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# **TOWARDS SB8(J)01 : POLICY BRIEF SECURING LAND TENURE AND GOVERNANCE FOR INDIGENOUS PEOPLES & LOCAL COMMUNITIES (IPLCS) AND EMBEDDING TRADITIONAL LANDS AND RESOURCE USE IN SPATIAL PLANNING & ENVIRONMENTAL IMPACT ASSESSMENTS (EIAS), WITH GENDER CONSIDERATIONS**

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## ***Summary***

The Kunming-Montreal Global Biodiversity Framework (KM-GBF), in particular Targets 3, 21 and 22, emphasise the recognition and respect of the rights of Indigenous Peoples' and local Communities (IPLCs), and the full, equitable, inclusive, effective and gender-responsive participation in biodiversity governance;

Secure land tenure and governance by IPLCs, including women, contributes significantly to the achievement of biodiversity targets and to upholding human rights obligations;

Customary tenure systems and traditional knowledge play a crucial role in biodiversity conservation, ecosystem restoration and sustainable use, and are therefore crucial to be incorporated into spatial planning and environmental impact assessments.

### **What is the issue?**

At COP 16, Parties to the CBD took a historic decision to establish a Subsidiary Body on Article 8(j) and other provisions related to Indigenous Peoples and Local Communities (IPLCs), recognising their unique role, knowledge, and practices in implementing the Convention and the

Kunming-Montreal Global Biodiversity Framework. A new Programme of Work on Article 8(j) was also adopted, to be guided by principles of meaningful, inclusive, and gender-responsive participation of IPLCs at every stage, aligned with the Gender Plan of Action (2023–2030), and built on partnerships grounded in ethics, equity, and

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mutual respect. In the same decision, the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on Biological Diversity Related to Indigenous Peoples and Local Communities is requested to undertake Task 1.2 of the programme of work to identify and promote best practices to secure land tenure and governance by indigenous peoples and local communities and develop guidelines for the inclusion and consideration of traditional lands and of resource use in spatial planning processes and environmental impact assessments, in accordance with national legislation and international obligations.

### **Why is it important?**

Indigenous Peoples' and local communities and especially women and girls within these communities, often face barriers in securing recognition and protection of their lands, governance systems, and decision-making authority. Despite their central role in biodiversity stewardship and sustainable resource management, gender-specific knowledge, leadership, and contributions are frequently overlooked in spatial planning and environmental assessments. This exclusion risks ecological degradation, social inequities, and loss of culturally grounded conservation practices. Securing land tenure and governance for IPLCs is crucial for effective biodiversity conservation and sustainable land management. Recognising and integrating traditional lands and resource use into spatial planning and environmental impact assessments ensures that IPLCs' rights are upheld and their contributions to conservation are acknowledged. This approach aligns with international obligations and supports the achievement of global biodiversity targets.

### **What should be done?**

**Secure Indigenous Peoples' and local communities' tenure, access and governance practices including of women and girls within these communities**

Securing land tenure and governance for IPLCs requires Parties to identify and promote successful legal and policy models that recognise customary tenure and strengthen community authority. Colombia's resguardos provide collective Indigenous land titles that contribute both to cultural survival and forest conservation, while Namibia's communal conservancies legally empower communities to manage wildlife and derive sustainable benefits. Bolivia's Planes de Vida (Life Plans) and Indigenous autonomies illustrate how governance systems rooted in cultural priorities can align with national legal frameworks. The Subsidiary Body on Article 8(j) could



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recommend that Parties adopt similar models adapted to their national contexts, ensuring that IPLC governance is formally recognised and protected through secure tenure rights. In this way, tenure security becomes a foundation for both biodiversity conservation and social equity.

Securing land tenure and governance for Indigenous Peoples and Local Communities (IPLCs) must also explicitly address the differentiated challenges faced by women, who often lack formal recognition of their customary rights despite being primary resource managers. The Subsidiary Body on Article 8(j) could recommend that Parties adopt tenure models that mandate gender-equitable recognition of rights and ensure women's participation in governance bodies. By embedding gender-responsive safeguards in tenure systems, Parties can secure both biodiversity and social justice outcomes.

### **Integrate IPLC lands and resource use in spatial planning**

Spatial planning should formally embed customary territories and traditional use areas into land-use plans, zoning systems and cadastral records to safeguard IPLC rights and biodiversity stewardship. In Canada, Indigenous Protected and Conserved Areas ([IPCAs](#)) demonstrate how Indigenous-led governance can align with national conservation targets. Participatory mapping, community statutes, and territorial planning processes provide IPLCs with valid instruments to shape spatial planning outcomes. The Subsidiary Body on Article 8(j) could encourage Parties to institutionalise culturally appropriate consultations and Free, Prior and Informed Consent (FPIC) in all planning decisions affecting IPLC territories. Such steps would

ensure that national planning frameworks respect IPLC rights and integrate their knowledge into land governance systems.

Spatial planning processes should integrate customary territories and traditional use areas while also ensuring that women's perspectives and knowledge are not excluded from land-use decisions. The Subsidiary Body on Article 8(j) could encourage Parties to institutionalise gender-responsive participatory mapping, ensuring that women's priorities are fully incorporated into spatial planning. Embedding gender considerations in spatial governance not only safeguards rights but also enhances the resilience of biodiversity strategies.

### **Strengthen Environmental Impact Assessments (EIAs)**

Environmental Impact Assessments (EIAs) should expand their scope to include impacts on customary tenure, resource access, and culturally significant landscapes, rather than limiting analysis to environmental and economic considerations. The Philippines' Indigenous Peoples' Rights Act ([IPRA](#)) requires FPIC for projects in ancestral domains, while British Columbia's [guidance](#) on Indigenous knowledge in EIAs offers practical procedures for safeguarding confidentiality and respecting Indigenous knowledge systems. These approaches demonstrate how assessments can be both scientifically rigorous and culturally appropriate. The Subsidiary Body on Article 8(j) could urge Parties to make gender-differentiated analysis a standard component of EIAs, ensuring that women's roles, knowledge, and vulnerabilities are recognised. For example, women in many

Indigenous communities are the primary gatherers of water, fuelwood, and medicinal plants, and project impacts on these resources disproportionately affect them. Strengthened and inclusive EIAs would reduce conflict, improve project legitimacy, and enhance biodiversity outcomes.

### **Advance gender equality**

Gender equality is central to securing tenure and governance for IPLCs, as women frequently face the most significant barriers to recognition, participation, and benefit-sharing. Evidence from community forest governance in India under the Forest Rights Act demonstrates that women's leadership can strengthen both livelihoods and biodiversity stewardship. Guaranteeing women's representation in governance bodies, alongside providing targeted support for participation, leadership, and access to financial resources, ensures more inclusive and resilient conservation outcomes. The Subsidiary Body on Article 8(j) could recommend that Parties develop gender-responsive indicators to track women's participation, tenure security, and equitable benefit-sharing. Embedding gender considerations across tenure, planning, and EIA processes would deliver on the Gender Plan of Action and reinforce the effectiveness of the KM-GBF.

### **Revise and update guidance**

Existing CBD guidance, particularly the Akwé: Kon Guidelines, provide a framework for cultural, environmental, and social impact assessments (CESIAs) regarding any development proposed on or likely to impact sacred sites and lands/waters traditionally occupied or used by Indigenous and Local Communities (IPLCs). It could be revised and updated to explicitly include land tenure, governance, and gender-



-responsive safeguards. These revisions could be complemented by wider promotion of global tools such as the ICCA Registry and the LandMark Map, which document IPLC-led conservation efforts and make visible women's and communities' contributions to biodiversity governance. Such resources strengthen recognition of customary lands and resource use in national and international decision-making. The Subsidiary Body on Article 8(j) could recommend both the updating of the Akwé: Kon Guidelines and the formal integration of these tools into planning and assessment processes. By doing so, Parties would strengthen safeguards for IPLCs, ensure gender equity, and promote globally recognised standards for inclusive biodiversity governance.

## References

- Hammen, C. M. van der (2003). The Indigenous Resguardos of Colombia: their contribution to conservation and sustainable forest use: <https://portals.iucn.org/library/sites/library/files/documents/2003-017.pdf>
- ILC Toolkit 5: Indigenous Peoples' and Local Communities' Land Rights Toolkit: <https://learn.landcoalition.org/en/resources/ilc-toolkit-5-indigenous-peoples-and-communities-land-rights/>

## About this brief

This publication by Women4Biodiversity has been collated from its submission to the CBD Secretariat in response to its notification soliciting views on the first meeting of the Subsidiary Body on Article 8(j), to be held in Panama in October 2025. It is part of a series of briefs aimed at informing and supporting negotiations at SBSTTA 27 and SB 8(j), with a focus on gender-responsive approaches, Indigenous and local community participation, and rights-based biodiversity governance.

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