

IIFB'S VIEWS AND INFORMATION RELATING TO THE STRATEGIC REVIEW AND ANALYSIS OF THE CURRENT PROGRAMME OF WORK ON PROTECTED AREAS (PoWPA) IN THE CONTEXT OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

Submission of the International Indigenous Forum on Biodiversity (IIFB) on views and information relating to the strategic review and analysis of the current Programme of Work on Protected Areas (PowPA) in the context of the Kunming-Montreal Global Biodiversity Framework, in response to the CBD notification 2025-135 (SCBD/SSSF/SS/JA/MG/MS/92511).

What aspects should be incorporated or reinforced in the current review of the Programme of Work to improve alignment with the Kunming-Montreal Global Biodiversity Framework?

1. The IIFB welcomes the review of the Program of Work on Protected Areas ("PoWPA"), which was adopted in 2004. A lot has changed since then, especially with the Kunming-Montreal Global Biodiversity Framework (GBF), hence the format of the PoWPA should closely follow the GBF format. Therefore, the IIFB proposes a more substantial update and revision to reflect key decisions on Protected Areas ("PAs"), including on:
   a. Other Effective Area-Based Conservation Measures (OECMs).
   b. "territories and areas conserved by indigenous peoples and local communities".
   c. "Indigenous and Traditional Territories (ITTs)" in the context of Target 3 of the GBF.
   d. Use of the term "indigenous peoples and local communities" as contained in CBD COP decision XII/12 F, adopted in 2014.
2. The current reality is that the establishment of some PAs has generated conflict, whereby Indigenous Peoples and local communities have been displaced; however, many of them continue to live within PAs without recognition and respect of their rights, including over their traditional territories. This situation must be addressed in accordance with the GBF, specifically Targets 3, 5, 9, 21, 22 and 23.
3. Also in the revision of the PoWPA, Parties should adopt a comprehensive protection and a differentiated approach for indigenous peoples in voluntary isolation and initial contact, in accordance with national circumstances related to PAs and OECMs, for the strengthening of the legal and policy framework that protect their rights and to avoid activities that may put them at risk.
4. The IIFB strongly proposes that the PoWPA itself be substantially and substantively updated, and not just in the way it is implemented, as there have been advances at the national and international level in the recognition of the rights of Indigenous Peoples and local communities including the advances at the IUCN and the CBD itself, but also in its content which should be aligned with the GBF. The IIFB is ready to provide written text proposals on the 2004 PoWPA.
5. The IIFB calls on Parties to include the requirement to disclose in a disaggregated manner under the monitoring framework of the GBF on Target 3, the overlap between ITTs and PAs or OECMs in the updated PoWPA.
6. The PoWPA contains the following language on Indigenous Peoples and local communities, which must be retained and strengthened in the updated PoWPA:
   (a) In 1.1.4, retain the requirement for the full and effective participation of Indigenous Peoples and local communities in national-level reviews of existing and potential forms of conservation and update the recognition of "indigenous and local community conserved areas" as an innovative type of governance and compliance framework for protected areas to further include recognition of "Indigenous and Traditional Territories" both within and outside PAs and OECMs and "territories and areas conserved by indigenous peoples and local communities" as distinct systems that contribute to biodiversity conservation.
   (b) Retain the guidance in 1.1.7 to respect, protect and maintain traditional knowledge in the establishment of PAs and OECMs.
   (c) Retain the guidance in 1.4.1 on a highly participatory process for site-based planning involving Indigenous Peoples and local communities, while recognizing that there are existing Indigenous and Traditional Territories that are led, governed and managed by Indigenous Peoples or local communities within PAs or OECMs.
   (d) Retain the reference in 1.5.6 on "taking into account sustainable customary resource use of indigenous and local communities in accordance with article 10(c) of the

Convention" and strengthen the guidance by recalling the Plan of Action on Customary Sustainable Use adopted by decision XII/ 12 B and encouraging its implementation, as well as by aligning the language with Targets 5 and 9 of the GBF on "respecting and protecting customary sustainable use by indigenous peoples and local communities" and "protecting and encouraging customary sustainable use by indigenous peoples and local communities". For example, in Southern Africa, Indigenous Peoples have formed community-based organizations to engage in community-based natural resource management of wildlife and other resources on their communal lands to generate income from tourism. Revenues from hunting expeditions are distributed to the broader community and, in some countries, shared with government. Economic benefits take the form of cash distributed to households or investments in larger community projects (Para 62, UN General Assembly, Rights of Indigenous Peoples A/78/162, 2023 report - https://docs.un.org/en/A/78/162)

(e) Retain all references in Element 2 of the PoWPA on governance, participation, equity and benefit sharing, to the need for full and effective participation of Indigenous Peoples and local communities in:
- Assessment, establishment and maintenance of PAs (2.1.1).
- Participatory planning and governance (2.1.5).
- Management of existing, and expansion, establishment and management of new, PAs, in full respect of their rights and recognition of their responsibilities and consistent with national law and applicable international obligations (Goal 2.2 and its target).
- All levels of PAs planning, establishment, governance and management, with particular emphasis on identifying and removing barriers preventing adequate participation (2.2.2).

(f) Retain the reference in 2.2.5 to "Ensure that any resettlement of indigenous communities as a consequence of the establishment or management of protected areas will only take place with their prior informed consent that may be given according to national legislation and applicable international obligations.". Resettlement should only be undertaken as a last resort, emphasizing that the option for recognition of areas as ITTs, "territories and areas conserved by indigenous peoples and local communities" or OECMs are less likely to result in relocation.

(g) Revise language in the PoWPA, for instance in 1.1.7, "Encourage the establishment of protected areas that benefit indigenous and local communities, including by respecting, preserving, and maintaining their traditional knowledge in accordance with article 8(j) and related provisions." to language that confirms Indigenous Peoples and local communities as actors and full partners in the protection and conservation of their territories and areas in accordance with their traditional knowledge and governance systems, and include recognition of "Indigenous and Traditional Territories" and "territories and areas conserved by indigenous peoples and local communities" as distinct systems that contribute to biodiversity conservation.

7. The PoWPA should be revised and updated to reflect and align with the new elements and approaches contained in the GBF, including the human rights-based approach, non-derogation, the concept of Indigenous and Traditional Territories, respect for the rights of Indigenous Peoples and of local communities more broadly, beyond free, prior and informed consent in 2.2.5, to include the right to lands, territories and resources, culture, traditional knowledge, access to justice and information, and full protection of environmental human rights defenders as referenced in Target 22 and Section C of the GBF.

8. The revised PoWPA should be mutually supportive and complementary to the guidelines called "Voluntary guidelines to strengthen the legal and policy framework for the recognition of the role of indigenous peoples and local communities and their [indigenous and] traditional territories in spatial planning, ecosystem restoration, [other effective] [area-based] conservation and environmental impact assessments]" (Recommendation SB8J-1/3) being developed by the Subsidiary Body on Article 8(j) and Other Provisions of the Convention on

Biological Diversity Related to Indigenous Peoples and Local Communities (SB8J) under tasks 1.1 and 1.2 of the Programme of Work on Article 8(j), including recognition of ITTs, secure tenure over ITTs, reporting of ITTs in national or global registries, dedicated funding to support ITTs (including through national ITTs trust funds), etc.

9. The revised PoWPA needs to be aligned with Targets 3, 21, 22 and 23, including full, equitable, inclusive, effective and gender-inclusive participation and representation of Indigenous Peoples and local communities in biodiversity decision-making, access to justice, access to information, respect for cultures, respect for rights to lands, waters, territories and resources including marine and coastal areas, respect for the right to traditional knowledge, rights of women and youth, and ensuring the full protection of environmental defenders. The contribution of traditional knowledge, innovations, practices, and technologies to the monitoring and management of biodiversity must be fully considered.

10. Regarding access to justice, there must be grievance and redress mechanisms established at the national and global levels that address the integration of ITTs into PAs or OECMs without free, prior and informed consent, violation of rights and unconsented evictions or displacement and criminalization of Indigenous Peoples and local communities in the process of establishing or implementing PAs or OECMs.

11. Management plans in PAs must be co-developed with the full and effective participation of Indigenous Peoples and local communities and explicitly incorporate their respective rights, in all stages of the process. These plans must recognize the integral relationship between lands, waters, territory, nature, culture, and spirituality. Every ancestral practice, knowledge, and form of care must be duly valued, respected, and protected as a fundamental part of conservation and well-being in these territories.

12. The IIFB calls for the updated version of the PoWPA to ensure respect for the rights of Indigenous Peoples, as affirmed in the United Nations Declaration on the Rights of Indigenous People including FPIC to mean: Free, prior, and informed consent is a fundamental human right prescribed by the United Nations Declaration on the Rights of Indigenous Peoples, which implies that Indigenous Peoples must be informed and consulted about any action within PAs that directly or indirectly affects them in order to grant consent. Therefore, FPIC means that Indigenous Peoples must be informed in a substantive manner prior to decision-making, and decision-making regarding their full and effective consent must respect the protocols and procedures of Indigenous Peoples.

How could the approach to implementing the Programme of Work be revised to better contribute to achieving Target 3 of the Kunming–Montreal Global Biodiversity Framework? In your response, consider potential actors and timeframes.

13. The IIFB considers that the PoWPA should be mutually supportive and complementary to the guidelines called "Voluntary guidelines to strengthen the legal and policy framework for the recognition of the role of indigenous peoples and local communities and their [indigenous and] traditional territories in spatial planning, ecosystem restoration, [other effective] [area-based] conservation and environmental impact assessments]" (Recommendation SB8J-1/3), that supports Indigenous Peoples and local communities' efforts to conserve biodiversity in their Indigenous and Traditional Territories (ITTs) as a distinct and priority pathway for biodiversity conservation in the context of Target 3, without the need to be declared a protected area (PA) or other effective area-based conservation measures (OECMs).

14. For the implementation of Target 3 of the GBF, the PoWPA should promote that Parties recognize and respect the rights of Indigenous Peoples and local communities, including over their traditional territories, which will provide legal certainty for the recognition of their own systems of biodiversity management, use, handling, and conservation.

15. For the implementation of Target 3 of the GBF, the PoWPA should call Parties, donors, and other organizations to provide direct financial and technical support to Indigenous Peoples and local communities to preserve and conserve biodiversity.

16. The GBF monitoring framework, adopted by decision 15/5, should include the disaggregation of the indicator related to Target 3 concerning Indigenous and Traditional Territories (ITTs) including "territories and areas conserved by indigenous peoples and local communities". The indicators under Target 22 should likewise be implemented as complementary to the indicators under Target 3, namely:

(a) 22.1 Land-use change and land tenure in the traditional territories of indigenous peoples and local communities.

(b) 22.b Number of countries taking action towards the full, equitable, inclusive, effective and gender-responsive representation and participation, in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by, women, and girls, children and youth, and persons with disabilities and the full protection of environmental human rights defenders.

17. The implementation of Target 3 must fully respect the rights of Indigenous Peoples, as required by the Target itself, including a human rights-based approach, as outlined in Section C, paragraph 7.a of the GBF. This includes the establishment of effective safeguard standards and systems, as well as accessible grievance and redress mechanisms at all practical levels.

18. All measures impacting Indigenous and Traditional Territories should respect the free, prior, and informed consent of Indigenous Peoples and local communities, in accordance with international obligations.

19. The implementation of Target 3 should not affect the human rights of Indigenous Peoples and local communities or limit traditional forms of biodiversity conservation and customary sustainable use.

20. The implementation of Target 3 should respect the rights of Indigenous Peoples and local communities, particularly obtaining their free, prior and informed consent before the establishment, expansion or change of any PAs or any OECMs affecting their lands, waters and territories, including marine and coastal areas, or their cultural values and heritage.

21. Indigenous Peoples and local communities have the right to fully and effectively participate at all levels in the decision-making processes regarding actions that will impact their lands, waters and territories, including marine and coastal areas, that they have occupied or used.

22. The implementation of Target 3 should emphasize that there are three pathways for Indigenous Peoples and local communities to contribute to biodiversity conservation, as follow:

a) The first pathway is the recognition of ITTs as a system that contributes to area-based conservation, distinct from PAs and OECMs.

b) The second pathway is the inclusion of Indigenous Peoples and local communities in PAs, with the respect of their rights including over their traditional territories and FPIC.

c) The third pathway is the inclusion of Indigenous Peoples and local communities in OECMs with the respect of their rights including over their traditional territories and FPIC.

And the consideration that Indigenous Peoples and local communities may choose to prioritize ITTs to protect and conserve biodiversity within their territories.

23. The implementation of Target 3 should promote, where Indigenous Peoples and local communities are inside PAs, the re-categorization of PAs.

Which goals, targets, or activities of the Programme of Work should be prioritized to support national implementation of the Framework by 2030?

24. The IIFB considers that the priority Goals should be the following:

(a) In view of Target 3 of the GBF which aims to ensure that at least 30% of land, water and seas are effectively conserved and managed, **Goal 1.1** of the PoWPA "To establish and strengthen national and regional systems of protected areas integrated into a global

network as a contribution to globally agreed goals" as well as its associated target, need to be prioritized while ensuring the full, equitable, inclusive, effective and gender-inclusive participation and representation of Indigenous Peoples and local communities in national-level reviews of existing and potential forms of conservation (Activity 1.1.4). This should complement the guidelines being developed by the Subsidiary Body on Article 8(j) (SB8J) under Tasks 1.1 and 1.2 of the PoW on Article 8(j), whereby ITTs should be considered as a distinct system to PAs and OECMs.

(b) **Goal 1.4** of the PoWPA which states "To substantially improve site-based protected area planning and management" should be prioritized, taking into account that Indigenous and Traditional Territories with secure tenure are better able to conserve biodiversity, and ensuring a highly participatory process as contained in Activity 1.4.1. Therefore, in view of Target 22, ITTs should be delineated, demarcated and their tenure security should be ensured, including those ITTs that have previously been included in PAs or OECMs. In some instances, PAs may need to be dis-established or de-gazzetted and titled as ITTs including "territories and areas conserved by Indigenous Peoples and local communities" to improve governance, management and planning. For PAs and OECMs that overlap with ITTs, steps should be taken to restore the governance by Indigenous Peoples and local communities over those areas, including their sole governance where there is complete overlap, and increase their membership adequately and meaningfully commensurate with their rights and responsibilities, in the shared governance and co-management bodies.

(c) **Goal 2.2** of the PoWPA which states "To enhance and secure involvement of indigenous and local communities and relevant stakeholders" should be prioritized for implementation, recognizing that there is a need to update language to reflect Indigenous Peoples and local communities as actors and full partners, rather than beneficiaries.

25. Some priority activities should be:

(a) Recognize and respect for lands, waters, territories and governance systems of Indigenous Peoples and local communities living in PAs or OECMs. These governance systems are based on customary law and procedures.

(b) Support the culturally appropriate capacity building and training for Indigenous Peoples and local communities and public authorities to apply legislation on Indigenous Peoples' rights and promote training and exchange of experiences, including on monitoring and mapping.

(c) Develop mechanisms, legislation, administrative and policy measures to promote the full and effective participation of Indigenous Peoples and local communities, particularly indigenous women and youth in decision-making processes in the management and governance of PAs and OECMs.

(d) Support Community Based Monitoring and Information Systems (CBMIS) for biocultural monitoring and indigenous indicators conducted by Indigenous Peoples and local communities, utilizing traditional knowledge, innovations and practices, and technological tools for the sustainable use and management of biodiversity.

(e) Strengthen monitoring systems and indicators, in line with headline, binary, component and complementary indicators adopted in the GBF Monitoring Framework, particularly those related to Targets 22 and 23 (CBD/COP/16/31), and the guidance provided on monitoring in line with Section C of the GBF (CBD/COP/16/INF/3). This would allow for measuring, not only management effectiveness, but also equitable governance, the rights of Indigenous Peoples and local communities as per Targets 3, 22 and 23 and Section C for the GBF, and full and effective participation of rights holders in policy- and decision-making related to Protected and Conserved areas. This implies the use of both quantitative and qualitative indicators and carefully adjusted to local and national socio-economic and historical circumstances.

(f) Respect FPIC and Indigenous data sovereignty.

(g) Grievance and redress mechanisms established at the national and global levels

RESOURCES

IIFB Position on Target 3 of the Kunming – Montreal Global Biodiversity Framework (English and Spanish) available at https://iifb-indigenous.org/iifb-position-target3-kmgbf-news/

Proposed elements for the guidelines related to Tasks 1.1 and 1.2 of the programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2030 available at https://www.cbd.int/recommendations/sb8j/?m=sb8j-01

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