

*Conservation of Biological Diversity: Respecting the Human Rights of Indigenous Peoples as  
an Imperative*

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**Kariuki Muigua**

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**Kariuki Muigua\***

**Abstract**

*This paper examines the need to respect the human rights of indigenous peoples in the conservation of biological diversity. The paper argues that indigenous peoples are key custodians of biological diversity and have played an important role in biodiversity conservation for many centuries. Despite their significant contribution to the conservation of biological diversity, the paper argues that indigenous peoples are usually neglected in conservation efforts. Further, the paper posits that biodiversity loss disproportionately impacts indigenous peoples due to their close dependence on nature for the livelihoods, health and spiritual and cultural well-being. In light of these concerns, the paper argues that upholding the human rights of indigenous peoples is necessary for sound biodiversity conservation. It discusses ways through which the human rights of indigenous peoples can be respected towards bolstering the conservation of biological diversity for Sustainable Development.*

**1.0 Introduction**

Conservation of biological diversity (biodiversity) is an urgent and pertinent ideal in the quest towards Sustainable Development. It has been argued that biodiversity provides natural resources vital for human well-being and progress including food, fuel and medicinal plants<sup>1</sup>. In addition, biodiversity underpins ecosystem services including clean water, pollination, regulation of pests and diseases and climate regulation<sup>2</sup>. Further, it has been argued that biodiversity fosters Sustainable Development by providing

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\* PhD in Law (Nrb), FCI Arb (Chartered Arbitrator), OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [October, 2025].

<sup>1</sup> Secretariat of the Convention on Biological Diversity., 'Biodiversity and Sustainable Development – the relevance of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets for the post-2015 development agenda and the Sustainable Development Goals' Available at <https://www.cbd.int/sbstta/doc/sdg-paper-rev-11-june-en.pdf> (Accessed on 04/10/2025)

<sup>2</sup> Ibid

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essential ecosystem services including clean air, water and food, supporting the livelihoods of millions of people all over the world and fostering resilience to environmental threats such as climate change<sup>3</sup>. Biodiversity therefore supports Sustainable Development by providing essential ecosystem goods and services. It provides goods such as food, fibre and medicine, and services including air and water purification, climate regulation, erosion control and nutrient cycling<sup>4</sup>. Biodiversity also supports livelihoods and economic development in key sectors including fisheries, forestry, agriculture and tourism<sup>5</sup>.

Despite playing an integral role in the Sustainable Development agenda, the planet's biological diversity is facing mounting threats. For instance, it has been argued that biodiversity loss is occurring at an alarming rate, with species extinctions being estimated to be 10 to 100 times higher than the natural baseline<sup>6</sup>. Nature is declining globally at rates unprecedented in human history and the rate of species extinctions is accelerating, with grave impacts on people and planet<sup>7</sup>. It is estimated that nearly 1 million species face the risk of extinction<sup>8</sup>.

Global biodiversity loss is largely driven by human activities including unsustainable urban development, agricultural expansion into habitats and ecosystems, pollution, deforestation, land degradation, over extraction of resources, and human-induced

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<sup>3</sup> Sekhar. P.R et al., 'Role of Biodiversity and its Importance in Sustainable Development: A Comprehensive Review' *Uttar Pradesh Journal of Zoology.*, Volume 45, Issue 8 (2024)

<sup>4</sup> Food and Agriculture Organization of the United Nations., 'Biodiversity Conservation & Sustainable Development' Available at <https://www.fao.org/4/i3157e/i3157e10.pdf> (Accessed on 04/10/2025)

<sup>5</sup> Ibid

<sup>6</sup> World Health Organization., 'Biodiversity' Available at <https://www.who.int/news-room/fact-sheets/detail/biodiversity#:~:text=Biodiversity%20loss%20is%20occurring%20at,healthier%2C%20more%20resilient%20food%20production.> (Accessed on 04/10/2025)

<sup>7</sup> Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services., 'Media Release: Nature's Dangerous Decline 'Unprecedented'; Species Extinction Rates 'Accelerating' Available at <https://www.ipbes.net/news/Media-Release-Global-Assessment> (Accessed on 04/10/2025)

<sup>8</sup> Ibid

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climate change<sup>9</sup>. Biodiversity loss has negative impacts for both people and planet. It impacts vital ecosystem services goods and services including food, clean water, clean air, medicines, pollination, nutrient cycling, erosion control and climate regulation thus impacting livelihoods and human and ecosystem health<sup>10</sup>.

In light of the foregoing challenges, conservation of biological diversity is vital towards achieving Sustainable Development. Sustainable Development Goal (SDG) 15 under the United Nations 2030 Agenda for Sustainable Development<sup>11</sup> seeks to inter alia halt and reverse the loss of biodiversity for Sustainable Development<sup>12</sup>. It urges countries to take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity, and protect and prevent the extinction of threatened species<sup>13</sup>. In addition, the *Convention on Biological Diversity*<sup>14</sup> was adopted towards strengthening the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources<sup>15</sup>. The Convention recognises that the conservation and sustainable use of biological diversity is of critical importance for meeting the food, health, and other needs of humanity<sup>16</sup>. Conservation of biological diversity is therefore a key global agenda whose attainment is necessary for Sustainable Development.

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<sup>9</sup> United Nations Environment Programme., 'Tackling Ecosystem Degradation & Pollution' Available at <https://www.unep.org/topics/ocean-seas-and-coasts/ecosystem-degradation-pollution> (Accessed on 04/10/2025)

<sup>10</sup> World Health Organization., 'Biodiversity' Op Cit

<sup>11</sup> United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 04/10/2025)

<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> The Convention on Biological Diversity, 5 June 1992 (1760 U.N.T.S. 69)

<sup>15</sup> Ibid, article 1

<sup>16</sup> Ibid, Preamble

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This paper examines the need to respect the human rights of indigenous peoples in the conservation of biological diversity. The paper argues that indigenous peoples are key custodians of biological diversity and have played an important role in biodiversity conservation for many centuries. Despite their significant contribution to the conservation of biological diversity, the paper argues that indigenous peoples are usually neglected in conservation efforts. Further, the paper posits that biodiversity loss disproportionately impacts indigenous peoples due to their close dependence on nature for the livelihoods, health and spiritual and cultural well-being. In light of these concerns, the paper argues that upholding the human rights of indigenous peoples is necessary for sound biodiversity conservation. It discusses ways through which the human rights of indigenous peoples can be respected towards bolstering the conservation of biological diversity for Sustainable Development.

## **2.0 Indigenous Peoples and Biodiversity: Opportunities and Challenges**

Indigenous peoples are important custodians of the planet's biological diversity. It has been argued that for many centuries, indigenous peoples have been successful stewards of the world's biodiversity by utilising their indigenous knowledge, innovations and practices<sup>17</sup>. According to the United Nations Environment Programme (UNEP), indigenous peoples are the unsung heroes of biodiversity conservation<sup>18</sup>. UNEP points out that areas occupied, owned and managed by indigenous peoples comprise some of the richest biodiversity hotspots on the planet<sup>19</sup>. It has been argued that while indigenous peoples account for just over six per cent of the global population, they are custodians of more than a third of the world's most important biodiversity areas<sup>20</sup>. Further, it has been

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<sup>17</sup> UN Environment Programme World Conservation Monitoring Centre., 'Championing Indigenous Peoples' Stewardship of Biodiversity' Available at <https://www.unep-wcmc.org/en/news/championing-indigenous-peoples-stewardship-of-biodiversity> (Accessed on 04/10/2025)

<sup>18</sup> United Nations Environment Programme., 'Indigenous Peoples: The unsung heroes of conservation' Available at <https://www.unep.org/news-and-stories/story/indigenous-peoples-unsung-heroes-conservation> (Accessed on 04/10/2025)

<sup>19</sup> Ibid

<sup>20</sup> UN Environment Programme World Conservation Monitoring Centre., 'Championing Indigenous Peoples' Stewardship of Biodiversity' Op Cit

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observed that most of the land occupied by indigenous peoples is in ecologically sound condition when compared to the land occupied by non-indigenous populations<sup>21</sup>. The lands and territories of indigenous peoples host more species and see lower rates of deforestation and degradation than lands managed by public or private entities<sup>22</sup>. In addition, indigenous peoples hold most of the world's remaining intact forests<sup>23</sup>.

Indigenous peoples are therefore at the heart of conservation of biological diversity. Indigenous peoples and local communities all over the world have been engaging in ecosystem management and biodiversity conservation since time immemorial<sup>24</sup>. It has been argued that indigenous peoples have developed Traditional Ecological Knowledge (TEK) which has enabled them to ensure sound biodiversity conservation and ecosystem management<sup>25</sup>. TEK has been identified as experiential knowledge developed by indigenous peoples and local communities over millennia based on their close and intimate relationship with nature<sup>26</sup>. It has been argued that TEK alongside other forms of indigenous knowledge – gained through trans-generational experiences, observations, and transmission - can contribute to sound biodiversity conservation and sustainable ecosystem management and development<sup>27</sup>.

The knowledge, practices and innovations of indigenous peoples are highly valuable in ensuring sound conservation of biological diversity. For example, indigenous knowledge

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<sup>21</sup> Ibid

<sup>22</sup> Reytar. K., 'Protecting Biodiversity Hinges on Securing Indigenous and Community Land Rights' Available at <https://www.wri.org/insights/indigenous-and-local-community-land-rights-protect-biodiversity> (Accessed on 04/10/2025)

<sup>23</sup> Ibid

<sup>24</sup> Bixcul. B., 'Indigenous Peoples, Biodiversity, and the Responsibilities of Financial Institutions' Available at <https://www.culturalsurvival.org/news/indigenous-peoples-biodiversity-and-responsibilities-financial-institutions> (Accessed on 04/10/2025)

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> United Nations Environment Programme., 'Indigenous peoples and their communities' Available at <https://www.unep.org/civil-society-engagement/major-groups-modalities/major-group-categories/indigenous-peoples-and> (Accessed on 04/10/2025)

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and practices ensure sound biodiversity conservation including through sustainable agriculture and land management through agroforestry, crop rotation and climate-resilient crops, sustainable water management, medicinal use of native plants, management of invasive species and sound conservation of ecosystems including forests and fresh water resources<sup>28</sup>. It has been argued that indigenous peoples use farming techniques that nourish their lands and conserve biodiversity<sup>29</sup>. Indigenous peoples' centuries-old food production systems are anchored in sustainable practices, which are unique to their native ecosystems and ensure the conservation of biological diversity<sup>30</sup>.

Despite being key custodians of biodiversity for many centuries, the role of indigenous peoples in the conservation of biological diversity has been largely ignored and undermined. For example, it has been argued that due to historical marginalization and political, social and economic power imbalances, indigenous peoples have often been overlooked as key agents of change<sup>31</sup>. Consequently, they are often excluded from environmental decision-making processes undermining their role in the conservation of biological diversity<sup>32</sup>. Indigenous peoples all over the world are also facing threats to their ancestral lands and territories. It has been argued that for many centuries, challenges such as colonialism, forced resettlement, strong external development pressures and exclusion from natural resource decisions have undermined the ability of indigenous peoples to manage their lands and waters among other natural resources<sup>33</sup>. Many indigenous

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<sup>28</sup> Bixcul. B., 'Indigenous Peoples, Biodiversity, and the Responsibilities of Financial Institutions' Op Cit

<sup>29</sup> Indigenous Peoples are protecting biodiversity, one harvest at a time., Available at <https://www.ifad.org/en/w/rural-voices/indigenous-peoples-are-protecting-biodiversity-one-harvest-at-a-time> (Accessed on 04/10/2025)

<sup>30</sup> Ibid

<sup>31</sup> United Nations Development Programme., 'Indigenous knowledge is crucial in the fight against climate change - here's why' Available at <https://climatepromise.undp.org/news-and-stories/indigenous-knowledge-crucial-fight-against-climate-change-heres-why> (Accessed on 04/10/2025)

<sup>32</sup> Ibid

<sup>33</sup> The Nature Conservancy., 'Indigenous Peoples and Local Communities' Available at <https://www.nature.org/en-us/about-us/who-we-are/how-we-work/community-led-conservation/> (Accessed on 04/10/2025)

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communities all over the world are yet to see their land rights recognized or protected by law, with indigenous lands facing growing threats from industry and agriculture<sup>34</sup>.

Biodiversity loss also disproportionately affects indigenous peoples globally. It has been argued that due to their close relationship and dependency on biodiversity and healthy ecosystems for their survival, indigenous peoples are highly vulnerable to changes and damages in the environment<sup>35</sup>. Therefore, activities such as logging, unsustainable mining practices, pollution and climate change all pose increasing threats to indigenous peoples, their livelihood and survival by fuelling biodiversity loss and environmental degradation<sup>36</sup>. According to UNEP, the subsistence economies and spiritual connection of indigenous peoples to their lands and territories has seen them suffer adversely from the loss of biological diversity and environmental degradation<sup>37</sup>. The livelihoods, cultural and spiritual well-being, health and indigenous knowledge systems of indigenous peoples are therefore threatened by global biodiversity loss<sup>38</sup>.

In light of the foregoing challenges, it is imperative to uphold the rights of indigenous peoples towards ensuring sound conservation of biological diversity for Sustainable Development.

### **3.0 Respecting the Human Rights of Indigenous Peoples for Sound Conservation of Biological Diversity**

Indigenous peoples are at the heart of biodiversity conservation. They are custodians of unique knowledge systems, innovations and practices that have been passed down through generations and have allowed them to live sustainably on the planet,

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<sup>34</sup> Reytar. K., 'Protecting Biodiversity Hinges on Securing Indigenous and Community Land Rights' Op Cit  
<sup>35</sup> United Nations Environment Programme., 'Indigenous peoples and their communities' Op Cit

<sup>36</sup> Ibid

<sup>37</sup> United Nations Environment Programme., 'Indigenous Peoples and the nature they protect' Available at <https://www.unep.org/news-and-stories/story/indigenous-peoples-and-nature-they-protect#:~:text=Indigenous%20Peoples'%20contributions%20are%20essential,assessments%20and%20sustainable%20ecosystem%20management> (Accessed on 04/10/2025)

<sup>38</sup> Ibid

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emphasizing harmony with nature<sup>39</sup>. Indigenous practices and ways of life have minimal impact on the environment and are highly adaptive to ecological changes, fostering healthy and resilient ecosystems and conserving biodiversity<sup>40</sup>. It has been argued that indigenous peoples are vital in strengthening environmental governance since conserving biodiversity relies on the knowledge, innovations and practices of those who live in direct contact with nature<sup>41</sup>.

Embracing the role of indigenous peoples is therefore key in strengthening biodiversity conservation efforts. This ideal is recognised under the *Convention on Biological Diversity*<sup>42</sup> which acknowledges 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<sup>43</sup>. The Convention urges all contracting states to 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<sup>44</sup>.

In addition, the *Kunming-Montreal Global Biodiversity Framework (GBF)* recognises the role of indigenous peoples in biodiversity conservation<sup>45</sup>. The GBF aims to foster sound biodiversity conservation by halting and reversing nature loss<sup>46</sup>. It sets out global targets

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<sup>39</sup> United Nations Development Programme., 'Indigenous knowledge is crucial in the fight against climate change - here's why' Op Cit

<sup>40</sup> Ibid

<sup>41</sup> United Nations Environment Programme., 'Environmental Rule of Law: Tracking Progress and Charting Future Directions.' Available at [https://wedocs.unep.org/bitstream/handle/20.500.11822/43943/Environmental\\_rule\\_of\\_law\\_progress.pdf?sequence=3](https://wedocs.unep.org/bitstream/handle/20.500.11822/43943/Environmental_rule_of_law_progress.pdf?sequence=3) (Accessed on 04/10/2025)

<sup>42</sup> The Convention on Biological Diversity, Op Cit

<sup>43</sup> Ibid, Preamble

<sup>44</sup> Ibid, article 8 (j)

<sup>45</sup> Kunming-Montreal Global Biodiversity Framework., CBD/COP/DEC/15/4 19., December 2022

<sup>46</sup> Ibid

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to be achieved by 2030 and beyond to safeguard and sustainably use biodiversity<sup>47</sup>. The GBF further 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<sup>48</sup>. It seeks to ensure that the rights of indigenous peoples and local communities are respected and given effect to in biodiversity conservation efforts<sup>49</sup>.

At a regional level, *African Union Biodiversity Strategy and Action Plan (ABSAP)*<sup>50</sup> recognizes the essential role of indigenous peoples and local communities in sound biodiversity conservation in Africa. It seeks to empower and uphold the rights of indigenous peoples for sound biodiversity conservation in Africa.

The role of indigenous peoples in biodiversity conservation is therefore well-recognised both globally and in Africa. It is therefore imperative to uphold the rights of indigenous peoples in order to ensure sound conservation of biological diversity. This requires all countries to ensure the meaningful involvement of indigenous peoples in national biodiversity conservation plans and programmes<sup>51</sup>. It has been argued that the contribution of indigenous peoples is essential in designing and implementing solutions for biodiversity ecosystems<sup>52</sup>. For example, traditional knowledge and heritage can contribute to effective environmental assessments and sustainable ecosystem management<sup>53</sup>. Strengthening the representation, participation and engagement of

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<sup>47</sup> Ibid

<sup>48</sup> Ibid

<sup>49</sup> Ibid

<sup>50</sup> African Union Biodiversity Strategy and Action Plan (ABSAP) (2023-2030)., Available at [https://au.int/sites/default/files/documents/44029-doc-AU\\_Biodiversity\\_Strategy\\_12\\_08\\_2024.pdf](https://au.int/sites/default/files/documents/44029-doc-AU_Biodiversity_Strategy_12_08_2024.pdf) (Accessed on 31/10/2024)

<sup>51</sup> United Nations Environment Programme., 'Indigenous Peoples and the nature they protect' Op Cit

<sup>52</sup> Ibid

<sup>53</sup> Ibid

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indigenous peoples and local communities at all levels is therefore key towards upholding their rights and ensuring sound biodiversity conservation<sup>54</sup>.

In addition, there is need to respect the land rights of indigenous peoples all over the world. It has been observed that indigenous peoples worldwide usually face eviction from the ancestral lands they have inhabited for generations in order to support the extraction of natural resources, agricultural activities and infrastructure projects<sup>55</sup>. Further, indigenous peoples continue to suffer from high levels of land insecurity, social dislocation and violence while defending their ancestral lands<sup>56</sup>. Failure to uphold the land rights of indigenous peoples undermines sound biodiversity conservation since it threatens valuable indigenous knowledge that is practiced in their lands and territories<sup>57</sup>. It has been argued that when the rights of indigenous peoples are protected and especially their rights to land, territories and resources, their culture and nature thrive<sup>58</sup>. It is therefore vital to recognise and uphold indigenous land rights for sound biodiversity conservation.

Further, there is need to ensure that benefits accruing from the knowledge, practices and innovations of indigenous peoples are shared equitably with them. It has been pointed out that indigenous knowledge has often been commercialized for medical advancements and food production without equitable benefit-sharing with indigenous and local communities who are custodians of these vital knowledge systems<sup>59</sup>. As a

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<sup>54</sup> UN Environment Programme World Conservation Monitoring Centre., 'Championing Indigenous Peoples' Stewardship of Biodiversity'

<sup>55</sup> Amnesty International., 'Indigenous Peoples' Available at <https://www.amnesty.org/en/what-we-do/indigenous-peoples/> (Accessed on 04/10/2025)

<sup>56</sup> International Institute for Sustainable Development., 'No Sustainable Development without Indigenous Peoples' Available at Available at <https://sdg.iisd.org/commentary/guest-articles/no-sustainable-development-without-indigenous-peoples/> (Accessed on 04/10/2025)

<sup>57</sup> Ibid

<sup>58</sup> United Nations Environment Programme., 'Indigenous Peoples and the nature they protect' Op Cit

<sup>59</sup> Nakitare. J., Otike. F., & Mureithi. L., 'Harnessing the economic value of indigenous knowledge in Kenya: a qualitative review of the legal framework' Available at <https://www.emerald.com/gkmc/article->

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result, there is need to ensure that indigenous peoples benefit directly and equitably from the conservation and ecologically sustainable use of natural resources through equitable benefit sharing arrangements<sup>60</sup>. It has been argued that access to and fair-benefit sharing of monetary and non-monetary benefits from genetic resources is a critical element of sound conservation of biodiversity for Sustainable Development<sup>61</sup>. Ensuring equitable access to and fair benefit-sharing in respect of biodiversity can provide incentives for indigenous peoples and local communities to enhance biodiversity conservation<sup>62</sup>.

Preserving indigenous knowledge is also crucial upholding the rights of indigenous peoples and ensuring sound biodiversity conservation<sup>63</sup>. Preserving indigenous culture and knowledge systems is key in upholding the rights of indigenous peoples now and in the future for Sustainable Development<sup>64</sup>. It is therefore necessary to ensure that traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of indigenous peoples are respected, and documented and preserved with their free, prior and informed consent for the benefit of future generations towards sound biodiversity conservation<sup>65</sup>.

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[abstract/doi/10.1108/GKMC-09-2023-0324/1258934/Harnessing-the-economic-value-of-indigenous?redirectedFrom=fulltext](https://doi.org/10.1108/GKMC-09-2023-0324/1258934/Harnessing-the-economic-value-of-indigenous?redirectedFrom=fulltext) (Accessed on 04/10/2025)

<sup>60</sup> Muigua. K., 'Fostering a Human Rights Approach to Biodiversity Conservation in Kenya' Available at <https://kmco.co.ke/wp-content/uploads/2021/11/Fostering-a-Human-Rights-Approach-to-Biodiversity-Conservation-in-Kenya-Kariuki-Muigua-November-2021.pdf> (Accessed on 04/10/2025)

<sup>61</sup> Global Environment Facility., 'Access and Benefit-Sharing' Available at <https://www.thegef.org/what-we-do/topics/biodiversity/access-and-benefit-sharing> (Accessed on 04/10/2025)

<sup>62</sup> Ibid

<sup>63</sup> Latief. A., 'Harnessing Indigenous Knowledge for Climate Change Resilience in Africa' Available at [https://www.linkedin.com/pulse/harnessing-indigenous-knowledge-climate-change-africa-aatifahlatief/?utm\\_source=share&utm\\_medium=member\\_android&utm\\_campaign=share\\_via](https://www.linkedin.com/pulse/harnessing-indigenous-knowledge-climate-change-africa-aatifahlatief/?utm_source=share&utm_medium=member_android&utm_campaign=share_via) (Accessed on 04/10/2025)

<sup>64</sup> Ibid

<sup>65</sup> Kunming-Montreal Global Biodiversity Framework., Op Cit

#### **4.0 Conclusion**

Indigenous peoples are vital custodians of biodiversity whose knowledge, practices and innovations can strengthen biodiversity conservation efforts globally. Respecting the human rights of indigenous peoples is therefore necessary towards bolstering biodiversity conservation. In order to achieve this ideal, there is need to ensure the meaningful participation of indigenous peoples in biodiversity conservation plans, uphold the land rights of indigenous peoples, foster equitable benefit-sharing of genetic resources with indigenous peoples and preserve indigenous knowledge, practices and innovations<sup>66</sup>. Respecting the human rights of indigenous peoples is therefore an imperative that should be actualised for sound conservation of biological diversity towards Sustainable Development.

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<sup>66</sup> Ibid

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