2 August 2024. The dialogue workshop aimed to provide a platform for discussion between Indigenous Peoples and local communities and assessment authors, with a focus on reviewing the drafts of the assessment, with attention to key ILK concepts, themes, questions, challenges, gaps, opportunities, resources and other issues relating to the 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 Indigenous Peoples and local communities.

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.

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<sup>1</sup> As the business and biodiversity assessment is a “fast-track” assessment, it has only one external review period, unlike other IPBES assessments which have two such reviews.



## 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, Indigenous Peoples and local communities, 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”,<sup>2</sup> including in relation to Indigenous Peoples and local communities. 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, Indigenous Peoples and local communities, 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 and methods 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 assessments have recognized that Indigenous Peoples and local communities 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 Indigenous Peoples and local communities in global and regional scale assessments would need to be developed, the IPBES Plenary established a [task force on ILK](#)

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<sup>2</sup> The concept of “nature’s contributions to people” 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*.



[systems](#) and agreed on [terms of reference](#) guiding its operations towards implementing this deliverable. IPBES' work with Indigenous Peoples and local communities 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 Indigenous Peoples and local communities 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 Indigenous Peoples and local communities is essential to the process of developing the business and biodiversity assessment. Indigenous Peoples and local communities 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 “fast-track” business and biodiversity assessment, as follows:

- Scoping dialogue: Reviewing the scoping report (online, November 2022);<sup>3</sup>

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<sup>3</sup> The report from the scoping dialogue workshop is available [here](#).

- First dialogue: Discussing key ILK themes and framing of the assessment (23 – 24 September 2023, Bogota, Colombia);<sup>4</sup>
- Second dialogue: Reviewing the first draft of the chapters and summary for policymakers (31 July – 2 August 2024, near Cape Town, South Africa).

These workshops bring together Indigenous Peoples and local communities 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 Indigenous Peoples and local communities throughout the assessment process.

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).

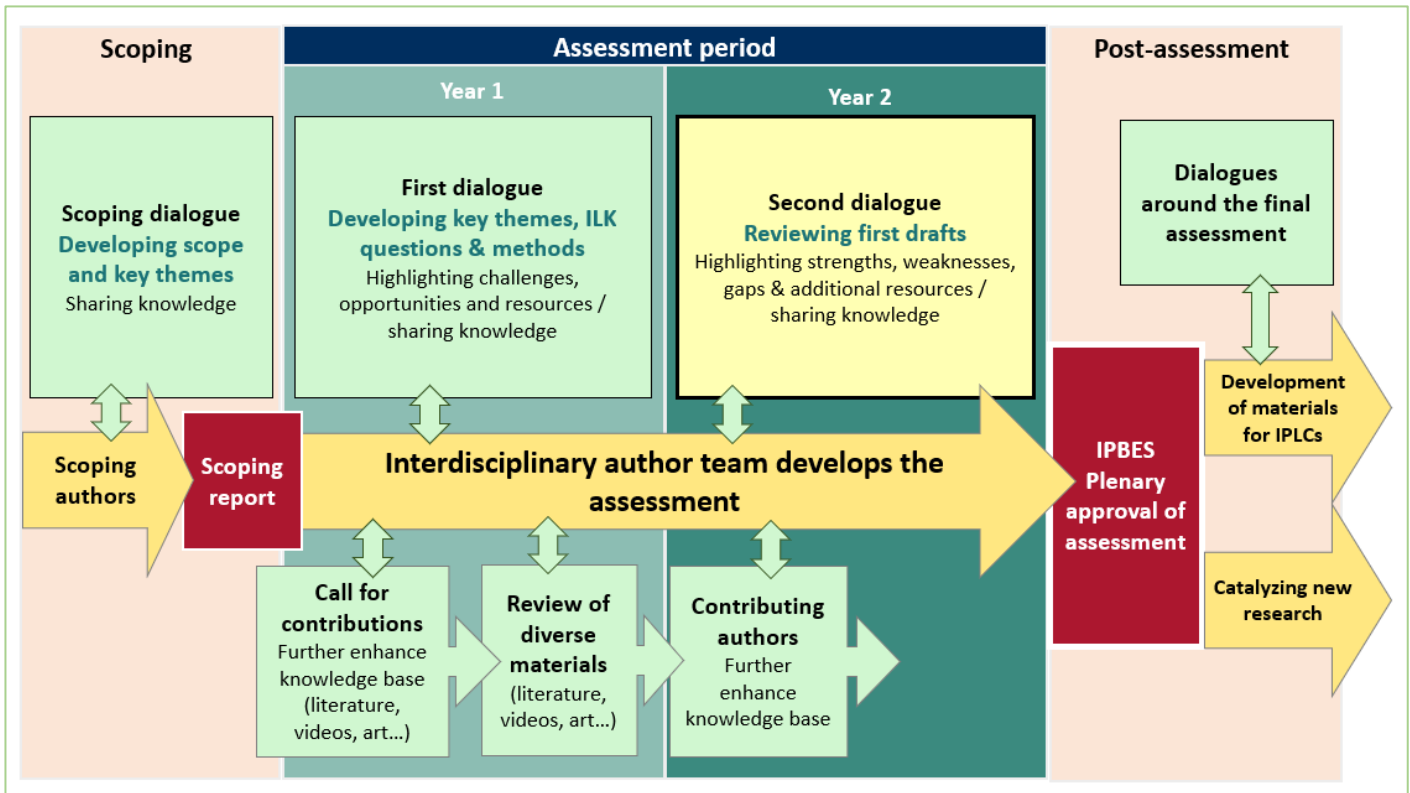


Figure 1: Timeline of work with ILK in the business and biodiversity assessment, following the IPBES approach to ILK.

<sup>4</sup> The report for the first dialogue workshop is available [here](#).

## **Objectives of the ILK dialogue workshop**

The second ILK dialogue aims to provide a platform for discussion between Indigenous Peoples and local communities and authors about the first drafts of the summary for policymakers and chapters of the assessment, including by discussing key ILK concepts, themes, questions, challenges, gaps, opportunities, resources and other issues relating to the IPBES assessment of business and biodiversity. Specific aims of the dialogue include:

- Developing a series of comments from Indigenous Peoples and local communities that can be entered into the assessment’s formal online review process, particularly around gaps, weaknesses and ways forward, for the consideration of authors as they further develop and finalize the assessment;
- Discussing challenges, risks and opportunities related to the assessment from the perspectives of Indigenous Peoples and local communities;
- Further developing case studies of relevance to the assessment;
- Identifying experts who could be invited by the assessment to contribute as contributing authors; 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 three 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;
- Brief presentations and discussions around the draft summary for policymakers and chapters of the assessment;
- A visit and discussions around the !Khwatla cultural centre and surrounding land so that San guides and others involved in the cultural centre could share their history, knowledge and experiences.

## **Free, prior and informed consent**

Free, prior and informed consent (FPIC) principles are central to IPBES work with Indigenous Peoples and local communities, 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 Indigenous Peoples and local communities participants and IPBES authors in the dialogue, recognizing that Indigenous Peoples and local communities participants, authors and the IPBES technical support units have different responsibilities within the process. The principles will be followed by Indigenous Peoples and local communities participants, the assessment authors group and the 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 Indigenous Peoples and local communities from participating in the assessments and other activities**

During previous ILK workshops, participants noted that the benefits to Indigenous Peoples and local communities 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 Indigenous Peoples and local communities. Key benefits of participating in dialogue workshops, and the assessment process as a whole, for Indigenous Peoples and local communities that were discussed included:

- The opportunity for Indigenous Peoples and local communities to share experiences with other Indigenous Peoples and local communities around the world;
- The opportunity for Indigenous Peoples and local communities to share and exchange experiences and knowledge with IPBES assessment authors;
- The opportunity to bring ILK and concerns of Indigenous Peoples and local communities to the attention of policymakers and decision-makers; and
- Use of the final assessments as a tool when Indigenous Peoples and local communities 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 Indigenous Peoples and local communities and webinars that present the results to Indigenous Peoples and local communities.

## 3 Key recommendations and learning from the dialogue workshop<sup>5</sup>

Over the course of the workshop, participants from Indigenous Peoples and local communities 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.

### Summary overview of the discussions

#### Conceptualization of businesses of Indigenous Peoples and local communities

On businesses of Indigenous Peoples and local communities, there was general agreement with the definition/conceptualisation in the draft assessment, noting the importance of communal ownership and benefits, and ties to land, nature and spirituality. It was also noted however that many Indigenous Peoples and local communities might not see their livelihoods as ‘businesses’, so these alternative conceptualizations may need to be acknowledged.

#### Business dependencies and impacts

Participants highlighted that businesses are dependent on nature in many ways. They also noted that the ways businesses depend on nature also often cause negative impacts to nature and Indigenous Peoples and local communities, as discussed below. They further noted that many businesses have made use of or are highly dependent on ILK, or on the lands and resources of Indigenous Peoples and local communities. They noted that often this has not been recognised, and that acknowledgement and benefits often do not flow back to communities.

Participants also emphasized that negative impacts of business on nature and Indigenous Peoples and local communities are multifaceted and inextricably linked, due to the close relationships between Indigenous Peoples and local communities and nature. These impacts include impacts

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on livelihoods, social relationships, knowledge systems, and identities over many generations, as well as spiritual impacts. Direct social impacts of businesses, such as evictions, harassment and deaths, were also noted to be an important part of an inextricable decline of wellbeing in communities and their lands and waters, as communities suffering social impacts will struggle to manage, conserve and protect nature.

### **Monitoring of impacts**

Participants highlighted that the diverse and interconnected impacts from businesses on nature and Indigenous Peoples and local communities mentioned above, and discussed in greater detail below, usually cannot be adequately monitored through western methods, and are generally undervalued and underestimated when efforts are made.

Meanwhile, participants reported that many Indigenous Peoples and local communities monitor using their own methods, based on their own values and priorities, which may not be the same as those of businesses, governments or others. Many of these methods and their underlying values and worldviews cannot be translated into western concepts and methods. Moreover, there is a risk that such translation would transform or destroy ILK, or take it (and its power) out of communities.

Many Indigenous Peoples and local communities are therefore asking that their monitoring systems, knowledge and livelihoods are respected as they are, and that Indigenous Peoples and local communities are supported to monitor and manage their lands, noting that there is a risk that monitoring can become a process of extracting knowledge so that decisions can be made elsewhere by people who are not from Indigenous Peoples and local communities.

For monitoring to be of benefit to communities and their lands and governance, participants noted that the following actions may be needed from governments and business:

- Recognition of land tenure of Indigenous Peoples and local communities, and control over and access to their lands and resources;
- Respect and support for customary governance of Indigenous Peoples and local communities, decision-making systems and biocultural protocols, and co-governance arrangements with national governments;
- Recognition of Indigenous Peoples by governments and others, so that Indigenous rights frameworks can be applied;
- Proper application of FPIC, as specified in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), so communities have a right to say ‘no’ to projects that go against their values and aspirations, and which may damage nature;
- Independent grievance mechanisms for when companies negatively impact lands and communities;

- Protection and support for their knowledge systems, which include monitoring systems, so Indigenous Peoples and local communities can continue to generate and transmit knowledge in-situ;
- Protection of lands, animals and places that knowledge systems depend on;
- Capacity-building for communities so that they understand their rights and can adapt international frameworks to their local realities; and
- Capacity-building for governments and businesses so they also understand cultures and livelihoods of Indigenous Peoples and local communities, Indigenous Rights, FPIC and other relevant frameworks.

### **Partnerships and access and benefit sharing**

On partnerships with other businesses, participants noted that many Indigenous Peoples and local communities do wish to form partnerships with other businesses and to see their livelihoods and economies grow. There are however many risks to this, and there is diversity in terms of how far communities want to go, whether it be small community enterprises collaborating with distributors or marketers of their traditional, sustainable products, or partnerships with large businesses that bring significant revenue.

Overall, participants agreed that in all cases Indigenous Peoples and local communities want to be equal partners, or leading these partnerships, and that they should be recognized for the significant knowledge that they bring. Participants also agreed that proper value should be given to their lands and resources, recognizing their importance for livelihoods as well as spiritual and other values, whilst also accepting that some aspects of lands and culture are not for sale and should not be commodified.

Participants noted that access and benefit sharing agreements can also be very important, and should also be based on equal partnerships between Indigenous Peoples and local communities and other businesses, and sharing of monetary and non-monetary benefits, which can include training and education so Indigenous Peoples and local communities are increasingly able to participate, partner and lead in different ways.

Community biocultural protocols, or other similar documents, produced by communities to set out their rules of engagement and how they expect businesses, governments and researchers to interact with them and respect their rights, can also be key tools for communities, and demonstrate how international protocols and frameworks can be implemented at local levels.

### **Learning from values and economic systems of Indigenous Peoples and local communities**

Overall, participants noted that changes in behaviour and norms are crucial, as well as changes in values relating to business and what it should be trying to achieve. They recommended that



businesses and concepts of economy of Indigenous Peoples and local communities, and the value systems on which they rest, could provide a better model of sustainable and wellbeing-orientated business, rather than those based on growth and profit. Governments and business have, so far, missed the opportunity to include these in their own understandings and value systems, which is causing climate change, biodiversity loss, decreases in human wellbeing, and many other issues.

## **Chapter 1: Setting the scene**

### **Chapter 1: Introduction by the authors**

Assessment authors explained the scope and current draft of chapter one, which includes:

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

They also discussed relevant key messages from the draft summary for policymakers, particularly in relation to the conceptualization of businesses of Indigenous Peoples and local communities.

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

Participants were then asked to reflect on the draft chapter 1 and summary for policymakers, around the following questions:

- Do businesses of Indigenous Peoples and local communities have different features, goals, and relationships to people and nature than other businesses? Should they be considered separately?
- Is the conceptualization of businesses of Indigenous Peoples and local communities in the draft assessment appropriate and adequate?
- How do Indigenous Peoples and local communities conceptualize the relationship between their businesses, nature and people?
- What are the aspirations and concerns of Indigenous Peoples and local communities in relation to their businesses?

### **Chapter 1: Discussion**

On the conceptualization of businesses of Indigenous Peoples and local communities, there was general agreement from participants with the conceptualisation in the summary for policymakers

and chapter 1 of the assessment. This is based on the conceptualisation developed during and following the first dialogue workshop for the assessment (provided in the box below for reference).

**Draft conceptualization of IPLC businesses of Indigenous Peoples and local communities from 1<sup>st</sup> dialogue workshop report (2023)**

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

*However, many businesses of Indigenous Peoples and local communities share **some common characteristics**.*

*For the purposes of this assessment, businesses of Indigenous Peoples and local communities are conceptualised as businesses or enterprises that are **owned, co-owned or run by Indigenous Peoples and local communities**, 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 Indigenous Peoples and local communities, 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**.

Overall, participants discussed a diversity of approaches to business among Indigenous Peoples and local communities, while noting common themes. A participant noted that a strength of the assessment lies in understanding that Indigenous Peoples' businesses are often very different from conventional businesses in terms of profit, as there is often a great difference in terms of priorities and values. Participants particularly emphasized the importance of communal ownership and benefits, and ties to land and nature and spirituality, and noted that these should be highlighted in the summary for policymakers.

A participant noted that communities in northern Thailand might conceptualize their businesses as an activity that does not harm biodiversity, or something that recognizes nature and communities as precious. Many Indigenous Peoples and local communities in northern Thailand want to do business, but often on a small, sustainable scale, that supports community needs and values, as well as enhancing biodiversity, rather than as a large-scale business project. An example of this is the businesses of the communities of Hin Lad Nai and Mea Paw Kee (see case study in the box below).

Another participant explained that in Kenya, Indigenous Peoples' businesses often aim to support the community as a whole, and try to bring everyone up to the same level of wellbeing, rather than supporting individuals to attain wealth.

Another participant noted that some Indigenous Peoples are seen to be "unsuccessful" in business because they do not think of making significant profit. Instead, they often think of covering the immediate needs of the community, so engaging in a rigorous, ongoing "business" may not suit their needs and values. This can be seen in some communities in the Ecuadorian Amazon, among others. Another participant also noted that many Indigenous Peoples and local communities live the realities of today and the problems that are at hand, rather than rigorously planning and saving for the future.

A participant noted the need to be cautious in the ways terminology is used. The assessment uses an expansive definition of business, in an effort to be inclusive, which is positive, but many Indigenous Peoples and local communities may see their pastoralism and small-scale farming more as ways of life and livelihoods than as a "business". It may be important to revisit literature that clearly makes the distinction, for example the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) uses "traditional economies and livelihoods".

Another participant elaborated that African pastoralists often engage in barter-trading, mostly through the exchange of goods rather than money. Sometimes they exchange with an animal, for example a person who owns traditional medicine may be given a goat or other animal in exchange for herbs to treat human or animal disease. Overall people are afraid to lose their assets, mostly land and livestock, as if they lose or sell these, they risk becoming poor, so these central

assets are protected and sales only occur when there is an excess, for example of livestock, milk or seeds. Focus is also placed on sustainably using land for food production, grazing and worship, for example by ensuring that seeds are left in the land to regrow.

Another participant noted that meanwhile, some Indigenous Peoples and local communities, including in South Africa, do state that they want to be wealthy. Often, however, they are more focused on equality in wealth and wellbeing with people who are not from Indigenous Peoples and local communities, rather than desiring to be wealthy per se. She highlighted that this is a reasonable expectation, and Indigenous Peoples and local communities should not be forced to remain poor, with small businesses with little income, if they do not wish to. Instead, their business and other activities should be able to adequately contribute to economic and social well-being for their communities. Capacity-building and an enabling policy environment should be created to facilitate this, recognizing that often businesses of Indigenous Peoples and local communities are not having great impacts on nature. Coupled with this, many Indigenous Peoples and local communities also want to see a transformation of mainstream business, recognizing the impact that the relentless pursuit of wealth and growth has on biocultural diversity. They may also want mainstream businesses to be accountable to the values and principles of Indigenous Peoples and local communities. The participant noted that these inequalities between the two systems – Indigenous Peoples and local communities and mainstream business and society – need to be addressed.

Participants also highlighted that many Indigenous Peoples and local communities, including in Africa, engage in business and belong to the mainstream economy as a survival strategy, rather than as a choice, because they have already been drawn into the cash economy, which means that they would risk impoverishment if they do not engage. Another participant also noted that this is not a choice in Northern Russia, as in some places cities and urbanization spread into Indigenous territories, rather than Indigenous Peoples choosing to become part of these systems, so they had to adapt to their new reality. Similarly, another participant noted that his forest community in Latin America is also facing pressure as the cities and the market come to communities. They emphasized that it is important to understand this process.

However, participants also noted that even where Indigenous Peoples and local communities have adapted to business, there are often limits, as for many Indigenous Peoples and local communities some things are sacred and cannot be commodified. For example, currently there is a big movement of restoration of items stolen from Indigenous Peoples that are displayed in museums, as these objects are sacred and are not meant to generate money. Sacred sites may also be particularly important and off-limits for development. There can be discrimination as outsiders struggle to understand this.

### **Case study: The businesses in Karen communities in northern Thailand**

The businesses in Karen communities such as Hin Lad Nai and Mea Paw Kee in northern Thailand, could be a good case study of a small, sustainable Indigenous business based on community values and knowledge.

These communities rely on rotational farming as well as harvesting products from the forest. There are 99 farmed plant species in rotational farming, representing significant agrobiodiversity, including different varieties of rice, millet, corn, onion, eggplant, green squash, beans, sesame, aloe vera, herbs and others. The overall system of a mosaic of forest, productive fields and fallow fields is also beneficial to biodiversity and stores carbon. The communities also practice traditional fire management and soil management to enhance the sustainability of these systems.

Small businesses have now been created around rotational farming and the forest, with products including honey, tea, cotton, bamboo and chili.

The community cooperates with the government and private sector on the marketing of the products, including by participating in festivals and events. The community also engages in onsite and online marketing. Each community has its own website page and social media pages. They reach out to online video makers to come to their communities and promote their products.

The benefits of these businesses to the communities, and the value they find in them, include:

- The community ownership of the businesses. There is one community brand and it belongs to everyone. The products are produced by individuals but branded under the same common name to benefit the community.
- The business shows the value of ILK in the development of products and generating income, which gains respect for ILK systems from youth and outsiders. To protect ILK, it must be practiced and shown to be relevant.
- Reinforcing intergenerational harmony – new generations see the value of their elders' knowledge and culture in real life and so they value and protect it. There is also new knowledge and roles for branding and marketing, which may be a contribution from the youth.
- The businesses show the value of the principle of “take and care” – if something is taken from the land, care must also be given in return. This builds respect for community values and the knowledge of the ancestors, for example around cutting down trees.
- Highlighting the importance of diversity in production, which prevents monocropping and only focusing on one business.
- Returning profits to the community, the land and the society. 10% of profits go back to the community to protect land or buy food.

- Esteem, self-awareness and confidence have been built through the community enterprises. They are now proud of their community names.
- Self-sufficiency – a self-sufficient economy is at the core of the community business ideology.
- Sustainability – they are aiming for small but beautiful businesses, “eating a little but for a long time” and protecting biodiversity for future generations.

However, there are challenges:

- Laws often prevent the community from managing the land and business as they wish, for example to increase electricity supply or construct new buildings, which can limit some innovations. Engaging with the government, with its different departments and processes, can be challenging. As a result, the community deals mostly with the private sector, rather than the government sector.
- The communities would like sufficiency in entrepreneurship, but they realise that they have gaps in knowledge and therefore need external partners. However, external stakeholders and partners often do not respond to community requirements or recognize their limitations (discussed below).
- Nature and the forest can only give what they can – sometimes there are external orders for products which exceed what is possible in that season, and the outside partners need to recognize the limits.
- The need to recognize seasonality. The community cannot produce in the rainy season as they need to focus on planting rice. Outside partners also do not like this.
- The community is organic but often outside markets prefer more physically attractive produce grown with chemicals. Some community members then also want to use chemicals.
- Community costs keep increasing, as they need schools, uniforms, hospital visits, and transportation.
- The communities always need to find a balance between producing enough so that the youth stay and feel they have income, and not too much that the land and community become tired.

For more information: [https://swed.bio/news/hinladnai\\_langscape/https://aippnet.org/wp-content/uploads/2023/10/HIN-LAD-NAI\\_VILLAGE-PROFILE-resized.pdf](https://swed.bio/news/hinladnai_langscape/https://aippnet.org/wp-content/uploads/2023/10/HIN-LAD-NAI_VILLAGE-PROFILE-resized.pdf)

## **Chapter 2: How does business depend on biodiversity?**

### **Chapter 2: Introduction by the authors**

The authors briefly explained the scope of the chapter. 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;
- 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 contributions to people.

The authors also presented the ILK relevant parts of the draft chapter, and also relevant parts of the draft summary for policymakers. Participants were then asked to reflect on the drafts, including around the following questions:

- How do businesses depend on nature, according to Indigenous Peoples and local communities?
- How do businesses depend on or use ILK?

### **Chapter 2: Discussion**

Participants noted that it is clear that mainstream businesses depend on nature in many different ways. They also noted that Indigenous Peoples and local communities and their businesses also rely on nature, and that this can lead to conflicts between outside businesses and Indigenous Peoples and local communities. For example, a participant noted that ecotourism is sometimes allowed on lands where Indigenous Peoples and local communities have been denied access, which is a significant inequality. Another participant noted that there can seem to be two sets of rules, one for Indigenous Peoples and local communities and one for governments and businesses. For example, there can be impacts on communities due to limited permits issued for gathering plants for medicinal uses, which may have been used for centuries by Indigenous Peoples and local communities and which may now be an important source of income. Meanwhile, businesses seem to be able to harvest these resources.

Participants also discussed the ways that mainstream businesses can rely on ILK, for example the knowledge of rooibos tea that underpinned what became a large business in South Africa.



Participants noted that in many cases, knowledge is used with little benefit flowing back to the communities. Indeed, in many remote areas communities may not even be aware that their knowledge has been appropriated and is generating income for others. Other examples were provided where community members showed species to scientists, and the scientists later claimed that they had discovered it, without recognizing the Indigenous person's knowledge. In Ecuador also, scientists have claimed to discover a new species of frog but did not recognize the Indigenous Peoples who already knew about them. Participants agreed that such issues of appropriation of knowledge, intellectual property, acknowledgment of expertise and benefit sharing are essential to address (these are discussed later in this report, around chapters 5 and 6 on actions for businesses, governments and Indigenous Peoples and local communities).

## **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 contributions to people; and
- Consider the ways that impacts intersect with Indigenous Peoples and local communities.

The authors also presented the ILK-relevant parts of the draft chapter, and also relevant parts of the draft summary for policymakers. Participants were then asked to reflect on the drafts, including around the following questions:

- What are the impacts of business on nature, according to Indigenous Peoples and local communities?
- How do these impacts affect Indigenous Peoples and local communities?

### **Chapter 3: Discussion**

#### **Chapter 3 – Impacts on nature**

Participants highlighted that there are many direct impacts from businesses on nature, including through resource extraction, agrobusiness and monocropping, tourism and many others. For

example, there has been an influx of people and related issues in the Okavango Delta in Botswana due to overtourism, which comes from efforts to promote one use of biodiversity (tourism) without considering the impacts on nature and other uses of it. Hippos and elephants are also dying, and pollution from agricultural fertilizers upstream is suspected as the cause.

### **Chapter 3 – Biodiversity credits**

Participants noted that it would be important to include discussion about the impacts of biodiversity credits. Once an area becomes valuable in terms of biodiversity or carbon credits, this can lead to criminalisation of Indigenous access and practices, which is a major impact on Indigenous Peoples and local communities. Participants stressed that, as the schemes are developed, and as the world tries to develop bigger biodiversity and carbon schemes, Indigenous Peoples and local communities should be able to continue to enjoy and use nature as they have over the centuries, as often they are the reason such high biodiversity has been maintained.

### **Chapter 3 – Geo-engineering**

A participant also recommended that geo-engineering could be important to explore in the assessment, or highlight as a gap in knowledge if little is known about future impacts. In the mountains of Ecuador, one of the agrobusinesses working with broccoli is trying to produce artificial rain, and this has affected the Indigenous communities and their seasonal crops. Saami People in Finland are also resistant to geo-engineering, and have stopped a project that was going to take place on their lands.

### **Chapter 3 – Social impacts**

Participants agreed that impacts of businesses on the social systems of Indigenous Peoples and local communities are also crucial to explore in the assessment. As well as directly impacting community wellbeing, they can also reduce the ways that communities are able to manage and protect their lands, which leads to further environmental degradation.

Participants noted that crucially, businesses can destroy lands or reduce access to it, which causes declines in community wellbeing through loss of livelihoods, identities and spiritual connections. A participant gave an example of how deforestation prevented a hunter from hunting, which disrupted his identity and livelihood, which eventually caused his family to break up. The loss of connections to land and resulting community suffering also reduces the ability of Indigenous Peoples and local communities to manage and protect their lands, which in turn can lead to further environmental degradation, so this becomes another impact on nature from business.

ILK systems can also be negatively impacted by businesses, as they can destroy the land on which the knowledge systems depend, or remove access to important resources that are tied to practices. A participant noted that traditional ways of managing human-nature conflicts are a

good example of dynamic knowledge systems that include monitoring of human-nature relationships, and which can cause significant problems for communities and nature if the knowledge systems decline. Another participant highlighted that knowledge of fire management in Botswana could be an interesting case study as it includes elements of monitoring and management. Protection of knowledge systems, and the monitoring systems embedded within them, is discussed more below for chapter 6.

Participants also emphasized that the lands and waters of most Indigenous Peoples and local communities hold high spiritual value, for example some trees are traditional meeting places, and some forest areas are sacred. If these important sacred spaces are destroyed by businesses then their loss is highly significant for community well-being. Due to evictions or access limitations, Indigenous Peoples and local communities may also not be able to access the land and use it for spiritual purposes, such as prayers and rituals. Connections and cosmological interpretations that depend on the land can therefore be lost.

Community values can also shift as businesses arrive in an area. A participant gave an example of how in a Maasai community, relationships with people and nature were highly valued, and it was important to try to always help the poorer people to try to elevate them. However, now businesses driven by profit are changing this mindset and external values of individuality are taking over. Another participant also described how community members in Asia are tempted to turn away from sustainable agricultural practices as they see the profits that can be made from monocrops and chemical fertilizers. Intergenerational connections are another crucial aspect for many Indigenous Peoples and local communities. Many Indigenous Peoples and local communities see themselves as stewards of nature, with a view to protecting lands and waters for seven generations in the future. These connections can also become broken with changes in values and disconnections from the land. All of these impacts on communities can in turn lead to increased environmental destruction, as values of stewardship of nature decline.

Participants noted that there can also be new social interactions as new people arrive in the area for business, such as in Northern Kenya, where these interactions included alcohol, prostitution, as well as changes in community values. These issues began with a business project, but continued to exist after the end of the project. Also, participants highlighted that many projects by businesses promote poverty, as they make communities more dependent on small financial incentives and payouts. This can become a large impact as it can limit growth and innovation in communities, and further reduces their management and protection of nature.

### **Chapter 3 – Eviction, harassment and death**

Participants agreed that eviction, harassment and death are crucial issues for Indigenous Peoples and local communities when discussing business impacts on nature and Indigenous Peoples and local communities.

Participants reported that in Southern Africa, some communities are removed from their lands so that there can be extraction of diamonds. In other regions, communities are also evicted from their lands to make way for business, for example further north in Africa pastoralist communities found their lands have been fenced off and they cannot access their pastures after gold exploration permits were granted to businesses.

A participant also noted that in some African countries, people who speak out against business are targeted and harassed. Participants agreed that this happens in other areas too, for example in Latin America where there are many cases of Indigenous Peoples being killed for defending the land and their territories. This undermines the communities' ability to protect their lands, leading to further environmental destruction. Participants agreed that it is important that this is highlighted by the assessment, as it is part of the holistic inseparable web of impacts from business that lead to nature destruction and reduced community well-being.

## **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 ILK relevant parts of the draft chapter, and relevant parts of the draft summary for policymakers. Participants were then asked to reflect on the drafts, including around the following questions:

- How do Indigenous Peoples and local communities monitor nature and business impacts on their own terms using their own methods? Are there any good examples?

- How have Indigenous Peoples and local communities engaged in monitoring with others (e.g., researchers, NGOs, businesses) to bring their knowledge into other monitoring processes?
- How can the full range of impacts and interrelationships be monitored? E.g., cultural, spiritual, wellbeing, local economy, governance, consultation etc. Are there good examples?

## **Chapter 4: Discussion**

### **Chapter 4 – What is important to monitor**

Participants highlighted that Indigenous Peoples and local communities have their own ways of monitoring relationships between nature and people and how these are changing, using their own value systems, including how relationships are being impacted by business. However, they noted that often Indigenous Peoples and local communities and businesses monitor different things, based on what they value. Often Indigenous Peoples and local communities are monitoring issues that affect them and their livelihoods and cultures directly. Participants noted that it is therefore crucial to understand the values of Indigenous Peoples and local communities, and what they think it is important to monitor, before discussing broader monitoring systems and methods.

As part of discussions of the differences in values between Indigenous Peoples and local communities and others, one participant described how land is perceived differently by pastoralists and outsiders. He noted that for Indigenous Peoples in Northern Kenya, the land in the city is not as valuable as the land in the community's area, where they have everything they need. Yet, these lands tend to be given the lowest monetary value, which can be perceived as an insult to the land of communities. He demonstrated that a calculation of the numbers of livestock that can be supported by a given area of land, multiplied by the cost of feed if this is done artificially, gives a monetary value of grass and the land that greatly exceeds the value given to the land by external people who do not understand these interactions. The same can be seen around community lodges, which external people expect to be cheaper than hotels in cities because they do not value the land. Moreover, he emphasized that medicines or spirituality cannot be given a value, so the real value of the land to the community is far higher.

Another example was given of valuing biodiversity as part of biodiversity credit schemes. Within these, an iconic species such as a jaguar may be considered as very valuable, but Indigenous Peoples and local communities may see all of nature as valuable, and some species such as bees as more important than an elephant. This demonstrates differences in values, and also that community values need to be included in monitoring.

A participant shared that Indigenous Peoples and local communities often do not want businesses in their territory because the value of the territory is greater than the financial gains that resource extraction, tourism or other activities could bring to them. She added that lands in Northern Russia are extremely attractive for companies, especially for timber production and gold mining. In the 1970s, a company came to a very old forest in Siberia, with biodiversity such as tiger and lynx, where 70% of the land is managed by Indigenous Peoples. The Indigenous Peoples explained to the company that one tree needs 45 years to grow. Therefore, the value of the forest is much higher than they had assumed, and the cutting of trees was stopped.<sup>6</sup> Moreover, a large wetland area which is a traditionally protected area and is important for mushrooms, berries and other resources and activities cannot be replaced if destroyed.

Another participant agreed that the true value of nature for Indigenous Peoples and local communities needs to be recognised and valued. For example, trees should also be valued for their cultural heritage value and for their medicinal values.

Another participant shared that an Indigenous community from Mount Morungole in Northeastern Uganda are primarily hunters and gathers of honey. For the community, bees are highly valued, as they have many important traditional cultural uses, as honey is important for food, and is also important for traditional rituals and marriages as dowry. Therefore, the community monitor the bees, and their relationships with them.

Another participant shared that in the 1980s in Ecuador, an oil company offered money to a community for an area of forest. The community said no, and looked instead at what different groups were using the land for, for example women gathering foods and men hunting for their families every week, and so the community put a higher value to the land, and sold it at this higher price. However, over time it became clear that the community had underestimated the cost of impacts in the future. For example, as discussed above, in one family the man could no longer hunt due to the deforestation, and so he lost his livelihood and identity, which eventually destroyed their lives and the family broke apart. These values of livelihood and identity cannot be underestimated.

Another participant discussed Northern Kenya, where people do not consider wealth as outsiders might, in terms of money or a large house, and instead they value, and monitor, the wellbeing and relationships within families, and links between families and their children. Links between families and livestock are also crucial in these pastoralist families, as well as the quality of grasslands, or land degradation, and the weather, especially the rains, as this impacts grazing and

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<sup>6</sup> See Local Biodiversity Outlooks 2: <https://localbiodiversityoutlooks.net/how-an-indigenous-group-in-far-east-russia-fought-to-protect-their-lands-the-creation-of-bikin-national-park/>

livestock. Similarly, another participant noted that in South Africa, in many communities, knowledgeable people are recognized as wealthy, rather than people with money, as people put a higher value on knowledge.

Participants highlighted that Indigenous Peoples and local communities monitor the weather, species abundance, invasive alien species, livelihoods and wellbeing, and they can monitor and manage disasters and diseases, as well as conflicts between groups and between humans and animals, among many other aspects of the environment, including impacts from business, as discussed below. Overall, participants agreed that Indigenous Peoples and local communities and their knowledge should be seen as a great benefit to the management of biodiversity, and their monitoring systems are part of this.

#### **Chapter 4 – Monitoring by Indigenous Peoples and local communities**

Participants highlighted that Indigenous Peoples and local communities in the communities know how to monitor, assess and manage the environment, and their relationships with it, and how this may be impacted by business. However, for many Indigenous Peoples and local communities, monitoring nature is part of their daily survival. It is not targeting one aim, but supports ongoing maintenance of livelihoods, wellbeing and culture.

A participant shared that in the Amazon, each member of a community may be monitoring relationships and abundance in the environment. For example, women know where medicine plants can be found (men often do not) and they know when climate change is impacting some species. Children go fishing on a daily basis and know the hundreds of species of birds existing around the lakes, as they can see them all. The children are so knowledgeable that they help external scientists to find new species.

A participant noted that within these systems, Indigenous Peoples and local communities can and do monitor quantities, for example species abundance, including if a species is disappearing. Participants however highlighted that Indigenous measurements are often qualitative, and more than this, they come from in-depth Indigenous ecological knowledge systems that themselves come from the environment and are followed and inherited through the generations. For example, a participant noted that, to monitor and measure, people talk about the forest, but also, they spend time in the environment, to connect with the trees and the breeze. They experience the abundance and the food that comes from the environment, and this experience is their education, as a holistic whole that allows these Indigenous Peoples and local communities to interpret and manage their everyday lives. Monitoring is, as such, a permanent state of being, rather than a discrete activity removed from everyday practice and knowledge.

A participant noted that the example of fire as a management tool and knowledge system may be useful. Fire can play a healing role to ecosystems and there is knowledge around when to burn



and how, as people monitor what is needed on the land, as can be seen in Botswana, among other places. An example was also shared of how hunter-gatherers collect honey using fire, but know how to set a controlled fire, so it never gets out of control.

A participant shared that another example from Maasai lands regarding the October rains, which have the same name in Maasai as a dragonfly, because this insect flies low when the rains are coming. If the dragonfly is gone there will be drought, while many dragonflies mean good rains are coming. The leaves and flowers of different trees also show that rains are coming. Indigenous Peoples also monitor the sky, the moon and stars, and whether their breath is visible at certain times of year. Another participant further highlighted that pastoralists have skills to monitor the weather, and by doing so they can safeguard their businesses and livelihoods. To do this they look at the length of grass, diseases, the sky and the insects.<sup>7</sup> The hunters in these communities also have a set of skills to locate food, water, and other important resources.

Participants also highlighted that Indigenous and local languages are an important foundation for monitoring, as knowledge is embedded in language and culture. For example, names in Indigenous and local languages can be important. In Kenya, sometimes people named the land after an animal that was abundant in the area, but after many years the species has now disappeared. This is a way of monitoring, by comparing place names with current species. Another participant gave an example from Ecuador, where, to the south of Quito, there is a village called Turumbamba, which means “flooded”. Every rainy season, the village is flooded, but the Indigenous Peoples know this will happen as the name indicates this. He also noted that in the Amazon, many communities have names for everything in the forest, some of which may not be known to science. A participant agreed that in Northern Russia, Indigenous Peoples monitor through Indigenous languages. Words are lost as species disappear, or new words come with new species. Years ago there were no words for oil and gas companies or pollution, because they were not seen in their lands, but now the communities have words for these issues as they have begun to discuss and monitor their impacts.

Participants also noted that rituals and spirituality underpin knowledge systems and therefore monitoring. A participant noted that some African pastoralists also call elders to monitor the intestines of goats, because this tells them what can happen in the future, for example fortunes, invasions and relationships. Meanwhile, in the Amazon, Indigenous communities fill tortoise shells with water and pepper if they want to make the rains come, which goes beyond monitoring, to also managing and interacting with the environment.

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<sup>7</sup> Suggested resource: Knowing Our Changing Climate in Africa. <https://www.unesco.org/en/links/climate-africa>

Another example was given from Thailand, where to call for rain, everyone in the community, including children, goes to the river and selects a stone. They then walk up to the highest hill and select one dry leaf or twig on the way. The chief brings a chicken or rice wine. Then they put all the stones and twigs and leaves together, and kill the chicken and put the blood on the stones, then cook the chicken and apologise to the spirits. The first food and drink go to the spirits, then the oldest women eat and drink next. They then look around the community. The last time they did this, the river was covered in sand, so some people had to look for stones on the road. There were no more leaves as there were only fields of corn, which cannot be used as corn burns very fast, and so does not cook the food. They looked at the land and there was no wildlife. They reflected on what had happened. The ceremony became a process of monitoring of the land. This involved not only one person, but the whole community, who were monitoring and deciding how to manage the situation. This shows that a river or mountain can be a monitoring place, and these are often sacred, with spiritual leaders and gatherings.

Overall, participants agreed that impacts of business on Indigenous Peoples and local communities and nature are multifaceted and holistic, including environmental impacts which are inextricably tied to impacts on livelihoods, social relationships and identity over many generations, as well as spiritual impacts, as discussed above. Indigenous Peoples and local communities' systems of holistic measurement and monitoring are therefore necessary to really understand these impacts and changes.

Participants however noted that there are many threats to the monitoring processes of Indigenous Peoples and local communities. For example, in Africa, when an entire pastoralist rangeland is converted to a national park, this destroys the Indigenous livelihoods, and therefore destroys the monitoring systems embedded within them. Invasive species and planted trees also cover grass, that is then no longer accessible to cattle. This is sometimes termed "constructive relocation", as it forces pastoralists away without telling them to leave. Other practices are also declining with cultural changes, for example a participant noted that knowledge of seeing the future through goat intestines is reducing in the communities as knowledgeable elders grow old and pass away.

#### **Chapter 4 – Translation / co-production**

Participants noted that monitoring systems of Indigenous Peoples and local communities are often ignored or dismissed by science. Meanwhile, participants noted that external monitoring is often insufficient or inappropriate because much of what is important to communities, for example holistic connections between identity, spirituality, and relationships with nature, cannot be translated into western concepts and methods, and therefore cannot be monitored in these ways. When scientific efforts are made, they generally undervalue or underestimate the importance of elements that are crucial for many Indigenous Peoples and local communities, or

miss them entirely. For example, as discussed above, participants noted that it is almost impossible for external people to correctly value the lands and biodiversity of Indigenous Peoples and local communities, as biodiversity has many more diverse values for most Indigenous Peoples and local communities. Governments and businesses may also want to monitor formal education levels, financial wealth or key species, but these are not the measures that are important to communities, who often more greatly value their own livelihoods, knowledge systems and relationships with nature and people.

Moreover, participants emphasized that even when efforts are made to work with their knowledge systems, there is a risk that “western” research methods transform or destroy ILK. Trying to translate and interpret ILK into western systems is often inappropriate. They noted that most Indigenous Peoples and local communities are under increasing pressure to convert and document their knowledge, as increasingly they live within a dominant western system, and there is therefore a risk that ILK will decline and disappear. However, ILK is learned in practice and most of time it cannot be taken out of its context. A participant elaborated that it is not always possible to explain or document knowledge, for example midwives’ knowledge, including around massages when a child turns, as well as knowledge around medicines and rituals for rains. These are not taught in school, but people learn by watching and doing. A participant also noted that some knowledge does not need to be captured and should remain sacred. For example, some spiritual knowledge is also too powerful to explain or is unexplainable, like the processes of monitoring and predictions through animal intestines.

Therefore, documentation of knowledge, and then learning this knowledge in schools or universities, is not the same as learning through practice on the land, and by walking and learning to read the environment. There is a great risk that younger generations can begin to believe that learning documented ILK in school is the same as having experiential knowledge on the land, which is then damaging to ILK systems. Participants noted however that some documentation and teaching in a classroom can serve a role to inspire people to go out and learn more on the land, as long as it is clear that this is the goal of teaching in a classroom.

Another participant agreed that Indigenous methodologies are not interpreted well by scientists. Often, when Indigenous Peoples and local communities try to explain their methodologies, they are not understood, partly because language, words and experience are so central to monitoring by Indigenous Peoples and local communities, and translation can be difficult. Western science approaches and western misinterpretations of ILK, therefore, becomes a threat to ILK and the monitoring systems therein.

A participant also noted that knowledge should often not be taken out of the community, as some knowledge may be very important to a community, but not for the whole country or world. He noted that there can be tensions from this, for example in Africa when asking Christian

majorities to learn about witchcraft or other rituals. One of the great threats to ILK knowledge systems is the influx of outsiders, and the church, which has deemed some aspects of ILK unethical, but it is not unethical to Indigenous Peoples and local communities. Therefore, those communities who understand that ILK should be free to practice and learn it, and this should be supported. For example, the knowledge of hunter gatherers should be protected because it is important to those communities, rather than being assessed for broader uses by outsiders. Also, a farmer does not need to learn how to herd livestock, they instead need support to help them manage their crops. If the wrong knowledge is pushed onto communities, it will be resisted, but knowledge does not need to have universal use in order to be important and protected. Participants noted that there are some good examples, including in Canada, where there are universities teaching ILK and related practices, but they are not teaching the whole of Canada, they are only teaching the intended communities. Overall, participants highlighted that it is always important to recognize who is making the decisions about which knowledge is important or not, and how it should be applied, and this may be particularly true when it comes to building national or global monitoring systems.

Participants also noted that once knowledge is documented, it is easy to take it out of communities, which can disempower communities around decision-making, as their knowledge, or at least a poor representation of it, is used by outsiders to make decisions about their lands and lives. Documented knowledge can also be easily stolen or appropriated, with no credit or benefits flowing back to communities (also discussed above for chapter 2 and below for chapter 5). Overall, Indigenous Peoples and local communities may approach collaborations and partnerships with suspicion as they recognize that there are great imbalances of power in these systems, and significant risks for communities.

Participants therefore recommended that instead of ILK being documented and taken from a community, they instead need tools and support that protects knowledge within the community. They noted that their monitoring systems, knowledge and livelihoods should be respected as they are, and that Indigenous Peoples and local communities should be supported to monitor and manage their own lands as a holistic system, rather than researchers or governments trying to extract knowledge through monitoring so that decisions can be made elsewhere by people who are not from Indigenous Peoples and local communities. Within this, ILK should be recognized and protected as a science that uses its own knowledge to verify it, rather than needing translation and verification through western science. They noted that this is a central concern that needs to be resolved before discussions of monitoring methods can take place and before Indigenous Peoples and local communities make significant contributions to external monitoring programmes. These issues are discussed more below for chapters 5 and 6.

In terms of how community monitoring and decision-making could be operationalized in practice and supported, participants highlighted the importance of FPIC, which is an Indigenous right set out in the UNDRIP (FPIC is discussed more below for chapters 5 and 6). If done well, FPIC would support communities to monitor their own lands using their own knowledge systems, including impacts and potential impacts from business, and to make informed decisions about how this should proceed, or not. However, they noted that FPIC is rarely implemented either partially or in full. Other aspects of maintaining and supporting monitoring systems of Indigenous Peoples and local communities include support for learning on the land, protection and revitalization of languages, and protection and restoration of the lands, waters, animals and plants that knowledge systems depend on. These issues are discussed more for chapters 5 and 6, below.

A participant also gave a positive example of how communities in northern Thailand used new technologies and methods to document their knowledge, in ways that kept the knowledge, and control of the knowledge in the community. They used community mapping and transect walks as monitoring tools, as part of a project to determine the extent to which community lands had been sold to outsiders. They walked throughout each community, drawing as they went, and then they subsequently drew it all on a large map and mapped out different zones. This process helped to dissuade investors from buying the land, as ownership and lack of title became more apparent. They also have adopted “modern” tools to monitor the land and the environment e.g., GPS and GIS. With these, the challenge they recognize is that they must create monitoring data that most people in the communities can use, access and implement. These issues are discussed more for chapter 6, below.

## **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 ILK relevant parts of the draft chapter, and also relevant parts of the draft summary for policymakers. Participants were then asked to reflect on the drafts, including around the following questions:

- What transformative changes would Indigenous Peoples and local communities want to see in other businesses?
- What are the key actions for other businesses, according to Indigenous Peoples and local communities?
- How can Indigenous Peoples and local communities' rights and interests be protected and promoted by businesses?
- How would Indigenous Peoples and local communities want to participate in these processes?
- What can other businesses learn from the businesses and economies of Indigenous Peoples and local communities?

## **Chapter 5: Discussion**

### **Chapter 5 – Protection of lands and peoples**

Participants agreed that as many companies are responsible for environmental destruction, they must take a leading role in protecting the environment. They gave many examples of cases where companies have caused environmental degradation, including mineral extraction, logging, and unsustainable harvesting of plants like aloe vera.

They also noted that “green” energy is also often destructive to their lands and livelihoods, as it is often developed on the lands of Indigenous Peoples and local communities, or needs resources or materials taken from them. They gave examples of how in some African countries, there are investors that want to develop green energy on lands that are sacred and hold high spiritual value. The energy also needs to move from those lands to the cities, so transmission lines are built. Governments can be clear that they need more green energy to move away from fossil fuels, and they are supported by the global push for green energy. There is therefore a large pressure from the global level impacting through the national level to the local level, and often this is not going to stop for Indigenous Peoples and local communities.

Participants emphasized that all these impacts will eventually come back to also cause problems for humanity, but particularly Indigenous Peoples and local communities who are tied to the lands where the damage and degradation takes place. Participants therefore emphasized that businesses must do more to prevent damage to lands and livelihoods and cultures. A participant noted that Target 15 of the Global Biodiversity Framework (Businesses Assess, Disclose and Reduce Biodiversity-Related Risks and Negative Impacts) is therefore crucial. Participants also noted that companies at different scales should alter their operations to reduce environmental and social impacts, for example in some parks in Kenya lodges are built along the rivers, but these are key places for nature, and the lodges should move back to give space for wildlife.

Participants also emphasized that businesses must do proper due diligence and properly assess environmental, social and cultural impacts before a project starts, and Indigenous Peoples and local communities should participate in these processes. They noted that in many cases governments give licences before an impact assessment takes place, so the assessment is not really carried out with any rigour, as it is only a small stage in the process of business inception that has already been approved. Participants also noted that companies must also similarly assess and do due diligence for social and cultural impacts, with attention to human rights and Indigenous rights, recognizing the diversity and intensity of impacts that can be experienced by Indigenous Peoples and local communities, including land access and impacts on livelihoods, culture and identity, which can create and perpetuate cycles of poverty and marginalization, as described above for chapters 3 and 4. Participants suggested that Indigenous Peoples and local



communities should also participate in these assessments, using holistic methodologies as described above for chapter 4. They noted that currently, environmental impact assessments tend to take precedence, while cultural impact assessments are rarely done, and are not strongly considered even if they do take place. A participant noted that Indigenous Peoples have also made contributions to the Taskforce on Nature-related Financial Disclosures, which could be explored by the assessment.<sup>8</sup>

Participants also highlighted that many companies overuse resources, destroy and pollute ecosystems and cause declines or extinctions in wildlife, and then abandon the area once the resources are depleted, leaving behind environmental degradation and social challenges. This pattern of exploitation demonstrates a lack of commitment to sustainable development, and can prevent Indigenous Peoples and local communities from accessing lands and resources for decades or longer after a project ends. Instead, companies should commit to restoration after they finish operations, including cleaning, replanting, and other needed activities. They should include and account for such activities in their initial plans. They should also be held to account to do this by governments and other actors, as discussed below for chapter 6.

Moreover, participants highlighted that businesses should aim to go beyond only minimizing damage or restoration, to actually enhance and support the environment, and to empower and enhance the livelihoods and cultures of Indigenous Peoples and local communities. They emphasized that this requires an understanding of Indigenous Peoples and local communities and their cultures, livelihoods and connections to lands, so that these can be supported and strengthened, as opposed to efforts to teach new skills or livelihoods, or change cultures, for example by trying to convince pastoralists that they should become farmers, or other interventions that unbalance relations and governance in communities.

## **Chapter 5 – Changes in values and economic systems**

Overall, participants noted that changes in behaviour and norms are crucial, as well as changes in values relating to business and what it should be trying to achieve. They recommended that the businesses and concepts of economy and wealth/wellbeing of Indigenous Peoples and local communities, and the values that underpin these, as discussed above for chapter 1 and chapter 4, could provide better models of sustainable and wellbeing-orientated business, rather than only seeking growth and profit. Participants highlighted that governments and business have, so far, missed the opportunity to include these value systems and concepts in their own understandings,

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<sup>8</sup> For example, from the Forest Peoples Programme:

<https://www.forestpeoples.org/sites/default/files/documents/TNFD%20Letter.pdf> and Tebtebba:

<https://www.tebtebba.org/index.php/news-and-updates/international-indigenous-forum-on-biodiversity-engages-with-taskforce-on-nature-related-financial-disclosures-tnfd>

models, goals and value systems, which currently are causing climate change, biodiversity loss, decreases in human wellbeing, and many other issues.

### **Chapter 5 – Human rights and Indigenous rights**

Participants emphasized that to generate a transformative change in business, Indigenous Peoples want to see businesses that respond to and enhance human and Indigenous Rights.

They noted that a significant current challenge is the lack of application of international standards around human rights and Indigenous Peoples. They highlighted that, in many developing countries, governments prioritise the economy and fostering direct foreign investment, so they want to make sure that their country is attractive to investors and businesses. Biodiversity can be a secondary priority and Indigenous Peoples and local communities are often considered to be even less important.

However, participants highlighted that at the global level, there are important agreements that set out principles for human rights and Indigenous rights, including the International Labor Organization (ILO)'s Indigenous and Tribal Peoples Convention, no.169 and the UNDRIP. The UN Guiding Principles on Business and Human Rights (2011)<sup>9</sup> were also developed and endorsed by the Human Rights Council, and operate on a three-pillar framework:

- (a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- (b) The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

Participants also noted that at the regional level there are important precedents in the African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights.

Participants emphasized that, to generate a transformative change in business, many Indigenous Peoples and local communities want to see businesses using the UN Guiding Principles on Business and Human Rights, ILO 169 and the UNDRIP, among others, as a basis of their actions. Businesses should integrate these into their operational principles and standards, and demonstrate and define how they will be implemented in practice. Participants noted that even where governments may not be responding to these rights and frameworks, which is often the case due to the need for investment and business as discussed above, businesses themselves can

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<sup>9</sup> [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)

still take the lead on developing these standards. Participants noted that these standards need to be made public and should be easy to find, so that Indigenous Peoples and local communities and others can more easily use them to hold businesses to account. They noted that there are growing problems in places like Latin America, with new businesses arriving that do not seem to have standards that can be found or read, so it is harder for Indigenous Peoples and local communities to try to influence their activities.

Participants also noted that a significant challenge to the application of Indigenous rights can be that some governments do not recognize Indigenous Peoples in their countries, as is the case in many countries in Africa and Asia, even where communities self-identify as Indigenous and this identity is widely accepted. In these cases, governments can then state that Indigenous rights do not apply to these communities. Participants noted however that even where governments are not recognizing Indigenous Peoples, businesses can still recognize that they are working with Indigenous Peoples and on Indigenous lands, and apply rights frameworks accordingly.

Participants also noted that many communities do not have land rights or secure land tenure as their governments do not grant these to them. However, as above, business can still recognize the rights of people living in an area, and apply standards and practices accordingly. They noted that this recognition is supported by some international frameworks that can then rule on the side of communities, for example the American Convention on Human Rights, Article 21 (right to property) is recognised by the Inter-American Human Rights Court, and communities can appeal to this to hold businesses to account, even where their governments do not provide land rights.

## **Chapter 5 – FPIC**

Participants highlighted that the full implementation of FPIC, an Indigenous right set out in the UNDRIP, is also key when discussing how business should interact with Indigenous Peoples, and recognizing that Indigenous Peoples can be the biggest safeguard against impacts of businesses on biodiversity, as well as ensuring that their monitoring systems and needed actions following these are enforced.

They noted however that often consultation to achieve FPIC does not happen. Often, companies come to Indigenous lands and say that they have an agreement with the government, and if Indigenous Peoples have any problems, they should go to the government, as they already paid them. For example, a participant discussed a case from Africa of an investor who set up a lodge in an Indigenous community area with a contract with the government, that was not seen by the community. Much of the contract was not in accordance with the Indigenous needs, including that the lodge did not want to be in sight of any livestock, but the livestock are key to the Indigenous livelihoods. This showed the community that from the beginning the business was not set up respecting the Indigenous Peoples living in the area. A participant also highlighted that

in some places, including some parts of Africa, governments and businesses set up or work with “middlemen” who claim to represent communities, and agree to activities which lead to human rights violations and environmental degradation, or send benefits and opportunities to the wrong stakeholders. It is therefore important for governments and companies to avoid middlemen in their engagements with Indigenous Peoples and local communities, as they tend to leave communities out of discussions about businesses. Participants noted that in other cases, governments or businesses divide communities, set up sub-committees that do not represent community governance, or they approach likely consenters to avoid community governance and decision-making processes.

Participants also explained that often FPIC occurs without the ‘I’, as communities are not properly informed of what they are consenting to. As such, communities may be misled or manipulated off their lands, for example to make way for resource extraction. They may also be misled as to the likely risks or impacts of a project, for example around chemicals used in oil and gas extraction, which are sometimes not declared in environmental impact assessments as they are confidential, so communities are not properly informed about pollution risks. A participant also noted that often communities do not know how to contact businesses with activities on their lands, so there is not a flow of information or discussion. A participant also noted that companies should also declare their assets to Indigenous Peoples and local communities as part of transparency and accountability, with full reporting of their dealings and compliance.

They also emphasized that often FPIC occurs without the ‘C’. In some cases, for example in many parts of Latin American, and in the energy sector in particular, FPIC is written as “free, prior and informed consultation”, with consent not included. They highlighted however that FPIC is Indigenous consent, to say “yes” or, importantly, “no” – and it needs to be clearly understood that if Indigenous Peoples say “no” this should then be respected.

They noted that in general, there are few documented examples of Indigenous Peoples saying “no” because governments or businesses force or intimidate them to accept, so the ‘Free’ aspect also may not happen properly.

Participants therefore emphasized that a transformative change for business would be for FPIC to be fully recognised. Participants noted that unfortunately, in most of countries, UNDRIP and FPIC are currently seen as voluntary. However, FPIC should be mandatory and an obligation for businesses on Indigenous land. They noted that many governments will not enforce this, but businesses can still decide that they will do this as an obligatory minimum standard in their activities, as discussed also above.

## **Chapter 5 – Grievance mechanisms**

Participants also highlighted that within discussions of monitoring systems there is a crucial need for effective grievance mechanisms. As discussed above, the third pillar of the UN Guiding Principles on Business and Human Rights says there should be remedies for breaches of obligations and human rights. Indigenous Peoples as well as local communities therefore need effective grievance mechanisms that they can go to when they have a problem. Participants noted that often these cannot be set up by governments, as state-based mechanisms have been shown not to work, as governments are often trying to weaken their regulations to attract investors, and hindrances to this often seem unwelcome. Participants also noted that there are examples of out-of-court grievance mechanisms run by extractive industries, but it is hard to tell if these are substantive or just box-ticking exercises, so it is better that they are fully independent. Therefore, non-state-based, independent grievance mechanisms are needed, in which independent individuals evaluate how business interacts with biodiversity and Indigenous Peoples as well as local communities. They should then be able to issue remedies that are binding. Again, participants noted that governments cannot be relied on to ensure compliance, so businesses need to take on these responsibilities.

Participants therefore emphasized that the foundational documents and operational standards of businesses should include how grievance mechanisms will be followed, as well as how UNDRIP and ILO 169 and other relevant frameworks will be implemented, as discussed above.

They also noted that capacity-building may be needed for these grievance mechanisms, and that businesses could provide funds for their operation, as long as the mechanisms themselves remain independent.

Overall, they noted that many Indigenous Peoples and local communities will be reluctant to engage in monitoring and knowledge sharing if there are no grievance mechanisms to ensure compliance when the monitoring shows negative impacts.

## **Chapter 5 – Access and benefit sharing and intellectual property**

Participants highlighted that access and benefit sharing, and recognition and respect for intellectual property, are key issues that businesses should be attentive to. This allows businesses to go beyond only minimising damage to lands and cultures, to actively supporting them, creating positive impacts.

Participants highlighted that currently, businesses often profit greatly from the lands and resources of Indigenous Peoples and local communities, without giving any benefits to the communities. Indeed, as described above for Chapter 3, often communities are suffering negative impacts from these businesses, as lands and livelihoods are destroyed.

Moreover, some businesses are using the knowledge of Indigenous Peoples and local communities without acknowledging where it came from, or providing any benefits. This is a crucial issue for many Indigenous Peoples and local communities, as they greatly value their knowledge. For example, in Southern Africa, many Indigenous Peoples have discovered that their knowledge has been utilized by business and turned into profits that were not shared with them. In another example, some Japanese Universities wanted to do research on arrow poison, but the community concerned refused as they were afraid to lose control of that knowledge, as no clear protections were in place. Participants stated that businesses should respect intellectual property rights and aim to set up access and benefit sharing agreements around knowledge, as well as around lands and resources.

Participants also highlighted that benefits that are produced on the lands of Indigenous Peoples and local communities should be reinvested in the communities, recognizing that they are the traditional owners of those lands and resources. They also highlighted the importance of respect for intellectual property rights, and benefit sharing from the use of ILK. However, participants noted that financial payouts are not necessarily the only solution, and may not always function in isolation, so they need to be part of broader processes.

#### *Example*

In Botswana, there are examples where profits from tourism were to be distributed across seven communities. However, in the end there were limited meaningful benefits and many community conflicts. While some communities did gain employment in wildlife concessions, mostly they were not part of the value chain and most of the available profits went into administration and considerably less into the communities. The communities living outside the area also saw an increase in wildlife and resulting problems of human wildlife conflict. As a result, many of those communities are now very resistant to the concept of conservation.

Participants noted that benefits can therefore go beyond only financial payments, and businesses can ensure benefits in different ways, including providing skills, training and infrastructure. For example, in some places where wind power is generated on the lands of Indigenous Peoples and local communities and is then taken elsewhere in the country, it could also be supplied to the communities. Non-monetary benefits can also include transfer of skills, including capacity development, and continuous training with the communities so that they can take more of a leadership role in the partnerships, rather than only doing low-level jobs. The ultimate goal for many communities is to claim their lands back and do their own livelihoods and businesses there, and external businesses can support them in this goal.

#### *Example*

In Southern Africa, communities negotiated with businesses directly, with attorneys, to achieve the rooibos access and benefit sharing agreement. After 10 years, they signed an agreement,

which saw financial benefits go to the communities. The distribution of benefits is however not simple. There are two groupings: the Koi and the San. The San have four communities and have their own land. However, the Koi have 39 communities. Also, San people are spread out across South Africa, Namibia and Botswana. Therefore, it is a big challenge for the Indigenous groups to distribute the money to all of these people. Last year (2023), they signed a second agreement, which included negotiation of non-monetary benefits, including training and capacity-building.

Access and benefit sharing and partnerships can potentially create positive benefits to communities and to businesses, for example by supporting them in protecting and managing nature, which can then be of benefit to biodiversity. Such agreements and partnerships, and their impacts, can therefore be important to also monitor.

### **Chapter 5 – Partnerships**

As noted above, participants also highlighted that many Indigenous Peoples and local communities do not want to only receive benefits from business, they also want to participate as meaningful partners in the whole value chain, so they are not only receiving funds or working on the ground providing resources. Instead, they want to be in different positions, participating, contributing and benefiting in different ways. There are however many risks to this, as communities can be drawn into economic systems that can be hard to extract themselves from and that bring changes in values and other pressures. There is therefore diversity in terms of how far communities want to go, whether it be small community enterprises collaborating with distributors or marketers of their traditional, sustainable products (as in the case of Thailand, which also brings challenges as discussed above for Chapter 1), or partnerships with large businesses that bring significant revenue (as in the case of rooibos tea partnerships in South Africa, also discussed above for Chapter 5). Monitoring of the complex impacts of these partnerships on nature and people is therefore important.

Overall, participants agreed that in all cases Indigenous Peoples and local communities want to be equal partners, or leading these partnerships, and that they should be recognized for the significant knowledge, skills and resources that they bring. There can be many obstacles for Indigenous Peoples and local communities to start and sustain their own businesses, especially in a competitive profit-driven environment, so such partnerships can be very useful for Indigenous Peoples and local communities. Many communities want self-determined development, to decide what they want to do for their futures, and companies should adapt to these visions and support them.

Participants noted that businesses on the lands of Indigenous Peoples and local communities or businesses that use ILK should not be registered if the Indigenous Peoples and local communities are not partners, for example if they do not have seats on the board. Other participants noted



that many Indigenous Peoples and local communities want to be shareholders of companies working on their lands or with their knowledge, and they wish to be treated as such. For example, a participant shared that in South Africa, a foreign company that has a project in a community must give 30% shares to the local community and the local contractors, as a recognition that they are using the communities' resources, so this is a minimum fair payment. He noted that this could be explored as a model. Participants noted that often Indigenous Peoples and local communities can add value to the business, for example in the case of rooibos, where communities can contribute to branding and marketing of products so consumers can see it has ethical origins, as well as to ensuring benefits flow back to communities. Moreover, Indigenous Peoples and local communities have their own values and conceptions of economy, business and wellbeing, and they can contribute these as partners and shareholders, guiding companies to do things in the right way, to create a better future for all.

Another participant noted that some businesses on the lands of Indigenous Peoples and local communities could also aim to transition to ownership by Indigenous Peoples and local communities, for example safari lodges in Africa. In such cases, there could be a clear plan and strategy for how and when the business will transition to community ownership. He noted that businesses should be aiming to build the capacity of Indigenous Peoples and local communities, and if they are doing that, they should be able to leave the community when the Indigenous community has the capacity to manage the business on their own. Dual ownership could also be explored.

Another participant gave an example of a good practice that could serve as a model or case study. A chef in Peru has a series of restaurants and gets ingredients from Indigenous communities. He explains to the customers where the ingredients come from. Importantly, he also invites the community members to come to see what they do with their products, so they know everything about where their products are going and how they are used.

Another participant noted that the !Khwatla Centre (the venue for the ILK dialogue workshop), is also an example of a positive partnership and sharing of benefits, as a sustainable collaboration between people from Switzerland and the San People. The money generated by the centre is reinvested in the community, and San people also come to the centre and learn about their culture, and receive training and in some cases become part of the team as managers or guides. This is one way in which business revenues and benefits can be shared back to the community, by providing good jobs and training.

## **Chapter 5 – Governance and biocultural protocols**

Participants highlighted that respect for community customary governance and decision-making processes and collective rights is key for all of the above discussions around actions for businesses and monitoring systems. Many communities have their own systems of laws and governance, for



example chiefs, councils of elders, inclusive collective decision-making systems or important rituals. Participants noted that businesses should aim to understand these systems, work with them and support them. Participants noted that in many cases this does not occur, and businesses seek to work only with segments of a community, ignoring or working around traditional customary governance, which can serve to weaken the systems of Indigenous Peoples and local communities, and create conflicts within the community, which then furthers negative impacts on community wellbeing and eventually environmental degradation as community systems can no longer protect the environment.

Participants noted that, in response to approaches from businesses, researchers, governments and others, some communities have developed their own protocols, which may be called “biocultural community protocols” or other similar terms. These can be for a specific community, or a broader group. Such protocols vary, but often aim to explain to outsiders that communities have their own ways of doing business, livelihoods and community development, and hold collective rights. They state how outside actors should deal with the community, and set rules of engagement, including around governance and community norms and often FPIC. They are recognized as a tool by the Nagoya Protocol on Access and Benefit Sharing. As examples, the Khoikhoi Peoples’ Rooibos Biocultural Community Protocol<sup>10</sup> was developed by the National Khoisan Council (NKC) of South Africa, with support from Natural Justice. Other examples of Biocultural Community Protocols can be found in Mexico, for example for Ejido Nejapa de Madero<sup>11</sup> and San Juan del Río<sup>12</sup> in Oaxaca. Meanwhile, the San developed a code of research ethics,<sup>13</sup> which means that when researchers enter a San community they must sign a contract showing benefits and other stipulations. Another example comes from Ecuador, where a community that was approached by companies created an “Indigenous standard” which has to be adopted by companies who want to come to their territories. These protocols, codes and standards are based on customary laws, but also have been adapted to the new realities in which communities find themselves. Participants highlighted that such community protocols are very important because they link international frameworks such as the Nagoya Protocol and UNDRIP

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<sup>10</sup> See: <https://naturaljustice.org/wp-content/uploads/2020/04/NJ-Rooibos-BCP-Web.pdf>

<sup>11</sup> <https://absch.cbd.int/api/v2013/documents/9FE22165-47F8-DBCD-2932-3EC82414E894/attachments/213325/PROTOCOLO%20COMUNITARIO%20BIOCULTURAL%20DEL%20EJIDO%20NEJAPA%20DE%20MADERO%2C%20YAUTEPEC%2C%20OAXACA-MEXICO..pdf>

<sup>12</sup> <https://absch.cbd.int/api/v2013/documents/991DE64B-0EBD-71FD-135E-ECCBD5E5469E/attachments/213450/Libro%20SJR%20final.pdf>

<sup>13</sup> <https://trust-project.eu/wp-content/uploads/2017/03/San-Code-of-RESEARCH-Ethics-Booklet-final.pdf>

to local realities. Their creation, application and impacts for business, communities and nature could be monitored.

## **Chapter 6: Options for actions by governments, the financial sector, Indigenous Peoples 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, Indigenous Peoples and local communities 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 ILK relevant parts of the draft chapter, and also relevant parts of the draft summary for policymakers. Participants were then asked to reflect on the drafts, including around the following questions:

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

### **Chapter 6: Discussion**

#### **Chapter 6 – Governments: political will, policy and due process**

Overall, participants noted that political will is essential. They highlighted that if there is no political will, nothing will change, as most of the findings and options for action in the assessments require governments to take action.

Participants also noted that in terms of negative impacts by businesses on nature and people, governance is often the biggest issue. Often there are no checks and balances in place, in terms of regulations and due process, and that allows negative impacts to proliferate, for example, environmental impact assessment approaches are often insufficient. A participant noted that in many contexts, it can seem that environmental impact assessments carry more weight than social impact assessments, which are seen more as an addition. The participant also noted that in Southern Africa, businesses are often given a mining license before the environmental impact assessment is done. In some cases, the assessment does not really take place, or is not properly

validated. Moreover, current pushes for “green energy” can see projects developed on Indigenous lands which in fact have significant local environmental impacts, as discussed above for chapter 5. Participants also noted tendency to ignore broader challenges affecting communities and their livelihoods within impact assessment processes. Also, the decision-making power usually lies with the government. Communities can apply for an appeal, but often the government dismisses this, for example around mining projects.

Participants also noted that even where impact assessments are taking place, it is very difficult to implement FPIC on the ground, as many governments and businesses do not respect Indigenous Peoples or their rights. A participant noted that many African countries have nationalized their resources, and even in places where land is given to Indigenous Peoples and local communities, governments maintain the rights of the resources. This can lead to a push for integration, assimilation and evictions. Within this process, many governments do not seem to appreciate discussions of knowledge, biodiversity conservation, culture and rights. Participants also highlighted that money can corrupt and intimidate, both governments and local people.

Participants noted however that governments have a responsibility to ensure proper processes are followed. Measures must be strengthened to ensure companies and businesses respect all biodiversity and human rights safeguards.

Participants highlighted that due to the dominance of economic and investment concerns for many governments, recommendations and policy options in the assessment should be connected to existing treaties, laws, instruments and protocols, to give them more weight. Without this, many governments will not listen or see a reason to act. Moreover, demonstrating the economic benefits of nature conservation and human rights can be crucial, as the economy is often the main preoccupation of governments.

Participants also highlighted that when it does happen, government support can be crucial. For example, in the rooibos case, the government organized a two-year independent research study which confirmed that the knowledge belongs to Indigenous Peoples in South Africa, which was not what the companies had been claiming.

## **Chapter 6 – Governments: Recognition of Indigenous Peoples**

Participants highlighted that a significant challenge is that many governments do not recognize Indigenous Peoples in their countries as Indigenous, for example in many countries in Africa and Asia, as also discussed above for chapter 5. This can be the case even where communities self-identify as Indigenous, and where this identity is widely accepted internationally and in other fora. In these cases, governments may state that Indigenous rights do not apply to these communities, or they may not be aware of Indigenous rights and what these mean for communities. This means that UNDRIP, ILO 169, FPIC and other mechanisms that can help to

ensure that Indigenous Peoples are able to protect and manage their lands and their communities can be ignored. Participants therefore emphasized that governments should recognise the Indigenous Peoples in their countries, and apply rights frameworks accordingly. They noted that this would be of benefit to nature and people.

#### *Example*

An example was given from South Africa, where for many years the Khoisan community were not recognized. Politically there was no platform to speak to business, and there was no recognized leader, and the rooibos tea benefits could not flow to the communities as they were not seen to exist. During negotiations for rooibos, they needed to first justify their existence and assert their identities. With the history of South Africa it was also difficult to know who was San and who was Khoi, and who should be represented and how they should be represented, both politically and by NGOs such as IPACC (the Indigenous Peoples of Africa Coordinating Committee), and then how to distribute benefits. There is no data on how many Indigenous People are in which states within South Africa, as the last time that the Khoisan were counted was in the census of 1955. They are currently in a period of healing their communities, as the past laws have created a lot of trauma and restoration is needed. It is a very complex system, where still much could be changed.

This issue of Indigenous rights can also become more complex, as in some countries Indigenous Peoples are recognized, but they do not have the right to do business and they only have the rights to livelihoods as an Indigenous community, for example around reindeer herding. If Indigenous Peoples want to create a business, they can lose some of their Indigenous rights to lands and resources.

### **Chapter 6 – Governments: Participation and autonomy**

Participants emphasized that participation by Indigenous Peoples and local communities in governance and in the development of policies relating to biodiversity, business or Indigenous Peoples and local communities is key, as often policies are not suited to Indigenous Peoples and local communities, their own businesses and enterprises or the impacts they experience from business. They noted that often governments view Indigenous Peoples and local communities as vulnerable because they are poor, rather than recognising their strengths, which include their knowledge systems and management practices. As a result, important ILK is often missing from frameworks that could benefit from it. For example, many National Biodiversity Action Plans (NBSAPs) do not include ILK.

A participant noted that policies relating to business should take into account Indigenous Peoples and local communities, especially when they have been involved in the creation or discovery of a resource, or when an activity is taking place on the lands of Indigenous Peoples and local communities. For example, a participant explained that a new biodiversity strategy is aiming to

develop and implement trade of high-value animal parts, including rhino horn and elephant ivory. This would cause problems, because the strategy is focusing on business aspects rather than protecting species and the side effects from poaching suffered by communities, as well as impacts on tourism. Instead, laws are needed that protect animals and communities from poaching, and communities should be involved in their development.

Participants highlighted that Indigenous Peoples and local communities also need to participate in the development of policies to ensure and support access and benefit sharing, and partnerships with business, so that they are culturally appropriate and ensure true benefits to communities, including following the Nagoya Protocol.

Participants also explained that it is important for governments to govern in partnership with traditional leaders or customary governance systems, to benefit from their knowledge and practices. Often, even where there is some participation, currently there are few true partnerships where Indigenous Peoples and local communities have decision-making power, for example in some countries traditional leaders have a seat in some discussions, but do not have voting status, so they are forced to lobby or otherwise try to influence decision making processes. Meanwhile, participants also noted that once a government has decided it will accept an application from big business to carry out activities, they may sometimes then ask Indigenous Peoples and local communities to comment on the proposal, but these comments do not seem to hold any weight and the activity proceeds regardless, so this is not real participation.

Participants also noted that with centralized governance and very little autonomy for Indigenous Peoples and local communities, it is very difficult to organize non-financial benefits from business, or for businesses of Indigenous Peoples and local communities to develop. Giving Indigenous Peoples and local communities autonomy and governance over their lands would create a better enabling environment that would empower Indigenous Peoples and local communities to engage in business and protection of nature. Participants gave examples of how centralized governance causes problems, including an example of where government policies compete or cancel each other out, for example around solar panels which were supported by one ministry but not allowed by another in a community, as the area concerned was classified as a forest area, where different regulations applied. As a result, the community was disappointed and stopped engaging with the government. Granting more autonomy would potentially alleviate these types of issues.

As discussed above for chapter 5, participants also noted that Indigenous Peoples and local communities should be included in the management and oversight of businesses, for example on company boards, and deals around business should include consideration of Indigenous Peoples and local communities, and their lands, livelihoods and cultures. They noted that governments can have a role in encouraging and enforcing participation by Indigenous Peoples and local

communities, including through setting parameters for registration of companies, laws or guidelines.

### **Chapter 6 – Governments: support for the businesses, livelihoods and cultures of Indigenous Peoples and local communities**

Participants also noted that governments have an important role in protecting and supporting the businesses, livelihoods and cultures of Indigenous Peoples and local communities. They emphasized that these businesses and livelihoods are forced to exist in a wider framework that is usually highly competitive. This often does not suit community values and cultures, which are often more focused on cooperation and subsistence needs. They noted that businesses are regulated, often to give “fair competition”, but when Indigenous Peoples and local communities are treated equally with bigger businesses they have no protection. For example, rooibos in South Africa is now in a market system that is competitive with Indigenous Peoples that do not subscribe to competitive values. Another example was given of bidding for fishing licenses, where Indigenous Peoples have to bid alongside and in the same way as large corporations, and inevitably lose out. Regulations are therefore needed to protect or support businesses of Indigenous Peoples and local communities. A participant also noted that in many cases in Southern Africa, contracts with foreign investors mean that profits flow out of a country, with few benefits to local people. More could be done to keep investment in the country, and build opportunities for communities.

Participants also noted that their businesses can be hindered by laws and regulations from their governments. Often, governments choose to protect nature over supporting Indigenous Peoples and local communities, and so may limit their activities in forests or other areas, often especially activities relating to businesses of Indigenous Peoples and local communities as they assume these will harm nature. Meanwhile, when other larger businesses apply to do activities in similar areas, governments often accept, which causes great environmental destruction as well as social impacts, as described for chapter 3.

#### *Example*

An example was given from Asia, where laws prevent communities from doing the businesses and livelihoods of their choice. Land is zoned by slope levels, to determine what can happen on different lands, e.g., monocrops and factories are allowed on flatter lands, whereas steeper lands are protected, and trees cannot be cut and only forest resources can be used. However, mostly it is Indigenous People who live in these steep areas, and their rotational farming requires lands to be cleared. However, the discourse of biodiversity conservation is used to stop them from continuing Indigenous practices and ways of life, for example mangoes, durian and coffee cannot be planted as they do not like shadow, so some tree clearing is needed. Indigenous Peoples have

shown that they know how to cut trees without killing them, and research proves they know how to do this and how to protect biodiversity and be in harmony with natural systems. However, many still see this as a destructive system. Every year villagers are criminalised and fined or jailed, and Indigenous organizations have to collect funds to pay for community members to be released as individuals or families do not have the funds for fines. Communities want to be allowed to use the land following their customary rights and practices. If not, this limits how communities can do business and livelihoods. The communities are now working with the government to propose a special cultural protection zone, to create another definition of a protected area that allows for community practices. This may pass, but conflicting laws may still prevent communities from doing what they wish, as overlapping ministries have laws that give them control over the area in different ways. If communities are not protected and supported, it will become harder and harder for them to decide the business and livelihoods they want and need to do.

Participants also noted that governments can be tied to inflexible policies and projects, and so are not able to respond to community needs. A participant shared an example of how their government set up a program to teach the community how to weave, but the community already knew how to do this. Meanwhile, requests to support businesses and livelihoods developed by the community are often refused.

### **Chapter 6 – Governments: Indigenous owned and managed lands**

Participants noted that land tenure is a crucial factor for many Indigenous Peoples and local communities. They noted that governments have an important role in ensuring land rights. They noted that in many cases communities can feel powerless as the land does not belong to them. Communities cannot manage and govern their own lands, and starting their own businesses or maintaining livelihoods becomes difficult as they do not have certainty over ownership of the lands on which they depend. For example, in South Africa much of the land is owned by the church, and communities must pay rent to farm it, while in Kenya 68% of one county is owned by a small group of people who are descendants of the settlers who colonized Kenya. In these cases, even with monitoring and evidence of damage to lands and waters, communities may be able to do little to prevent it. Participants also highlighted that in many countries, in Africa as well as elsewhere, there is a history of evictions without restitution. Indigenous Peoples and local communities may also be criminalized for trying to access lands that are part of their traditional territories. Whole livelihood systems, such as pastoralism, can be at risk if land access is prevented. In these cases of lack of access, Indigenous Peoples and local communities are also unable to monitor affected areas.

Participants highlighted that governments should instead aim to define and support community owned lands, partly as a recognition of the importance of land management by Indigenous Peoples and local communities for biodiversity, as well as recognizing that Indigenous and local



knowledge and practices are tied to the land, allowing communities to build sustainable livelihoods and enterprises that are better for long-term wellbeing than big businesses that extract resources and then leave. Some participants also noted that co-stewardship and co-management can be important, if rights to land have not been clarified.

#### *Example*

Participants noted that there are good case studies of Indigenous owned and managed areas bringing benefits for livelihood and nature. For example, in 1996, a Maasai community started conservation practices on their land, with livestock for livelihoods but also wildlife. Over time, they sub-divided their land and developed a grazing plan to ensure that grass and other resources were used sustainably. They also created a lodge on the land, from which benefits go to the community, including on education bursaries. With the profits they also bought more land to be owned by the community, which gives more space to allow more time for regeneration after grazing. There has been a significant increase of wildlife in the area, for example of eland and giraffes.<sup>14</sup> Conversely, there are few good case studies of benefits to both nature and people where areas are owned and managed by outsiders.

Participants also explained that an important aspect of land rights can be territorial demarcation, looking at how Indigenous Peoples and local communities identify their own territories, which were often broken up by the way nations were divided up, particularly in Africa.

Participants also noted that there are some good examples of constitutions and laws that do support Indigenous Peoples, local communities and their land rights, and these could be explored. For example, since its Constitution of 2010, Kenya increasingly has laws and frameworks that support communities, including the 2012 Land Act and 2016 Community Land Act, which also support community ownership, and include steps of registration, land settlement and a management plan. In particular, the Community Land Act aims to give power to everyone, including women. The Kenyan Wildlife Service also supports communities to benefit from their lands.

A participant shared that another example of a supportive framework is the American Convention on Human Rights, Article 21 (right to property), which is recognized by the Inter-American Human Rights Court. In cases where governments have not formally recognized communities' rights to land, the court has found in favour of the communities and ordered

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<sup>14</sup> See: Book foreword written by Ramson Karmushu. *In Settler Ecologies: The Enduring Nature of Settler Colonialism in Kenya*. 2024. English edition by Charis Enns (autor), Brock Bersaglio (autor), Ramson Karmushu (foreword).



governments to demarcate land title. Examples include the Awas Tingni community and Saramaka people.

Participants also noted that in many cases, Indigenous Peoples and local communities are criminalized or prevented from accessing resources on their lands. This can be the case even where their land rights are recognized – they may have rights to the land but not the resources of the land, for example around fishing. Meanwhile, large companies are often awarded rights to extract and harvest resources at much greater scales. Participants noted that governments have a role and responsibility to resolve these issues.

Participants also noted that Indigenous and local community-owned lands are also threatened by protected areas, which have a history of evicting Indigenous Peoples and local communities or reducing their access to resources. They noted that there is therefore concern around debt-for-nature swaps, where governments are incentivized to demarcate protected areas in exchange for reductions in debt. They noted that this could be important to explore in the assessment as it represents a business for governments and a potential negative impact for Indigenous Peoples and local communities.

### **Chapter 6 – Indigenous Peoples and local communities: knowledge systems**

Participants highlighted that ILK systems, including practices, values and worldviews, are central to monitoring and land management by Indigenous Peoples and local communities.

They therefore noted that protection of ILK is essential within discussions of monitoring. They also noted that in many cases, ILK is declining due to pressures placed on communities. This can include loss of access to lands and resources that are tied to knowledge or destruction of important spiritual sites. In some cases, elders are some of the last remaining knowledge holders, and they are dying without being able to pass on their knowledge. For example, one of the last people in an area of Southern Africa who knew how to perform a sacred ritual wanted to pass on his knowledge, but he was unable to do so as he had been removed from the lands on which that knowledge was based, and the ritual needed significant time and preparation on the lands that he knew. This shows how when people are disconnected from land their knowledge loses its power.

Participants also noted that outside knowledge systems and values put pressure on ILK systems, particularly where outsiders, and in particular their businesses, arrive in the lands of Indigenous Peoples and local communities, as has been discussed for chapter 3 above. Participants also highlighted education systems as a crucial factor, as children learn new knowledge and values, and do not have the time to spend significant periods with their elders out on the land engaging in traditional practices that are tied to learning and knowing. Technology was also highlighted as a significant threat to ILK systems, as youth engage with this rather than their elders.

Participants also discussed the role of research on ILK. Some participants highlighted that research can have an important role, and that it is necessary to document ILK before it is lost. They also noted that Indigenous Peoples and local communities can feel pressure to document and formalize their knowledge so that they can claim intellectual property rights and prove that products are based on it.

Other participants noted that documentation brings risks, as then it is easy for researchers or businesses to remove knowledge from the community. They therefore noted that respect for intellectual property rights by businesses and researchers is crucial, as was also discussed above for chapter 5. Patent rights over their knowledge, and products related to it, can also be key. Participants noted that FPIC around research is also key, and they noted that often this does not happen, as researchers often mislead communities about the benefits of research, and then leave with the knowledge and the community see no benefits.

Participants also highlighted that research and documentation, and education based on this, often change ILK systems. Participants emphasized that learning documented ILK in a classroom or university is not the same as learning by experience on the land through oral knowledge, to see, to be told, and to listen to stories that are linked to nature, while participating in activities within a dynamic system. They also noted that some knowledge holders want to pass some of their knowledge on to their own children rather than to others outside of their extended family networks. This can be the case for sacred knowledge or knowledge of medicines, for example. Sharing this knowledge with all students in a classroom can therefore be inappropriate.

They therefore noted that in order to protect and in some cases revitalize ILK systems, and the monitoring systems embedded within them, focus needs to be placed on maintaining a dynamic knowledge system that is tied to the land, community and practices. This can be supported by ensuring access to lands and waters, reducing environmental destruction, and supporting the livelihoods and businesses of Indigenous Peoples and local communities. Participants also highlighted that education systems and schooling could be reimagined to support and encourage ILK systems, for example to include and encourage time on the land with elders.

Participants also noted that where communities feel documentation of knowledge is necessary, communities may need to develop knowledge centres within their communities, so that the knowledge can stay in the community and is managed and controlled by the community. These need to be accessible and open to members of the community. Formal process of FPIC and benefit sharing also need to be instigated where there will be work with outside researchers. Within this, bio-cultural protocols are important as they allow communities to determine how they will handle research and researchers, as also discussed above for chapter 5.

## Chapter 6 – Indigenous Peoples and local communities: economic systems and visions

Participants also discussed different ways in which Indigenous Peoples and local communities can influence business and the economy. Participants noted that Indigenous Peoples and local communities' values and conceptions of economy, wealth, wellbeing, livelihoods and responsibilities towards nature and community can be important lessons. These could also support other global movements, for example the de-growth movement, which recognizes that the world cannot infinitely produce, while the current system is always creating more demand.

Participants noted that Indigenous Peoples and local communities should be proud of their economic and livelihood systems. They noted that these economic systems have proven to be sustainable over time. For example, in spite of studies from around the 1930s and onwards claiming that pastoralism was going to diminish and disappear, this livelihood and economic system has continued into the present day. It remains the most valuable livelihood in northern Kenya, and the best economic system for the communities. This is founded on Indigenous Peoples owning land communally, and valuing nature and people over financial wealth.

Other participants noted that Indigenous Peoples and local communities may need to also express their values and contributions in economic terms rather than only asserting custodianship and spirituality. For example, the economic value of conserving trees, or of skills in tracking, may need to be clearly expressed, so the rest of the world sees the value of these in economic terms.

Other participants expressed that communities may need to become more business-orientated, so that they are able to build their own businesses, and also choose the partnerships they want with other businesses, and the terms on which they want to partner, so that they begin to benefit from the significant resources that are on their lands. Where possible, they may also need to seek to engage at different points in the value chain, rather than only supplying raw materials, and find ways to move economic activities away from cities and other countries and into their communities, so that they benefit more. As discussed above for chapter 1, for many communities such engagement with business may be seen as a survival strategy in a competitive modern world, rather than what they would necessarily choose for themselves. A key challenge within this is maintaining community values and connections to nature.

### *Example*

A participant suggested that the community of Khanawake near Montreal, Canada could be a good example of a community that went through many struggles but now has its own businesses and conservation programmes that emphasize community values.

Another participant recommended that Indigenous Peoples would benefit from a forum in which they come together to discuss business strategies and build consensus and positions. This could

also be a space to meet potential investors directly, and to build partnerships and cut out intermediaries who often take most of the profits and allow abuses of rights. Part of this work would be to emphasize that Indigenous Peoples and local communities can bring a lot to these partnerships, including their knowledge but also their support for branding and marketing, as many people want to buy Indigenous products.

Participants also noted that it is important to also include youth in efforts to build visions for community economies, and to look at the potential impacts, advantages, disadvantages and risks from business, to understand the future that youth want to see. For example, around legally trading rhino horn there is economic opportunity but very significant risks for communities. In these cases, youth and elders need to be brought together to discuss. Time is needed for this, for everyone to interact and discuss and build a vision of the future together. At present, people in communities are receiving different information in different ways, for example youth through social media, while elders rely on traditional knowledge systems, and these groups can therefore be quite segregated. Outside pressures tend to try to divide communities, by promising individual benefits or stoking competition, and then communities and their communal management systems can collapse. One of the most important tasks therefore is to work to keep everyone together. Building a common vision can be key.

#### *Example*

An example was given of a Khoi San farming business that was built up through communication with community and shared benefits. The community association aimed to promote a healthy environment for socially uplifting of its members. It created a school and housing for the community. They also used horses and donkeys to avoid pollution. To ensure communal management, consistent meeting between community members and elders were key. There was government involvement in some instances but most of the time it was community knowledge driving the process. When the land was restored to the community, elders were consulted on how to approach government and other stakeholders. Many community meetings were needed and they spend a lot of time working to keep the community all in the same vision and working in harmony.

### **Chapter 6 – Indigenous Peoples and local communities: governance**

Participants emphasized the importance for communities of supporting customary governance and supporting or building leadership in their communities, as well as building and maintaining coherent community visions, actions and decision-making, so that communities come together with one voice when approached by governments or businesses rather than fragmenting into factions that are easily subverted to the demands or promises of others. They noted that this is particularly important where governments and businesses do not run appropriate consultation processes, and may instead withhold relevant information or create divisions in communities. In

these cases it is particularly important that communities stand together to hold governments, businesses and researchers to account.

#### *Example*

An example was given from northern Thailand of how communities monitor their lands and make collective decisions. The communities of Hin Lad Nai and Mea Paw Kee know that their businesses have to be in harmony with the natural world. This can be a challenge. Before deciding to do any new business, they therefore make an exploration trip to a similar area. The chief and the rest of the community have to be well informed to make good decisions, and they value and promote equal access to information. The decision is then collective because it is important that everyone is treated as equals. They learn from experience and do not reject ideas, but instead they consider and they decide together. The leader never decides on their own but provides the space and the public sphere to consider the ideas, issues, risks and so on. If the majority is against it, they do not go ahead with the business idea. For example, some members of the community wanted to engage in monocropping, so they went to a community where this is taking place, and looked at the state of the forest and the rivers, and the majority of community members then decided that they do not want that.

To further support and formalise customary governance and leadership, participants noted that it can be important for communities to develop biocultural community protocols or similar rules or codes of conduct (as discussed above for chapter 5), which can include decision-making processes, FPIC, guidelines for economic opportunities, and anything else a community thinks is important to document in terms of how they will interact with governments, businesses, researchers or others. For example, IPACC, supported by USAID, is currently working with partners in Namibia and Botswana to work with communities on developing FPIC protocols. Within this, it is important to explore how international protocols and standards can be translated to the reality on the ground when working with communities. FPIC's full meaning and implications at local levels also need to be explored, including in terms of marketing and intellectual property as well as preventing negative impacts to environment and community wellbeing. Participants suggested that governments should recognize and support these processes.

Participants also noted the importance of Indigenous Peoples and local communities' organizations, such as IPACC, for providing a space for Indigenous Peoples and local communities to share their experience, build capacity, form alliances and push for change.

A participant also noted that at the international level, Indigenous Peoples' organizations are pushing for Indigenous Peoples to be recognized as rightsholders, rather than only as stakeholders, and this increasing recognition can then generate positive changes at national and local levels.

Participants also noted that where possible, Indigenous Peoples and local communities may need to seek or push to become part of political processes, including joining the government, so that they have a voice within these systems, as has been possible in South Africa.

### Chapter 6 – All: Capacity-building

Participants also highlighted the importance of capacity-building as part of the important actions for governments, Indigenous Peoples and local communities and others. They noted that often, Indigenous Peoples can only benefit from their rights, including FPIC, if they know that they exist and what they mean. Therefore work may be needed with communities so that they understand these. Communities may also need to understand intellectual property rights. The example given above of creating FPIC protocols in Namibia and Botswana includes a component of capacity-building, so communities understand their rights. Another participant noted that lack of literacy can be a challenge for some communities, as they may not be able to understand laws that might protect them, so capacity-building and education may be needed to address this.

Other participants noted that the term “capacity-building” is often misused. They noted that Indigenous Peoples and local communities already have capacity, and significant knowledge and skills. Often they may not need to have their capacity built by outsiders. Instead, they may need to be supported or empowered to take control and leadership in business, environmental protection and governance. In this sense, “capacity-building” should not be teaching new skills and values and trying to change Indigenous Peoples and local communities, but supporting communities to lead their own initiatives. In many cases the term “capacity-building” may not be appropriate.

#### *Example*

The Kenya Wildlife Service was starting to work with communities to fund conservation projects, and an Indigenous community was approached by settlers to try to help them with investors, but the community said no, as they wanted to resist further outside pressures. In the end, twenty elders who had never gone to school created a committee and developed what became a renowned lodge that has won prizes globally and hosts people from around the world, including William, Prince of Wales, and 20% of profits goes to other kinds of community development. Recognizing that they did not have knowledge on business management, the community hired someone to manage the business, but the community own the lodge and decide how it will develop.

Participants also noted that at the international level there is good progress and spaces are opening for Indigenous Peoples and local communities to participate, but often there are no resources provided to do research, or for Indigenous Peoples and local communities who attend international meetings to go back to their communities to share what they have learnt or their

progress. Capacity-building in this sense is needed in terms of providing financial resources for Indigenous Peoples and local communities to manage their own processes, rather than Indigenous Peoples and local communities being expected to use or find their own resources.

Participants also noted the need for capacity-building of institutions that can monitor, act as watchdogs and check on standards to make sure they are being enforced, including funding for Indigenous Peoples and local communities. They noted that in the case of Indigenous and local community organizations, often the key capacity issue is around financing, rather than the knowledge of how to monitor. Businesses and governments could provide this support to enhance community monitoring systems.

Participants also highlighted that capacity-building is usually needed for governments and businesses. Some governments and businesses do not know about Indigenous Peoples, local communities, or their cultures and livelihoods. For example, reindeer herders in Russia have diamonds on their lands and companies take the land to access the resources, blocking reindeer routes. However, reindeer have their migration patterns and cannot simply be displaced – people follow the reindeer, not the other way round. The companies do not understand this, because they have not discussed these issues with the Indigenous Peoples. Instead, they work in the land for months or years and they leave. In some cases, companies have also killed animals that are sacred for Indigenous Peoples, like polar bears, lynx and tiger.

Many governments and companies also do not know about UNDRIP, the rights of Indigenous Peoples and human rights-based approaches. Training therefore needs to be provided to governments and businesses from the Indigenous perspective, about culture, livelihoods and rights. For example, participants recommended that there should be mandatory training for all staff before implementing a project on Indigenous lands. Indigenous Peoples want to provide this training, but to do so they need resources and receptive audiences, which is where business and governments can provide support.

## 4 Next steps

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

- A series of comments were developed from the workshop, and shared with participants for their edits and approval before they were entered into the assessment's formal external review process;
- 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 comments and report as resources, the authors will continue to develop the draft chapters and summary for policymakers of the assessment;
- Author teams may reach out to participants, and other members of Indigenous Peoples and local communities, to invite them to be contributing authors;
- The assessment will finally go to Plenary in 2025 for approval; and
- Materials for Indigenous Peoples and local communities will be developed from the finalised assessment, and a webinar for Indigenous Peoples and local communities will be organized, to help to communicate the results of the assessment to Indigenous Peoples and local communities.



## Annexes

### Annex 1: Agenda

<b>Wednesday 31 July</b>	
8.00am	<i>Bus to !Khwa ttu San Cultural Centre</i>
9.30am-10.00am	Opening, introductions
10.00am-10.15am	Introduction to IPBES and its work with Indigenous and local knowledge (ILK) Aims, methods and agenda of the dialogue Free Prior and Informed Consent
10.15am-10.30am	Introduction to the local context
10.30am-11.00am	Refreshment break
11.00am-11.30am	Introduction to the business and biodiversity assessment: aims, methods, timelines, progress so far, draft chapters and draft structure of summary for policymakers (SPM)
11.30am-12.30pm	Caucus for Indigenous Peoples and local communities
12.30pm-2.00pm	<i>Lunch</i>
2.00pm-2.30pm	Report back from caucus and discussion
2.30pm-3.30pm	Presentation and discussion: <ul style="list-style-type: none"> <li>Understanding the relationship between business, biodiversity, Indigenous Peoples and local communities (non-Indigenous business and activities)</li> </ul>
3.30pm-3.45pm	Refreshment break
3.45pm-5.25pm	Presentation and discussion: <ul style="list-style-type: none"> <li>Understanding the relationship between business and biodiversity – Indigenous Peoples and local communities’ businesses and activities</li> <li>How do Indigenous Peoples and local communities conceptualise and engage in business?</li> </ul>
5.25pm-5.30pm	Closing of day

<b>Thursday 1 August</b>	
9.00am-9.15am	Updates, review of day 1, plan for day 2
9.15am-10.30am	Presentation and discussion: <ul style="list-style-type: none"> <li>• Measuring how businesses depend on and impact biodiversity and Indigenous Peoples and local communities?</li> <li>• Measuring interrelationships between the businesses of Indigenous Peoples and local communities and biodiversity</li> <li>• How should this be measured? What are the indicators?</li> <li>• How would Indigenous Peoples and local communities measure these relationships and impacts?</li> </ul>
10.30am-11.00am	Refreshment break
11.00am-12.30pm	Presentation and discussion: <ul style="list-style-type: none"> <li>• What should a transformative change for business look like?</li> <li>• What are the key actions for businesses and the financial sector?</li> </ul>
12.30pm-2.00pm	Lunch
2.00pm-3.00pm	Continued: <ul style="list-style-type: none"> <li>• What should a transformative change for business look like?</li> <li>• What are the key actions for governments and other actors?</li> </ul>
3.00pm-5.00pm	Group activity

<b>Friday 2 August</b>	
9.00am-9.15am	Updates, review of day 2, plan for day 3
9.15am-10.30am	What would be the role of Indigenous Peoples and local communities within a transformative change for business?
10.30am-11.00am	Refreshment break
11.00am-11.45pm	Caucus for Indigenous Peoples and local communities
11.45pm-12.30pm	Report back from caucus and discussion
12.30pm-2.00pm	Lunch
2.00pm-2.30pm	Discussion: Ways forward for the assessment drafts: Who are the key experts? What are the key resources and processes?
2.30pm-2.55pm	Next steps for the assessment and participation in the assessment: Timelines for collaboration, communication and dialogue throughout the assessment
2.55pm-3.00pm	Next steps and closing
3.30pm	Bus back to Cape Town

## **Annex 2: FPIC document**

### **Second Indigenous and local knowledge dialogue on the IPBES assessment of business and biodiversity**

**31 July to 2 August**

***!Khwa ttu San Cultural Centre, near Cape Town, South Africa***

#### **Free, Prior and Informed Consent**

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](mailto: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 Indigenous Peoples and local communities 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,
- 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. However, IPBES does not have control over how others may use its publicly available materials that may contain ILK.
- 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		
Gakemotho Satau	Botswana	Indigenous Peoples of Africa Coordinating Committee
Celeste Angelique Jackson	South Africa	Southern African San Development Organization (SASDO)
Yvette le Fleur	South Africa	Indigenous Peoples of Africa Coordinating Committee
Johnson Cerda	Ecuador	Conservation International
Zagaria Kabinda	South Africa	San Community Development Organization (SANCD)
Frans Kraalshoek	South Africa	Secretary of National Khoi San Council
Elifuraha Laltaika	Tanzania	Senior Law Lecturer at Tumaini University Makumira
Pius Loupa	Uganda	African Wildlife Foundation
Jakob Makai	South Africa	San Community Development Organization (SANCD)
Stanley Petersen	South Africa	Member of National Khoi San Council
Suwichan Phattahanaphraiwan	Thailand	College of Creative Agriculture for Society, Srinakharinwirot University
Polina Shulbaeva	Russia	Centre for Support of Indigenous Peoples of the North (CSIPN)
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