ICCA Consortium Statement on the CBD COP17 Agenda Item 17(a): Matters related to the work programme of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)

Statement by the ICCA Consortium at the 17th meeting of the Conference of the Parties (COP17) to the Convention on Biological Diversity (CBD) in Yerevan, Armenia

By the **ICCA Consortium**

The ICCA Consortium welcomes the *IPBES Methodological Assessment of the Impact and Dependence of Business on Biodiversity and Nature's Contributions to People* and recognizes its important contribution to understanding how business activities both depend upon and impact biodiversity.

We also welcome the recommendation from the 28th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-28) that the findings of the Assessment be taken into account in the implementation of the Kunming-Montreal Global Biodiversity Framework (KM-GBF). As Parties consider its uptake, however, we urge that this be done through a human rights-based approach that fully recognizes Indigenous Peoples and Local Communities as rights-holders, knowledge-holders, and custodians who govern Indigenous Peoples' and Local Communities' conserved areas and territories, and not merely as stakeholders in business and biodiversity processes.

We wish to highlight five considerations:

First, Indigenous Peoples and Local Communities must not be reduced to "other actors." This framing does not adequately reflect their distinct status as collective rights-holders. Indigenous Peoples, in particular, hold internationally recognized collective rights to lands, territories, and resources, self-determination, participation in decision-making, and free, prior, and informed consent (FPIC).

Second, traditional knowledge must not be treated merely as an input or source of data for business. The Assessment recognizes that businesses can depend on Indigenous and local knowledge and identifies the potential contribution of Indigenous and local knowledge to biodiversity measurement and monitoring. This recognition is important. However, knowledge cannot be separated from the peoples, territories, governance systems, and relationships through which it is generated and maintained. Use of such knowledge should further reinforce and strengthen the rights of the custodian Indigenous Peoples and Local Communities.

The use of traditional knowledge in business-related biodiversity measurement, disclosure, monitoring, or decision-making must therefore respect the authority of knowledge-holders and their right to determine whether and under what conditions their knowledge is accessed, used, or shared.

This requires effective safeguards for FPIC and protection against the extraction, appropriation, or commodification of traditional knowledge. Uptake of the Assessment should be coherent with Target 21 of the KM-GBF, as well as Article 8(j) and the broader rights-based approach embedded in the Framework.

Third, business and biodiversity action must respect Indigenous Peoples' and Local Communities' data governance and data sovereignty. As businesses increasingly measure, map, monitor, and disclose their dependencies and impacts on biodiversity, growing volumes of data may be generated from or about the lands, waters, territories, resources, knowledge, and practices of Indigenous Peoples and Local Communities. Such data are not neutral commodities, nor should their collection or digitization be interpreted as making them freely available for corporate use.

The uptake of the Assessment must therefore address who controls biodiversity-related data, who determines access and permitted uses, who benefits from their use, and how communities can refuse, restrict, or withdraw authorization for uses that are inconsistent with their rights, laws, values, or priorities.

Parties and IPBES should promote approaches consistent with Indigenous and traditional data governance and, where applicable, Indigenous and traditional data sovereignty, including collective authority over data concerning peoples, territories, resources, and knowledge. Particular safeguards are needed where corporate biodiversity assessments, digital monitoring, remote sensing, artificial intelligence, databases, or disclosure systems combine ecological data with Indigenous and traditional knowledge or information concerning Indigenous and traditional territories. Such approaches should be guided by the Collective Benefit, Authority to Control,

Responsibility, and Ethics (CARE) Principles for Indigenous Data Governance, with the Findability, Accessibility, Interoperability, and Reusability (FAIR) Principles applied only where consistent with collective rights, community-defined protocols, and authority over data access, use, and reuse. They should also draw on the United Nations Educational, Scientific and Cultural Organization (UNESCO)

Recommendation on Open Science (2021), particularly its recognition of knowledge sovereignty and Indigenous data governance, and the Ottawa Traditional Knowledge Principles, especially regarding collective ownership, the authority of knowledge holders to determine appropriate uses, and protection against unauthorized access and use.

Data governance should therefore be treated as an integral component of rights-based business and biodiversity action, consistent with Target 21, including its safeguards concerning traditional knowledge and FPIC, and with the rights recognized under the Convention and relevant international human rights instruments.

Fourth, business is not a homogeneous category. The Assessment provides an important basis for addressing business dependencies and impacts on biodiversity. Nevertheless, greater differentiated attention is needed to the realities of small-scale, family, informal, Indigenous, community-based, and not-for-profit businesses and enterprises.

The biodiversity footprint, economic power, access to finance, regulatory capacity, and relationship with territories of a transnational corporation cannot be equated with those of a family enterprise, small-scale producer, pastoralist enterprise, Indigenous enterprise, or community-based livelihood.

Measures developed in response to the Assessment should therefore be proportionate and differentiated, ensuring that regulatory and reporting requirements do not impose disproportionate burdens on small-scale and community-based actors, while maintaining strong accountability for businesses whose operations, supply chains, and financial activities have significant impacts on biodiversity and on the lands, waters, territories, and rights of Indigenous Peoples and Local Communities.

At the same time, Parties should recognize and support locally rooted economic models that sustain biodiversity, customary sustainable use, local livelihoods, and, in turn, the territories of life.

Fifth, voluntary action cannot substitute for accountability. The Assessment should support implementation of Target 15, but its uptake must go beyond encouraging businesses to measure and disclose their dependencies, risks, and impacts.

Where business activities affect biodiversity and the territories and rights of Indigenous Peoples and Local Communities, Parties should strengthen effective safeguards, due diligence, accountability, access to justice and remedy, and mechanisms for the full and effective participation of affected rights-holders in decision-making.

This is particularly important where business activities may result in land dispossession, ecosystem degradation, disruption of customary governance and livelihoods, or impacts on traditional knowledge, data, and cultural relationships with territories.

The ICCA Consortium therefore urges Parties to ensure that the COP17 decision on the IPBES work programme:

- Recognize Indigenous Peoples and Local Communities as rights-holders and knowledge-holders, rather than merely “other actors”;
- Safeguard Indigenous and traditional knowledge and Indigenous and traditional data governance and data sovereignty;
- Ensure that the uptake of the Business and Biodiversity Assessment respects collective rights, customary governance, and FPIC;
- Provide differentiated approaches for businesses of different scales, capacities, and impacts, including small-scale, family, Indigenous, and community-based enterprises; and
- Use the Assessment to strengthen corporate accountability and effective implementation of the KM-GBF, particularly Targets 15, 21, and 22.

Finally, we encourage IPBES, in its future assessments and policy-relevant products, to strengthen the direct and meaningful participation of Indigenous Peoples and Local Communities and the recognition of their knowledge systems, governance institutions, data governance frameworks, and diverse economies throughout the assessment process.

Biodiversity policy must not only ask how businesses depend on nature. It must also ask who bears the costs of business impacts, whose territories, knowledge, and data are affected, who holds rights over them, who benefits from their use, and who has the power to decide.