



**PRESENTATION OF THE IIFB'S CONTRIBUTIONS ON  
THE REVISION OF THE FRAMEWORK FOR MANAGEMENT AND DISCLOSURE OF  
RISKS AND OPPORTUNITIES RELATED TO THE NATURE OF THE TNFD, BETA  
VERSION V0.4 AND ASSOCIATED DOCUMENTS.**

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## 1. INTRODUCTION

The International Indigenous Forum on Biodiversity (IIFB) presents its views which apply to all the documents related to the TNFD Nature-related Risk and Opportunity Management and Disclosure Framework (TNFD Framework).

These views are the result of dialogues between the TNFD Secretariat, IUCN and the IIFB conducted from July 2022 to May 2023.

This document presents text recommendations and the rationale for each. The suggested changes for the introduction in the text are presented in **GREEN CAPITAL LETTERS**, and the text proposed to be deleted is ~~crossed-out-with-red~~.

This document contains the following sections:

- **General Comments:** This section refers to IIFB's general views of the TNFD Framework and its relevance to indigenous peoples and local communities and recommend specific recognition to the rights and roles of Indigenous Peoples and Local Communities in the introduction of the TNFD Framework.
- **General Framework of Indigenous Peoples Rights:** In this section IIFB presents an overview of the history of the recognition of Indigenous Peoples rights and why business or financial institutions should have respect for the rights of indigenous peoples as a minimum standard.
- **Kunming Montreal Global Biodiversity Framework, Its Goals and Targets Relevant to the TNFD Framework:** In this section IIFB present that the TNFD framework should promote the commitments and ambition of the Kunming-Montreal Global Biodiversity Framework (K-MGBF) as minimum standard.
- **Indigenous Peoples and Local Communities, Stakeholders, Rights Holders:** In this section the IIFB argues the importance and need of explicitly mentioning and including the term “Indigenous Peoples and Local Communities”, before the word stakeholders in the TNFD Framework and its associated documents.
- **TNFD Nature-Related Disclosure Recommendations:** In this section IIFB presents its suggestions for specific disclosure recommendations for business and financial institution whose operations impact Indigenous Peoples and Local Communities.
- **LEAP Approach:** In this section IIFB presents its recommendations on the LEAP approach that business and financial institution should follow with Indigenous Peoples and Local Communities living in these areas, where they carry out their operations.
- **Guidance on Indigenous Peoples and Local Communities and Stakeholders’ Engagement:** In this section IIFB presents an analysis on why it is important to consider a specific and separate engagement process with indigenous peoples and local communities.
- **Glossary of Key Terms:** In this section IIFB reviews the concepts and suggests to add other definition and concepts.
- **Annex I. Compilation of International Law on Indigenous Peoples Rights.**
- **Annex II. Compilation of Indigenous Peoples Rights**
- **Annex III. Compilation of Goals and Targets Related to Indigenous Peoples and Local Communities**



- **Annex IV. Relevant Biography**

The IIFB extends its thanks to Indigenous Peoples and Local Communities leaders from the seven cultural regions, to IUCN and, the TNFD Secretariat for the frank and respectful dialogue and has the hope that these recommendations will be considered in the version of the TNFD Framework version 1 to be published on September 1, 2023. IIFB also clarifies that this dialogue process was a dialogue and not a consultation process with Indigenous Peoples and Local Communities.

IIFB hopes that the version 1 of the TNFD Framework becomes a tool for business and financial institution to improve the respect and relation from the private sector to Indigenous Peoples and Local Communities rights and roles, which can contribute to the protection of mother earth.

IIFB's hope is to continue with the dialogue to ensure the full and effective participation of Indigenous Peoples and Local Communities in the process before, during and, for the implementation of the TNFD Framework.

## 2. GENERAL COMMENTS

- **Recognition of role and rights of Indigenous Peoples and Local Communities in biodiversity conservation:** Indigenous Peoples and Local Communities conserve the greatest biodiversity in their lands, territories, and waters and maintain a close relationship with nature, therefore any business or financial institution that is going to have its operations or will impact, must disclose its actions to respect the rights of Indigenous Peoples and Local Communities. Therefore, the IIFB recommends that the TNFD framework includes, in its introduction, a specific recognition of the roles, rights and contributions of Indigenous Peoples and Local Communities, as follow:

**The TNFD Nature-related Risk and Opportunity Management and Disclosure Framework Beta v0.4- Summary March 2023**

**THE TNFD FRAMEWORK ACKNOWLEDGES AND PROMOTES THE IMPORTANT ROLES AND CONTRIBUTIONS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AS CUSTODIANS OF BIODIVERSITY AND AS PARTNERS IN ITS CONSERVATION, RESTORATION AND SUSTAINABLE USE. IT ALSO PROMOTES THAT CORPORATES AND FINANCIAL INSTITUTIONS PROMOTE THE RESPECT FOR THE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES.**

**THE TNFD FRAMEWORK'S IMPLEMENTATION MUST PROMOTE AND ENSURE THAT THE RIGHTS, KNOWLEDGE, INCLUDING TRADITIONAL KNOWLEDGE ASSOCIATED WITH BIODIVERSITY, INNOVATIONS, WORLDVIEWS, VALUES AND PRACTICES OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES ARE RESPECTED, IN ACCORDANCE WITH RELEVANT INTERNATIONAL INSTRUMENTS, INCLUDING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES AND HUMAN RIGHTS LAW. IN THIS REGARD, NOTHING IN THIS FRAMEWORK MAY BE CONSTRUED AS DIMINISHING OR EXTINGUISHING THE RIGHTS THAT INDIGENOUS PEOPLES CURRENTLY HAVE OR MAY ACQUIRE IN THE FUTURE;**

Society and business depend fundamentally on the services nature provides. **PARTICULARLY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES WHO MAINTAIN THE MOST BIODIVERSITY.**



The acceleration of nature loss globally is an increasing source of risk to businesses and providers of financial capital. **IT ALSO AFFECTS ALL OF SOCIETY, PARTICULARLY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND THEIR LIVELIHOODS.**

These text suggestions strengthen the framework and are based on the recognition given to Indigenous Peoples and Local Communities in the KMGBF, Section C. Considerations for the implementation which mention:

*“The Framework acknowledges the important roles and contributions of indigenous peoples and local communities as custodians of biodiversity and as partners in its conservation, restoration and sustainable use. The Framework’s implementation must ensure that the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples and local communities are respected, and documented and preserved with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law. In this regard, nothing in this framework may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future;”*

This framework is a minimum standard adopted by consensus by 193 States who are Parties to the Convention on Biological Diversity.

In addition, The IPBES Global Assessment Report on Biodiversity and Ecosystem Services acknowledges:

*“Nature managed by IPLCs is under increasing pressure. Nature is generally declining less rapidly in indigenous peoples’ land than in other lands, but is nevertheless declining, as is the knowledge of how to manage it” (Key message B6)*

*“At least a quarter of the global land area is traditionally owned, managed, used or occupied by indigenous peoples. Nature is generally declining less rapidly in indigenous peoples’ land than in other lands, but is nevertheless declining. **The lands of indigenous peoples are becoming islands of biological and cultural diversity** surrounded by areas in which nature has further deteriorated (established but incomplete)” (Key message B.6)*

*“Areas of the world projected to experience significant negative effects from global changes in climate, biodiversity, ecosystem functions and nature’s contributions to people are also home to large concentrations of indigenous peoples and many of the world’s poorest communities. Because of their strong dependency on nature and its contributions for subsistence, livelihoods and health, those communities will be disproportionately hard-hit by those negative changes. Those negative effects also influence the ability of indigenous peoples and local communities to manage and conserve wild and domesticated biodiversity and nature’s contributions to people.” (Key message C3.)*

*“Indigenous peoples and local communities have been **proactively confronting such challenges** in partnership with each other and with an array of other stakeholders, through co-management systems and local and regional monitoring networks and by revitalizing and adapting local management systems”. Regional and global scenarios lack an explicit consideration of the views, perspectives and rights of indigenous peoples and local communities, their knowledge and understanding of large regions and ecosystems, and their desired future development pathways. (Key message C.3)*



*“Recognizing the knowledge, innovations, practices, institutions and values of IPLCs, and ensuring their inclusion and participation in environmental governance, often enhances their quality of life and the conservation, restoration and sustainable use of nature, which is relevant to broader society. Governance, including customary institutions and management systems and comanagement regimes that involve IPLCs, can be an effective way to safeguard nature and its contributions to people by incorporating locally attuned management systems and indigenous and local knowledge.” (Key message D5)*

*“The positive contributions of IPLCs to sustainability can be **facilitated through national recognition of land tenure, access and resource rights in accordance with national legislation, the application of free, prior and informed consent**, and improved collaboration, fair and equitable sharing of benefits arising from the use, and co-management arrangements with local communities”. ( Key message D.5)*

Therefore, IPBES recognizes and respect the contributions of Indigenous Peoples and Local Communities to the conservation and sustainable use of biodiversity.

Furthermore, the Convention on Biological Diversity (1992) recognizes the roles, rights and contributions of Indigenous Peoples and Local Communities to the conservation and sustainable use of biodiversity in its preamble:

*“The Contracting Parties, ...**Recognizing the close and traditional dependence of many indigenous and local communities** embodying traditional lifestyles **on biological resources**, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,”*

And, articles 8 (j), 10 (c), 17 and 18, as well as its 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 (ABS), which particularly recognizes the close relation and dependency of Indigenous Peoples and Local Communities to biodiversity. This said, the IIFB considers it of utmost importance that the TNFD Framework takes into account and also recognize the roles, rights and contributions of Indigenous Peoples and Local Communities to the conservation and sustainable use of biodiversity.

Source:

- The IPBES Global Assessment Report on Biodiversity and Ecosystem Services <https://www.ipbes.net/ipbes-global-assessment-report-biodiversity-ecosystem-services>
- Kunming-Montreal Global Biodiversity Framework <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf> AS
- Convention on Biological Diversity <https://www.cbd.int/convention/text/>
- The Nagoya Protocol on Access and Benefit-sharing <https://www.cbd.int/abs/text/>
- **Voluntary:** The IIFB considers that the TNFD's Framework, being voluntary, should be ambitious and go beyond the minimum international norms and standards on the rights of Indigenous Peoples and Local Communities since companies or financial entities are already obliged to respect the rights of Indigenous Peoples and human rights by existing international laws.



- **Kunming Montreal Global Biodiversity Framework (KMGBF):** The KMGBF took four years of negotiation and has taken the all-society approach, which includes the private sector (i.e. inclusive of business and financial institutions). IIFB draws the attention to the fact that the TNFD Framework is relevant for the implementation of the whole KM-GBF and this should be explicitly mentioned along with the relevant Targets.
- **Full and effective participation of Indigenous Peoples, Local Communities:** IIFB draws attention to the fact that full and effective participation of Indigenous Peoples and Local Communities, particularly indigenous women and youth, are issues that are not well reflected in the TNFD framework. IIFB has made text suggestions.

### 3. GENERAL FRAMEWORK OF INDIGENOUS PEOPLES' RIGHTS

There are over **476 million** indigenous people living in 90 countries across the world, accounting for 6.2 per cent of the global population. Of those, there are more than **5,000** distinct groups<sup>1</sup>. Indigenous peoples each have unique and distinctive cultures, languages, legal systems and histories. Most indigenous peoples have a strong connection to biodiversity and their lands, water and territories and most importantly, maintain biodiversity. Through centuries, they have suffered from the non-recognition of their rights, their own political and cultural institutions and; the integrity of their cultures has been undermined. Indigenous peoples are also harmfully impacted by development processes, which pose a grave threat to their continued existence.<sup>2</sup>

The recognition of Indigenous Peoples collective rights took decades, as example, in 1957 the International Labour Organisation (ILO) adopted *Convention 107 on Indigenous and Tribal Populations Convention*<sup>3</sup>, which considered indigenous people as a problem and assumed that the only possible future for indigenous and tribal population lay in their integration into society and that decisions regarding their development should be in the hands of others. This vision changed in 1989 with the adoption of the *Convention 169 on Indigenous and Tribal People in Independent Countries*<sup>4</sup>, which recognizes Indigenous Peoples' rights to development, natural resources, consultation, benefits, compensation, land, territories, customary law, participation, consent, indigenous institutions among others<sup>5</sup>.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted in 2007, The Declaration is the most comprehensive instrument detailing the rights of indigenous peoples in international law and policy, containing minimum standards for the recognition, protection and promotion of these rights. It establishes a universal framework of minimum standards for the survival, dignity, wellbeing and rights of the world's indigenous peoples.

The Declaration addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them. It also ensures their right to remain distinct and to pursue their own priorities in economic, social and cultural development. The

<sup>1</sup> <https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples>

<sup>2</sup> <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>

<sup>3</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C107#:~:text=The%20populations%20concerned%20shall%20not,health%20of%20the%20said%20populations.](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107#:~:text=The%20populations%20concerned%20shall%20not,health%20of%20the%20said%20populations.)

<sup>4</sup> [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_INSTRUMENT\\_ID.P12100\\_LANG\\_CODE:312314.es:NO](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID.P12100_LANG_CODE:312314.es:NO)

<sup>5</sup> [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_171810.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_171810.pdf)



Declaration explicitly encourages harmonious and cooperative relations between States and indigenous peoples.

These are the most relevant instruments which are minimum standard, and should be the basis for the TNFD framework to be considered by companies, cooperation and financial institutions when their interventions affect Indigenous Peoples' rights to lands, territories and resources, as well as rights to redress and compensation.

For more details, see the Annex I. Compilation of international law on Indigenous Peoples Rights.

#### 4. GLOBAL BIODIVERSITY FRAMEWORK, ITS GOALS AND TARGETS RELEVANT TO THE TNFD FRAMEWORK

The IIFB considers that the TNFD framework should promote the commitments and ambition of the Kunming-Montreal Global Biodiversity Framework as minimum standard. The TNFD is a tool to implement the Kunming Montreal Global Biodiversity Framework and its targets, particularly goals and targets related to Indigenous Peoples and Local Communities.

##### **The TNFD Nature-related Risk and Opportunity Management and Disclosure Framework Beta v0.4- Summary March 2023**

Governments around the world are increasingly recognising the importance of halting and reversing nature loss, with over 193<sup>0</sup> states committing to a set of ambitious goals and targets under the **KUNMING MONTREAL Global Biodiversity Framework (KMGBF), CONVENTION ON BIOLOGICAL DIVERSITY** in December 2022. **RELEVANT TARGETS ARE: TARGET 14, 15, 16, 21, 22, 23**

The KMGBF recognize the following rights of Indigenous Peoples and Local Communities:

<b>Targets of the Kunming Montreal Global Biodiversity Framework (KMGBF), relevant to IPLCs</b>	
<b>TARGET</b>	<b>TEXT</b>
<b>Target 1</b>	Respects the rights of indigenous peoples and local communities.
<b>Target 3</b>	Respects the rights of indigenous peoples and local communities, including over their traditional territories.
<b>Target 5</b>	The right to respect and protect customary sustainable use by indigenous peoples and local communities.
<b>Target 9</b>	The right to protect and encourage customary sustainable use by indigenous peoples and local communities.
<b>Target 13</b>	The rights to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources.
<b>Target 22</b>	<ul style="list-style-type: none"> <li>• The right to full and effective participation in decision-making related to biodiversity.</li> <li>• The right to access information related to biodiversity.</li> <li>• Respects the rights of Indigenous Peoples and Local Communities over lands, territories, resources, and traditional knowledge.</li> </ul>



<b>Target 23</b>	<ul style="list-style-type: none"> <li>• The right to ensure gender equality in the implementation of the Framework.</li> <li>• The right to their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity.</li> </ul>
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This recognition to the Indigenous Peoples and Local Communities should be the basis for the TNFD framework to be considered by companies, cooperations and financial institutions when their interventions impact Indigenous Peoples' rights to lands, territories and resources, as well as rights to redress and compensation.

For more details, see the Annex II. Compilation of Indigenous Peoples Rights and Annex III on Compilation on Goals and Targets related to Indigenous Peoples and Local Communities.

## 5. INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, STAKEHOLDERS, RIGHTS HOLDERS

The TNFD Framework documents refer to the following concepts<sup>6</sup>:

- **Stakeholders:** Stakeholders are persons or groups who are directly or indirectly affected by a project, as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively.
- **Stakeholder engagement:** Stakeholder engagement involves interactive processes of engagement with relevant stakeholders, though, for example, meetings, hearings or consultation proceedings. Effective stakeholder engagement is characterized by a two-way communication and depends on the good faith of the participants on both sides.
- **Rights-holders:** Under the Universal Declaration of Human rights, all human beings are 'rights-holders.' However, not all individuals will have their human rights put at risk or impacted by a project or its associated activities. It is important to identify human rights risks related to project activities among stakeholders and recognise such stakeholders as 'rights-holders' in the context of engagement activities.

The IIFB considers the concepts “stakeholder”, “right holders” and “stakeholders engagement” are broad and do not include Indigenous Peoples and Local Communities. Therefore, the IIFB proposes explicitly mentioning and to include the term Indigenous Peoples and Local Communities, before the word stakeholders in all the TNFD Framework.

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Approach to **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, stakeholder engagement in the TNFD framework

The TNFD Nature-related Risk and Opportunity Management and Disclosure Framework. Beta v.04 Annex 4.9 Draft Guidance on Engagement with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, ~~Affected~~ Stakeholders

<sup>6</sup> <https://framework.tnfd.global/appendix/glossary-of-key-terms/>





IIFB calls the attention to the fact that the Convention on Biological Diversity decisions recognize specifically Indigenous Peoples and Local Communities and separate from other stakeholders:

*“4. Urges Parties and other Governments, with the support of intergovernmental and other organizations, as appropriate, to implement the Kunming-Montreal Global Biodiversity Framework, and, in particular, to enable participation at all levels of government, with a view to fostering the full and effective contributions of women, youth, **indigenous peoples and local communities**, civil society organizations, the private and financial sectors, and **stakeholders** from all other sectors, to that end;”*  
(Decision 15/4 Kunming-Montreal Global Biodiversity Framework)

In addition, the use of the terms “affected stakeholders” and “affected communities” explained as, groups or people living or working in the same area that have been or may be affected, by an organizations’ nature-related activities or through its value chain relationships, limits the impact of the TNFD framework as a tool to promote transformational changes to achieve positive contributions to nature. IIFB suggests the removal of the term “affected” in all TNFD documents.

## 6. TNFD NATURE-RELATED DISCLOSURE RECOMMENDATIONS (V0.4)

IIFB considers that the TNFD can make an important contribution, including a disclosure recommendation under the element on **Governance**, as follow:

**Governance:** Disclose the organisation’s governance around nature-related **BASED RELATIONS** dependencies, impacts, risks, **BENEFITS** and opportunities.

### Recommended Disclosures

- **C. DESCRIBE POLICIES AND ACTIONS THAT MANAGEMENT OF THE ORGANIZATION TAKES THAT RESPECTS RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, WOMEN AND HUMAN RIGHT DEFENDERS ACCORDING TO THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES AND INTERNATIONAL HUMAN RIGHTS.**

**Rationale:** IIFB considers that the business and financial institutions can disclose and include the benefits which they obtained from nature.

Currently, most of the business and financial institutions, those who have operations that impact on indigenous land, territories, water or resources, do not include in their report any disclosure on how they work and respect the right of Indigenous Peoples and Local Communities. Therefore, TNFD could contribute with that and this disclosure could support that the business and financial institution develop policies and actions to respect rights of Indigenous Peoples and Local Communities at the governance level. IIFB considers that, the inclusion of this disclosure is essential to have a real contribution from the TNFD framework to the implementation of United Nations Declaration on the Rights of Indigenous Peoples Rights.

Regarding the **Strategy** element, IIFB suggests the following recommendations:



**Strategy:** Disclose the actual ~~and~~ potential AND FUTURE impacts of nature-related **BASED RELATIONS** dependencies, impacts, risks, **BENEFITS** and opportunities on the organisation's businesses, strategy and financial planning where such information is material.

**Recommended Disclosures**

- **E. DESCRIBE HOW RESPECT OF THE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES; WOMEN AND INDIGENOUS ENVIRONMENTAL HUMAN RIGHTS DEFENDERS IS ARTICULATED IN POLICIES AND SUPPLIER ENGAGEMENT SUCH AS CODES OF CONDUCT AND GOOD ETHICAL BEST PRACTICES.**
- **F. DESCRIBE HOW INDIGENOUS PEOPLES AND LOCAL COMMUNITIES' RIGHTS DUE DILIGENCE IS EMBEDDED WITHIN THE BUSINESS' STRATEGY, OPERATIONS AND WITH SUPPLIERS ALONG ITS VALUE CHAIN.**

**Rationale:** The IIFB suggests disclosing how Indigenous Peoples and Local Communities' rights are reflected in policies and embedded in the business and financial institutions' strategies that have operations in indigenous lands, waters, territories and resources. IIFB also call to attention that there is a high number of human rights violations linked to the disappearances of Indigenous Peoples or Local communities' leaders, therefore IIFB considers that it is important that business and financial institutions disclose all this information. This disclosing could help business and financial institutions promote human-rights based approach in their operations.

IIFB considers that the TNFD could make an important contribution including a disclosure recommendation under the element on **Risk & Impact Management** as follow:

**Risk & Impact Management:** Disclose how the organisation identifies, assesses and manages nature-related **BASED RELATIONS** dependencies, impacts, risks, **BENEFITS** and opportunities.

**Recommended Disclosures**

**E. EXPLAIN HOW THE FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES, RESPECT OF FREE, PRIOR, AND INFORMED CONSENT, RIGHT TO LAND, TERRITORIES, WATER AND RESOURCES, ACCORDING TO THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES AND HUMAN RIGHTS LAW, IS PRIMACY.**

**F. EXPLAIN HOW INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CAN BE UNDERTAKING IN PARTNERSHIP AND IN COLLABORATION FROM THE ONSET AND OBTAIN EQUITABLE BENEFIT SHARING FROM THE PROJECT.**

**G. DESCRIBE HOW THE BUSINESS ENSURES EQUITABLE ACCESS AND BENEFIT-SHARING IS RIGHTS-RESPECTING AS PARTNERS, ACCORDING TO THE SAFEGUARDS OF THE NAGOYA PROTOCOL ON ACCESS AND BENEFIT SHARING FOR THE UTILIZATION OF GENETIC RESOURCES.**

**H. DESCRIBE THE COMMITMENTS TO RESPECT LANDS, TERRITORIES, WATERS AND NATURAL RESOURCE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**



**AND REPORT HOW THESE COMMITMENTS APPLY TO THE ORGANISATION'S ACTIVITIES AND BUSINESS RELATIONSHIPS.**

**I. DESCRIBE A GRIEVANCE MECHANISM OF REMEDY AND REDRESS ACCESSIBLE TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN PLACE THAT MEETS THE STANDARDS AND EFFECTIVENESS CRITERIA SET OUT IN THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES.**

**Rationale:** The IIFB suggests these disclosure recommendations based on the rights of Indigenous Peoples for the respect of their free, prior, and informed consent and full and effective participation for all operation of business and financial institutions to have an impact on indigenous land, territories, waters and resources.

Indigenous Peoples and Local Communities have the right to negotiate the benefit-sharing for the utilization of their traditional knowledge associated with genetic resources according to the Nagoya Protocol on Access and Benefit-Sharing for the Utilization of Genetic Resources. Therefore, IIFB urges that the TNFD Framework include the business and financial institution responsibility and establish specific redress and compensation mechanism for Indigenous Peoples and Local Communities.

## 7. METRICS

IIFB draws attention to the fact that only one suggested metric is related to Indigenous Peoples: 18.2 “Value of investment in nature-related community development programs intended to enhance positive impacts for Indigenous Peoples.” IIFB found this metric difficult to understand, how it will work and how it will be used in practice, as there is no baseline information or an international information system to assess it. Regarding the metric suggested in 18.2, it is not clear, and IIFB suggests revision and joint discussion for the joint development of a new text.

IIFB consider that the TNFD could make an important contribution, including a disclosure recommendation under the element on **Metrics & Targets** as follow:

**Metrics & Targets:** Disclose the metrics and targets used to assess and manage relevant nature-~~related~~ **BASED RELATIONS** dependencies, impacts, risks, **BENEFITS** and opportunities where such information is material.

### Recommended Disclosures

**D. DESCRIBE THE METRICS USED (QUALITATIVE AND QUANTITATIVE INDICATORS) BY THE ORGANIZATION TO ASSESS IMPACTS ON INDIGENOUS PEOPLES' RIGHTS, LANDS, TERRITORIES AND WATERS, INCLUDING THEIR FULL AND EFFECTIVE PARTICIPATION.**

**E. DISCLOSE IDENTIFIED INCIDENTS OF VIOLATIONS OF INDIGENOUS PEOPLES' RIGHTS (CLAIMS IDENTIFIED, NOTIFIED AND THOSE IN LITIGATION) AND DISCLOSE THE % OF CLAIMS THAT HAVE BEEN ADEQUATELY REMEDIED FROM THE PERSPECTIVE OF INDIGENOUS PEOPLES.**

**Rationale:** IIFB considers that the business and financial institutions should describe the metrics used to asses impacts on Indigenous Peoples and Local Communities.



Metrics should include/reflect disclosure of harm to indigenous human rights, including actual, potential, and deferred harms, as well as ways and means to address it.

**In Table 1: TNFD CORE** disclosure metrics for dependencies and impacts on nature (Doc Beta v0.4 Annex 4.3 Disclosure Metrics Annexes March 2023), in general Metrics C, very poorly reflected the connection with the Convention on Biodiversity and Kunming-Montreal Global Biodiversity Framework.

**In the last column Table 1 needs to reflect the link to the Targets 3, 5, 9, 15, 21 and 22, as this Targets has a direct relation to pollution/pollution removal, land/freshwater/ocean use change, climate change, and resource use/ replenishment.**

**In ADDITIONAL** disclosure metrics need to be include and reflect metrics on the indigenous rights:

- **NUMBERS OR PERCENTAGE OF BUSINESSES THAT INTERACT WITH INDIGENOUS PEOPLES.**
- **QUANTITY, NUMBERS OR PERCENTAGE OF FREE, PRIOR AND INFORMED CONSENT OBTAINED BY BUSINESSES ON THE IMPACTED LAND, TERRITORIES AND WATERS OF INDIGENOUS PEOPLES.**
- **NUMBERS/ QUANTITY OF ACCESS AND BENEFIT-SHARING AGREEMENTS BETWEEN COMPANIES AND INDIGENOUS PEOPLES.**
- **NUMBER OF PUBLISHED FREE, PRIOR AND INFORMED CONSENT AND BENEFIT-SHARING AGREEMENTS BETWEEN INDIGENOUS PEOPLES AND COMPANIES.**
- **METRICS DISCLOSURE WHICH ENSURES THAT INDIGENOUS PEOPLES' RIGHTS ARE RESPECTED BY BUSINESS AND THAT THERE ARE NO REPRISALS AGAINST LAND, ENVIRONMENTAL, INDIGENOUS RIGHTS DEFENDERS.**
- **THE NUMBER OF COMPLAINTS, REPORTS OF VIOLATIONS OF THE RIGHTS OF INDIGENOUS PEOPLES RECEIVED BY THE COMPANY.**
- **PERCENTAGE OF CONFLICT ISSUES RESOLVED BY THE COMPANY IN RESPONSE TO COMPLAINTS RECEIVED FROM INDIGENOUS PEOPLES.**
- **FINANCIAL VALUE OF INDIGENOUS PEOPLES-RELATED IMPACTED NATURE RISKS.**
- **DESCRIPTION AND VALUE COSTS DUE TO INDIGENOUS PEOPLES RELATED IMPACTS.**
- **VALUE OF TOTAL COMPENSATION/EXPENDITURE PAID TO INDIGENOUS PEOPLES WHEN NEGATIVE NATURE IMPACTS ON THEIR LAND, CANNOT BE AVOIDED.**



## 8. LEAP APPROACH

Regarding the LEAP Approach, the IIFB suggests including in the initial scoping of organisational priorities, as follow:

- **Locate** your interface with nature **AND PEOPLE, PARTICULARLY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**;
- **Evaluate** your dependencies and **ENVIRONMENTAL, SOCIAL AND CULTURAL** impacts;
- **Assess** your risks, **RESPONSABILITY** and opportunities; and
- **Prepare** to respond to nature-**SOCIAL AND CULTURAL** related risks and opportunities and report.

The IIFB suggests in the LEAP approach to include in the scope of the assessment for **corporates** the following:

### Corporates

- C 1. Type of organization: **WHICH ARE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES THAT COMPANIES Respect the rights of Indigenous Peoples and Local Communities over lands, territories, resources, and traditional knowledge SHOULD WORK IN THE AREA THAT CORPORATES/COMPANIES ARE LOCATED?**
- C 2. Entry points: **WHAT ARE THE INTERACTIONS OF THESE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES WITH NATURE OF THESE ACTIVITIES?**
- C 3. Type of analysis: **HOW INDIGENOUS PEOPLES AND LOCAL COMMUNITIES WILL PARTICIPATE IN THE ASSESSMENT?**

**Rationale:** The IIFB highlights that the interface that the business and financial institutions should take into account is not only their interface with nature but also with peoples, particularly Indigenous Peoples and Local Communities who live in the areas of their operations. Also, it is important that they evaluate their environmental, social and cultural impacts using 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*<sup>7</sup>.

The IIFB also suggests in the LEAP approach to include in the scope of the assessment for financial institutions the following:

### Financial institutions

- F 1. Type of business: **YOUR BUSINESS AS A FINANCIAL INSTITUTION IS RESPECTING THE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES.**
- F 2. Entry points: What assess classes/financial products do we have and what are their potential interactions with **PEOPLE AND** nature. **ARE INDIGENOUS PEOPLES OR LOCAL COMMUNITIES WHERE YOU ALLOCATE YOUR CAPITAL?**

<sup>7</sup> <https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>



The IIFB suggests for the component **LOCATE**:

**Locate**

**Locate** your interface with nature **AND PEOPLE, PARTICULARLY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**;

L.1 **ARE THERE ANY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES LIVING IN THESE AREAS?**

L.2. **WHAT IS THE COSMOVISIONS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES OF THE ECOSYSTEMS AT EACH LOCATION?**

L.3. **AT WHICH LOCATIONS DOES OUR ORGANISATION AND ITS VALUE CHAIN(S) OPERATE IN ECOSYSTEMS WHERE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES LIVED, SACRED SITES.**

L.4. Are there any **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** who are also interfacing with nature in the priority locations?

**New L.5. IDENTIFICATION AND MAPPING OF INDIGENOUS PEOPLES AND LOCAL COMMUNITES**

**Rationale:** The IIFB suggests that when business and financial institutions are assessing their operation location, they should consider that in their area of operation it is possible that there are Indigenous Peoples or Local Communities that have rights over land, territories and resources, and these business and financial institutions should learn who these communities are and what their rights are, which are to be respected, before any operation.

The IIFB suggests for the component **EVALUATE**: dependencies and impacts

**Evaluate**

E.1. **ARE THERE ANY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES THAT DEPEND ON THESE ENVIRONMENTAL ASSESSTS AND ECOSYSTEM SERVICES? WHAT ARE THE ENVIRONMENT, SOCIAL AND CULTURAL IMPACTS?**

E.2. What are our nature- **SOCIAL AND CULTURAL** related dependencies and impact across our business at each priority location?

E. 3 **WHICH IPs AND LCs DEPEND ON NATURE AT EACH PRIORITY LOCATION?**

E. 4. **WHAT ARE THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CULTURAL, ENVIRONMENTAL AND SOCIAL IMPACTS - POTENTIAL AND ACTUAL?**

**WHAT ARE THE POTENTIAL AND ACTUAL IMPACTS ON THE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES?**

**Rationale:** The IIFB suggests that if the business and financial institutions are located were Indigenous Peoples and Local Communities are, they have to evaluate their potential impact on this Indigenous Peoples or Local Communities rights, including the environment, social and cultural before any operation.

The IIFB suggests for the component **ASSESS**: Material risks and Opportunities:

**Assess**

A1. What are the nature **AND SOCIAL** related dependencies, **RESPONSABILITIES**, impacts, risks and opportunities for the identified stakeholders IPs AND LCs associated with our business relation with nature?

A 4. How are the perspectives of **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** consider**ED** when determining materiality (**DOUBLE MATERIAL (SOCIAL AND NATURAL)**)?



**Rationale:** IIFB suggest if the business and financial institutions are located where Indigenous Peoples and Local Communities have rights and had evaluate to do their operation, they have to assess their responsibilities and the perspective of Indigenous Peoples and Local Communities before any operations.

The IIFB suggests for the component **PREPARE:** To Respond and Report: rights, as an example:

**Prepare**

P.3 What will be disclosed in line with the **RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES?**

P.4 Are these **REPORTS** presented in such a way that the results are available and easily accessible, **CULTURALLY APPROPRIATE AND IN A SIMPLE LANGUAGE UNDERSTOOD** by **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES?**

**Rationale:** The IIFB suggests that if the business and financial institutions are located where Indigenous Peoples and Local Communities have rights, they have to evaluate their operations and carry out assessment and be prepared to respect the rights of Indigenous Peoples and Local Communities as well as work in collaboration with them, including doing their report to be culturally accessible and appropriate.

## **9. GUIDANCE ON INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND STAKEHOLDER ENGAGEMENT**

The IIFB considers that the “Draft Guidance on Engagement with Affected Stakeholders” should be included in the main document and to should use the following text:

### **Draft Guidance on Engagement with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, Affected Stakeholders****

**Rationale:** The IIFB suggests a specific section on engagement with Indigenous Peoples and Local Communities considering that currently there are many businesses and financial institutions that are developing specific policies for engagement with Indigenous Peoples and Local Communities, for example:

- Indigenous Peoples and Mining: Good Practice Guide <https://www.icmm.com/en-gb/guidance/social-performance/2015/indigenous-peoples-mining>
- Working with Indigenous Communities. Leading Practices Sustainable Development for the Mining Industry (Australia) <https://www.industry.gov.au/sites/default/files/2019-04/lpsdp-working-with-indigenous-communities-handbook-english.pdf>
- Nature Positive Plan: better for the environment, better for business (December 2022), Australian Government <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>. This document includes a specific recognition to Australian Indigenous Peoples “*We acknowledge the Traditional Owners of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present. We are committed to working respectfully with Aboriginal and Torres Strait Islander peoples and give particular acknowledgement to their use, knowledge and custodianship of Australia’s native plants and animals over countless generations. We support Aboriginal and*



*Torres Strait Islander peoples and their aspirations to maintain, protect and manage their culture, language, land and sea Country and heritage.”*

- Indigenous Peoples Policy, Green Climate Fund (GCF)  
<https://www.greenclimate.fund/document/indigenous-peoples-policy>
- Global Environment Facility (GEF) Principles and Guidelines for Engagement with Indigenous Peoples <https://www.thegef.org/documents/indigenous-peoples>

Therefore, the IIFB considers that it is essential that a specific section or specific guide is developed for the engagement with Indigenous Peoples and Local Communities.

The IIFB also suggests that organisations should include the following information when responding to this recommended disclosure:

- A statement of **COMPLIANCE** ~~its efforts to comply~~ **with international standards** of responsible business conduct, and other human rights and stakeholder engagement policy, guidance, and declarations, as set out for example in the UN Guiding Principles on Business and Human Rights, OECD Guidelines for Multinational Enterprises, UN Declaration on Rights of Indigenous Peoples, ILO Convention 169, Convention on Biological Diversity;
- The organisation’s approach to identifying and addressing grievances related to the organisation’s potential and actual impacts on nature, including **IMPACTS ON INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, the **INTERCULTURAL** grievance mechanisms that the organisation has established or in which it participates;
- A list and description of the ~~affected~~, **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** stakeholders engaged by the organisation and a description of how they were identified;
- A statement of the purpose of the engagement and whether it takes place in relation to **IMPACT** assessment, solution-finding, monitoring and/or evaluation of nature-related issues;
- A description of the mode of engagement, the process used for engagement, whether engagement is one-off, periodic or ongoing, and through formal or informal structures;
- A description of whether engagement has been based on ~~Informed Consultation~~ **FREE, PRIOR AND INFORMED CONSULT** and Participation (~~ICP~~) and how Free, Prior and Informed Consent (FPIC) has been ~~OBTAINED~~ **attained USING INDIGENOUS LANGUAGES AND OTHER CULTURALLY APPROPRIATE TOOLS AND MEANS**, especially as it relates to Indigenous Peoples and local communities;
- The results of the **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, stakeholder engagement processes and how those results have been used by the organisation, including evidence that relevant information is disclosed in a timely manner, using appropriate means, and has been incorporated or otherwise addressed in the organisation’s decision-making and responses to nature-~~SOCIAL~~ related issues;
- A statement of whether and how senior management and the board are informed about **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** stakeholder engagement processes and their results

Regarding the *Guidance on stakeholder engagement in the LEAP approach* (3.2), the IIFB suggests the following changes in the text:

- The importance of **FREE, PRIOR AND INFORMED CONSULT** ~~informed Consultation~~ and Participation (~~ICP~~) and Free, Prior and Informed Consent (FPIC) of Indigenous Peoples and local communities as part of a full and effective **PARTICIPATION AND** engagement process;





- When and why these engagement processes may be appropriate, based on the types of nature-**SOCIAL** related issues involved and the needs and objectives of the organisation and its stakeholders; and
- Insights for incorporating **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** stakeholder engagement and its results into organisational systems for action, feedback and monitoring and evaluation.

The guidance has been developed based on leading international standards, guidelines and frameworks, including but not limited to the:

- UN General Assembly Resolution 76/300 of 26 July 2022 on the human right to a clean, healthy and sustainable environment;
- UN Guiding Principles on Business and Human Rights (the UNGPs);
- UN Declaration on Rights of Indigenous Peoples;
- International Labour Organisation (ILO) Convention 169;
- ~~Convention on Biological Diversity (CBD) including the Nagoya Protocol on Access and Benefit Sharing (ABS) and the Voluntary Guidelines on Traditional Knowledge;~~
- OECD Guidelines for Multinational Enterprises; OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the
- Extractive Sector; IFC Stakeholder Engagement: A Good Practice Handbook for Companies doing
- Business in Emerging Markets; IFC Performance Standards, including IFC PS 6 on Biodiversity and IFC PS 7 on
- Indigenous People; and IUCN Stakeholder Engagement Guidance Note.
- **AKWÉ:KON VOLUNTARY GUIDELINES ON CBD, DECISION VI/7 A.**  
<https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>
- **MO'OTZ KUXTAL VOLUNTARY GUIDELINES ON CBD (2016), DECISION XII/12 D.**  
<https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-en.pdf>
- **GLOSSARY OF RELEVANT KEY TERMS AND CONCEPTS WITHIN THE CONTEXT OF ARTICLE 8 (J) AND RELATED PROVISIONS, DECISION 14/13.**  
<https://www.cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-en.pdf>
- **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.**  
<https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>
- **CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE** <https://ich.unesco.org/doc/src/15164-EN.pdf>
- **CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS** <https://en.unesco.org/creativity/sites/creativity/files/passeport-convention2005-web2.pdf>



Regarding the *Scope and benefits of stakeholder engagement (3.3)*, the IIFB suggests the following changes:

**3.3. Scope and benefits of stakeholder engagement**

The guidance highlights the importance of engagement with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, and broader stakeholder groups in mitigating, assessing and responding to nature-**SOCIAL AND CULTURAL** related issues, but focuses on engagement with ~~affected~~ stakeholders, especially those whose human rights might be affected (~~including Indigenous Peoples' collective rights~~).

Regarding the *Purposes and benefits of good stakeholder engagement (3.3.1)*, the IIFB suggests the following changes:

**Purposes and benefits of good stakeholder engagement (3.3.1)**

Understanding nature and nature-related issues from the perspective of **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, ~~affected~~ stakeholders provides the following important outcomes and benefits to an organisation:

More effective management	Inclusive stakeholder collaboration	Align with and meet international standards
Supports companies to manage and respond to nature-related issues more effectively, leading to better decisions that promote the restoration and protection of nature, communities and related risks to the business	Establishes more inclusive and open collaboration with <b>INDIGENOUS PEOPLES AND LOCAL COMMUNITIES</b> stakeholders, creating opportunities of value to the organisation that contributes to the restoration and protection of nature	Helps companies meet expectations under international standards of responsible business conduct and the growing range of related legislation in different jurisdictions, as well as reporting requirements and investor expectations.

When companies take an integrated approach to **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES RIGHTS**, human **RIGHTS** and environmental due diligence and underpin the processes with meaningful engagement with ~~affected~~ stakeholders, they will be well placed to develop full understanding of nature related issues and enhance the reputational benefit of responsible business.



Regarding the *International standards (3.4.1)*, the IIFB suggests the following changes:

Engage with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, ~~affected~~ stakeholders

International standards on environmental and human rights due diligence include an expectation that organisations engage with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, ~~affected~~ stakeholders throughout the due diligence process potentially. This applies to the organisation’s nature-related issues and responses to those, wherever these may ~~negatively~~ affect **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES RIGHTS**, stakeholders’ human rights, as well as other aspects of the organisation’s activities and business relationships.

Address the harms to **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, ~~affected~~ stakeholders

- Where negative effects on human rights are directly linked to an organisation’s operations, products or services through its value chain relationships, but without any contribution on its part, the organisation is expected to use its leverage to seek to address the harms to **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholders.
- The conduct of human rights due diligence is further detailed in *Doing Business with Respect for Human Rights*, which is a comprehensive guide for companies with practical advice and real-life examples to apply the UN Guiding Principles on Business and Human Rights.
- **TO CONDUCT INDIGENOUS PEOPLES RIGHTS DUE DILIGENCE the organization MUST APPLY THE UNITED NATIONS DECLARATION OF INDIGENOUS PEOPLES’ RIGHTS**

Regarding the *Relevant legislation (3.4.2)*, **the** IIFB suggests the following changes:

#### **Relevant legislation (3.4.2.)**

In many states, there will be some form of legislation regarding engagement with **INDIGENOUS PEOPLES, LOCAL COMMUNITIES AND** stakeholders, which may cover governments’ own obligations to ~~consult with~~ **RESPECT the RIGHTS OF** Indigenous Peoples or local communities regarding investment and development projects that ~~affect~~ **IMPACT** them and **THE** expectations of business and other third parties involved with such activities.

In countries where there are Indigenous Peoples, legislation or at least guidance may exist regarding **INDIGENOUS PEOPLES RIGHTS**, human rights, including requirements to attain their rights to Free, Prior and Informed Consent (FPIC) for activities that ~~affect~~ **IMPACT** their lands, territories and resources .(See Section 3.8 on FPIC).

#### **Comply with existing legislation and guidance**

Organisations should ensure they are familiar with **INDIGENOUS PEOPLES RIGHTS**, relevant guidance, and able to comply with it. However, they should not assume that it meets the standard for, or provides sufficient specificity about, meaningful stakeholder engagement as set out in this TNFD guidance. Compliance with the law may not be sufficient to achieve the positive benefits of effective stakeholder engagement regarding an organisation’s nature related issues, nor to minimise impacts on stakeholders and associated business risks.



Regarding *Box 1: Access and Benefit Sharing (ABS)*, the IIFB suggests the following changes:

**Box 1: Access and Benefit Sharing (ABS)**

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation (ABS) to the Convention on Biological Diversity (CBD) is a supplementary agreement to the CBD.

It aims to promote the conservation and sustainable use of biodiversity, while also ensuring the fair and equitable sharing of benefits that arise from the use of genetic resources **AND TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES**. The protocol is based on the principle of Prior Informed Consent (PIC) being granted by a provider to a user and negotiations between both parties to develop Mutually Agreed Terms (MAT) to ensure the fair and equitable sharing of genetic resources **AND TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES** and associated benefits.

**THE PREAMBLE CONTAINS SEVEN PARAGRAPHS RELEVANT TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES. THESE PARAGRAPHS INCLUDE REFERENCES TO ARTICLE 8(J), THE INTERRELATIONSHIP BETWEEN GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES AND THEIR INSEPARABLE NATURE.**

**THE PROTOCOL CONTAINS SIGNIFICANT PROVISIONS RELATING TO TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES HELD BY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, AS WELL AS TO GENETIC RESOURCES HELD BY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES WHERE THE RIGHTS OF THESE COMMUNITIES OVER THESE RESOURCES HAVE BEEN RECOGNIZED. THE PROTOCOL SETS OUT CLEAR OBLIGATIONS TO SEEK THE PRIOR INFORMED CONSENT OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES IN THESE SITUATIONS. IT ALSO PROVIDES FOR THE SHARING OF BENEFITS ARISING FROM THE USE OF TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES, AS WELL AS BENEFITS ARISING FROM THE USE OF GENETIC RESOURCES IN ACCORDANCE WITH DOMESTIC LEGISLATION. BENEFIT SHARING MUST BE BASED ON MUTUALLY AGREED TERMS.<sup>8</sup>**

Principles of access and benefit sharing are key to any engagement between organisations, Indigenous Peoples and local communities and the quality and nature of that dialogue should be disclosed.

High-quality dialogue and collaboration between organisations, Indigenous Peoples and local communities embracing these ~~principles~~ **OBLIGATIONS**, are a sign of a genuinely collaborative approach to the use of genetic resources **AND TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES** – and environmental assets more broadly – and traditional knowledge.

<sup>8</sup> <https://www.cbd.int/traditional/Protocol.shtml>



Regarding *Preparedness for stakeholder engagement (3.6)*, the IIFB suggests that the business and financial institutions should develop a specific engagement plan to work with Indigenous Peoples and Local Communities. Therefore, the IIFB makes the following suggestions:

### **Preparedness for stakeholder engagement (3.6)**

Before engaging with **INDIGENOUS PEOPLES, LOCAL COMMUNITES**, ~~affected~~ stakeholders, it is critical that organisations have the right policies, processes, systems and strategy in place to assess and respond to nature- related issues effectively.

This section highlights the importance of organisational preparedness and provides guidance on when and how to conduct effective **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND stakeholder engagement** when applying the LEAP approach.

Regarding the *Organisational preparedness (3.6.1)*, the IIFB suggests the following changes:

Policies and systems for **INDIGENOUS PEOPLES AND LOCAL COMMUNITES stakeholder engagement**. **THERE IS A NEED FOR INDIGENOUS PEOPLES AND LOCAL COMMUNITIES' ENGAGEMENT POLICIES BE SPECIF AND SEPARATE FROM THE STAKEHOLDER ENGAGEMENT.**

Effective engagement with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, AND stakeholders** who may be affected by the organisation's nature-related issues and responses, should be formally integrated into the organisation's policies, processes and systems.

To be effective, this should include a clear policy framework on engagement with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND stakeholders** that takes a long-term view and focuses on building relationships, avoiding negative impacts, achieving positive outcomes for stakeholders and identifying opportunities for mutual benefit.

The organisation should have robust policies to **RESPECT INDIGENOUS PEOPLES AND LOCAL COMMUNITIES' RIGHTS, AND THAT** prevent and address any coercion, manipulation, intimidation, redress and grievances of affected stakeholders.

**INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND Stakeholder engagement** needs to be effectively managed, with appropriate anticipation and a clearly defined strategy, set of objectives, timetable, budget and allocation of responsibilities. Setting an organisation up for success in its engagement with stakeholders involves:

- Ensuring all staff are aware of the **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES RIGHTS, stakeholder** engagement policy and processes;
- Informing third parties who interact with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, stakeholders in connection with the organisation's business about the policy and any current engagement processes or resulting agreements, in order to help ensure that these are supported and not undermined;
- Establishing clear responsibilities and accountabilities, including to senior leadership within the organisations, for the appropriate conduct of engagement with stakeholders in line with the organisation's policies;



- Ensuring staff responsible for **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholder engagement have appropriate training and experience and understand the local context and operating environment, including an understanding of local languages, customary law and community protocols;
- Building a culture where staff who are not part of formal engagement processes with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** ~~affected~~ stakeholders, recognise their own responsibility for supporting and sustaining positive relationships with stakeholders through their own practices; and,
- Appropriate processes and expectations for informing senior management and the board of significant issues arising in the conduct of **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholder engagement or regarding significant issues raised through those processes

### **Information flows, responsibilities and accountability**

**INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** ~~S~~ stakeholder engagement requires adequate resources if it is to succeed, including human and financial resources, time and in some situations, also technological resources. This may include the availability of key representatives and assistance with building the capacity of **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** ~~affected~~ stakeholders. This could occur, for example, if an engagement involves technical issues on which **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholders will require training to participate on equal terms, or the ability to hire an expert advisor of their choosing.

Resources for **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholder engagement should be agreed **upfront** in the process, recognising that needs may evolve, and should be supported by management.

Engagement processes can fail if they overlook the resource of time. Project and activity timelines need to factor in the time needed for **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES**, stakeholders to put their own preparations in place for the engagement. Sufficient time must also be allowed for the engagement itself, traditional/customary governance systems, particularly where there are complex issues, divergent perspectives, and significant consequences to the decisions that will be made.

Where the resource of time is overlooked or underestimated, this can undermine relationships with the **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholders concerned and have serious consequences for the success of the proposed activities, particularly if stakeholders then seek other avenues to raise concerns that have not been resolved.

**THERE IS ALSO NEED TO CONSIDER THE CULTURAL ASPECTS FOR THE ENGAGEMENTS, INCLUDING THE ISSUE OF INDIGENOUS LANGUAGE.**



Regarding the *Embedding into organisational strategy (3.6.2.)* the IIFB suggests the following changes:

#### **Embedding into organisational strategy (3.6.2.)**

Engagement with **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND affected** stakeholders in the context of on-going business activities is not a one-off activity or peripheral process.

To succeed and play its necessary role in the LEAP approach for identification, assessment and management of nature-related issues, **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND** stakeholder engagement should be embedded into the wider organisational strategy and responses.

This can be important, at the very least, to ensure that adequate time and other resources are allocated to the **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND** stakeholder engagement process.

The organisation's strategy can leverage the following insights from stakeholder engagement to apply the LEAP approach:

- Where and how **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND affected** stakeholders depend on the same ecosystem services as the organisation, particularly areas with low integrity ecosystems, and/or of high biodiversity importance and/or water stress, and the potential effects of nature loss and degradation on their basic rights and welfare;
- Where and how the organisation's strategy for managing nature- related risks and opportunities implies impacts on, or opportunities for, **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND affected** stakeholders and whether and how negative impacts will be avoided or minimised; and,
- Whether and how estimations of the resilience of the organisation's strategy on nature related issues takes sufficient account of the perspectives, priorities, needs and plans of **affected** stakeholders **AND INDIGENOUS PEOPLES AND LOCAL COMMUNITIES** and the quality of the organisation's existing relationships.

Regarding the *Mapping affected stakeholders (3.6.3.)*, the IIFB suggests the following changes:

#### **3.6.3. Mapping OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND—affected** stakeholders

The starting point for **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND** stakeholder engagement in the LEAP approach is to develop a full understanding of the stakeholders who:

- May have shared dependencies on nature alongside the organisation, in areas with low integrity ecosystems and/or of high biodiversity importance and/or of water stress, and where nature loss and degradation have potential impacts on their basic rights and welfare;
- May be affected positively or negatively by the organisation's impacts on nature;
- May be affected by an organisation's responses to nature-related issues, including mitigation and adaptation strategies, and any related innovations or changes in their business model;



- May be important to advance nature-related opportunities and bring added value to the realisation of such opportunities.
- Identifying Indigenous Peoples and Local Communities depends on the context and differs from country to country. In some countries, their occupation and use of lands and territories before colonial invasion serve as a standard means of identifying them. Other features, including attachment and use of their lands, or marginalisation based on methods of life or forms of production that are different from the dominant model, are more relevant in other contexts, such as in African countries. Particular attention should be provided to **Indigenous Peoples in voluntary isolation**, who are difficult to identify and often the most vulnerable.
- The mapping process should distinguish these **INDIGENOUS PEOPLES sub-groups** clearly and seek to understand the distinct ways in which these **groups INDIGENOUS PEOPLES** may need to be engaged to understand how they may be **IMPACTED affected** and to share their perspectives.

### Representatives

- In many situations, organisations will engage with ~~certain~~ **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** stakeholders through their representatives, ~~where engaging with the group collectively is not possible or not appropriate to the purpose, or where stakeholders choose to engage via such representatives.~~
- ~~In these situations, organisations should ensure that the individuals concerned are recognised by the stakeholders as their legitimate representatives.~~
- In the case of Indigenous Peoples, this is based on their **RIGHTS, INSTITUTIONS**, culture, customary law and established practices and traditions, while for workers, this is based on their election through processes that align with international standards.
- ~~It can be important to ensure that the legitimacy and perceived integrity of representatives is not undermined by paying them for their engagement, while also recognising that such arrangements may be essential for them to be able to dedicate the time needed away from other work or livelihoods. It is also important to understand whether representatives are representing the perspectives of all groups within their constituency, including otherwise vulnerable and marginalised individuals.~~
- ~~Organisations can seek verification that representatives are communicating the results of engagement back to their constituents by talking periodically to a sample of individuals.~~
- ~~Situations where direct engagement is not possible~~
- ~~In certain circumstances, it may not be possible for an organisation to engage directly with stakeholders if, for example, this exposes them to risk or they are physically difficult to reach. This can be particularly relevant for financial institutions, given the breadth and scale of nature-related issues across a lending, insurance or investing portfolio, where financial institutions are often far removed from the companies and locations where dependencies, impacts, risks, and opportunities arise.~~
- ~~In this case, organisations must look for other avenues to gain insight into their likely perspectives and experience, such as credible proxies or third-party experts. Distinctions between these groups are summarised below:~~
- ~~A perceived lack of time should not become a rationale for defaulting to engagement with alternative sources, which can quickly contribute to poor relationships with affected stakeholders, create risks to the success of the activities or initiatives on which engagement is focused, and prevent opportunities for collaboration.~~
- ~~There are some important distinctions between affected stakeholders and their representatives, credible proxies and experts:~~
- ~~Potentially affected stakeholders and their legitimate representatives: individuals who have been, or could be, affected by an organisation's nature-related issues, and response to those. These could~~





~~include its own workforce, workers in the value chain, smallholder farmers and their families, members of local communities and Indigenous Peoples, and their legitimate representatives such as indigenous leaders and local trade unions.~~

~~• **Credible proxies:** individuals with sufficiently deep experience in engaging with affected stakeholders from the relevant region or context, such as women workers on farms within the region, Indigenous Peoples, local communities or migrant workers, who can help to convey their likely concerns effectively. Credible proxies might include development and human rights NGOs, international trade unions and community-based organisations, including faith-based organisations.~~

~~• **Recognised experts:** individuals who can bring knowledge or expertise regarding the kinds of concerns, issues and priorities that affected stakeholder groups have been known to convey, and the types of nature-related impacts and dependencies concerned, within relevant geographical contexts. Recognised experts might include academics, anthropologists and researchers with expertise in the groups concerned.~~

Once **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** affected stakeholders and their ~~legitimate~~ representatives have been identified, there is an opportunity to involve them in the design of the engagement process. This is particularly relevant as organisations apply the LEAP approach to evaluate their dependencies and impacts on nature and assess their nature-related risks and opportunities. It can help ensure that there is alignment between the organisation and **INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** the stakeholders concerned about the purpose of the engagement, the mode of engagement used and its potential outcomes. It can also help ensure that the approaches adopted are culturally appropriate and supportive of participation and inclusion.

Engagements where the expectations of the organisation and the affected stakeholders are misaligned can lead to an erosion in relationships that jeopardise the intended benefits.

Regarding the *General principles of good engagement (3.7.1)*, the IIFB makes the following suggestions:

Respected guidance identifies a range of principles that should guide any stakeholder engagement process, regardless of the mode of engagement.

Engagement process principles should:

- Be targeted at those most likely to be **IMPACTED affected**;
- Be responsive to the perspectives, needs and interests of disadvantaged and vulnerable groups, and Indigenous Peoples and local communities;
- Be based on the prior disclosure and dissemination of relevant, objective, meaningful and easily accessible and understandable information in a timeframe that enables engagement in a culturally appropriate format;
- Consider the different access and communications needs of various groups and individuals, especially those who are vulnerable or disadvantaged, and use language, formats and techniques that are culturally appropriate;
- Be two ways, enabling all participants to exchange views and information, hear from others, take the initiative in raising issues and have their issues addressed, including outside of formal meetings;
- Be carried out in a non-discriminatory manner, free of external manipulation, interference, coercion, discrimination and intimidation, including the application of ethical codes of conduct to ensure cultural behaviours are respected, especially for Indigenous Peoples and local communities;



- Be gender-inclusive, recognising that men and women often have differing views and needs; and
- Be adequately documented both in substance and process.
- RESPECT FOR INTELLECTUAL PROPERTY OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES (COMMUNITY AND INDIVIDUAL CONCERNS OVER, AND CLAIMS TO, CULTURAL AND INTELLECTUAL PROPERTY RELEVANT TO TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES RELATED TO THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY SHOULD BE ACKNOWLEDGED AND ADDRESSED IN THE NEGOTIATION WITH INDIGENOUS AND LOCAL COMMUNITIES, PRIOR TO STARTING ACTIVITIES/INTERACTIONS.)
- NON-DISCRIMINATION (THE ETHICS AND GUIDELINES FOR ALL ACTIVITIES/INTERACTIONS SHOULD BE NON-DISCRIMINATORY, TAKING INTO ACCOUNT AFFIRMATIVE ACTION, PARTICULARLY IN RELATION TO GENDER, DISADVANTAGED GROUPS AND REPRESENTATION.)
- TRANSPARENCY/FULL DISCLOSURE (INDIGENOUS PEOPLES AND LOCAL COMMUNITIES SHOULD BE ADEQUATELY INFORMED IN ADVANCE, ABOUT THE NATURE, SCOPE AND PURPOSE OF ANY PROPOSED ACTIVITIES/INTERACTIONS CARRIED OUT BY OTHERS THAT MAY INVOLVE THE USE OF THEIR TRADITIONAL KNOWLEDGE, INNOVATIONS AND PRACTICES RELATED TO THE CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY, OCCURRING ON OR LIKELY TO HAVE IMPACT ON, SACRED SITES AND ON LANDS AND WATERS TRADITIONALLY OCCUPIED OR USED BY INDIGENOUS AND LOCAL COMMUNITIES. THIS INFORMATION SHOULD BE PROVIDED IN A MANNER THAT TAKES INTO CONSIDERATION AND ACTIVELY ENGAGES WITH THE BODY OF KNOWLEDGE AND CULTURAL PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES.)
- FREE, PRIOR AND INFORMED CONSENT (ANY ACTIVITIES/INTERACTIONS RELATED TO TRADITIONAL KNOWLEDGE ASSOCIATED WITH THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY, OCCURRING ON OR LIKELY TO HAVE IMPACT ON SACRED SITES AND ON LANDS AND WATERS TRADITIONALLY OCCUPIED OR USED BY INDIGENOUS AND LOCAL COMMUNITIES AND IMPACTING UPON SPECIFIC GROUPS, SHOULD BE CARRIED OUT WITH THE PRIOR INFORMED CONSENT AND/OR APPROVAL AND INVOLVEMENT OF INDIGENOUS AND LOCAL COMMUNITIES. SUCH CONSENT OR APPROVAL SHOULD NOT BE COERCED, FORCED OR MANIPULATED.)
- INTER-CULTURAL RESPECT (TRADITIONAL KNOWLEDGE SHOULD BE RESPECTED AS A LEGITIMATE EXPRESSION OF THE CULTURE, TRADITIONS, AND EXPERIENCE OF INDIGENOUS AND LOCAL COMMUNITIES AND AS PART OF THE PLURALITY OF EXISTING KNOWLEDGE SYSTEMS. IT IS HIGHLY DESIRABLE THAT THOSE INTERACTING WITH INDIGENOUS AND LOCAL COMMUNITIES RESPECT THE INTEGRITY, MORALITY AND SPIRITUALITY OF THE CULTURES, TRADITIONS AND RELATIONSHIPS OF INDIGENOUS AND LOCAL COMMUNITIES AND AVOID THE IMPOSITION OF EXTERNAL CONCEPTS, STANDARDS AND VALUE JUDGMENTS, IN INTER-CULTURAL DIALOGUE. RESPECT FOR CULTURAL HERITAGE, CEREMONIAL AND SACRED SITES, AS WELL AS SACRED SPECIES AND SECRET AND SACRED KNOWLEDGE OUGHT TO BE GIVEN SPECIFIC CONSIDERATION IN ANY ACTIVITIES/INTERACTIONS.)
- FAIR AND EQUITABLE SHARING OF BENEFITS (INDIGENOUS AND LOCAL COMMUNITIES OUGHT TO RECEIVE FAIR AND EQUITABLE BENEFITS FOR THEIR



CONTRIBUTION TO ACTIVITIES/INTERACTIONS RELATED TO BIODIVERSITY AND ASSOCIATED TRADITIONAL KNOWLEDGE PROPOSED TO TAKE PLACE ON, OR WHICH ARE LIKELY TO HAVE IMPACT ON, SACRED SITES AND LANDS AND WATERS TRADITIONALLY OCCUPIED OR USED BY INDIGENOUS AND LOCAL COMMUNITIES. BENEFIT-SHARING SHOULD BE REGARDED AS A WAY OF STRENGTHENING INDIGENOUS AND LOCAL COMMUNITIES AND PROMOTING THE OBJECTIVES OF THE CONVENTION ON BIOLOGICAL DIVERSITY AND OUGHT TO BE EQUITABLE WITHIN AND AMONG RELEVANT GROUPS, TAKING INTO ACCOUNT RELEVANT COMMUNITY LEVEL PROCEDURES.)

- PRECAUTIONARY APPROACH (THIS PRINCIPLE REAFFIRMS THE PRECAUTIONARY APPROACH CONTAINED IN PRINCIPLE 15 OF THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT AND IN THE PREAMBLE TO THE CONVENTION ON BIOLOGICAL DIVERSITY. THE PREDICTION AND ASSESSMENT OF POTENTIAL HARMS TO BIOLOGICAL DIVERSITY SHOULD INCLUDE LOCAL CRITERIA AND INDICATORS, AND SHOULD FULLY INVOLVE THE RELEVANT INDIGENOUS AND LOCAL COMMUNITIES.)

The IIFB makes this suggestions based on the following: “*The Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity*”<sup>9</sup> adopted under the Convention on Biological Diversity which is intended to provide guidance in activities/interactions with Indigenous Peoples and local communities and for the development of local, national, or regional codes of ethical conduct, with the aim of promoting respect, preservation and maintenance of traditional knowledge, innovations and practices relevant for the conservation and sustainable use of biodiversity.

Regarding the *Modes of engagement* (3.7.2.), the IIFB suggests the following changes:

#### **Modes of engagement (3.7.2.)**

**INDIGENOUS PEOPLES AND LOCAL COMMUNITIES AND** Stakeholder engagement encompasses a broad variety of methodologies, from ‘pushing’ information out to **INDIGENOUS PEOPLES AND LOCAL COMMUNITES**, stakeholders (‘pitch’ or ‘disclose’), to ‘pulling’ information in from **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND** stakeholders (‘consult’), to engaging in a problem-solving dialogue with **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND** stakeholders (‘collaborate’), to partnering and sharing power of decisions and actions (‘agree’).<sup>16</sup>

The different modes of engagement are not mutually exclusive and may take place in parallel with different groups or in cycles, with the caveat that ‘pitching’ will never be sufficient on its own.

The **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND** stakeholder engagement methodologies can make a LEAP assessment more collective, holistic and robust.

#### **Box 2: Examples of modes of engagement**

<sup>9</sup> <https://www.cbd.int/traditional/code/ethicalconduct-brochure-en.pdf>



- Disclose: In all engagement processes, organisations will need to disclose information to **INDIGENOUS PEOPLES AND LOCAL COMMUNITES AND affected** stakeholders about the full range of nature-related issues **affecting IMPACTING** them, including, importantly, the potential harmful impacts on **INDIGENOUS PEOPLES, LOCAL COMMUNITES AND** stakeholders of negative nature-related impacts.

Consult: **FOR INDIGENOUS PEOPLES THE CONSULTATION PROCESS SHOULD FOLLOW THE INTERNATIONAL STANDARDS ON INDIGENOUS PEOPLES RIGHTS ESTABLISHED IN THE ILO 169 CONVENTION AND THE UN DECLARATION OF INDIGENOUS PEOPLES RIGHTS.**

Agree: engagement may require clear agreements and partnerships where decision making, and action is shared for nature-related issues to be managed. This can be particularly necessary in engagements with Indigenous Peoples, given their right to Free, Prior and Informed Consent about activities **affecting IMPACTING** their lands, territories and resources.

For example:

- An organisation may engage and negotiate with Indigenous Peoples to reach an Access and Benefit Sharing Agreement on a use of genetic resources that derives from Indigenous Peoples' traditional knowledge, and to share the economic benefits with those Peoples.
- An organisation may engage with smallholder farmers to reach a form of agreement or partnership that introduces more sustainable farming methods, supports the creation of a local co-operative and provides benefits in the prices paid and security of supply.

Enabling participation

The design of any engagement will need to consider the practical arrangements. Attention should be paid to any barriers that stakeholders may face to participation. These may be:

- Access to timely information;
- Barriers of language or literacy;
- Ease of access to certain locations;
- Barriers regarding trust and confidence to engage openly and without fear of retaliation;
- Cultural appropriateness of venues, such as meetings in large, official office buildings with heavy security compared to a local village or farm site;
- **BARRIERS ON NON-RESPECT OF THE INDIGENOUS PEOPLES STRUCTURE OF DECISION MAKING**
- **BARRIERS OF LANGUAGE AND KNOWLEDGE SYSTEMS.**
- Timing of meetings where attendance can be limited by holidays, harvest time or busy work periods, including times of the day when women are typically busy; and
- Barriers faced by certain sub-groups who may need separate spaces and means to raise their voices, such as women in situations where their voices are marginalised in community decision-making, or migrant workers who fear for their jobs if they raise concerns.



Regarding the *Indigenous Peoples and Free, Prior and Informed Consent (3.8)*, the IIFB suggests the following changes:

### **Indigenous Peoples and Free, Prior and Informed Consent (3.8)**

The ~~human~~-rights of Indigenous Peoples include a range of substantive **COLLECTIVE** rights. For example, rights to:

- Own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, or which they have otherwise acquired;
- Determine and develop priorities and strategies for the development or use of their lands, ~~or~~ territories, **WATER** and other resources;
- Maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts; and
- Maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions.
- **PARTICIPATION IN DECISION MAKING PROCESS RELATED TO BIODIVERSITY.**
- Article 8j of the Convention on Biological Diversity (CBD)
- *“Each Contracting Party shall, as far as possible and as appropriate: 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.”*
- The UNDRIP sets out the specific right of Indigenous Peoples to have their Free, Prior and Informed Consent (FPIC) sought in relation to activities **IMPACTING** ~~affecting~~ their land, territories or other resources, and the right to provide or to withhold that consent.
- While the right to Free, Prior and Informed Consent is particular to Indigenous Peoples, where an organisation’s activities ~~affect~~ **IMPACT** the lands, waters and livelihoods of other local communities, they may judge it appropriate to apply other approaches, such as an Informed Consultation and Participation (ICP) process. Doing so may help reduce risks and secure opportunities and benefits associated with the activities.
- The OECD Due Diligence Guidance on Meaningful Stakeholder Engagement in the Extractive Sector and the Business Reference Guide to the UN Declaration on the Rights of Indigenous Peoples highlight a range of additional considerations when the mode of engagement is based on the objective of Free, Prior and Informed Consent.

#### 3.8.1. Legal requirements for FPIC

- ILO Convention 169, UNDRIP and CBD set out certain duties of states regarding the conduct of FPIC, in situations where public or private sector activities affect Indigenous Peoples’ lands, territories, and resources, or their broader right to self-determination. In a growing number of countries, such duties are reflected in national legislation in varying degrees and with varying levels of specificity.



- Care should be taken to ascertain the extent and quality of any prior engagement process with Indigenous Peoples on which an organisation plans to rely. As the International Finance Corporation notes in its Stakeholder Engagement Handbook:19 International Finance Corporation (2007) Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets, <http://www.ifc.org/stakeholderengagement>
- *“In some sectors, such as natural resource extraction for example, government may be required to engage with indigenous communities prior to the involvement of a private company in the project. The manner in which such consultation takes place and the level of stakeholder satisfaction following such engagement can have direct implications for the project company that is subsequently granted an exploration license in an area impacting indigenous communities. For this reason, it is advisable to conduct due diligence on prior consultations with indigenous peoples to determine at what stages such engagement took place and what commitments were made or what unresolved issues still exist.”*
- Further guidance and information on the conduct of FPIC can be found in *the UN Food and Agriculture Organisation (FAO) toolkit*.20
- The CBD also adopted Mo’otz Kuxtal Voluntary guidelines21 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, to access the traditional knowledge of Indigenous Peoples and Local Communities and for fair and equitable sharing of benefits arising from the use of their knowledge that is relevant for the conservation and sustainable use of biodiversity.

Regarding the *Stakeholder engagement in systems for action and feedback (3.9.)*, IIFB suggest that business and financial institutes establish a specific mechanism for feedback from Indigenous Peoples and Local Communities.

Regarding the *Grievance mechanisms (3.9.1.)*, IIFB suggest that a specific mechanism is created to facilitate and use grievance mechanisms, or the grievance mechanism should include easy and culturally appropriate access to them.

**10. GLOSSARY OF KEY TERMS**

Terms	Definitions
<b>Free Prior and Informed Consent (FPIC)</b>	Free, Prior and Informed Consent (FPIC) is a specific right that pertains to Indigenous Peoples and is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).  FREE IMPLIES THAT INDIGENOUS PEOPLES AND LOCAL COMMUNITIES ARE NOT PRESSURED, INTIMIDATED, MANIPULATED OR UNDULY INFLUENCED AND THAT THEIR CONSENT IS GIVEN, WITHOUT COERCION; PRIOR IMPLIES SEEKING CONSENT OR APPROVAL SUFFICIENTLY IN ADVANCE OF ANY AUTHORIZATION TO ACCESS TRADITIONAL KNOWLEDGE RESPECTING THE CUSTOMARY DECISION-MAKING PROCESSES IN ACCORDANCE WITH NATIONAL LEGISLATION AND TIME



REQUIREMENTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES;  
INFORMED IMPLIES THAT INFORMATION IS PROVIDED THAT COVERS RELEVANT ASPECTS, SUCH AS: THE INTENDED PURPOSE OF THE ACCESS; ITS DURATION AND SCOPE; A PRELIMINARY ASSESSMENT OF THE LIKELY ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL IMPACTS, INCLUDING POTENTIAL RISKS; PERSONNEL LIKELY TO BE INVOLVED IN THE EXECUTION OF THE ACCESS; PROCEDURES THE ACCESS MAY ENTAIL AND BENEFITSHARING ARRANGEMENTS; CONSENT OR APPROVAL IS THE AGREEMENT OF THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES WHO ARE HOLDERS OF TRADITIONAL KNOWLEDGE OR THE COMPETENT AUTHORITIES OF THOSE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, AS APPROPRIATE, TO GRANT ACCESS TO THEIR TRADITIONAL KNOWLEDGE TO A POTENTIAL USER AND INCLUDES THE RIGHT NOT TO GRANT CONSENT OR APPROVAL; INVOLVEMENT REFERS TO THE FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, IN DECISION-MAKING PROCESSES RELATED TO ACCESS TO THEIR TRADITIONAL KNOWLEDGE. CONSULTATION AND FULL AND EFFECTIVE PARTICIPATION OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES ARE CRUCIAL COMPONENTS OF A CONSENT OR APPROVAL PROCESS.

Source: Decision 14/13 <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-13-en.pdf>

FPIC is a mechanism that safeguards the individual and collective rights of indigenous and tribal peoples, including their land and resource rights and their right to self-determination. The minimum conditions that are required to secure consent include that it is 'free' from all forms of coercion, undue influence or pressure, provided 'prior' to a decision or action being taken that affects individual and collective human rights, and offered on the basis that affected peoples are 'informed' of their rights and the impacts of decisions or actions on those rights. FPIC is considered to be an ongoing process of negotiation, subject to an initial consent. To obtain FPIC, 'consent' must be secured through an agreed process of good faith consultation and cooperation with indigenous and tribal peoples through their own representative institutions. The process should be grounded in a recognition that the indigenous or tribal peoples are customary landowners. FPIC is not only a question of process, but also of outcome, and is obtained when terms are fully respectful of land, resource and other implicated rights.

[UN Food and Agriculture Organisation \(2016\): Free Prior and Informed Consent - An Indigenous Peoples' Right and a good practice for local communities](#)



Term	Definition
<p><b>Nature's contribution to people</b></p>	<p>All the contributions, both positive and negative, to people's quality of life. REFERS TO ALL CONTRIBUTIONS – BENEFICIAL AND DETRIMENTAL – THAT PEOPLE, INDIVIDUALLY OR COLLECTIVELY AT VARIOUS SCALES, DERIVE OR ENDURE FROM NATURE. THE CONCEPT OF NCP OFFERS A PLURALISTIC WAY OF UNDERSTANDING HOW THE STATUS AND TRENDS OF NATURE (INCLUDING BIODIVERSITY AND ECOLOGICAL PROCESSES) LINK WITH PEOPLE'S LIVES, LIVELIHOODS AND QUALITY OF LIFE, WHILE AT THE SAME TIME ACKNOWLEDGING MANIFOLD PERSPECTIVES AND WORLD-VIEWS ABOUT HUMAN-NATURE RELATIONS. NCP SERVES AS AN UMBRELLA CONCEPT, EMBODYING DIFFERENT NOTIONS SUCH AS ECOSYSTEM GOODS AND SERVICES, NATURE'S GIFTS AND MANY OTHERS, AND FACILITATES RESPECTFUL COLLABORATION AND MUTUAL ENRICHMENT BETWEEN DIFFERENT KNOWLEDGE SYSTEMS AND WORLDVIEWS. THE AIM OF THIS NOTE IS TO IMPROVE UNDERSTANDING AND UPTAKE, AS WELL AS TO INFORM HOW THE CONCEPT OF NCP CAN BE USED IN PRACTICE IN DIFFERENT CONTEXTS.</p> <p>Source: IPBES. Information note on applying “nature’s contributions to people”  <a href="https://www.ipbes.net/sites/default/files/inline-files/ipbes_mep_note%20on%20NCP%20by%20MEP.pdf">https://www.ipbes.net/sites/default/files/inline-files/ipbes_mep_note%20on%20NCP%20by%20MEP.pdf</a></p>

The IIFB suggests the inclusion of the following terms with their definitions:

Term	Definition
<p>INDIGENOUS PEOPLES</p>	<p>There is no formal definition adopted at international law. A strict definition is seen as unnecessary and undesirable.</p> <p>United Nations use a “working definition” from the Martinez Cobo Study: “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”</p> <p>It also notes that an indigenous person is: ... one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group). This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference.</p>





	<p>According to ILO Convention No 169, Indigenous Peoples are descendants of population “which inhabited a country or geographical region during its conquest or colonization or the establishment of present state boundaries” and “retain some or all of their own social, economic, cultural and political institutions”</p> <p>Source: The United Nations Declaration on the Rights of Indigenous Peoples, Office of the United Nations High Commissioner for Human Rights  <a href="https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManuaIForNHRIs.pdf">https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManuaIForNHRIs.pdf</a></p>
<p><b>LOCAL COMMUNITIES:</b></p>	<p>The term Local Communities is use based on the characteristic listed by the Convention on Biological Diversity and its article 8 (j) which refer to Local Communities who embodying traditional lifestyles relevant for the conservation and sustainable of biological diversity <a href="https://www.cbd.int/convention/articles/?a=cbd-08">https://www.cbd.int/convention/articles/?a=cbd-08</a></p> <p>The Convention on Biological Diversity in its decision XI/12, Article 8(j) and related provisions, “Takes note of the characteristics listed in section I of the annex to the report of the Expert Group Meeting as potentially useful advice in identifying local communities, within the mandate of the Convention;” <a href="https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf">https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf</a> . The experts recommended that a working definition may be possible based on the following characteristics, some of which could be considered essential.</p> <p>Local communities living in rural and urban areas of various ecosystems may exhibit some of the following characteristics:</p> <ul style="list-style-type: none"> <li>(a) Self-identification as a local community;</li> <li>(b) Lifestyles linked to traditions associated with natural cycles (symbiotic relationships or dependence), the use of and dependence on biological resources and linked to the sustainable use of nature and biodiversity;</li> <li>(c) The community occupies a definable territory<sup>10</sup> traditionally occupied and/or used, permanently or periodically. These territories are important for the maintenance of social, cultural, and economic aspects of the community;</li> <li>(d) Traditions (often referring to common history, culture, language, rituals, symbols and customs) and are dynamic and may evolve;</li> <li>(e) Technology/knowledge/innovations/practices associated with the sustainable use and conservation of biological resources;</li> <li>(f) Social cohesion and willingness to be represented as a local community;</li> <li>(g) Traditional knowledge transmitted from generation to generation including in oral form;</li> <li>(h) A set of social rules (e.g., that regulate land conflicts/sharing of benefits) and organizational-specific community/traditional/customary laws and institutions;</li> <li>(i) Expression of customary and/or collective rights;</li> <li>(j) Self-regulation by their customs and traditional forms of organization and institutions;</li> <li>(k) Performance and maintenance of economic activities traditionally, including for subsistence, sustainable development and/or survival;</li> <li>(l) Biological (including genetic) and cultural heritage (bio-cultural heritage);</li> <li>(m) Spiritual and cultural values of biodiversity and territories;</li> </ul>

<sup>10</sup> Territory is interpreted as lands and waters.



	<p>(n) Culture, including traditional cultural expressions captured through local languages, highlighting common interest and values;</p> <p>(o) Sometimes marginalized from modern geopolitical systems and structures;</p> <p>(p) Biodiversity often incorporated into traditional place names;</p> <p>(q) Foods and food preparation systems and traditional medicines are closely connected to biodiversity/environment;</p> <p>(r) May have had little or no prior contact with other sectors of society resulting in distinctness or may choose to remain distinct;</p> <p>(s) Practice of traditional occupations and livelihoods;</p> <p>(t) May live in extended family, clan or tribal structures;</p> <p>(u) Belief and value systems, including spirituality, are often linked to biodiversity;</p> <p>(v) Shared common property over land and natural resources;</p> <p>(w) Traditional right holders to natural resources;</p> <p>(x) Vulnerability to outsiders and little concept of intellectual property rights.</p> <p><a href="https://www.cbd.int/doc/meetings/tk/wg8j-07/official/wg8j-07-08-add1-en.pdf">https://www.cbd.int/doc/meetings/tk/wg8j-07/official/wg8j-07-08-add1-en.pdf</a></p>
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## 11. ANNEX I. Compilation of international laws on Indigenous Peoples Rights

International Law	Relevance for TNFD Framework
<b>Indigenous and Tribal Peoples Convention, (No. 169) ILO<sup>11</sup></b>	This instrument contains Indigenous Peoples rights that should be respect when a business or financial institution operation have impact on indigenous peoples' rights.
<b>United Nations Declaration on the Rights of Indigenous Peoples<sup>12</sup></b>	This instrument contains Indigenous Peoples rights that should be respected when a business or financial institution operation impact on indigenous peoples' rights. This is interpreted jointly with the human rights treaties.
<b>Convention on Biological Diversity<sup>13</sup></b>	This instrument recognises the roles, contributions and rights of indigenous peoples and local communities in the conservation of biodiversity.
<b>Akwé: Kon Guidelines<sup>14</sup></b>	This guidance is essential for conducting cultural, environmental, and social impact assessments of development projects that are to take place on, or are likely to affect, sacred sites or on lands or waters traditionally occupied or used by indigenous and local communities. In this sense, the TNFD

<sup>11</sup> [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C169./Document](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169./Document)

<sup>12</sup> [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_es.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf)

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>13</sup> <https://www.cbd.int/doc/legal/cbd-es.pdf>

<https://www.cbd.int/doc/legal/cbd-en.pdf>

<sup>14</sup> <https://www.cbd.int/doc/publications/akwe-brochure-es.pdf>

<https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>



	<p>should consider the impact of its intervention not only on nature as it has done so far in its general framework and related documents, but also the social and cultural impacts in the areas where companies or financial institutions have their operations.</p> <p>This guidance provides a collaborative framework within which Governments, indigenous and local communities, decision makers and managers of developments can:</p> <ul style="list-style-type: none"> <li>(a) Support the full and effective participation and involvement of indigenous and local communities in screening, scoping and development planning exercises;</li> <li>(b) Properly take into account the cultural, environmental and social concerns and interests of indigenous and local communities, especially of women who often bear a disproportionately large share of negative development impacts;</li> <li>(c) Take into account the traditional knowledge, innovations and practices of indigenous and local communities as part of environmental, social and cultural impact-assessment processes, with due regard to the ownership of and the need for the protection and safeguarding of traditional knowledge, innovations and practices;</li> <li>(d) Promote the use of appropriate technologies;</li> <li>(e) Identify and implement appropriate measures to prevent or mitigate any negative impacts of proposed developments;</li> <li>(f) Take into consideration the interrelationships among cultural, environmental and social elements.</li> </ul>
<p><b>Mo'otz Kuxtal Guidelines</b><sup>15</sup></p>	<p>This guide is relevant to the TNFD framework as it provides guidance for ensuring free, prior and informed consent of Indigenous Peoples and Local Communities, as well as obtaining a fair and equitable sharing of benefits arising from use of the traditional knowledge associated with biodiversity.</p>
<p><b>Glossary of Relevant Key Terms and Concepts within the Context of Article 8(j) and Related Provisions</b><sup>16</sup></p>	<p>This glossary allows for a better understanding of key terms and concepts that should be considered in the creation of norms, policies, laws, frameworks, among others, regarding the rights of Indigenous Peoples.</p>
<p><b>Nagoya Protocol on ABS</b><sup>17</sup></p>	<p>The preamble contains seven paragraphs relevant to Indigenous Peoples and Local Communities.</p> <p>The Protocol contains significant provisions relating to genetic resources and traditional knowledge associated with genetic resources held by indigenous and local communities.</p>

<sup>15</sup> <https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-es.pdf>  
<https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-en.pdf>

<sup>16</sup> <https://www.cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-es.pdf>  
<https://www.cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-en.pdf>

<sup>17</sup> <https://www.cbd.int/traditional/Protocol.shtml>



## 12. Annex II. Compilation of Indigenous Peoples rights relevant for the TNFD Framework

Rights	Relevance to the TNFD framework
<b>Derechos Colectivos<sup>18</sup></b>	This right implies that indigenous peoples have the right to their legal, social, political, economic systems and institutions, their own cultures, spirituality, languages, lands, territories and natural resources. This right is relevant in the framework of the TNFD, as companies or financial institutions must recognise and respect these rights to their collective action.
<b>Self-Determination<sup>19</sup></b>	This right implies that Indigenous peoples are entitled to choose their own forms of government, within existing states, they choose and determine how their lives are governed and their development paths. They participate in decisions that affect their lives within their own process of decision making. Also includes a right to formal recognition of their identities. They have control over their lives and future including their economic, social and cultural development. This right is relevant in the framework of the TNFD, to respect their rights especially in the LEAP approach.
<b>Self-government</b>	This right implies that Indigenous Peoples have right to decided their identity, institutional structures, integrity and the unique role and make their own decisions for their development. This right is relevant for TNFD framework as indigenous peoples should not be affected by projects or business or investment that negatively impact their land, territories and waters.
<b>Free, Prior and Informed Consent<sup>20</sup></b>	<p>All elements within FPIC are interlinked, and they should not be treated as separate elements. The first three elements (free, prior and informed) qualify and set the conditions of consent as a decision-making process. This stage is relevant for TNFD since, consent should be sought before any project, plan or action takes place (prior), it should be independently decided upon (free) and based on accurate, timely and sufficient information provided in a culturally appropriate way (informed) for it to be considered a valid result or outcome of a collective decision-making process.</p> <p><b>Free</b> refers to a consent given voluntarily and without coercion, intimidation or manipulation. It also refers to a process that is self-directed by the community from whom consent is being</p>

<sup>18</sup><https://www.oas.org/es/sadye/documentos/res-2888-16-es.pdf>

<https://www.oas.org/en/sare/documents/DecAmIND.pdf>

<sup>19</sup> [https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_es.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf)

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>20</sup> <https://www.fao.org/3/I6190ES/i6190es.pdf>

<https://www.fao.org/3/i6190e/i6190e.pdf>



	<p>sought, unencumbered by coercion, expectations or timelines that are externally imposed.</p> <p><b>Prior</b> means that consent is sought sufficiently in advance of any authorization or commencement of activities, at the early stages of a development or investment plan, and not only when the need arises to obtain approval from the community.</p> <p><b>Informed</b> refers mainly to the nature of the engagement and type of information that should be provided prior to seeking consent and also as part of the ongoing consent process</p> <p><b>Consent</b> refers to the collective decision made by the rights-holders and reached through the customary decision-making processes of the affected Indigenous Peoples or communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community. Indigenous peoples and local communities must be able to participate through their own freely chosen representatives, while ensuring the participation of youth, women, the elderly and persons with disabilities as much as possible.</p>
<p><b>Participation</b></p>	<p>This right implies that Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions. This is an essential right, of which indigenous peoples must be aware of and which, TNFD must respect.</p>
<p><b>Right to free, prior and informed consultation</b> <sup>21</sup></p>	<p>The implementation of free, prior and informed consultation which is part of the Free, Prior and Informed Consent process, recognises the right of indigenous peoples to autonomy and self-government, to their own culture, and the right to define their priorities in the development process.</p> <p><b>Prior:</b> <sup>22</sup> All the engagement should be prior to the decisions taken.</p>

<sup>21</sup> Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos (2011). El derecho a la consulta de los pueblos indígenas: la importancia de su implementación en el contexto de los proyectos a gran escala. Disponible en: [http://hchr.org.mx/files/doctos/Libros/2011/derecho\\_con-sulta\\_IS.pdf](http://hchr.org.mx/files/doctos/Libros/2011/derecho_con-sulta_IS.pdf)

<sup>22</sup> <https://informe.cndh.org.mx/uploads/menu/10064/Laconsultaprevia.pdf>



	<p><b>Free:</b> All the engagement with indigenous peoples concerned, should be free of coercion. This ensures that people are participating freely.</p> <p><b>Informed:</b> information that should be provided prior to seeking consent</p> <p><b>Good Faith:</b> Consultations in application of this ILO 169 Convention shall be carried out in good faith.</p> <p><b>Appropriate Procedures:</b> Appropriate procedures must be adopted for consultation, which must be carried out through the representative institutions of indigenous peoples.</p> <p>The procedures, times, spaces and contents of the consultation must be agreed with the communities, guaranteeing that they choose their representatives autonomously; and culturally appropriate methodology must be constructed in conjunction with the indigenous peoples.</p>
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### 13. Annex III. Compilation of Goals and Targets related to Indigenous People and Local Communities relevant for the TNFD Framework

The IIFB considers that the entire TNFD Framework could contribute to achieving the KMGBF, particularly Targets related to Indigenous Peoples and Local Communities as for example: Goal C, Target 1, 2, 3, 4, 5, 9, 13, 19, 21, 22 and 23. As well as Targets related business, such as Target 14, 15, 16, 21, and 22

Target text	Relevance for TNFD Framework
<p><b>TARGET 14</b> Ensure the <b>full integration of biodiversity and its multiple values into policies</b>, regulations, planning and development processes, poverty eradication strategies, <b>strategic environmental assessments</b>, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and <b>across all sectors, in particular those with significant impacts on biodiversity</b>, progressively aligning all relevant public and private activities, fiscal and financial flows with the goals and targets of this framework.</p>	<p>This Target calls for all sectors, including private sector, to integrate biodiversity and its multiple values into policies. It includes values of Indigenous Peoples and Local Communities.</p> <p>See more information in The assessment report on the Diverse Values and Valuation of Nature, IPBES <a href="https://www.ipbes.net/sites/default/files/2023-05/IPBES%20Values%20ILK%20Messages%20for%20Web%20en.pdf">https://www.ipbes.net/sites/default/files/2023-05/IPBES Values ILK Messages for es ForWeb en.pdf</a></p>
<p><b>TARGET 15</b> <b>Take legal, administrative or policy measures to encourage and enable business</b>, and in particular to ensure that large and transnational companies and financial institutions:</p> <p>(a) Regularly monitor, assess, and transparently <b>disclose their risks, dependencies and</b></p>	<p>This Target calls business to disclose their impacts on biodiversity which also could impact Indigenous Peoples and Local Communities and the benefit-sharing compliance when these businesses are using traditional</p>



<p><b>impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their</b> operations, supply and value chains, and portfolios;</p> <p>(b) Provide information needed to consumers to promote sustainable consumption patterns;</p> <p><b>(c) Report on compliance with access and benefit-sharing regulations and measures, as applicable;</b></p> <p>in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.</p>	<p>knowledge in accordance with the Nagoya Protocol on ABS.</p> <p>Indigenous Peoples and Local Communities could make significant contribution to the sustainable patterns of productions as they maintain their traditional knowledge and sustainable practices.</p>
<p><b>TARGET 16</b>  <b>Ensure that people</b> are encouraged and enabled to make sustainable consumption choices including by establishing supportive policy, legislative or regulatory frameworks, improving education and <b>access to relevant and accurate information and alternatives, and by 2030, reduce the global footprint of consumption in an equitable manner,</b> halve global food waste, significantly reduce overconsumption and substantially reduce waste generation, in order for all people to live well in harmony with Mother Earth.</p>	<p>This Target calls for consumer to have access to relevant information to make sustainable consumptions choices, and the TNFD Framework could contribute to this particular aspect.</p>
<p><b>TARGET 21</b>          Ensure that the best available data, information and knowledge are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent*, in accordance with national legislation.</p> <p>*Free, prior and informed consent refers to the tripartite terminology of “prior and informed consent” or “free, prior and informed consent” or “approval and involvement.</p>	<p>This Target calls for all, including the private sector, to respect the free, prior and informed consent before using traditional knowledge, innovations and practices and technologies. It is in line with Article 8 (j) of the CBD, the Mo’otz Kuxtal Voluntary Guidelines of CBD, and the Nagoya Protocol on ABS.</p>
<p><b>TARGET 22</b>          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</p>	<p>This Target calls for the full, equitable, inclusive, effective and gender-responsible representation and participation in decision making and information related to biodiversity by</p>



<p>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.</p>	<p>indigenous peoples and local communities, therefore, the TNFD framework can support the achievement of this Target.</p>
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#### 14. Annex IV. Relevant biography

- TNFD Nature-related Risk and Opportunity Management and Disclosure Framework Beta v0.4 [https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD\\_v0.4\\_Integrated\\_Framework\\_v6-1.pdf](https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD_v0.4_Integrated_Framework_v6-1.pdf)
- TNFD Nature-related Risk and Opportunity Management and Disclosure Framework Beta v0.4 – Summary, [https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD\\_v0.4\\_Short\\_Summary\\_v5.pdf](https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD_v0.4_Short_Summary_v5.pdf)
- The TNFD Nature-related Risk and Opportunity Management and Disclosure Framework Beta v0.4 Annex 4.9 Draft Guidance on Engagement with Affected Stakeholders [https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD\\_v0.4\\_Annex\\_4.9\\_v7-1.pdf](https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD_v0.4_Annex_4.9_v7-1.pdf)
- The TNFD Nature-related Risk and Opportunity Management and Disclosure Framework. Beta v0.4 Annex 4.3 Disclosure Metrics Annexes [https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD\\_v0.4\\_Annex\\_4.3\\_v3-1.pdf](https://framework.tnfd.global/wp-content/uploads/2023/03/23-23882-TNFD_v0.4_Annex_4.3_v3-1.pdf)
- Glossary of Key Terms <https://framework.tnfd.global/appendix/glossary-of-key-terms/>
- The United Nations Declaration on the Rights of Indigenous pEOPLES, A Manual for National Human Rights Institutions <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>
- Nature Positive Plan: better for the environment, better for business <https://www.dccew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>
- Akwé:Kon Voluntary Guidelines on CBD endorsed by the Conference of the Parties sixth in decision VI/7 A. <https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>
- Mo'otz Kuxtal Voluntary Guidelines on CBD, adopted by the Conference of the Parties to the Convention on Biological Diversity at its thirteenth meeting, in December 2016. These guidelines have been developed pursuant to decision XII/12 D. <https://www.cbd.int/doc/publications/8j-cbd-mootz-kuxtal-en.pdf>
- Glossary of Relevant Key Terms and Concepts within the context of Article 8 (j) and related provisions, endorsed by the Conference of the Parties to the Convention at its fourteenth meeting, within the context of Article 8(j) and related provisions in its decision 14/13. <https://www.cbd.int/doc/guidelines/cbd-8j-GlossaryArticle-en.pdf>
- Convention for the Safeguarding of the Intangible Cultural Heritage <https://ich.unesco.org/doc/src/15164-EN.pdf>
- Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition <https://www.fao.org/family-farming/detail/en/c/1027909/>