The Long Road to Kunming

The influence of Indigenous Peoples and Local Communities within the negotiations of the post-2020 Global Biodiversity Framework of the Convention on Biological Diversity

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To my family, for their steady support in a constantly changing world

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This thesis is the result of almost a year of research and continuous engagement with the post-2020 global biodiversity framework. The process allowed me to travel to Canada and to Rome, interact with professionals from all over the world and confront myself for the first time with international negotiations, something that I have been studying since the very beginning of my academic career.

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Last but not least, I dedicate this work to my family, for their unconditional support and for always believing in me. Without them I wouldn't be where I am today, and I wouldn't know where to be tomorrow.

Foreword

Quello che non ho una camicia bianca
quello che non ho un segreto in banca
quello che non ho sono le tue pistole
per conquistarmi il cielo per guadagnarmi il sole.

Quello che non ho è di farla franca
quello che non ho quel che non mi manca
quello che non ho sono le tue parole
per guadagnarmi il cielo per conquistarmi il sole

What I don't have is a white shirt,
What I don't have is a secret in the bank,
What I don't have are your guns,
for conquering the sky and earning the sun.

What I don't have is getting off scot free,
What I don't have is what I don't miss,
What I don't have are your words
for earning the sky and for conquering the sun.

- Quello che non ho, Fabrizio De André

"Quello che non ho" is a musical manifesto against the dominating culture of capitalism and the current socio-economic paradigm that considers the accumulation of material wealth as the ultimate measurement of happiness. Sang by one of the most influential Italian song-writers of all time, Fabrizio De André, this songs impersonalises a Native American explaining what separates him from the white man and the difference between the one who exterminates his own race and the one who never accepts the compromise of forgetting his own culture.

I decided to begin this Master thesis with De André's lyrics as they depict two opposite worldviews who lack a shared base of understanding. On one hand, the "civilized" western man tries to impose its perspective by legitimizing it with a perceived superiority in both soft (*words*) and hard power (*guns*). On the other hand, the Native American rejects the cultural hegemony presented by his counterpart and strives to explain his relationship with the natural environment and the alternative path to happiness fostered by his lifestyle (*the conquest of the sun and of the sky*).

These words have been echoing in my mind throughout these months of study and research, as they reflect an issue that I have encountered during my interviews with both indigenous representatives and government delegates: the lack of understanding. Only recently, different actors have been able to be propose alternative solutions to conservation policies on the highest level of the international arena. Throughout the existence of the Convention on Biological Diversity, the inability of diverging from the strictly scientific *modus operandi*, coupled with the lack of strong political will to allow non-state delegates to participate in these processes, has undoubtedly been an issue in the creation of a multi-level approach to today's environmental problems.

Furthermore, I particularly liked the emphasis on the power of words. Nowadays, the art of oratory has lost its importance in the political arena and has been replaced by simple slogans. From Roosevelt's "Fireside chats" to Trump's tweet, the careful craft of drafting a speech has been substituted by the obnoxious repetition of empty words. Yet, words play a crucial role in international negotiations and legislation. The difference between a "shall" and a "should" has, and could, derail any agreement. In the song, the Native American admits that he lacks the appropriate words to *conquer his freedom*, and to an extent, this was reflected in past environmental negotiations where indigenous representatives have not been able to voice their proposals and concerns.

As this study focuses on the uptake of concepts and approaches proposed by IPLCs in the second and third strategic plan for biodiversity through a document analysis, it seemed appropriate to begin this dissertation by highlighting the importance of semantic.

None of this would have been possible without the help of the International Indigenous Forum on Biodiversity who welcomed my colleague and me during the WG8J11 meeting in Montreal and the OEWG2 in Rome. Their kindness and openness allowed us to gather empirical data, better understand key concepts being discussed, learn about the importance of traditional knowledge, appreciate alternative perspectives and establish personal connection that I hope will last for a lifetime. This Master thesis is much more than a simple academic exercise, I personally consider it as an incredible opportunity to confront myself with an alternative worldview and I will carry the lessons learned from these interactions throughout my entire professional career.

My colleague Eirini Sakellari (on the right) and myself (on the left), with the members of the International Indigenous Forum on Biodiversity at the Open-Ended Working Group 2 of the UN Convention on Biological Diversity in Rome, February 2020.

Abstract

The thesis investigates the influence of indigenous peoples and local communities in the UN Convention on Biological Diversity. The study analysed what has been the uptake of concepts, perspectives and approaches to biodiversity governance from IPLCs in the inter-governmental political process that shaped the Second Strategic Plan for Biodiversity Conservation 2011-2020 and in the first phase of the negotiations leading to the new post-2020 Global Biodiversity Framework. The study argues that IPLCs' influence is steadily growing, with decisive improvements when comparing the Second Strategic Plan and the post-2020 GBF. Their increasing relevance within the Convention has been identified with the help of global governance theory and the application of Betsill and Corell's analytical framework on how to assess NGO influence in international environmental negotiations.

List of abbreviations

ABS: Access and Benefit Sharing
CBD: Convention on Biological Diversity
COP: Conference of the Parties
EU: European Union
FAO: Food and Agriculture Organisation of the United Nations
FPP: Forest Peoples Programme
GBF: Global Biodiversity Framework
GBO: Global Biodiversity Outlook
GG: Global Governance Theory
IIFB: International Indigenous Forum on Biodiversity
ILO: International Labour Organization
ILC: Indigenous and Local Communities
IP: Indigenous peoples
IPBES: Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPLC: Indigenous Peoples and Local Communities
IUCN: International Union for Conservation of Nature
IWBN: International Women Biodiversity Network
LBO: Local Biodiversity Outlook
MEA: Multilateral Environmental Agreements
NBSAP: National Biodiversity Strategies and Action Plans
NGO: Non-Governmental Organisation
OEWG: Open-Ended Working Group
SBI: Subsidiary Body on Implementation
SBSTTA: Subsidiary Body on Scientific, Technical and Technological Advice
SDG: Sustainable Development Goals
SMART target: Specific, Measurable, Achievable, Realistic, and Timely target
TAN: Transnational Advocacy Network
TK: Traditional Knowledge
UNCCD: United Nations Convention to Combat Desertification
UNCED: United Nations Conference on Environment and Development
UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples
UNEP: United Nations Environment Programme
UNFCCC: United Nations Framework Convention on Climate Change
UNGA: United Nations General Assembly
WCED: World Commission on Environment and Development
WG8J: Ad Hoc Working Group on Article 8(j) and related provisions of the CBD

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1 Introduction

Over the past centuries, humans have manipulated, altered and shaped the natural environment in the name of economic growth and in order to fulfil their societal needs. With the advance of science, nature became a subsidiary of the economy and it caused a detachment of mankind from its surrounding environment. The impact of these transformations was, and still is, so profound that it allowed scientists to determine the end of the Holocene and define a new geological era, the age of man, the Anthropocene (Lewis & Maslin, 2015). By altering the functioning of entire ecosystems, humans have caused a drastic interference to other living creatures' lifecycles. This disruption is constantly confirmed by an ever-increasing number of scientific reports such as the IPBES Global Assessment of 2019, which stated that over one million species are now threatened with extinction (IPBES, 2019), or the Living Planet Report by the World Wildlife Fund, which estimates a reduction by 68% in monitored vertebrate species populations between 1970 and 2016 (WWF, 2020). Rising temperatures caused by anthropogenic activities will also have indirect long-lasting, and in some cases irreversible impacts, such as the alteration and loss of key ecosystems (IPCC, 2018).

The strategies that have been developed by the international community to protect nature have been largely unsuccessful. The United Nations Convention on Biological Diversity (CBD), the multilateral treaty established to conserve biological diversity, sustainably use its components and promote the fair and equitable sharing of benefits arising from genetic resources has failed to spur effective actions. A lack of political engagement at the highest levels, the insufficient implementation of national targets and the failure in mainstreaming biodiversity in key socio-economic sectors are amongst the main reason for failing to achieve significant conservational objectives worldwide (Dias, 2020). The recently released Global Biodiversity Outlook[1] 5 reported how none of the 20 Aichi targets set out to be reached by the end of 2020 has been achieved, and denoted marginal progress in a very limited number of commitments (Secretariat of the Convention on Biological Diversity, 2020). Society as a whole is now finding itself at a crossroad, either take decisive actions to halt biodiversity loss and transition to a sustainable future, or to maintain the status quo and head towards an unliveable planet deprived of its most valuable resource: nature.

[1] The Global Biodiversity Outlook (GBO) is the flagship publication of the CBD and regularly summarises and reports the latest data on the status and trends of biodiversity, drawing conclusions relevant to the further implementation of the Convention (Secretariat of the Convention on Biological Diversity, n.d.).

In the quest of finding a solution to this overwhelming problem, both academia and policymakers have shown an increasing interest in the way indigenous peoples and local communities (IPLCs) have been managing their lands. Traditional knowledge has long fostered positive trends for nature and it has steadily gained momentum in the policy debate around biodiversity conservation and the sustainable use of natural resources (IPBES, 2019; M, Gadgil, Berkes, F. 1993). Despite increasing global recognition on their role in biodiversity conservation (Stevens, 2014), Indigenous Peoples are often overlooked and marginalised when entering geopolitical or scientific debates over biodiversity conservation (Sobrevila, 2008).

As the world nations negotiate the next strategic plan of the CBD, referred to as the post-2020 Global Biodiversity Framework (GBF), IPLCs could play a key role in securing an inclusive and positive outcome. The Secretariat of the CBD, in the months leading up to the first round of negotiations has asked a series of question to the COP and other stakeholders, via a discussion note. The main question regarding Indigenous Peoples and Local Communities' inclusion in the new Global Biodiversity Framework was the following: How can the post-2020 global biodiversity framework facilitate the involvement of indigenous peoples and local communities and support the integration of traditional knowledge as a cross-cutting issue (CBD, 2019)? Following this broad question, this master thesis will focus on the uptake of concepts, perspectives and approaches to biodiversity governance proposed by IPLCs in two strategic plans (2011-2020 and the post-2020 GBF). By mapping the evolution of their influence and their inputs over the course of two decades, this study aims to analyse IPLCs influence in the CBD and to fill a gap in the academic literature regarding their influence within the international environmental arena. Through the lens of global governance theory, the study also strives to further the academic debate on the NGOs' role in international environmental conventions. Influence will be assessed by using an analytical framework of Betsill and Corell (2001), that so far has so far been used to assess NGOs' influence in the UN Convention to Combat Desertification and in the UN Framework Convention on Climate Change. By applying this framework to the third Rio Convention, the CBD, the thesis aims at contributing to this interesting and understudied area of environmental policy.

After this introductory section, the first chapter continues to explore the role of indigenous peoples and local communities in biodiversity conservation, the challenging path in defining IPLCs and the multilateral environmental agreement focus of this study, the UN Convention on Biological Diversity.

The second chapter of the thesis outlines the objective of the study and presents both the primary and sub-research questions that have been answered throughout the thesis. The main research question being answered focuses on the uptake of concepts, perspectives and approaches to biodiversity conservation from IPLCs in the inter-governmental political process of two strategic plans for biodiversity conservation of the CBD.

Chapter 3 presents the theoretical framework that underpins this study and defines key concepts central for this research. Subsequently, the fourth chapter outlines the methodology chosen, as well as the data collection and analysis process.

The fifth chapter describes the institutional context, within the Convention on Biological Diversity, in which IPLCs operate. The section presents the Ad Hoc Working Group on Article 8(j) and related provisions (WG8J) and its accomplishments throughout the years. This chapter provides the introduction to the sixth chapter on the empirical findings of the study. Chapter 6 indeed constitutes the core of the thesis. It firstly describes the characteristic of the International Indigenous Forum on Biodiversity, conceptualised as a transnational advocacy network. The chapter then analyses the themes proposed by IPLCs in the two negotiating processes, the inclusion of IPLCs issues in national submissions and how these concepts, practices and approaches have been integrated in the strategic plans. Ultimately, the chapter assesses the influence of IPLCs both in the 2011-2020 negotiations and in the first phase of the post-2020 process.

The seventh chapter consists in the discussion by the author regarding the empirical findings, the lessons learned by IPLCs over the two decades and a set of policy recommendations that the IIFB could consider to strengthen their position in the negotiations. The eight and final chapter concludes the study and provides an overview of the current state of the post-2020 process.

1.1. The role of Indigenous Peoples in biodiversity conservation

Indigenous Peoples (IP) worldwide are estimated to be less than five percent of the entire human population, but they represent one of the primary actors in the global fight against biodiversity loss as they hold tenure over 25 percent of the world's land surface and support about 80 percent of the global biodiversity (Sobrevila, 2008). Moreover, when using linguistic diversity as an indicator of cultural diversity, 5000 of the 7000 spoken languages worldwide are to be considered indigenous, which translates in indigenous peoples accounting for as much as 80 to 90 percent of the world's cultural diversity (Toledo, 1999).

Refraining from a romanticising of Indigenous people and local communities, it is important to acknowledge that they often manage their lands in ways that are compatible with, and often actively support, biodiversity conservation (IPBES, 2019; Sobrevila, 2008). The ancestral ties with the ecosystem, of which they see themselves as being an essential component, drives the majority of these communities to a sustainable management of the natural resources, respecting the living organisms' life regeneration cycles. Regardless of state-imposed tenure and conflicts surrounding them, Indigenous Peoples frequently retain *de facto* influence over their ancestral lands making them a pivotal actor in implementing biodiversity conservation policies (Garnett et al., 2018). According to a spatial study mapping the current extent of area managed or controlled by indigenous peoples, land controlled by IP is to be found in 87 countries all around the world (*fig. 1*).

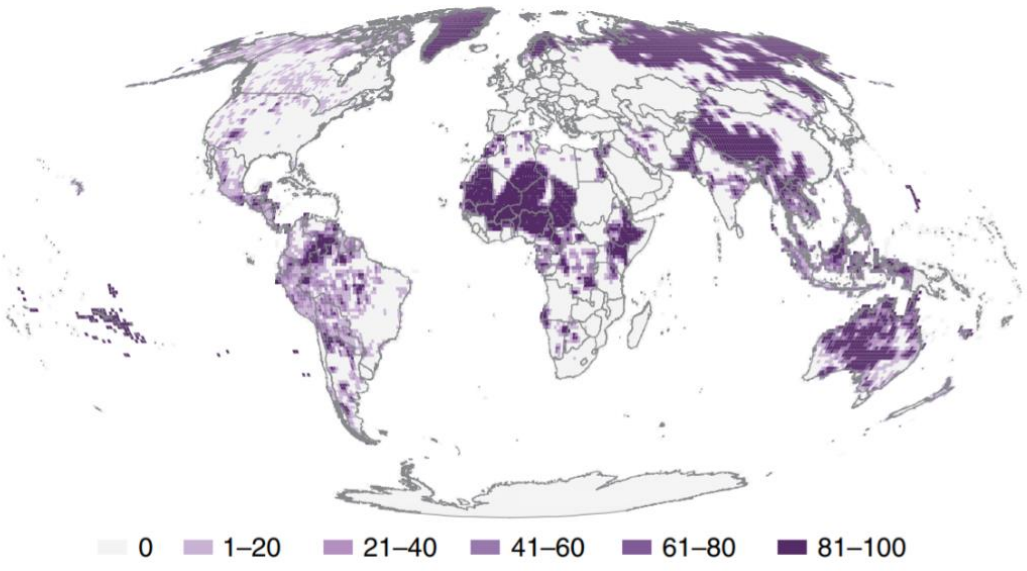

Fig. 1 Global map of lands managed and/or controlled by Indigenous Peoples (Garnett et al., 2018)

Global reports have highlighted how, in the majority of cases, areas under community or indigenous management are higher in biodiversity than under governmental management alone (Secretariat of the Convention on Biological Diversity, 2010; Toledo, 1999). Indigenous peoples have developed a mutually beneficial symbiotic relation with the environment they inhabit. On one hand, they rely on the natural resources available in their lands for their survival and also their cultural identity flourishes only in conjunction with traditional lands (Cittadino, 2014). In conclusion, the link between indigenous peoples and their lands is not only instrumental to the conservation of biodiversity but as well to the survival of indigenous peoples and their customs per se (Cittadino, 2014).

International recognition of the role of indigenous peoples in biodiversity conservation is relatively recent. During the IUCN World Park Congress of 2003, one of the recommendations (WCP Recommendation V.24) highlighted how IP have made a substantial contribution to conservation globally and that protected areas' efforts would have better outcomes when they do not violate the rights of indigenous peoples living in and around them (IUCN - WCPA, 2003). Later on, in 2008, the World Bank affirmed that without the full engagement of indigenous people, major conservation initiatives will be compromised, and all citizens of the world will lose as a result (Sobrevila, 2008). The IPLCs' contribution to the preservation of natural resources goes beyond the goals established by the creation of protected areas, challenging and helping reframing the current conservation frameworks (Garnett et al., 2018). In addition, many indigenous cultures around the world highly regard their connection with the natural environment, which results in upholding moral principles that allow them to live in harmony with nature and often in a lead to self-imposed restrictions on use of nature (IPBES, 2019). Furthermore, Indigenous land and seascapes often overlap with the planet's less disturbed and most biodiversity rich ecosystems, such as the Amazon forest, hence the relevance of IP's territories for biodiversity conservation is evident (Toledo, 1999). Examples that confirm these data can be found all over the world, from the Ekuri community in Nigeria to the Skolt Sámi in the Arctic; concrete case studies that prove the contribution of indigenous knowledge in protecting and restoring biodiversity (Ogar, Pecl, & Mustonen, 2020). In his study on the matter, Toledo (1999) discovered that Indigenous producers manage their surrounding environment in order to utilize the natural resources present, yet they preserve and enhance two key characteristics: habitat patchiness and heterogeneity, and biological as well as genetical variation. By creating this sort of landscape mosaics through a differentiated use of nature, IP are able to maintain and increase biodiversity in these areas (Toledo, 1999).

It is arguable that the most significant report highlighting the role of indigenous peoples and local community in fighting against the biodiversity loss crises is the IPBES Global Assessment of 2019, identified by IPLCs themselves as a key new factor in the policy debate (IIFB 7). The Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) has indeed recognized over the last years the value of indigenous and local knowledge, created a task force to liaise traditional knowledge with western science and advocated to dedicate more attention to this topic (IPBES, 2017).

Healthy and thriving ecosystems are under increasing pressure all around the globe, with the scientific community identifying five major drivers: changes in land and sea use, overexploitation, climate change, pollution, and invasive alien species (IPBES, 2019). While the situation is constantly worsening and the international efforts have largely failed to halt this decline (Secretariat of the Convention on Biological Diversity, 2014), it has been scientifically proven that nature is generally declining less rapidly in indigenous peoples' land than in other lands (IPBES, 2019). Amongst scholars, the widespread belief is that the implementation of the latest scientific evidence combined with the traditional knowledge of IPLCs could result in a major step forward toward effective environmental protection (Ogar et al., 2020). In fact, some scholars consider that the use of diachronic data used by IPLCs, rather than Western science with its reliance on synchronic data, may have far more valuable knowledge relevant to biological conservation and can offer alternatives to centralized and technically oriented solutions (IPBES, 2019; M, Gadgil, Fikret Berkes, 1993).

However, IPLCs' views, knowledge and practices have in many instances been denied and undermined by Western forms of science and conservation (Jonas et al., 2017). Until recently, the abovementioned hegemonic narrative within the scientific community has successfully managed to marginalize traditional forms of knowledge, further diminishing the role of IPLCs in biodiversity conservation. The reluctance of including other streams of knowledge in the policy discussions, together with the constant degradation of local knowledge system (IPBES, 2019), hamper the window of opportunity for IPLCs to play a key role in international negotiations. As assessed by the fourth Global Biodiversity Outlook, traditional knowledge continues to decline as indicated by the loss of linguistic diversity and large-scale displacement of indigenous and local communities (Secretariat of the Convention on Biological Diversity, 2014).

The strong will to be granted the recognition in high level political fora is clearly reflected by the lobbying efforts of inter, and -intra, national indigenous people organisations, as well as in the official documents submitted to relevant working groups and international bodies. The UN Convention on Biological Diversity represents almost a *unicum* in the United Nations systems of framework conventions where IPLCs are, at least theoretically, formally recognised as an asset in steering conservation efforts worldwide and in developing strategies to halt biodiversity loss (United Nations, 1992b). In its preamble and in the article 8(j), the Convention recognizes the dependency of indigenous and local communities on biological diversity and the role of indigenous and local communities in conserving life on Earth (WGJ8(j)). With regards to Indigenous people, the CBD clearly recognizes the property rights of IPLCs and it proposes an innovative approach in establishing new forms of rights benefiting the "indigenous and local communities" who hold knowledge and practices relating to the sustainable use of biodiversity (Boisvert & Vivien, 2005). Moreover, on the international level, there have been some efforts to further recognize the rights of indigenous peoples and to codify them in legal instruments. One of the most eminent examples is the *United Nations Declaration on the Rights of Indigenous People*, adopted on September 13th 2007 (United Nations, 2007). Regardless of being an instrument of soft law, therefore not legally binding, it represents a comprehensive normative document on the collective and individual rights of indigenous peoples and can be used as a powerful instrument to clarify the scope of those provisions of the CBD concerning the sharing of the benefits that derive from the exploitation of the traditional knowledge of indigenous peoples (Cittadino, 2014). The potential of the declaration is however limited by the fact that it does not recognize indigenous rights outside the institutions of nation-states and upholds the principles that all citizens are equal before the law, *de facto* failing to acknowledge the "special rights" demanded by indigenous peoples (Champagne, 2013).

The formalisation of the role of IPLCs in biodiversity conservation has been enshrined in some of the strategies throughout the past three decades, such as in the Aichi targets developed in Nagoya (Target 18). Despite some progress in certain areas, these plans have, however, become "paper tigers", lacking the means and the implementation measures that would make them effective on larger scale. Following current trends, indigenous communities will continue to suffer the highly negative impact that the loss of biodiversity, strictly linked with the loss of cultural diversity, as demonstrated by the scenario presented in the GBO 4.

The involvement of IPLCs in national biodiversity strategies and action plans (NBSAPs) and environmental management plans more in general has the potential to establish a more decentralized, democratic, and community-based form of governance, which is increasingly valued and sought by natural resource management (Boiral, Heras-saizarbitoria, & Brotherton, 2020). The goal of the future decade long strategy for protecting the world's rich biodiversity is to include all sectors of society, with a particular focus on IPLCs. If the CBD strategy will succeed, it would represent a major step in the direction of a truly inclusive process and the recognition by the international community of the importance of IPLCs in biodiversity conservation. The scientific community seems to be supporting this process with the ground-breaking IPBES (2019) report underscoring how: "the recognition of the practices, institutions and rights of Indigenous Peoples in global environmental governance is essential if we are to develop and achieve the next generation of global biodiversity targets".

1.2. Defining Indigenous Peoples and Local Communities

The task of establishing a single definition able to encompass the complexity and the diversity of indigenous people and local communities globally has been object of lengthy and cumbersome discussions. In anthropology, conceptualising indigeneity has been found to be extremely problematic for several reasons, including the political weight of the term and the risk that a rigid definition would allow the marginalisation of certain groups who do not strictly fit within its boundaries (Dove, 2006; Meyer, 2012). The latter would unreasonably limit the field in which coalitions could be formed and local agendas identified and supported (Li, 2000).

The most common definition of indigenous people derives from a report by Jose R. Martinez Cobo, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the thematic of discrimination against Indigenous Populations. In his study, acknowledging the difficulties of this task, Mr. Cobo stated the following*: Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system* (Martinéz Cobo, 1983).

It is important to notice how the right of self-determination is incorporated in this definition. In fact, as determined by the first principle listed in the World Council of Indigenous Peoples' Declaration of Principles "All indigenous peoples have the right of self-determination…", as well as in principle 5 which states "All indigenous people have the right to determine the person or group of persons who are included within their population". This fundamental clarification is useful in highlighting the enhanced intricacy in grouping such an heterogenous group of people and will be key in analysing the submission of the IPLCs for the post-2020 framework.

A second attempt at reaching an agreement on a common term was elaborated by the International Labour Organization (ILO) six years later. In fact, the Convention concerning Indigenous and Tribal Peoples in Independent Countries, No. 169 adopted by the ILO offers a rather extensive definition of Indigenous people when specifying to whom this convention applies. In Article 1a and 1b (ILO, 1989), Indigenous Peoples are defined as follows:

"(a) Tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions."

The differentiation between indigenous peoples and tribal peoples derives from the fact that tribal people may inhabit countries in which they cannot be considered indigenous *per sé*. Nonetheless, to prevent further confusion in the use of the term and for practicality, they are used as synonyms within the UN system (Secretariat of the Permanent Forum on Indigenous Issues, 2004). While these definitions provide a generic basis for common understanding in the international arena, they have not been formally adopted by governments.

For that reason, in 1997 during the fifteenth meeting of the Working group on the Human rights of Indigenous People, the experts concluded that consensus over a definition was not achievable at the time and not necessary for the later adoption of the United Nations Convention on the Rights of Indigenous Peoples (ECOSOC, 1997). As an outcome of this discussion, the UNDRIP does not include a formal definition and does not recommend it. Following these developments, the United Nations Convention on Biological Diversity decided

to not further specify the term “indigenous peoples and local communities”. For additional clarification the CBD defers to the abovementioned study of Mr. Martinez Cobo regarding indigenous people, while advice on local communities is re-directed to CBD Decision XI/14 and to the report of the Expert Group Meeting of Local Community Representatives within the Context of Article 8(j) and Related Provisions of the Convention on Biological Diversity (UNEP/CBD/WG8J/7/8/Add.1) (COP 14 CBD, 2018).

For the purpose of this study, the notion of “Indigenous peoples and local communities” (IPLCs) follows the modus operandi of the Convention on Biological Diversity. The data gathered throughout this research coincides with and reflects the views of the International Indigenous Forum on Biodiversity (IIFB), the indigenous caucus withing the CBD and primary promoter of indigenous views in the Convention. Its establishment and nature will be discussed more in depth in the following chapter.

1.3. The UN Convention on Biological Diversity

The United Nations Conference on Environment and Development was the result of a great international diplomatic effort that allowed 187 countries, 16 special agencies, 35 intergovernmental organizations and several non-governmental organizations to gather in Brazil from 3 to 14 June in 1992 (Secretariat of the Convention on Biological Diversity, 2004). Established by the United Nations General Assembly in December 1989, through resolution A/RES/44/228, the UNCED had the challenging task to tackle an incredibly wide spectrum of issues: (a) Protection of the atmosphere by combatting climate change, depletion of the ozone layer and transboundary air pollution; (b) Protection of the quality and supply of freshwater resources; (c) Protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and of coastal areas and the protection, rational use and development of their living resources; (d) Protection and management of land resources by, inter alia, combatting deforestation, desertification and drought; (e) Conservation of biological diversity; (f) Environmentally sound management of biotechnology; (g) Environmentally sound management of wastes, particularly hazardous wastes, and of toxic chemicals, as well as prevention of illegal international traffic in toxic and dangerous products and wastes; (h) Improvement of the living and working environment of the poor in urban slums and rural areas, through eradicating poverty, inter alia, by implementing integrated rural and urban development programmes, as well as taking other appropriate measures at all levels necessary to stem the degradation of the environment; (i) Protection of human health conditions and

improvement of the quality of life (UNGA, 1989). The wide range of issue that had to be addressed by world leaders reflected the will to place an emphasis on the complexity of environmental issues and to acknowledge the additional layer of intricacy added by the prevailing anthropocentric socio-economic paradigm.

More importantly, the Rio Conference opened for signature two legally binding agreements aimed at tackling climate change and biodiversity loss, the Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD). In addition to that, government representatives from developing countries successfully managed to gather consensus in developing a third convention to address both their economic and social development needs and the issue of desertification (Chasek, 1997). The *UN Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa* was thus opened for signature in 1994.

Discussion regarding an international legal instrument for the preservation and protection on biological diversity started to take place in the early 1980s, thanks to work of the World Conservation Union (IUCN). After years of preparations, the draft articles of IUCN, complemented by a set of articles developed by FAO and several studies commissioned by UNEP, constituted the first attempt to merge all elements of biodiversity conservation developed through the years and present them in treaty text (Burhenne-Guilmin & Casey-Lefkowitz, 1992). To facilitate the challenging task of merging several elements, two sub-working groups were established. The first one was asked to deal with fundamental principles, measures for in-situ and ex-situ conservation and others legal instrument. Sub-Working Group II, on the other hand, tackled access to genetic resources and technologies, technology transfer, technical assistance, financial mechanisms and international cooperation (Burhenne-Guilmin & Casey-Lefkowitz, 1992).

The working group, which had been renamed in February 1991 as the Intergovernmental Negotiating Committee (INC), held five negotiating sessions after the presentation of the first draft (UNEP, 1991) and culminated its efforts in the adoption of the *Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity* (Johnston, 1997). The negotiations reflected to some extent the bigger UNCED negotiations and were prone to break at any moment due to undergoing tensions regarding the scope of the convention and its vision (Burhenne-Guilmin & Casey-Lefkowitz, 1992). Opened for signature

in Rio at the Earth Summit in 1992, the treaty entered into force extremely rapidly in December 1993, after the ratification of the State of Mongolia, the thirtieth party.

Since then, the Convention has been working to develop several policy areas under its broad and comprehensive mandate. With the support of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and of the Subsidiary Body on Implementation (SBI), the Parties strived to ensure a knowledge-based policy making process. Nonetheless, to transform the work of scientists into concrete change and to demonstrate their effectiveness and relevance, the Convention decided to develop in 2000 a strategic plan to implement its policies (Johnston, 2001).

The Conference of the Parties adopted this first plan only in 2002 at COP 6, but as measurable targets were only agreed in 2004, the strategy and its implementation were deemed as a failure (Secretariat of the Convention on Biological Diversity, 2010). While highlighting the inadequacies of the previous measures, the Conferences of the Parties decided to maintain the framework of strategic plans. Building on the first plan, in 2011 the CBD adopted the Second Strategic Plan which was complemented by a set of 20 Targets to guide the achievement and monitor the progress of the plan. This thesis begins its analysis with the Second Strategic plan for two reasons: first, it is greatly more structured than the first one, thus facilitating the analysis; secondly, the documentation of indigenous peoples and local communities' engagement can be firstly clearly seen here.

The Strategic Plan for Biodiversity Conservation 2011-2020 has also been proven unsuccessful, however its shortcomings have been identified in the lack of implementation and only in a minor manner in the faulty design of the plan itself (Dias, 2020). Hence, the post-2020 Global Biodiversity Framework, which can be understood as the third strategic plan, is the third attempt of the CBD to provide a successful strategy for preserving, protecting and sustainably use the planet's biological resources. Underpinned by a theory of change, the ambitious new plan seems to be striving to complement with a theoretical backbone the analytical and scientific background of this international policy. The negotiations prior to COP 15, where the framework is meant to be adopted in May 2021, are directed by an open-ended intersessional working group chaired by Mr. Francis Ogwal (Uganda) and Mr. Basile van Havre (Canada) and overseen by the Bureau of the Conference of the Parties.

Fig.2 Logo of the UN Convention on Biological Diversity

2 Research question

The objective of this master thesis is to analyse how Indigenous Peoples and Local Communities' inputs and recommendations have been integrated in the Second strategic plan for biodiversity (2011-2020) and in the negotiations establishing the Third Strategic plan for biodiversity which will be adopted at the 15th Conference of the Parties of the UN Convention on Biological Diversity. By analysing the submission made by IPLCs representatives and Parties, for both the second and third strategic plan, the thesis will study the (lack of) influence that IPLCs have had in the development of these two decade-long conservation strategies.

The main research question is:

> Within the Convention on Biological Diversity, what has been the uptake of concepts, perspectives and approaches to biodiversity conservation from Indigenous People and Local Communities in the inter-governmental political process that shaped the Second Strategic Plan for Biodiversity Conservation and in the first phase of the negotiations leading to the new post-2020 Global Biodiversity Framework?

2. 1. Sub-research questions

1. What are the key characteristics of Indigenous Peoples' organisations that were granted the possibility to participate in the negotiations on the Strategic Plans for biodiversity within the Convention on Biological Diversity?

   To answer this question, I will analyse in depth the literature regarding the IPLCs engagement within the CBD, use the interviews carried out during field work and the direct observation notes. Furthermore, to analyse the main IPLCs organisation in the CBD, the International Indigenous Forum on Biodiversity, I will use the transnational advocacy network concept as defined by Keck and Sikkink (1999), as well as elements from Betsill and Corell's (2001) framework on NGOs influence .

2. What are the main themes in the submissions by IPLCs representatives in the Second and in the Third Strategic Plan for Biodiversity?

   To answer this question, I will analyse the submissions made by IPLCs representatives in both strategic plans. I will complement the results from this study with the interviews carried out during the two CBD meetings that I have attended this past November.

3. How have IPLCs concepts, perspectives and approaches been included in the submissions of national governments in the negotiation phase of the Strategic Plans for biodiversity and how has this been facilitated by the UN CBD Secretariat?

   To answer this question, I will analyse the submission made by government representatives in both strategic plans, undertake a literature review, and use data from semi-structured interviews. Global governance theory will provide me with some insights on the mechanism behind NGOs influence on international environmental agreements to further explain the evolution from the Second to the Third strategic plan.

4. What has been the influence, of IPLCs in the negotiations of both Strategic plans for biodiversity elaborated by the Convention on Biological Diversity?

   To answer this question, I will analyse the results of the first three questions through the framework elaborated by Betsill and Corell to determine NGOs influence in the international environmental arena. Interviews will complement these results by providing a more personal insight from IPLCs and governmental representatives.

5. What lessons has the IPLCs constituency learned from the development of the Second Strategic plan and how has this influenced their strategy for the first phase of the negotiations of the Third plan?

   To answer this question, I will mainly use the interviews of IPLCs, official statements by the IPLCs representatives and other secondary sources such as the ENB, CBD statements and other relevant literature.

3 Theoretical framework

This chapter presents the theoretical framework of the study with the underpinning academic literature. Global governance theory allows the research to go beyond the notion that States are the only relevant players in the international arena and enables the researcher to investigate the role of NGOs. The notion of transnational advocacy networks complements the framework by outlining the role that information transfer plays during the negotiations. Figure 3 provides a visual representation of the content of this chapter. In green, the reader can better understand the interconnections between the theoretical component presented, starting from how the thesis is based on global governance theory, understood as a strengthened approach to constructivism. The designation of the IIFB as a Transnational Advocacy Network is fundamental in linking the non-state actors to the concept of influence. Furthermore, the fourth pathway to influence by Bernstein and Cashore is used to define how these NGOs can assert their influence. In orange, the study placed the methodology to outline how the IIFB's influence will be assessed. Although not being part of the theoretical framework per sé, the analytical tool presented by Betsill & Corell (2001), in orange, must be highlighted to enhance clarity for the reader in understanding how all of these elements help in answering the main research question.

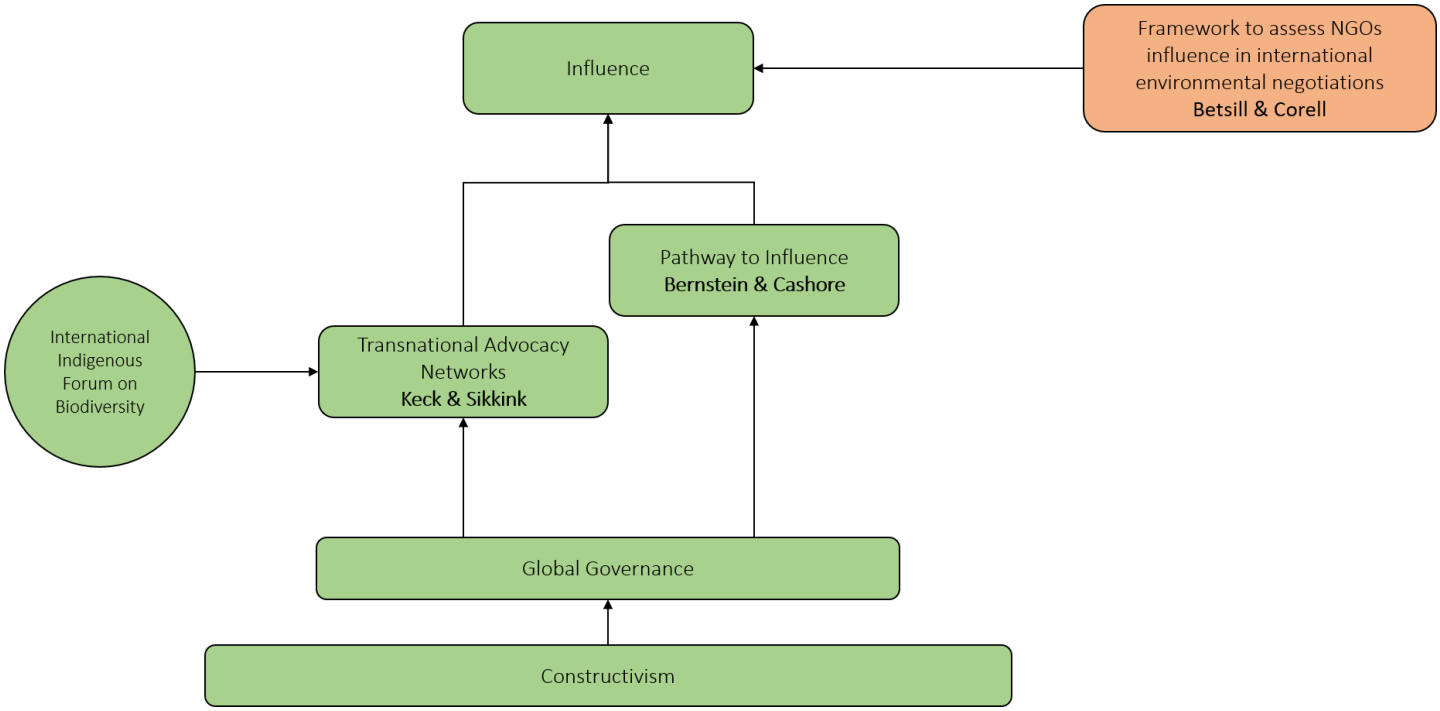

Fig. 3 – Theoretical Framework of the study
The figure depicts how the different components of the framework are interlinked, how the conceptualisation of the IIFB as a TAN is inserted within the framework and how the methodology, in orange, is complementary to answer the research question.

The implementation plans developed within the Convention on Biological Diversity is left to each individual country, as only States are signatories to the agreement and retain a vote. Nonetheless, global governance theory demonstrates that non-state actors are increasingly effective in influencing national governments through efforts at the international level. For that reason, the definition of influence is instrumental to this study and is defined as the deliberate transmission of information by one actor that changes another actor's actions from what would have occurred without that information" (Knoke, 1990). Due to the institutional limitations of the CBD Secretariat and the strict application of the sovereignty principle by the Parties, creating influence in the international policy-making arena is one of the few options for IPLCs to promote their views.

3.1. Global governance theory

In this study we interpret the geopolitical arena through different lenses, each one provides a unique framework capable of understanding the intricate relations amongst states and other non-state actors. Andrew Moravcsik, extending the metaphor elaborated by Krasner, described the correlation between the three main international relations (IR) theories as follows*: once liberalism defines the shape of the Pareto frontier, realism explains distributional outcomes, and institutionalism explains efforts to maximise efficiency and compliance* (Moravcsik, 2012). However, when analysed in depth, each of these theories will be proven inadequate when applied to the dimensions of the proposed study. The ontology of constructivism, which focuses on the social context in which international relations occur (values, norms, beliefs), considers the role of non-State actors (Slaughter; & Hale, 2013) but would not be sufficient to describe the actors object of the study.

This thesis will instead be underpinned by the theoretical principles of "Global governance theory". Unlike realist and liberal-institutionalist theories it takes into consideration the influence, of non-state actors and the implications of technology in an age of globalisation (Weiss, 2000). By conceptualising the International Indigenous Forum on Biodiversity (IIFB) as a transnational advocacy network as defined by Keck & Sikkink (1998), global governance theory strengthens a constructivist approach by identifying and tying together those who wish to alter the social construction of world politics (Kelly, 2007).

The understanding of global governance as a stream of thinking to frame world politics stems from the work of James N. Rosenau. His definition of the concept has become the basis of the academic debate on global governance (GG), in *Governance without government* he states: "global governance is conceived to include systems of rule at all levels of human activity -from the family to the international organization- in which the pursuit of goals through the exercise of control has transnational repercussions" (Rosenau, 1992, p.13). Arguing against the unchallenged role of the state in international relations, Rosenau's definition entails four different notions: 1) the interest in how control is exercised in transnational politics, 2) the importance given to all strata of society, 3) the intentionality of the actions undertaken and 4) the presence of repercussions deriving from the before-mentioned efforts (Dingwerth & Pattberg, 2006).

Global governance theory recognises the changes that society has undergone and does not limit its analysis to nation-states, but rather it acknowledges the myriad of actors in the realm of world politics (Kelly, 2007). Secondly, it understands IR as a multilevel system in which local, national, regional, and global political processes are inseparably linked (Dingwerth & Pattberg, 2006). Lastly, it rejects the notion that there is a hierarchical order amongst the several existing governance systems (Dingwerth & Pattberg, 2006; Gordenker & Weiss, 1995b), as detailed by Rosenau: *Global governance is the sum of myriad-literally millions of-control mechanisms driven by different histories, goals, structures, and processes....In terms of governance, the world is too disaggregated for grand logics that postulate a measure of global coherence* (Rosenau, 1995, p.16).

Lastly, global governance goes beyond a state-centred approach by acknowledging the emergence of autonomous spheres of authority beyond the national/international dichotomy and focuses on the complex interlinkages between different societal actors and governmental institutions. (Dingwerth & Pattberg, 2006).

Once established that a plethora of players has the ability to influence world politics, although at different degrees, it is important to understand how and to what extent NGOs impact world politics and influence the development of international agreements and policies, such as the Strategic plans for biodiversity conservation of the CBD. Non-state actors do not yield the same weight of States in the international arena, and for that reason high politics[2] is still dominated

[2] The term high politics refers to the politics that regard the very existence of a State and, in parallel, the politics that threaten its survival. These include the politics of war, peace, diplomacy, sovereignty and constitutional

by nation-states, yet NGOs have been crucial in low politics (which includes the environmental arena) and have been extremely successful in terms of procedural and discursive change (Kelly, 2007). These organisations are certainly not bound to eclipse the power and role of states but they may can establish the conditions that facilitate the creation of international institutions and strengthen the norms promoted by them through organized attempts to hold states accountable to these (Gordenker & Weiss, 1995b). In fact, these actors engage in discussions with national delegates and staff members of international secretariats in order to influence international policy-makers and legislators (Gordenker & Weiss, 1995b).

Of the last sentence, the key term is "influence" and in this study is defined as transmission of information by one actor that alters another actor's actions from what would have occurred without that information (Knoke, 1990), following its use by Betsill & Corell (2001a). How the influence of NGOS on the intergovernmental negotiations will be assessed will be further defined in the methodology section, however it is important to underpin this concept within global governance theory. Bernstein and Cashore (2012) elaborated the four pathways in which complex global governance can influence domestic policies: international rules, discourses and norms, market transactions and direct access. Particularly pertinent to this thesis is the fourth pathway of *direct access to domestic policy-making processes*. The methods in which influence can happen in this category are direct funding, education, training, assistance and capacity-building, and possibly even through attempts at co-governance via partnerships between domestic and international public and private actors and authorities (Bernstein & Cashore, 2012). As it will be demonstrated in the empirical finding section, all of these approaches are included in the IPLCs submissions to the post-2020 framework and constitute some of the core issues advocated by the indigenous peoples' caucus.

One of Bernstein and Cashore's propositions regarding the fourth pathway, namely direct-access to policy making states: *Direct influence on the domestic policy process can result from international efforts to build learning fora and training about how to produce improved environmental, social and economic performance 'on the ground'*. Learning is frequently promoted through multi-stakeholder networks, which diffuse knowledge via network members involved in government. Policy learning is influential when it discovers mutually beneficial opportunities that would fail to emerge due to perceived conflicts (Bernstein & Cashore, 2012).

change. On the other hand, low politics refers to the remaining political realms, those considered "mondane" such as education, economic, health and environmental politics (Painter, 1995).

In enunciating the theoretical boundaries of this particular pathway, Bernstein and Cashore warn about the danger of challenging the state's sovereignty and the risk of international actors being viewed by governments as foreigners (Bernstein & Cashore, 2012). These risks are largely mitigated in this studies' analysis as IPLCs must still navigate within the parameters set by national governments (Meyer, 2012). The reference to the pathways of influence elaborated by Bernstein and Cashore (2012) might seem beyond the purpose of the study as it focuses on the domestic level, on the contrary it is highly relevant as the analysis also takes into consideration national submissions.

3.2. NGOs as Transnational Advocacy Networks

Having defined the theory at the basis of this study, I now turn to define the actor investigated by the research, an elaboration needed to answer the first sub-research question regarding the key characteristics of the IPLCs' organisation participating in the CBD processes. Despite the non-governmental organisations' increase in numbers and influence exercised within the international community, especially in UN organisations, there is still widespread confusion or ignorance persists as to the definition of the participants and the nature of their relationships to the UN system and to one another (Gordenker & Weiss, 1995b).

The previously mentioned Rio UNCED Summit of 1992 represents a breaking point in the history of IR from the points of view of NGOs' relevance (Kelly, 2007). Advocates for gender equality, human rights advocates, environmentalists, developmentalists, groups of indigenous peoples and representatives of other defined interests have increasingly become active in a domain of politics once reserved solely to state representatives (Gordenker & Weiss, 1995b). Especially important to the proposed thesis, indigenous self-organization and socio-political activism has seen something of a renaissance over recent years at all levels (Stavenhagen, 2005).

In the framework proposed by Betsill & Corell, NGOs are broadly defined and defer from setting the boundaries of this concept. While this degree of flexibility allows a wider use of the analytical tool, it also purposely fail to enhance the clarity of the term. For that reason, I argue that the International Indigenous Forum on Biodiversity (IIFB) within the Convention on Biological Diversity can be understood as a transnational advocacy network (TAN) as defined by Keck and Sikkink (1999, pp. 89): *A transnational advocacy network includes those actors*

working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.

Advocacy networks are acting at all level of governance and can be understood as political spaces, in which differently situated actors negotiate the social, cultural and political meanings of their joint enterprises (Keck & Sikkink, 1999). Exchange of information and creation of new links are fundamental in structuring the work of these networks. Interconnecting civil societies, states and international organisations they create new opportunities for dialogue and exchange, and in some particular fields such as the environment they may also present resources to new actors entangled in socio-political struggles (Keck & Sikkink, 1999).

The element of innovation brought by the conceptualization of TAN is the efforts of non-traditional international actors to mobilize information strategically to help create new issues, interactions and categories, in order to maximise leverage over more powerful organizations and governments (Keck & Sikkink, 1999). These networks are not only outcome-oriented, but also aim at transforming the nature of the debate. Within the Convention on Biological Diversity, these efforts by the IPLCs are clearly visible within the context of the Ad Hoc Working Group on Article 8J, where indigenous peoples hold a more prominent level of legitimacy and status.

TAN usually involve a small number of activists in a determined role and defer from large mass mobilization, rather they identify the level at which their efforts could yield the best results and this could be understood as venue shopping, the latter is conceptualised as an approach relying more on the dual strategy of the presentation of an image and the search for a more receptive political venue (Baumgartner & Jones, 1991). The historical premises of the UN CBD explored in the previous chapter, the shift towards an integration of different knowledge systems and the rise in indigenous people organisations create the circumstances in which a transnational advocacy network such as the IIFB can influence the policy-making process. Indeed, evidence has already shown how combining indigenous rights and environmental issues is an example of a strategic venue shift by indigenous activists, who found the environmental arena more receptive to their claims than had been human rights one (Keck & Sikkink, 1999). TANs are thus ‘networks of activists, distinguishable largely by the centrality of principled ideas or values in motivating their formation’, which include expert and technical knowledge in smaller, more professionalized outfits (Kelly, 2007).

4 Methodology

4.1. NGO influence in International Environmental Negotiations

The research framework developed by Betsill & Corell is used to answer sub-research question 4 - assessing the IIFB's influence in the second and third Strategic Plans for biodiversity conservation. Betsill & Corell (2001) have used it to assert NGOs' influence in two global environmental regimes, namely the UN Convention to Combat Desertification and the UN Framework Convention on Climate Change. However, this is the first time it is applied to the Convention on Biological Diversity.

The focus on information transmission is central as the primary sources for my analysis will be the submissions made by IPLCS and by national governments to the CBD Secretariat. Furthermore, many authors reject a precise quantification of influence as this academic effort is understood as futile due to the complex and intangible nature of the phenomenon, and as it would create the false premises of measurability (Betsill & Corell, 2001b). For that reason, the influence of NGOs is determined in a qualitative way, on a scale which comprises high, moderate and low. The proposed framework is divided in two essential dimensions, one concerned with the intentional transmission of information, while the second dimension is focused on the behaviour of other actors. For the purpose of this thesis, the NGOs that will be analysed will comprise intra and international indigenous people organisations, as well as other relevant Environmental NGOs involved in the negotiations for the second strategic plan for biodiversity and for the new global biodiversity framework.

This analytical tool, summarised in Table 1 below, interestingly divides the participation in three core aspects: activities, access and resources. These three facets are determined by both the efforts made by the analysed NGOs and by national governments, since they hold formal decision-power and primarily set the rules of engagement in the negotiations. The behaviour of other actors, on the other hand, focuses primarily on goal attainment and it is divided in two main categories *process* and *outcome*. If the analysis were to focus solely on the final result of the negotiations, several aspects of involvement of NGOs' and researchers would run the risk of over-determination, confusing causation with correlation (Betsill & Corell, 2001b). Ideas contained in the information submitted by IPLCs and ideas later included in the final agreements can be a useful indicator to assess influence. However, by investigating the process

other indicators can be developed, for example the shaping of the jargon used in the negotiations (Betsill & Corell, 2001b).

Betsill and Corell identify four different data sources to be considered while assessing NGO's influence in international environmental negotiations, all of which were used in this thesis: primary text, secondary text, interviews and researcher observations. The primary texts consist of draft decisions, submissions and position statements, as well as lobbying materials and the final agreement. In regard to national submissions, based on their availability in both plans, geographical diversity, direct observation and historical considerations, the study analyses the submission of Canada, the European Union, Japan, Australia, New Zealand, Norway, Mexico, Botswana, South Africa and Brazil. To facilitate the research, based on the IPLCs submissions, a set of terms were determined to guide the identification of key paragraphs in the submissions: "rights", "rights-based approach", "UNDRIP", "article 8(j)", "Article 10(c)", "customary land rights", "customary use", "indigenous peoples", "local communities", "tribal", "Mother Earth", "culture", "traditional knowledge", "indigenous and local knowledge", "equity", "full and effective participation", "knowledge systems", "innovations, practices, and technologies", "intercultural dialogue".

The secondary texts include Earth Negotiations Bulletins, media reports and other press releases. Interviews with delegates and direct researcher observations can also be used to integrate the data being provided by the first two sources and they were conducted in person during the WG8J-11 meeting and the SBSTTA-23 meeting scheduled on November 2019 in Montréal, Canada, as well as the OEWG2 in Rome in 2020. Direct observations can be considered as a possible source of information only in the context of the new global biodiversity framework, as I did not participate in the preliminary meetings and negotiations that shaped the Second Strategic Plan for biodiversity 2011-2020.

The framework relies on two approaches to assess influence, namely process tracing and counterfactual analysis. Process tracing requires the researcher to build a logical chain of evidence linking NGO participation in international environmental negotiations with the effects of that participation. Assessing the initial transfer of information, from sender to receiver, is important to examine whether changes in the receiver behaviour is consistent with the information provided (Betsill & Corell, 2001b). Counterfactual analysis, on the other hand, is an "imaginative construct that considers what *might* have happened if one examined variable were moved from the chain of events. A further strength of this framework is that it has the

potential, through the triangulation of data, to assess both successful and unsuccessful cases of NGOs influence in international environmental agreements (Betsill & Corell, 2001b).

The framework includes seven indicators used to assess NGOs influence in international environmental negotiations:

1. Being present at the negotiations
2. Providing written information supporting a particular position (such as newsletters, research reports or papers, or information leaflets) to relevant government ministries or to the negotiation sessions;
3. Providing verbal information supporting a particular position (through statements, information meetings or seminars during negotiation sessions);
4. Providing specific advice to government delegations through direct interaction
5. Opportunity to define the environmental issue under negotiation
6. Opportunity to shape the negotiating agenda
7. Ability to ensure that certain text supporting a particular position is incorporated in the Convention.

Moreover, Betsill and Corell's framework did not only focus on whether non-governmental influence played a role in these negotiations, but also on the conditions under which they could be considered as politically effective (Betsill & Corell, 2001a). The five factors identified as possible enhancements or constraints were: the nature of the NGOs, their history, the framing of the issue under negotiations, the political opportunity structure and the NGOs profiles.

IIFB influence in the Second Strategic Plan for Biodiversity Conservation 2011-2020 and in the post-2020 Global Biodiversity Framework		
Triangulation by:	**1. Intentional transmission of information**	**2. Behaviour of other actors**
Data Type	*Participation*	*Goal Attainment*
	Activities: What did the IIFB do to transmit information to the COP and Secretariat?	*Outcome*: Does the final agreement contain text drafted by the IIFB? Does the final agreement reflect the IIFB goals and principles?
	Access:	*Process*:
	What opportunities did the IIFB have to transmit information?	Did negotiators discuss issues proposed by the IIFB (or cease to discuss issues opposed by them?) Did the IIFB coin terms that became part of the negotiating jargon?
	Resources:	
	What sources of leverage did the IIFB use to transmit information?	
Data Source	**Primary text**: national submissions, CBD secretariat notes, final agreements, IIFB submissions, IIFB lobbying materials.	
	Secondary text: Earth Negotiations Bulletin, media reports, press releases	
	Interviews: IIFB members, NGOs delegates, CBD Secretariat representative	
	Personal **observations** during the negotiations	
	Analysing evidence of IIFB influence	
Methodology	*Process Tracing*	*Counterfactual Analysis*
	What were the causal mechanisms linking IIFB participation in CBD negotiations with their influence?	What would have happened if IIFB had not participated in the negotiations?

Table 1. Summary of the framework used to analyse NGO influence in International Environmental Negotiations (Betsill & Corell 2001b).

4.2. Data collection and analysis

This study used a mixed method of data collection, consisting of both primary and secondary data. Primary data was gathered through two distinct methods: non-participant observation and in the form of semi-structured interviews. Observation is a purposeful, systematic and selective way of watching and listening to an interaction as it takes place (Kumar, 2014). The research observations occurred in three separate occasions:

- November 20th - 22nd 2019, in Montréal, Canada: 11th meeting of the Ad Hoc Open-ended Working group on Article 8 (J) and related provisions of the CBD.
- November 25th - 29th 2019, in Montréal, Canada: 23rd meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-23).
- February 24th – 29th 2020 in Rome, Italy: Second meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework (OEWG2).

Fourteen semi-structured interviews have been carried out and provided the researcher with more in-depth qualitative data regarding the negotiation process and its outcomes. The interviews consisted of primarily open-ended questions, as this research focuses on the uptake of concepts and practices proposed by IPLCs and prefers exhaustive answers to closed "Yes/no" questions. Interviews were all conducted in person. The researcher interviewed both CBD delegates, NGO representatives and IPLCs representatives (see table 2). These interviews were supported by a previously established interview guide, which ensured the desired coverage of the areas of enquiry and comparability of information across respondents (Kumar, 2014).

Table 2. List of semi-structured interviews

	Function	Organisation	Date	Reference Codex
1	**High-level official**	CBD Secretariat	25/11/2019	(CBD 1)
2	**High-level official**	CBD Secretariat	25/11/2019	(CBD 2)
3	**High-level official**	COP 14 - Egypt	22/11/2019	(COP 1)
4	**Legal advisor**	ICCA Consortium	26/11/2019	(ICCA 1)
5	**Member**	IIFB	28/11/2019	(IIFB 1)
6	**Member**	IIFB	20/11/2019	(IIFB 2)
7	**Member**	IIFB	26/11/2019	(IIFB 3)
8	**Member**	IIFB	25/11/2019	(IIFB 4)
9	**Member**	IIFB	26/11/2019	(IIFB 5)
10	**Member**	IIFB	20/11/2019	(IIFB 6)
11	**Member**	IIFB	27/11/2019	(IIFB 7)
12	**Member**	IIFB	27/11/2019	(IIFB 8)
13	**Member**	IWBN	29/11/2019	(IWBN 1)
14	**Member**	IIFB	22/11/2019	(IIFB 9)

The secondary data that used for this research includes two categories: earlier research and existing literature and documents being used in the negotiations being analysed. Academic articles regarding the UN Convention on Biological Diversity were pivotal in understanding historic trends and the nature of the convention itself. Moreover, empirically founded literature can help the researcher in identifying different perspectives expressed by the wide range of stakeholders within the framework convention. Literature concerning the nature of the interviewed NGOs is essential in understanding possible biases and to better comprehend the essence and motivation of these actors. Central in this study will be the analysis of the submissions that have been sent to the UN CBD Secretariat during the negotiations that led to the creation of the Second Strategic Plan for Biodiversity 2011-2020 and during the first phase of the negotiations for the post-2020 global biodiversity framework. The *qualitative* nature of the data will enhance the flexibility and the freedom in the structure approach and approach in gathering data (Kumar, 2014). Other secondary data included a wide range of documents, namely: the Second Strategic Plan for Biodiversity 2011-2020, international organisations' submissions, draft decisions, position statements, meetings deliberations and external media reports.

The analysis of the data collected is carried out through content analysis and coding. Content analysis is defined as an analysis of the contents of interviews or observational field notes in order to identify the main themes that emerge from the responses given by the respondents (Kumar, 2014). Following Kumar's steps to process data in qualitative studies, after a first identification of themes, each of the core categories is given a code. A code is defined as a way of indexing or categorizing the text in order to establish a framework of thematic ideas about it (Gibbs, 2012). This process is considered to be a pivotal aspect the analytical process and the ways in which researchers break down their data to make something new (Elliott, 2018). Once all the themes have been classified, the responses have been integrated in the report verbatim, to better transmit the 'feel' of the responses and respondents (Kumar, 2014).

To enhance the validity of the study, following Betsill & Corell's framework, the research relies on "triangulation" the use of multiple data types, sources and methodologies to support the findings and to avoid the risk of "over-determination" (Betsill & Corell, 2001b). Triangulation can also help correct for the likely introduction of researcher bias in focusing solely on successful cases and ignoring failures (Betsill & Corell, 2001b).

5 Institutional context

The fifth chapter defines the institutional space conferred to IPLCs within the CBD, starting from the establishment of an Ad-Hoc working group on article 8(j) (WG8J). This working groups is a clear sign of the preliminary recognition granted to IPLCs in the international body and outlines the structural basis for the discussion on the indigenous peoples' influence in the strategic plans. The WG8J has achieved several milestones over its relatively brief history, including the development of guidelines to ensure the respect of traditional knowledge and the full involvement of IPLCs in several biodiversity conservation plans. Nevertheless, an important clarification must be made: the working plan, and its related results, under WG8J is different than the strategic plan for biodiversity conservation. These two processes run parallel and their distinction is greatly relevant to IPLCs. At the WG8J-11 meeting in 2019 IPLCs delayed the development of a new working plan to after the adoption of the post-2020 Global Biodiversity Framework. The following subsection therefore presents context to the reader and outlines previous efforts by IPLCs in shaping the international environmental agenda.

5.1. Ad Hoc Working Group on Article 8 (j) and related provisions

The CBD is considered one of the few major international organisations that actively tries to seek and incorporate the views of IPLCs in their programme of work and this is due to key articles within the text of the Convention. The most relevant provision in the CBD for indigenous peoples is undoubtably Article 8 (j), which states the following:

> *Article 8.*
> *In-situ Conservation Each Contracting Party shall, as far as possible and as appropriate:*
> *(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices* (United Nations, 1992b)*;*

Although the caveat of the phrasing "subject to national legislation" can be found at the very beginning of the article, the normative charge of this article should not be underestimated. In 1992, world leaders reached consensus in a legally binding document over three fundamental notions: first, the need to protect and preserve indigenous knowledge; second, the interconnection between these practices, biodiversity conservation and sustainable use of natural resources; third, the importance of free prior and informed consent and of including IPLCs in nature conservation practices. These overarching themes will be of crucial importance in the following chapters, especially in relation to the IPLCs submissions in the post-2020 framework. Important also to specify the recognition of how Traditional Knowledge (TK) is defined in the Voluntary Glossary of key terms and concepts within the context of Article 8(j) and related provisions as: "The knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity (COP 14 CBD, 2018)". In the IIFB submission to the post-2020 framework, a wider understanding of TK can be drawn by adding two key principles to the abovementioned definition: intergenerational transfer and adaptation. The Elders, guardians and holders of traditional knowledge, are tasked with the pivotal assignment to transmit the wisdom to future generations in order to ensure the long-term maintenance of ecosystems. In addition, the concept of adaptation further complements its conceptualization as TK constantly evolves and changes over the passing of time and the transformations in the surrounding environment.

During the third meeting of the Conference of the Parties, the CBD Decision III/14 on implementation of Article 8(j) was adopted, a milestone that triggered a decade-long process to guarantee effective participation by IPLCs in the work of the Convention (Secretariat of the Convention on Biological Diversity, 2005). The decision called for further analysis on establishing a workshop to advise the COP on the possibility of developing a work plan on Article 8(j) and related provisions, exploring several issues such as the role of traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity (UNEP/CBD/ COP/DEC/III/14, paragraph 1(g)). After a successful five-days meeting in Madrid in 1997 (Secretariat of the Convention on Biological Diversity, 2004), the Workshop on Traditional Knowledge and Biological Diversity produced recommendations on the implementation of the article and at COP4 Members States adopted CBD Decision IV/9, establishing an Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and related

provisions (Secretariat of the Convention on Biological Diversity, 2005). The creation of this platform was met with criticism from several parties and debated at length, nonetheless it has been proven to be greatly more effective than many have thought (Secretariat of the Convention on Biological Diversity, 2004).

Indeed, the WG8J has actively engaged with the CBD Secretariat, as well as Parties, and produced remarkable outcomes over the last 20 years. From its first meeting in Sevilla in 2000 until the latest meeting in Montréal in 2019, the working group has been able to influence the decision making process of the Convention through the implementation of the Plan of Action for the retention of traditional knowledge, innovations and practices, the adoption of three indicators for status and trends in traditional knowledge, training programmes and the development of four voluntary guidelines:

- **The Akwé: Kon Voluntary Guidelines** for the Conduct of Cultural, Environmental and Social Impact Assessments 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
- **The Tkarihwaié: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** for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge
- **The Rutzolijirisaxik Voluntary Guidelines** for the Repatriation of Traditional Knowledge Relevant for the Conservation and Sustainable Use of Biological Diversity.

The tasks of the current programme of work for the WG8J include the further development of sui generis systems, methods to counter the loss of traditional knowledge, the creation of an ethical code to respect cultural and intellectual heritage, and contribute to the negotiation of an international regime on access and benefit sharing (Convention on Biological Diversity, n.d.).

5.2. Other Related provisions

The other provisions relevant for indigenous peoples in the text of the Convention can be found in Article 10 (c), Article 15.5, Article 17.2, and Article 18.4 (Convention on Biological Diversity, 2010; IIED, n.d.). Article 10 (c) requires Parties to *protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements* (United Nations, 1992b). The traditional knowledge, innovations and practices of most indigenous and local communities directly derives from customary use of biological resources, this enforces the need to read Article 10(c) in conjunction with Article 8(j) (Convention on Biological Diversity, 2010).

Article 15.5 refers to *access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party* (United Nations, 1992b) and is relevant as it points on how traditional knowledge can be highly valuable in identifying sources of new products derived from genetic resources (Convention on Biological Diversity, 2010). Article 17.2 states that each party shall facilitate the exchange of information and that *such exchange of information shall include exchange of results of technical, scientific and socioeconomic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies* (United Nations, 1992b). Lastly, Article 18.4 lays down the requirements for technical and scientific cooperation, provides that Parties shall encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of the Convention (Convention on Biological Diversity, 2010).

6 Empirical findings

This chapter outlines the empirical findings of the research with the help of the theoretical framework developed in the third section. The sub-research questions are elaborated in a way that each questions builds on the previous one, reaching by the end of the study an answer to the main research question on what has been the uptake of concepts, perspectives and approaches to biodiversity governance from IPLCs in the Second Strategic Plan for Biodiversity Conservation 2011-2020 and in the first phase of the negotiations leading to the new post-2020 Global Biodiversity Framework.

The first subsection is crucial to the study as it analyses the International Indigenous Forum on Biodiversity, an indigenous-led NGOs that gathers IPLCs representatives from all continents. The IIFB is understood as the primary actor of the thesis and its submissions over two decades represent the core of the study and are used to assess the influence of IPLCs in the strategic plans developed by the CBD. The section provides the answer to the first sub-research question with the help of the concept of transnational advocacy networks presented in the theoretical framework section of the study.

6.1. The International Indigenous Forum on Biodiversity

Similar to the case for the Ad Hoc Working Group on Article 8 (j), COP3 of the CBD was a pivotal moment for indigenous peoples in the processes within the Convention. In Buenos Aires in 1996, as Parties to the Convention agreed on exploring ways to incorporate traditional knowledge and IPLCs in the decision-making process, the International Indigenous Forum on Biodiversity (IIFB) was established by the indigenous peoples of seven world regions: Africa, Asia, the Arctic, Latin America and the Caribbean, North America, the Pacific, Eastern Europe, Central Europe and the Caucasus (IIFB, 2018). The IIFB is a collective of representatives from indigenous governments, non-governmental organizations, scholars, and activists that works to facilitate the full and effective participation of indigenous peoples in the CBD and other important environmental agreements (Convention on Biological Diversity, 2020).

Following the theoretical basis of this study, and to answer the first sub-research question on the nature and key features of Indigenous Peoples' organisations in the CBD, this section investigates to what extent th IIFB can be conceptualised as a transnational advocacy network.

The definition by Keck and Sikkink (1999) will thus be dissected and explored:

> *A transnational advocacy network includes those actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services.*

The first section to be analysed is "***actors working internationally on an issue****"*. The forum was created and works within the boundaries of a UN Convention, hence its global dimension is rather clear. Gathering members from several indigenous networks around the world, the IIFB acts as a catalyst and an amplifier for smaller indigenous peoples' organisations from all over the world. A testimony of that is the submission on scope of content and structure for the post-2020 global biodiversity framework, sent by the IIFB to the Secretariat as input to the first phases of negotiations for the new strategic plan. Here the IIFB specifies how the submission comprises the views of the International Women's Biodiversity Network (IWBN), of Forest Peoples Programme (FPP), of its members and of other indigenous peoples organisations, namely: Asia Indigenous Peoples Pact (AIPP) and Centres of Distinction on ILK, Foro Indígena de Abya Yala (FIAY), Consejo Indígena de Centro América (CICA), Consejo Indígena de Mesoamérica (CIMA), The Red de Mujeres Indígenas sobre Biodiversidad de América Latina, Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica (COICA), Coordinadora Andina de Organizaciones Indígenas (CAOI) Asociación Sotz'il , Red de Turismo Indígena de Mérico (RITA), Asociación de Mujeres Indígenas de la Costa Atlántica Nicaragüense (AMICA) and Fundación para la Promoción del Conocimiento Indígena en Panamá. This submission is then further complemented by a second one from the Pacific region and by a third one on possible targets and indicators elaborated together with the Tebtebba Indigenous Peoples International Center for Policy Research and Education, Forest Peoples Programme (FPP) and Philippine Indigenous Knowledge Partnership (PIKP).

The geographical dimension is very important and the IIFB has managed to equally involve members from all over the world. As the forum grew over the years, the topographical and cultural diversity amongst its member remained a constant. The seven regions who established the IIFB are still represented in the caucus and at the different preparatory meetings of the Convention.

Direct observation of the preparatory sessions during the three CBD meetings object of the study (WG8J-11, SBSTTA-23, OEWG-2) showed the modus operandi of the IIFB and were co-chaired by the representative of the African Region and of the Latin American Region,

always ensuring the gender equality criteria. In addition, statements during the plenary sessions were distributed amongst the representatives of the world regions. Yet, by observing the members of the IIFB present at the meeting one could notice a slight pull towards the global south. Out of the fourteen selected representatives of indigenous peoples and local communities to receive funding from the Voluntary Trust Fund for participation in OEWG2, only five represented developed countries (Canada, Russian Federation and Australia) (CBD Notification: SCBD/SSSF/AS/JS/TM/88584). The same disparity was found in the selected representatives of IPLCs who received funding for WG8J-11, where only six out of twenty-four recipients represented the global north (CBD Notification: SCBD/SSSF/AS/JS/TM/86874).

The reason for this imbalance is deliberate and can be traced back to the selection criteria of the Voluntary Trust Fund established to facilitate the participation of IPLCs, which gives special priority to those from developing countries, countries with economies in transition and small island developing States in meetings under the Convention, including meetings of the indigenous and local community liaison group and relevant meetings of ad hoc technical expert groups (UNEP/CBD/COP/DEC/VII/16). The other criteria established by the subsequent CBD Decision VIII/5 D Annex are:

i. Main criteria

a. Special priority is given to participants from indigenous and local communities from developing countries and countries with economies in transition and small island developing States but not excluding applicants from indigenous and local communities in developed countries;
b. Gender balance should be applied, recognizing the special role of indigenous and local community women (in knowledge, innovations and practices) from indigenous and local communities;
c. Broad geographical representation and geographic, demographic and ethnic balance should be applied according to the seven geo-cultural regions applied under the United Nations Permanent Forum on Indigenous Issues, while recognizing that issues under discussion at specific meetings may require the representation of particular indigenous and local communities.

ii. Other criteria

a. Age balance should be applied recognizing the important role of Elders, in the intergenerational transfer of knowledge, innovations and practices of indigenous and local communities and the role of youth;
b. The Secretariat will give priority, as appropriate, to applicants living in their own community and territory and/or country (vis-à-vis applicants living abroad).

iii. Requirements

a. The only beneficiaries of assistance from the Fund shall be participants from indigenous and local communities and their organizations:
    i. Who are so considered by the Executive Secretary in consultation with the Advisory Selection Committee and the Bureau of the Conference of the Parties, and in accordance with established practice under the Convention, or through official accreditation under other bodies;
    ii. Who would not, in the opinion of the Executive Secretary in consultation with the Advisory Committee, be able to attend the meetings without such assistance provided;

The selection process, overseen by IPLCs themselves, can be seen as an embodiment of the spirit of compromise of the North/South divide that allowed the Convention to be agreed upon in the first place.

The second section of the definition to be scrutinized is "***who are bound together by shared values, a common discourse***". The IIFB is united not only by a shared identity, but also by their widespread consensus on core values expressed in their submissions and in their daily activities. In their submission to the post-2020 framework, the IIFB outlines key values that are shared by indigenous peoples, amongst these: Harmony and balance, Generosity, Respect, Courage, Wisdom, Humility, Honesty, Respect for elders and women, Regard for children as sacred, Respect for the given word, Mutual support and reciprocity (give to receive), Solidarity, Care for one another, Gratitude, Self-reliance, Respect for others' choices, Accountability to the collective, Humility in the sacrifice for the collective, Education, Harmony with nature, Recognition of powers in the unseen world, and Stewardship of the earth (IIFB submission 1, 2019). Far from being complete, this list provides a great overview of the worldview are shared by IIFB members.

Their role in biodiversity conservation, the shared notion of IPLCs as "guardians of biodiversity" in the international arena, and the recognition of the need to integrate different knowledge systems are all factors shaping a shared narrative. This discourse is also reinforced by its uptake by delegates involved in the CBD negotiations outside the IIFB. As highlighted by a high-level official:

> *The IPLCs never had the voice they deserve in these high-level processes, but the CBD was the first forum to acknowledge them as "guardians of biodiversity" and in acknowledging their important and major role since they are the ones with the most direct contact to biodiversity. Everything will depend also on them, their knowledge and practices are fundamental to conservation and sustainable use of biodiversity,*

> *therefore they should have a role…. They are citizens of the state, like you and me, but their role is much more important than yours or mine when it comes to biodiversity".* (COP 1)

Statements such as this one enhance the legitimacy of IPLCs within the policy debate and reinforce to some extent the cohesiveness of the group, as it renders visible the progress in influencing the debate. Naturally there is not consensus on each thematic being discussed; not only for personal divergences, but also from the wide range of worldviews that are brought to the table by each indigenous representative. As stated by an indigenous representative during the WG8J-11 meeting:

> "*It is very difficult to have any sort of coordination on any topic other than you will hear in opening statements the full and effective participation principle, respecting FPIC, and other areas where everybody can agree on. However, when it comes to something specific, it is hard and we try. At least we get to get together and discuss these issues. Maybe one day, we might be able to have a unified position, but I would hope that by the time that we get to that "one day" we have many other people sharing our perspective. I don't think that coming to a consensus is the most important thing, important is the discussion. The only time when it is important to have consensus is when you are up against money, power, state-control"* (IIFB 4)

These last words underscore how significant a common discourse is when presenting the TANs instances in an arena dominated by much more powerful players, both in political and economic terms. The simple possibility of gathering to discuss an issue with counterparts from different continents is seen as an opportunity of growth and it is immensely valued. The barriers that have been hampering IPLCs participation in international environmental agreements are slowly being overcome by the advent of new modern technology and the rise in relevance of non-state actors, as advocated by global governance theorists. The historical nature of the Convention on Biological Diversity, its funding opportunities and the attention placed particularly on indigenous peoples facilitates the advent of new players in the decision-making process. For instance, during the meetings of the Ad Hoc working group on Article 8 (j) the CBD bureau decided to involve IPLCs in "bureau meetings", as well as the co-chairing of the Working Group meetings to empower them (COP1).

The third and last component of the definition is the "***and dense exchanges of information and services***". Following the theoretical framework, it is important to notice how this informational exchange has a double dimension: internal and external. Internally the exchange of information happens both during the CBD conferences, where the indigenous peoples are granted a space to gather and strategize at each venue, and in between meetings. Especially during the recent global pandemic, the IIFB has broadcasted their efforts to stay in contact through webinars and coordination meetings. This internal dimension is seen as incredibly important by the members of the network (IIFB 6):

> *"The group within the CBD is comparatively small to the climate one. In these processes, maybe due to size or other the familiarity amongst members, there is truly a good coordination mechanism and we try to avoid overlapping statements. We really respect each other positions and by sharing statements with each other, we can align with each other and this makes us stronger".* (IWBN 1)

The smaller number of representatives of the group well reflects one of the main features of the transnational advocacy networks previously outlined. Moreover, scholars have defined networking as a key function for many NGOs, underscoring the process of creating bonds, sometimes formal but primarily informal, among like-minded individuals and groups across state boundaries (Gordenker & Weiss, 1995a). The internal component of the information exchange is complemented by the external efforts of the group to build formal and informal relationship with other NGOs, academics and government delegates. Networks participate simultaneously in domestic and international politics, drawing upon a variety of resources, as if they were part of an international society and use these resources strategically to affect a world of states and international organizations (Keck & Sikkink, 1999). Creating common ground and a shared understanding of core issues can result way easier if personal relationships are developed in advance with other stakeholders, especially with those who hold a higher level of power in that specific arena. Networking is seen as crucial and leads to synergies and partnerships, which in some cases can result in an enhanced capacity to bring forward the IPLCs' solutions to nature conservation (IIFB 2).

A clear example of the IIFB exchanging information with other stakeholders and thus influencing the policy-making debate is the publication of the Local Biodiversity Outlook (LBO). This document was the result of lengthy discussions within the IIFB after the release of the Global Biodiversity Outlook 4 following COP Decision XII/1 to "Encourages Parties,

other Governments and relevant organizations, as appropriate, to take steps to disseminate widely the fourth edition of the Global Biodiversity Outlook and its findings, including by… producing other appropriate communication products for different stakeholders and making them publicly available“. The strong will to promote their own IPLCs success stories, case studies and the progress in implementing the Strategic Plan for Biodiversity (2011-2020) led to the creation of the LBO (Forest Peoples Programme; IIFB; Secretariat of the Convention on Biological Diversity, 2016). Besides the extremely relevant content of the report, what is even more interesting is the coordination efforts amongst its authors. The lead of this project was undertaken by the human rights organisation Forest Peoples Programme, a UK based group working with more than 60 partner organisations representing indigenous peoples and forest communities from across the globe to secure their rights to their lands and their livelihoods (Forest Peoples Programme, n.d.). Once again, we see the common discourse and shared values guiding the work of different organisations towards a shared goal. The IIFB provided the space and the data for the report, highlighting the enormous contribution of IPLCs all over the world in achieving the targets of the second strategic plan for biodiversity (Forest Peoples Programme; IIFB; Secretariat of the Convention on Biological Diversity, 2016). Keck and Sikkink (1999) argue that TANs are most prevalent in issue areas characterized by high value content and informational uncertainty, which is the case for the overarching issue of IPLCs contribution in biodiversity conservation, and that the value content of an issue is both a prerequisite and a result of network activity. The LBO can be considered a successful product of a multilevel cooperation that aims at influencing the international arena and legitimises through the use of integrated knowledge system the policy position of IPLCs within the CBD. Furthermore, the LBO was supported by the Secretariat of the Convention, which made invaluable contributions through the feedback, suggestions and guidance from its representatives (Forest Peoples Programme; IIFB; Secretariat of the Convention on Biological Diversity, 2016).

6.1.1. Summary

Empirical evidence shows that the features of the IIFB match the definition of Keck and Sikkink and the issue around which their activity revolves fulfils the three criteria in which TANs are likely to emerge (Keck & Sikkink, 1999):

1. *Channels between domestic groups and their governments are hampered or severed where such channels are ineffective for resolving a conflict, setting into motion the 'boomerang' pattern of influence characteristic of these networks*. As demonstrated, IPLCs have not been enabled in the past to present their perspectives at the higher political levels and have been constantly marginalised by national authorities, therefore they turned to the international community to achieve a minimum standard of norms to guide governmental actions (IIFB 7), this is the embodiment of the boomerang pattern.
2. *Activists or 'political entrepreneurs' believe that networking will further their missions and campaigns, and actively promote them*. This has been confirmed by the IIFB members themselves in many different interviews as elaborated in this chapter.
3. *International conferences and other forms of international contacts create arenas for forming and strengthening networks*. The CBD has been responsive to the demands by the indigenous peoples and provided technical, financial and to a lesser extent political support to the IPLCs. Here is important to note that the Secretariat of the Convention works for the Parties, read the member states. For that reason, their support to the indigenous caucus is bounded by the degree of support allowed by national governments. Nonetheless, following global governance theory, the influence of non-state actors has the potential to ultimately change behaviours in their favour.

The first chapter is instrumental in assessing the influence of the IPLCs in the two strategic plans, since Betsill & Corell's framework identifies the NGO profile and the political opportunity structure as two factors capable to determine NGOs' ability to exert influence in international environmental negotiations (Corell & Betsill, 2001). I argue that in this case, the nature of the IIFB and the setting provided by the UN Convention on Biological Diversity are to be considered a positive enhancement of NGOs influence in the negotiation process and not a constraint. By having achieved a level of recognition higher than a simple NGO (COP1) due to their cultural identity, while at the same time gathering the expertise of a plethora of actors, the IIFB managed to gain an ever-more important voice within the CBD. In the wider scheme of things, full and effective participation is far from achieved, however this analysis demonstrates that progress in that direction has definitely been made.

6.2. The main themes proposed by IPLCs

This sub-chapter investigates the concepts, perspectives and approaches to biodiversity conservation that were proposed by the IPLCs in the Strategic Plan for Biodiversity 2011-2020 and for the post-2020 Global Biodiversity Framework, answering to the second sub-research question. The comparative structure of the chapter aims to highlight synergies and differences between IPLCs inputs to the two strategic plans. The issues defined in both submissions will be complemented by segments of the interviews carried out during the three meetings object of this thesis. By doing so, the analysis strives to convey a more contextualised perspective on these key themes rather than a simple aseptic description. From a theoretical standpoint, these documents reinforce the principles of global governance theory and testify to non-state actors' ability to have transnational repercussions.

The inputs from IPLCs have been gathered by the Secretariat in similar ways for both the 2011-2020 and the post-2020 framework. Member States requested the Secretariat to invite Parties and observers, including scientific and academic bodies, indigenous and local communities and stakeholders, to submit their views and encouraged them to facilitate dialogue among different sectors of government and society. In the 2011 process, the Forest Peoples Programme (FPP) provided their input to the negotiation process as a comment on the preparatory documents elaborated by the Secretariat to foster discussion and further the development of the Strategic plan. Since the IIFB did not submit a formal contribution for the second strategic plan, the FPP commentary becomes the only submission in the 2011-2020 process able to portray IPLCs' instances in the wider political debate.

Contrary to the past decade, the IIFB's increased participation within the CBD processes has led (as of August 1st, 2020) to three structured submissions for the post-2020 GBF. The clarity of the new submissions facilitates its analysis as the main themes have already been grouped in separate sub-headings and the key cross-cutting points have been inserted in a table at the beginning of the text.

6.2.1. Cross-cutting themes

The consistency between submissions are remarkable: a rights-based approach, full and effective participation, fair and equitable benefit sharing, resource mobilisations are all principles that can be found in the Forest Peoples Programme submission and in the IIFB submissions to the post-2020 negotiations.

Rights

The first set of amendments proposed by FPP to the 2011-2020 plan can be grouped under perhaps the single-most important issue advocated by indigenous peoples within the Convention: Rights. The predominance of this topic in the submissions, as well as in the interviews carried out for this study, should not come as a surprise. Especially important for indigenous peoples are the rights that help them to secure their unique cultures, resources, and habitats (Meyer, 2012). As the Parties in their views recognised the importance of biodiversity for poverty eradication, the Forest Peoples Programme asked for international human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples to be considered and included. Their proposal was based on the fact that many decisions of COP 9 invited Parties to take UNDRIP in consideration when implementing CBD activities. Furthermore, they advocated for a stronger coordination with the UN Human Rights Council and the UN Permanent Forum on Indigenous Issues to emphasize the strict interrelation between human well-being and biodiversity. While the attention was focused primarily on international agreements, the submission also mentioned the need to recognise local customary institutions and governments.

The importance of recognising indigenous rights was also highlighted when proposing amendments to target 9.2 which read: “Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit sharing”. The FPP proposed an alternative formulation to acknowledge the IPLCs customary land rights: “Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, **and related natural resources**, including their rights to benefit sharing”.

The rationale behind this suggestion is that traditional knowledge and customary practices are practiced daily through the interaction with biodiversity. Hence, recognising the rights to their territories would consequently guarantee the protection and enhance the protection of traditional knowledge, innovation and practices:

> "*if the rights over related biological resources are not protected, how can TK be practiced and protected? It cannot be practiced in a vacuum or in museums, it has to be practiced in the field, in touch with the 'related biological resources" (FPP submission, 2010b).*

In the post-2020 process, the issue of rights was also considered a priority by the IIFB and this is reflected mainly in three areas of their submissions. In the document sent to the CBD secretariat, human rights are enunciated under "ethical values" in the first crosscutting issue. The vast majority of the interviews carried out also highlighted the need for a rights-based approach when asked the main theme for the new GBF, amongst these:

> "*...we are proposing that "human rights" is an over-arching principle along with equity, it is also a target and an indicator…. but as a principle, we need it there. You know I have been here a long time. The early years, the human rights were "no-no, we don't do that; we are not a human rights body". And we've always argued, "Well you are not a human's rights body and you don't actually author human rights that comes from elsewhere, but once they've been authored and accepted and recognized you are obligated to respect them. The nature of human right is that they are high level, they are the highest level of obligation that you have, and you should frame all of your actions with it. It is not just indigenous rights. You need to respect everybody's rights-fair and equitable.*" (IIFB 1)

> *"Living in harmony with nature requires not just balance within humans and nature, but also a balance between human societies. Due to the way decision-making is currently done in society, the great imbalance on who is deciding is having negative impacts on nature and humans. Therefore, we are saying that equity is part of the principles at the top level of the vision itself and equity and balance need to be considered at the vision level we should include that in the 2030 strategies and the targets that we develop under that umbrella*." (IIFB 7)

Furthermore, the issue of rights resurfaces in the third proposition on strengthening the synergies between synergies between biodiversity, sustainable development and human rights and stop the killing of environmental and human rights defenders.

> *"We have been pushing the idea that we need to include all these biodiversity works and processes within the frame of human rights. You may be aware of the crimes against land and forest defenders in different countries in different continents. We need to say something about that and that is why we would like to see that idea reflected in the new plan. I would like to emphasize that we need the new programme of work to be in a human rights framework and that it needs to be practical. If there were to be established mechanisms for human rights, they need to be effective in the right time. See what is happening in Bolivia! They have already killed 40 people, but institutions are slow in taking actions. We didn't say anything about the violations over the violations of human rights in Latin America in the first week, and these are not biodiversity issues, but they are the guardians of biodiversity*." (IIFB 9)

Additionally, rights are mentioned in the context of legally recognising IPLCs' customary rights to lands, territories, resources, sacred sites and waters, and indigenous and local governance systems, to better secure the conservation of critically important areas for biodiversity.

> *"We cannot develop knowledge if there is no territory, if there is no recognition of collective rights, if there is no promotion at the national level. This is something that started occurring in the CBD. this is still a challenge for the second plan".* (IIFB 5)

Full and effective participation

In 2011, the parties in their submissions recognised the importance of involving indigenous and local communities, as well as other stakeholders, building on Target 4.3 of the Strategic Plan 2002-2010 that mentioned how Indigenous and local communities should be effectively involved in implementation and in the processes of the Convention, at national, regional and international levels (UNEP/CBD/ COP/DEC/VI/26). Naturally, the FPP agreed with this notion and directed their comments towards the mechanisms that would allow the achievement of the target. Firstly, IPLCs suggested to be included in regional consultations and workshops proposed for the second half of 2009, key preparations for the pivotal COP 10.

Secondly, they proposed to be invited in the updating process of the National Biodiversity Strategies and Action Plans (NBSAPs). To reinforce their position, the Forest People Programme suggested to add "Failure to sufficiently recognise the role of indigenous peoples and local communities and to empower them to manage local resources", "Lack of translation into local languages" and "Lack of synergies at the local, national and international levels" in the Annex to the Strategic Plan which presented the obstacles to the implementation of the CBD.

Moreover, supported by SBSTTA's conclusion that the Ecosystem-approach (EA) occurs at the local level, the FPP commentary shared the Parties' views that the EA should be promoted and effectively used in the planning and implementation process. The contribution noted how IPLCs' experience, their own management and use of the ecosystems has evolved and adapted to changing circumstances for thousands of years. Drawing on CBD Decision IX/7, which supported further integration of the ecosystem-approach, the Forest Peoples Programme's submission suggested to add the following sentence in the plan: '*Emphasis should be placed on the effective application and monitoring of the ecosystem approach at local level, where indigenous and local communities can participate more directly, and where appropriate, local efforts need to be supported and enhanced*' (FPP submission, 2009)

The same emphasis on full and effective participation can be found in the submissions for the post-2020 framework and in the semi-structured interviews carried out for the study. The democratisation of environmental governance through full and effective participation of indigenous peoples and local communities is the second enabling issue in the IIFB's submission to the Secretariat.

> "*The issue that we want to address is the full and effective participation of IPLCs, we want to have full free prior and informed consent. The government need to consult with us even on a simple level, e.g. for organizing a workshop or at roundtables with multi-level partners. In that way we gain visibility and recognition. Recognition is extremely important, even at the ground level, who is working with the communities and we need to recognize the community themselves*" (IIFB 2)

Full and effective participation is regarded as something that must be maintained at all levels and throughout the entire process to protect, preserve and sustainably use biodiversity. Hence this prerogative by the IIFB is also reflected in the suggestion to include community-based

monitoring and information systems (CBMIS) and relevant IPLCs indicators in the environmental governance, and in promoting indigenous and locally-led conservation and sustainable use:

> "*there is a challenge at the moment, because we have a traditional indigenous system that can't be measured with data, we have a cosmovision that can't be measured either. Therefore, we need to develop new methodology and your theses are fundamental for this, because these works will give us the foundations to understand the situation and on the new conservation models... This will always allow us to have literature that would allow us to say to the parties what we can contribute. It is also important that you give us recommendations to us on how we can strengthen our work and also give it visibility. Communities are conserving the environment, in alternative indigenous models but they aren't being recognized.* (IIFB 5).

In line with this, in the 2011-2020 submission, Forest Peoples Programme underlined the extremely limited consideration of indigenous peoples in Target 11 on protected areas and the need to ensure that the establishment of new areas upholds the free, prior and informed consent principle, does not harm and includes IPLCs.

Furthermore, the IIFB in their post-2020 submission has been advocating for an increase in opportunities for capacity-building of IPLCs, including in the engagement and participation in all the CBD process, following the principle of equity:

> *"Equity means more efficient participation of different stakeholders, as we have been demanding "enhanced participation" in the subsidiary bodies so that it is not only the parties in the convention that decide. Naturally, they will also have the special status, but we would also like to bring our issues to the table and not speak only through the parties. For example, in the contact group we would like to speak directly when there are matters linked to us and affecting us in particular. Same thing goes for the meetings with the bureau, which has been including us. Allowing us to speak in different part of the sessions and not only at the end would be one step to enhance our participation, as it sometimes happens in the WG8J meetings."* (IIFB 8)

Access and Benefit Sharing

The theme highlighted by the FPP in 2011 echoed the submission by other NGOs (Joint Submission by Birdlife International, Conservation International, IUCN-WCPA, The Nature Conservancy; World Wildlife Fund for Nature and the Wildlife Conservation Society) to give more attention in the new framework to the third objective of the Convention of *Access and Benefit Sharing*. In Nagoya, Parties later adopted the *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*, which also covers traditional knowledge and which was hailed as a step in the right direction by IPLCs. In the closing statement of COP 10, the representative of the IIFB welcomed the protocol and the responsibilities that the international community had agreed upon to uphold customary and human rights of Indigenous Peoples and to protect traditional knowledge (IIFB, 2010).

In the post-2020 submissions, fair and equitable sharing of benefits with indigenous peoples and local communities and protection of indigenous and local knowledge appeared in one of the specific issues to be included in the new global biodiversity framework. The focus of the submission is placed on the implementation of Nagoya Protocol, and on the rights IPLCs in relation to access and use of genetic resources and associated traditional knowledge and digital sequence information on genetic resources.

Resource Mobilization

The focus in this area in the FPP submissions was shifted away from financial resources and redirected towards the concept of ownership. The commentary pointed out that in order to achieve a successful outcome, biodiversity needs to be conserved and sustainably managed where it is physically located. Therefore, an enhancement of the sentiment of ownership of the new Strategic Plan at the local level would allow IPLCs to contribute many resources, not necessarily financial, towards the implementation of the Convention.

In the post-2020 framework, resource mobilization and collective action of IPLCs are more present and better structured. The submission by the IIFB underlines how support for indigenous peoples and local communities' collective actions should be prioritised in the allocation of financial and other resources and how biodiversity financing mechanisms should include social and environmental safeguards.

"The other issue is the financial resources, the States are putting less and less money for the voluntary fund, and that is why I couldn't stay for the second week. By being there, I could have contributed more and be more effective, even in the coordination with my brothers and sisters" (IIFB 9)

Alignment with international commitments

In conclusion it is also important to underline how the alignment of the biodiversity conservation plans with other international instruments has been a constant over the decades. Forest Peoples Programme suggested to align the Plan for 2011-2020 with the Millennium Development Goals, while the IIFB to the Sustainable Development Goals. Linkages with climate agenda are also present in both, as well as with human rights instruments, such as the UNDRIP particularly in the IIFB submission.

6.2.2. Divergences across submissions

A major difference between the two submissions of the IPLCs consists in the emphasis placed on the fundamental and inseparable link between nature and culture. The IIFB in 2019 points out how biodiversity-rich areas often overlap with indigenous territories and recognises the decline of both biodiversity and cultural diversity, including traditional knowledge and indigenous and local languages. Important to note is that here the IPLCs reference the Nature-Culture Summit in Egypt in November 2018. The Summit was convened in light of the Joint Programme of Work between the Convention on Biological Diversity and UNESCO on the Links between Biological and Cultural Diversity (2001-2020) (Convention on Biological Diversity, 2018). Amongst others, its objectives were centred around synergies between western science and traditional knowledge, sharing the experiences in conserving biocultural diversity[3] and promote the nature-culture link in the post-2020 framework (Convention on Biological Diversity, 2018). The biocultural issue, underrepresented in the submission to the 2011-2020 plan, is brought to the forefront for the new post-2020 GBF and it is further

[3] In the present study, biocultural diversity is defined as "biological diversity and cultural diversity and the links between them, the CBD glossary on terms related to article 8(j); while biocultural heritage is referred to as the heritage that "reflects the holistic approach of many indigenous peoples and local communities. This holistic and collective conceptual approach also recognizes knowledge as "heritage", thereby reflecting its custodial and intergenerational character. The cultural landscapes inscribed under the World Heritage Convention are examples of biocultural heritage."(COP 14 CBD, 2018)

supported by the inclusion of the *Sharm El-Sheikh Declaration on Nature and Culture* in the annex of the IIFB second submission.

The greater recognition of the role of women and youth in the latest IIFB submission must also be underlined for two main reasons: firstly, it reflects the intergenerational equity principle that underpins the work of the IPCLs in the convention; secondly, it is instrumental in the negotiation process as the IFFB has developed close ties with the International Indigenous Women's Biodiversity Network and with the Global Youth Biodiversity Network. *"The other issue is to emphasize and recognize the role of indigenous women, we are the keepers of the seeds, we have the generator of our culture, we are the ones transmitting the language together with the elders. So, it is important to recognize our role within all these processes*" (IIFB 9).

Amongst other minor themes tackled by the FPP submission to the Second Strategic plan, the study identified health, poverty eradication, ecosystem services, the establishment of indicators to address the drivers of biodiversity loss, as well as the customary use of biological resources in accordance with traditional cultural practices. The IIFB submission, on the other hand, emphasised the need to reduce the direct pressures on biocultural diversity through integrated spatial planning, sustainable wildlife management and food systems, the relevance of fostering an environment able to promote the intergenerational transfer of knowledge, upholding free, prior informed consent of IPLCs, and cultural impact assessments.

6.2.3. Summary

Besides the notable change in the proposals' structure and formality, the values underpinning the advocacy by the IPLCs have not. The consistency could be interpreted in two ways: on one hand, it denotes the core mission of the IPLCs in the Convention is guided by profound beliefs that transcend time and are perceived as an absolute priority; on the other hand, it shows how after more than ten years improvement in these areas has not been sufficient enough to shift the attention to other themes.

The submissions to the post-2020 process, in its initial premises, holistically captures all the main themes expressed over a span of two decades in the alternative mission statement proposed to the Secretariat:

> [By 2030/2035] We will act together to reduce loss of, and to revitalise, biological and cultural diversity. We will do this through integrated ecosystem-based and human rights-based governance at multiple scales, from local to global levels. We will mobilise ambitious commitments and partnerships by all actors across society. This will be implemented with the full recognition of, and support for, diverse values and knowledge systems and for indigenous peoples and local communities' initiatives and contributions towards healthy and sustainable ecosystems and societies.

Moreover, in the submission specific for the Pacific region, the IIFB elaborated both a slightly modified version of the mission and a separated strategic mission statement for IPLCs, which reads: "We, the indigenous peoples and local communities, with our diverse values and knowledge systems, that intrinsically bring together humanity and nature, will work to foster creative synergies to achieve the vision of living in harmony with nature".

Having analysed the main themes that have been proposed by the indigenous peoples and local communities, and answered the second sub-research, the study now analyses how these issues have been incorporated in national submissions and by the CBD secretariat.

6.3. The uptake of IPLCs issues by national governments

The following section focusses on how national governments have included the themes proposed by or relevant to IPLCs in their national submission. Additionally, the summary documents presented by the Secretariat have also been scrutinised to fully answer the third sub-research question: *How have IPLCs concepts, perspectives and approaches been included in the submissions of national governments in the negotiation phase of the Strategic Plans for biodiversity and how has this been facilitated by the UN CBD Secretariat?*
Finally, the chapter will assess how the inputs by the governments have been taken up in the Second Strategic Plan for Biodiversity 2011-2020 and in the Zero Draft of the post-2020 Global Biodiversity Framework.

By analysing the several steps that led to the final formulation of the strategic plans, the thesis looks beyond the pure outcome of the negotiations and considers the negotiation process itself as a key factor in assessing NGO influence during the process. In both processes analysed, the CBD Secretariat provided documents to spur an initial discussion and to summarise the views of different stakeholder. While these documents strive to be as concise and detailed as possible, for the sake of clarity they might exclude topics, thus playing a role in steering the discussions and influence the negotiations.

6.3.1. IPLCs issues in the Second Strategic Plan for Biodiversity 2011-2020

This subchapter represents the result of the analysis of the governmental submissions and of the discussion documents by the Secretariat of the CBD concerning the revision of the Plan for biodiversity 2002-2010. As described by Figure 4, the sub-chapter will be structured as follows. The first document being analysed is the summary of the initial views sent by the Parties concerning the update of the strategic plan. Here the Secretariat strived to gather a list of elements that had to be included in the new plan. Following this summary, a small number of stakeholders provided their formal submission, including Canada, the EU, Japan, Mexico, Botswana and Brazil. Due to the scarce submission received by the CBD Secretariat, a second note was published to foster a proactive dialogue and encourage stakeholders to provide input. Hence, a larger number of countries contributed to the process and ultimately this led to the adoption of the strategic plan for biodiversity 2011-2020 and to the adoption of the Aichi Target. The submission of the FPP, previously analysed, is indicated in the figure to underline how the NGO had been active in the process.

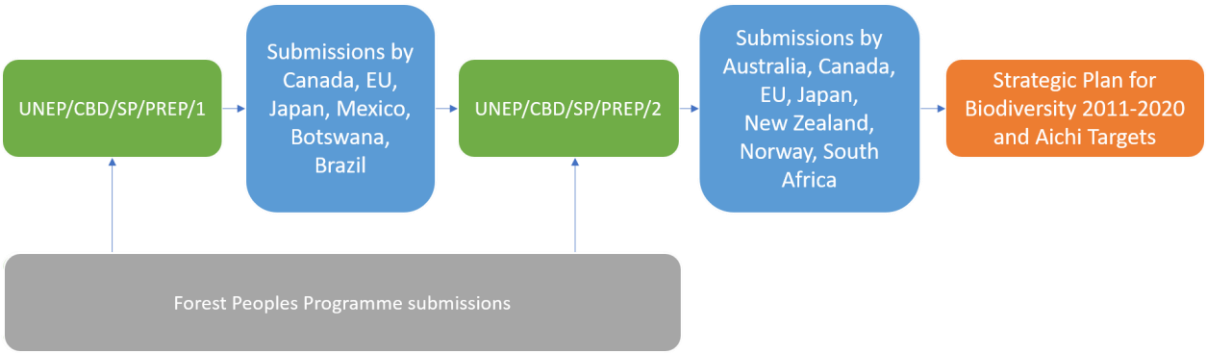

Fig. 4 – Outline of the sub-chapter
The chapter uses the preparatory documents by the CBD Secretariat as the starting point for the analysis. It then investigates how individual countries, and the FPP, have reacted to these documents. To conclude, the sub-chapter explores how the stakeholders' views have been integrated in the Second Strategic Plan.

The first set of government submissions were grouped in the preparatory document UNEP/CBD/SP/PREP/1, IPLCs issues were identified in the need for a thorough communication strategy, fully engaging all the different sectors, as well as stakeholders, indigenous and local communities, in the engagement of IPLCs in the implementation process, and in the inclusion of IPLCs in the process preceding national submissions to the CBD. Moreover, Canada suggested that a synthesis and shortened version of the guiding principles adopted under various decisions (including principles related to the incorporation of indigenous and local knowledge) could replace the previous appendix on obstacles and guide the implementation of the Convention.

In replying to the abovementioned note, some frustration was expressed by the FPP since their suggestions prior to the notification had not been taken into consideration to the necessary extent: "We pointed out references to human rights or rights-based approaches especially in responding to the following questions in the e-forum : 3, 4, 5, 6, 14, 16.2, 17.1.3. But these seem not to have been reflected in the document although the document UNEP/CBD/SP/PREP/1 states that many of the views expressed in the submissions to date highlight points that are, in fact, already reflected - to a greater or lesser degree – in the current Strategic Plan".

Parties expressed diverging views on best ways to include IPLCs in the new plan and proposed a wide range of approaches:

Brazil: The Brazilian delegation submission was largely focused on technology transfer and lack of means of implementation. The mention of IPLCs and traditional knowledge was made from an economic and utilitarian perspective, rather than from a human-rights approach. The turn of an economic conceptualisation of biodiversity within the CBD was resisted by IPLCs

but welcomed by the majority of the parties. Brazil suggested to conduct an in-depth study on the economic value of biodiversity and the contribution it can plan on the promotion of sustainable development, considering also the role of traditional knowledge in valuing biodiversity. Moreover, Brazil suggested remunerating local and indigenous communities that live amid biodiversity-rich areas carrying out activities that make sustainable use of biological resources.

Canada: The government of Canada agreed with the gaps identified by the note, including lack of engagement of indigenous and local communities, and recognised the need to also involve IPLCs in the implementation of the existing plan to successfully make the case for biodiversity outside the traditional biodiversity-oriented community. The submission also noted how there was the need to conduct more work to ensure the achievement of Article 8(J) and Article 10:

- "Progress on the goals and objectives related to Article 8j (Goal 9) and Access and Benefit Sharing (Goal 10) has been challenging. There is a gap in terms of measurable objectives that are focused on conservation and on the use of traditional knowledge to achieve the conservation and sustainable use objectives of the Convention. More serious work has to be done in revising goal 9 and developing a small set of accompanying measurable indicators that build on the work of the Ad Hoc Expert Technical Working Group on 8j. Goal 10 and its accompanying indicators also need reconsideration so that they directly relate to the achievement of a regime for Access and Benefit Sharing (ABS) and ratifying and implementing that regime".
- Furthermore, as previously stated, Canada suggested to replace the appendix on obstacles of the previous plan with a synthesis and shortened version of the guiding principles adopted under various decisions (including **the incorporation of indigenous and local knowledge**). In line with the proposal of Forest Peoples Programme, this document acknowledges the link between ABS and indigenous peoples.

European Union: None of the four submission of the EU cited indigenous peoples and/or local communities. Instead, when describing a fully inclusive, participatory and consultative approach, the Europe Union promotes the contribution of relevant MEAs, international NGOs, UN agencies and other IGOs, including biodiversity-related conventions and the UNFCCC, as

well as regional conventions in the development of the draft Strategic Plan. The documents state how external players play a crucial role in the successful outcome of the plan, yet it only mentions business, civil society, and other policy sectors without recognising the contribution of IPLCs.

Japan: Contrary to the European Union, in its five submission Japan actually mentions indigenous peoples and local communities in its larger group of "various stakeholders" to be invited to participate in the process of conservation and sustainable use of biodiversity (Sub-target A-1). Moreover, in the section dedicated to mechanism to enhance the benefits of ecosystem services, which contribute to human well-being, Japan promoted the Satoyama[4] initiative which strives to include traditional ecological knowledge with modern science (Sub-target F-3). Relevant to notice, the government of Japan removed indigenous peoples from their understanding of relevant stakeholders within the protected areas debate, only local residents and other stakeholders were mentioned. This demonstrates the FPP's submission claim that IPLCs were not taken in duly consideration in the elaboration of the future Target 11 on protected areas. Lastly, traditional knowledge was included in *Sub-target G: To prepare systems to encourage more facilitated ABS (Access and Benefit Sharing) and protection of traditional knowledge*. Amid the means to achieve this target, the submission mentioned the need to take measures to assist domestic implementation of an international regime on ABS to be agreed (the Nagoya protocol had not been ratified yet), to encourage users and providers of genetic resources, through measures of public awareness, to conclude mutual agreements and to comply with domestic systems and agreements on ABS, and to provide assistance for potential providers of genetic resources to extract the value of unused genetic resources and to ensure the utilization and benefit-sharing thereafter.

The other two national submissions analysed were the one from **Mexico**, which was very limited and did not mention IPLCs, and the one from **Botswana**, which asked to strengthen the role of NGOs and Private business to ensure their role in biodiversity management, but did not mention Indigenous peoples and local communities.

[4] The Satoyama initiative place its emphasis on the following three elements as basic concept. 1) The wisdom for living in harmony with nature, 2) Integration of traditional ecological knowledge with modern science, 3) Creation of a "New commons" (systems for communal management) "Commons". For more information: https://satoyama-initiative.org/

The second note by the executive secretary gathered the views of the parties and summarised them into a potential outline and elements of the revised framework. Here IPLCs and traditional knowledge were mentioned as a possible element for the 2050 vision: "*Governments, civil society, indigenous and local communities and the private sector are working together towards long term sustainability employing both formal science and traditional knowledge, innovations and practices"* (UNEP/CBD/SP/PREP/2). The inclusion of this sentence was rather brief as the final version of the 2050 vision does not mention traditional knowledge and the human component is summarised in the formulation "all people" (Second Strategic for Biodiversity Conservation 2011-2020).

Indigenous Peoples and local communities' concepts and traditional knowledge could be found in this document in four different targets. Target 7 focused on the sustainable management of areas under agriculture, aquaculture and forestry and, in the technical rationale, it was stated how "customary use of biodiversity by indigenous and local communities can often offer lessons of wider applicability". The designation and management of protected areas (Target 11) was suggested to be carried out in close collaboration with indigenous and local communities, following the ecosystem approach. Furthermore, Target 15 mentioned IPLCs in connection with the need to safe access to ecosystem services:

> *By 2020, Terrestrial, freshwater and marine ecosystems that provide critical services, and ecological resilience or that contribute to local livelihoods and climate change adaptation have been safeguarded or restored, and adequate and equitable access to essential ecosystem services is guaranteed for all, especially indigenous and local communities and the poor and vulnerable.*

However, the most important mention of traditional knowledge and consequently of indigenous peoples can be found in the draft formulation of Target 18 which proposed that: "By 2020, Traditional knowledge, innovations and practices and the rights of indigenous and local communities over these are protected*"* (UNEP/CBD/SP/PREP/2). The rationale behind it was to base this target on article 8(j) and recognise the right of IPLCs to traditional knowledge, innovations and practices. This formulation was met with opposition from member states (see New Zealand submission below), did not survive the negotiating process and it was ultimately not included in the final plan, if not in the technical rationale document provided by the CBD as a support to the mainstreaming and implementation of the target. Nevertheless, its mere existence shows the influence that non-state actors may have had on the process as the

suggestion to include a rights-based approach was not mentioned in any of the available national submissions.

An analysis of the governmental submissions in response to the second note presents the reader with a better understanding of the process that led to the final wording of Target 18:

Australia: The only mention to IPLCs was to be found in the comments on Target 11 where the Australian government suggested to draw on the recommendations of the World Parks Congress and other forums in the establishment and management of protected areas. Australia also proposed that IPLCs should share equitably in the benefits arising from protected areas.

Canada: Canada expressed its content in seeing most of its previous suggestions included in the second note and promoted a wider engagement from all sectors of society. It also suggested an alternative the text of Target 18, one that removed the mention to rights over TK, and proposed the following formulation: "By 2020, Traditional knowledge, innovations and practices are respected, preserved and maintained". This new wording can be considered a downgrade from the initial proposition from the indigenous' perspective and underlines the delicacy of entering the debate over rights. Canada submission also underscored in its technical rationale the need to obtain IPLCs approval when using traditional knowledge and the importance of involving relevant communities.

New Zealand: The main opposition to the inclusion of the rights of indigenous peoples over traditional knowledge innovation and practices came from the submission of New Zealand. Right at the beginning of its commentary the Pacific State expressed concerns over the number of shortcomings regarding the indicators of a number of areas (including amongst others, ABS and indigenous knowledge). In the text the government expresses how indicators "must be based around robust data, for without data there will be no way to measure change or trend. Unless the indicators provide this there will be little way in which we can assess progress towards targets, link cause to effect and take informed action. New Zealand is of the view that all post-2010 indicators must be scientifically rigorous and peer reviewed.". The challenges in including traditional knowledge as a complement to modern science becomes clearly visible in New Zealand's submission.

New Zealand also invites the Parties to not set targets outside the scope of the Convention. Regarding Target 18, the submission states: *New Zealand views this target as going beyond the mandate of the CBD, in particular Article 8(j). Article 8(j) contains no reference to the rights of indigenous and local communities (ILCs). It also refers to knowledge, innovations and practices of ILCs "embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity…". Accordingly, we think that Target 18 should be qualified to more accurately reflect the language of the Convention.*

Norway: In its rather short submission, the Kingdom of Norway presented its newly adopted Norwegian Nature Diversity Act, which entered into force in July 2009, as a valuable input to the process. In the first section of the legislation, the government recognises the link between nature and culture, but most relevant for this thesis, it included a reference to the Sami culture: *The purpose of this act is to protect biological, geological and landscape diversity and ecological processes through conservation and sustainable use, and in such a way that the environment provides a basis for human activity, culture, health, and well-being, now and in the future, including a basis for Sami culture*.

The holistic perspective included in this submission, tying together biocultural diversity principles and the interconnection between environment and health, represents the national contribution closest to the principles advocated by indigenous peoples.

After years of international negotiations, three rounds of notifications for submissions and a colossal diplomatic effort, the tenth meeting of the Conference of the Parties adopted with CBD Decision X/2 a revised Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, for the 2011-2020 period.

Full and effective participation and the IIFB proposition to fully integrate and IPLCs knowledge, innovations and practices relevant for conservation and sustainable use of biodiversity in the CBD implementation was eventually supported by New Zealand, Canada, the EU, Norway, Mexico, Malaysia, Japan, the Philippines and Ecuador (Earth Negotiations Bulletin, 2010).

The final wording of the target on TK well reflected the views expressed by the Parties, for example by excluding the explicit mention of rights over traditional knowledge asked by Canada and New Zealand. Target 18 constitutes an achievement for indigenous peoples' involvement in the international arena and it crystalized the progress made since the establishment of the Convention.

By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

The key issues are traditional knowledge, the customary use of natural resources and the full and effective participation of IPCLs, all instances that where included in the Forest Peoples Programme submissions previously studied. The phrasing of "subject to national legislation" is here coupled with the reference to relevant international obligations, as traditional knowledge is addressed at multiple levels and by a number of international initiatives (Secretariat of the Convention on Biological Diversity, 2013).

Three headline indicators for the target were adopted so far, while one was proposed by the Ad Hoc Technical Expert Group on Indicators (Forest Peoples Programme; IIFB; Secretariat of the Convention on Biological Diversity, 2016):

- Trends of linguistic diversity and numbers of speakers of indigenous languages
- Trends in land-use change and land tenure in the traditional territories of IPLCs
- Trends in the practice of traditional occupations
    - Proposed but not yet adopted: Trends in which TK and practices are respected through their integration, safeguards and full and effective participation of IPLCs in the national implementation of the Strategic Plan.

The primary request by the IPLCs, the inclusion of rights is only mentioned vaguely, weakly and briefly in paragraph 4 and not in the target itself as the COP "*invites* Parties *to take note* of the UNDRIP in the implementation of the Strategic Plan for Biodiversity 2011-2020, *as appropriate, and in accordance with national legislation"* (UNEP/CBD/COP/DEC/X/2).

Six years later, once the COP decided to adopt the updated indicators to assess progress towards the Aichi Biodiversity Targets with CBD Decision XIII/28, indigenous peoples' rights were included under Target 18 general indicator on Trends in land-use change and land tenure in the traditional territories of IPLCs:

- (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights bearers of agricultural land, by type of tenure (indicator for SDG target 5.a)
- Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure (indicator for SDG target 1.4)

6.3.2. IPLCs issues in the post-2020 Global Biodiversity Framework

Being the new framework still under negotiations during the writing of this analysis, it will not be possible for the study to reach a conclusion on how traditional knowledge, and IPLCs more in general, will be included in the next decade long strategy. However, some initial conclusions can be drawn by analysing the submission on the scope and content by national governments, how these have been reflected in the Zero Draft of the post-2020 Global Biodiversity Framework, and in the outcomes of the second Open-Ended Working Group in Rome.

Modelled on the section 6.3.1, this section will follow the structure outlined in Figure 5. The first documents being analysed are the national governments' submission of the countries previously selected. Secondly, the Zero Draft of the post-2020 framework will be analysed to assess how the Secretariat has merged all views from different stakeholders in order to develop a truly inclusive framework. Finally, direct observation at the second Open-ended Working Group in Rome will be expressed to portray the latest stage of negotiations. The submissions of the IIFB, previously analysed, is indicated in the figure to underline how the NGO has been active in the process

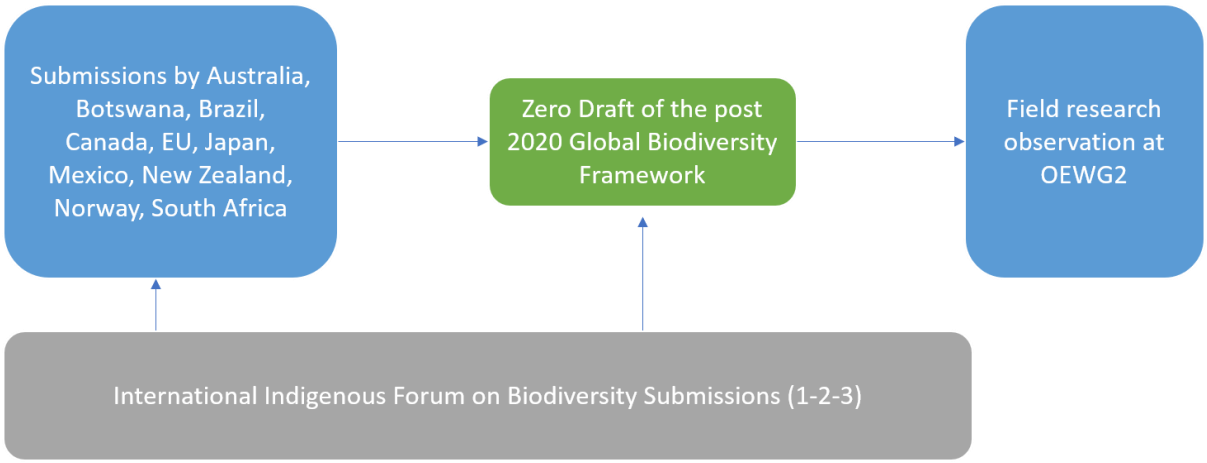

Fig. 5 – Outline of sub-chapter 5.4.2
The chapter first analyses the submissions of the same national governments investigated in the previous section. The thesis then studies how these views, including the ones of the IIFB, have been reflected in the Zero Draft. Ultimately, field research observations provide insights of the latest stage of negotiations.

The number of submissions sent to the Secretariat for the new framework is far greater than the one of the 2011-2020 strategy, with a significant increase in both Parties and Observers. To maintain the comparative nature of the study, the chapter analyses national governments contributions on the preparation, scope and content of the post-2020 global biodiversity framework in response to the notification from the Co-chairs non-paper on possible elements of a post-2020 GBF, and on the notification referencing a discussion paper merging the stakeholders' views and which asked the question, amongst others: *"How can the post-2020 global biodiversity framework facilitate the involvement of indigenous peoples and local communities and support the integration of traditional knowledge as a cross-cutting issue*?" [5].

The inclusion of Indigenous Peoples and Local communities in the new plan was mentioned in both discussion papers prepared by the Co-chairs and it was reflected in many national submissions.

Australia:

Australia's commentary stated the need to strengthen partnerships with indigenous peoples and local communities and to recognise their critical contributions to the objectives of the Convention, through multiple mechanisms and at all levels, to the achievement of the 2050 Mission. The governmental submission highlighted Australia's support to create opportunities to enhance recognition and participation of IPLCs across the entire framework

Canada: Canada confirmed its engagement in indigenous peoples' issues within the Convention on Biological Diversity. Besides including in its proposals the importance of IPLCs and their full and effective participation, Canada denoted its will to support renewed efforts in the implementation of article 8(j). Furthermore, Canada asked that the post-2020 GBF language respected existing models and mechanisms used by Parties for coordinating with IPLCs on biodiversity issues. Regarding traditional knowledge, the submission proposed to also include it as an overarching principle to the entire framework, while maintaining a separate target on TK and sustainable customary practices.

[5] Governmental submission prior to these notifications were not explicitly taken into consideration as they dated back 2017 and 2018 when negotiations on content were still in an embryonic phase. Those inputs, however, are reflected in the synthesis of the views upon which the two abovementioned notification are based. Moreover, this chapter provides only the basis of the analysis of the post 2020 process as all relevant stakeholders' views were encompassed in the Zero Draft.

European Union: Contrary to the first submissions to the post-2020 framework, the EU now recognises explicitly indigenous peoples when enunciating the list of non-state actors, as well as their pivotal contribution in achieving the vision of the biodiversity in line with the Sharm El-Sheikh to Kunming Action Agenda agreed in COP Decision 14/34, paragraph 12.
The EU stresses the fact that full and effective participation by IPLCs is an important base for the work of the Convention. It also argues the need to continue the work under Article 8(j) and related provision. Traditional knowledge and customary sustainable use are mentioned as a "good and complementary knowledge base in the implementation of the CBD in the future". The EU' submission also presented an innovative take on the role of TK in the framework: "*While integrating traditional knowledge as a cross-cutting element in the post-2020 global biodiversity framework, it is important to focus not only on the backward-looking aspects, but also on the innovations and other forward-looking elements of this knowledge system*".

Mexico: in its submission for the Strategic Plan 2011-2020 Mexico did not mention IPLCs, while in its submissions to the post-2020 framework large consideration was given to indigenous peoples. Mexico's submission acknowledged the importance of bioculture and the importance of IPLCs in the conservation and sustainable use of the country's natural heritage. Moreover, the views showed the intention to include the participation of indigenous peoples and local communities as a cross-cutting issue to be included in the framework's core and not only in a peripheral manner. In recognising the need for a whole-of-society approach, Mexico turns the focus particular on IPLCs: "…*In this respect it is important to focus efforts on local communities, since it is economic and subsistence necessity that makes abandonment and lack of alternatives you can do activities that lead to a loss of biodiversity and this is where the greatest knowledge of it, so a program should be made interdisciplinary to achieve the management of resources, with economic support, educational and alternative non-extractive and extractive depending on the knowledge and activities that are developed in the areas, always accompanied by the authorities, including the measurable success indicators*".

Furthermore, Mexico advocates for the inclusion of a Bioculture and Human Rights perspective in the framework, specifying the higher degree of relevance in this aspect of IPLCs and realising how the lack of inclusiveness and participation of other relevant actors remains as an imperative issue to address.

Specifically on traditional knowledge, the submission notes how national reports on the progress of Target 18 is null due to the absence of a "s*ystem that gathers information on the actions that are being carried out in favour of traditional knowledge, innovations and practices in the area of biodiversity and in other fields of traditional knowledge, since those actions cover several geographical areas and government*". Mexico argues in favour of a specific target for IPLCs in the framework focused on the application of traditional knowledge, which would compel countries to respect customary practices, the protection of their livelihood and of their knowledge. Mexico solidifies its position by adding a list of potential impact indicators:

a. Number of people benefiting from the protection, preservation and use of traditional knowledge as a livelihood.
b. Number of species of wild flora and fauna are preserved, protected or exploited by indigenous peoples and local communities.
c. Number of traditional practices incorporated into new technologies (innovation) that support territorial self-management and conservation and use of biodiversity
d. Decline in species and habitat

Lastly, two final points are worth mentioned in Mexico's submissions. The proposal to include indigenous languages in the communication strategy and target updates, to ensure that IPLCs are effectively engaged by the COP, considering the fact that 2019 was named International Year of Indigenous Languages. Secondly, in the means of implementation section, Mexico suggest considering the protection of environmental defenders through participation instruments, such as the Escazú Agreement in Latin America and the Caribbean (also mentioned by IIFB 2 in its interview).

New Zealand: The New Zealand submissions underscored in many occasions the need to include all actors in addressing biodiversity loss, including, but not limited to, Parties, non-parties, indigenous peoples, civil society, local and regional government, private landowners, and the private sector.

South Africa: The most interesting component of the submission by South Africa with regards to IPLCs is not the renewed importance given to their participation in the process, but rather the focus on specific wildlife species. Under target 12 it is mentioned how socio-economically important species are crucial in supporting livelihoods, the wildlife economy and the needs of indigenous people.

The South African submission also mentions several issues related to IPLCs when listing a series of themes to be considered in the drafting of the "enabling conditions" of the framework, amongst these: Engagement with indigenous peoples and local communities, civil society organizations, youth, women's groups and the private sector (Traditional knowledge and customary sustainable use, indigenous peoples and local communities conserved territories and areas and sacred natural sites, territorial and land tenure rights of indigenous peoples and local communities, free prior and informed consent and mutually agreed terms).

To compare with the submissions analysed in the previous section, it is noticed how **Botswana** did not submit a proposal related to these notifications, **Japan** further encouraged the uptake of the Satoyama initiative**, Norway** supported the active involvement with environmental NGOs, IPLCs and the business-sector and **Brazil** did not refer to indigenous peoples as such but rather as rural, forest and riverine populations, while acknowledging their link to healthy ecosystems and biodiversity.

After having collected and elaborated these views from the Parties, as well as the IIFB main theme in the previous chapter, to fully answer the third research question it is important to analyse how these instances have been included in the Zero Draft. Important to mention is how not only the submissions received by the Secretariat are represented in this draft, but also the outcomes of the negotiations during the meetings SBSTTA 23, WG8J11, and the informal briefing by the Co-Chairs on 24th November 2019.

On January 6th 2020, the Co-chairs published the Zero Draft of the post-2020 Global Biodiversity Framework, to be discussed by Parties and observers at the second meeting of the Open-Ended Working Group scheduled for Kunming (due to the COVID-19 pandemic this meeting took place in Rome). As the negotiating process is still ongoing, this draft is the best available document to analyse how IPLCs have been included in the framework so far.

The Zero Draft included indigenous peoples and local communities in four sections: in the theory of change underpinning the entire strategy, in Section B on 2030 and 2050 goals, in section D on the 2030 action targets and in section F as enabling conditions. Traditional knowledge, however, is mentioned in only three occasions in the Zero Draft:

- **Section B. 2030 and 2050 Goals, goal (e):** The benefits, shared fairly and equitably, from the use of genetic resources and associated traditional knowledge have increased by [X] by 2030 and reached [X] by 2050.

- **Target 11:** Ensure that benefits from the utilization of genetic resources, and related traditional knowledge, are shared fairly and equitably, resulting by 2030 in an [X] increase in benefits.

- **Target 18**: Promote education and the generation, sharing and use of knowledge relating to biodiversity, in the case of the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior and informed consent, ensuring by 2030 that all decision makers have access to reliable and up-to-date information for the effective management of biodiversity.

- **Target 19**: Promote the full and effective participation of indigenous peoples and local communities, and of women and girls as well as youth, in decision-making related to the conservation and sustainable use of biodiversity, ensuring by 2030 equitable participation and rights over relevant resources.

From these four paragraphs, the study can draw some first conclusions on the integration of IPLCs proposals in the new framework. The first two bullets points reference clearly to the third objective of the CBD (fair and equitable sharing of the benefits arising from the utilisations of genetic resources) and to the Nagoya Protocol. The call for an equitable approach to this thematic can be found in the IIFB submission under subheading 13, however the target as proposed in the text failed to include explicitly the indigenous peoples and local communities. During OEWG2, only two alternative formulations from the Parties and one from non-parties included IPLCs in the wording of Goal E.

Most of the diplomatic activity to better include IPLCs in the access and benefit sharing debate took place under the discussion for Target 11. To better contextualise the negotiation process, the two targets will be presented together with the motions of national government and of the indigenous caucus noted during the field research period and supported by the final report of OEWG2 (CBD/WG2020/2/4).

Target 11

In their later submission regarding possible targets and indicators (not considered in the elaboration of the Zero Draft but submitted before OEWG2), the IIFB formulated an option for this issue, which was the basis of their negotiation position, namely:

> "*By 2030, promote fair and equitable sharing of benefits arising from the utilization of genetic resources, biological resources, ecosystem services and indigenous and local knowledge relevant for the conservation and sustainable use of biological*

diversity, and promote access to such resources, services and knowledge, as internationally agreed."

The major difference with the draft target 11 is the "access" dimension, which IPLCs argue has been largely denied to them in the past. At the working group session in Rome, several Parties express their support for IPLCs in plenary sessions. The representative for Argentina proposed to ensure that the benefit from genetic resources and traditional knowledge is ensured to both countries and IPLCs, this was supported by Uganda. New Zealand remarked how in some cases IPLCs do not want to use specific genetic resources and associated traditional knowledge for commercial purposes. The International Union for the Conservation of Nature proposed to include the principle of free, prior and informed consent (FPIC) of rights holders; the motion was supported by Mexico as IUCN is an observer to the CBD. The IIFB also took the floor, appreciated the support by the abovementioned countries, and proposed the inclusion of the FPIC principle and of customary use of biological resources. Support was expressed by the Philippines' delegation, which notably included indigenous representatives. As IPLCs have been granted the observer's status but are not Parties to the Convention, the indigenous peoples caucus' proposals must be endorsed by at least one member state to be even considered by the Conference of the Parties. Based on this premises, IPLCs have fostered over the years relationship with national delegates to bring forward their motions in sessions.

Target 18

Considered as the successor of Aichi 18, this target is one of the two concerning explicitly IPLCs in the new plan (Target 19 will be discussed later) and the primary target for Traditional Knowledge. By including the FPIC principle and the promotion and generation of knowledge, the target somewhat reflects the submissions by the IIFB, especially subheading five and six (see Chapter 6.2.). One of the interviewees expressed concerns on the wording of Aichi Target 18 and the need for its revision:

> "*In a meeting in Montevideo, not long ago, the parties were reviewing the Aichi targets and understood that they were too ambitious, unrealistic and some of them ambiguous. They don't have clear steps to achieve them. For the Aichi target 18, it is very ambiguous the way it was written, and this is why in Montevideo there was an idea to review goal 18 itself and see if we want to propose something new."* (IIFB 9)

Similar to Target 11, the indigenous caucus submitted a proposal under the group Culture and Values in their third submission to the CBD Secretariat, stating:

"By 2030, fully recognize indigenous and local knowledge, innovations, practices, and technologies, with the full and effective participation of indigenous peoples and local communities, while ensuring the respect for their right to maintain control, protect, and develop these."

There are three substantial differences in this phrasing compared to the Zero Draft Target. Firstly, the full recognition component is included at the very beginning of the text to emphasise the need to acknowledge the ownership and the relevance of traditional knowledge. Secondly, we find here the inclusion of the term "technologies", new addition already explored in the previous section. Third but certainly not last, the right-based approach over TK is emphasised and brought forward.

These premises were at the basis of the negotiations at the OEWG2 in Rome, where widespread support by the Parties surrounded the target as elaborated in the Zero Draft. In the first line of the report of the meeting, the Co-chairs noted how stakeholders suggested the integration of two key elements in Target 18 (or in the "implementation support mechanisms"/"enabling conditions" sections for the sake of brevity), namely:

1. Recognition of traditional knowledge's contribution to the conservation and sustainable use of biodiversity
2. Protection of traditional knowledge, including recognition of the need for free prior and informed consent, in accordance with national circumstances, before traditional knowledge can be accessed.

A large number of reformulation of the targets were proposed and can be found in the report (CBD/WG2020/2/4). Yet, relevant for this thesis, is to understand which parties were most active and how they proposed to enhance the target. The government of Canada welcomed the free, prior and informed consent principle and suggested to consider the scope of Aichi Target 1 as an addition to the target. It is worth reminding that Canada proposed to include TK as an overarching theme throughout the entire framework, hence the countries behaviour can be considered rather favourable to the IPLCs. The FPIC principle was also supported by Australia, New Zealand, Norway and Uganda.

Through engagement with the Parties and collaboration, the IIFB lobbying efforts in this regard were quite successful. Delegates from New Zealand acknowledged the positive contribution of TK in biodiversity conservation, raised the issue of the lack of recognition of such practices and supported the motion by Colombia to add the protection of indigenous knowledge. The

Australian mission noted the need to maintain IPLCs tradition and foster the development and implementation of knowledge. The European Union supported the target, while Mexico expressed some concerns over measurement. The latter had proposed some indicators in its formal submission to the secretariat (see Chapter 5.3.2.). Moreover, two parties referenced to continue the work under article 8(j) and one on the need for financial support. Phrases such as "in accordance with national circumstances" "where applicable and according to national legislation" "as appropriate" were also mentioned by the Parties.

The IIFB in its statement pointed the Member States to include in the target CBD Decision 13/18, where the COP adopted the Mo'otz Kuxtal Voluntary guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the "prior and informed consent", "free, prior and informed consent" or "approval and involvement", depending on national circumstances, of indigenous peoples and local communities for accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices relevant for the conservation and sustainable use of biological diversity, and for reporting and preventing unlawful appropriation of traditional knowledge. This decision was already mentioned by the delegation from Uganda, validating the IIFB point.

Target 19

This target represents one of the pillars of IIFB submission: the full and effective participation of IPLCs in the democratisation of environmental governance. The formulation also comprises the rights over relevant resources and the equity principle, which well reflects the intention of the co-chairs to base the implementation of the framework on a rights-based approach and acknowledging the principle of intergenerational equity. This statement reflects key values that were predominantly included in the IPLCs submission to the progress. The IIFB cannot be the only reason for the inclusion of these issues, however it is arguable that the caucus' constant advocacy and lobbying efforts played a key role.

The discussion that arose in Rome amongst different stakeholders highlights the debate on this target, as well as the widespread acceptance of these fundamental principles. The Co-chairs highlighted how by including the full and effective participation in all targets will dampen its potential, hence it is placed here in Target 19 and in Section F under the Enabling condition section. Switzerland mentioned the need to separate the target in two and enhance the focus on women, it also stated the need to promote and secure tenure rights. The issue of separating

targets was echoed by the delegates from Cameroon on behalf of the African group, which also pointed out how the element of benefit sharing was missing. Japan and South Africa supported a multilevel approach, and Colombia reinforced the statement with the need to go beyond governmental participation. While both New Zealand and Canada expressed their strong support, the latter also mentioned the IPBES Global Assessment, the FPIC principle and the need for indicators.

Amongst the critics, Mexico stated how they do not want a target at the moment but that it could be considered later. Norway and Brazil both stated the need to respect national legislation and the UK asked for clarification on the wording "rights over relevant resources".

Argentina and the Philippines were the most proactive in the debate under Target 19. The Latin American country suggested the need for higher protection for a new target on environmental defenders (one of the asks in the IIFB submission), highlighted the potential of the Escazù agreement, mentioned article 46 of the UNDRIP and advocated for both access to justice and to environmental information. The Philippines on the other hand warned the Parties to not repeat the mistakes of the past plan and ensure that this time the full and effective participation is seen as cross-cutting. It underscored the importance of rights of IPLCs resources and the imperative of a monitoring framework.

The representative also included in its motion Rio Principle 10[6]. The IIFB took the floor first to stress the need to include CBD Decision 14/8 on rights holders, which was supported by the Philippines, and secondly to promote an additional target to ensure that legal/policy frameworks were implemented. The latter suggestion was made jointly with other NGOs and supported by Argentina.

[6] "Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided. (United Nations, 1992a)

6.3.3. Summary

Far from being over at the time of writing this thesis, the negotiating process already demonstrates the improvement in inclusivity and in the acknowledgement of the role of IPLCs by both Parties and CBD Secretariat. Aichi Target 18 and the current draft target 18 of the new GBF are strikingly similar, except for the new addition of the free prior and informed consent. The full and effective participation of IPLCs has been moved in other section of the framework but it has been maintained. An important change in the negotiating process is the renewed focus on indicators. This attention given to the means of assessing process demonstrates how the member states realised the value of monitoring the evolution of the strategy over time, to take corrective actions if needed. Mexico's suggestion to start thinking about indicators right away, the upcoming pivotal SBSSTA24 meeting and the IIFB third submission on possible sub-targets and indicators, are all elements that point in the right direction for a more effective post-2020 framework.

Furthermore, while the research analysed the submissions of the same nine countries in both plans to increase the internal coherence of the study, it is undeniable that the international community has been more responsive in the post-2020 process. The protection of human rights has been gaining support within the parties and a rights-based approach to the post-2020 framework doesn't seem as farfetched as it might seemed just ten years ago. International institutions are considered slow moving beasts that reflect the societies they represent. While change is not immediate it is always constant and the growing permutation of non-state actors in these international fora is undoubtedly a factor in the overall speeding up of this process.

6.4. What degree of influence?

The last sub-chapter of the empirical finding sections answers the fourth research question on assessing the influence of IPLCs in the negotiations of both Strategic plans for biodiversity elaborated by the Convention on Biological Diversity. After having analysed the institutional space and the opportunities provided by the institutions to IPLCs to provide their inputs, the main themes promoted by the indigenous caucus, the uptake of IPLCs issues in national contributions, and the results in the form of Aichi Target 18 and the Zero Draft targets; the thesis will now asses the IPLCs influence, as defined in the theoretical framework, within the CBD with the help of Betsill & Corell's framework. The seven indicators used to determine the impact of NGOs on the negotiations are divided in two separate dimensions based on the abovementioned definition of influence: intentional transmission of information and a behavioural change as the outcome of that informational exchange (Betsill & Corell, 2001b). I analyse the 2011-2020 process together with the post-2020 discussions. By doing so, the study is able to clearly portray the changes over a decade.

Evidence on NGO participation

During COP10 a delegation of the IIFB was presented and participated in the meetings, as well as in bilateral talks with governmental delegates, as testified by the official statements that can be found on the IIFB website (IIFB, 2010), semi-structured interviews (IIFB 3-5-7) and through media coverage of the event (Earth Negotiations Bulletin, 2010). Participation however was hindered by a lack of capacity and understanding (IIFB 3-9).

In the post-2020 Global Biodiversity Framework, the IIFB was also present with 20 delegates at the first session of the Open-ended Working Group and with 29 representatives at OEWG 2 (Earth Negotiations Bulletin, 2019, 2020). IPLCs representatives were also present at the preparatory intra-sessional meeting, as attested by direct observation and through interviews.

Activities – What did the IIFB do to transmit information to the decision-makers?

Establishing the activities within the 2011-2020 process has resulted quite complicated in this research due to the lack of relevant resources and is considered one of the limitations of the study. The CBD Secretariat allowed observers to submit their views on the plan and the IIFB, through the Forest Peoples Programme, was able to provide inputs to the revision of the plan.

In addition, the e-forum mentioned in sub-chapter (5.2.1.) is an indicator of the engagement of IPLCs in a more informal yet still pertinent process of the CBD. The ENB coverage of the event shows how the IIFB negotiated with the parties over the adoption of the plan (Earth Negotiations Bulletin, 2010) and the briefing paper that can be found on their website presuppose a level of preparation and engagement. There is however no direct proof of the use of such documents during the negotiations.

Contrary to the previous decade, the IIFB involvement of in the post-2020 process is relatively easy to map. First and foremost, the NGO replied to the several notifications of the CBD and provided (as of August 1st, 2020) three different submissions to be included in the global framework. These were taken into consideration by the co-chairs in the development of the Zero Draft and forward as the principles upon which the CBD operates demands the full participation of all sectors of society. On the formal level, the indigenous caucus held several private meetings with representatives from national governments, other NGOs, academia, youth, women representatives and other sectors of civil society. During the events attended, direct observation proved how the IIFB met multiple times in between breaks to coordinate and strategize. They participated in side-event meetings and issue-specific consultations (IIFB 2). Between official meetings, the indigenous caucus hosted publicly accessible webinars, with the presence of the co-chairs, as well as private coordination meeting, as attested by photographic evidence on their social media platforms. By doing so, in the midst of a global pandemic, the caucus was able to continue discussion on relevant topic even with the considerable delay of the entire CBD process.

Access - What opportunities did NGOs have to transmit information?

At the COP10 access was given to the indigenous caucus due to the nature of the Convention on Biological Diversity and its enhanced recognition of the role of IPLCs. In plenary sessions they expressed their views and actively sought support amongst the parties, as well as asked the Secretariat to examine possible future areas of work. The data gathered through this research suggests that IPLCs were unprepared to deal with the diplomatic effort that led to the adoption of 47 decisions, continued the negotiations on an international ABS protocol; and considered: a new strategic plan, targets and a multi-year programme of work (MYPOW). As mentioned by a member of the indigenous caucus (IIFB 3): "*When we were negotiating the Nagoya protocol in 2010, the Aichi targets and other, there were so many processes happening*

and the IPLCs group was smaller. It was hard for us to keep track of all the negotiations, plus the governments' attitude changed over the years." The last words, on the change in governmental attitude, denote perhaps an improvement from one plan to the other in acknowledging the contribution of IPLCs.

The International Indigenous Forum on Biodiversity was granted several occasions to transmit information during the post-2020 process. From the outsets the post-2020 Global Biodiversity Framework showed how much the recognition of indigenous peoples has increased over the years and through the theory of change underpinning the plan, noted the importance of **the full and effective participation of IPLCs in the implementation of this framework**. Moreover, they were formally asked to co-chair the 11th meeting of the working group on article 8(j) and were invited to participate in the bureau meetings (COP 1, IIFB 8). On this point, one interviewee stated: "*because of the "enhanced participation mechanisms" in the CBD that started out in the WG8J, we hope that those enhanced procedures will also begin in SBSTTA for giving advice as well as in other procedures. What do we mean by enhanced participatory mechanisms is that the "friends of the bureau" directly talk to the bureau and provide them with advice on how IPLCs could participate fully. If we have observations about difficulties we're encountering, these can also be brought to the attention of the bureau. We were trying to say that we will not only speak in the end, but also in the middle of the statements and we made sure that the chair always asks if there is a party supporting our proposals, so that the proposition will be inserted into the text" (IIFB 7).*

The co-chairing practice within the Ad-hoc working group context was in place also during the post-2010 negotiations, however WG8J-11 in 2019 was particularly relevant as it agreed on a recommendation regarding "*Options for possible elements of work aimed at an integration of nature and culture in the post-2020 global biodiversity framework*" (CBD/WG8J/REC/11/3).

Resources - What sources of leverage did NGOs use to transmit information?

Knowledge and technical expertise are an NGOs' most valuable resource in this framework. As the analysis focuses on indigenous peoples' issues, the IIFB and the FPP can be considered experts in this field. During the negotiations for the Aichi Targets, Forest Peoples Programme included in their submissions a series of references and COP decisions to support their argument. I argue that although these scientific background documents legitimised the FPP position, it did not yield the results hoped for.

The scenario is completely changed in 2019 because of the release of the IPBES 2019 Global Assessment. By recognising the positive role of IPLCs in biodiversity conservation, this publication provided a strong basis for negotiations for the IIFB. For the first time at such great magnitude, western science recognised the value of an integrated knowledge system approach. When asked about the most significant difference in between the two plans, interviewees often quoted the IPBES assessment:

> "*The IPBES pattern is very strong and very important as a report, because we think it is showing a very, [positive outcome for IPLCs, ndr.] We still need to fix that numbers, but it's pretty good, it is defensible. And so we got 70-80% of the world; where biodiversity is good, was where Indigenous Peoples live. Then we believe, look the bid is really to focus on protecting those values and customs and practices and those territories where they live.*
> **researcher: And that's the leverage! **
> *And that's the leverage which we have. That's our biggest one and with the also very hopeful conclusion that, you know… We need…. We are always very cautious that on a local and regional level"* (IIFB 1)

> *"The main difference is the IPBES Global Assessment 2019, which states how most of the biodiversity in indigenous people's lands is well managed, protected and preserved. The report about 1 million species at risk of extinction woke people up and in that report our role was highlighted, so that caused a shift and could enhance collaboration in the future. This shows that local communities and indigenous are sustainably managing nature! Going forward there will be a lot of emphasis on the people's connections with nature and culture, and who best knows those stories than the indigenous peoples? I think that several speeches heard here at WG8J-11 shared a lot of the same ideas on the value of our traditional knowledge and practices in the strategic plan going forward. We have an important role to play and right now the 8J body is not permanent, but we are pushing for a permanent structure. That's the challenge, to convince all the parties, even those who do not value indigenous people's contribution"* (IIFB 2)

> *"IPBES has an operating principle in their conceptual framework that gives equal value to other knowledge systems, therefore ILK was included in the IPBES 2019 GA. Thus, if you read the report it gives an extremely high value to the contribution that indigenous peoples and local communities are making in the reporting of IPBES; in the findings they*

always highlight IPLCs contribution. That changes the evidence-based for the parties to understand what has to be included in the post-2020 strategy" (IIFB 7)

Already mentioned in this thesis but relevant in this point is the Local Biodiversity Outlook, which is also seen as leverage by the members of the IIFB:

> *"Indeed, a very big difference in these two negotiations is that the Local Biodiversity Outlook is now accepted as a source of evidence, accompanying the GBO, which means that our own case studies and our own analysis on the progress being made is on the table for consideration and inclusion."* (IIFB 7)

> *"I was an author of the Local Biodiversity Outlook, where I presented three case studies and worked on the chapter on resource mobilization, therefore I was able to share at the local level how local communities can be financed"* (IIFB 2)

The second edition of the LBO is set to come out shortly in conjunction with the Global Biodiversity Outlook 5 and which further strengthen the case for IPLCs conservation efforts.

Goal attainment

The FPP submission for the post-2010 strategy stressed the need for stronger emphasis on four different points: a rights-based approach, full and effective participation, access and benefit sharing and resource mobilisation. On the other hand, understanding what the goal for the IIFB in the 2020 framework is a rather complex if not impossible task as of right now. The analytical framework points to the fact that it is possible to witness how a result of failed efforts induces NGOs to revise their goals during the process. Since this analysis is located at the very middle of the process, one must assume that the goal of the IIFB is to achieve the inclusion of all its motions either in the targets or in the indicators of the new global framework. However, if the Zero Draft and the OEWG2 discussions are to be considered an intermediary stop, some conclusion can be drawn.

Effects on Negotiation Outcome

In 2010, out of the four main issues advocated by Forest Peoples Programme, the rights-based approach was left out of the text and the other three were already reflected to some extent in the national submissions. Still, Aichi target 18 did encompass the majority of the principles crucial to IPLCs, only not in the extent desired. For that reason, acknowledging the shortcomings by the IIFB and the challenges encountered in achieving a fully inclusive process

in 2010, it can be said that the final agreement did not include the text drafted by the NGO, however it did reflect its principles.

The discussions that arose in Rome point to how the negotiators discussed issues proposed by the IIFB and therefore how the indigenous peoples and local communities were able to shape the agenda to a certain extent. The last indicator of the framework asks whether the NGO was able **to coin a term that became part of the negotiating jargon**. Here I argue that the introduction of technologies in the wording "traditional knowledge, innovation, practices and technologies" can be considered as such. Its use outside the IIFB is not widespread, at the moment. Where the common formulation included "*knowledge, innovations and practices*", IPLCs are now actively inserting *technologies* in the wording of their texts. This was not the case for the two submission on the scope of the post-2020 framework, yet it was present in the Sharm El Sheik declaration and in the third submission concerning target and indicators. In the latter, under the target group on culture and values the IIFB suggest a sub-target on Indigenous and Local Knowledge: "By 2030, fully recognize indigenous and local knowledge, innovations, practices**, and technologies**, with the full and effective participation of indigenous peoples and local communities, while ensuring the respect for their right to maintain control, protect, and develop these" (IIFB submission on targets). Repeating a segment of the interviews above:

> *"The IIFB has been talking about the expansion of traditional knowledge into traditional knowledge, innovation, practices and technologies. This will be a very important stream to look into, because under the technology side there is a lot of discussion on technology transfer. This has been a discussion since the first strategic plan and after 10 years it's still a main debate point, e.g. North-South technology transfer*" (IWBN 1).

Moreover, in the report of the second Open-ended working group, some delegations proposed a list of possible indicators for target 19, of which: "Trends in which indigenous and local knowledge, innovations, practices **and technologies** are respected through their full integration, safeguards and the full and effective participation of indigenous peoples and local communities in the national implementation of the global biodiversity framework (UNEP/CBD/ COP/DEC/XIII/28)." Although present in CBD Decision XIII/28, it was not linked to IPLCs.

6.4.1. Factors enhancing influence

The CBD has proven to be a more than an interesting case study to establish the rise in both numbers and importance of non-state actors actively playing a role in its processes. Within its boundaries and mandate, indigenous peoples and local communities have been granted a higher status than simple citizens since the early stages of the Convention. Yet, their impact and the ability to bring forward a different perspective has not been efficient up until the last years. This study argues that their influence is steadily growing, with decisive improvements when comparing the Second Strategic Plan for Biodiversity 2011-2020 and the post-2020 GBF. Their increasing relevance within the Convention can be identified with the help of the five factors elaborated by Betsill & Corell (2001) in their analytical framework: nature of the issue, history, framing of the issue under negotiation; political opportunity structure; and NGO profile.

Regarding the nature of the subject, biological diversity is not equally distributed amongst the world's nations and different countries attribute a different level of priority to the issue. Unlike climate change, which is considered more as an international concern, biodiversity is somewhat bounded by national borders and its exploitation is conceived as a sovereign right. However, its constant decline testifies about the states' inability, or lack of will, to take measures in order to preserve their natural capital. For that reason, and seen the importance of biodiversity as it constitutes the very foundation of life, the international community took it upon itself to protect the world's environment with several treaties and by declaring biodiversity "*a common concern of humankind"* (United Nations, 1992b). Global attempts have also largely failed in the past decades, as proven by the Global Biodiversity Outlook reports and other relevant scientific assessments. The uncertainty on how to solve the problem and on how to better protect nature at the international level, convinced national governments to cautiously open the negotiation table to a variety of actors able to put forward new perspectives. The whole-of-society engagement can be seen as exactly this, the states recognising the need of a multi-lateral approach to restore our planet. Moreover, in recent years, the understanding that nature preservation has strong social and economic repercussions also promoted a shift towards a multi-stakeholder approach. IPLCs were able to insert themselves within these discussions thanks to their experience-based knowledge in biodiversity conversation, their unique status and the ever-more widespread notion of their positive contributions.

With concerns to the history of the issue, the Convention on Biological Diversity has always been rather advanced in including IPLCs in its work programme. The CBD is the outcome of lengthy negotiations that strived to place a renewed focus on global environmental problems.

During the cultural shift that brought nature to the highest level of international policy, the world was undergoing deep political and social restructuration. The absolute power of the sovereign-state might have never been so challenged as it was towards the end of the past millennia, and the advent of new transnational actors spurred an intense debate on their role in global agreements. Including IPLCs and Traditional Knowledge in the text of the treaty demonstrates that since the very beginning Parties recognised the role of indigenous peoples in achieving the goals of the convention. From 1996, the IIFB has been assigned the task to portray the IPLCs perspectives in the forum, and although its influence was limited at first, its mere presence laid the foundation for future work. The creation of the Ad Hoc Working Group on Article 8(j) is a further sign of commitment in allowing a platform for indigenous peoples to discuss their role and contributions.

The third factor to be considered is the framing of the issue under negotiations. Here the narrative that has been explored in chapter 5, the one defining indigenous peoples as the "guardians of biodiversity" becomes extremely relevant. This notion encompasses both the local and global dimension of biodiversity, since the act of protecting something implies a level of proximity to the object being safeguarded and because biodiversity is increasingly seen as a global common. Indigenous peoples and local communities embody this duality when gathered in the IIFB. Together they represent different rural realities all around the globe and at the same time they speak with one voice in the international arena. Moreover, the renewed commitment of the Secretariat of the CBD to prepare a truly inclusive framework with the inputs from all relevant stakeholders promotes a stronger involvement of non-state actors in the process. In fact, the theory of change underpinning the post-2020 GBF states the need of a necessary whole-of-society approach to make the changes needed over the next 10 years and envisions IPLCs participation as a key enabling condition for the successful outcome of the plan. Thus, the framing of the issues favours an increased level of influence by the IIFB. It is important to notice how the influence exercised by non-state actors is always considered as "relative". This study does not attribute to IPLCs the ability to shape the agenda or to make unilateral decisions. Non-state actors must act within the boundaries set by the Parties, who still yield the so-called "hard power" and ultimately will have the final word on the agreement. Nonetheless, their advocacy activity is yielding results, and particularly in the case of indigenous peoples, one could foresee a future in which they will gain even more negotiating power.

The fourth and fifth factors, political opportunity structure and the profile of the NGO, have already been previously discussed; however, it is deemed appropriate to restate the several

pathways in which the IIFB has been enabled to participate in the discussion. The IIFB has been granted the observer status within the Convention and therefore is allowed to make its statements in plenaries after the ones from national governments. Due to the enhanced participation mechanisms, the IIFB statements hold a higher degree of consideration during the CBD discussions. The several meetings with the Co-Chairs, the recommendations adopted during the WG8J meetings, the guidelines approved by the COP over the years, and the direct engagement with national governments are all pathways in which the indigenous caucus is able to influence the process.

Furthermore, one aspect regarding the NGO profile that has not been mentioned yet is the general support from a wide range of other non-state actors to the IIFB. During the meetings attended for this research, it was possible to observe how in many instances the IPLCs were supported by several NGOs or other caucuses. Amongst these, the previously mentioned Forest Peoples Programme, the Global Youth Biodiversity Network, the International Women Biodiversity Network, the ICCA consortium, WWF and IUCN, Natural Justice and others. Joining all of these voices together reinforces the claims made by the IPLCs and strengthens their negotiations positions.

All of the abovementioned factors are considered by the analytical framework as either constraints or enhancers to the NGO influence. For the reasons stated in this chapter, I argue that in the case of the IIFB, all of these factors are indeed positively contributing to the overall influence of indigenous peoples within the convention. When stating that, I refer to the current situation, and not to the negotiations that led to the Second Strategic Plan for Biodiversity.

6.4.2. Summary

By using the indicators developed by Betsill and Corell, we can now preliminarily determine the influence of the IIFB in the two processes. Modelled on the analysis of the UNCCD and of the Kyoto Protocol (Corell & Betsill, 2001), the results of the study are presented in the table below:

Influence indicator	2011-2020	Post-2020
Presence at negotiations	Low	High
Provision of written information	Limited	Yes
Provision of verbal information	Limited	Yes
Provision of advice through direct interaction	Limited	Yes
Opportunity to define the issue	No	Moderate
Opportunity to shape the agenda	No	Limited
Ability to incorporate text in the agreement	No	Provisional
Level of influence	Low	Moderate

Table 3. *IIFB influence in the Second Strategic Plan for Biodiversity 2011-2020 and in the first phase of the post-2020 Global Biodiversity Framework.*

Representatives of indigenous peoples and local communities were present in both processes, even if their capacity and the amount of resources available differed greatly. The table used by Betsill and Corell does not take into consideration the size and capacity of the NGOs analysed. This is perhaps due to the fact that the framework, despite its large flexibility, was elaborated to investigate the influence of several NGOs grouped together. Therefore, I would argue that a further specification in this aspect is needed to ensure that a more complete analysis of NGOs participation. As testified by multiple interviews, the IIFB was present in Nagoya in 2010 but the group was smaller and unable to follow the complex negotiations taking place. The main issues encountered in the Second Plan negotiation process can be traced back to inexperience, lack of capacity (IIFB 4), and a different attitude by national governments.

As regards the provision of verbal and written information, the differences across the two plans are clear. The IIFB did not formally submit their input in the 2011 process, instead this task had been carried out by Forest People Programme. However, even without a formal submission, indigenous peoples and local communities were consulted throughout the revision process and were present in Japan to negotiate directly with the Parties:

"Yes, we were part of the negotiations for the 2011-2020 plan, which happened in Nagoya. For the specific target 18 there was a group of IIFB members who were nominated to be part of the negotiations and because it was related directly to IPLCS, the IIFB negotiating team were directly negotiating with the parties. When they were making proposals, we were making our counter proposals, and finally it landed in the wording of target 18." (IIFB 7).

Their influence during the conference however remained limited. In the 2020 process however, the IIFB has provided three well-structured submission so far and has been active in all sessions of the process, including the technical SBSSTA meetings and the thematic workshops organised by the CBD. Their participation is largely documented, and their influence is far greater than a decade ago. In fact, the IIFB has been engaged in several private session with government delegates and stakeholders' representatives, strengthening their position and building synergies with other actors involved in the process.

Indigenous peoples and local communities in the post-2020 process have had the possibility of following the negotiations from the very beginning and they have also been considered by the co-chairs a vital component of the new framework. For that reason, when it comes to IPLCs issues, the IIFB is largely consulted by CBD officials and national delegations to shape the relevant targets and components of the new plan, something that had not happened in the 2011 process. Furthermore, by holding the 11th session of the WG8J in the middle of the first two open-ended working groups and right before SBSSTA23, indigenous instances were placed at the centre of the discussions and gained more visibility.

Unfortunately, this study took into consideration a limited timeframe, hence it is not possible at the moment to verify whether the language proposed by the IPLCs will actually be included in the final text of the agreement. Nevertheless, when analysing the Zero Draft, it becomes obvious how traditional knowledge and indigenous peoples are more present than in any previous strategy. Their role in the negotiations of the new framework, the opening to their perspective permitted by the Parties and the proactive engagement of the Secretariat allow the researcher to presuppose their inclusion in the post-2020 global biodiversity framework.

The core themes of the IIFB submissions have been included in the Zero Draft: full and effective participation, free prior and informed consent, the recognition of their rights, the importance of traditional knowledge, intergenerational equity, gender considerations and resource mobilization. Through dialogues with indigenous representatives, it was also possible

to establish the strong will of the IIFB to be included in all targets of the new plan, and not only in the one dedicated to them, as it was the case of Aichi 18. The realisation of such vision will be extremely hard to achieve, yet the discussion on indicators and sub-targets is far from being completed. The next SBSTTA and Subsidiary Body on Implementation meetings, postponed to the first quarter of 2021, will thus prove to be crucial. These venues, however, have been rather complicated for the IIFB advocacy efforts:

> "*SBSTTA is also for us a pretty difficult form, because we still have, after all these years, a bit of stove piping in isolation of different negotiating bodies. There are still those who say "oh we've dealt with that over in 8J, we don't have to deal with that here"* (IIFB 1).

To conclude the analysis, one last question must be asked, part of the counterfactual analysis process: what would have happened if the IIFB had not participated in the negotiations?

In the case of COP 10 in Nagoya, evidence points towards the conclusion that even without the presence of the IIFB, a target on traditional knowledge would have been included due to the nature of the CBD and because of the elements outlined by the received submissions by other stakeholders. On the contrary, in the case of the post-2020 framework, IPLCs are considered an essential component of the plan to achieve the whole of society approach presented by the co-chairs and to promote the transformational change advocated by the theory of change underpinning the entire plan.

Based on the data gathered throughout the study, an analysis of the history of IPLCs participation and direct observation at key negotiations meetings, I argue that the influence of IPLCs in the post-2020 Global Biodiversity Framework has been moderate. In the event that the instances promoted by the IIFB were to be crystallised in the final version of the text, either in the form of target formulation, indicators or enabling factors, the influence of the indigenous caucus could even be elevated to "high". This would represent a historic precedent in the realm of IPLCs participation in international environmental agreements and could foster the application of a more inclusive process also in other multilateral environmental agreements.

7 Discussion

This chapter discusses the empirical findings with the help of the theoretical framework elaborated in the previous segments. It is divided in three sections: the first section elaborates on the results through the lenses of global governance theory and merges evidence gathered through the answers of the first four sub-research questions; the second section highlights the lessons learned by the IPLCs throughout these processes and the researcher then provides some personal insights on possible areas to explore in order to help indigenous peoples better portray their contributions within the CBD.

By trying to establish the influence of the IIFB in international environmental negotiations, the hereby presented thesis acknowledges the existence of other spheres of authority shaping the international arena and the complex connections they have with nation-states. Kelly's proposition that NGOs have been successful in promoting procedural and discursive change in low politics in the international arena (Kelly, 2007) is proved correct by the empirical findings of this study, especially in the negotiations for the post-2020 framework.

Moreover, when considering the pathway of influence outlined by Bernstein and Cashore (2012), it is interesting to notice how the IIFB has followed the fourth pathway of direct access. The knowledge sharing efforts through the network at the international level are ultimately aimed at influencing the "environmental performance" on the ground. The decision to follow this path derives from the lack of possibilities or capacity, until now, to pursue the second pathway: the diffusion and implementation of international norms and discourses (Bernstein & Cashore, 2012). These norms have the ability to an define and regulate appropriate domestic behaviour (Bernstein & Cashore, 2012). An analysis of the four propositions of this pathway will help the reader understand why it cannot be stated at this moment that the IIFB successfully modified states' behaviour through international norms:

> *2(a). Norms agreed to in international fora and promoted by powerful or influential organizations influence the direction of policy change when governments or firms face external pressures to change policies*. While progress has been made over the years by the IIFB, it is too early to define it as a powerful or influential organisation. At the moment, this collective can be regarded only as an advocacy group striving to pressure a shift in domestic policies. On a different note, the UNDRIP could be considered as a norm agreed in an international forum, but its soft law nature limits its power in enforcing change. The

progress achieved by IPLCs so far needs to be regarded as a first starting point, and not as the end of a process.

2(b) Strategies for change based on international norms and discourse depend on the moral vulnerability of the target state or firm. Being the international environment arena considered as low politics and because of the power exerted by the Parties within the CBD, it is hard to foresee how failure to appropriately include IPLCs instances in their NBSAPs could force a behavioural change. An interesting area to further research will be the impact of these negotiations in countries with a large percentage of the population represented by indigenous peoples or governed by indigenous representatives.

2(c) Success depends on resonance with domestic ideology, culture and broader policy goals, not on targeting particular actors or domestic policy networks. Throughout this study it has been shown how certain countries have successfully limited the inclusion of specific sensitive topics in the past, such as IPLCs rights over relevant resources. Furthermore, the degree of inclusions of indigenous peoples' issues in national submission is highly variable. This denotes the diversity of vulnerability of each country to these themes and the challenges faced in integrating an international norm at the state level. A change in domestic policy will necessarily take into consideration national circumstances. Yet, the volatility of national governments does not allow future predictions, making it impossible to assess now the extent of IPLCs success in influencing the post-2020 process.

2(d) The importance of learning networks suggests success along this pathway is more probable when the fourth pathway (direct access) is also travelled. This last proposition offers the perfect bridge to the conclusion of this study. The fourth pathway is the one being currently being followed by IPLCs, yet their ultimate intention seems to be to successfully promote a change at the national level through the establishment of an international discourse. As testified by one interviewee: *Indigenous Peoples have to work at the global level in order to get the minimum standard of norms that should guide actions of governments* (IIFB 7). The establishment of such narrative, able to enact change, is far from achieved and will require both time and incessant efforts. Consequently, the IIFB work must be effective in constantly capitalising the opportunities offered by engaging in the international arena. Accomplishment such as the UNDRIP must be celebrated as milestones towards the attainment of what perhaps can be considered the ultimate goal of IPLCs: equity.

In line with this last argument, a minor step back in this process has been observed over the course of this study. At the conclusion of the 11th meeting of the Ad Hoc Working Group on Article 8(j) and related provisions, both IPLCs and Member States agreed to delay the establishment of a permanent body within the Convention for Article 8(j). While the argument for some countries was that the subsidiary body had fulfilled its mandate and had no reason to exist any longer, IPLCs representatives decided to wait to see the outcome of the post-2020 framework. Indigenous peoples were reluctant to agree on a permanent structure before knowing the exact direction of the CBD for the next ten years. Despite the firm stance behind this argument (IIFB 1), a senior IPLCs representative and a high-level official from the CBD expressed their concern over this missed opportunity:

> *"As you know, the conclusion of the WG8J-11 was that neither the Parties, nor the IPLCs were ready to establish a working programme for this body until a post-2020 global biodiversity framework is in place. I was frankly disappointed, because I do not understand how the IPLCs agreed on having no working programme for the next two years. In the bureau and working group meetings, I was of the view that we can have a programme of work and it be revised as necessary once a post-2020 global biodiversity framework is completed, but they were satisfied with this outcome. They want to take into consideration the final post-2020 framework, but by having a programme they could have adapted it to the new decade-long strategy. As the new strategy is expected to have a stronger focus on implementation, there is no need to postpone the establishment of a working programme solely to see the outcome of the COP15 in Kunming"* (COP 1)

> *"You see there are two areas here, the post-2020 framework and the programme of work for the WG8J, which we wanted to make not only "and related provisions" but "and OTHER related provisions". We want to make sure that we develop a work plan that involves IPLCs in all thematic areas of the convention and* ***personally I believe that we, as indigenous peoples, focused too much on the post-2020 and we failed to come up with detailed elements of work for the programme of 8J.*** *Therefore, we decided not to hurry, but rather having the programme delayed so that we would be able to discuss comprehensively and develop a workplan that we decided and that could be approved by the parties, which play a very important role."* (IIFB 3)

The delicacy and intricacy of the issue make it extremely hard to define whether this was indeed a failed opportunity in capitalising the pluriannual successes of WG8J. As a researcher, I argue

that **if** the post-2020 global biodiversity framework does not include IPLCs proposals to the extent desired by the IIFB, the decision to focus primarily on this negotiation and postpone the creation of a permanent body will indeed prove to be a mistake and could increase the time for IPLCs to gain more authority within the Convention.

7.1. Lessons learned

The interaction with indigenous representatives, the interviews carried out during the period of field research, the analysis of the IPLCs submissions ten-years apart and the academic literature on the topic allow some considerations on the lessons learned by the indigenous caucus over the last two decades.

One of the most important developments for the post-2020 negotiations has undoubtedly been the IPBES 2019 Global Assessment. The scientific report is now seen as political leverage and it has been used by the IIFB both in written and oral submissions. The focus on information aligns well with the theoretical framework previously elaborated. Information exchange is a fundamental activity in the transnational advocacy networks as conceptualised by Keck and Sikkink (1999). It also plays a crucial role in defining the term influence in Betsill and Corell's framework. The global assessment is only one of the international reports that have been used by the indigenous caucus to support their claims, which have been based also on the Global Biodiversity Outlooks and on the Local Biodiversity Outlooks. The fifth edition of the GBO and the second edition of the LBO provided new scientific data and leverage to the indigenous caucus in preparation of the 2021 meetings. So far, the IIFB has witnessed the revolutionary charge of such reports and made great use of the notions therein.

The second lessons learned deals with understanding the process and fostering relations with governmental delegates. Discovered through direct interviews, the process that led to Aichi 18 lacked a basic understanding on how the negotiations were structured by the IIFB. Nowadays, it seems that the majority of IPLCs representatives present at the negotiations understand the modus operandi of the Convention and the boundaries within which they can operate. A member of the caucus from Latin America stated:

> "*This is a process where IPLCs representatives only learn by doing and by experience…. The other issue is to respect the steps that the IIFB has been creating throughout the years, so if there is a process, we need to follow it and they can't push us in accelerating*

our times. If there are procedures at the CBD secretariat or within the IIFB, these need to be respected." (IIFB 9).

Moreover, the dialogue with government representatives is imperative as they are the final decision-makers. For these relationship to flourish there needs to be time and the mutual understanding of the possibility of a win-win solution. The frantic movement within the plenary seats or the hallways, the several close-door meetings with different representatives and the engagement with national focal points are practices that have been and will be promoted by the IIFB going forward. One senior member of the IIFB stated:

"*The IPLCs came up with the idea of partnering with governments because when we make statements, we need the support by governments. Since we need them, we must talk to them. If you look at the plenary, people keep on walking around and having bilateral talks. Every issue we need to consult with a government in order to receive support and sometimes guidance or tips. This is a way of working that is very important*" (IIFB 3).

The third and last lesson that could be observed by analysing the inputs of the IPLCs in the two plans is the improved structure of the written submission. By clearly enunciating the scope, underlying the key principles promoted, differentiating cross-cutting issues from specific ones, and by even providing suggestions for targets and indicators, the IIFB has enormously increased its clarity in communication. A structured proposal also enhances the comparability with national submissions, facilitating the task of finding synergies and possible conflicts to be discussed.

As attested by one member of the IIFB from the Latin America Region when asked about the growth over the two decades and the lessons learned:

"The difference in the new negotiations is that we have experiences in trying to achieve targets, goals, visions, set indicators and we see how the Parties and IPLCs have troubles in implementation. We are now understanding those technical, human and financial limitations. We definitely have more understanding now, but the time is extremely short. We can't discuss too much now; we need to act. But this is an obstacle because amongst IPLCs we need to discuss clearly internally our positions. We don't have the time, but we need to take a risk and prepare something." (IIFB 9).

7.2. Policy recommendation to the IIFB

The very last segment of this study will strive to identify areas in which the indigenous caucus could look into to further enhance their influence within the Convention. These suggestions are not to be understood as the researcher's overstatement of its own understanding of a three-decade long process, rather they are the answer to a request raised by a senior member of the IIFB during the interviews carried out in Montreal. In its words: "*It is also important that you give us recommendations to us on how we can strengthen our work and also give it visibility*". The study therefore elaborated four recommendations:

1. **Conduct a deeper analysis of the Parties and Observers' submissions prior to the physical meetings**. While carrying out this research, I have encountered a wide number of NGOs and States that have been promoting the same issues as the indigenous caucus and that advocated for a more inclusive process. However, when following the work of the IIFB during the physical meetings, only a few of these organisations were invited in the indigenous people's room to discuss the development of the negotiations or were seen interacting with members of the IIFB. I understand how time during these events is extremely limited, and how personal relations with specific delegates have been prioritised. Nevertheless, a deep study of the documents submitted to the Secretariat can discover interesting contact points, spark synergies and create new partnerships.

2. **Establish a liaison officer of the IIFB**. The structure of the IIFB, as understood by the researcher, includes regional coordinators and two co-chairs, but lacks a dedicated delegate charged with the task of tactically organising and structuring the interactions between IIFB members and other relevant stakeholders. A more centralised role will allow external members to have a clear reference to contact when dealing with IPLCs and will provide the caucus with a more general overview of the most strategically important players in each thematic area.

3. **Foster partnership with universities and research institutes taking part in the CBD negotiations or in the topic of indigenous peoples' contribution to biodiversity**. This thesis is part of a wider project on Indigenous Knowledge, Politics and Accountability in Global Biodiversity Governance, supported by the Wageningen Centre for Sustainability Governance Incubator. The insights of this work will, hopefully, not only contribute to the academic debate but also bring to the forefront the

immense contribution by IPLCs in biodiversity conservation. These studies will enhance the visibility of indigenous peoples and will serve indirectly as a vector to portray the efforts and achievements of the IIFB. Wageningen University and Research was not the only academic institution present at the physical meetings of the CBD. Through direct interactions, the researcher was able to meet several young professionals interested in the same issue. For that reason, I propose to create an "exchange programme" where the IIFB allows one or two researchers to follow its work during each CBD meeting in order to advance the academic debate, and to provide the indigenous caucus with new scientific information to further base their negotiating positions. The definition of the scope of each research could be established jointly by the researcher and the IIFB, in order to maximise the possibility of a win-win scenario. Since the Secretariat of the Convention allows public access to most of its meetings, involving external academics will not entail additional resources by the caucus and could prove to be rather beneficial.

4. **Create a database with data on IPLCs and biodiversity available on the IIFB website**. During these months of research, I often found myself wondering about the great potential that a databank collecting all relevant information on IPLCs involvement in biodiversity governance (scientific articles, case studies, political declarations, legal instruments and news articles) could have. This instrument would provide a strong basis for future work by academics and NGOs, it would allow the IIFB to decide which documents could be highlighted and gain more visibility, and it would also be an incredible tool for sharing knowledge within the extended IIFB network.

8 Conclusions

This thesis aimed to answer the question on what has been the uptake of concepts, perspectives and approaches to biodiversity governance from IPLCs in the inter-governmental political process that shaped the Second Strategic Plan for Biodiversity Conservation and in the first phase of the negotiations leading to the post-2020 GBF. By analysing the IPLCs' submissions in both processes, the research was able to identify core themes proposed and the evolution of the efforts made by the indigenous caucus, grouped under the IIFB umbrella. The main principles guiding the indigenous work were present in both submissions, but the inputs to the post-2020 process denoted a clear improvement in structure and clarity. Overall influence of the IIFB has increased from low to moderate in the last ten years.

Furthermore, by looking at the national submissions, the research was able to avoid the pitfall of overdetermination of IPLCs influence and to map the different passages that resulted in Aichi Target 18 and Target 18-19 of the Zero Draft of the post-2020 Global Biodiversity Framework. The overview also provided the reader with a collection of governmental perspectives on how indigenous people were acknowledged in different national proposals.

The thesis aimed at highlighting an area underrepresented in academic literature, namely the influence of IPLCs within the political processes shaping global biodiversity policy. Additional research based on this study could also explore the nature and the basis of the special status granted to indigenous communities within the UN Convention on Biological Diversity and the intricate discussions surrounding the concept of sovereignty between national governments and indigenous peoples.

The results of this thesis and the finding acknowledging a growing influence of IPLCs in the CBD, in particular in the development of the new framework, is also further confirmed by the latest version of the Zero Draft. In the revised document published in September 2020 – thus after the analysis for this thesis was completed, IPLCs were mentioned in the following sections:

- **Target 12**. By 2030, increase by [X] benefits shared for the conservation and sustainable use of biodiversity through ensuring access to and the fair and equitable sharing of benefits arising from utilization of genetic resources and associated traditional knowledge.

- **Target 19**: By 2030, ensure that quality information, including traditional knowledge, is available to decision makers and public for the effective management of biodiversity through promoting awareness, education and research.
- **Target 20**: By 2030, ensure equitable participation in decision-making related to biodiversity and ensure rights over relevant resources of indigenous peoples and local communities, women and girls as well as youth, in accordance with national circumstances
- **Enabling Conditions (a)**: The participation of indigenous peoples and local communities and a recognition of their rights in the implementation of the framework;
- **Enabling Conditions (d):** Recognition of intergenerational equity, including the transmission of knowledge, language and cultural values associated with biodiversity, especially by indigenous peoples and local communities;
- **Implementation support mechanisms:** Greater protection of traditional knowledge and recognition of its contributions to the conservation and sustainable use of biodiversity;
- **Outreach, awareness and uptake:** Increasing understanding, awareness and appreciation of the values of biodiversity including the associated knowledge, values and approaches used by indigenous peoples and local communities;

Nonetheless, this document provides only a further basis for negotiations and is not yet an agreed text. The road to Kunming has proven to be extremely long and tortuous, with major unforeseeable obstacles such as COVID-19 that have determined the postponement of key preparatory meetings. Unfortunately, the urgency with which the biodiversity loss crisis must be tackled does not allow many stops along the way. Collaboration, intercultural dialogue and mutual respect are preconditions to successfully reach the final destination represented by COP15. Everybody has a role to play in this process, but while we look at future, we must not forget about the important lessons learned in the past. And who could transmit this knowledge to the next generation better than the true guardians of biodiversity?

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- Commonwealth of Australia
- Republic of Botswana
- Federative Republic of Brazil
- Canada
- European Union
- Japan
- United Mexican States
- New Zealand
- Kingdom of Norway
- Republic of South Africa
- Forest Peoples Programme

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Submissions

- Commonwealth of Australia
- Republic of Botswana
- Federative Republic of Brazil
- Canada
- European Union
- Japan
- United Mexican States
- New Zealand
- Kingdom of Norway
- Republic of South Africa
- International Indigenous Forum on Biodiversity
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