



**THE UPDATED PROGRAMME OF WORK ON PROTECTED AREAS
MUST DELIVER EFFECTIVE AND EQUITABLE GOVERNANCE OF PROTECTED
AREAS THROUGH A HUMAN RIGHTS-BASED APPROACH**

Key Recommendations



THE UPDATED PROGRAMME OF WORK ON PROTECTED AREAS MUST DELIVER EFFECTIVE AND EQUITABLE GOVERNANCE OF PROTECTED AREAS THROUGH A HUMAN RIGHTS-BASED APPROACH

For consideration under Item 17 (c) during CBD-COP 17

October 2026 by the Sub-action group on Target 3, Human Rights and Biodiversity Working Group

We welcome the review of the Protected Area Programme of Work of the CBD and the work undertaken by Parties to the Convention, rightsholders, major groups and others towards aligning the Programme of Work with the full scope of Target 3, making it a workable mechanism to address the KM-GBF and Target 3.

The Programme of Work should guide the implementation of all the key elements within Target 3, recognise diverse governance systems, and strengthen the requirements for rights-based, equitable and accountable conservation including effective grievance redress, access to justice, protection of environmental human rights defenders and direct access to resources.

1. The concept of ‘conserved areas’ should remain flexible (does not require specific definition in PoWPA):

The draft currently contains a bracketed proposal to adopt a definition of ‘conserved areas’ as, ‘areas with other effective area-based conservation measures, recognising ITTs where applicable’. This is problematic because Target 3 itself deliberately identifies different pathways which include protected areas, OECMs, and the recognition of Indigenous and traditional territories where applicable. Conserved areas are a broad, descriptive concept rather than a new legal or technical category. Ideally conserved areas can encompass the entire range of ‘area based conservation systems’. There is no substantive need to establish a new definition of “conserved areas” where Target 3 already provides the operative framework for identifying the different area-based approaches that contribute to its implementation. Any attempt to define these would also undermine the flexibility that allows countries to recognise diverse governance models, including unique governance systems of Indigenous Peoples and local communities, and conservation approaches and distract from the more important considerations of whether areas are effectively conserved, equitably governed and delivering biodiversity outcomes while respecting rights of Indigenous Peoples and local communities.

2. Human rights-based approach is paramount: The recommendation currently says that Parties should apply a human rights-based approach, consistent with Section C of the GBF and Article 8(j), including full, equitable, inclusive and effective participation of Indigenous Peoples and local Communities, recognition of governance systems, and protection of environmental human rights defenders, but it has been placed in brackets. This language should not be diluted or converted into solely a cross-reference to ‘Section C’^[1]. The updated Programme of Work must ensure that conservation measures are not only effective ecologically but also respect human rights and are accountable, with effective and accessible grievance mechanisms, access to justice, protection of environmental human rights defenders, full, effective and gender-responsive participation of rights holders in decision-making concerning their territories, in access to information and recognition of Indigenous peoples’ and local communities’ rights. This is important because currently, environmental policies, especially around the creation of protected areas often facilitate the criminalization and displacement of Indigenous People. Thus, embracing a genuine human rights-based approach requires addressing the systemic roots of exclusionary conservation. Towards this, it is also important to align national legal frameworks with internationally recognized rights of Indigenous Peoples.

[1] For a collective offer of multiple good-faith efforts to support a human rights-based approach to area-based conservation please see, HRBWG et al. (2024). Advancing Human Rights-based Approaches to Target 3 Implementation. A working paper developed by members of the Human Rights and Biodiversity Working Group and participants in the international workshop on Advancing Rights and Equity in Conservation (Nanyuki, 2024). Available at: <https://www.forestpeoples.org/publications-resources/reports/article/advancing-human-rights-based-approaches-to-target-3-implementation/>

3. Conservation effectiveness must not be separated from governance quality: The draft appropriately proposes monitoring not only biodiversity outcomes and management effectiveness, but also effective and equitable governance models in which good governance principles should be applied. This should be maintained because an area should not be considered effectively conserved solely on the basis of ecological indicators if governance is inequitable or rights are not respected. Monitoring should therefore include rights, participation, governance, gender and social equity, alongside ecological outcomes. This also includes mainstreaming community-based monitoring. Effective and equitable governance should also include dedicated funding streams directly accessible to Indigenous Peoples and local communities.

4. Accountability and redress must be part of the updated programme of work. Access to justice (activity 35) should include effective remedy, through independent, accessible and gender-responsive grievance mechanisms with protection against retaliation. The programme of work should also address claims arising from protected areas established on the lands, territories and waters of Indigenous Peoples without their free, prior and informed consent, including through restitution where possible. Strengthened support for rangers and other conservation personnel (activity 32) should be matched by human rights standards, prevention of gender-based violence and independent investigation of abuses.

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The individuals and organisations submitting this brief express their support for the positions advanced by the International Indigenous Forum on Biodiversity (IIFB) under this agenda item.

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