Terms of Reference for   
Communities Advisory Panel (CAP)

The advisory panel of Indigenous People (IPs) and Local Communities (LCs) initiated by the Biodiversity Credit Alliance

V1.0 Final Draft - 22 July 2024

**ToR CONTENTS**

[1. Background 2](#_Toc178340709)

[2. CAP Purpose 4](#_Toc178340710)

[3. Founding Values & Principles 4](#_Toc178340711)

[4. CAP Objectives 6](#_Toc178340712)

[5. CAP Scope 7](#_Toc178340713)

[6. Structure 8](#_Toc178340714)

[7. Membership 9](#_Toc178340715)

[8. Sharing Leadership 12](#_Toc178340716)

[9. Decision Making 13](#_Toc178340717)

[10. Support & Resources 14](#_Toc178340718)

[11. Reporting 14](#_Toc178340719)

[12. Privacy, Confidentiality & Conflicts of Interest 14](#_Toc178340720)

[13. Review, Amendments & Version Control 15](#_Toc178340721)

[14. Adoption & Effectiveness 15](#_Toc178340722)

[List of Acronyms 16](#_Toc178340723)

[Appendix 1: CAP Member Registration Form 17](#_Toc178340724)

[Appendix 2: CAP Member Directory 18](#_Toc178340725)

[Appendix 3: CAP Network Map 19](#_Toc178340726)

# 

# Background

## Emergence of Biodiversity Credits

The Kunming-Montreal Global Biodiversity Framework (GBF) Target 19 calls for substantial annual increases in worldwide biodiversity credits and subsection (f) specifically targets engagement of Indigenous Peoples and Local Communities for “Mother Earth-centric based actions and non-market-based approaches including community-based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity;…”.

Indigenous Peoples and Local Communities are well recognized for knowledge systems that integrate Earth as a living system, with sensitivity and epistemic wisdom. Indigenous Peoples and Local Communities history, traditions, myths, languages, and practices as peoples are attributed to Mother Earth as she is the sacred spiritual source of the ancestral sciences protecting and sustaining life.

Biodiversity credits, or 'biocredits', are proposed as a way to finance nature conservation and restoration. They propose a mechanism to bridge the sacred applied knowledge of Indigenous Peoples and Local Communities to financial capital, international institutions, and emerging markets for nature.

It is unclear how market systems and market-led financial instruments like biodiversity credits will operate to support biodiversity stewards, particularly Indigenous Peoples and Local Communities that are closest to nature.

Many Indigenous Peoples and Local Communities openly reject the concept of selling and buying nature, and for many, the concept of claiming the value of something that you have not produced, as a concept, cannot necessarily be easily understood and reconciled.

The opportunities and risks in this diverse perspective make it important to elevate the voices of Indigenous Peoples and Local Communities as markets seek to integrate with nature through biodiversity credits.

## Biodiversity Credit Alliance (BCA) and Communities Advisory Panel (CAP)

Biodiversity Credit Alliance (BCA) was formed as an informal alliance in late 2022.

The mission of the BCA is to bring clarity and guidance for the formulation of a credible and scalable biodiversity credit market in support of corporate nature-positive commitments and global biodiversity targets, and through this to mobilize financial flows for biodiversity custodians with recognition of local knowledge contexts.

Further details on the BCA mission and mandate can be found at [www.biodiversitycreditalliance.org](http://www.biodiversitycreditalliance.org)

In recognition of Indigenous and/or traditional knowledge contributions to protecting the Earth, BCA has been charged with seeking out and incorporating Indigenous Peoples and Local Communities participation, clarity and guidance for the quickly evolving world of voluntary biodiversity credits.

‘Traditional Knowledge, Innovations and Practices’ (TKIP) is defined in Article 8(j) of the Convention on Biological Diversity (CBD) as “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.”

A system of biodiversity credits incorporating TKIP to ICCAs can be a positive advancement that supports Indigenous Peoples’ and Local Communities' stewardship of Place. The CAP was initiated by BCA to achieve this.

BCA has appointed the International Institute for Environment and Development (IIED) as its supplier to work with the CAP and appointed a member to serve as its secretariat.

BCA has indicated a commitment to inform CAP about its work plan and progress, and schedule occasional work sessions and consultations to keep CAP members informed.

## Indigenous Peoples (IPs) and Local Communities (LCs)

CAP members have gathered in response to a call for engagement by BCA on biodiversity credits.

Unless it is otherwise declared by a CAP member, it should be assumed that all CAP members are representing their own views in the forum, and individual member participation should not infer the consent or agreement of the members’ IP and LC affiliations.

CAP members also note that while international institutions and agreements often group Indigenous Peoples and Local Communities together, members call for separating terms to better uphold different rights and needs of Indigenous People to self-determination as distinct peoples.

Each local community must also be led by the demands of serving people in place. The values of LCs are recognized by international treaties, continental and regional charters and laws.

For this reason, CAP members refer to Indigenous Peoples (herein IPs) and Local Communities (herein LCs) separately whilst recognizing that shared representation via CAP allows members to collaborate efficiently across a diverse global set of common interests.

# CAP Purpose

The founding purpose of the CAP is to advise the BCA in its mission to bring clarity and guidance for the formulation of a credible and scalable biodiversity credit market in support of corporate nature-positive commitments and global biodiversity targets, and through this, to mobilize financial flows for biodiversity custodians with recognition of local knowledge contexts.

CAP provides a forum for members to contribute diverse perspectives to this challenge.

# Founding Values & Principles

As much as 80% of the world’s biodiversity is found in the lands and territories of IPs and LCs.

CAP members are committed to an engagement and dialogue process that seeks to improve and advance biodiversity protection and the rights and interests of IPs and LCs, irrespective of whether this occurs through market mechanisms like biodiversity credits.

CAP members recognize and respect the existing structures and views of IPs and LCs, which allow them to advocate for their own interests in the protection of the remaining biodiversity during this time of crisis.

As nature-dependent Peoples, IPs and LCs must play an active role in shaping the biodiversity credit market as it evolves.

Therefore it is critical, as a matter of core values, that CAP input guides BCA's development of its charter, principles, and products together with IPs and LCs, with full respect for their rights and values.

The values of IPs and LCs generally include the following, as recognized by world bodies:

* **A right of self-governance and freedom from labels applied to IPs, as recognized in UNDRIP and defined in CBD’s Voluntary Glossary of Key Terms.**   
    
  CAP members engage in an advisory role to BCA understanding that the membership accepts the sovereignty of IPs and LCs and respects their rights to participation in any of the recommended programs, voluntary or involuntary, adopted pursuant to any of the recommendations they make.
* **A shared interest in all open progress that benefits all IPs and LCs.**  
    
  CAP recognizes the work accomplished by other IPs and LCs leaders in promoting the full range of their rights through various Policy Statements and enactments such as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
* **A shared interest in ongoing IP matters for international debate and resolution.**   
    
  CAP members also recognize the traditional knowledge and customary sustainable use of biological and cultural resources by IPs and LCs together with their right to freely consent or dissent to the use of TKIP, and if consent is granted, that the IP or LC is fully informed and participates with implementation of any action and the financial benefits accompanying that action.
* **A shared interest in equity for IP and LC participation.**  
    
  CAP members also intend that management of IP and LC traditional resources, scientific study within their traditional territory and implementation of policy and procedures include contracting with the IP and LC to the maximum extent feasible. This is especially critical and important when sacred species of plant or animals and spiritual physical sites within ICCA’s are affected.

To elevate IP and LC values, the CAP's role is to fully and effectively engage IPs and LCs, ensure their effective participation in the design and development of BCA principles and products, and secure the full respect of the values and rights of Indigenous Peoples and Local Communities therein.

CAP members participate openly and voluntarily in that spirit.

# CAP Objectives

## Global Biodiversity

In the full context of the Kunming-Montreal Global Biodiversity Framework (GBF) Target 19, CAP has three main objectives:

1. To promote the interests of IPs and LCs at international, national and local levels in relation to resource mobilization under KMGBF Target 19.
2. To promote a human rights-based approach to the development of nature markets if this is to be the agreed mechanism for resource mobilization.
3. To promote full and effective participation of IPs and LCs in the design, development and regulation of systems supporting nature markets.

CAP members define success as safe, adequate, predictable and easily accessible financial resources for IPs and LCs who choose to voluntarily participate in nature markets.

## Biodiversity Credit Markets

In the specific context of biodiversity credits or 'biocredits', CAP has additional objectives to achieve:

1. To capture and communicate diverse CAP member views on BCA developments, including whether and under which conditions biodiversity credits can advance the interests of IPs and LCs.
2. To provide a neutral forum for member-led education, active learning and practical insights that help IPs and LCs grow capability and capacity necessary to engage with emerging biodiversity credit markets and various institutional processes, at their discretion.
3. To develop recommendations and other guidance, representative of the collective wisdom of CAP members, to proactively guide biodiversity credit developers, buyers, and sellers on how to respectfully and lawfully increase the agency of IPs and LCs to restore and conserve nature while aiding in reversing historical injustice.

# CAP Scope

## Priorities

The CAP's priority at establishment is to create a safe and open forum for members to advise the BCA Taskforce on biodiversity credits.

## Current Activities

The current focus for CAP is establishing the relationship with BCA and assessing resource requirements to be effective.

The next focus for CAP is information exchange between BCA and members for the purposes of providing diverse views and feedback on biodiversity credits.

Over time, CAP will provide a forum for members to exchange views, information, and capacity on:

* Pros and cons of biodiversity credits in relation to other instruments for resource mobilization, including other market or non-market mechanisms
* Pros and cons of different type of biodiversity credits (such as voluntary vs compliance markets)
* Best practices and lived experiences of biodiversity financing schemes

CAP also provides a forum to ensure that the rights of IPs and LCs are fully respected within the BCA as well as the broader political landscape relevant for KMGBF Target 19.

This member feedback could take the form of:

* Recommendations to the BCA regarding development of a Charter for how biodiversity credit markets can meaningfully engage IPs and LCs and increase their ability to conserve and restore nature
* Engagement with relevant IPs and LCs to gather their views on biodiversity credits
* Enhanced awareness and coordinated member communications about the pros and cons of biodiversity credits among IPs and LCs about the development of biodiversity credits, including developments within BCA, regulation, voluntary markets, etc.

## Initial Term

CAP is supported by the BCA Secretariat to run for an initial term from October 2023 to December 2024 with the current structure.

Prior to the end of the initial term, CAP members will be engaged to decide whether to extend the ToR to continue collaboration across the membership.

## Extension of Scope

To provide full context to CAP member advice and guidance on biodiversity credits, members are invited to contribute perspectives and learnings from knowledge systems, practices, and domains outside of the narrow focus on biodiversity credits. This is especially true in sharing learnings and experiences of carbon credits and other environmental market schemes.

In addition to this, CAP members may seek opportunities to meet, build trusted relationships and explore emerging priorities of shared interest for the membership, such as attendance at COP16.

Other future priorities for the CAP membership may include:

* Wider engagement with BCA forum
* Member education and learning on biodiversity credit markets
* Information/knowledge sharing on developments regarding resource mobilization under KMGBF target 19

While the initial CAP focus remains on biodiversity credits, members are encouraged to explore shared initiatives outside of CAP that may extend the formal terms of reference of CAP in the future.

# Structure

## CAP

CAP membership will comprise the minimum participation necessary to ensure fair and reasonable knowledge of issues in nature markets, with particular focus on recruiting members who are actively engaged in representing IP and LC rights and interests in active projects considering biodiversity credits.

CAP will have minimum representation from the seven UN socio-cultural regions grouped to understand the rights and interests of IPs and LCs from Africa; Arctic; Asia; Central and South America and the Caribbean; Central and Eastern Europe, Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

Over time, regional committees are expected to consolidate their region's IP and LC rights and interests in nature. On formation, these regional committees will define their process for submitting regional perspectives back into the CAP for further consolidation.

## Relationship with BCA

Following confirmation of the terms of reference, BCA Taskforce may offer resources and/ or request the engagement of CAP members to supply advice and guidance on biodiversity credits as required.

## Secretariat

The CAP shall initially be convened by the International Institute for Environment and Development (IIED), a charity and think-tank based in the UK as CAP secretariat.   
  
IIED has long-standing experience with engagement of local right-holders and facilitating platforms for community engagement related to natural finance, resource management and conservation.   
  
IIED has agreed to continue in this role until the end of December 2024 pending future decisions by CAP.

The CAP secretariat along with the Chairperson (see 8.1 below) is responsible for:

* Facilitating oral and written translation of CAP meetings, supporting with draft CAP meeting agendas and follow-up minutes and the draft Recommendations produced.
* Raising funding and spending these funds on CAP-related translations, travel costs and honorarium.
* Acting as a liaison between CAP members, BCA Forum meetings, and other meetings with relevant stakeholders on an ad-hoc basis.

## Relationships with External Groups

In addition to the BCA, other international processes are ongoing to facilitate high-integrity markets.   
  
The CAP members may work as separate individuals or collectively with these other processes and networks as long as when they act individually, they disclose that they are not representing CAP.

# Membership

## Open Membership

CAP membership is by application to existing CAP members with the administrative support of the Secretariat.

CAP is open to IPs and LCs members that have:

* Experience with IP & LC organizations
* Knowledge of interest in biodiversity resource mobilization
* Time and capacity to participate in meetings, discussions, and other events

CAP members agree to supply the Secretariat with criteria for new member applications.

CAP members can join as representatives of IP and LC organizations, or individually.

There is currently no minimum or maximum membership level agreed by existing CAP members.

Interested self-determined Indigenous People and Local community members are encouraged to contact the Secretariat to apply to the CAP (anna.ducros@iied.org).

## Member Participation & Responsibilities

Engagement in CAP will require the following from members:

* Online participation in CAP meetings approximately every four weeks
* Online participation in occasional BCA Forum Meetings
* Influencing and shaping the development of the biodiversity credit market through participation in other BCA working groups, BCA Task Force and BCA Forum Meetings and other related meetings
* Direct input into the development of recommendations and a Charter for Indigenous Peoples and LCs in the 'biocredits' market
* Contribute to CAP outputs, such as recommendations, best practice guides, presentations, and others
* Coordinate with networks outside CAP to then feed in findings into CAP discussions
* Commitment to share the status of the development of the biodiversity credit markets through CAP approved communication strategy e.g., media channels, where appropriate.

For these inputs, CAP members may be eligible, if budget and logistics allow, to receive a modest honorarium and possible sponsorship to participate in relevant conferences (e.g., COP16 in Cali, Colombia).

Members should disclose any conflicts of interest, whether commercial or otherwise.

Members with conflicts of interest can participate in discussions, working groups and provide input but will not have any external representation.

Members should not externally represent CAP unless explicitly delegated. Members may communicate that they are members of CAP, but not represent the views of CAP.

Should a member fail to attend three consecutive meetings, CAP through its Secretariat shall inform the member of CAP’s intention to terminate his or her membership.   
  
Should the member fail to respond to CAP communication over time, the memberships will automatically terminate.   
  
Members can also choose to terminate their membership in writing to the Secretariat.

## Communications

CAP (via the Secretariat) will communicate with members via email.

CAP members and the Secretariat may explore the use of other digital tools to facilitate collaboration and shared learning across the CAP membership.

To allow for diversity of engagement, the Secretariat must have sufficient funding to support relevant translation and interpretation for CAP members in Spanish, French and English.

CAP will maintain versions of the ToR translated from English to French and Spanish.

From time to time, CAP members may be asked to support each other with additional translations.

Over time, a wide range of translations will be necessary to support all CAP members.

CAP members can request additional translations from the Secretariat (anna.ducros@iied.org).

## Member Directory

Separately from this ToR, to foster relationships between members, CAP will maintain a directory of short profile descriptions provided voluntarily by each current CAP member.

The data in this directory will not be shared publicly and will be held privately among CAP members and the Secretariat.

Over time, we will build profiles of the membership that share location information, background, heritage, affiliations etc. This will also include disclosure of any conflicts of interest.

To subscribe to updates on the CAP Member Directory, email anna.ducros@iied.org.

## Network Mapping

Separately from this ToR, to ensure members remain connected to all market developments, CAP will maintain an evolving map of the various other caucuses, networks, social movements and other groups who operate at the international level on biodiversity credits, wider nature markets developments and the rights of IPs and LCs.

CAP members can then identify their existing connections with these caucuses and networks, as well as groups whom the CAP would like to build better connections with.

To subscribe to updates on the CAP Network Map, email anna.ducros@iied.org.

# Sharing Leadership

## Meetings

CAP will meet approximately every 4 weeks.

Smaller subgroupings may also be constituted as needed, such as the Interim Steering Group (ISG) which has been meeting every 2 weeks or so for the last month

Following the first meeting, which was chaired by IIED, future meetings will be chaired by CAP members on a voluntary basis.

A few selected Observers will be invited to join meetings and listen to the proceedings.

The meetings will be conducted under Chatham House rules (i.e., the discussion can be referred to without attribution of comments to any particular individuals).   
  
IIED will produce a short summary of the meeting discussions and assist in formulation of Panel outputs (i.e., the Charter). Regular meetings and communications around the CAP will be in French, Spanish and English assuming budgets allow for this.

Documentation of CAP activities (e.g. meeting notes, summaries and outputs of the CAP) as well as of the wider BCA are not a reflection of a consensus reached amongst Indigenous Peoples and Local community members, but represent a high-level summary of evolving and heterogenous opinions of present participants.

## CAP Chairperson

Esther Netshivhongweni volunteered as the chairperson for the initial establishment term ending December 2024.

Following the initial term, CAP members will nominate a chairperson as per this ToR.

Over time, the responsibility to chair CAP may rotate.

## Sub-Committees

From time to time, it may be necessary for CAP to advance issues and matters requiring a smaller sub-group of CAP members to work collectively on behalf of the membership. CAP members can volunteer for relevant subgroupings, committees and CAP positions. Office bearers will be selected with the approval of the CAP and Secretariat.

Changes to sub-committee leadership are made at the discretion of the chairperson in consultation with sub-committee members.

## CAP Representation on BCA Taskforce

CAP members nominate two participants to represent the wider membership with the BCA Taskforce - normally the chairperson and one other member.

Over time, the responsibility to represent CAP at the Taskforce may be shared or rotated with other members.

## Public Representation

CAP may occasionally need to be represented in public forums, such as the BCA Forum.

In public forums, participants may identify as a CAP member but must not represent views and interests of CAP without mandate.

The chairperson of CAP must give written permission for any member to officially represent CAP interests in public forums.

# Decision Making

CAP strives for consensus in its decision-making processes.

Where a diversity of views are represented, CAP members spend time helping document those views to record and honour the perspective of the diverse membership. With consent, these perspectives are shared openly among CAP members.

Where consensus cannot be reached, decisions will be made by a majority vote of the members present.

CAP members and the Secretariat agree to collaborate to continually improve methods for facilitating member participation in agenda formation, issue prioritisation and decision-making. [IIED-check]

# Support & Resources

The BCA provides the necessary logistical, administrative, and financial support to enable the effective functioning of the Secretariat.

CAP may fundraise/request resources specifically for the purpose of compensating members who contribute time and expenses to participate in CAP activities.

Funding for the purpose of recovering costs of member participation must be raised and managed transparently to maintain trust of all CAP members.

Over time, CAP members may seek regular reporting on the fundraising, expenditure and financial resources available to advance CAP priorities prior to regular meetings.

# Reporting

CAP members, via the Secretariat, may be invited or required to provide reports and recommendations to the BCA Taskforce or Forum.

Wherever possible, CAP members will be consulted with reporting outputs or key communications ahead of sending outside of CAP.

On or before the first anniversary of CAP initiation, members may wish to compile an annual report summarizing activities, recommendations, and outcomes to be published and made available to the public.

# Privacy, Confidentiality & Conflicts of Interest

CAP members and the Secretariat recognize that some members may require additional assurances on privacy when actively participating, and all parties agree to make best efforts to facilitate privacy for members when requested.

Over time, CAP members will develop unique policies requiring the support of the full membership. Initially, CAP members will adhere to any and all BCA policies for confidentiality and conflict of interest.

Any potential conflicts of interest must be declared by CAP members, and appropriate measures will be taken to address them.

CAP will in dialogue with the Secretariat have the powers and authority to nominate individuals to participate in workshops, meetings and conferences that are relevant to their objectives.

CAP members, who are separate from CAP individually and/or through their organizations, have the right to participate in biodiversity credit workshops, forums, networks, conferences, and projects. This should not be viewed as a conflict of interest as this is their area of expertise and/or work as defined in the CAP definition.

Should a CAP member (or a Secretariat member) view his/her participation as conflicting with his/her participation role in CAP, for the protection of the CAP reputation, the member will disclose his or her interests in the CAP meeting or in writing.

# Review, Amendments & Version Control

This ToR will be reviewed by members at least annually or as necessary.

CAP members may propose amendments to the ToR, which will be adopted by consensus or a majority vote.

If CAP members agree to adopt a new version of the ToR at an official meeting of the CAP, a new version will be finalized and published to an open repository managed by the Secretariat for the benefit of transparency amongst CAP members.

# Adoption & Effectiveness

The current version of the ToR comes into effect immediately upon majority vote of CAP members.

Through the ToR and the Secretariat, CAP members request engagement from the BCA Taskforce on how the BCA may recognize and/or adopt these terms.

# 

# List of Acronyms

|  |  |
| --- | --- |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| CBD | Convention on Biological Diversity |
| TKIP | Traditional Knowledge, Innovations and Practices |
| COP | Conference of the Parties |
| GBF | Kunming-Montreal Global Biodiversity Framework (adopted COP 15) |
| BCA | Biodiversity Credit Alliance |
| IABP | International Advisory Panel on Biodiversity Credits |
| ToR | Terms of Reference |
| ISG | Interim Steering Group |
| CAP | Communities Advisory Panel |
| IPLC | Indigenous Peoples and Local Communities |
| IPs | Indigenous Peoples |
| LCs | Local Communities |
| ICCAs | Indigenous People’s & Conserved Territories & Areas |

# 

# 

# 

# 

# 

# Appendix 1: CAP Member Registration Form

Under development.

# 

# Appendix 2: CAP Member Directory

This is under development and will be available on request to verified CAP members only.

To subscribe to updates on the CAP Member Directory, email anna.ducros@iied.org.

# 

# Appendix 3: CAP Network Map

This is under development and will be available on request to verified CAP members only.

To subscribe to updates on the CAP Network Map, email anna.ducros@iied.org.