ICC POSITION PAPER

UPHOLDING THE DISTINCT STATUS AND RIGHTS OF INDIGENOUS PEOPLES

INUIT CALL ON STATES TO ENSURE CBD COP17 DECISIONS USE LANGUAGE CONSISTENT WITH THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

INUIT CIRCUMPOLAR COUNCIL

UPHOLDING THE DISTINCT STATUS AND RIGHTS OF INDIGENOUS PEOPLES

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1 SUMMARY

The Inuit Circumpolar Council (ICC) is an Indigenous Peoples' Organization founded in 1977 to promote and celebrate the unity of approximately 180,000 Inuit from Alaska, Canada, Greenland, and Chukotka. Celebrating 50 years as the international voice of Inuit, ICC calls upon Parties at the 17th Conference of the Parties to the UN Convention on Biological Diversity (COP17), in Yerevan, Armenia, to support and uphold the rights of Indigenous Peoples on biodiversity conservation issues identified by Inuit and other Indigenous Peoples globally.

At the 17th Conference of Parties of the UN Convention on Biological Diversity (CBD), Inuit call on Heads of State, government authorities, private corporations, research institutions, and civil society to support and advance the following recommendations to ensure the full and effective participation and meaningful engagement of Inuit at the CBD regarding all decisions that impact us:

1. **Recommendation**: Affirm the right of Indigenous Peoples to self-determination by maintaining and respecting the self-organization of Indigenous Peoples into the seven Indigenous sociocultural regions and respect their processes for selection and nomination of their representatives.
2. **Recommendation:** Address and resolve the use of terminology that conflates Indigenous Peoples with local communities, or other groups, and align language to reflect the UN Declaration on the Rights of Indigenous Peoples[1].
3. **Recommendation:** Recognize that Indigenous Peoples and Indigenous Knowledge are critical for the conservation of biodiversity, sustainable wildlife management, and for the conservation and sustainable use of marine and coastal biodiversity.

2 BACKGROUND AND CONTEXT

The Inuit Circumpolar Council (ICC) has been engaged on issues related to biodiversity, conservation and sustainable use since its establishment. The very first meeting ICC sent delegates to in 1977, to advocate for Inuit practices of sustainable use, was an International Whaling Commission meeting. ICC was present at the Rio Convention in 1992, advocating for the role of Indigenous Knowledge in responding to the world's environmental challenges. ICC has likewise worked in partnership with Indigenous Peoples and their representative organizations as part of the global Indigenous Peoples' movement, across international fora such as the UN Environment Programme (UNEP), UN Framework Convention on Climate Change (UNFCCC), UN Convention on Biological Diversity (CBD), and UN Permanent Forum on Indigenous Issues (UNPFII). This included decades of effort and collaboration to develop the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

[1] Link to the United Nations Declaration on the Rights of Indigenous Peoples

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Protecting and implementing the rights of Indigenous Peoples is imperative to the successful conservation of biodiversity. Indigenous Peoples' inherent collective and individual rights recognize the connection of Indigenous Peoples to our lands and territories and the right to participate in decision-making about the development or conservation of those traditional territories, including through the use of Indigenous Knowledge. The rights of Indigenous Peoples are foundational to our ability to practice place-based conservation and sustainable use, without this baseline recognition of rights, the full, effective and meaningful participation of Indigenous Peoples this is not possible.

Items up for decision at this COP have various implications for Inuit from the recognition of our self-determined processes to decisions related to a definition of "conserved areas" that includes 'recognizing Indigenous and traditional territories, where applicable.' Inuit have a proven record of area-based conservation which still protects harvesting practices while ensuring the conservation of biodiversity. ICC calls for Parties to align the definition of protected areas with Target 3 of the KMGBF which highlights that Indigenous and traditional territories can be consistent with conservation outcomes while respecting and recognizing the rights of Indigenous Peoples[2], as is proven by Inuit-led examples.

The inclusion of Indigenous Knowledge for the conservation of biodiversity is critical and has yet to be fully realized. Target 21 of the KMGBF ensures that Indigenous Knowledge must be part of the best available data and information that are available to decision makers. Unfortunately, Indigenous Knowledge is often not weighted equitably to western science but is critical for solutions to biodiversity loss. Inuit hold vast and holistic knowledge of our homeland, and it is imperative that Indigenous Knowledge is recognized as critical for sustainable wildlife management and for the conservation and sustainable use of marine and coastal biodiversity.

3 FROM THE FIRST MEETING OF THE SUBSIDIARY BODY ON ARTICLE 8(J) TO COP17

1. Recommendation: Affirm the right of Indigenous Peoples to self-determination by maintaining and respecting the self-organization of Indigenous Peoples into the seven Indigenous sociocultural regions and respect their processes for selection and nomination of their representatives.

The seven Indigenous sociocultural regions are the result of a deliberate, consensus-based process that represents an expression of our right to self-determination by which Indigenous Peoples have organized themselves. They are used across the UN, including by the UN General Assembly, ECOSOC, and the UN Human Rights Council, as well as the UNFCCC, and UNEP, and the Minamata Convention on Mercury[3]. The seven sociocultural regions are reaffirmed in the

[2] Recommendation adopted by the Subsidiary Body on Scientific, Technical and Technological Advice on 1 August 2026 28/4. Sustainable wildlife management. https://www.cbd.int/doc/recommendations/sbstta-28/sbstta-28-rec-04-en.pdf

[3] Human Rights Council Resolution adopted by the Human Rights Council on 30 September 2016 33/25. Expert Mechanism on the Rights of Indigenous Peoples, Minamata Convention on Mercury Strengthening the effective engagement of Indigenous Peoples as well as local communities MC-5/1.

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UNDRIP[4]. Articles 3, 18, and 33 highlight Indigenous Peoples' right to self-determination, participation in decision making structures that impact them through representatives chosen by themselves in accordance with their own procedures[5]. The use of the seven Indigenous Sociocultural regions for the participation of Indigenous Peoples at the CBD, the Subsidiary Body on Article 8 (j) (SB8j), and any Ad Hoc Expert Groups is imperative for the full, meaningful, and effective participation of Inuit, and other Indigenous Peoples within the CBD.

The Ad Hoc Working Group on Article 8j (AHWG 8j) was established in 1998 and developed several voluntary guidelines and enhanced participation mechanisms, intended to ensure the full and effective participation of Indigenous Peoples as part of the programme of work under Article 8j. Now that the Subsidiary Body on 8j has been established, it is imperative to remember and recognize that Parties have invited Indigenous Peoples to participate in 8j in this way, and have done so in meaningful ways that uphold our inherent rights. This includes the self-determined process by which Indigenous Peoples determine how and by whom we are represented. It is essential to recognizing that Indigenous Peoples live across and within state borders and addressing "how" we are represented requires the recognition of the seven Indigenous sociocultural regions, and "by whom" means that any process that requires the approval of a Party to confirm or legitimize an Indigenous Peoples organization or representative thereof is incongruent with those principles. Additionally, rejecting a self-determined process does not respect the principles laid out in UNDRIP or the CBD endorsed through the Kunming-Montreal Global Biodiversity Framework (KMGBF). These two participation mechanisms are linchpins for the full, effective, and meaningful participation of Inuit at the CBD.

ICC respects and acknowledges that the CBD is a Party led process. Setting up the Ad Hoc Working Group and subsequent Subsidiary Body on Article 8j, has been a process determined and agreed to by Parties. Indigenous Peoples are working within the precedents and frameworks determined by the CBD that invited us to participate in full, effective, and meaningful ways. The Conference of the Parties (COP) is the ultimate decision maker of the CBD and the role of the SB 8j will remain to provide advice and recommendations to the COP, which can then be accepted or rejected by the Parties.

Based on the right of Indigenous Peoples to fully, meaningfully, and effectively participate in decision making that affects us, including at the CBD, and the precedents set at the AHWG 8j ICC expects that the established procedures for enhanced participation to apply to the Subsidiary Body as a continuation of the AHWG 8j. The permanent SB8j must maintain enhanced participation mechanisms that provide opportunities for interaction between parties and Indigenous Peoples.

Inuit must have full, meaningful, and effective participation and engagement at the CBD and in all decisions that impact us, and our homelands including the water and ice. This must happen through processes that uphold the right to self-determination and ensure that such enhanced participation mechanisms are the default at the SB8J.

[4] Link to the United Nations Declaration on the Rights of Indigenous Peoples
[5] Link to the United Nations Declaration on the Rights of Indigenous Peoples

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2. Recommendation: Address and resolve use of terminology that conflates Indigenous Peoples with local communities, or other groups, and align language to reflect the UN Declaration on the Rights of Indigenous Peoples

ICC continues to reject the use of any terminology that combines Indigenous Peoples with other groups and contributes to diminishing or otherwise undermining our rights. Indigenous Peoples are neither the same as nor are they so similar to local communities as to fall under one political or social grouping or to constitute a shared understanding when combined.

As the UN Special Rapporteur's 2025 Report to the Office of the High Commissioner on Human Rights states, "the term "local communities" has not yet been established as a human rights concept with a clear meaning or associated rights." In contrast, the inherent collective and individual rights of Indigenous Peoples are affirmed in the UNDRIP. These rights apply only to Indigenous Peoples and not to any other group or category. ICC has consistently voiced our clear opposition to the combined use of Indigenous Peoples and those of local communities including in its 2020 "*Policy Paper on the matter of "local communities*". ICC reiterates this concern of the conflated use of these terminologies within the CBD. ICC also recalls the strong recommendation of the three UN mechanisms for Indigenous Peoples who jointly recommended an immediate cease to the conflation of the terms "local communities" and Indigenous Peoples in July 2023 and February 2024[6]. We acknowledge that Parties have expressed concerns about the representation of local communities through SB8j, and ICC affirms that it is representatives of local communities themselves who have the right to self-determine a process for their own representation through their own processes.

ICC calls for this conflation to be addressed across all CBD text, including the modus operandi for the SB8j, the tasks of the programme of work of the SB8j including the activity related to Indigenous and traditional territories, as well as any other text across the Convention, including decisions related to protected areas management, and marine conservation.

Therefore, we recommend disentangling terminology that conflates Indigenous Peoples with local communities and updating the language of the CBD to reflect the UN Declaration on the Rights of Indigenous Peoples.

3. Recommendation: Recognize that Indigenous Peoples and Indigenous Knowledge are critical for the conservation of biodiversity, sustainable wildlife management, and for the conservation and sustainable use of marine and coastal biodiversity.

The foundational and inherent rights of Indigenous Peoples and the ability of Inuit to practice place-based conservation using Indigenous Knowledge underpin the participation of ICC at the CBD. ICC defines Indigenous Knowledge as: "a systematic way of thinking applied to phenomena across biological, physical, cultural and spiritual systems. It includes insights based on evidence acquired through direct and long-term experiences and extensive and multigenerational observations, lessons, and skills. It has developed over millennia and is still developing in a living process,

[6] https://social.desa.un.org/sites/default/files/Webpage_Unedited-version_UNPFII_2024_rev.pdf

including knowledge acquired today and in the future, and it is passed on from generation to generation."[7]

Indigenous Knowledge goes beyond observations and ecological knowledge, offering a unique way of knowing which should ultimately inform decision makers. Our knowledge and observations are critical to ensure the safety of Inuit across Inuit Nunaat and must be incorporated in any decision making about our homelands. This concept is reiterated under UNDRIP Article 31 that states: "Indigenous Peoples have the right to maintain,... [and] have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions."[8]

At the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), Parties worked on a definition of "conserved areas" that includes 'indigenous and traditional territories, where applicable.' This recognizes that Indigenous and traditional territories can be consistent with conservation outcomes and respects and recognizes the rights of Indigenous Peoples. Additionally, ICC recommends Parties maintain the language put forward from the SBSTTA which recognizes the critical role of Indigenous Peoples as key stewards of biodiversity in their recommendations regarding Sustainable wildlife management.

The CBD recognizes Indigenous Peoples, Indigenous Knowledge and practices and that Indigenous Knowledge and practice should be promoted as relevant to sustainable use and conservation. This is entrenched in the KMGBF targets. Targets 5, 9, 21, and 22 refer to the sustainable use and management of species, the full and effective participation of Indigenous Peoples, and the inclusion of Indigenous and traditional knowledge while respecting our free prior and informed consent. This allows for both the best practices and best available data to be used to ensure the greatest possibility of achieving the KMGBF targets. ICC calls on Parties to ensure that decisions at COP17 remain consistent with the precedent set by these targets for the recognition of the role of Indigenous Peoples, Indigenous Knowledge, and Indigenous management practices in fulfilling the aims of the CBD.

4 CONCLUSION

Several key decisions are on the table at COP17 that will affect the future of Inuit participation at the CBD. ICC insists on a distinctions-based and rights-based approaches for the inclusion of Indigenous Peoples representation within the CBD, including the SB8j. We call on Parties to reaffirm their commitment to the UN Declaration on the Rights of Indigenous Peoples, and to safeguard the rights of Indigenous Peoples, the international human rights system, and the rule of law.

Inuit hold distinct collective and individual rights and are not merely stakeholders, conflating Indigenous Peoples with any other group diminishes our rights and status. As such, we seek full, effective, and meaningful participation in all conventions, multilateral agreements, and international fora where our rights, culture, and way of life are impacted. This can only be achieved

[7] https://www.inuitcircumpolar.com/icc-activities/environment-sustainable-development/indigenous-knowledge/

[8] UNDRIP Article 31

if States and intergovernmental organizations cease grouping and conflating Indigenous Peoples with “local communities,” reform outdated procedural rules that marginalize Inuit and other Indigenous Peoples, and utilize the UN Declaration on the Rights of Indigenous Peoples as a framework for uplifting the status, rights and participation of Indigenous Peoples. Not only are these rights critical for Indigenous Peoples but they are also tied to the rights to our territories, our right to sustainably manage species according to our knowledge and practices, and our right to implement the best approaches for the conservation of biodiversity.