



INDIGENOUS PEOPLES' KEY CONCERNS AND RECOMMENDATIONS TO THE NATIONAL BIODIVERSITY STRATEGY AND ACTION PLAN (NBSAP) OF NEPAL

POSITION PAPER



Indigenous Peoples' key concerns and recommendations to the National Biodiversity Strategy and Action Plan (NBSAP) of Nepal

Nepal is a state party to UN Convention on Biodiversity (CBD). On December 19, 2022, the CBD adopted the Kunming-Montreal Global Biodiversity Framework (KMGBF) that makes multiple references to human rights including the rights of Indigenous Peoples such as their right to full and effective participation in decision-making processes and respect and recognition of customary practices.

Parties to CBD formulate their national biodiversity strategy as required by KMGBF. Nepal being a party state is currently in the process of developing its new National Biodiversity Strategy and Action Plan (NBSAP) in line with the KMGBF. To this end, the Nepal Federation of Indigenous Nationalities (NEFIN) and National Indigenous Women Forum (NIWF), the representative



organizations of Indigenous Peoples and Indigenous Women of Nepal, in funding support of WWF Nepal, held rounds of consultations with Indigenous Peoples in Nepal at local, provincial and national levels.

During these consultations, the participants generally opined that the KMGBF are relatively progressive from the lens of Indigenous Peoples' rights, with some of the 23 targets (such as Targets 1, 3, 5, 9, 19, 21, and 22) explicitly mentioning Indigenous Peoples' rights. The four goals and other targets envisioned to be achieved by 2030 are also relevant to Indigenous Peoples. NEFIN and NIWF on behalf of the Indigenous Peoples of Nepal re-assert the following key rights concerns pertaining to respective KMGBF targets and hereby strongly recommend to the Nepal government to address them in the new NBSAP of Nepal:

1. Actions to bring the loss of area of high biodiversity importance close to zero should at the same time respect the rights of Indigenous Peoples (Target 1).
Any land use change should not interfere with Indigenous Peoples' traditional management of natural resources.
2. While adopting equitably governed systems of protected area and other effective area-based conservation measures, the rights of Indigenous Peoples including their rights over traditional territories should be respected. Their age-old traditional knowledge, values and contribution to biodiversity conservation should be recognized (Target 3).
3. Sustainable use, harvest and trade of wildlife species should respect and protect customary sustainable use of wildlife species by Indigenous Peoples. (Target 5).

4. Climate change has a disproportionate effect on Indigenous Peoples. Nature-based interventions to increase biodiversity resilience should incorporate Indigenous knowledge and practices and should not jeopardize or interfere with their nature-friendly lifeways and worldviews (Target 8 and 11).
5. Sustainable use and management of wildlife species should yield social, economic and environmental benefits for Indigenous Peoples considering their vulnerability and reliance on biodiversity for survival. Customary management practices of biodiversity products and services by Indigenous Peoples should be protected and promoted (Target 9)
6. Benefits from the utilization of genetic resources and from traditional knowledge related to genetic resources should be fairly and equitably shared with Indigenous Peoples. Additionally, Indigenous Peoples' traditional knowledge pertaining genetic resources should be protected and promoted (Target 13).
7. Schemes such as ecosystem payment services, green bonds, biodiversity offset and credits and benefit sharing mechanisms should adopt strong social safeguard measures. Biodiversity conservation efforts should enhance the role of collective action including Indigenous Peoples and adopt non-market-based approaches including community-based resource management practices (Target 19).
8. Biodiversity-inclusive decision making process should be adopted. Free prior and informed consent (FPIC) should be used generally in all matters concerning Indigenous Peoples, and specifically while accessing Indigenous Peoples' traditional knowledge, innovation, technologies, and practices (Target 21). When need be, Indigenous intellectual property rights should be upheld.
9. Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by Indigenous Peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by Women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders. (Target 22).

KMGBF acknowledges the important roles and contributions of Indigenous Peoples as custodians of biodiversity and an important ally in its conservation, restoration, and sustainable use. It's implementation must ensure that the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of Indigenous Peoples are respected, documented, and preserved with their FPIC, including through their full and effective participation in decision-making, in accordance with relevant

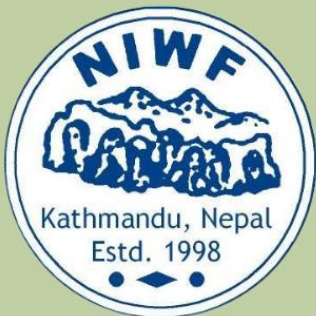


international human rights standards as provisioned in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), CBD and ILO 169, among other instruments, and by harmonizing the existing national legal framework as required.



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