



Native Women's  
Association of Canada



L'Association des  
femmes autochtones  
du Canada

## **CRITICAL REVIEW**

# **Indigenous Peoples and Local Communities and the Post-2020 Global Biodiversity Framework Development of a Fully Integrated Programme of Work on Article 8(j) and Related Provisions within the Post -2020 Global Biodiversity Framework**

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## Scope of Work

A Critical and Gender-Based Analysis of the following Convention on Biological Diversity document:

*Indigenous Peoples and Local Communities and the Post-2020 Global Biodiversity Framework: Development of a Fully Integrated Programme of Work on Article 8(j) and Related Provisions Within the Post-2020 Global Biodiversity Framework*

## Who We Are

The Native Women's Association of Canada (NWAC) is a National Indigenous Organization representing the political voice of Indigenous women, girls, and gender-diverse people in Canada, inclusive of First Nations on- and off-reserve, status and non-status, disenfranchised, Métis, and Inuit. An aggregate of Indigenous women's organizations from across the country, NWAC was founded on the collective goal to enhance, promote, and foster the social, economic, cultural, and political well-being of Indigenous women within their respective communities and Canadian society.

Since 1974, NWAC has established strong and lasting governance structures, decision-making processes, financial policies and procedures, and networks to help achieve its overall mission and goals. Today, NWAC engages in national and international advocacy aimed at legislative and policy reforms that promote equality for Indigenous women and girls, as well as Two-Spirit, gender-diverse, and LGBTQ+ people. Through advocacy, policy, and legislative analysis, NWAC works to preserve Indigenous culture and advance the well-being of all Indigenous women, girls, and gender-diverse people, along with their families and communities.

## Objective

NWAC's objective is to provide the Indigenous women's, girls, gender-diverse, and Two-Spirit people's perspective on biodiversity and to participate in the development and implementation of policies and programs related to conservation, wildlife, and biodiversity. NWAC also advises on and facilitates community engagement in activities and policies dealing with conservation, biodiversity, and wildlife, and provides submissions pertaining to documents that are part of the post-2020 global biodiversity framework.

## Comments/Critique

### Note by the Executive Secretary and Introduction

This section provides an outline of the updates, possible elements, draft objectives, and draft principles for the fully integrated programme of work within the post-2020 global biodiversity framework. In the context of this document and the subject matter it addresses, a description of the content of both annexes is provided. Of note is that no specific mention is made of Indigenous women, girls, gender-diverse, and Two-Spirit people.

### I. Updated Set of Objective and General Principles for the New Fully Integrated Programme of Work within the Post-2020 Global Biodiversity Framework

10. The principle access to traditional knowledge, innovations, and practices of Indigenous people and local communities must certainly require the implementation of free, prior, and informed consent. Requiring that traditional knowledge be valued equally to Western scientific knowledge, along with the participation of Indigenous peoples and local communities, especially women, during all stages of implementation of the programme of work, is of utmost importance. Indigenous women, girls, gender-diverse, and Two-Spirit people must not only be included, but also given a voice within this international forum.

### II. Possible Elements of Work and Suggested Activities within the Context of a new Programme of Work and the Post-2020 Global Biodiversity Framework

13. While remarkable, the achievements listed to date do not reference gender-specificity or Gender-Based-Analysis Plus (GBA+). Furthermore, the inclusion of the following guidelines fail to mention any required or permanent mechanisms:

- The Mo'otz kuxtal Voluntary Guidelines for the development of mechanisms, legislation or other appropriate initiatives,
- The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity,
- The Glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions,
- The Voluntary Guidelines on Safeguards in Biodiversity Financing Mechanisms,
- The Methodological Guidance concerning the Contributions of Indigenous Peoples and Local Communities.

14. The mention of recognizing and supporting community and Indigenous protected areas is also of utmost importance.

15. (a) The practical implementation of the various guidelines and standards already agreed upon within the framework of the Convention, as well as the provision of a safeguard framework that is specific to Indigenous peoples and local communities, are paramount. Equally important is ensuring Indigenous peoples and local communities have access to and are partners in the implementation of the Convention to financial resources. It is disappointing that gender-specificity was not included. Failure to directly mention Indigenous women in a discussion on the provision of funding means that the presence and ability of Indigenous women's organizations to speak on their own behalf is not guaranteed. Capacity-building at all levels is a necessity in order to ensure the balanced, fair, and equal representation of Indigenous peoples, including Indigenous women, in international forums.

### III. Options for Institutional Arrangements for the Participation of Indigenous Peoples and Local Communities in the Work of the Convention

19. The Conference of the Parties decided that Indigenous peoples and local communities should participate in the deliberations of the Working Group on Article 8(j) and related provisions to the widest possible extent in accordance with the rules of procedure. The measures decided on by the Conference of the Parties (an Indigenous co-chair, seven representatives, representing Indigenous and local communities) are of great importance to Indigenous peoples around the world. However, it would be greatly beneficial to all present if gender parity were to be introduced as part of these new practices. This would mean that the nomination process for an Indigenous co-chair would include the requirement that this person be a woman, gender-diverse, or Two-Spirit person and that approximately half of the representatives be Indigenous women.

### IV. Draft Recommendation on the Objectives, Principles, Elements of work of a Fully Integrated Programme of Work of Relevance to Indigenous Peoples and Local Communities in the Post-2020 Global Biodiversity Framework, including Options for Institutional Arrangements for the Effective Participation of Indigenous Peoples and Local Communities in the Work of the Convention

*A. Ways and instruments for achieving full integration of Article 8(j) and provisions related to Indigenous peoples and local communities in the work of the Convention and its Protocols, with full and effective participation of Indigenous peoples and local communities and aiming at enhancing efficiencies, coherence, and coordination*

Strengthening a network of national focal points on traditional knowledge as well as enabling Indigenous peoples to play a key role at the national level in areas such as the protection,

preservation, and promotion of traditional knowledge and customary sustainable use is welcome and necessary. This will facilitate the input of Indigenous peoples and local communities into the drafting of national reports, as well as build capacity for Indigenous peoples. However, the lack of mention and inclusion of Indigenous women, girls, gender-diverse, and Two-Spirit people is concerning.

### *ANNEX I: Objectives, General Principles, and Elements of Work for the Programme of Work for Article 8(j) and Related Provisions*

#### *I. OBJECTIVE*

While it is important to ensure an ongoing recognition of the unique association that Indigenous peoples and local communities have with the Convention and its Protocols as partners in implementation, it is equally important to specifically mention Indigenous women within this type of documentation as well as to ensure their representation at the tables of international biodiversity conventions and forums.

#### *II. GENERAL PRINCIPLES*

NWAC welcomes the specific mention of the need for full and effective participation of women of Indigenous peoples and local communities in all activities of the program of work. However, this should be the case for all areas of discussion throughout the entirety of this document.

### *ANNEX II: Possible Elements of the New Programme of Work on Article 8(j) and Related Provisions as Part of the Post-2020 Global Biodiversity Framework*

#### *II. CONSERVATION AND RESTORATION*

This section mentions the strengthening of the policy framework for community-based conservation and restoration of Indigenous and community conserved areas (ICCAs), protected areas, and traditional sacred sites led by Indigenous peoples. Mention is also made of the promotion and support of traditional land tenure by Indigenous peoples and local communities, as well as the facilitation and integration of ICCAs into national networks of protected areas by legally recognizing ICCA territories and striving for the integration of Indigenous peoples and local communities. Section II on Conservation and Restoration neglects to reference Indigenous women, even though Indigenous women are disproportionately affected by biodiversity loss due to climate change. Their unique and specific knowledge must be included in the proceedings at hand. The simple use of the term 'Indigenous peoples' lacks specificity and follows a pan-Indigenous approach that will be problematic to Indigenous women and their lives and safety (especially when looking at food insecurity as a result of biodiversity loss). Such an approach will also lead to gaps in the materials included for the Post-2020 Global Biodiversity Framework.

The provision of opportunities for capacity development must be specified as applicable to Indigenous women also.

*V. Protection of Indigenous Peoples and Local Communities and their (Traditional) Knowledge Innovations and Practices, including through application of Guidelines and Standards, and further Advancement of Article 8(j) and related Provisions*

The Akewé Kon Voluntary Guidelines, the Tkarihwaíé: ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities, The Mo'otz kuxtal Voluntary Guidelines, and the Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge Relevant for Conservation and Sustainable Use of Biological Diversity are all welcome mechanisms for the protection of Indigenous peoples and local communities and their traditional knowledge innovations and practices. Of particular interest is the Gender Plan of Action, which emphasizes the effective participation of Indigenous peoples and takes into account the special role of gender in the generation, transmission, and protection of traditional knowledge. The application of this Plan will be integral to ensuring Indigenous women's representation within international forums. Indigenous women not only have the unique role as holders of Indigenous traditional knowledge, but are also more vulnerable to land loss, environmental disaster, food insecurity, and housing insecurity. Biodiversity loss affects women in different ways than it does men. The lack of gender-specificity in international forums is highly problematic for Indigenous women and their well-being.

## Conclusion

The objective of the current program is outlined as promoting the just implementation of Article 8(j) and related provisions at local, regional, national, and international levels to ensure the full and effective participation of Indigenous and local communities at all stages and levels of implementation. Once again, there is no mention of Indigenous women, gender-diverse, and Two-Spirit people.

While the above mechanisms are of great importance, it is essential to continue to stress that a pan-Indigenous approach reinforces the exclusion of Indigenous women's, gender-diverse, and Two-Spirit people's expertise from global forums such as the Convention on Biological Diversity and Article 8(j) Post-2020 Global Biodiversity Framework. Indigenous women, gender-diverse, and Two-Spirit people must be invited to the various international tables to represent and speak for themselves.