IWGIA INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

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To:
Astrid Schomaker
Executive Secretary
Secretariat of the Convention on Biological Diversity

Submitted by the International Work Group for Indigenous Affairs (IWGIA)

The International Work Group for Indigenous Affairs (IWGIA) welcomes the opportunity to respond to notification 2025-135 to contribute views and information related 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 (KMGBF). This submission will place emphasis on the aspect concerning the rights of Indigenous Peoples in the PoWPA and alignment with human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the important elements related to the rights of Indigenous Peoples in the KMGBF, in particular Section C and Target 22.

Guiding question 1 and 2: Key considerations regarding Indigenous Peoples rights and review and analysis of the Programme of Work on Protected Areas and the achievement of Target 3

IWGIA would like to underline the importance of aligning the PoWPA with the KMGBF's commitments to a human rights-based approach (para. 14), respect for the rights of Indigenous Peoples as recognized in the UN Declaration on the Rights of Indigenous Peoples (para. 8), respect for the value systems of Indigenous Peoples (paras. 8, 9), and access to justice for Indigenous Peoples in the context of conservation initiatives (para. 31, Target 22).

In this regard we draw attention to the United Nations Environment Programme's *Core Human Rights Principles for Private Conservation Organizations and Funders*,[1] particularly Principle Two: Respect the Rights of Indigenous Peoples.[2]

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[1] United Nations Environment Programme (2024). *Core Human Rights Principles for Private Conservation Organizations and Funders*. Nairobi. https://www.unep.org/resources/publication/core-human-rights-principles-private-conservation-organizations-and-funders

[2] **Principle Two: Respect the Rights of Indigenous Peoples** Every conservation organization and funder should ensure that it respects the rights of Indigenous Peoples, including their right to self-determination, their right to the lands, territories, and resources that they have traditionally owned, occupied, or otherwise used or acquired, and their right to their Indigenous knowledge, in accordance with international human rights norms and standards, including the United Nations Declaration on the Rights of Indigenous Peoples. Conservation organizations and funders should never undertake or support actions that adversely affect the rights of Indigenous Peoples without first consulting and

The Core Human Rights Principles emphasize that conservation must respect and uphold Indigenous Peoples' rights, acknowledging their deep connection to ancestral lands, territories, and resources. Operationalizing these principles is imperative for achieving a genuine human rights-based approach and moving away from fortress conservation practices that violate rights. Colonial conservation models, which separate humans from nature, often lead to severe human rights abuses, including forced evictions, criminalization of traditional livelihoods, and violence against Indigenous women and girls. The Core Principles stress the importance of obtaining Indigenous Peoples' free, prior, and informed consent (FPIC) as a safeguard for their collective rights. This not only protects their rights but also builds trust and fosters collaborative strategies that span local to global levels, aligning with international standards, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).[3]

Studies have shown that respecting Indigenous rights and their self-determined management of their territories is highly effective for biodiversity conservation. The Core Principles' requirements for human rights due diligence and meaningful participation help prevent rights violations and ensure redress mechanisms are in place. Additionally, reporting and accountability measures promote transparency and hold conservation organizations and funders responsible for their impact on Indigenous communities. By embedding and adhering to the Core Principles, conservation efforts become more just and effective, fostering partnerships that respect the rights, knowledge, and contributions of Indigenous Peoples. Ultimately, implementing the Core Principles in good faith offers a pathway to a more just and effective conservation model, protecting both the environment and the people most connected to it.[4]

Respect for the value systems of Indigenous Peoples

The KMGBF acknowledges the important roles and contributions of Indigenous Peoples as custodians of biodiversity and partners in conservation and underlines that the implementation of the framework must ensure that the worldviews, values, and practices of Indigenous Peoples are respected (para. 8). The framework recognizes that "Nature embodies different concepts for different people" and emphasizes that recognition and consideration of these diverse value systems and concepts is integral to its successful implementation (para. 9).

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" (PoW8(j)) includes the following general principle: "A holistic approach consistent with the spiritual and cultural values and customary practices of Indigenous peoples and local communities should be adopted, recognizing all of their relations, including to their territories, lands and resources, as well as their rights, in accordance with relevant national legislation and

cooperating with them in good faith, obtaining and maintaining their free, prior, and informed consent, and ensuring that they fairly and equitably share in the benefits from activities relating to their lands, territories, or resources. Conservation organizations and funders should accept the outcomes of free, prior, and informed consent processes. Conservation organizations and funders should support Indigenous Peoples, including Indigenous women, girls, children, and youth, in exercising their rights and advancing the realization of their rights, including where possible by providing direct funding to better support Indigenous Peoples' own initiatives for conservation.

[3] Indigenous Peoples Rights International (IPRI), in United Nations Environment Programme (2024). *Core Human Rights Principles for Private Conservation Organizations and Funders*. Nairobi, p. 16.

[4] Ibid.

international instruments, to have control over their traditional knowledge, innovations, practices and technologies."[5]

IWGIA considers that the revised PoWPA should include a similar principle underlining that the establishment and management of protected areas in Indigenous Peoples' territories should follow a holistic approach consistent with the spiritual and cultural values and customary practices of Indigenous Peoples, based on recognition of and respect for their rights and their relationship to their lands, territories, and resources.

Guiding question 3: Which goals, targets, or activities of the Programme of Work should be prioritized to support national implementation of the Framework by 2030?

Overall, IWGIA considers, that the PoWPA should be aligned with the KMGBF, including Section C. Further, an additional element including goals and specific activities should be added to the PoWPA which addresses human rights and the rights of Indigenous Peoples, referencing human rights standards, including the UNDRIP. This is important to support the human rights-based approach of the KMGBF to guide biodiversity conservation efforts and protected areas and respecting the rights of Indigenous Peoples when implementing the KMGBF. Further, a clear alignment should be made between the PoWPA and the Programme of Work on Article 8(j), and all the elements of the PoW8(j) should be reflected in the PoWPA. A key element missing from many parts of the current PoWPA is the reference to the rights of Indigenous Peoples, including the right to self-determination, the right to free, prior and informed consent (FPIC), and to lands, territories and resources. This is a crucial aspect which should be consistently included throughout the elements and goals of the PoWPA.

IWGIA would like to highlight the following elements of the PoWPA:

PoWPA Goal	**Suggestions**
Goal 1.1: *To establish and strengthen national and regional systems of protected areas integrated into a global network as a contribution to globally agreed goals*	This goal should be amended to reflect the contribution to the KMGBF, in particular Target 3 and Target 22 and Section C. Further it should be closely aligned with the Programme of Work on Article 8(j). To ensure that the rights of Indigenous Peoples will be respected, this goal should include a strong reference committing to uphold the rights of Indigenous Peoples including their right to self-determination, free, prior and informed consent (FPIC), and to their lands, resources, and territories. This is fundamental to ensure that the rights of Indigenous Peoples will not be violated in the

[5] https://www.cbd.int/traditional/doc/cbd-8j-brochure-en.pdf, para. 6.

	planning processes, establishment, and management of protected areas. Indigenous Peoples should be ensured the meaningful participation in the decision-making processes concerning their lands, territories and resources, and conservation measures affecting Indigenous lands should always be led and guided by the Indigenous Peoples themselves.
Goal 2.1: *To promote equity and benefit-sharing*	This goal should ensure that the contributions of Indigenous Peoples are fully recognized and that the rights of Indigenous Peoples, including the right to FPIC, will be respected. This goal should also be aligned with the PoW8(j), including element 4. on knowledge and culture.
Goal 2.2: *To enhance and secure involvement of Indigenous and local communities and relevant stakeholders*	Full alignment with Section C and Target 22 of the KMGBF. The meaningful participation of Indigenous Peoples is fundamental both to safeguarding biodiversity and ecosystem integrity and thus positive conservation outcomes, and to ensure the rights of Indigenous Peoples. This goal should also be aligned with the PoW8(j), including element 6. on the full and effective participation.
Goal 4.1: *To develop and adopt minimum standards and best practices for national and regional protected area systems*	When developing and adopting standards, criteria and best practices of planning, selecting, establishing, managing and the governance of national and regional systems of protected areas, the rights of Indigenous Peoples must be included, hereunder Indigenous Peoples right to FPIC. This goal should also place emphasis on the meaningful participation of Indigenous Peoples.
Goal 4.4: *To ensure that scientific knowledge contributes to the establishment and effectiveness of protected areas and protected area system*	This goal should be updated to include Indigenous knowledge systems as equally important to scientific knowledge.

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