

Draft for discussion

ICCAs—territories of life, and Indigenous and Traditional Territories (ITTs)

Reflections, positions, and proposals in the context of
KMGBF Target 2, Target 3, and draft guidelines for ITTs

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ICCA Consortium

About the ICCA Consortium

The ICCA Consortium is a global non-profit association supporting Indigenous Peoples and Local Communities governing and conserving their territories of life. Its members in more than eighty countries are undertaking collective actions at the local, national, regional, and international levels across several thematic streams, including documenting, sustaining, and defending territories of life, youth, and intergenerational relations.

As of April 2025, the Consortium is composed of 271 members (Indigenous Peoples, Local Communities, their organizations, federations, and movements; along with supporting civil society organizations and networks) and 483 honorary members (individuals closely associated with territories of life and those with experience and expertise that can support movements for recognition and support for territories of life).

www.iccaconsortium.org

ICCAs—territories of life, and Indigenous and Traditional Territories (ITTs): Reflections, positions, and proposals in the context of KMGBF Target 2, Target 3, and draft guidelines for ITTs

This publication is based on personal reflections from the authors and does not necessarily represent the organizational position of the ICCA Consortium or its members.

Based on the manifesto, publications, position papers, and webinar discussions within the ICCA Consortium, this draft document was prepared by Neema Pathak Broome. It was further developed with comments and suggestions from members of the policy team, the council, and the secretariat, specifically Lorena Arce, Albert Maurilio Chan Dzul, Cindy Julianty, Pooven Moodley, Ali Razmkhan, Jessica Campese, Giovanni B. Reyes, Grazia Borrini-Feyerabend, Cristina Eghenter, and Victor Boton. Edited by Mohammad Arju and layout and design by Ines Hirata.

Acronyms and abbreviations

CBD: Convention on Biological Diversity

COP: Conference of the Parties

FPIC: Free, Prior, and Informed Consent

ITTs: Indigenous and Traditional Territories

IUCN: International Union for Conservation of Nature

KMGBF: Kunming-Montreal Global Biodiversity Framework

OECMs: Other Effective Area-Based Conservation Measures

PAs: Protected Areas

Contents

Acronyms and abbreviations.....	3
Highlights.....	5
Introduction	7
Context: ICCAs in the decisions of the IUCN Resolutions and the CBD	8
Labels and their context within IUCN and CBD	8
Definitions, labels, concepts, and going beyond	10
Important concepts for ICCAs—territories of life.....	10
ITTs and ICCAs: Defining principles and intersections in the context of Target 2 and Target 3	13
Considerations and language proposal for the Guidelines on ITTs in the context of Target 3..	14
Actions essential for recognition and support for ICCAs-territories of life and ITTs	15
Annex	16
Annex 1: CBD decisions with references to ICCAs, and CCAs	16

Highlights

In the context of implementing the Kunming-Montreal Global Biodiversity Framework (KMGBF), we share our understanding and reflections on the relationship of ICCAs—territories of life, and Indigenous and Traditional Territories (ITTs). We recognize that this understanding will continue to develop through ongoing discussions both within and outside the ICCA Consortium’s membership. However, while trying to understand the relationship between these terminologies, the ICCA Consortium views them as a diversity of terms with a shared intention.

- Self-identification, peer-review, and peer-support by and for communities are core to ICCAs and ITTs, often distinguishing them from Other Effective Area-based Conservation Measures (OECMs) and government-designated Protected Areas (PAs).
- Custodian Peoples and communities may not always use expressions such as ICCAs or ITTs; instead, they may use their own culturally and linguistically relevant expressions for their conserved and protected areas and territories.
- ITTs, if defined as territories inhabited, used, governed, and managed by the Indigenous People and Local Communities, could potentially almost entirely be ICCAs—territories of life.
- However, as per their own context and needs, custodian Indigenous Peoples and Local Communities may: self-identify their entire customary/traditional/ancestral territories or collective commons as ICCAs, or only a part of such lands, waters, and territories as ICCAs, following their own internal processes of Free, Prior, and Informed Consent (FPIC) and decision-making.
- ICCAs—territories of life could include collective commons, areas and territories of self-defined, peer-reviewed communities, other than ITTs.

While drafting the guidelines for ITTs and in any processes towards implementation and monitoring of KMGBF, specifically in the context of Target 2 and Target 3 of the KMGBF, ICCA Consortium proposes the following:

- Build upon the gains that have already been achieved in various decisions within the framework of the Convention on Biological Diversity (CBD), IUCN Resolutions, and national and international processes related to ICCAs—territories of life.
- Ensure that the scope of what is being referred to as the third pathway (which we consider to be the primary pathway) to achieve Target 3 is kept expansive and inclusive rather than restrictive.
- Ensure recognition of conservation contributions and rights of a diversity of self-defined Indigenous Peoples and Local Communities custodians, and their specific contexts, historic marginalization, and injustices.
- Consider specific regional and national circumstances in relation to which terms and approaches may be most relevant, impactful, and strategic.
- Re-emphasis, self-identification, peer-review, and peer-support, in the context of the primary pathway.

With the above considerations, ICCA Consortium proposes:

- ICCAs and ITTs to be used interchangeably (according to the specific context) as a *sui generis* primary pathway and spaces of sustainable-self-determination, with essential contributions to fulfillment of various targets under the KMGBF, especially Target 2 and Target 3.
- ICCAs and ITTs may also be identified and recognized as PAs or OECMs, where this is the self-determined choice of the custodians based on their context or with their free, prior, informed consent.
- Where already designated PAs and OECMs overlap with ICCAs and ITTs, such ICCAs and ITTs, are recognized as such with their FPIC and with recognition of full range of their rights.

Introduction

Understanding the relationship between ITTs, as recognized under KMGBF, and the terminology employed in prior CBD decisions and IUCN Resolutions on Indigenous Peoples and Local Community conserved areas and territories (ICCAs) or their more recent expression as ‘territories of life’¹ is essential for both conceptual clarity and practical policy implementation. However, while trying to understand the intersections between these terminologies, the ICCA Consortium views them as a diversity of terms with a shared intention. That is to advance understanding, self-identification, recognition, and support for the conservation and climate contributions of Indigenous Peoples and Local Communities, while upholding their right to govern and sustain their lands according to self-determined, culturally rooted priorities, knowledge systems, institutions, and practices.

Reviewing CBD decisions and IUCN resolutions related to the above terminologies illustrates the continuity and evolution of principles and commitments concerning Indigenous Peoples and Local Communities’ custodianship² and stewardship of their territories. These principles include self-identification, self-determination, FPIC, bio-cultural conservation, traditional knowledge and governance, and the integration of ecological and cultural values. Collectively, these principles can enable global biodiversity and climate commitments to be implemented in ways that recognize and empower Indigenous Peoples and Local Communities as leaders in conservation and climate action, rather than constraining, neglecting, and marginalizing them.

¹ ICCAs — territories of life <https://toolbox.iccaconsortium.org/meanings-and-more/iccas-territories-of-life/>

² In this document “custodian Indigenous People or Local Community” is sometimes abbreviated as ‘custodian’ or ‘community’

Context: ICCAs in the decisions of the IUCN Resolutions and the CBD

The language of ITTs as the third pathway in Target 3 builds on a range of existing IUCN Resolutions and decisions of the CBD Conference of the Parties (COP). These resolutions and decisions themselves resulted from sustained campaigns and advocacy around recognition of the full range of rights of the Indigenous Peoples and Local Communities within and outside protected and conserved areas, and recognition of their conservation contributions, by the ICCA Consortium members. The current language of Target 3 provides a critically important legal and policy hook for more diverse options. This allows Indigenous and local community custodians of territories of life to secure their rights at national and local levels in their self-determined ways and gain recognition for their contribution to biodiversity conservation.

See, for example,

Decision VII/28, Kuala Lumpur, 2004

CBD Decision IX/18, Bonn, 2008;

CBD Decision X/31, Nagoya, 2010

CBD Decision XIII/2, Cancún, 2016

Voluntary Guidance in Decision XIV/8, Sharm El-Sheikh, 2018

For the detailed text, please refer to the annex.

Labels and their context within IUCN and CBD

Various terminologies and labels have been used in these decisions and in multiple contexts, including:

- Areas conserved by Indigenous and local communities
- Indigenous and local community conserved areas
- Community-conserved areas
- Protected area governance type, including Indigenous, local, and other community-based organizations
- Indigenous and local community conserved areas as a governance type of protected areas
- Lands and waters traditionally occupied or used by Indigenous and Local Communities (in the context of guidelines for conducting cultural, environmental, and social impact assessments)
- Recognizing the contribution of Indigenous and local community conserved areas
- Areas that are managed under collective action by Indigenous peoples and Local Communities
- Recognition of Indigenous and community conserved areas to reduce habitat fragmentation

- Governance by Indigenous Peoples and/or Local Communities (often referred to as territories and areas conserved by Indigenous Peoples and Local Communities or ICCAs)

Definitions, labels, concepts, and going beyond

As per the manifesto for territories of life,³ labels are ever evolving and must be used with the awareness that they can create unnatural separateness. Recognizing that Indigenous Peoples and Local Communities play an outsized role in the governance, conservation, and sustainable use of the world's lands and biodiversity, the ICCA Consortium has used the expression “territories and areas governed, managed and conserved by indigenous peoples and local communities,” to refer to such areas and territories. This was later abbreviated as ICCAs, and the expression “territories of life” is being used quasi-exclusively. In specific national and policy contexts, the expression “ICCAs”, however, is now well entrenched and continues to be used. Both ICCAs and territories of life are umbrella expressions⁴ to make communications easier, and are not intended to replace the local names and expressions for such phenomena. Irrespective of how they are named or expressed, ICCAs—territories of life⁵ exist wherever:

- There is a deep connection⁶ between a territory and its custodian⁷, Indigenous Peoples and Local Communities;
- The custodian People or community make and enforce decisions, customs, and rules about the territory via a functioning governance institution;⁸
- The governance and management efforts of the custodian people or community positively contribute to their own livelihoods and well-being as well as to the conservation of nature in the territory, even if that is not articulated to be the primary goal.

In the context that the definition of ITTs is currently still evolving, it may be important to mention the concepts and principles that are key to understanding ICCAs and can be considered while trying to understand the relationship between ICCAs and ITTs:

Important concepts for ICCAs—territories of life

- **Diversity:** ICCAs—territories of life is used more as a lingua franca term to describe a significant phenomenon that is widespread and diverse, ranging from some of the oldest forms of conservation by some of the earliest self-identified Indigenous Peoples and Local

³ A manifesto for territories of life <https://www.iccaconsortium.org/2023/08/22/territories-of-life-manifesto/>

⁴ Custodian indigenous peoples and local communities, invariably have their own concepts and names for their territories of life embedded in their culture and worldview that are richer and broader than any definition can do justice to.

⁵ For more, see the 2021 Report www.report.territoriesoflife.org and the 2024 volume <https://volume.territoriesoflife.org/> on ICCA—territories of life.

⁶ “...a connection richer than any single word or phrase can express... a bond of livelihood, energy and health... a source of identity and culture, autonomy and freedom... a link among generations, preserving memories from the past and connecting to the desired future... the ground on which communities learn, identify values and develop relationships and self-rule... a connection between visible and invisible realities, material and spiritual wealth... community life and dignity, and self-determination as peoples ...” (Sajeva et al., 2019, p. 5).

⁷ The term ‘custodians’ requires a language-specific translation because the literal translation may not convey the intended meaning. We have chosen to translate it as ‘garants’ in French, which is still a compromise but might be better than ‘gardiens’. In other Latin languages (e.g., Spanish, Italian), the term more accurately reflects the idea of receiving a territory from ancestors and maintaining it for future generations. However, for some, it still conveys the idea of mere ‘keepers’ rather than ‘decision-makers’ and ‘rights holders’.

⁸ ‘Governance institutions’ are complexes of organizations, processes, and rules— embedded in larger relations, policies, cultures, and worldviews— by which key decisions are taken and implemented, and their respect is ensured in the relevant community or society. The custodians make and enforce (alone or together with other actors) decisions or rules, which may or may not be recognized by outsiders or by the statutory law of the relevant country

Communities to very new efforts of collective stewardship including by more recent self-identified local communities, hence the use of the term custodianship.

- **Rights holders and Custodians:** ICCAs—territory of life and custodians are interdependent concepts. Custodians include Indigenous Peoples, traditional mobile or settled local communities, and more recent human groups who self-identify as such, including the Afro-descendant communities. Custodians maintain intricate, long-standing relationships with their areas and territories, collectively governing and managing through customary or culturally embedded institutions and systems. It is important to note that the conditions of custodianship may be historically complex, particularly in situations where communities were forcefully moved from their original territories. While demanding recognition of the full range of rights for the Indigenous Peoples and Local Communities, it is also important to recognize that custodianship is irrespective of whether the full range of rights has yet been recognized by the respective national governments or not.
- **Indigenous Peoples' and Local Communities' areas and territories:** Lands and Waters where Indigenous Peoples and Local Communities traditionally reside, have customary ownership and/or governance authority through a complex mix of individual, clan, and communal tenures, regardless of state legal recognition.
- **Local community and their collective rights:** In the context of the ICCAs, a working definition of 'community' may be 'a self-recognized human group that acts collectively in ways that contribute to defining a territory and culture through time'. The members of a community usually have frequent opportunities for direct (possibly face-to-face) encounters and possess shared social and cultural elements such as a common history, traditions, language, values, life plans, and/or a sense of identity that bind them together and distinguish them from others in society. A local community can be long-standing ('traditional') or relatively new, as seen in Afro-Colombian or quilombola communities in South America, montane communities in Europe, or the thousands of local communities in India. These communities can include a single ethnic, caste, or class identity, or multiple ones. Communities can be permanently settled or mobile. While local communities are more easily found in 'rural' environments, 'urban' communities may also self-identify as a community and custodians of their collective commons.

Local communities do have collective commons and customary collective rights that are similar or equivalent to some (not all) of the rights of Indigenous Peoples. When a local community's unique culture is intimately tied to a specific place—such that the community's ability to maintain and transmit its cultural practices depends on preserving that connection—some human rights tribunals and other bodies have ruled that States cannot take actions that would undermine this relationship without obtaining the community's FPIC.

- **Indigenous and traditional knowledge:** A defining feature of ICCAs is that they are not only ecological spaces, but also living knowledge systems. Indigenous Peoples and Local Communities' deep knowledge has been accumulated, transmitted, and adapted across generations in close relationship with their territories. This knowledge about biodiversity, seasonal cycles, spiritual and cultural values, and governance systems is vital for sustaining ecosystems and ensuring resilience in the face of climate change and

biodiversity loss. Recognizing, respecting, and safeguarding Indigenous and traditional knowledge is therefore central to ICCAs. Without such recognition, conservation risks becoming extractive or imposed, undermining both the integrity of ecosystems and the rights and identities of custodians.

ITTs and ICCAs: Defining principles and intersections in the context of Target 2 and Target 3

1. In the context of KMGBF, understanding that the principle of **self-identification** and **peer-review and support** is core to ICCAs—territories of life and ITTs, as against identification and designation by the government agencies in case of Pas and OECMs.
2. Understanding that self-identification by the custodian Peoples and communities may not always be as ICCAs—territories of life or ITTs. It could be through a diversity of local expressions that carry the essence of ‘custodianship and stewardship (e.g., sacred water/landscapes, spirit forests, spaces of sustainable use following internally defined regulatory regimes, self-defined no-go zones, community conserved areas, among others).
3. With the consideration of the concept of ‘custodianship,’ ITTs, if defined as areas and territories customarily occupied, governed, and managed by Indigenous Peoples and Local Communities, could almost entirely potentially be ICCAs—territories of life.
4. Recognizing that only those areas and territories of Indigenous Peoples and Local Communities can be called ICCAs—territories of life, which have been self-identified as such by their custodians. Understanding that custodian Indigenous Peoples and Local Communities may want to identify:
 - a) their entire customary/traditional/ancestral lands, waters, and territories or collective commons as territories of life,
 - b) only a part of such lands, waters, and territories as territories of life ICCAs, following their own internal processes of free, prior informed consent and decision-making.
5. Understanding that ICCAs—territories of life could include collective commons of self-defined, peer-reviewed communities, other than the territories of indigenous peoples and traditional local communities.

Considerations and language proposal for the Guidelines on ITTs in the context of Target 3

As a proposal for the KMGFB, specifically in the context of Target 2 and Target 3, it is of utmost importance, while drafting the guidelines on ITTs, that the following are considered:

- Building upon the gains that have already been achieved in various CBD decisions, IUCN Resolutions, and national and international processes related to ICCAs—territories of life.
- Ensuring that the scope of the **third pathway** (or the primary pathway) is kept expansive and inclusive rather than restrictive.
- Ensuring recognition of conservation contributions and rights of a diversity of self-defined Indigenous Peoples and Local Communities custodians, and their specific contexts, historic marginalization, and injustices.
- Considering specific regional and national circumstances. For example, Strategically, the use of “Indigenous and Traditional Territories”, particularly in Target 2 and 3 is likely to encounter issues of interpretation among the Parties, in many countries, particularly in Africa, many parts of Asia (including India, China) and in Europe, where the term 'Indigenous and Traditional Territories' is not widely, understood, used, accepted or recognized.
- Re-emphasizing self-identification, peer-review, and peer-support, in the context of the **primary pathway**.

With the above considerations, ICCA Consortium proposes:

1. ICCAs—territories of life, and ITTs to be used interchangeably (according to the specific context) as a *sui generis* primary pathway and spaces of sustainable-self-determination, with essential contributions to fulfillment of various targets under the KMGFB, especially Target 2 and Target 3.
2. ICCAs—territories of life and ITTs may also be identified/recognized as PAs or OECMs, where this is the self-determined choice of the custodians based on their context or with their FPIC.
3. Where already designated PAs and OECMs **overlap with** ICCAs—territories of life and ITTs, such ICCAs—territories of life and ITTs are recognized as such with their free prior informed consent and recognition of the full range of their rights.

Actions essential for recognition and support for ICCAs-territories of life and ITTs

ICCA Consortium members are committed to:

1. Recognition of the full range of rights, including the right to self-determination of the Indigenous Peoples and Local Communities over their lands, waters, and territories, irrespective of whether such lands, waters, and territories of Indigenous Peoples and Local Communities have been self-identified as ICCAs—territories of life or not;
2. In all conservation frameworks, strategies, and action plans recognizing Indigenous Peoples and Local Communities as rights-holders and custodians, while holding governments, conservation organizations, and all private actors accountable as duty-bearers;
3. Pursuing the recognition of the full range of rights of indigenous peoples and the collective rights of community custodians to use and govern their self-identified ICCAs—territories of life as their territories/commons and necessary ground for the survival of their worldviews, ways of being and cultures;
4. Pursuing the resurgence, decolonization, and self-strengthening of Indigenous Peoples and community custodians, and their collectively governed, managed, and cared for territories of life, including by restoring and regenerating them where ecosystems have been degraded or wildlife decimated, for the well-being and security of current and future generations;
5. Supporting conservation of territories of Indigenous Peoples and Local Communities, including those identified as ICCAs—territories of life, preventing their fragmentation, privatization, militarization, and destructive commercialization, defending them from extractivism or any other ‘development’ undertaken without the custodians’ free, prior and informed consent; and without conducting cultural, environmental and social impact assessments, including as specified under Akwé: Kon Voluntary Guidelines and with full and effective participation of indigenous peoples and custodian communities.
6. Defending territories of life and their custodians and defenders, and resisting unjust governance of Nature (including exclusionary existing, expanding and new protected areas and OECMs), unsustainable development, and perennial war within but also beyond lands, waters and territories of Indigenous Peoples and Local Communities, including territories of life—valuing frugality, wellbeing, the global commons, and peace everywhere;
7. Seeking all dimensions of social, environmental, and climate justice within and beyond territories of life; and
8. Ensuring the recognition, respect, and protection of indigenous and traditional knowledge systems as integral to self-determination and the defense of territories of life, acknowledging that such knowledge is inseparable from custodians’ identities, governance systems, and cultural survival, and is essential for sustaining biodiversity, resilience, and wellbeing.

Annex

Annex 1: CBD decisions with references to ICCAs, and CCAs

Decision VII/28, Kuala Lumpur, 2004

paras. 2.1.2. (Recognize and promote a broad set of protected area governance types related to their potential for achieving biodiversity conservation goals in accordance with the Convention, which may include **areas conserved by indigenous and local communities** and private nature reserves. The promotion of these areas should be by legal and/or policy, financial and community mechanisms.)

2.1.3. (Establish policies and institutional mechanisms with full participation of indigenous and local communities, to facilitate the legal recognition and effective management of **indigenous and local community conserved areas** in a manner consistent with the goals of conserving both biodiversity and the knowledge, innovations and practices of indigenous and local communities.)

2.2.4. (Promote an enabling environment (legislation, policies, capacities, and resources) for the involvement of indigenous and local communities and relevant stakeholders ^{11/} in decision making, and the development of their capacities and opportunities to establish and manage protected areas, including **community-conserved** and private protected areas.)

CBD Decision IX/18, Bonn, 2008;

Para 6 (a) Improve and, where necessary, diversify and strengthen protected-area **governance types**, leading to or in accordance with appropriate national legislation including recognizing and taking into account, where appropriate, **indigenous, local and other community-based organizations**;

Para 6 (b) Recognize the contribution of, where appropriate, co-managed protected areas, private protected areas and **indigenous and local community conserved areas** within the national protected area system through acknowledgement in national legislation or other effective means)

CBD Decision X/31, Nagoya, 2010

Para 30 (a) (...Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on **Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities...**)

Para 31(b) Recognize the role of indigenous and local community conserved areas and conserved areas of other stakeholders in biodiversity conservation, collaborative management and diversification of governance types

Para 32(a) Improve and, where necessary, diversify and strengthen protected-area governance types, leading to or in accordance with appropriate national legislation including recognizing and taking into account, where appropriate, **indigenous, local and other community-based organizations**;

Para 32 (b) Recognize the contribution of, where appropriate, co-managed protected areas, private protected areas and **indigenous and local community conserved areas** within the national protected area system through acknowledgement in national legislation or other effective means;

CBD Decision XIII/2, Cancún, 2016

para 5(b)(vii) (...in establishing new and/or expanding existing protected areas, or taking other effective area-based conservation measures, to give due consideration to areas that: ...(vii) **are managed under collective action by indigenous peoples and local communities** and promote the integration of those areas into the wider landscapes and seascapes, as appropriate)

Voluntary Guidance in Decision XIV/8, Sharm El-Sheikh, 2018

Annex I A (g) (Prioritize and implement measures to decrease habitat fragmentation within landscapes and seascapes and to increase connectivity, including by creating protected areas..., as well as **indigenous and community conserved areas**, ...)

Annex II A (4) (The Convention on Biological Diversity and the International Union for Conservation of Nature (IUCN) distinguish four broad governance types for protected and conserved areas according to which actors have authority and a responsibility to make and enforce decisions: (a) governance by government; (b) shared governance (by various actors together¹⁵); (c) governance by private individuals or organizations (often land owners and in the form of private protected areas (PPAs)); and (d) **governance by indigenous peoples and/or local communities (often referred to as territories and areas conserved by indigenous peoples and local communities (ICCAs) or Indigenous Protected Areas (IPAs))**).

Annex IIA (7) of the above

Convention on Biological Diversity defines ICCAs as

“Indigenous Peoples’ and community conserved territories and areas (ICCAs or territories of life): “Indigenous Peoples’ and community conserved territories and areas are natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by Indigenous Peoples and local communities, both sedentary and mobile, through customary laws or other effective means.”

The same decision states that “Areas conserved by Indigenous Peoples and local communities could potentially be recognized as protected or conserved areas, subject to their “prior informed consent”, or “free prior informed consent”, or “approval and involvement” or request, according to the national circumstances.”