



THE UNIVERSITY OF ARIZONA
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Indigenous Peoples
Law & Policy

Indigenous Rights & Protected Areas

Strengthening Governance Effectiveness in the Programme of Work on Protected and Conserved Areas and the Monitoring Framework

Proposed textual amendments for consideration by Parties

SBSTTA-28, agenda items 3 and 7 · Nairobi, 27 July – 1 August 2026

Submitted by: Elisa Marchi, Indigenous Peoples Law and Policy Program (IPLP), University of Arizona **Documents addressed:** - CBD/SBSTTA/28/6/Rev.1 (strategic review of and update to the programme of work on protected areas) - CBD/SBSTTA/28/2/Rev.1-CBD/SBI/7/2/Rev.1 (global review of collective progress; monitoring framework)

Date: July 2026

How to read the references in this document

Each document below contains several independent numbering sequences, so every proposed amendment is cited by **section** as well as by paragraph or activity number, and each quotes its opening words so it can be located at a glance.

In **CBD/SBSTTA/28/6/Rev.1** there are two distinct places where text is numbered: - the **draft decision**, in Section VI (“Recommendation”), whose operative paragraphs are numbered 1–6; and - the **Annex**, whose entries — the Secretariat’s “complementary activities” — are numbered **continuously from 1 to 33** down a three-column table (*Target · Complementary activities · Category*). There is no “Activity” heading in the document; the activities are simply the numbered paragraphs in the middle column. Each activity is also assigned a category — “priority action”, “complementary action”, or “area for further development”.

Note in particular that the Background (Section II) separately describes the *four structural elements* of the programme — “(a) direct actions; (b) governance, participation, equity and benefit-sharing; (c) enabling activities; (d) standards, assessment and monitoring”. That descriptive “(c)” is **not** an operative provision and is not addressed here. Amendment 4 concerns operative paragraph 6, subparagraph (c) of the **draft decision** in Section VI, which is a different provision.

In CBD/SBSTTA/28/2/Rev.1-CBD/SBI/7/2/Rev.1: the **SBSTTA recommendation** is Section IV (its annex sets out the terms of reference for the Ad Hoc Technical Expert Group); the **SBI recommendation** is Section V.

Purpose and summary

The global report on collective progress (CBD/SBSTTA/28/2/Add.1) establishes that the governance and equity elements of the Kunming-Montreal Global Biodiversity Framework are among the least addressed by Parties, and that the mechanisms for measuring them are the least developed. This document proposes a small number of precise, low-cost textual amendments that would improve the measurability and implementation quality of Target 3 and Target 22 without creating new obligations for Parties, without opening the headline or binary indicator lists, and without additional budgetary implications.

The proposals rest on three observations drawn from the pre-session documents themselves:

First, one complementary activity in the Annex to CBD/SBSTTA/28/6/Rev.1 does not fully reflect the target to which it is mapped. Complementary activity 32, in the row for Target 22, addresses access to information and participation in decision-making, but omits access to justice, which is the third access pillar of Target 22 as adopted in decision 15/4. Amendment 1 restores it.

Second, the Annex proposes to strengthen the assessment of “governance quality” (complementary activity 7) and to operationalize equitable governance (complementary activity 6), but neither activity refers to the procedures through which affected people can raise and resolve concerns. Governance quality cannot be assessed, and equitable governance cannot be operationalized, without that element. Amendments 2 and 3 supply it.

Third, the global report finds that across every rights-holder group named in Target 22, access to justice is the least addressed element in national targets, and that Parties are approximately twice as likely to address whether areas are “effectively managed” as whether they are “equitably governed”. The monitoring framework contains no indicator, metadata element or reporting field that would capture this. Amendments 8 to 10 place the question within the mandate of the proposed Ad Hoc Technical Expert Group, where it can be addressed technically and intersessionally rather than through new obligations on Parties.

Nothing in this package proposes a new headline or binary indicator, a new national reporting requirement, a new mandated activity with budgetary implications, or any change to the character of the review process as facilitative, non-intrusive and non-punitive under decision 16/32.

Supporting evidence from the pre-session documents

All figures below are drawn from CBD/SBSTTA/28/2/Add.1 (first draft of the global report) and CBD/SBSTTA/28/2/Add.3.

Target 22 — element coverage in national targets:

Element	Indigenous peoples and local communities	Women and girls
Participation in decision-making	69%	62%
Access to information	41%	37%
Access to justice	29%	25%

The global report records that “within each of the four groups, the largest proportion of Parties address representation in decision-making on biodiversity, with fewer addressing access to information and the smallest proportion addressing access to justice.” The element addressed by the fewest Parties across the whole of Target 22 — 13 per cent — is the full protection of environmental human rights defenders.

Target 3 — element coverage in national targets:

Element	Coverage
Effectively managed	75%
Well connected	46%
Ecologically representative	40%
Equitably governed	37%
Integrated into wider landscapes and seascapes	32%

Composite progress scores: Target 3 — 0.38. Target 22 — 0.25. Target 23 — 0.13, among the two lowest of all 23 targets.

Coverage in the global report text: the term “access to justice” appears 17 times. The terms “remedy”, “remedies”, “redress” and “grievance” do not appear at all across approximately 110,000 words.

The Secretariat’s own findings. The strategic review in CBD/SBSTTA/28/6/Rev.1 identifies among the overarching gaps in the programme of work “the need to further operationalize a human rights-based approach, including equitable governance ... the effective participation of rights holders in decision-making; and the application of free, prior and informed consent”, and “limited alignment with the monitoring framework ... including gaps in indicators related to ecological outcomes, effectiveness, land use and tenure”. The global report records that there are “gaps in the information collected, and in the guidance related to reporting, particularly for the use of indicators, information related to Section C of the Framework”.

PART A — CBD/SBSTTA/28/6/Rev.1

Strategic review of and update to the programme of work on protected areas

Amendment 1 · Annex — row for Target 22, complementary activity 32

(“Strengthen access to information and participation in decision-making...”; category: complementary action)

Priority: highest. Character: restoring fidelity to adopted text.

Current text

32. Strengthen access to information and participation in decision-making related to protected and conserved areas, including by promoting a human rights-based approach, and the effective participation of indigenous peoples and local communities.

Proposed text

32. Strengthen access to information, participation in decision-making **and access to justice** related to protected and conserved areas, including by promoting a human rights-based approach, the effective participation of indigenous peoples and local communities, **and the availability of accessible and effective procedures through which affected Indigenous Peoples, and local communities may raise and resolve concerns relating to the establishment, governance or management of such areas.**

Rationale

Target 22 of the Framework, as adopted in decision 15/4, provides for “representation and participation in decision-making, and access to justice and information related to biodiversity”. Complementary activity 32 is the Annex’s mapping of that target, but reproduces only two of its three access pillars. The omission appears inadvertent rather than deliberate; no submission recorded in the strategic review proposed narrowing Target 22.

Restoring the missing pillar creates no new obligation. It aligns a complementary activity with language Parties have already agreed. The global report demonstrates why the omission matters in practice: access to justice is the least addressed element of Target 22 for every group, at 29 per cent for Indigenous Peoples and local communities and 25 per cent for women and girls. An activity intended to strengthen implementation of Target 22 that is silent on the target’s weakest element will not address the gap the global report identifies.

Fallback formulation (if the second clause attracts objection): retain only the insertion of “and access to justice” in the first clause. This alone corrects the fidelity gap.

Amendment 2 · Annex — row for Target 3, complementary activity 6

(“Strengthen the operationalization of equitable governance and a human rights-based approach...”; category: priority action for Target 3)

Priority: high. Character: completing an existing priority action.

Current text

6. Strengthen the operationalization of equitable governance and a human rights-based approach in the planning, governance and management of protected and conserved areas, including by: shifting from beneficiary-based approaches to the recognition of indigenous peoples and local communities as rights holders; promoting standards and good practices for participation, shared governance and co-management arrangements; ensuring culturally appropriate access to information; strengthening free, prior and informed consent, while applying differentiated approaches, including for indigenous peoples in voluntary isolation and initial contact.

Proposed text

6. Strengthen the operationalization of equitable governance and a human rights-based approach in the planning, governance and management of protected and conserved areas, including by: shifting from beneficiary-based approaches to the recognition of indigenous peoples and local communities as rights holders; promoting standards and good practices for participation, shared governance and co-management arrangements; ensuring culturally appropriate access to information; strengthening free, prior and informed consent, while applying differentiated approaches, including for indigenous peoples in voluntary isolation and initial contact; **and establishing or strengthening accessible, independent, transparent and culturally appropriate procedures through which concerns and disputes arising from the establishment, governance or management of protected and conserved areas may be raised and resolved, developed with the full and effective participation of the Indigenous Peoples and local communities concerned.**

Rationale

Complementary activity 6 is a priority action and the Annex's principal vehicle for operationalizing equitable governance. It presently addresses recognition, participation, governance arrangements, information and consent, that is, the arrangements that apply before and during decision-making. It contains nothing about what happens when those arrangements do not work as intended.

This is a completeness gap rather than a rights demand. Every governance system requires a route by which concerns can be raised and resolved; a system without one cannot be described as equitable, and its equity cannot be verified. The strategic review's own gap analysis identifies the need "to further operationalize a human rights-based approach, including equitable governance", and this element is what operationalization requires.

Established practice already exists within the conservation sector and can be drawn on directly: the IUCN Natural Resource Governance Framework, developed by the IUCN Commission on Environmental, Economic and Social Policy, expressly includes pathways for redress among its governance-quality criteria; the IUCN Green List Standard operates assurance and complaints arrangements across the largest certified network of protected areas globally; and the Whakatane Mechanism, established through IUCN World Conservation Congress resolutions, provides a dialogue-based model with fifteen years of operating experience. The proposed text does not prescribe any particular model.

The requirement that procedures be developed with the full and effective participation of the communities concerned reflects consistent evidence that procedures designed without the participation of intended users are not used by them.

Fallback formulation: “; and promoting accessible, independent, and effective procedures for raising and resolving concerns arising from the establishment, governance or management of such areas.”

Amendment 3 · Annex — row for Target 3, complementary activity 7

(“Strengthen monitoring and evaluation systems...”; category: priority action for Target 3)

Priority: high. Character: measurability.

Current text

7. Strengthen monitoring and evaluation systems for terrestrial, freshwater and marine ecosystems, including by identifying available tools, and facilitate the use of new technologies to better assess management effectiveness, governance quality, socioeconomic outcomes, equity considerations and biodiversity outcomes, including through the integration of gender-disaggregated indicators.

Proposed text

7. Strengthen monitoring and evaluation systems for terrestrial, freshwater and marine ecosystems, including by identifying available tools, and facilitate the use of new technologies to better assess management effectiveness, governance quality — **including the availability, accessibility and effectiveness of procedures for raising and resolving concerns** — socioeconomic outcomes, equity considerations and biodiversity outcomes, including through the integration of gender-disaggregated indicators.

Rationale

Complementary activity 7 proposes to strengthen the assessment of governance quality but does not indicate what governance quality consists of for assessment purposes. Existing protected-area governance assessment methodologies treat the availability and functioning of procedures for raising and resolving concerns as a core measurable dimension. Specifying it here makes the activity operational.

The measurement case is supported by the global report. Target 3 requires areas to be “equitably governed” as well as “effectively conserved and managed”. Parties are approximately twice as likely to address effective management (75 per cent) as equitable governance (37 per cent) in their national targets, and the report records that monitoring and reporting on the equitable-governance element of Target 3 remains low. A qualitative element that cannot be specified cannot be measured, and an element that cannot be measured will continue to be under-addressed.

Fallback formulation: “...management effectiveness, governance quality, including procedures for raising and resolving concerns, socioeconomic outcomes...”

Amendment 4 · Draft decision (Section VI, “Recommendation”) — operative paragraph 6, subparagraph (c), focus area (i)

(the request to the Executive Secretary to compile a synthesis report on best practices)

Priority: high. Character: cost-neutral addition to an already-mandated output.

Location note. This is operative paragraph 6 of the draft decision — “*Requests* the Executive Secretary, subject to the availability of resources: ... (c) To compile a synthesis report on best practices to meet Target 3 of the Framework ... with particular focus on the following areas: (i) ...”. It is **not** the “(c) enabling activities” element described in the Background at Section II.

Current text

- (i) Human rights-based and equitable governance approaches, including the recognition of indigenous peoples and local communities as rights holders;

Proposed text

- (i) Human rights-based and equitable governance approaches, including the recognition of indigenous peoples and local communities as rights holders **and effective procedures for raising and resolving concerns, drawing on experience with existing arrangements at site, national and international levels;**

Rationale

Operative paragraph 6(c) requests the Executive Secretary to compile a synthesis report on best practices, with ten enumerated focus areas. The report is already mandated and already costed in the annex to the document at approximately USD 61,000. Adding a focus area to an existing compilation exercise carries no additional budgetary implication and imposes no obligation on Parties.

A best-practice synthesis is the appropriate first step. There is substantial and uneven practice across the sector — site-level arrangements, national mechanisms, certification and assurance systems, and independent accountability mechanisms operated by international financial institutions — and no consolidated analysis of what works. Parties considering how to strengthen governance arrangements would benefit from that analysis before any question of guidance arises.

Amendment 5 · Draft decision (Section VI, “Recommendation”) — operative paragraph 5

Priority: medium.

Current text

- 5. *Encourages* Parties to apply a human rights-based approach in the implementation of the updated programme of work on protected and conserved areas, including by ensuring the full and effective participation of rights holders and the recognition of diverse governance

systems, in a manner consistent with 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;

Proposed text

5. *Encourages* Parties to apply a human rights-based approach in the implementation of the updated programme of work on protected and conserved areas, including by ensuring the full and effective participation of rights holders, the recognition of diverse governance systems **and access to effective procedures for raising and resolving concerns arising from the establishment, governance or management of protected and conserved areas**, in a manner consistent with 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;

Rationale

Operative paragraph 5 is hortatory and already frames a human rights-based approach in terms of participation and recognition. The addition completes the sequence: participation in decisions, recognition of governance systems, and a route by which concerns about either can be addressed. It is consistent with the Article 8(j) programme of work, to which the paragraph already refers.

Amendment 6 · Annex — row for Target 15, complementary activity 23

(“Support and promote the implementation of legal, administrative or policy measures...”; category: complementary action)

Priority: medium. May be reserved for COP17.

Current text

23. Support and promote the implementation of legal, administrative or policy measures that encourage and enable businesses and financial institutions to assess, disclose and progressively reduce biodiversity-related risks, dependencies and impacts affecting protected and conserved areas, including across their operations, supply and value chains and portfolios.

Proposed text

23. Support and promote the implementation of legal, administrative or policy measures that encourage and enable businesses and financial institutions to assess, disclose and progressively reduce biodiversity-related risks, dependencies and impacts affecting protected and conserved areas, including across their operations, supply and value chains and portfolios, **and to provide for or cooperate in remediation where they have caused or contributed to adverse impacts, consistent with internationally recognized standards on responsible business conduct.**

Rationale

The activity currently addresses assessment, disclosure and reduction of impacts but not what follows when impacts occur. This is inconsistent with the internationally recognized standards on responsible business conduct to which the Framework's own Target 15 architecture refers, and inconsistent with the global report's finding under Key Message 5 that "progress has been limited in reducing the negative impacts of businesses on biodiversity" and that strengthening "the enabling environment for action by and accountability of businesses and financial actors could support implementation of the Framework".

The amendment uses the established formulation of the relevant international standards and does not name any instrument, which keeps it within the scientific and technical register appropriate to SBSTTA.

Amendment 7 · Annex — row for Target 20, complementary activity 30

("Strengthen capacity-building, technical and scientific cooperation and technology transfer..."; category: priority action for Target 20)

Priority: medium.

Current text

30. Strengthen capacity-building, technical and scientific cooperation and technology transfer for protected and conserved areas, including with respect to new technologies and institutional support for the conservation workforce, including rangers and other relevant personnel.

Proposed text

30. Strengthen capacity-building, technical and scientific cooperation and technology transfer for protected and conserved areas, including with respect to new technologies and institutional support for the conservation workforce, including rangers and other relevant personnel, **including training on applicable standards of conduct and on engagement with Indigenous Peoples and local communities, and accessible procedures for reporting and addressing alleged misconduct.**

Rationale

Professionalization of the conservation workforce is a recognized priority and is already the subject of this activity. Training on standards of conduct and clear internal procedures for reporting and addressing alleged misconduct are standard components of workforce professionalization in comparable sectors, and are a prevention measure: they reduce the incidence of incidents that later require external resolution. The formulation is consistent with existing ranger-sector codes of conduct and with the institutional support the activity already contemplates.

PART B — CBD/SBSTTA/28/2/Rev.1-CBD/SBI/7/2/Rev.1

Global review of collective progress: monitoring framework (SBSTTA recommendation, Section IV)

Amendment 8 · Annex to the SBSTTA recommendation (Section IV) — terms of reference for the Ad Hoc Technical Expert Group, paragraph 1

Priority: highest for this item. Character: technical mandate, no obligation on Parties.

Current text

1. The Ad Hoc Technical Expert Group on the Further Operationalization of the Monitoring Framework for the Kunming-Montreal Global Biodiversity Framework shall provide:
 - (a) Technical guidance to Parties in relation to the metadata for headline indicators and the other indicators in the monitoring framework ...
 - (b) Guidance to the Secretariat ... on ways to improve national reporting ...
 - (c) Advice on ways to address the data and monitoring gaps of Parties, in particular developing country Parties.

Proposed text — insert a new subparagraph (d):

(d) Advice on approaches to strengthen the metadata and associated guidance for indicators relevant to the qualitative elements of Targets 3, 22 and 23 of the Framework, including equitable governance, tenure, access to justice and the availability of procedures for raising and resolving concerns.

Rationale

The global report identifies the qualitative governance, rights and gender elements of the Framework as among the least addressed by Parties and the least well served by available methodologies. Targets 22 and 23 score 0.25 and 0.13 respectively, the latter among the two lowest of all 23 targets, and Target 3's equitable-governance element is addressed by 37 per cent of Parties against 75 per cent for effective management.

The annex to CBD/SBSTTA/28/2/Add.2 proposes twelve indicators for possible future inclusion. All twelve address ecological, pollution-related or financial subject matter. None addresses governance, equity, tenure, participation or access to justice. There is therefore an asymmetry between the gaps the global report identifies and the gaps the proposed additions would fill.

The Ad Hoc Technical Expert Group is the appropriate forum for this work. It is a technical body, it works intersessionally, it reports before COP18 when the monitoring framework and the eighth national report template will be considered, and its terms of reference already direct it towards improving guidance available to Parties. Addressing methodological weakness in a technical expert group is less burdensome for Parties than any alternative route, and does not prejudice any outcome.

Fallback formulation: append to existing subparagraph (a): "...including for indicators relevant to the qualitative elements of Targets 3, 22 and 23".

Amendment 9 · Annex to the SBSTTA recommendation (Section IV) — terms of reference, paragraph 2

Priority: high. Character: purely referential; no new content.

Current text

2. The Ad Hoc Technical Expert Group shall work on the basis of decisions 15/5, 15/6, 16/31, 16/32 and 17/– and take into account:
 - (a) The experience of Parties in preparing their seventh national reports;
 - (b) The reporting burden and the technical and financial constraints faced by Parties ...
 - (c) The findings from the global review ...
 - (d) The findings of the methodological assessment ... being prepared by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.

Proposed text — insert a new subparagraph (e):

(e) Section C of the Framework, and paragraph 14 of decision 16/31.

Rationale

Paragraph 14 of decision 16/31 already urges Parties and other Governments to take Section C of the Framework into consideration when implementing the monitoring framework, including by disaggregating headline indicators by indigenous peoples and local communities, sex, age, persons with disabilities and other relevant groups. The global report records that reporting guidance relating to Section C is among the identified gaps.

The amendment adds no new content. It directs a technical body to take into account a decision already adopted and a section of the Framework already agreed. Without the reference, the expert group's "take into account" list contains no cross-cutting consideration at all, and Section C is unlikely to be reflected in the guidance it produces.

Amendment 10 · SBSTTA recommendation (Section IV) — paragraph 11

Priority: medium.

Current text

11. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to review the monitoring framework and ways to facilitate its implementation by Parties, at a meeting held before the eighteenth meeting of the Conference of the Parties, and to propose options for addressing any gaps and needs;

Proposed text

11. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to review the monitoring framework and ways to facilitate its implementation by Parties, at a meeting

held before the eighteenth meeting of the Conference of the Parties, and to propose options for addressing any gaps and needs, **including gaps relating to section C of the Framework and to the qualitative elements of Targets 3, 22 and 23;**

Rationale

Paragraph 11 already establishes a mandate to propose options for addressing gaps. The amendment specifies which gaps, by reference to the findings of the global review that the same recommendation endorses. It preserves the paragraph's open-ended character while ensuring that the least-addressed elements are not omitted from the review by default.

PART C — CBD/SBSTTA/28/2/Rev.1-CBD/SBI/7/2/Rev.1

SBI recommendation (Section V) — for the SBI-7 written statement (deadline 3 August 2026)

Amendment 11 · SBI recommendation (Section V) — paragraph 13

Current text

13. *Also invites* Parties, where relevant, to provide more detailed information on the national targets submitted through the online reporting tool, so as to address information gaps related to the planned policy actions, section C of the Framework and other optional information in the national target template;

Proposed text

13. *Also invites* Parties, where relevant, to provide more detailed information on the national targets submitted through the online reporting tool, so as to address information gaps related to the planned policy actions, section C of the Framework , **including on access to justice and information and on equitable governance**, and other optional information in the national target template;

Rationale — The paragraph already identifies Section C information gaps as the problem to be addressed. The amendment specifies the elements the global report identifies as least addressed. Reporting remains voluntary and the paragraph remains an invitation.

Amendment 12 · SBI recommendation (Section V) — paragraph 28, subparagraph (g)

Current text

- (g) To enhance the online reporting tool of the Convention in order to enable actors other than national Governments to report voluntarily on progress made in meeting the commitments that they have submitted through the tool.

Proposed text

- (g) To enhance the online reporting tool of the Convention in order to enable actors other than national Governments to report voluntarily on progress made in meeting the commitments that they have submitted through the tool, **including, where relevant, on the safeguards applied and the procedures available for raising and resolving concerns in relation to those commitments.**

Rationale — This is a request to the Executive Secretary concerning the design of a voluntary reporting tool. It imposes no obligation on Parties or on any other actor. The global report finds that progress on the actions of businesses and other non-State actors has been limited, and that strengthening accountability of those actors could support implementation. Where non-State actors voluntarily report progress against commitments affecting protected and conserved areas, information on applicable safeguards and available procedures is directly relevant to assessing that progress.

Consolidated reference table

For rapid verification against the source documents by Parties and allies.

#	Document	Section	Provision	Opening words
1	CBD/SBSTTA/28/6/Rev.1	Annex	Target 22, complementary activity 32	“Strengthen access to information and participation...”
2	CBD/SBSTTA/28/6/Rev.1	Annex	Target 3, complementary activity 6	“Strengthen the operationalization of equitable governance...”
3	CBD/SBSTTA/28/6/Rev.1	Annex	Target 3, complementary activity 7	“Strengthen monitoring and evaluation systems...”
4	CBD/SBSTTA/28/6/Rev.1	VI (Recommendation)	Operative para 6(c)(i)	“Human rights-based and equitable governance approaches...”
5	CBD/SBSTTA/28/6/Rev.1	VI (Recommendation)	Operative para 5	“Encourages Parties to apply a human rights-based approach...”
6	CBD/SBSTTA/28/6/Rev.1	Annex	Target 15, complementary activity 23	“Support and promote the implementation of legal...”

#	Document	Section	Provision	Opening words
7	CBD/SBSTTA/28/6/Rev.1	Annex	Target 20, complementary activity 30	“Strengthen capacity-building, technical and scientific cooperation...”
8	CBD/SBSTTA/28/2/Rev.1- CBD/SBI/7/2/Rev.1	IV Annex (AHTEG ToR)	Para 1 — new (d)	“Technical guidance to Parties...”
9	CBD/SBSTTA/28/2/Rev.1- CBD/SBI/7/2/Rev.1	IV Annex (AHTEG ToR)	Para 2 — new (e)	“...shall work on the basis of decisions...”
10	CBD/SBSTTA/28/2/Rev.1- CBD/SBI/7/2/Rev.1	IV (SBSTTA rec)	Para 11	“Requests SBSTTA to review the monitoring framework...”
11	CBD/SBSTTA/28/2/Rev.1- CBD/SBI/7/2/Rev.1	V (SBI rec)	Para 13	“Also invites Parties... to provide more detailed information...”
12	CBD/SBSTTA/28/2/Rev.1- CBD/SBI/7/2/Rev.1	V (SBI rec)	Para 28(g)	“To enhance the online reporting tool...”

Negotiating notes for allies

Order of priority if time or negotiating capital is limited:

1. **Amendment 1** (Target 22, complementary activity 32 — access to justice). Restores adopted language. Should not be controversial.
2. **Amendments 8 and 9** (AHTEG terms of reference). Greatest durability: the group works intersessionally and reports before COP18, when the monitoring framework and the eighth national report template will be decided.
3. **Amendment 4** (synthesis report). Cost-neutral, additive to an existing output.
4. **Amendments 2 and 3** (Target 3, complementary activities 6 and 7). Substantive core of the package.
5. Remainder.

Anticipated objections and suggested responses:

“This introduces human rights matters outside the scientific and technical mandate of SBSTTA.”
The Annex to CBD/SBSTTA/28/6/Rev.1 already uses “human rights-based approach” in complementary activities 1, 6 and 32, and operative paragraph 5 of the draft decision encourages

Parties to apply one. The amendments do not introduce new vocabulary; they complete formulations already present. Where possible they are expressed as procedural and measurement questions rather than as rights claims.

“This creates new obligations for Parties or increases the reporting burden.” No amendment proposes a new headline or binary indicator, a new reporting requirement, or a new mandated activity. Amendments 4, 8, 9 and 12 attach to outputs already mandated and already resourced. Amendments 1, 2, 3, 5, 6 and 7 concern a complementary-activities annex and a hortatory paragraph, neither of which is binding. CBD/SBSTTA/28/2/Add.2 records that several Parties wish to keep changes minimal on burden grounds; this package is consistent with that position.

“The indicators are closed for this cycle.” Agreed, and nothing here proposes to reopen them. Add.2 explains that new binary indicators would require changes to the eighth national report template, to be agreed at COP18. The proposals concern metadata, guidance, terms of reference and best-practice compilation.

“This has budgetary implications.” The extrabudgetary annex to CBD/SBSTTA/28/6/Rev.1 estimates USD 356,685 for the activities requested of the Secretariat. Amendment 4 adds a focus area to a synthesis report already costed within that total. Amendments 8 and 9 concern the terms of reference of a group already established by paragraph 10 of the SBSTTA recommendation and already resourced. No amendment requires an additional budget line.

“National circumstances and national legislation must govern.” The formulations are compatible with that position: they refer to procedures for raising and resolving concerns without prescribing form, forum, or legal character, leaving implementation to national circumstances.

Prepared by Elisa Marchi, Indigenous Peoples Law and Policy Program, James E. Rogers College of Law, University of Arizona. This document is offered as a technical contribution to Parties and is not a formal submission on behalf of any organization. All references are to CBD/SBSTTA/28/6/Rev.1 and CBD/SBSTTA/28/2/Rev.1-CBD/SBI/7/2/Rev.1; each proposed amendment quotes the current text verbatim and is located by section and provision number for verification against the source.