

Statement
on
**The Implementation of the Kunming-Montreal Global Biodiversity
Framework (KMGBF) and Targets**
from the
**Perspective of adivasi/tribal/indigenous peoples and other traditional local
communities from CCAs – territories of life, in India**



We, a diverse coalition of people living in and working with Community Conserved Areas (CCAs), members of adivasi/tribal/indigenous peoples, pastoralist & other local communities, community based organisations (CBOs), federations of CCAs, and organisations, individuals & researchers associated with CCAs, assembled at Fireflies Intercultural Center, Bengaluru in December 2023 to:

1. Share, learn and discuss various issues and opportunities for CCAs-territories of life, in India.
2. Understand the Kunming-Montreal Global Biodiversity Framework (KMGBF), and targets therein, and implication of their implementation for CCAs- territories of life.

After 3 days of deliberations, *we collectively make the following statement and urge all relevant actors to consider, support and implement the points presented below*, in compliance with the GBF and targets therein:

Context for the statement

The *adivasi/tribal/indigenous peoples, pastoralists & other traditional local communities* have been customarily protecting forests, wetlands, rivers, mountains, pasturelands, and biodiversity, that have sustained them and benefited the global community. They have also been playing an important role in climate change mitigation and adaptation through local, and customary nature-based, solutions. While some domestic policy instruments have sought to recognise their role, and the role of their cultural practices, in maintaining and enhancing biodiversity, the recognition of their true contribution in maintaining ecosystem health, contributing towards nature-based solutions to climate change, and their use and governance rights over their ancestral lands, continues to face structural, administrative, and legal hurdles. Furthermore, on the contrary,

- Their lands, forests, waters and territories are being diverted and devastated without their consent, and/or adequate prior information for mines, hydro-electric dams, mega alternative energy projects, infrastructure projects, urbanisation, and ill-conceived large scale tree-plantations or afforestation programmes, especially palm oil, rubber, and others.
- Despite the existence of the Forest Rights Act (2006), their customary access, use, management and governance rights are being restricted, or eliminated, and in many cases their people are being displaced, evicted and/or pressured to relocate because of these mega projects on the one hand, and conservation laws and policies, including creation and expansion of government designated protected areas (PAs) such as national parks, wildlife sanctuaries, and Tiger Reserves. There are also instances where recognition through more inclusive categories such as conservation reserves, and community reserves, also leads to co-option of local institutions and processes.
- Their cultures and cultural systems are under increasing pressure and, in most cases, on the verge of breakdown because of larger societal changes as well as non-inclusive, non-integrative and non-consultative, beneficiary, development, education and health policies, schemes and programmes.
- Their systems of self-governance and systems of intra- or intergenerational knowledge creation and exchange are severely impacted. Their nature based knowledge, expertise and skills are often used for research and documentation, mostly without meaningful credit to them as co-creators and traditional guardians of that knowledge. Products of such research, surveys and documentation are rarely made available to them for their own use, management and governance purposes. Rarely is there a meaningful sharing of tangible and intangible benefits arising from such projects.

- There is no comprehensive government strategy for consistent, direct, need-based, adequate, and inclusive provision for financial and technical support for their own efforts to strengthen conservation, management, livelihoods and governance plans, strategies and processes.
- Their people - women, men, elders and youth - who are attempting to self organise, resisting or raising concerns about diversion of their territories for mega projects or leading movements for their rights, along with their support organisations (if any) are often being targeted, criminalised, threatened, harassed or imprisoned for voicing their concerns.
- There have been a few policy provisions to recognise, secure and safeguard their governance rights over their traditional lands and waters, such as the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 or the Forest Rights Act (2006) and specific provisions of the Biological Diversity Act (2002). However, progressive amendments to such laws or other related laws such as the Forest Conservation Act have weakened the applicability of progressive laws. Additionally, poor implementation and inadequate coverage of all categories of ecosystems by such laws have seriously limited their ability to effectively empower tribal/adivasi/other traditional communities to govern, protect and benefit from their traditional territories.

There is an urgent need to frame and implement policies to effectively recognise and support truly decentralized governance of CCAs-territories of life. Such recognition should be without co-optation through legal or financial mechanisms that may ultimately disrupt effective local institutions, knowledge systems, and self-governance mechanisms.

The Government of India is a Party to the Convention on Biological Diversity (CBD) and as such is responsible for the implementation of the Kunming-Montreal Global Biodiversity Framework (KMGBF), and the 23 Targets to be achieved therein. We believe that the Government of India is also revising India's National Biodiversity Strategy and Action Plan (NBSAP) keeping these Targets in mind. We are aware that many indigenous peoples and local community groups globally have expressed their concerns regarding the implementation of these Targets. In particular, Target 3 (also referred to as 30/30), which sets to conserve 30% of land, waters and seas by ensuring and enabling that

by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, 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, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories. (<https://www.cbd.int/gbf/targets>)

Indigenous peoples and local communities fear that achievement of the Target 3 will further deepen the injustices that they have suffered by impacting their rights, access, ownership over their territories and waters as well as their ways of being. Particularly, if the current exclusionary, centralized, and unequal power dynamics based method of establishing, managing and governing protected areas continues.

In this context we would like to bring to the notice, section C of the KMGBF. This lays down the human-rights based approach to the implementation of the Biodiversity Plan and in Sec (c) (a) The Framework acknowledges the important roles and contributions of indigenous peoples and local communities as custodians of biodiversity and as partners in its conservation, restoration and sustainable use. It emphasizes that,

The Framework's implementation must ensure that the rights, knowledge (including traditional knowledge) associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, documented, and preserved. This must be done with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation, international instruments, like the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law. In this regard, nothing in this framework may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future;

Given the above, we would like to state that any strategy towards implementation of these targets, including the updating and revision of the NBSAP must be drawn through a meaningful consultation with the tribal/adivasi/indigenous peoples and other traditional local communities. It is important to note that so far the consultations towards revising the NBSAP have been through invitation-only events without providing an open space for an effective, inclusive, meaningful and democratic participation of all concerned, including the custodians of the territories of life. The Ministry of Environment, Forests and Climate Change in fact has a precedence of having supported a 4 year process involving thousands of people from communities across India, in 2000-2003, which was globally lauded as the world's largest participatory NBSAP exercise, to learn from.

It is absolutely imperative that when consulting or negotiating with tribal/adivasi/indigenous peoples and other traditional local communities or seeking their inputs through meetings, workshops, and conventions, they need to be treated as their own representatives, and not to be represented by large NGOs, national and global institutions, government agencies or individuals. Space and financial provisions must be made available for seeking participation and inputs from custodians of CCAs from different parts of the country.

Implementation of the strategies towards fulfillment of the above mentioned Targets within their legally recognised or unrecognised customary boundaries should be only through the globally accepted principles of Free Prior Informed Consent (FPIC). The strategies must include the following critical considerations from the point of view of the tribal/adivasi/indigenous peoples and other traditional local communities:

1. Legal and policy support to CCAs-territories of life

In adherence with Targets 2, 3, 4, 5, 8,13,18, 22 and 23, a comprehensive policy should be developed for unconditional recognition and financial/technical/legal support for CCAs-territories of life, in consultation with and the consent of the tribal/adivasi/indigenous peoples and other traditional local communities from CCAs – territories of life. This should be in addition to including provisions related to CCAs in existing conservation, forest, grasslands, wetlands, marine and coastal areas, diversion of lands for development, and other activities and climate related laws and policies, such that:

- No further conversion of their ancestral lands into government-managed Protected Areas (PAs) should be done to meet national or global conservation Targets without the free, prior, informed and written consent of their assemblies at the smallest level of self organisation (village, recorded or unrecorded settlements, clan cluster, etc). Instead, inclusive support to their lands and territories, their conservation efforts, and to them as custodian local communities needs to be a central strategy towards achieving all Targets, in particular, Target 2, Target 3 and Target 8. Similarly, CCAs within existing PAs must be recognised as CCAs overlapping with PAs where decision-making rights are with the custodian communities.
- Tribal/adivasi/indigenous peoples and other traditional local communities' ancestral lands or the seasonal-uses of landscapes of pastoral or other nomadic communities often venture beyond the administrative boundaries of the states. Recognition of their CCAs in such cases must correspond with their ancestral/customary boundaries and not with administrative boundaries of the state. (Target 1 and 22)

- Their ancestral lands and customary ways of self-governance should be given policy and legal recognition (Target 3), including (but not restricted to) through proper and full implementation of all provisions of The Forest Rights Act 2006 (FRA) all areas where the law is applicable.
- Wherever Community Forest Resource (CFR) rights and/or Habitat Rights have been recognised under the FRA or are yet to be recognised but pre-exist, including and especially in Tiger Reserves (TRs) and other PAs, conservation and management plans and strategies must be developed by the Community Forest Rights Management Committees (CFRMCs) set up by the concerned gram sabhas (village assemblies) or relevant community-instituted local institutions. The conservation and management plans prepared by the CFRMCs must be incorporated in the management plans of the forest department if they have one for the surrounding landscape.

2. Supporting self-strengthening processes and sustenance of CCAs

- Conservation and management strategies and plans prepared by the CFRMCs or any other local/customary CCA institutions must be recognised and accepted at par with the plans prepared by any other government agency.
- Preparation and implementation of CFRMCs or any other CCA management and conservation plans must be supported through unconditional, reliable and consistent financial and other state support mechanisms. Such support, while building strong measures for accountability, must be free of conditions, such as requiring mandatory presence of government staff in the local decision-making institutions (e.g. as is required under the Joint Forest Management process). State's internal sources of funds must be prioritised over facilitating private/corporate partnerships.
- Tribal/adivasi/indigenous peoples and other traditional local communities' livelihoods, interlinked with sustainable use within their ancestral lands, either as pastoralism, shifting cultivation, diverse and organic agriculture, harvesting and sale of forest produce, local sustainable enterprises, responsible, ecological and locally controlled tourism, among others, must be protected and promoted. They must be supported for bringing about a greater local economic sovereignty. This may require a number of supportive steps such as bringing relevant changes in the regulatory laws on natural resources, including such activities in the government calculations for contribution to the state's economy, providing initial capital support funds, and instituting a minimum support price mechanism for a vast diversity of products and initiatives (Target 5).

3. Research and Documentation

- Any ecological, social, or other research, monitoring and evaluation processes within the ancestral/customary/CFR lands of the tribal/adivasi/indigenous peoples and other traditional local communities must be either led by or in collaboration with them following free prior informed consent. Such research must also respect, use and acknowledge the use of traditional knowledge systems (Target 21).
- Tribal/adivasi/indigenous peoples and other traditional local communities must lead, or be the leading partners in, the setting of priorities for research and documentation within their territories (without restricting research on other topics if not harmful for the ecosystem and the people). Such a setting of priorities may be based on outcomes that benefit their current sustainable livelihoods, social, conservation and political processes.
- Protocols must be established before starting such research and documentation on all aspects of the research including ownership, data sharing rights, authorship, credits, sharing of other benefits, among others.
- In keeping with Target 21 knowledge generated through any such collaborative research, or any other research or publications about the ancestral/ customary/ CFR lands and territories of the tribal/adivasi/indigenous peoples and other traditional local communities, must be shared with them in appropriate manner and form for us to use. Methods, forms and timelines for sharing such knowledge with us should be an integral part of any research proposal.

4. In protection and defense of CCAs and their custodian communities

- In adherence with Targets 22 and 23, any developmental projects proposals in their ancestral lands must be developed only after seeking prior, informed consent based on multiple discussions and deliberations with the concerned village assemblies. Such deliberations must be done after ensuring sufficient quorum and participation of all rights holders and customary users, particularly women and youth and other marginalized sections of the community. Gram sabha consent must be ensured and respected.
- Towards this end, the amendments brought about by the Central government in the provisions of the Forest Conservation Act and Rules in 2022 and 2023, related to forest diversion for development projects, infrastructure projects, green energy projects, or any other externally planned land use/resource use change such as large scale plantations, commercial logging, etc., must be reversed and provisions related to seeking free, prior informed consultation and consent of gram sabhas, to be impacted by such change directly or indirectly must be reinstated.
- The state government's must also clarify and widely publicize the state level processes related to the diversion of naturally and culturally rich landscapes for development projects. This must include the stages and processes of seeking free

prior informed consent of the tribal/adivasi/indigenous peoples and other traditional local communities whose legally recognised or unrecognized customary landscapes will be directly or indirectly impacted by such diversion.

5. National goals for climate action and CCAs

- Their commons (grasslands, wetlands, rivers, coast, oceans and forests are NOT wastelands and should not be used for creating land banks for compensatory afforestation, unsustainable, exotic and monoculture plantations, (including those carried out to meet nationally determined climate goals).
- CCAs **are** nature-based solutions, and should be recognised as such. Any indicators towards climate action must reflect how many, how and what area of CCAs have been financially, technically and in other ways supported as nature-based solutions.

6. Direct, consistent and systemic financial support

- Protecting and managing lands and territories does not come cheap - tribal/adivasi/indigenous peoples and other traditional local communities invest many working hours, effort, emotional labour and resources towards this. They require direct financial support to protect and manage their ancestral lands and biodiversity according to their customary laws as well as the country's legal provisions.
- Towards this, in accordance with Targets 18 (to reduce harmful subsidies) & 19 (to provide direct funds to indigenous peoples and local communities), funding mechanisms must be made directly accessible to their collectives, federations and organisations, that are located within their landscapes, and that they have set up for conservation, management and livelihoods purposes.
- Due diligence and project reporting processes and mechanisms by funders and government departments must not overburden the adivasi/tribal/indigenous peoples, other traditional local communities and their institutions. Appropriate and direct experience-based methods must be used to ensure accountability and due diligence, instead of cumbersome and difficult paperwork that is required to be complied with over long distances.
- Rules under the Foreign Currency Regulation Act (FCRA) must be reviewed to make it possible for tribal/adivasi/indigenous peoples and other traditional local communities' institutions to receive direct funding or funding from their support/partner organisations, to avoid cumbersome processes of compliance with due diligence, long distance reporting and paperwork if needed (to facilitate Target 19).
- Government line agencies must converge their resources, increased allocations for

convergence, make it possible for such convergence funds to come directly into the accounts of the local institutions (such as gram sabhas, CCA management committees, CFRMCs, etc), reduce administrative burden of local communities to access such funds and link these funds directly to the conservation and management plans or strategies of the community.

- Ecological Fiscal Transfers (EFT) are the divisible tax revenues of the central government, to be shared with the state governments specifically for the purpose of improvement of forests. Currently, the central government disburses 7.5% of total tax revenues to the states based on certain criteria. These could be an important source of systemic, consistent and direct funds to be made available as an incentive for CCAs which contribute to maintenance or restoration of forests, grasslands, wetlands, among others of the states.
- Private funding agreements, including those under the carbon mechanism should have appropriate forums for raising complaints. Government must put legal and other mechanisms in place to ensure that the communities are safeguarded when such people - private (including carbon) agreements are made. There is an urgent need to create easily accessible mechanisms to create awareness about pros and cons of engaging with financial mechanisms, including carbon mechanisms.

7. Support for Skill enhancement and capacity building (Target 20) To respond to newer challenges, and transitioning to livelihoods in a newer context, adivasi/tribal/indigenous peoples and other traditional local communities often need skills to which they have less access to:

- When they come up with locally appropriate strategies to support their conservation and livelihood efforts and seek support in skill enhancement for enterprise building, research, documentation, among others, government and non government organisations must prioritize supporting these strategies in their action plans and financial allocations. Such support could be in the form of facilitating exchange & exposure visits, peer learning opportunities, learning from knowledge experts from within and outside the community, linkages and connections with appropriate institutions of knowledge, scholarships, training and academic programmes, among others.

All of the above aspects of CCAs must ensure equity in gender and other caste, ethnic, differently-abled, age-based minority groups as the KMGBF framework recognises that successful implementation of the Framework will depend on ensuring gender equality and empowerment of women and girls, and on reducing inequalities.

Local communities, particularly ethnic and minority groups, including women, youth, and children are entitled to dignity, recognition and respect for their traditional and contemporary efforts to sustain global well-being.

Written and Endorsed by: Participants of the National Assembly on, Community Conserved Areas (CCAs) - territories of life, in India, December 2024:

(Note: This statement is collectively written and endorsed by the participants of the National Assembly on ICCAs in India, held in December 2023. The institutional affiliation of the participants is shown only for information and does not necessarily imply that those organisations endorse this statement.)

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