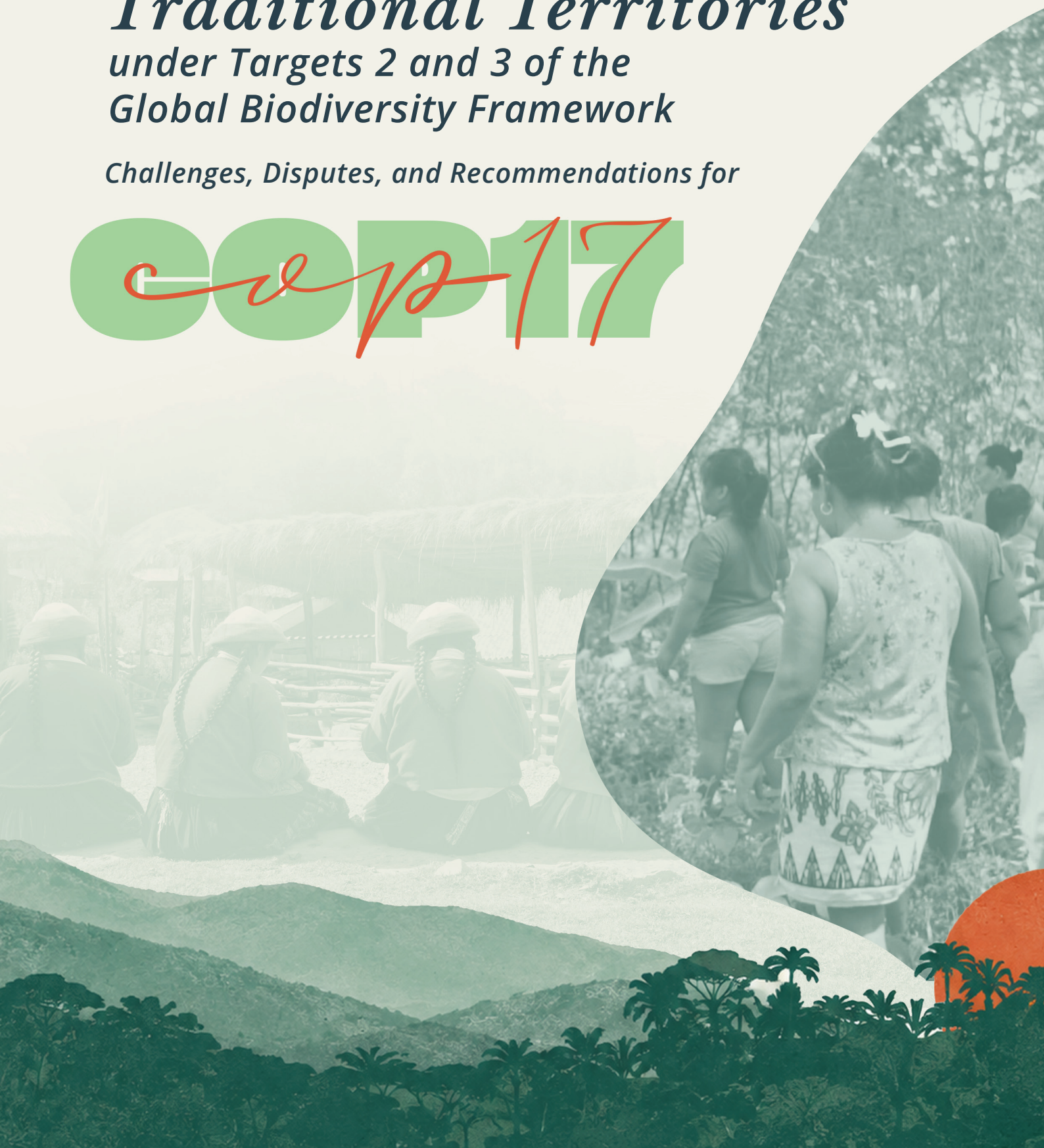
RIGHTS + RESOURCES

Indigenous and Traditional Territories

under Targets 2 and 3 of the Global Biodiversity Framework

Challenges, Disputes, and Recommendations for

COP17



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Executive Summary

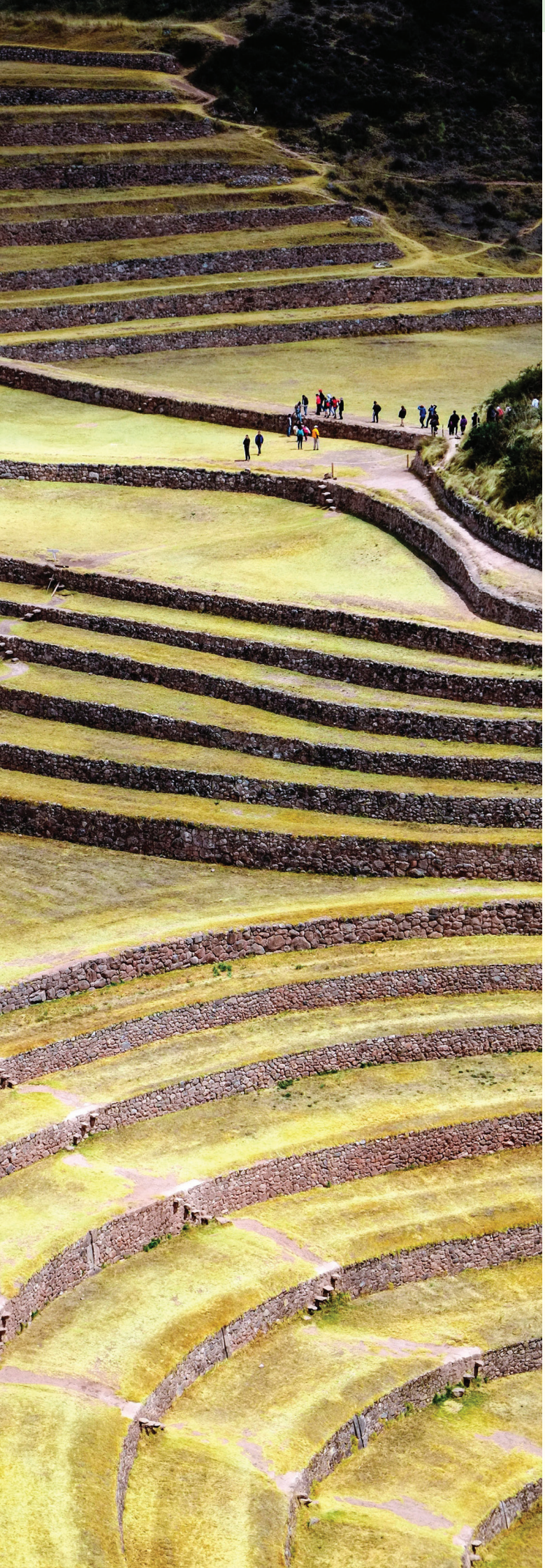
This report forms part of the collective work of RRI members in Latin America to strengthen rights-based conservation and advocacy leading up to the 17th meeting of the Conference of the Parties (COP17) to the Convention on Biological Diversity (CBD), prioritizing negotiations on the Guidelines for Implementing Targets 2 and 3 of the Global Biodiversity Framework, within the context of Task 1.1 of the Programme of Work through 2030 on Article 8(j).[2]

At COP17, we are faced with a strategic and defining task for the future direction of conservation and climate stability on our planet: ensuring that Indigenous and Traditional Territories (ITTs) serve as a third pathway—or, better yet, the primary pathway—for conservation, while respecting the sovereignty, protection, and resources necessary for Indigenous Peoples (IPs), Afro-descendant Peoples (ADPs), and local communities (LCs) to continue managing all customary lands and territories, including those included in or incorporated into new or existing protected areas (PAs) or other effective area-based conservation measures (OECMs). However, achieving this benchmark and ensuring effective protection depends on the outcomes of the negotiations at COP17.

Implementing Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework represents an opportunity to strengthen rights-based conservation. The guidelines for implementing these targets will be decisive in determining how States will recognize—or limit—the role of IPs, ADPs, and LCs in implementing these targets.

This report analyzes the state of the negotiations in light of the normative evolution of the CBD toward a rights-based approach, the available scientific and technical evidence on the contribution of IPs, ADPs, and LCs to conservation; and a comparison of the Zero Draft of the Guidelines[3], the Panama Draft[4], and proposals submitted by Indigenous Peoples, local communities, and Afro-descendant Peoples[5]. Based on this analysis, the report identifies the main opportunities, risks, and advocacy priorities ahead of COP17 in Yerevan, October 19–30, 2026.

Between now and COP17, there are few opportunities for advocacy in a political context that, in 2026, is largely moving in a direction that runs counter to positions offering the most protection.



Key Messages

Scientific evidence confirms that Indigenous and Traditional Territories (ITTs) are essential to achieving Targets 2 and 3, underpinning the negotiating positions of IPs, ADPs, and LCs.

- Globally, IPs manage or hold rights over more than one-quarter of the planet's land area and store approximately 293,061 million metric tons of carbon.[6]
- The evidence converges in showing that legal security, community governance, and recognition of rights are the determining factors behind these outcomes[7], directly supporting the position that ITTs should be recognized as a distinct conservation pathway in the Guidelines.

The Voluntary Guidelines will define the actual scope of this recognition.

- Although they are not binding, the Guidelines can guide national legislation and policies and strengthen rights-based conservation. Comparison of the drafts shows progress in the symbolic recognition of the role of IPs, ADPs, and LCs, but also a step backward in operational language requiring concrete action by States, particularly regarding Free, Prior, and Informed Consent (FPIC), governance autonomy, differentiated reporting, and data sovereignty.

The main point of contention is whether ITTs will be recognized as a distinct conservation pathway.

- The central debate is whether ITTs and Afro-descendant territories should be recognized as a distinct category or subordinated to PAs and OECMs.
- This decision is one of the architectural disputes in the negotiation because it determines the scope of rights recognition, governance, FPIC, monitoring, and access to direct financing.

Five structural disputes organize the negotiation of the Guidelines

- The legal status of ITTs and Afro-descendant territories—whether they constitute a system of their own or are subordinated to PAs/OECMs and therefore subject to a single reporting and registration system.
- FPIC, which shifts from an enforceable right to State discretion through qualifiers such as "where appropriate."
- Self-government, which is being downgraded from active territorial authority to an object of State administration, without being flagged in square brackets.
- The Guiding Principles and the human rights grounding, which remain entirely in square brackets, without the incorporation of a principle of non-regression.
- Restoration under Target 2, where the presumption of non-degradation of the territories of IPs, ADPs, and LCs was downgraded from a paragraph in the Guidelines to a footnote.

The common pattern observed in the negotiations is the expansion of State discretion through qualifiers that are not marked in square brackets.

The most effective mechanism for backsliding in this negotiation has not been open disagreement, but the insertion of qualifiers—"where appropriate," "in accordance with national circumstances"—without any Party flagging them as issues under dispute. With respect to the Zero Draft, these qualifiers have weakened important provisions on FPIC, direct financing, and other matters.

ADPs remain insufficiently recognized.

- Despite political advances and scientific evidence on the contribution of ADPs to conservation, their normative recognition in the CBD remains comparatively weaker[8] and requires specific negotiations, including their explicit inclusion in the IP/LC formula, the definition of ITTs, and a potential global registry.

The Political Context Is Moving in the Opposite Direction

The opportunity to resolve these five disputes in favor of IPs, ADPs, and LCs is real, but limited by an adverse and changing political context, while the absence of a principle of non-regression leaves advances already achieved unprotected, making its incorporation a key condition for the sustainability of other agreements.

Recommendations for COP17

On the Guidelines

- ***ITTs, including Afro-descendant territories, should be considered a distinct conservation category under Targets 2 and 3.*** Demand that the Guidelines explicitly recognize ITTs, including Afro-descendant territories, as an autonomous conservation system legally distinct from PAs and OECMs, without requiring them to be classified within those categories.
- ***Establish monitoring and disaggregated reporting mechanisms for ITTs.*** Institute a global ITT registry and address the statistical invisibility of ITTs and Afro-descendant territories through a dedicated monitoring system validated by their rights holders.
- ***Consolidate FPIC as an enforceable right, not as State discretion.*** Promote a negotiating standard that reverses the current trend of weakening FPIC toward a discretionary threshold, incorporating enforcement mechanisms for noncompliance.
- ***Strengthen the effective protection of collective rights and self-government.*** Incorporate indicators on territorial self-government into reporting mechanisms and condition recognition of contributions to Targets 2 and 3 on the existence of effective—not merely formal—guarantees of collective rights.
- ***Explicit inclusion of ADPs.*** Propose concrete textual amendments that include ADPs explicitly—not by inference—in the IP/LC for-mula, the operational definition of ITTs, and the eligibility criteria for the future global reg-istry, thereby ending the current reliance on tacit inclusion under "local communities".
- ***Protect ITTs from unsolicited restoration.*** Restore the presumption of non-degradation of ITTs as an operational principle in paragraph 21—not as a footnote—and reverse the current hierarchy between traditional knowledge and scientific knowledge in the restoration design.
- ***Direct Financing.*** Ensure that the Guidelines promote the strengthening of direct financing programs to support conservation and restoration initiatives, spatial planning projects, and environmental impact assessments led by IPs and LCs within their territories, and ensure that this is done without weakening qualifiers.
- ***Incorporate a principle of non-regression.*** Propose that the Guidelines, as well as other decisions at COP17, explicitly adopt a principle of non-regression with respect to advances already achieved regarding the rights of IPs, ADPs, and LCs, as a safeguard against their erosion in national implementation—particularly considering adverse regulatory changes underway in some countries.

On the Negotiations

- ***Building New Partnerships with States Parties.*** In the face of a changing regional context, in which regressive reforms are on the horizon that could affect the territorial rights of Indigenous Peoples—including those in isolation and initial contact (PIACI)—Afro-descendant Peoples, and Local Communities, it is necessary to identify and strengthen alliances with States Parties that will enable progress on their demands regarding the guidelines and other priority issues at COP17.
- ***Anchor implementation in scientific evidence on rights-based conservation.*** In negotiations on the Guidelines, prioritize the systematization and active dissemination of robust scientific evidence on the effectiveness of conservation led by IPLCs, as a technical counterweight to less protective political positions.



1. Introduction

Implementing Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework represents an opportunity to strengthen rights-based conservation. The Guidelines for implementing these targets, within the framework of Task 1.1 of the Programme of Work through 2030 on Article 8(j)[10], will be decisive in determining how States recognize—or limit—the role of IPs, ADPs, and LCs in implementing these targets.

This report analyzes the state of the negotiations in light of the CBD's normative evolution toward a rights-based approach, the available scientific and technical evidence on the contributions of IPs, ADPs, and LCs to conservation, and a comparison of the Zero Draft of the Guidelines[11], the Panama Draft[12], and the proposals submitted by IPs, ADPs, and LCs[13]. Based on this analysis, the report identifies the main opportunities, risks, and advocacy priorities leading up to COP17.

RRI is a global coalition that promotes land, territory, and resource rights for IPs, ADPs, and LCs as a foundation for advancing rights-based conservation and their leadership and governance. In Latin America, coalition members have identified collective advocacy toward CBD COP17 as a priority of their regional strategy, including, among other issues, recognition and strengthening of the different conservation pathways led by peoples and communities under Targets 2 and 3. This report forms part of that collective effort and seeks to provide evidence and analysis to strengthen the advocacy of the coalition and its allies in these negotiations.

These guidelines could constitute a decisive instrument for rights-based conservation strategies led by IPs, ADPs, and LCs, whose urgency responds to a recurring pattern of inadequacy in global biodiversity and climate governance.

On climate, the United Nations Environment Program (UNEP) warned in September 2026 that the world is on track to exceed 1.5 °C of global warming, probably within the next few years. The report notes that this overshoot should not be understood as abandonment of the Paris Agreement goal, but rather as a trajectory that should be kept as brief and limited as possible, minimizing peak warming while advancing mitigation and adaptation simultaneously to enable a return to temperatures below 1.5 °C as soon as possible.[14] [15]

On biodiversity, the outlook is equally concerning: the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) warned that approximately one million species are threatened with extinction unless the drivers of biodiversity loss are effectively reduced[16], and the Aichi Targets—the immediate predecessor to the Kunming-Montreal Framework—did not fully achieve any of their 20 global targets, although six were partially achieved.[17]

The Kunming-Montreal Framework, with its four goals for 2050 and 23 targets for 2030, seeks to correct these shortcomings, but the first draft of the global progress report published in June 2026 warns that faster progress is required at all levels to achieve the ambition of its targets.[18]

Against this pattern of inadequacy, the literature documents a paradigm shift: IPs, ADPs, and LCs are no longer understood only as subjects affected by the environmental crisis but are recognized as active conservation agents, given their contributions in strategic marine-coastal, freshwater, and terrestrial ecosystems.[19]

From this perspective, collective actors emerge as particularly relevant in addressing global socio-environmental challenges, given the historical relationships of interdependence between community, territory, and territoriality; [20] this systemic—and not merely territorial—character underpins the demand that ITTs be recognized as a distinct conservation pathway rather than as a subcategory of PAs or OECMs.

The combination of deep community-territory-territoriality ties [21] with their own governance systems—especially where tenure rights are formally recognized—makes rights-based conservation possible: traditional ecological knowledge, monitoring practices, community rules for use and management, and intergenerational transmission of knowledge directly contribute to maintaining ecosystem processes, territorial resilience, and biodiversity conservation[22]. This performance is not explained by the absence of human intervention—a frequent misunderstanding of the classical conservation paradigm—but by traditional uses, cultural practices, community rules, and forms of relationship with territory that constitute core elements of the identity of IPs, ADPs, and LCs.[23]

Evidence accumulated at multiple scales converges to show that ITTs are not marginal spaces but rather central to achieving global biodiversity targets. Globally[24], it is estimated that IPs manage or hold rights over more than one-quarter of the planet's land area, with significant overlap with PAs and ecologically intact landscapes. WWF confirms and expands this figure: lands of IPs and LCs cover at least 32 percent of the global terrestrial area, 91 percent of which is in good or moderate ecological condition, and at least 36 percent of Key Biodiversity Areas are located within ITTs.[25] In the climate dimension, RRI estimates that IPs, ADPs, and LCs manage approximately 293,061 million metric tons of carbon on collectively held lands, confirming that securing territorial rights is both a historic demand for justice and a strategic condition for addressing the climate and biodiversity crises.[26]

In the Amazon, ITTs have shown conservation outcomes equal to or better than those of State and private entities where legal security, territorial governance, and genuine decision-making capacity exist.[27] At the species level, based on 11,872 vertebrate species dependent on tropical forests, they found that at least 76.8 percent overlap with Indigenous lands and that at least 120 species are found exclusively within them. This convergence across terrestrial, climate, regional, and species scales is why this report devotes Section 7 to case studies in Panama, Bolivia, and Colombia.[28]

The most important finding in this literature is not that ITTs are inherently superior to PAs, but that the effectiveness of conservation depends on the quality of governance and recognition of rights, rather than on the legal category of the territory. Oldekop et al. (2016) show that PAs with positive socioeconomic outcomes are also more likely to achieve positive conservation outcomes, especially with local participation, equitable benefit sharing, and reduction of inequalities. Community territorial governance arrangements can increase the effectiveness and sustainability of reforestation and restoration through local knowledge, territorial planning, environmental zoning, and community monitoring.[29]

This comparative evidence does not suggest that PAs are irrelevant, but that their effectiveness depends on the recognition of rights and management arrangements: without effective participation or recognition of rights, outcomes may be limited or socially contentious. With territorial rights, self-governance, co-management, ecological knowledge, and effective participation, conservation tends to produce better ecological and social outcomes.[30]

This distinction—between conservation category and quality of governance—is precisely what is at stake in the dispute examined in Section 5.1 over whether ITTs should be classified as "complementary" to OECMs or recognized as a "different" system: subordinating ITTs to State categories risks undermining the variable—self-governance and recognized rights—that the evidence identifies as decisive.

This same evidence, however, carries a warning that the rights-based conservation approach itself incorporates as a condition, and not as an add-on: recognition cannot become a new setting for extractivism or imposition on ITTs. ***Rights-based conservation, therefore, requires establishing social and environmental safeguards and protection mechanisms such as FPIC, within a relational framework based on rights, reciprocity, legal recognition, respect, and responsibility.***[31] This means mitigating situations in which conservation disregards the authority, ownership, territoriality, and knowledge of peoples and communities—the reason this report pays particular attention, later on, to documenting how FPIC, far from being an established safeguard, has been subject to qualifiers that erode its enforceability throughout the negotiation of the Guidelines (Section 5.2).

It is against this backdrop of evidence that Target 3 of the Kunming-Montreal Framework must be understood: it is not limited to expanding percentages of conservation, but requires conservation to be effective, equitable, ecologically representative, well connected, and fairly governed, including recognition of Indigenous and Traditional Territories where appropriate.[32] The discussion, therefore, cannot be reduced to how many hectares are declared protected, but must address who governs them, under what rights, with what safeguards, and with what ecological and social outcomes. Including ITTs as an independent conservation pathway can consolidate effective mechanisms to achieve the Framework's Targets through the decisions adopted at COP17.

The normative instrument that can make this incorporation possible—the Guidelines for implementing Targets 2 and 3, within the framework of the Programme of Work through 2030 on Article 8(j) and other provisions of the Convention relating to IPs and LCs—is the subject of this study. The following sections examine the CBD's normative trajectory toward a rights-based approach (Section 2), the opportunity presented by Target 3 (Section 3), the challenge of recognizing and reporting ITTs (Section 4), the five structural disputes shaping the negotiation of the Guidelines (Section 5), and empirical evidence from three case studies at the national, regional, and watershed scales (Annex 1).





2. Rights-Based Conservation in the CBD

The relationship between PAs and IPs, ADPs, and LCs, has historically been marked by conflict.[33] Area-based conservation policies have not been neutral: in many cases, they have been built on exclusionary approaches, resulting in territorial dispossession, restricted access, criminalization of customary practices, and disregard for communities' own management and conservation systems.[34]

Against this history, the CBD itself has progressively incorporated a rights-based approach. The 1992 founding text already contained in Article 8(j) an initial—although conditional and non-territorial—recognition of the traditional knowledge of Indigenous and local communities, requiring respect for it "in accordance with national legislation" and the "approval and participation" of its rights holders.[35]

In **2004,** COP 7 took the first step toward governance and equity: the Programme of Work on Protected Areas (Decision VII/28) introduced the requirement for prior informed consent before resettling Indigenous communities or restricting their access to resources,[36] and the Akwé Kon Guidelines: (Decision VII/16) required cultural, environmental, and social impact assessments with the full participation of IPs and LCs.[37]

In **2010,** COP 10 turned the principle into a legal obligation: the Nagoya Protocol requires Parties to adopt measures to ensure prior informed consent or the approval and participation of IPs and LCs, in accordance with national legislation, while the Aichi Targets (Decision X/2) established the first numerical target for "equitable" management of PAs (Target 11) and full respect for traditional knowledge (Target 18).[39]

In **2016,** the Mo'otz Kuxtal Voluntary Guidelines (Decision XIII/18, 2016)[40] were adopted, providing detailed guidance on prior informed consent and the use of traditional knowledge; and in 2018, Decision 14/8 formally recognized governance by IPs and LCs as one of the governance types for PAs and OECMs, alongside governmental, private, and shared governance, thereby strengthening international recognition of Indigenous and Community Conserved Territories and Areas (ICCAs).[41]

In **2022,** the Kunming-Montreal Global Biodiversity Framework incorporated rights language directly into the operative text of its targets for the first time. Target 3 requires PA systems to recognize and respect "the rights of Indigenous Peoples and local communities, including over their traditional territories," while Target 22 requires their "full, equitable, inclusive, effective, and gender-responsive" participation in decision-making.[42]

This trajectory culminated in Decision 16/4 (2024), which approves the Programme of Work through 2030 on Article 8(j) and establishes, in its general principles, a guarantee of "full, equitable, inclusive, effective and gender-responsive"[43] participation; requires traditional knowledge, innovations, and practices to receive "the same respect and consideration" as other forms of knowledge;[44] adopts a holistic approach that recognizes the relationships of IPs "with their territories, lands, and resources;"[45] makes the use of traditional knowledge contingent upon FPIC;[46] and is grounded in a human rights-based approach, with an explicit safeguard clause: "nothing contained in the present programme of work shall be interpreted as diminishing or extinguishing rights that Indigenous Peoples currently have or may acquire in the future."[47]

These principles translate into eight operational elements—conservation and restoration, sustainable use, benefit-sharing, knowledge and culture, strengthening implementation and monitoring, full and effective participation, a human rights-based approach, and access to financing[48]—of which the first contains Task 1.1: the specific mandate to "develop guidelines... for the achievement of Targets 2 and 3 of the Framework, including with respect to Indigenous and Traditional Territories."[49]

This 25-year trajectory—from the establishment of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) in 2000 to the consolidation of the Subsidiary Body (SB8J) as a permanent body in 2024—has no specific equivalent for ADPs, although they are covered under the category of local communities.[50]

Its first formal recognition under the CBD came only with Decision 16/6, adopted at the same COP 16, at the close of the United Nations International Decade for ADPs (2015–2024).[51] It is, however, a structurally weaker instrument than the one protecting IPs: it uses the formula "people of African descent, comprising [groups] embodying traditional lifestyles"—more restrictive than "Afro-descendant Peoples;" conditions all its mandates on the formula "as appropriate, in accordance with national legislation or circumstances;" and modifies neither the Convention nor the mandate of SB8J. Decision 16/6, therefore, does not guarantee the automatic inclusion of ADPs in the guidelines addressed in this chapter. Their inclusion must be negotiated at COP17 and constitutes an important step toward implementation

This report examines the conceptual, political, and normative framework underpinning these guidelines on ITTs, currently under negotiation in the CBD under Task 1.1 of the Programme of Work through 2030 on Article 8(j), for implementation of Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework.



The Global Biodiversity Framework and Target 3: An Opportunity for the Recognition of ITTs.

Target 3 of the Kunming-Montreal Global Biodiversity Framework, adopted in 2022, commits States to:

> *ensure and make it possible that by 2030 at least 30 percent of terrestrial, inland water, and of coastal and marine areas [...] are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognizing* ***indigenous and traditional territories where applicable,*** *integrated into wider terrestrial, marine and ocean landscapes [...] while* ***recognizing and respecting the rights of Indigenous Peoples and local communities.***[52]

The new Framework explicitly recognizes IPs and LCs as partners in the conservation, restoration, and sustainable use of biodiversity,[53] and this recognition has an institutional counterpart: the Subsidiary Body on Article 8(j) (SB8J), established by Decision 16/5 at the same COP 16,[54] the first permanent subsidiary body dedicated to IPs and LCs in any United Nations environmental convention.

SB8J is mandated, under its work plan, to develop the guidelines for implementation of Targets 2 and 3, to clarify and develop the parameters relating to ITTs. These guidelines, therefore, represent a historic opportunity for Target 3 and its implementation to strengthen the rights of IPs and LCs and include the territories of ADPs, without merely reproducing the same exclusionary models that prompted the diagnosis presented in the previous section, under renewed language.

The Challenge of Recognizing and Reporting Indigenous and Traditional Territories

The way Target 3 was drafted in the final hours of the COP 15 negotiations, including the qualifier "where applicable," leaves room for two interpretations concerning ITTs. The first is the understanding that they are "complementary," meaning a category classified under the acronym OECM and therefore counted as such. The second, reflected in the position presented in the TTIT/FIIB proposal, is that they are a third pathway, or rather, the primary pathway.[55]

In addition, compliance with Target 3 is currently reported internationally through the World Database on Protected and Conserved Areas (WDPA) and the World Database on OECMs (WD-OECM), both administered by UNEP-WCMC.[56]

The CBD defines OECMs in Decision 14/8 as:

> *a geographically defined area other than a protected area, which is governed and managed in ways that achieve sustained positive and long-term outcomes for the in situ conservation of biodiversity [...] and, where applicable, cultural, spiritual, socioeconomic, and other locally relevant values.*[57]

In turn, the Glossary of Terms and Concepts Relevant for Use in the Context of Article 8(j) and Related Provisions—adopted through Decision 14/13 (COP 14, 2018) and currently under review by SB8J—defines traditional territories as:

> *lands and waters traditionally occupied or used by Indigenous Peoples and local communities.*[58]

In practice, although in some cases they are integrated into State PA or OECM systems,59 ITTs are not being counted as an independent conservation pathway, despite being explicitly named in the text of Target 3 itself.

In the absence of an ITT-specific registry, the closest available proxy for demonstrating the representation of the formal contribution of ITTs to Target 3 is reporting on areas governed by IPs and LCs which is part of the World Database on Protected Areas (WDAP) and the World OMEC Database (WD-OMEC).[60] According to these figures, globally, of the 320,407 identified PAs and OECMs, only 1,068 (0.3 percent) are *governed* by IPs and LCs. In Latin America, the proportion is higher than the global average but remains low: of the 12,038 PAs and OECMs identified in the region, only 817 are governed by Indigenous Peoples and local communities (approximately 15 percent).[61]

Although many countries have legal regimes recognizing the rights of IPs, LCs, and ADPs, whose territories could be classified as ITTs,[62] RRI — in research covering 30 countries—has not identified a single country that formally recognizes ITTs as a distinct conservation pathway complementary to PAs and OECMs.

This is partly because legal and conceptual definitions within the CBD that would enable such recognition are lacking, including, for example, an appropriate definition and reporting system

for ITTs. The guidelines analyzed in this report seek to address this gap, which is why it is so essential to closely follow their content.

The gap is even more acute for ADPs: despite their contribution to biodiversity conservation, the Framework does not make clear whether their territories count as ITTs under Target 3. For example, one study mapped legally recognized Afro-descendant territories in Brazil, Colombia, Ecuador, and Suriname and found that they recorded 29 to 55 percent less forest loss than comparable control areas based on proximity to PAs.[63] That evidence, however, has not translated into mechanisms recognizing their territories and contributions under the Global Biodiversity Framework's targets.

The risk that this gap will be resolved through absorption—that is, that ITTs will ultimately be recognized only to the extent that they fit within PA or OECM categories—is currently the most critical issue in the negotiation, as discussed below.



The Current Status of the Negotiations: Five Disputes That Will Define the Voluntary Guidelines Under Article 8(j) at COP17

As described in the previous sections, following Decision 16/4, which established the new Programme of Work on Article 8(j) and related CBD provisions through 2030, the CBD's competent technical subsidiary body is negotiating a set of "voluntary guidelines": a *soft law* instrument that, while not creating new legally binding obligations, is intended to guide Parties in recognizing the role of ITTs under Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework.[64]

The normative value of a non-binding instrument

The most frequent objection to voluntary guidelines is also the most superficial: because they are not binding, they impose no obligations and therefore change nothing. The objection confuses binding force with effectiveness. International environmental law has been built to a considerable extent on instruments that do not create enforceable obligations and yet structure State behavior: they establish the vocabulary of the discussion, set the parameters of what counts as compliance, and shift the burden of argument to those who depart from them.[65] What matters is not whether the guidelines are binding, but through what channels they produce effects.

The first channel is interpretive. The guidelines do not create new obligations: they specify the content of obligations that States have already assumed by ratifying the Convention—particularly those under Articles 8(j) and 10(c)—and determine what compliance with Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework means when conservation and restoration take place in Indigenous and Traditional Territories. The Framework's Targets are worded in deliberately broad terms; the guidelines address this lack of specificity, and thus the approved text will serve as the standard operating procedure for the remainder of the implementation cycle.

The second pathway is national uptake. States do not apply the Global Biodiversity Framework directly, but through their national biodiversity strategies and action plans, PA legislation, and restoration policies. The Convention's own voluntary guidelines have followed this path before: the Akwé: Kon Guidelines on impact assessment in the territories of Indigenous and local communities, adopted at COP 7, and the Mo'otz Kuxtal Voluntary Guidelines on consent and benefit-sharing, adopted by Decision XIII/18 at COP 13, were incorporated into national regulatory frameworks and consultation protocols without ever being binding.[66] The phenomenon goes beyond the Convention: the FAO's Voluntary Guidelines on Responsible Land Tenure Governance (2012) have served as a technical reference in agrarian reform and land titling processes in several countries, despite having no binding force whatsoever.[67]

The third channel is judicial, and it is the most consequential in Latin America. A declaratory instrument gains force when courts use it to interpret obligations that are binding. UNDRIP is the paradigmatic case: adopted in 2007 as a declaration, it has been systematically used by the Inter-American Court to give content to the right to property under Article 21 of the American Convention. A text that recognizes ITTs as a distinct conservation system provides interpretive material for that line of case law; a text that subordinates them to the State category of PA does so as well, but in the opposite sense.

The fourth channel is financial. Nonbinding standards tend to become eligibility and safeguard criteria for financing mechanisms—multilateral funds, bilateral cooperation, and regulated markets—which incorporate them into their operational policies and disbursement conditions. The concrete possibility of direct financing for peoples and communities comes into play here: without an international standard naming it as a legitimate modality, funds continue to be channeled through State or nongovernmental organization intermediaries.

The fifth channel is political: a text agreed by States themselves in a multilateral forum provides peoples and communities with an instrument for holding their governments accountable. It allows them to demand consistency between what a State endorses at COP17 and what it does in its territory, shifting the discussion from a political demand to noncompliance with the State's own commitment.

That said, the symmetry of this reasoning is precisely why the content of the draft matters so much. All the mechanisms described operate independently of the wording of the text: a weak standard is incorporated into national legislation, cited before courts, and incorporated into financial safeguards with the same effectiveness as a robust one. A nonbinding instrument that enshrines qualifiers such as "in accordance with national legislation" or "where appropriate" does not leave the matter open; instead, it sets a ceiling and provides States with international endorsement for conservation policies that subordinate territories to State decisions disconnected from their own forms of governance.[68] The *soft law* status of the instrument does not make the text harmless: it makes its content decisive, because what is approved will be the starting point—the floor or ceiling—of the national dispute during the following decade.

Progress in the negotiations:

This negotiation process has already had two formal stages. The analysis that follows examines the distance between the proposals of IPs, LCs, and ADPs, on the one hand, and the text currently under negotiation, on the other. The main reference documents are:

1. The Zero Draft (CBD/SB8J/1/4)—the first text of the Guidelines, drafted and submitted by the CBD Secretariat on August 6, 2025.[69] It is the technical starting point for the entire negotiation.

2. The TTITS/IIFB workshop proposal—refers to the amendments and demands put forward by IPs and LCs themselves regarding the Zero Draft. These were systematized at the International Workshop on Indigenous and Traditional Territories and Biodiversity Conservation.[70] Throughout this document, this proposal is cited as "The TTITS/FIIB Proposal."

These positions were complemented by the specific perspective of ADPs articulated in the context of the COP 16 negotiations in Cali and updated during meetings between the author and representatives of representative organizations, particularly CITAFRO.

3. The Panama Draft (CBD/SB8J/REC/1/3)—the text resulting from the first formal round of negotiations among States, adopted on October 30, 2025, in Panama, during the first meeting of SB8j-1. Unlike the Zero Draft, this is the final text resulting from actual negotiation between States: it already reflects the positions—sometimes convergent, sometimes opposed—that the Parties expressed during that meeting.

This chapter compares the three proposals around five structural disputes: the main areas of disagreement that, taken together, will determine whether the final instrument effectively protects the rights of IPs, LCs, and ADPs or, conversely, dilutes them. Whenever possible, the relevant positions of the Parties have been incorporated, as reflected in the official CBD documentation. [72]

How to Interpret the Square Brackets

A clarification is necessary to understand what follows: in United Nations negotiating terminology, text "in square brackets" [like this] is text that States have not yet agreed upon—each bracket marks a disputed alternative that will only be resolved, for or against peoples, at COP17. Text "without square brackets" or "clean" text, by contrast, has already been accepted by consensus: no one is disputing it. But that does not mean it is favorable to IPs and LCs. As this document will show, several of the worst regressions in this process occurred precisely outside the brackets, without any Party identifying them as a matter under dispute.

A Note on Language: Indigenous Peoples and Local Communities

This document, like the CBD itself, uses the term "Indigenous Peoples and local communities" (IP/LC) to refer jointly to both groups of rights holders. It is worth noting that this for-mula is neither neutral nor free from dispute. During SB8j-1 in Panama, Mexico explicitly re-quested that IPs—subjects of their own inter-national legal rights—not be conflated with LCs, and the United Nations Permanent Forum on Indigenous Issues (UNPFII) even called for the term "local communities" to be removed from all references alongside "Indigenous Peoples."

This UNPFII recommendation was one of the most contentious points of the entire session: The African Group, Brazil (which on this point also spoke "on behalf of the BRICS countries"), Jordan, India, Haiti, and the DRC itself insisted on retaining "IPLCs" as a single, indivisible term and succeeded in keeping it in brackets, unresolved.[73]

What the Comparison of the Three Proposals Shows

Placed side by side, the three texts reveal a pattern that no paragraph-by-paragraph reading shows on its own: the negotiation did not move in a single direction. The language of cultural and spiritual recognition gained ground—terms such as "biocultural," "spirituality," the triad "lands, waters, and territories," and explicit protection of territories as an objective of the Guidelines in its own right. At the same time and within the same text, however, operational language lost ground: language that entails a duty rather than a recommendation to States. In other words, FPIC, governance autonomy, reporting systems, and sovereignty over their own data all lost ground.

By comparing the Zero Draft with the Panama Draft in light of the demands in the TTIT/FIIB proposal, this document identifies 10 instances of full progress and five instances of partial incorporation of those demands, as opposed to eleven regressions already finalized in the text—that is, incorporated without square brackets and no longer under dispute—and five provisions that the negotiations included in square brackets (See Table: Priorities for COP17).[74]

The purpose of this chapter is to identify the structural disputes that shape the entire negotiation, explain why each one matters—both politically and legally—and help IPs, ADPs, and LCs decide where to focus their advocacy between now and COP17.

A Pattern Connecting the Five Disputes

Almost all the setbacks described below share the same technique: adding qualifiers such as "where appropriate," "in accordance with national circumstances," or "where applicable" to provisions in which they did not appear in the Zero Draft. In practice, these phrases give each State the power to decide, case by case, whether a rule applies in its territory. This matters for advocacy because these are not five isolated battles, but one logic repeated in FPIC, governance autonomy, access to information, and direct financing: replacing an international obligation with a discretionary decision by the State.

Dispute 1: Own System or Absorption? The Legal Status of ITTs and Afro-descendant Territories

The question behind this first dispute is whether an ITT must fit within OECM or PA categories—designed by and for States—for its conservation to count toward Target 3, or whether it is recognized as its own system, with its own logic and pathway for recognition.

What Changed

Paragraph 26 of the Zero Draft established that recognition of ITTs "should not, where appropriate, require classification in the category of PAs or other effective area-based conservation measures"—noting that even the Zero Draft already contained the qualifier "where appropriate."

The TTITS proposal called for going further: recognizing ITTs as "distinct" and "different" systems from PAs and OECMs, without ambiguity. In the Panama negotiations, the entire paragraph was placed in brackets with two irreconcilable alternatives: "complementary" versus "different." Even the title of the Guidelines was placed entirely in brackets, reflecting the same underlying tension: whether ITTs are named as a category of their own or as an appendix to spatial planning and OECMs.

This dispute is directly connected to a second one: the reporting system. The Zero Draft proposed creating a global ITT registry—comparable to the two global databases that currently exist for PAs and OECMs, the World Database on Protected Areas (WDPA) and the World Database on OECMs (WD-OECM), both administered by the United Nations Environment Program through its World Conservation Monitoring Centre (UNEP-WCMC)[75]—with an explicit guarantee that peoples themselves would decide what information to share about their territories and how it would be used (what this document calls "data sovereignty"). The Panama Draft eliminated this separate global registry and replaced it with national systems conditioned on "the circumstances, legislation, and priorities" of each country; data sovereignty also lost precision regarding who collects and stores the information. An indicator that the TTIT/FIIB proposal specifically requested to measure the area under recognized Indigenous governance—distinct from the CBD's general land-use change indicator—did not enter any version of the text.

Why It Matters

This paragraph defines the character of the entire instrument because it confronts two irreconcilable logics. The position of IPs and LCs holds that ITTs are their own distinct systems whose conservation is intrinsic to their governance—they do not need to be classified as PAs or OECMs to be recognized as effective conservation.

The "complementary" alternative opens the door for ITTs to count toward Target 3 only to the extent that they fit conservation categories designed for States, subordinating self-governance to national protected-area frameworks. The dispute over the global registry is not a secondary technical matter either: without its own reporting mechanism, ITTs will remain statistically invisible in the global Target 3 monitoring system, regardless of how much territory they manage or how effective their conservation is.

How States Positioned Themselves in Panama

During the October 2025 negotiation, States' positions on this point were clearly divided. In favor of stronger recognition of ITTs as their own pathway: Guatemala was the clearest voice, explicitly calling for "advancing" recognition, and Brazil also supported recognition of ITTs as a specific

pathway under Target 3 (although with qualifiers). Namibia did not take a substantive position but openly criticized the use of square brackets as a negotiating method—a procedural criticism that, in practice, favors resolving the issue rather than postponing it. The European Union and Egypt requested more time for discussion, without openly opposing the proposal.

Several countries—the African Group (through Zimbabwe), China, Malaysia, India, Saudi Arabia, Brazil, and Japan—supported the first draft of the Guidelines, which established the independence of ITTs in principle, but insisted that they be implemented "according to the national legal systems, governance structures, circumstances, and contexts" of each country: the same pattern of qualifiers described in the introduction to this document. Norway proposed conditioning recognition of ITTs on "national circumstances." New Zealand requested that a "human rights-based approach" be reinserted at this very point.[76] In its closing statements at the meeting, the International Indigenous Forum on Biodiversity (FIIB) explicitly called for "the recognition of ITTs as an autonomous system that contributes to the conservation and sustainable use of biodiversity, distinct from PAs and other effective area-based conservation measures"—a formulation that matches almost word for word the position that this document describes as most protective of the rights of IPs.[77]

The Afro-Descendant Dimension

For ADPs, this dispute has an additional layer. The concept of "Indigenous and Traditional Territory" itself was constructed from normative frameworks designed for Indigenous Peoples and does not explicitly mention the distinct forms of territorial governance of ADPs. The express reference to Decision 16/6[78]—the only normative instrument that explicitly mentions people of African descent, appears in square brackets in the current text. Without it, the instrument becomes disconnected from its own prior normative foundation. And the explicit inclusion of Afro-descendant territories within the concept of ITTs—a demand that does not appear in any version of the text—is not merely a matter of terminology: it determines whether those territories would enter the future global registry and the differentiated indicator on an equal footing with Indigenous territories, or whether they would once again be excluded from the Target 3 accounting system.

Why It Is a Top Priority at COP17

This is the dispute on which all the others hinge. If "complementary" becomes established, governance autonomy (Dispute 3), FPIC (Dispute 2), and the Guiding Principles (Dispute 4) will in fact be negotiated within a framework already subordinated to State conservation categories. The most effective strategic position is to insist on "different" or "distinct," demanding, as an inseparable package, the global registry, full restoration of data sovereignty, and a dedicated indicator with explicit coverage of Afro-descendant territories.

Dispute 2. FPIC: From a Right to State Discretion

FPIC is the right of Indigenous Peoples and local communities to decide—with full information, without pressure, and before a decision is made—on any measure affecting their lands, waters, or territories. It is one of the core rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly in 2007. In this negotiation process, FPIC is the concrete mechanism that turns territorial recognition into an enforceable right: the difference between being able to block or shape a decision about one's own territory and depending on the State to decide, at its discretion, whether that decision "is appropriate."

What Changed

Principle D (paragraph 11) of the Zero Draft required respect for FPIC in spatial planning and environmental impact assessments, without qualifiers limiting it. The Panama Draft added, without squared brackets, "where appropriate" and "in accordance with national circumstances." Paragraphs 34/35—which require FPIC before creating or expanding PAs or OECMs—added three new qualifiers: "in consultation with," "where appropriate," and "national legislation." In the field of restoration (paragraph 21), FPIC was introduced as a new provision—a real gain that did not previously exist—but with the same type of qualifier, this time in square brackets. And paragraph 10 (Principle C), which refers to UNDRIP and access to justice, became one of the most disputed paragraphs in the document, with multiple alternatives in squared brackets.

Why It Matters

Each added qualifier functions as an additional veto point through which a State can declare that FPIC "does not apply" in its case. Legally and politically, this shifts the instrument from an international guideline establishing a minimum floor above domestic variation toward a text that, at every critical point, refers back to national legislation—the very variable that the Guidelines should be able to correct when such legislation is weak or nonexistent.

The Afro-Descendant Dimension

For ADPs, this general erosion is combined with a different structural gap: FPIC provisions operate under the formula "Indigenous Peoples and local communities." In legal systems where ADPs are not classified as "tribal peoples"—which is the majority—their right to FPIC is not formally guaranteed if the text does not explicitly mention them.[79] This gap is not semantic: it has direct operational consequences for Targets 2 and 3 because State restoration projects and protected-area designations in Afro-descendant territories may proceed without consultation or consent from their rights holders if the final text does not name them.

Why It Is a Priority at COP17

Because it is the most cross-cutting dispute: it appears, in various formulations, in nearly all the operative sections of the text, and because it is already fixed—not in square brackets—in two of its most significant instances. Reversing this requires specific and coordinated action: removing "where appropriate" and "national circumstances" from the text of paragraphs 11 and 34/35; retain the reference to UNDRIP without diluted alternatives in paragraph 10; and explicitly link this priority to that of recognizing ADPs: unless all of these issues are resolved together, the guarantee of FPIC will remain conditional for two of the three groups of rights holders that this instrument seeks to protect.

Dispute 3. Self-Government: From Active Territorial Authority to an Object of State Management

What Changed

Three changes—none of which are in square brackets—weaken the governance capacity of IPs and LCs. In paragraph 32/33, which previously stated: "The autonomy of Indigenous Peoples and local communities in the management and governance of their lands, territories, and waters, including marine and coastal areas, should be respected through recognition of their justice and governance systems and the provision of financial and technical support," the qualifier "where applicable" was added at the beginning.

In turn, in paragraphs 37/38, which previously stated: "Indigenous and traditional mechanisms, including autonomous governance frameworks or advisory councils, should be established, strengthened, and maintained, as appropriate, in accordance with indigenous and traditional governance systems (...)" was amended to read: "Indigenous and traditional mechanisms, including relevant governance frameworks, should be established or strengthened or maintained, as necessary." In other words, "autonomous governance frameworks or advisory councils" became "relevant governance frameworks": the adjective "autonomous" disappears, and the grammatical construction changes from active voice (peoples establishing their own mechanisms) to passive voice (mechanisms that "should be established," without saying who establishes them).

Finally, in paragraphs 40/41, recognition of customary governance systems in the design, management, and monitoring of PAs changed its modal verb from "should" to "may." The difference between "should" and "may" is not a stylistic nuance. In the language of international instruments, "should" creates a normative expectation: a State that does not implement it is failing to do something, even if it is a recommendation rather than a hard obligation. "May," by contrast, turns recognition into an option with no consequence if the State chooses not to exercise it.

Why It Matters

These three changes have the same effect: they turn IPs, LCs, and ADPs from active territorial authorities—holders of their own governance institutions with decision-making capacity—into actors that the State may or may not incorporate into the management of PAs, at its own discretion. The same occurs with the shift to passive voice: when the text says that "mechanisms should be established" instead of saying that IPs and LCs "establish their own autonomous mechanisms," the question of who holds decision-making authority disappears—and that ambiguity is, in practice, usually resolved in favor of the State.

The Afro-Descendant Dimension

None of these three changes mention ADPs—neither to include nor to exclude them—but they affect them to the same extent as IPs: governance of quilombos, palenques, collective territories of Black communities, and ancestral Afro-descendant territories rely on the same customary institutions that these paragraphs undermine. These are regressions in the general scope of the text, not in a specific category, which means that reversing them automatically benefits both groups without requiring a separate terminological negotiation.

Why It Is a Priority at COP17

Because these are invisible regressions: none carry square brackets identifying them as issues under dispute, so if no organization explicitly names them in its interventions and written proposals, they will remain consensus text when COP17 begins. Once identified, however, they can be reversed, because even consensus text can be changed during negotiations, but a State Party must raise the issue for it to be discussed. Text in square brackets will necessarily be subject to negotiation.

Dispute 4. The Normative Foundation in Brackets: Guiding Principles and Human Rights Grounding

Section III of the Zero Draft groups the "Guiding Principles": eight principles, marked A through H, intended to serve as the conceptual foundation of the entire instrument. These principles—spiritual and biocultural relationships; land-water-territory tenure; UNDRIP and access to justice; FPIC; traditional knowledge; gender and intergenerationality; and spirituality and value systems—underpin, in practice, all operational paragraphs of the text: if these principles are not secure, the sections on spatial planning, restoration, and financing lack a rights-based foundation on which to rest.

What Changed

The Panama Draft placed the entire Section III (paragraphs 8 to 15), as a complete block. This is an unusual move and more serious than leaving an issue open for the first time: it implies reopening the entire conceptual foundation for renegotiation from scratch.

Within that block, two elements represent the greatest risk. Paragraph 10 (Principle C on UNDRIP and access to justice) is heavily disputed, with multiple alternatives in square brackets.

And paragraph 5, the biocultural foundation that opened the Guidelines was eliminated entirely and without brackets. The paragraph in full stated:

> *The Guidelines are grounded in the intrinsic relationship that Indigenous Peoples and local communities have with nature, encompassing diverse concepts such as biodiversity, ecosystems, Mother Earth, and life systems. This relationship is reflected in their cultures, spiritual values, ceremonies, governance systems, histories, oral traditions, Indigenous languages, traditional knowledge systems, and customary laws and procedures. These elements contribute to the conservation, restoration, and spatial planning of biocultural diversity, in accordance with national circumstances and consistently with Section C of the Kunming-Montreal Global Biodiversity Framework.*

Because it was located in Section I, which sets out the rationale for the document and the conceptual foundation that ties its entire structure together, eliminating this paragraph also removes the biocultural rationale. However, it reappears—albeit in a weaker form—in the section presenting the principles of the Guidelines, and disappears just as the term "biocultural" is introduced, as a gain, in Principle A. The result is a gain that has lost its foundation: the concept advances in the principle but retreats in the rationale that gave it meaning. In addition, Principle H—on non-regression, proposed by the TTIT/FIIB proposal to ensure that the Parties commit not to roll back what has already been achieved—was not included in any version of the text.

Why It Matters

If Section III is dropped or watered down in the final negotiations, the guidelines lose their entire normative foundation. The reference to UNDRIP is also the only point in the text linking these Guidelines—an instrument of the CBD—to the international human rights law of IPs; if that reference is removed or diluted in any of its bracketed alternatives, the document weakens that link. And the absence of a principle of non-regression also represents a real risk.

Recognition of ADPs

None of the eight Principles (A through H) mentions ADPs. The underlying dispute here is not about the content of each principle, but about who holds the rights.

Considering the broader context of negotiations under SB8j-1 in Panama, Colombia was the voice that most strongly championed this issue across all agenda items, with the explicit support of Brazil, Uruguay, and Panama—particularly during the review process for the Voluntary Glossary of Terms under Article 8(j).

In the ITT Guidelines themselves, the question of "when and how to refer to Afro-descendant Peoples" remains unresolved. In addition to the reference to Decision 16/6, which appears in square brackets in the draft. The current text includes, in its opening considerations, a clarification that the term "local communities" includes ADPs. This is the minimum acceptable fallback position if the main proposal does not prevail. However, removing this clarification from the brackets would turn definitional silence into structural exclusion.

Why It Is a Top Priority at COP17

Together with Dispute 1, this is architectural, not operational: it determines whether the instrument has a coherent rights-based foundation. Removing Section III from the brackets without resolving its internal tensions would be a procedural victory devoid of any real substance. Introducing Principle H on non-regression is therefore the minimum guarantee that any progress achieved at COP17 survives national implementation.



Dispute 5. Restoration (Target 2): The Presumption of Non-Degradation and the Hierarchy of Knowledge

Target 2 of the Kunming-Montreal Global Biodiversity Framework commits States to restore 30 percent of the world's degraded ecosystems by 2030. This dispute concerns which territories are considered "degraded" in the first place, and who decides.

What Changed

The Zero Draft established, in the body of paragraph 21, that restoration efforts should focus on degraded ecosystems "recognizing that the territories of Indigenous Peoples and local communities are not necessarily degraded." In the Panama Draft, this principle of non-degradation was removed from the body of the text and moved to a footnote—a shift that represents a formal regression because footnotes do not create operational obligations or appear in the sections that countries actually implement.

Paragraph 22 continues to list traditional knowledge as a complement to scientific assessments, rather than as a priority or equivalent criterion, in both versions of the text: the TTIT/FIIB proposal to reverse this hierarchy was not incorporated. Paragraph 23 lost the reference to National Biodiversity Strategies and Action Plans (NBSAPs, the national planning instrument each country submits to the CBD) in the co-design of restoration, removed without brackets. And new paragraph 24—on food and water security, climate resilience, and cultural strengthening in Indigenous and Traditional Territories, a substantial gain adopted from the TTIT/FIIB proposal—weakened its normative force from "shall" to "should."

This is compounded by the deletion of paragraph 25—which in the Zero Draft protected, as an autonomous provision, the contributions of IPs and LCs to conservation within legal frameworks, including sustainable customary use—removing, without leaving it under dispute, one of the few explicit safeguards against the criminalization of customary hunting, fishing, gathering, and forest management: practices that affect Indigenous and Afro-descendant communities alike.

Why It Matters

Without an operational presumption of non-degradation in the body of the text, an Indigenous, local community, or Afro-descendant territory may be designated by the State, without a prior assessment demonstrating actual degradation, as the object of a restoration intervention—precisely in territories where local management practices (crop rotation, fire management, planting native species) often maintain ecosystems in better condition than surrounding control areas. Combined with the continuing hierarchy that treats traditional knowledge as a complement—not the default method—of scientific assessment, this gap opens the door to external restoration models that displace rather than strengthen local practices.

The Afro-Descendant Dimension

This same gap is, in almost identical terms, one of the central demands of ADPs: their territories—coastal, riverine, tropical forest, and savanna—are frequently subject to State or private restoration programs without a prior assessment of their actual state of conservation, which may impose external techniques that displace their own management practices, such as community agroforestry or Várzea management.

Why It Is a Priority at COP17

Because of the five disputes, this one has the simplest technical solution and the lowest political cost—move a footnote into the body of the paragraph and remove a qualifier in brackets.



Priorities for Advocacy at COP17

The five disputes do not carry equal weight. Disputes 1 (legal status of ITTs and reporting system) and 4 (Guiding Principles and human rights grounding) are architectural: they determine whether the instrument has a coherent rights-based foundation and whether ITTs—and, where applicable, Afro-descendant territories—are recognized as systems of their own or subordinated to State conservation categories. They are therefore the highest priority and require mobilizing the bloc of allied States with constitutional recognition of Indigenous and Afro-descendant territories before arriving in Yerevan.

Dispute 2 (FPIC) is the most operationally dangerous because it is already fixed—not under dispute, but incorporated—in two of its central occurrences, and because the same pattern of qualifiers is repeated throughout the negotiation. Dispute 3 (self-government) is the most invisible: no bracket flags it, so organizations must name it explicitly in their interventions to prevent it from passing unnoticed as consensus text.

Dispute 5 (restoration) is the simplest to resolve, because there is no need to reopen debates on matters of principle.

For ADP organizations, the strategy should operate on two distinct yet interconnected fronts. First, support the position of IPs and LCs on the texts under pressure—Disputes 1, 2, and 4—which, if resolved in favor of broad coverage, will indirectly benefit Afro-descendant territories. Second, submit their own proposals for textual insertion where the text is completely silent—explicit inclusion in the IP/LC formula, cov-erage of Afro-descendant territories in the ITT and global registry, and protection from unso-licited restoration—because no Indigenous or LC position alone closes that silence. This two-pronged strategy is even more necessary.



Conclusions

Considering the scientific evidence reviewed and the three case studies analyzed, this report maintains that ITTs—understood broadly as a category encompassing the territories of ADPs—constitute an effective and empirically demonstrated conservation pathway, with outcomes in forest stability, deforestation prevention, and territorial governance comparable to or better than those achieved by State-led conservation initiatives. The cases of Panama, Bolivia, and Colombia confirm, at the national, subnational, and watershed scales, respectively, that legal security, community governance, and effective recognition of territorial rights are the variables explaining these outcomes.

On this empirical basis, the report examined the CBD's 25-year normative trajectory toward a rights-based conservation approach and found that this trajectory now culminates in negotiation of the Voluntary Guidelines under Task 1.1 of the Programme of Work through 2030 on Article 8(j): the instrument that will determine whether this recognition translates into operational obligations or remains reduced to symbolic language.

The systematic comparison of the Zero Draft, the Panama Draft, and proposals from IPs, LCs, and ADPs reveals a consistent pattern: while the language of cultural and spiritual recognition advances, language demanding action from States—FPIC, governance autonomy, differentiated reporting, and data sovereignty—is being rolled back, primarily through qualifiers of State discretion ("where appropriate," "in accordance with national circumstances") inserted without being marked in square brackets—that is, already incorporated as consensus text.

Of the five structural disputes identified, two are architectural: the legal status of ITTs vis-à-vis PA and OECM categories, and the integrity of the Guiding Principles anchoring the instrument in international human rights law. Their resolution determines whether the other disputes—FPIC, self-government, and restoration under Target 2—are negotiated within a framework of self-recognition or remain subordinated to State categories. The absence of a principle of non-regression, proposed but not incorporated in any version of the text, also leaves any progress consolidated at COP17 without normative protection.

The report also documents that ADPs remain insufficiently anchored in this process: unlike IPs and LCs, they do not have an equivalent normative trajectory in the CBD; their sole formal foundation—Decision 16/6—is structurally weaker; and their explicit inclusion in the IP/LC formula, in the definition of ITT, and in the future global registry remains unresolved.

In this context, the report's central contribution is twofold: on the one hand, it systematizes the empirical evidence supporting the recognition of ITTs as a conservation pathway of their own. On the other hand, it precisely identifies where and how that recognition is being eroded in the text currently under negotiation, distinguishing between visible regressions—still under dispute under square brackets—and invisible ones—already fixed as consensus. It is this distinction that allows organizations representing IPs, LCs, and ADPs to focus their advocacy—in the narrow window of time remaining before COP17—on the areas where scientific evidence and the normative text diverge most significantly.

Recommendations

Strategic Recommendations on the Guidelines for COP17

1. ITTs, including Afro-descendant territories, should be considered a distinct conservation category under Targets 2 and 3

What must be achieved:

ITTs and Afro-descendant territories must be recognized as an autonomous conservation system legally distinct from PAs and OECMs, without an obligation to classify them within those categories.

Specific amendments to the Guidelines:

- Paragraph 26—replace "complementary" with "different" or "distinct" in characterizing ITTs vis-à-vis PAs/OECMs; remove the square brackets and fix this wording.
- Paragraph 26—add an explicit clause stating that recognition as an ITT does not create an obligation to classify it as a PA or OECM.
- Link this categorical autonomy to the global registry (§53) so that it has an operational effect on accounting for Target 3.

2. Establish disaggregated monitoring and reporting mechanisms for ITTs

What must be achieved:

Establish a global ITT registry and address the statistical invisibility of ITTs, including Afro-descendant territories, through a dedicated monitoring system validated by their rights holders.

Specific amendments:

- §53—restore the global ITT registry (removed and replaced by national systems conditioned on domestic legislation), specifying minimum reporting criteria: governance, knowledge systems, sustainable use, management plans, and locally led monitoring.
- §53—incorporate a three-level reporting structure (global, national, community) and establish that validation of compliance rests with Indigenous and Afro-descendant organizations, not external entities.
- The ITT registry system should capture not only territorial extent, but also the condition of the territory (conserved, degraded, under restoration), its governance, and its own management tools (life plans, land-use planning, management plans).
- Minimum reporting elements should include governance, knowledge and cultural systems, sustainable use of biodiversity, and management and monitoring plans—to show how Indigenous Peoples sustain conservation through their own life systems, without reducing reporting to decontextualized figures.
- Reporting should operate at three levels—global, national, and community—with the latter, as the level closest to actual territorial practices, serving as the foundation of the system.
- Validation of compliance with criteria for managing territory and biodiversity as a conservation area should not rest exclusively with external entities, but with Indigenous organizations themselves, thereby recognizing their territorial legitimacy and political authority.
- The system should rely on their own knowledge systems—elders, male and female knowledge holders, and intergenerational transmission—and on permanent monitoring and continuous territorial vigilance, without which there would be no reliable information for defending the territory.
- Any registry system should be governed by FPIC, with information sovereignty as a constitutive condition: it must be clear

what is shared, what is safeguarded, who decides, and under what conditions, to prevent sensitive knowledge from being used for extractive purposes.

- §54—fully restore the FPIC obligation for integrating territorial data into NBSAPs and national reports (removed without square brackets).
- §53—insert a data sovereignty clause: what is shared, what is safeguarded, and who decides, as a constitutive condition of the registry.

3. FPIC as an enforceable right

What must be achieved:

Promote a negotiating standard that reverses the current trend of weakening FPIC toward a discretionary threshold, incorporating enforcement mechanisms for noncompliance.

Specific amendments:

Principle D/paragraph 11—Delete "where appropriate" and "in accordance with national circumstances."

Paragraphs 34/35—delete the three qualifiers ("in consultation with," "where appropriate," "national legislation") that condition FPIC before creating or expanding PAs.

Paragraph 21—delete the bracketed "[where appropriate]" applied to FPIC in restoration interventions in ITTs.

Add an operational paragraph referring to enforcement mechanisms in cases of noncompliance (e.g., request that the Secretariat develop guidance on complaint and remedy pathways).

4. Strengthen the effective protection of collective rights and self-government

What must be achieved:

Restore the conceptual foundation of the Zero Draft and the status of IPs and LCs as active rightsholders, not objects of management. Incorporate binding (not merely aspirational) compliance indicators on territorial self-government into re-porting mechanisms and condition recognition of contributions to Targets 2 and 3 on the existence of effective—not merely formal—guarantees of collective rights.

Specific amendments:

Paragraph 5—restore the biocultural rationale removed without square brackets or integrate it directly into Principle A (paragraph 8).

Paragraphs 40/41—Reverse the change in wording from "may be recognized" to "should be recognized" regarding PA governance models.

Paragraphs 37/38—restore "autonomous" and the active-voice construction for IPs/LCs (currently passive voice).

Paragraphs 32/33—Delete "where applicable" from the recognition of autonomy.

Paragraph 25—fully restore the paragraph on customary use (hunting, fishing, forest management) removed without square brackets.

Cautionary note: The proposal to make recognition of contributions to Targets 2 and 3 contingent upon effective guarantees of collective rights is not currently supported by any paragraph, definition, or section of the text. There is no measure of the quality of rights guarantees—only territorial extent and recognized governance. It is necessary to propose this as a new operational principle in Section III of the Guidelines.

One possible version of the proposed text is: Principle [X]. ***Effective Safeguards as a Condition for Recognition***

Recognition of the contributions of Indigenous Peoples, local communities, and Afro-descendant Peoples to achieving Targets 2 and 3 of the Kunming-Montreal Global Biodiversity Framework must be grounded in the existence of effective guarantees of their collective rights—including secure tenure over their territories, free, prior, and informed consent, and self-government—and not solely in their formal or normative recognition.

5. Explicit inclusion of ADPs

What must be achieved:

Ensure that recognition of ADPs no longer depends on tacit inclusion under "local communities."

Specific amendments:

Initial considerations—retain the reference to Decision 16/06 without square brackets.

Throughout the text—insert "Afro-descendant Peoples" by name in every reference to the IP/LC formula (ideal option); if this does not prevail, maintain and defend the bracketed clause clarifying that "local communities" in-cludes them (fallback position).

Definition of ITT—add an explicit reference to Afro-descendant forms of territorial governance.

§53—explicitly extend eligibility for the global registry and indicator to Afro-descendant territories.

Paragraphs 11 and 34/35—ensure explicit mention of ADPs to close the FPIC gap arising from their absence from the IP/LC formula.

6. Principle of non-regression (Principle H)

What must be achieved:

Propose that the Guidelines, as well as other decisions at COP17, explicitly adopt a principle of non-regression with respect to advances already achieved concerning the rights of IPs, LCs, and ADPs, as a safeguard against their erosion in national implementation—particularly in light of adverse regulatory changes underway in some countries.

Specific amendments:

- Section III—introduce a new Principle H on non-regression regarding the rights of IPs, LCs, and ADPs, absent from both versions of the text.
- Extend equivalent language, to the extent possible, to other COP17 decisions affecting these rights (30x30, resource mobilization).

7. Protection of ITTs from unsolicited restoration [Dispute 5]

What must be achieved:

Restore the presumption of non-degradation of ITTs as an operational principle in paragraph 21—not as a footnote—and reverse the current hierarchy between traditional knowledge and scientific knowledge in the restoration design.

Specific amendments:

- Paragraph 21—restore in the body of the paragraph (not footnote 11) the presumption that ITTs "are not necessarily degraded"; no ITT may be subject to a restoration intervention without a prior assessment—based on traditional knowledge and scientific knowledge on an equal footing—demonstrating actual degradation, and delete the qualifier "[where appropriate]" applied to FPIC: all restoration in ITTs requires unconditional FPIC. (Link to Recommendation 3—FPIC as an enforceable right, Principle D.)
- Paragraph 22—reverse the hierarchy between traditional knowledge and scientific knowledge for ITTs: local management techniques (fire, rotation, native planting) should be the default restoration method, not a subsidiary option.

8. Direct financing

What must be achieved:

Ensure direct funding programs to support conservation and restoration initiatives, spatial planning projects, and environmental impact assessments led by IPs and LCs within their territories, and ensure that these are provided without any qualifying conditions that would undermine their effectiveness.

Specific amendments:

- Paragraph 51—remove added conditions: ["where appropriate / national circumstances / national legislation"].

9. Building new political alliances

What must be achieved:

Given the adverse political context in 2026, marked by changes in government and regressive reforms in several countries across the region, it is necessary to identify and build new political alliances.

This recommendation does not operate through a textual amendment to the Guidelines—it is a diplomatic action parallel to the negotiation.

Specific amendments:

Identify and establish bilateral contact with States in the African Group active on Article 8(j), countries in the Like-Minded Megadiverse Countries (LMMC) group with community tenure frameworks outside the Andean-Amazonian region, the European Union and Norway (a financial ally already committed to this process), and small Pacific island states. Brazil remains the only structural ally of the original bloc.

10. Scientific evidence as technical support

What must be achieved:

Given the adverse political climate in 2026, prioritize the systematization and active dissemination of robust scientific evidence on the effectiveness of conservation led by IPLCs, as a technical basis to counterbalance less protective political positions.

Specific amendments:

- Link this demand to an existing task under the current framework (Decision 16/4, element 4.7—co-production of knowledge) or propose a new task requesting the Secretariat and SBSTTA to systematize and disseminate evidence on the effectiveness of conservation led by IPs/LCs/ADPs as an input to implementation and future review of the Guidelines.



Annex

Case Studies: The Effectiveness of the Own Forms of Conservation of Indigenous Peoples, Afro-descendant Peoples, and Local Communities

To illustrate the conservation outcomes achieved under this approach, this report analyzes three case studies with the aim of providing empirical evidence for the premise under debate: how ITTs contribute to biodiversity conservation, ecosystem restoration, and the strengthening of governance and territorial rights for implementation of Target 3.

These cases are developed at different scales—national, subnational, and watershed—in Panama, Bolivia, and Colombia, and across different strategic ecosystems. The purpose is to provide concrete figures and comparative analyses relevant to the discussion and decision-making at COP17. Emphasis is placed on the effective implementation of FPIC; reducing deforestation; territorial governance; life plans, management plans, community monitoring, and other own governance systems; as well as the need to continue recognizing territorial rights or tenure security as an effective conservation strategy.

case panamá



Panama and Indigenous Territories: Forest Stability and Better Conservation Indicators than in PAs

Scale: National

Key Findings of the Panama Case

1. From 2000–2020, forest stability in Panama was greater in Indigenous territories, including areas formally recognized and areas undergoing legal recognition, than in PAs delimited by the Panamanian State. This data constitutes key evidence of the effectiveness of rights-based conservation.
2. Panama has 4,625,670.20 hectares of forest, excluding secondary scrub forests. Of this cover, 2,169,170 hectares are registered within the National System of Protected Areas (SINAP). The legally recognized Indigenous comarcas, (legally recognized Indigenous territories) meanwhile, contain 1,562,400 hectares of forest within their territories. This figure applies exclusively to formally constituted comarcas and therefore excludes other Indigenous lands undergoing recognition or with forms of occupation and territorial governance that are not fully legalized.
3. At a broader analytical scale, when both legalized Indigenous lands and those not legalized or undergoing recognition are considered, Indigenous territories recorded 1,852,774 hectares of stable forest during 2000–2020. This difference from the forest figure for Indigenous comarcas is explained by the fact that the forest-stability analysis covers a broader territorial area than that of formally recognized comarcas.
4. Permanent forest loss was proportionally lower in Indigenous territories than in PAs. During the 2000–2020 period, the deforested area in Indigenous territories accounted for 3.33 percent of the forests existing at the start of monitoring, while in PAs it reached 5.36 percent. This shows that Indigenous governance performed relatively better in forest management and in preventing deforestation.
5. The areas that were subject to intervention and subsequently regenerated were larger in Indigenous territories, demonstrating a conservation pattern involving forest use and recovery. During the period analyzed, these areas represented 6.98 percent in Indigenous territories, compared with 2.2 percent in PAs. This data should not be interpreted as permanent forest loss, but as part of a territorial dynamic in which forest use is combined with processes of regeneration, planning, and governance.
6. PAs recorded 49.8 percent less stable forest than legally recognized Indigenous lands and Indigenous lands without legal recognition. While Indigenous territories preserved 1,852,774 hectares of stable forest, PAs accounted for 931,047 hectares. In other words, during the period 2000–2020, Indigenous territories maintained almost twice as much stable forest as PAs.
7. The case of Panama shows that conservation based on Indigenous land rights can produce outcomes comparable to—and even better than—the classic protected-area model. The forest stability observed in these territories demonstrates the effectiveness of their forest governance, regulated-use, and ecological-regeneration mechanisms.
8. The high success rate suggests that, in the case of Panama, rights-based conservation should not be understood as a secondary or complementary strategy. On the contrary, available data shows that Indigenous territories play a structural role in maintaining forests, both because of the area they conserve and because of their relatively lower levels of deforestation.

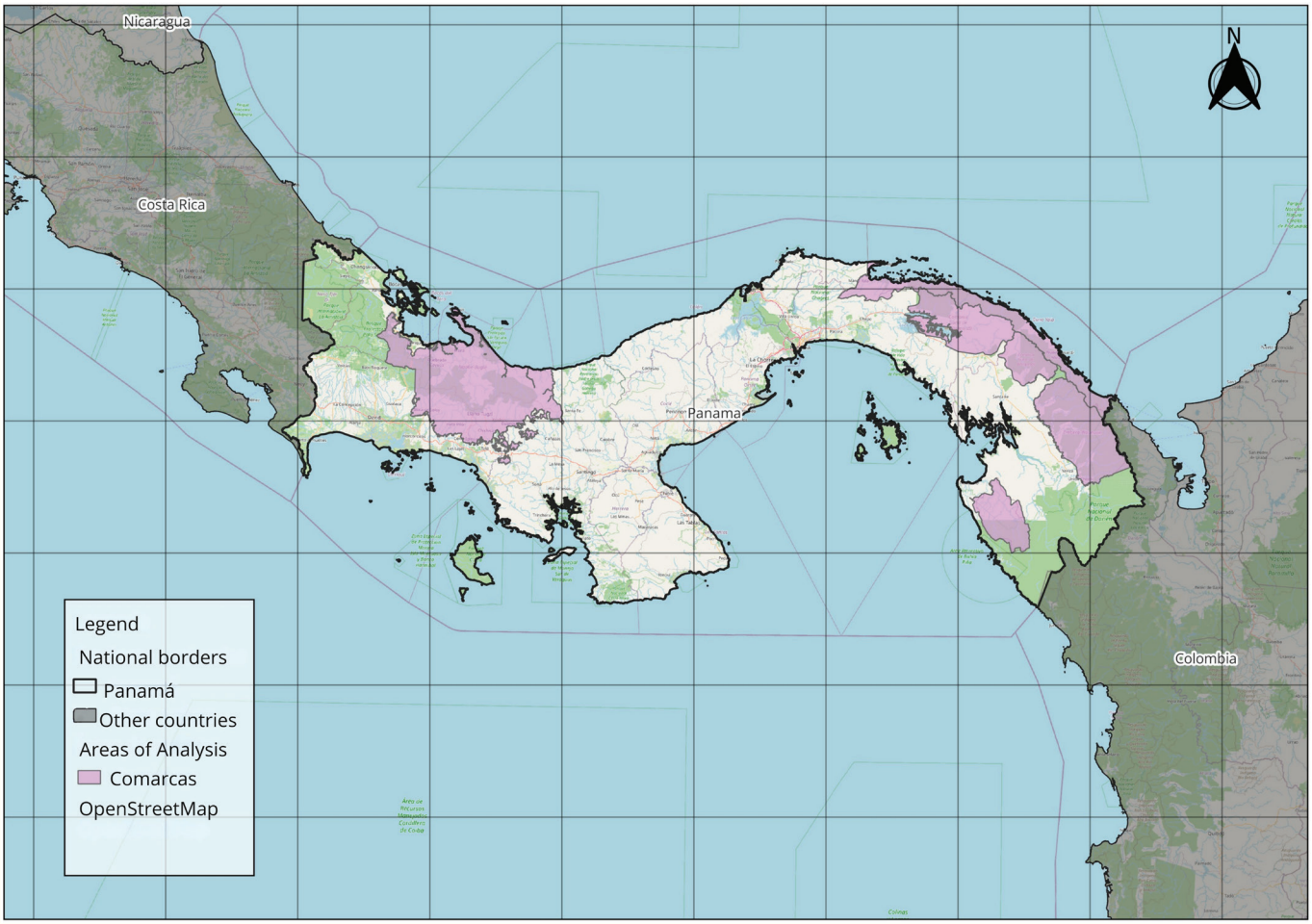
Context of Indigenous Territories and PAs in Panama

In Panama, recognition of IPs' collective ownership has developed mainly through two special legal mechanisms: Indigenous comarcas and Indigenous collective lands. Both seek to protect traditionally occupied territories and are supported by the Panamanian constitutional framework, as well as in specific laws, such as the comarca laws and Law 72 of 2008.

However, these forms do not have exactly the same scope. Indigenous comarcas form part of the political-administrative organization of the Panamanian State, whereas Indigenous collective lands, although recognizing collective property rights, do not have the same level of political-administrative recognition. This distinction is important because it makes it possible to understand both the advances in the recognition of Indigenous territorial rights in Panama and the gaps that persist with respect to pending requests for formal recognition.[81]

Currently, Panama has approximately 1,827,820 hectares formally recognized as Indigenous collective property, representing about 24% of the national territory. However, if the pending formalization requests were favorably resolved, this area could increase to represent approximately 41% of the country, according to Alejo et al. (2025). This shows that the territorial weight of IPs in Panama is not only significant, but could be much greater if institutional delays in the recognition of their territorial rights were overcome.

Map 1. Indigenous comarcas.

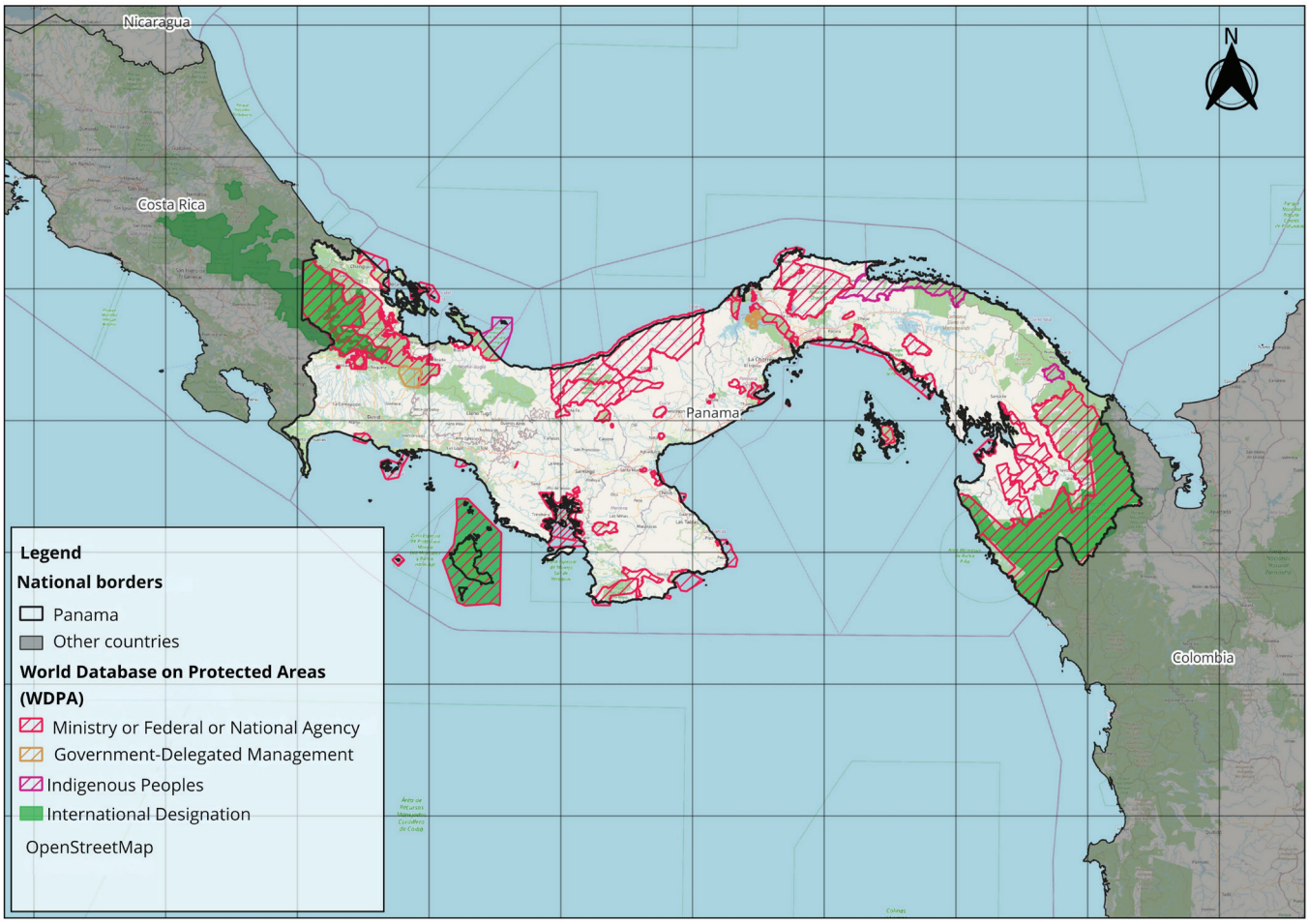


Author's own elaboration.

Regarding PAs delimited and registered within SINAP, Panama had 121 PAs as of 2025. These cover approximately 33 percent of the country's land area and 30.5 percent of its marine area.[82]

Within these areas, the Panamanian government has promoted activities with low environmental impact, such as the Tourism, Conservation and Research Strategy (TCI), developed by the Ministry of Environment and the Panama Tourism Authority.[83] This approach seeks to combine conservation, research, and regulated public use, particularly in areas of high ecological value.

Map 2. Protected Areas in Panama.



Source: Author's own elaboration.

However, the mere existence of PAs does not, in and of itself, guarantee effective conservation. Despite efforts to promote low-impact activities, significant concerns remain regarding the pressure on fragile ecosystems, both marine-coastal and forested. One example of this is the closure of the Isla Escudo de Veraguas-Dego PA, implemented by the authorities due to the extraction and commercialization of endemic species.[84]

This context raises a central question: although Panama has a broad and consolidated formal protected-area system, Indigenous territories play an equally structural, and in some cases more effective, role in maintaining forests and conserving strategic ecosystems.

Conservation Figures and Outcomes: The Rights-Based Approach; Greater Effectiveness than the PA Conservation Approach

At the national level, the Panama case allows longitudinal studies[85] to show how negative changes in forest cover occurred particularly in areas lacking territorial governance arrangements through ethnic communities or State institutions. In particular, the CODED algorithm developed by Alejo et al. (2025), based on Landsat imagery, identifies conversions from forest to non-forest, stable forest, and non-forest areas. With respect to forest conversions, CODED identifies cycles known as forest disturbances—transformation cycles whose final stage is regeneration. This distinction is central to the argument because it avoids reducing every change in cover to permanent loss and provides a better understanding of Indigenous forest-use systems.

The results show that, over the 20-year period, Indigenous lands maintained 18,537.74 km² of stable forest, equivalent to 1,853,774 hectares. This figure is almost double the area of stable forest recorded in PAs, which totaled 9,310.47 km², or 931,047 hectares. Comparatively, Indigenous lands conserved approximately 99.11 percent more stable forest than PAs. The study is significant because it suggests that, at the national scale, forest stability is not necessarily associated with the forest enclaves of PAs;[86] rather, the greatest contribution is found in areas where Indigenous communities' collective property rights are recognized.

This reading converges with the work presented in the PRISMA Report Indigenous Peoples and Governance in REDD+ Readiness in Panama, which demonstrated that Indigenous territories in the Central American country contain a significant share of mature forests and forest carbon. Drawing on estimates by Vergara-Asenjo and Potvin, PRISMA reports that Indigenous comarcas and collective lands covered 23,742 km², equivalent to 31.6 percent of Panama's land area, and that in 2008, Indigenous territories and PAs jointly contained 77 percent of the country's mature forests. Moreover, Indigenous territories contained approximately 1,754,000 hectares of mature forest, compared with 725,000 hectares in PAs, and retained approximately 54 percent of Panama's mature forests and 54 percent of its forest carbon stocks.[87]

Indicator	Indigenous lands	Protected Areas	Lands without State or Indigenous governance arrangements
Stable forest through 2020	1,853,774 ha	931,047 ha	797,377 ha
Deforestation 2000–2020	71,158 ha	54,068 ha	348,277 ha
Relative deforestation compared with forest existing before 2000	3.33%	5.36%	27.43%
Forest disturbance	144,434 ha	22,252 ha	123,836 ha
Relative disturbance	6.98%	2.2%	9.75%

Source: Authors' own elaboration based on Alejo et al. (2025).

The comparison is also significant when relative deforestation rates are examined. Between 2000 and 2020, Indigenous lands recorded 71,158 hectares of deforestation, compared with 54,068 hectares in PAs and 348,277 hectares in lands without Indigenous governance arrangements or State protection. Although PAs had a smaller deforested area in absolute terms, the proportional picture is more revealing: relative to forest existing before 2000, Indigenous lands lost 3.33 percent, PAs lost 5.36 percent, and other lands lost 27.43 percent. This supports the conclusion that, in relative terms, Indigenous lands performed better against deforestation than PAs, with an even more pronounced difference compared with lands without protection or Indigenous territorial recognition.[88]

The behavior of the forest disturbance should also be interpreted carefully. In Indigenous lands, 144,434 hectares of forest disturbance was identified, compared with 22,252 hectares in PAs and 123,836 hectares in other lands. However, this figure cannot automatically be interpreted as irreversible degradation. Under the methodology of Alejo et al. (2025), forest disturbance refers to temporary transformations that may be followed by regeneration. Accordingly, the data distinguish permanent forest conversion from dynamic territorial-use systems, including shifting cultivation, gathering, mobility, forest management, and recovery of forest cover.

Indigenous lands are neither empty spaces nor territories without human intervention. They are territories that are used, inhabited, traversed, and managed, but under systems that do not necessarily lead to permanent forest loss. For this reason, the Panamanian case supports the argument that effective conservation can coexist with ways of life, production, mobility, and cultural reproduction. In other words, the forest's survival does not depend solely on a state conservation category, but also on socio-ecological knowledge, community institutions, practices, and forms of territorial governance.

Despite these results, however, the situation of IPs in Panama remains marked by a historic deficit in territorial recognition and titling. The International Work Group for Indigenous Affairs (IWGIA) reports that, according to the 2023 census, IPs represent 17.2 percent of the national population; however, full formalization of their territories remains an outstanding demand.[89] This tension becomes even more complex when one considers that, according to PRISMA (2023), nearly 80 percent of the land eligible for titling under Law 72 of 2008, a law that allows for the recognition of indigenous collective property outside the comarcas, overlaps in some way with PAs.

This point is fundamental to the discussion on rights-based conservation. On the one hand, PAs may be cited in national reports as advances in conservation. On the other hand, when these areas overlap with Indigenous territories awaiting titling, there is a risk that the contributions of Indigenous governance will become invisible or subordinated to State categories. Indeed, conservation outcomes on unrecognized Indigenous lands may ultimately be absorbed into protected-area or buffer-zone figures without recognition of territorial rights, autonomy, consent, or self-governance.[90]

The contribution of Alejo et al. (2025) with respect to the inclusion of community demarcations developed using collaborative surveys and guided mapping, makes it possible to see more precisely where effective conservation occurs and under what forms of territorial governance it is sustained. To that extent, the Panama case provides empirical evidence to support the assertion that a rights-based approach to conservation is not only a normative requirement but also an ecologically relevant condition: Indigenous lands maintain large tracts of stable forest, exhibit lower relative rates of deforestation, and sustain dynamic land-use systems that can promote forest regeneration and persistence.



case bolivia

Comparison of Conservation Rates Among Three Governance Models: State, Co-Management, and Indigenous

Scale: Subnational

Key findings Bolivia Case

1. Between 2014 and 2024, the Indigenous-governed Takana-Cavineño territory (271,049.5 ha) and TIPNIS (1,091,656 ha) maintained their intact forest virtually stable, with changes of only +0.09 percent per year and -0.14 percent per year, respectively.
2. The Beni Reserve, a State PA without Indigenous management and with a smaller area (~134,848 hectares), lost 89 percent of its intact forest during the same period, at a rate of -19.8 percent annually—more than 140 times the rate of loss in TIPNIS.
3. Although the Beni Reserve—the case study of PA under State governance—covers a smaller area, it shows the highest levels of transformation.
4. In this case, mixed or collective governance systems have the capacity to conserve larger areas than those governed solely by one type of State governance.
5. There is a gap between nominal governance and effective governance.
6. This case study from the northern Bolivian Amazon presents compelling data and figures grounded in historic success cases involving FPIC, recognition of territorial rights, collective ownership management, and Indigenous governance.

Context of the Areas Studied in Bolivia

The areas selected in Bolivia are in the northern Amazon, within the department of Beni, where different conservation conditions and threat types converge for this case study. Three governance models were identified for comparative analysis using satellite imagery provided by BioMaps Bolivia. These are: Indigenous Original Peasant Territories (TIOC)—Indigenous collective property; Isiboro Sécure National Park Indigenous Territory (TIPNIS)—a co-governance arrangement—and the Beni Biological Station Biosphere Reserve, under State governance, managed exclusively by the Ministry of Environment.

Indigenous Governance: TIOC Takana-Cavineño

The Indigenous Original Peasant Territory of the Takana and Cavineño Peoples is in the municipalities of Riberalta, Santa Rosa, and Exaltación, in the department of Beni. It covers an area of 271,049.5 hectares and has active Indigenous governance. Collective ownership was consolidated in 2007, securing 93.97 percent of the original territory claimed. It is a TIOC model, formerly known as Tierra Comunitaria de Origen (Original Communal Land of Origin).[91]

Based on this analysis, it is the only one of the three territories showing a net gain in intact forest during the period analyzed: Upland forest remained virtually stable over the decade, with a net increase of +0.87 percent from 2014 to 2024, equivalent to an average annual increase of +0.09 percent in upland forest. The growth of the grassland/shrubland category (+24.5 percent) reflects the native savanna dynamics characteristic of the territory's geography (the departments of La Paz and Pando) and does not necessarily indicate degradation.[92]

These values are also corroborated by Pérez and Smith (2019), who note that the TIOC Takana-Cavineño areas have shown consistent and continuous patterns of forest gain. This may also be because the territory is generally surrounded by areas also managed by IPs and LCs, creating a consolidated protection landscape for standing forests, Indigenous environmental governance, and management based on local knowledge, which enable an increase in forest area while also supporting the survival of Amazonian culture and worldview.

Table 1. Analysis of Land Cover and Forest and Land-Use Change Indices in the Takana-Cavineño TIOC

Indicator	2014	2018	2020	2024
Upland forest (ha)	143,790	143,526	143,433	145,046
Total forest formation (%)	80.1%	82.9%	81.3%	82.7%
Pasture (ha)	957	1,170	1,252	1,634
Grassland/shrubland (ha)	36,165	34,573	38,979	45,037
Territory	**Governance**	**Area (ha)**	**Δ upland forest**	**Annual Growth Rate (CAGR)**
Takana-Cavineño TIOC	Indigenous (TCO)	271,049.5	+0.87%	+0.09% per year

Source: Analysis based on MapBiomas statistics, 2024a.

Indigenous-Government Co-management: TIPNIS National Park

TIPNIS combines the designation of an Indigenous Original Communal Land (TCO) with that of a National Park, encompassing a total area of 1,091,656 hectares across the departments of Beni and Cochabamba. This designation has been an emblematic case in Bolivia in terms of Indigenous collective ownership, combined with a protected-area designation. It emerged from complaints filed by Indigenous organizations in response to the controversy surrounding the Villa Tunari–San Ignacio de Moxos road, which would pass alongside natural gas pools within the park. The project advanced without FPIC, confronting the dominant extractive frontier and generating a socio-environmental strategy based jointly on Indigenous mobilization and conservation. It is therefore a successful case of containing this conflict and advancing FPIC.[93]

TIPNIS presents the following land-cover values in the figure (see Table 2): at the aggregate level, the "Forest Formation" category shows a slight increase of +0.65 percent between 2014 and 2024. However, this result may be strongly linked to the expansion of floodplain forest (+5.71 percent), while upland forest—the category most sensitive to human pressure and of greatest relevance for terrestrial habitat—declined by -1.40 percent in terms of forest cover over the same period.[94]

Table 2. Analysis of Land Cover and Forest and Land-Use Change Indicators for TIPNIS

Indicator	2014	2018	2020	2024
Upland forest (ha)	663,847	667,583	656,728	654,571
Floodplain forest (ha)	267,526	265,568	279,628	282,809
Total forest formation (%)	82.5%	82.7%	83.0%	83.1%
Agriculture (ha)	6,532	7,008	7,600	9,526
Territory	**Governance**	**Area (ha)**	**Δ upland forest**	**Annual Growth Rate (CAGR)**
TIPNIS	Indigenous + National Park (mixed)	1,091,656	-1.40%	-0.14% per year

Source: Authors' own elaboration Analysis based on MapBiomas statistics, 2024b.

State Governance (Without Indigenous Management) Beni Reserve

The Beni Biological Station Biosphere Reserve was established by Supreme Decree No. 19191 in 1982. This State-managed PA does not have an explicit designation as a Community Territory of Indigenous Origin; rather, it is managed exclusively by the Bolivian Ministry of Environment and Development through the National System of Protected Areas of Bolivia (SNAP). Located in the seasonally flooded savanna of the Llanos de Moxos.[95]

Based on the area analysis, the annual rate of Forest Formation also shows a slight increase (+0.93 percent). However, when disaggregated, a critical pattern emerges: upland forest declined sharply from 2014, when the area stood at 3,742 hectares, to just 412 hectares in 2024.[96] Statistically, the total cumulative loss of upland forest from 2014-2024 is -89.0 percent, with an approximate annual compound rate of decline of -19.8 percent. This shows that deterioration accelerated markedly during 2020–2024, with a loss of -76.3 percent in just four years, coinciding with the period when Beni became established as a new deforestation frontier in Bolivia.[97]

Table 3. Analysis of Land Cover and Forest and Land-Use Change Indicators for the Beni Biological Station Biosphere Reserve.

Indicator	2014	2018	2020	2024
Upland forest (ha)	3,742	2,954	1,736	412
Upland forest (% of the territory)	2.77%	2.19%	1.29%	0.31%
Pasture (ha)	1,629	1,744	1,252	1,634
Grassland/shrubland (ha)	20,756	18,899	20,699	16,039
Territory	**Governance**	**Area (ha)**	**Δ upland forest**	**Annual Growth Rate (CAGR)**
Beni Reserve	State-owned (without Indigenous management)	~134,848	-89.0%	-19.8% per year

Source: Analysis based on MapBiomas Statistics, 2024c.

Pressures Converging in the Northern Bolivian Amazon

Multiple forms of anthropogenic pressure are present in the study area and converge across the same territories. As an explanatory variable, the analysis shows that the change in their presence was +270 percent (6,174 hectares of agricultural or pasture use in 2024, compared with 1,629 hectares in 2014) stronger in the Beni Reserve, where governance is exclusively State-based through PA designations. In areas under exclusively Indigenous governance, the change was +70.7% (957 hectares of pasture in 2014 and 1,634 hectares in 2024).[98]

A recent analysis based on 2025 Global Forest Watch data identifies Vaca Díez Province in Beni as accounting for 14.4 percent of national forest loss by itself, and that, unlike provinces such as Santa Cruz, which show signs of recent reduction, Vaca Díez has recorded sustained increases over the past three years, consolidating as a new deforestation frontier that is placing conservation of the study areas under pressure, with particular emphasis on and repercussions for the Beni Reserve.[99]

Conservation Figures and Outcomes: Comparison Among Governance Models

Comparison of the three Bolivian territories analyzed reveals a clear pattern: active Indigenous governance is the factor that best explains actual forest-conservation effectiveness, above protected-area size or formal protection status. To illustrate the above statement, the 3 proposed areas were selected as case studies:

Table 4. Comparative Analysis of Governance Models in Terms of Forest Loss.

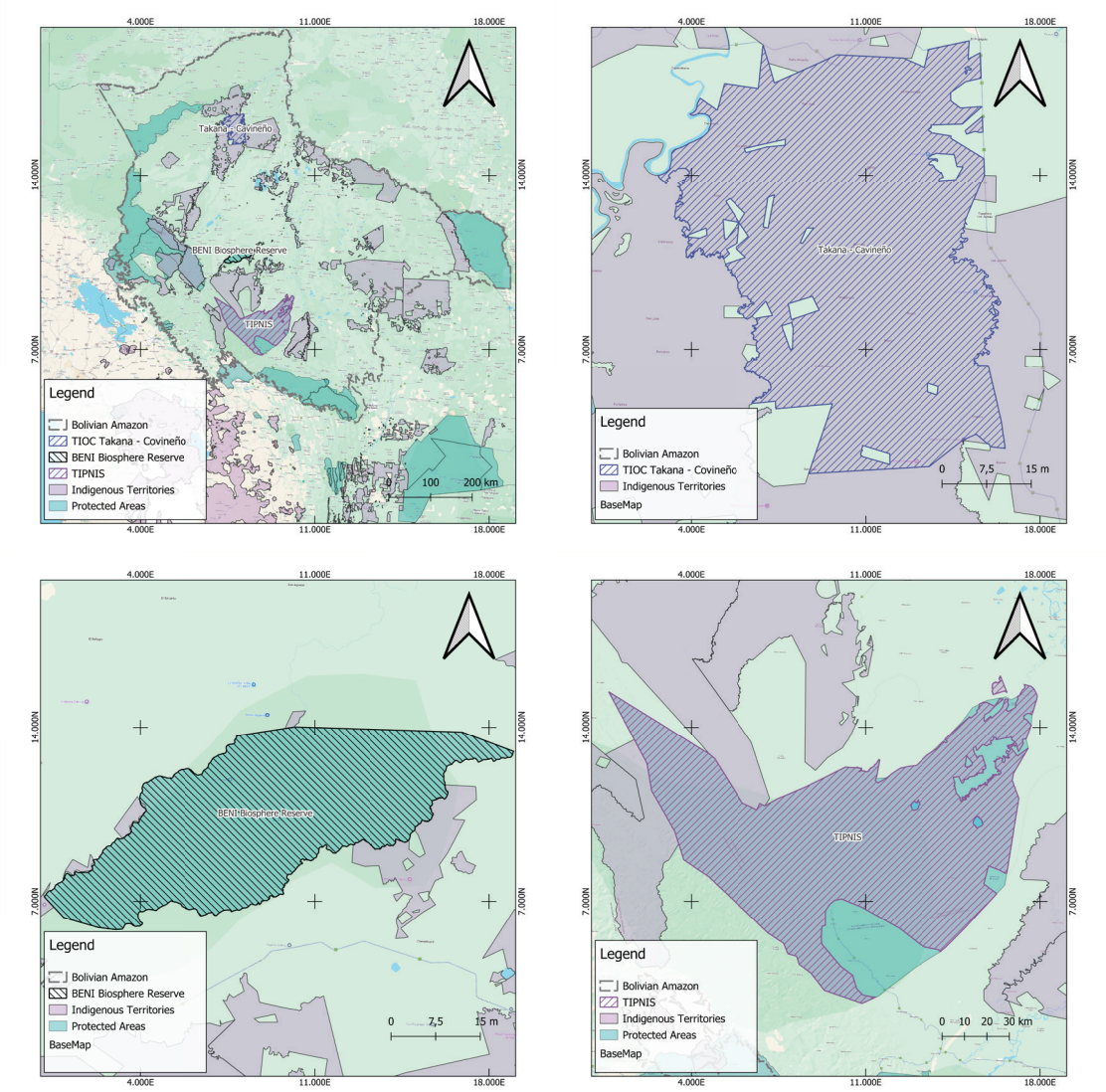
Territory	Forest Formation 2014	Forest Formation 2024	Δ aggregate	Δ upland forest (actual)
Takana-Cavineño	80.1%	80.1%	-0.04%	+0.87%
TIPNIS	82.5%	83.1%	+0.65%	-1.40%
Beni Reserve	81.9%	82.7%	+0.93%	-89.0%

Source: Analysis based on MapBiomas Statistics, 2024b.

- In the TIOC Takana-Cavineño case study, with exclusively Indigenous governance over 271,049.5 hectares, it is the only of the three cases to record a net gain in intact forest over the last decade (+0.87 percent overall; +0.09 percent annually).
- TIPNIS, a mixed-governance territory—Indigenous and National Park—manages more than one million hectares and shows a slight, contained loss in this analysis (-1.40 percent overall; -0.14 percent annually), consistent with still-active territorial management despite external pressures.
- By contrast, the Beni Reserve, a purely State-managed PA without an Indigenous management component and with only ~134,848 hectares, has experienced a loss of -89.0 percent of its upland forest, at a compound rate of -19.8 percent annually: a rate of loss more than 140 times higher than that of TIPNIS.

The quantitative evidence presented in this report supports the conclusion that, in the Bolivian context, actual forest-conservation effectiveness is more closely associated with the territorial governance model than with the mere existence of a formal protection designation. Indigenous territories with active governance (TIPNIS and TIOC Takana-Cavineño) showed stability or net gains in intact forest between 2014 and 2024, while the Beni Reserve, a State PA without a formally established and recognized Indigenous management component, suffered a marked decline in forest area documented both by this study's own data and by independent sources.[100]

Map 3. Compilation of Case Study Maps.



Source: Author's own elaboration.



case colombia

The Yurumanguí Community Council Case: Verifiable Outcomes from the Exercise of Traditional Authority and Autonomy by Black and Afro-descendant Peoples

Scale: Watershed

1. The case of the Yurumanguí Community Council shows that collective land titling for Black communities not only has legal implications in terms of territorial recognition but also a verifiable environmental impact. The existence of a collective land title covering 54,776 hectares, has made it possible to strengthen local authority, regulate land use, and maintain high levels of conservation in a strategic sub-watershed.
2. Yurumanguí retains the watershed-based collective titling model characteristic of the early years of implementation of Law 70 of 1993. This is relevant because the territory was not recognized as an isolated polygon, but as a socioecological unit comprising river, tropical humid forest, mangrove, intertidal zones, estuaries, and maritime coast.
3. The Community Council holds collective title to 83.2 percent of the Yurumanguí River watershed. This figure shows that legal recognition of collective property covers a substantial portion of the community's territorial and ecological system, which strengthens its capacity for governance, control, and land-use planning.
4. Despite pressures arising from armed conflict, illicit crops, illegal mining, and illegal logging, community governance has enabled the conservation of approximately 96 percent of the forest cover in the Yurumanguí River watershed, including forests, mangroves, and transition zones such as estuaries. This data is key evidence of the effectiveness of conservation exercised through Afro-descendant traditional authority
5. The Yurumanguí case shows that rights-based conservation does not require transforming traditional practices, but rather recognizing their own forms of use, management, and regulation. The community has maintained traditional practices such as fishing, agriculture, forest use, and ancestral mining, without these ways of life leading to a generalized loss of natural cover.
6. The comparison with the Farallones de Cali National Natural Park reinforces this argument. While the adjacent PA has suffered severe impacts from illegal mining and loss of natural vegetation, Yurumanguí maintains high levels of conservation under collective ownership and self-government. This shows that State designation of a PA does not by itself guarantee better environmental outcomes.
7. The Yurumanguí case supports the conclusion that collective ownership by Black communities can produce environmental outcomes comparable to, and even stronger than, classic conservation models focused exclusively on PAs. The difference is that conservation here is achieved not through exclusion but through permanence, territorial authority, community control, and collective defense of the forest, river, and mangrove. The collective title has enabled the community to sustain buen vivir (living well in harmony with community, territory, and nature), traditional forms of use, and the continuity of a highly conserved socioecological system.

Collective Titling of Black Communities: A Right with an Environmental Impact

With the promulgation of Colombia's 1991 Constitution, a path was opened for recognizing Black, Afro-descendant, Raizal, and Palenquero Peoples as subjects of special protection. Years later, with the strengthening of the constitutional framework, the enactment of Law 70 of 1993, and, subsequently, Decree 1745 of 1995, which regulated Chapter Three of that law, a long process began to recognize collective property through titles granted to Community Councils as the political-administrative bodies of Black communities.

The first years of implementation of Law 70 and the titling process developed through Decree 1745 of 1995 focused on titling watersheds in Colombia's Pacific region. This context reflected efforts to protect ecosystems within the Chocó biogeographic region. In fact, environmental policies during the second half of the 1990s and first half of the 2000s were linked to consolidating a rights-based conservation model for certain parts of the country, in which collective titling policy was fundamental.[101]

33 years after Law 70 of 1993 was enacted, the efforts of President Petro's government and Vice President Francia Márquez led to the development of new regulatory instruments, such as Decree 0129 of 2024, expanding mechanisms for protecting lands, including strategic ecosystems. Colombia has now titled 303 Community Councils, covering 5,725,040 hectares across 17 departments. Despite these efforts, 744 collective-titling applications remain unresolved, exposing Black and Afro-descendant communities to serious risks of dispossession.[102]

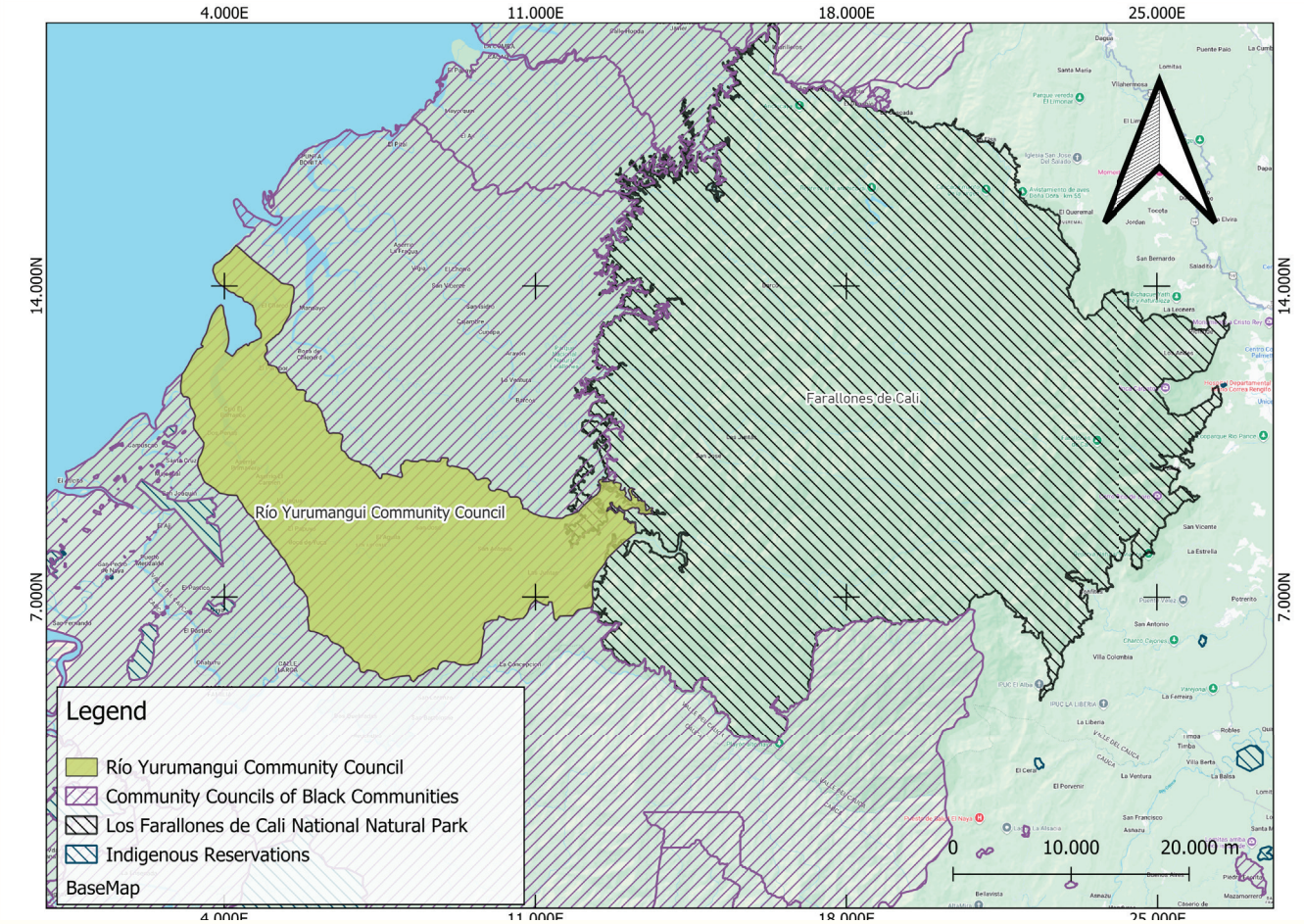
Forest conservation within collectively titled lands of Black communities ranges from 94.32 percent to 73.33 percent, according to the Ministry of Environment and Sustainable[103] Development and a report by the Humboldt Institute. However, the percentage variation is because of the inclusion of tropical humid forest and different types of forest layers, which produces a variation in the calculation. In any event, the figure ranges between 5,400,000 and 4,034,778 hectares.[104] An update of this figure, estimated using the Forest and Carbon Monitoring System (SMByC) methodology, indicates that, as of 2024, 58 percent of Colombia's forests were located within collective territories of Black communities, Indigenous reserves, and peasant reserve areas.[105] This evidence also aligns with recent studies showing that recognized Afro-descendant lands in South America are associated with areas of high biodiversity and carbon value and show significantly less forest loss than similar areas.[106]

Yurumanguí Community Council

Located in the southwestern part of the Valle del Cauca department, in the rural area of the Buenaventura District, the Yurumanguí Community Council has held a collectively titled area of 54,776 hectares since November 24, 1999, retaining the titling model used during the initial implementation of Law 70 of 1993. The community council has structured its land-use plan around three zones, comprising 12 villages, each of which has a different economic focus.[108]

The Yurumanguí Community Council holds collective title to 83.2 percent of the entire Yurumanguí River watershed, in a mosaic of tropical humid forest, mangrove, and maritime coast, and borders Farallones de Cali National Natural Park.

Map 4. Collective Title: Yurumanguí and Los Farallones de Cali National Park



Source: Authors' own elaboration.

Despite the pressures faced by the Community Council from armed actors seeking to promote the expansion of illicit crops, illegal mining, and illegal logging, territorial administration and governance by the council's traditional authorities have enabled conservation of 96 percent of the total forest area belonging to the Yurumanguí River watershed, including marine forests such as mangroves and transitional areas such as estuaries.[109]

The high level of conservation of natural forests, mangroves, estuaries, and intertidal zones—resulting from collective titling of these lands—has yielded more effective outcomes than classic conservation models focused exclusively on PAs. Farallones de Cali National Natural Park, adjacent to the Yurumanguí Community Council, lost a total of 1,700 hectares of natural vegetation, equivalent to 38 percent of its most vulnerable area, particularly in páramo zones, with 1,000 hectares affected by pressure from illegal mining and deforestation.[110]

The positive conservation outcomes and exercise of territorial governance not only contrast with the impacts and degradation of the adjacent natural park, but also demonstrate the parallel between maintaining traditional forms of use and achieving effective outcomes. Traditional practices of the Yurumanguí Community Council include traditional and ancestral mining, which has minimal impacts because it does not use chemical precursors, motorized equipment, or high-impact methods. On the contrary, the community has maintained this practice without affecting the water body, with which the Afro-descendant collective entity has a constitutive relationship.

It is precisely this relationship, and the extension of the collective social body into the socio-ecological system, that has enabled the Yurumanguí Community Council to contain pressures from illegal and armed external actors seeking to transform its territory The community's productive activity has not been interrupted by the collective title; on the contrary, the title has facilitated the exercise of buen vivir and the continuation of its ways of life.

Notas

[1]This report was prepared by Almeida Dohrn Consulting for the Rights and Resources Initiative (RRI). The report was authored by Fernanda Almeida, with technical support from Ana Tossige and Cristiam Guerrero. The case studies were prepared by Cristiam Guerrero and reviewed by Fernanda Almeida.

[2]Decision 16/4, Programme of Work on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and local communities to 2030 (in Spanish: Programa de trabajo sobre el artículo 8 j) y otras disposiciones del Convenio sobre la Diversidad Biológica relacionadas con los pueblos indígenas y las comunidades locales hasta 2030). https://www.cbd.int/doc/c/e81e/f8b6/b3549682c1f019900b03e1e7/cop-16-l-05-es.pdf.

[3]Convention on Biological Diversity, Secretariat of the Convention on Biological Diversity, Proposal for elements of guidelines related to tasks 1.1 and 1.2 of the Programme of Work through 2030 on Article 8(j) and other provisions of the Convention on Biological Diversity relating to Indigenous Peoples and local communities, Document of the Subsidiary Body on Article 8(j) and Other Provisions, CBD/SB8J/1/4 (Montreal: Secretariat of the Convention on Biological Diversity, August 6, 2025), https://www.cbd.int/doc/c/f2c2/594d/0789057202da07ad87dc5b96/sb8j-01-04-en.pdf.

[4]Convention on Biological Diversity, Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Relating to Indigenous Peoples and local communities, Recommendation 1/3: Proposed elements for guidelines related to tasks 1.1 and 1.2 of the Programme of Work through 2030 on Article 8(j) and other provisions of the Convention on Biological Diversity relating to Indigenous Peoples and local communities, CBD/SB8J/REC/1/3 (Montreal, Canada, October 30, 2025), https://www.cbd.int/doc/recommendations/sb8j-01/sb8j-01-rec-03-en.pdf.

[5]FIIB, Brazilian Ministry of Indigenous Peoples, FUNAI, APIB, COIAB, RIB, RMIB-LAC. "International Workshop on Indigenous and Traditional Territories (ITTs) and Biodiversity Conservation—Final Report," pp. 65–88. Manaus, Brazil, September 2–5, 2025 (official version, October 2025). These positions were complemented by the specific perspective of Afro-descendant Peoples, which was presented in the context of COP 16 negotiations in Cali and subsequently updated through meetings between the author and representatives of key organizations, particularly CITAFRO.

[6]Garnett, S. T., Burgess, N. D., Fa, J. E., Fernández-Llamazares, Á., Molnár, Z., Robinson, C. J., Watson, J. E. M., Zander, K. K., Austin, B., Brondízio, E. S., Collier, N. F., Duncan, T., Ellis, E., Geyle, H., Jackson, M. V., Jonas, H., Malmer, P., McGowan, B., Sivongxay, A., & Leiper, I. (2018). A spatial overview of the global importance of Indigenous lands for conservation. Nature Sustainability, 1(7), 369–374. https://doi.org/10.1038/s41893-018-0100-6; WWF, UNEP-WCMC, SGP/ICCA-GSI, LM, TNC, CI, WCS, EP, ILC-S, CM, IUCN, &RRI. (2021). The state of Indigenous Peoples' and Local Communities' lands and territories: A technical review of the state of Indigenous Peoples' and Local Communities' lands, their contributions to global biodiversity conservation and ecosystem services, the pressures they face, and recommendations for actions. WWF; Rights and Resources Initiative. (2018). A global baseline for carbon storage on collective lands. Rights and Resources Initiative.

[7]Oldekop, J. A., Holmes, G., Harris, W. E., & Evans, K. L. (2016). A global assessment of the social and conservation outcomes of protected areas. Conservation Biology, 30(1), 133–141. https://doi.org/10.1111/cobi.12568; Rights and Resources Initiative, Forest Peoples Programme, &ICCA Consortium. (2025). Enabling pathways for rights-based, community-led conservation. Rights and Resources Initiative, Forest Peoples Programme, and ICCA Consortium. https://doi.org/10.53892/JVXN6355.

[8]CBD, Decision 16/6, "Role of people of African descent, comprising [collectives] embodying traditional lifestyles in the implementation of the Convention on Biological Diversity." CBD/COP/DEC/16/6. Cali, Colombia, November 1, 2024.

[9] The bloc of States with constitutional recognition of Indigenous and Afro-descendant territories faces, in the run-up to Nairobi and COP17, political setbacks that undermine its expected cohesion. In Colombia, right-wing candidate Abelardo de la Espriella (Defensores de la Patria) won the June 21, 2026, runoff and took office on August 7, 2026—days before the Nairobi informal dialogue—succeeding the Gustavo Petro administration, which had been the most active voice at SB8j-1 in favor of recognizing Afro-descendant Peoples. In Peru, Keiko Fujimori (Fuerza Popular) defeated Roberto Sánchez (Juntos por el Perú) in June 2026; Fuerza Popular has historically not prioritized prior consultation or Indigenous territorial recognition. In Bolivia, the government of Rodrigo Paz—which in October 2025 ended twenty years of MAS governments—enacted Land Law 1720 in April 2026, which Indigenous and peasant organizations rejected for favoring agribusiness and facilitating deforestation; the law prompted a 28-day Indigenous march to La Paz and mobilizations that, in May–June 2026, went as far as demanding the president's resignation. In Ecuador, the government of Daniel Noboa is pushing a mining and energy reform in 2026 that eliminates prior consultation as a requirement and replaces environmental licenses with simplified authorizations. Suriname remains the only South American country without a law formalizing the territorial rights of Indigenous and Afro-descendant Peoples, despite the 2007 Inter-American Court ruling on the Saamaka people. Of the six countries that made up the group of allies during the negotiations, only Brazil currently retains a government supportive of ITT recognition—and its continuity depends on the presidential election of 2026 (with a runoff on October 25), held within the COP17 window itself (October 19–30).

[10]Decision 16/4, Programme of Work on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and local communities to 2030 (in Spanish: Programa de trabajo sobre el artículo 8 j) y otras disposiciones del Convenio sobre la Diversidad Biológica relacionadas con los pueblos indígenas y las comunidades locales hasta 2030). https://www.cbd.int/doc/c/e81e/f8b6/b3549682c1f019900b03e1e7/cop-16-l-05-es.pdf.

[11]Convention on Biological Diversity, Secretariat of the Convention on Biological Diversity, Proposal for elements of guidelines related to tasks 1.1 and 1.2 of the Programme of Work through 2030 on Article 8(j) and other provisions of the Convention on Biological Diversity relating to Indigenous Peoples and local communities, Document of the Subsidiary Body on Article 8(j) and Other Provisions, CBD/SB8J/1/4 (Montreal: Secretariat of the Convention on Biological Diversity, August 6, 2025), https://www.cbd.int/doc/c/f2c2/594d/0789057202da07ad87dc5b96/sb8j-01-04-en.pdf.

[12]Convention on Biological Diversity, Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Relating to Indigenous Peoples and local communities, Recommendation 1/3: Proposed elements for guidelines related to tasks 1.1 and 1.2 of the Programme of Work through 2030 on Article 8(j) and other provisions of the Convention on Biological Diversity relating to Indigenous Peoples and local communities, CBD/SB8J/REC/1/3 (Montreal, Canada, October 30, 2025), https://www.cbd.int/doc/recommendations/sb8j-01/sb8j-01-rec-03-en.pdf.

[13]FIIB, Brazilian Ministry of Indigenous Peoples, FUNAI, APIB, COIAB, RIB, RMIB-LAC. "International Workshop on Indigenous and Traditional Territories (ITTs) and Biodiversity Conservation — Final Report," pp. 65–88. Manaus, Brazil, September 2–5, 2025 (official version, October 2025). These positions were complemented by the specific perspective of Afro-descendant Peoples, which was presented in the context of COP 16 negotiations in Cali and subsequently updated through meetings between the author and representatives of key organizations, particularly CITAFRO.

[14]United Nations Environment Programme (UNEP). Limiting Overshoot: Navigating Exceedance of 1.5°C and Pathways towards Return. Nairobi: United Nations Environment Programme, 2026. https://www.unep.org/resources/limiting-overshoot-navigating-exceedance. See also World Meteorological Organization. (2025). WMO confirms 2024 as the warmest year on record at about 1.55°C above pre-industrial levels. World Meteorological Organization.

[15]World Meteorological Organization. (2025). WMO confirms 2024 as warmest year on record at about 1.55°C above pre-industrial level. World Meteorological Organization.

[16]IPBES. (2019). Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. IPBES Secretariat. https://doi.org/10.5281/zenodo.3831673.

[17]Convention on Biological Diversity. (2020). Global Outlook on Biodiversity 5. Secretariat of the Convention on Biological Diversity.

[18]Convention on Biological Diversity. (2026). First draft of the global collective progress report on the implementation of the Kunming-Montreal Global Biodiversity Framework. Secretariat of the Convention on Biological Diversity.

[19]Watson, J. E. M., Venter, O., Lee, J., Jones, K. R., Robinson, J. G., Possingham, H. P., &Allan, J. R. (2018). Protect the last of the wild. Nature, 563(7729), 27–30. https://doi.org/10.1038/d41586-018-07183-6; Dinerstein, E., Joshi, A. R., Vynne, C., Lee, A. T. L., Pharand-Deschênes, F., França, M., Fernando, S., Birch, T., Burkart, K., Asner, G. P., & Olson, D. (2020). A "Global Safety Net" to reverse biodiversity loss and stabilize Earth's climate. Science Advances, 6(36), eabb2824. https://doi.org/10.1126/sciadv.abb2824; Garnett, S. T., Burgess, N. D., Fa, J. E., Fernández-Llamazares, Á., Molnár, Z., Robinson, C. J., Watson, J. E. M., Zander, K. K., Austin, B., Brondízio, E. S., Collier, N. F., Duncan, T., Ellis, E., Geyle, H., Jackson, M. V., Jonas, H., Malmer, P., McGowan, B., Sivongxay, A., & Leiper, I. (2018). A spatial overview of the global importance of Indigenous lands for conservation. Nature Sustainability, 1(7), 369–374. https://doi.org/10.1038/s41893-018-0100-6.

[20]Berkes, F., Colding, J., & Folke, C. (2000). Rediscovery of traditional ecological knowledge as adaptive management. Ecological Applications, 10(5), 1251–1262. https://doi.org/10.1890/1051-0761(2000)010[1251:ROTEKA]2.0.CO;2; Brondízio, E. S., Gavin, M. C., Siani, S. M. O., Lertzman, K., Le Tourneau, F. M., Fernández-Llamazares, Á., Bates, P., Carino, J., Kawai, A., McElwee, P., Reyes-García, V., Scaramuzzi, I., Shrestha, U. B., & Tugendhat, H. (2021). Locally based, regionally manifested, and globally relevant: Indigenous and local knowledge, values, and practices for nature. Annual Review of Environment and Resources, 46, 481–509. https://doi.org/10.1146/annurev-environ-012220-012127; Fa, J. E., Watson, J. E. M., Leiper, I., Potapov, P., Evans, T. D., Burgess, N. D., Molnár, Z., Fernández-Llamazares, Á., Duncan, T., Wang, S., Austin, B. J., Jonas, H., Robinson, C. J., Malmer, P., Zander, K. K., Jackson, M. V., Ellis, E., Brondízio, E. S., & Garnett, S. T. (2020). Importance of Indigenous Peoples' lands for the conservation of intact forest landscapes. Frontiers in Ecology and the Environment, 18(3), 135–140. https://doi.

org/10.1002/fee.2148.

[21]The use of hyphens is deliberate: "community" refers to the collective entity with its own authority, norms, and reciprocity; "territory" refers to the appropriated space and its material and symbolic meaning, which international law recognizes as the "totality of the habitat"; and "territoriality" refers to the practice of occupying, using, controlling, and identifying with that space, as expressed in cosmographies, memory, and management rules. None of them derives from the others—there are titled territories without effective territoriality—and it is their mutual reinforcement, rather than merely their spatial condition, that explains the documented performance.

[22]Berkes, F., Colding, J., & Folke, C. (2000). Rediscovery of traditional ecological knowledge as adaptive management. Ecological Applications, 10(5), 1251–1262. https://doi.org/10.1890/1051-0761(2000)010[1251:ROTEKA]2.0.CO;2; Garnett, S. T., Burgess, N. D., Fa, J. E., Fernández-Llamazares, Á., Molnár, Z., Robinson, C. J., Watson, J. E. M., Zander, K. K., Austin, B., Brondízio, E. S., Collier, N. F., Duncan, T., Ellis, E., Geyle, H., Jackson, M. V., Jonas, H., Malmer, P., McGowan, B., Sivongxay, A., & Leiper, I. (2018). A spatial overview of the global importance of Indigenous lands for conservation. Nature Sustainability, 1(7), 369–374. https://doi.org/10.1038/s41893-018-0100-6; Schuster, R., Germain, R. R., Bennett, J. R., Reo, N. J., & Arcese, P. (2019). Vertebrate biodiversity on Indigenous-managed lands in Australia, Brazil, and Canada is equal to that in protected areas. Environmental Science & Policy, 101, 1–6. https://doi.org/10.1016/j.envsci.2019.07.002

[23]Berkes, F., Colding, J., &Folke, C. (2000). Rediscovery of traditional ecological knowledge as adaptive management. Ecological Applications, 10(5), 1251–1262. https://doi.org/10.1890/1051-0761(2000)010[1251:ROTEKA]2.0.CO;2

[24]Garnett, S. T., Burgess, N. D., Fa, J. E., Fernández-Llamazares, Á., Molnár, Z., Robinson, C. J., Watson, J. E. M., Zander, K. K., Austin, B., Brondízio, E. S., Collier, N. F., Duncan, T., Ellis, E., Geyle, H., Jackson, M. V., Jonas, H., Malmer, P., McGowan, B., Sivongxay, A., & Leiper, I. (2018). A spatial overview of the global importance of Indigenous lands for conservation. Nature Sustainability, 1(7), 369–374. https://doi.org/10.1038/s41893-018-0100-6

[25]WWF, UNEP-WCMC, SGP/ICCA-GSI, LM, TNC, CI, WCS, EP, ILC-S, CM, IUCN, & RRI. (2021). The state of Indigenous Peoples' and Local Communities' lands and territories: A technical review of the state of Indigenous Peoples' and Local Communities' lands, their contributions to global biodiversity conservation and ecosystem services, the pressures they face, and recommendations for actions. WWF.

[26]Rights and Resources Initiative. (2018). A global baseline of carbon storage in collective lands. Rights and Resources Initiative; Fa, J. E., Watson, J. E. M., Leiper, I., Potapov, P., Evans, T. D., Burgess, N. D., Molnár, Z., Fernández-Llamazares, Á., Duncan, T., Wang, S., Austin, B. J., Jonas, H., Robinson, C. J., Malmer, P., Zander, K. K., Jackson, M. V., Ellis, E., Brondízio, E. S., & Garnett, S. T. (2020). Importance of Indigenous Peoples' lands for the conservation of intact forest landscapes. Frontiers in Ecology and the Environment, 18(3), 135–140. https://doi.org/10.1002/fee.2148; WWF, UNEP-WCMC, SGP/ICCA-GSI, LM, TNC, CI, WCS, EP, ILC-S, CM, IUCN, & RRI. (2021). The state of Indigenous Peoples' and Local Communities' lands and territories: A technical review of the state of Indigenous Peoples' and Local Communities' lands, their contributions to global biodiversity conservation and ecosystem services, the pressures they face, and recommendations for actions. WWF.

[27]Schleicher, J., Peres, C. A., Amano, T., Llactayo, W., & Leader-Williams, N. (2017). Conservation performance of different conservation governance regimes in the Peruvian Amazon. Scientific Reports, 7, 11318. https://doi.org/10.1038/s41598-017-10736-w; Qin, Y., Xiao, X., Liu, F., de Sa e Silva, F., Shimabukuro, Y., Arai, E., & Fearnside, P. M. (2023). Forest conservation in Indigenous territories and protected areas in the Brazilian Amazon. Nature Sustainability, 6, 295–305. https://doi.org/10.1038/s41893-022-01018-z

[28]Sze, J. S., Childs, D. Z., Carrasco, L. R., Fernández-Llamazares, Á., Garnett, S. T., &Edwards, D. P. (2024). Indigenous Peoples' Lands are critical for safeguarding vertebrate diversity across the tropics. Global Change Biology, 30(1), e16981. https://doi.org/10.1111/gcb.16981

[29]Oldekop, J. A., Holmes, G., Harris, W. E., & Evans, K. L. (2016). A global assessment of the social and conservation outcomes of protected areas. Conservation Biology, 30(1), 133–141. https://doi.org/10.1111/cobi.12568.

[30]Oldekop, J. A., Holmes, G., Harris, W. E., & Evans, K. L. (2016). A global assessment of the social and conservation outcomes of protected areas. Conservation Biology, 30(1), 133–141. https://doi.org/10.1111/cobi.12568; Rights and Resources Initiative, Forest Peoples Programme, &ICCA Consortium. (2025). Enabling pathways for rights-based, community-led conservation. Rights and Resources Initiative, Forest Peoples Programme, and ICCA Consortium. https://doi.org/10.53892/JVXN6355.

[31]David-Chavez, D. M., Gavin, M. C., Ortiz, N., Valdez, S., &Russo Carroll, S. (2024). A values-centered relational science model: Supporting Indigenous Rights and Reconciliation in Research. Ecology and Society, 29(2), 11. https://doi.org/10.5751/ES-14768-290211.

[32]Convention on Biological Diversity. (2022). Kunming-Montreal Global Biodiversity Framework. Decision 15/4. Secretariat of the Convention on Biological Diversity.

[33]Conflicts between Indigenous Peoples and communities and the administration of protected areas (PAs) in Latin America stem from long-standing structural patterns, now exacerbated by new dynamics involving organized crime and extractivism. For example, the creation of the Tuparro and Katíos National Natural Parks (Colombia) resulted in the displacement of the local population. In the Pilón Lajas Biosphere Reserve and Indigenous Community Land (Bolivia, Mosetén and Tsimane' peoples), management has generated conflicts over control of resources and opposition from municipal elites to restrictions on their use (Márquez Guerra, J. F., 2016, "Reglamentos indígenas en áreas protegidas de Bolivia: el caso del Pilón Lajas", Revista de Derecho, Universidad del Norte). In Brazil, the expansion of tourism in Amazonian conservation areas (Rio Negro, Serra do Aracá, Piagaçu-Purus) has been associated with external appropriation of the territory to the detriment of Indigenous peoples. See Barragán Alvarado, L. (2008). Pueblos Indígenas y Áreas Protegidas en América Latina. FAO/OAPN, REDPARQUES; and Maldonado Ibarra, O. A., Chávez Dagostino, R. M., and Bravo Olivas, M. L. (2020). "Áreas naturales protegidas y participación social en América Latina...". Región y sociedad, 32, and 1277. In Guatemala, the Maya Biosphere Reserve has faced, since 2023, the advance of illegal cattle ranching and settlements linked to organized crime in Laguna del Tigre and Sierra del Lacandón (Radwin, M., Mongabay Latam, Dec. 22, 2023). In Nicaragua, the Bosawás Biosphere Reserve—territory of the Mayangna and Miskitu peoples—has suffered at least three massacres of armed settlers since 2013, the most recent in Wilú (March 11, 2023, when five community members were killed), while 66% of the reserve has been granted in concessions for metal mining (Carrere, M., Mongabay Latam, Mar. 28, 2023). In Honduras, the Miskitu, Tawahka, Pech, and Garífuna peoples reported an unprecedented environmental crisis in the Río Plátano Biosphere Reserve (a UNESCO World Heritage Site) to CONADEH in April 2026, calling for effective recognition of their territorial autonomy (Bustillo, P., Infobae, Apr. 25, 2026).

[34]See Maldonado Ibarra, O. A., Chávez Dagostino, R. M., and Bravo Olivas, M. L. 2020. "Áreas naturales protegidas y participación social en América Latina: problemas y estrategias para lograr la integración comunitaria". Región y sociedad, 32, e1277. https://doi.org/10.22198/rys2020/32/1277.

[35]Convention on Biological Diversity, Rio de Janeiro, June 5, 1992, Art. 8(j), https://www.cbd.int/doc/legal/cbd-es.pdf.

[36]Subsequently developed as free, prior, and informed consent. See: Convention on Biological Diversity, Conference of the Parties, Decision VII/28: Protected Areas, Appendix: Programme of Work on Protected Areas, Decision adopted by the Conference of the Parties to the Convention on Biological Diversity at its seventh meeting, UNEP/CBD/COP/7/21 (Kuala Lumpur, Malaysia, February 9–20, 2004), https://www.cbd.int/doc/decisions/cop-07/full/cop-07-dec-es.pdf.

[37]Convention on Biological Diversity, Conference of the Parties, Decision VII/16: Article 8(j) and related provisions, Section F: Akwé Kon Voluntary Guidelines: For conducting cultural, environmental and social impact assessments of development projects to be carried out in sacred sites or on lands or waters traditionally occupied or used by Indigenous and local communities, or which may affect such sites, Decision adopted by the Conference of the Parties to the Convention on Biological Diversity at its seventh meeting, UNEP/CBD/COP/7/21 (Kuala Lumpur, Malaysia, February 9 to 20, 2004), https://www.cbd.int/doc/decisions/cop-07/full/cop-07-dec-es.pdf.

[38]Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity, Nagoya, Japan, October 29, 2010, Articles 7 and 12, https://www.cbd.int/abs/doc/protocol/nagoya-protocol-es.pdf.

[39]Convention on Biological Diversity, Conference of the Parties, Decision X/2: The Strategic Plan for Biodiversity 2011–2020 and the Aichi Biodiversity Targets, Targets 11 and 18, Decision adopted by the Conference of the Parties to the Convention on Biological Diversity at its tenth meeting, UNEP/CBD/COP/DEC/X/2 (Nagoya, Japan, October 18 to 29, 2010), https://www.cbd.int/doc/decisions/cop-10/cop-10-dec-02-es.pdf.

[40]Convention on Biological Diversity, Conference of the Parties, Decision XIII/18: Article 8(j) and related provisions: Mo'otz Kuxtal Voluntary Guidelines for the development of mechanisms, legislation or other appropriate initiatives to guarantee"prior and informed consent," "free, prior and informed consent" or "approval and involvement," as appropriate under national circumstances, of Indigenous Peoples and local communities for access to their knowledge, innovations and practices, for the fair and equitable sharing of benefits arising from the utilization of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing the unlawful appropriation of traditional knowledge, adopted by the Conference of the Parties to the Convention on Biological Diversity at its thirteenth meeting, CBD/COP/DEC/XIII/18 (Cancún, Mexico, December 17, 2016), https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-18-es.pdf.

[41]CBD, Decision 14/8, definition of Other Effective Area-based Conservation Measures (OECMs).

[42]CBD, Decision 15/4, Kunming-Montreal Global Biodiversity Framework (Target 2 and Target 3), December 2022. Rules of Procedure of the Conference of the Parties to the CBD, Rule 7.2 (participation of observers), Targets 3 and 22.

[43]Convention on Biological Diversity, Conference of the Parties, Programme of Work through 2030 on Article 8(j) and other provisions of the Convention on Biological Diversity relating to Indigenous Peoples and local communi-

ties, Decision adopted by the Conference of the Parties to the Convention on Biological Diversity, CBD/COP/DEC/16/4 (Cali, Colombia, October 30, 2024), Annex, paragraph 2, https://www.cbd.int/doc/decisions/cop-16/cop-16-dec-04-es.pdf.

[44]Ibid., para. 5.

[45]Ibid., para. 6.

[46]Ibid., para. 8.

[47]Ibid., para. 9.

[48]Ibid., Annex, Section III.

[49]Ibid., Task 1.1.

[50]United Nations Environment Programme (UNEP). Report of the Expert Group Meeting of Local Community Representatives in the Context of Article 8(j) and Related Provisions of the Convention on Biological Diversity. September 4, 2011. UNEP/CBD/WG8J/7/8/Add.1*. Montreal: Secretariat of the Convention on Biological Diversity. https://www.cbd.int/doc/meetings/tk/wg8j-07/official/wg8j-07-08-add1-en.doc.

[51]CBD, Decision 16/6, "Role of people of African descent, comprising [collectives] embodying traditional lifestyles in the implementation of the Convention on Biological Diversity." CBD/COP/DEC/16/6. Cali, Colombia, November 1, 2024, adopted at the conclusion of the International Decade for Afro-descendant Peoples (U.N. General Assembly Resolution 68/237).

[52]CBD, Decision 15/4, Kunming-Montreal Global Biodiversity Framework (Target 2 and Target 3), December 2022. Rules of Procedure of the Conference of the Parties to the CBD, Rule 7.2 (Participation of Observers), cited in the International Indigenous Alliance on Biodiversity, Guidelines on Indigenous and Traditional Territories in the Context of the Conservation, Sustainable Use, and Restoration of Biodiversity: Guidance Version 04 (International Indigenous Forum on Biodiversity, July 9, 2025), https://iifb-indigenous.org/, para. 8.

[53]FIIB, RMIB-LAC, COICA, AIDESEP. Report: "Amazon Regional Workshop on Indigenous and Traditional Territories." Lima, Peru, March 24–26, 2026, §2.3.2.

[54]Decision 16/5, COP-16, Cali, November 1, 2024, by which the Conference of the Parties established the Subsidiary Body on Article 8(j) and other provisions of the Convention relating to Indigenous Peoples and local communities. As confirmed by the text of the decision reproduced in FIIB et al., "International Workshop on Indigenous and Traditional Territories (ITTs) and Biodiversity Conservation — Final Report" (see note 21), Annex, Section I ("Justification"), para. 1;

[55]FIIB, Brazilian Ministry of Indigenous Peoples, FUNAI, APIB, COIAB, RIB, RMIB-LAC, "International Workshop on Indigenous and Traditional Territories (ITTs) and Biodiversity Conservation — Final Report" (see note 21), presentation by Ricardo Camilo Niño (CNTI, Colombia), p. 14.

[56]FIIB, RMIB-LAC, COICA, AIDESEP. Report: "Amazon Regional Workshop on Indigenous and Traditional Territories." Lima, Peru, March 24–26, 2026, §2.3.2 (presentation by Johana Deza, WWF-US).

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[58]Secretariat of the Convention on Biological Diversity (2019). Glossary of Key Terms and Concepts Relevant for Use in the Context of Article 8(j) and Related Provisions (adopted through Decision 14/13, COP-14, Cairo, November 2018), Section III, "Traditional Territories," p. 9. Document verified directly at cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-es.pdf

[59]Brazil, Australia, and Guyana have formal mechanisms that differ from one another: Brazil operates a demarcation/titling process; Australia has a formal registry within its national system of protected areas; Guyana has a process for titling Amerindian lands with external funding. Strictly speaking, none of them constitutes a dedicated registry of Indigenous and Traditional Territories as a separate category. Government of Australia – National Indigenous Australians Agency / DCCEEW. Indigenous Protected Areas Program; Oviedo, A., Lima, W. P., &Souza, F. das C. (2025). Quilombola Amazon: Expanding on the Cartography of the Quilombos in the Legal Amazon. Technical Note. Instituto Socioambiental (ISA) & CONAQ, Brasília; Comisión de Tierras y Agrimensura de Guyana / Fondo Guyana REDD+ (GRIF). Amerindian Land Titling Project (Amerindian Act of 2006, 2017 guide). See also: https://www.mdpi.com/2073-445X/14/7/1493

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descent from populations that inhabited the country prior to the conquest, colonization or the establishment of present State boundaries—the category of "tribal peoples" does not require this criterion of historical ancestry: social, cultural, and economic distinctiveness from the national society and regulation by their own customs, traditions, or legislation are sufficient. For this reason, this category has been invoked in several Latin American countries as a legal basis for extending the protection of Convention 169 to ADPs—the Quilombolas in Brazil, Black communities in Colombia, and the Garífunas in Honduras and Nicaragua—without requiring them to be recognized as "Indigenous" in the strict sense. Article 1.2 adds that self-identification as indigenous or tribal is a fundamental criterion for determining the groups covered, and Article 1.3 clarifies that the use of the term "peoples" does not imply the rights that such a term may carry under international law. (Instrument of Ratification, BOE No. 58, dated March 8, 2007).

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List of Abbreviations

CBD - Convention on Biological Diversity

FPIC - Free, Prior, and Informed Consent

LC - local communities

COP - Conference of the Parties

IIFB - International Indigenous Forum on Biodiversity

LMMC - Like-Minded Megadiverse Countries

NBSAP - National Biodiversity Strategy and Action Plan

OECM - Other Eff ective Area-Based Conservation Measures

SBSTTA - Subsidiary Body for Scientifi c, Technical, and Technological Advice

IP and LC - Indigenous Peoples and local communities

PNN - National Natural Park

PA - Protected Area

ADP - Afro-descendant Peoples

IP - Indigenous Peoples

RRI - Rights and Resources Initiative

SB8J - Subsidiary Body on Article 8(j)

ICCA - Territories and Areas Conserved by Indigenous Peoples and local communities

TCO - Territorio Comunitario de Origen (Indigenous Original Community Territory)

TIOC - Indigenous Original Peasant Territories

TIPNIS - Isiboro Sécure National Park and Indigenous Territory

ITTs - Indigenous and Traditional Territories

TTITS - International Workshop on Indigenous and Traditional Territories

UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples.

UNEP - United Nations Environment Program

WDPA - World Database on Protected Areas

WD-OECM - World Database on OECMs

WCMC - World Conservation Monitoring Center

