The ICCA Consortium

Territories of life

Policy Brief

Review and Update of the Programme of Work on Protected Areas (PoWPA): Implications for Territories of Life and CBD COP17

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Why Does PoWPA Matter?

The Programme of Work on Protected Areas (PoWPA), adopted at CBD COP7 in 2004, remains one of the Convention's most influential frameworks guiding protected area policy and practice worldwide. Although developed more than two decades ago, it continues to provide a principal CBD framework for implementing area-based conservation, particularly through protected areas. PoWPA is now being reviewed and updated to align with the Kunming-Montreal Global Biodiversity Framework (KMGBF), and taking into account other key, related CBD decisions adopted since 2004. The review gives particular focus to Target 3, on area-based conservation.

For Indigenous Peoples, Local Communities, and territories of life, this review is significant because PoWPA contains important commitments—particularly those under Programme Element 2 on Governance, Participation, Equity and Benefit Sharing. These commitments were groundbreaking in 2004 and remain crucial today. Over the years, the ICCA Consortium has played a significant role in enabling implementation of commitments under PoWPA Element 2, and other relevant aspects of the Programme. However, Element 2 (i.e. commitments on governance, participation, equity, and benefit sharing) have remained among the least implemented aspects of the Programme, despite major expansion of protected areas globally. Further, commitments in the KM-GBF and other key CBD decisions since 20041

[1] See, among others, decisions related to:

- **Recognizing contributions** under diverse governance types and systems, including territories and areas conserved by Indigenous Peoples and local communities (Varied forms in PoWPA (7/28, 2004) & Decisions 9/18, 2008; 10/31, 2010; 13/2, 2016; 14/8, 2018; 15/5, 2022)
- **Recognizing rights, including over land, territories, and resources** (Most explicit in KM-GBF (15/4, 2022); Related references in (varying language) in PoWPA (7/28, 2004) and other decisions, including 14/8, 2018)
- **Human rights-based approach** (Most encompassing and explicit in KM-GBF (15/4, 2022, Sec C); Related references in (varying language) in PoWPA (7/28, 2004) and other decisions, including 14/8, 2018)
- **Recognition and respect for rights, knowledge,** and **innovations** (Varied forms in PoWPA (7/28, 2004) & Art 8(j) and 10(c); Decisions 10/31, 2010; 12/12, B, Annex, 2014; 14/8, 2018; 15/4, 2022; and guidance under 8(j) and related provisions)
- **FPIC** (In varied forms - PoWPA (7/28, 2004) as well as Decisions 12/12, 2014; 14/8, 2018; 15/4, 2022)
- **Equity** of PCA governance (and management) (Varied forms in PoWPA (7/28, 2004) & Decisions 10/31, 2010; 14/8, 2018; 15/4, 2022)
- **Participation** (Varied forms in PoWPA (7/28, 2004) & Decisions 9/18/A, 2008; 10/31, 2010; CBD Plan of Action on Customary Sustainable Use (12/12, B, Annex, 2014); 13/2, 2016; 14/8, 2018; 15/4, 2022 ("full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making" - Target 22)
- **Governance assessment** (site and system levels) and advancing governance principles (Varied forms in PoWPA (7/28, 2004) & Decisions

advance the scope and depth of Parties and other actors' recognition of and commitments to advancing rights, justice, and equity in the context of protected and conserved areas, together with appropriate recognition of the contributions of areas and territories conserved by Indigenous Peoples and Local Communities.

Given the history and continued relevance of PoWPA, its review and update are crucial in the context of KM-GBF —e.g. to ensure alignment with its milestone commitments—as well as to further highlight and advance lesser implemented and still important Element 2. Beyond alignment with KM-GBF Targets and Goals, this is also an important opportunity to ensure compliance with Section C of the KM-GBF, which guides implementation of conservation goals and targets, including through a Human Rights Based Approach, as well as other commitments throughout the Framework related to the rights and contributions of Indigenous Peoples and Local Communities.

The recommendation adopted by the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) 28 on the PoWPA review and update (CBD/SBSTTA/REC/28/5available here) will now be considered and negotiated further at COP17. The recommendation to be discussed by COP17 is essentially an appendix, which maps area-based conservation against all 23 targets of the KM-GBF. The 2004 PoWPA itself remains largely in force and is expected to be updated based on these recommendations approved by COP17. COP17 therefore presents an opportunity for ICCA Consortium members to further influence the recommendations towards revising PoWPA. The Consortium policy team and other participating Members will be doing this through direct advocacy as well as textual suggestions through allied caucuses, particularly the International Indigenous Forum on Biodiversity caucus (IIFB).

What Was at Stake for the ICCA Consortium Members?

The ICCA Consortium has long engaged in CBD discussions, negotiations, and guidance development related to governance diversity, rights-based conservation, FPIC, Indigenous and community conserved territories and areas (ICCAs), and more recently Indigenous and Traditional Territories (ITTs).

In its submission to the PoWPA review process prior to SBSTTA 28, the Consortium had emphasized the need to:

- Strengthen recognition of Indigenous and Traditional Territories and ICCAs-territories of life as a pathway;
- Recognize rights including use, management, conservation, and governance rights of the custodian communities and conservation contributions of ICCAs–territories of life which are overlapped by protected areas and other effective area-based conservation measures (OECMs);

10/31, 2010; 13/2, 2016; 14/8 Annex II, 2018; 15/5, 2022)

- Expand (and clarify) the scope of the updated Programme of Work beyond protected areas (PAs);
- Reinforce governance diversity and recognition of self-determined conservation by Indigenous Peoples and Local Communities;
- Ensure coherence with the recommendations of the Subsidiary Body on Article 8(j) and emerging guidance on Indigenous and Traditional Territories;
- Strengthen inclusion of human rights-based approaches, FPIC, and collective rights of the custodian Indigenous Peoples and Local Communities (noting that some of these commitments go beyond/build on those in PoWPA's original text);
- Improve implementation of equity, participation, and benefit-sharing commitments (in recognition of the continued relevance and implementation gaps in commitments made in 2004);
- Address concerns and opportunities related to traditional knowledge, data sovereignty, and monitoring, particularly related to ICCAs–territories of life with Target 3;

A priority for the ICCA Consortium was and remains ensuring that the updated Programme of Work advances recognition and support for the rights and contributions of custodians of ICCAs –territories of life, including their recognition through all pathways—as ICCAs/ITTs as a distinct category and as PAs and OECMs (where this is preferred by custodian rights-holders).

What happened at SBSTTA 28?

SBSTTA agreed to forward a recommendation (CBD/SBSTTA/REC/28/5, available here) to COP17 recognizing PoWPA as a continuing strategic framework for implementing the KM-GBF and proposing a series of updates and complementary activities, while leaving actions on four targets as not requiring specific changes. One of the serious concerns remains, however, that the PoWPA review failed to systematically consider Section C of KM-GBF.

1. Recognition of Indigenous and Traditional Territories was Strengthened

One of the most significant outcomes is the expansion of PoWPA's scope to include OECMs and ITTs, including via repeated inclusion of references to Indigenous and Traditional Territories throughout the recommendation and annex, including in relation to governance, planning, monitoring, finance, climate change, participation, and implementation of various targets, and particularly related to Target 3 and Target 22.

The scope of the recommendation text refers specifically to "protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable," adopting the specific language in Target 3. However, these references are nearly all in brackets, and based on Parties concerns about retaining a more general reference to "protected and conserved areas," without a more specific definition of "protected areas" (see below for more details).

The Recommendations specifically include a complementary activity on "the recognition, respect, promotion and protection of indigenous and traditional territories where applicable." The Recommendations also seek greater coherence with the Programme of Work on Article 8(j) and related CBD processes concerning Indigenous Peoples and Local Communities.

However, the current proposed draft does not mention the term "Indigenous Peoples' and community conserved territories and areas (ICCAs)," which has been listed in the CBD Article 8j Glossary. This could be an important point of discussion in relation to the COP17, especially within the IP and LC caucus for a collective position and advocacy.

2. Governance, Rights, and FPIC Remain Central Issues of Deliberation

The recommendation contains several important advances on rights, governance, and equity. Throughout the text, Indigenous Peoples and Local Communities are increasingly recognized as rights-holders and contributors to conservation rather than mere beneficiaries or stakeholders.

The recommendation also includes references to the full, equitable, inclusive, and effective participation of Indigenous Peoples and Local Communities, consistency with Article 8(j), and recognition of Indigenous and Traditional Territories throughout the Programme.

However, several of the most significant rights-related provisions remain unresolved and bracketed for further negotiation at COP17:

- Explicit references to a **human rights-based approach (HRBA)**;
- Recognition of the **own governance systems** of Indigenous Peoples and Local Communities;
- Protection of **environmental human rights defenders**;
- **Access to justice and effective grievance mechanisms** related to protected and conserved areas, specifically, a lack of willingness to commit to a **meaningful and accountable Grievance Redress Mechanism** for situations where rights including human rights are violated; and
- A qualifier attached to FPIC referring to national circumstances, legislation and international instruments.

For the ICCA Consortium, these remain among the most important issues to follow up on during our preparations for COP17 and at COP17, as they will determine whether the updated PoWPA fully reflects a rights-based approach to conservation and provides meaningful safeguards and accountability mechanisms for Indigenous Peoples and Local Communities.

3. Future Scope and Naming of PoWPA Remain Unresolved

SBSTTA forwarded bracketed text concerning the future name and scope of the Programme of Work on Protected Areas. The negotiations reflected different views on how the Programme should be framed in the context of KM-GBF Target 3, including whether and how protected

areas, OECMs, and Indigenous and Traditional Territories should be reflected in the title and overall scope of the Programme.

The Recommendation text [Para 2] *"[Adopts the definition of 'conserved areas' as 'areas with other effective area-based conservation measures,' [recognizing indigenous and traditional territories, where applicable;]]"*. If the second segment of bracketed text is omitted, this is an area of grave concern, as it essentially defines "conserved areas" as synonymous with OECMs (and references CBD Decision 14/8, on protected areas and OECMs). From the perspective of the ICCA Consortium, even if the second segment of bracketed text is retained, there are also still open questions about how "conserved areas" are understood and what it would mean in the context of Target 3, as explored in the box below.

Understanding "Conserved Creas" from ICCA Consortium's Perspective[2]

Ref: Meanings and More, Policy Brief of the ICCA Consortium, Issue No. 7

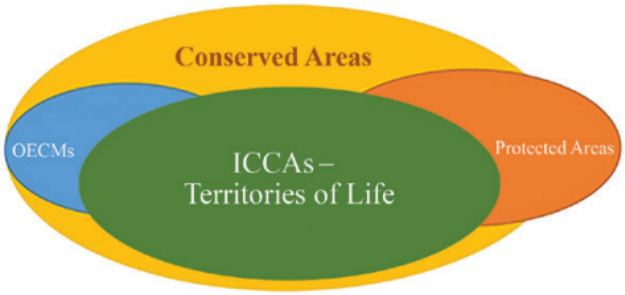
"In an intuitive sense, 'conserved areas' are territories or areas that achieve conservation de facto. They were defined in 2015 as areas that, 'regardless of recognition and dedication, and at times even regardless of explicit and conscious management practices, achieve conservation de facto and/or are in a positive conservation trend and likely to maintain this trend in the long term.'3 In this sense, conserved areas are clearly not one and the same with protected areas, but they have overlaps, e.g. wherever a protected area manages to achieve its conservation objectives. In some cases, however, protected areas do not achieve their conservation mission—i.e. they are protected but not conserved. In other cases, however, areas that are not listed as protected do achieve conservation. Many ICCAs—territories of life are examples of the latter situation: they conserve nature de facto, as part of biocultural systems, without being listed in an official protected areas system (other ICCAs are included in the protected areas system, with or without the consent of the original custodians).

"Since 2010, the Convention on Biological Diversity has used the term 'other effective area-based conservation measures' (OECMs), which are defined as 'geographically defined areas other than protected areas, which are governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and, where applicable, cultural, spiritual, socio–economic, and other locally relevant values.'4 'Conserved areas' should not be used as synonymous for OECMs for more than one reason. As conservation happens also in areas that are not at all governed or managed, the overlap cannot be complete. But conservation also happens in protected areas, and OECMs are defined as being entirely separate from protected areas. Thus, equating OECMs with 'conserved areas' would have the paradoxical consequence that the terms 'protected' and 'conserved' would be incompatible in CBD parlance…

[2] NB: This text box is an excerpt from a document published in 2019, before adoption of the KM-GBF and the introduction of the term Indigenous and traditional territories within it. It is shared here in relation to understanding 'conserved areas' as an umbrella term that is broader than OCEMs, and inclusive of territories and areas that are conserved in practice, whether or not they are appropriately recognized.

[3] Borrini-Feyerabend and Hill, 2015, page 178

[4] Convention on Biological Diversity, 2018b.



("Schematic overlap of conserved areas, protected areas, other effective area-based conservation measures (OECMs) and ICCAs—territories of life. (The size of shapes is not reflecting estimates of coverage).)

"… Territories of life are shown as fully overlapping with conserved areas but also with protected areas or OECMs. It is up to the community custodians of the specific territories of life to decide whether they wish to be recognized as protected areas, as OECMs or do not wish any such recognition and overlap. Conserved areas whose borders, governance institutions, and management practices are not recognized could be more vulnerable, but inappropriate recognition may be worse than no recognition at all. The ICCA Consortium strives for the appropriate recognition of ICCAs—territories of life at local, national and international levels, and for providing them with appropriate support."

The Recommendation text [Para 3] *"Decides to revise the name of the programme of work on protected areas to* ***['programme of work on [protected and conserved areas' in order to reflect the broader scope of][protected areas and [areas with] other effective area-based conservation measures, [recognizing indigenous and traditional territories, where applicable]']*** *..."*

The final formulation therefore remains unresolved and will be negotiated further at COP17.

For the ICCA Consortium, this discussion is important because it relates to how the scope of the Programme is ultimately defined and whether, and how, protected areas, OECMs and Indigenous and Traditional Territories (including ICCAs–territories of life) are reflected within the CBD's framework for area-based conservation. It also has implications for whether and how governance diversity (as distinct from but related to these pathways) remains a central part of the Programme of Work. Collectively, these considerations have important implications for the visibility, recognition, and support of the conservation contributions of Indigenous Peoples and Local Communities, including through Indigenous and Traditional Territories and territories of life (and, where appropriate, as PAs or OECMs), within the implementation of Target 3.

4. Ecological Connectivity Emerged as a Major New Theme

A major feature of the updated Programme is a proposed inclusion of a 5th Element on "ecological connectivity." SBSTTA considered proposals for a new Programme element or

cross-cutting activity on connectivity, linking protected and conserved areas with broader landscape and seascape approaches, restoration, climate adaptation, and biodiversity-inclusive spatial planning. The entire proposal, however, remains bracketed as no consensus could be reached during the contact group discussions.

While connectivity can support biodiversity conservation, future discussions will need to ensure that connectivity initiatives respect rights, governance systems, and FPIC, particularly where they affect Indigenous and community territories.

5. Monitoring, Knowledge Systems and Data Governance Received Greater Attention… With Opportunity to Add More Focus on Assessment

The updated Programme strengthens guidance on monitoring and evaluation systems, community-based monitoring, biodiversity databases, new technologies, traditional knowledge, and the application of FAIR and CARE principles.

This creates opportunities to advance community-led monitoring and recognition of Indigenous and local knowledge systems, while also highlighting the need for continued attention to Indigenous Peoples' and Local Communities' data sovereignty.

Site and systems level governance assessment are called for in PoWPA and several subsequent decisions, and site level assessment is included within the KM-GBF monitoring framework. The PoWPA review offers an opportunity to reinforce the potential benefits of site-level assessment, and to revitalize calls for systems-level assessments (as distinct but complementary to those done at site-level).

6. Financing Language Was Retained

The recommendation includes references to mobilizing financial resources, strengthening implementation support, direct and accessible financing for Indigenous Peoples and Local Communities, and support through the Target 3 Community of Practice. However, several finance-related provisions remain under negotiation and may be revisited at COP17.

7. Target 3 Community of Practice

The Recommend text states, "*To further support the Target 3 Community of Practice as a flexible, inclusive and voluntary platform, with a view to facilitating coordination, knowledge exchange and implementation support, and to invite indigenous peoples and local communities, women, youth, relevant organizations and initiatives to participate in the Community*."

Reviving ICCA Consortium's engagement with this group will be useful to strengthen some of the future strategy on key areas of focus for the Consortium such that the Consortium is both able to influence and remains informed of the discussions which will shape the direction on Target 3.

In Sum: Key Issues Still Open for Negotiation at COP17

Issue	Status
Future name and scope of the Programme	Bracketed
Explicit mention of “Human rights-based approach”, (although mention of Section C is not bracketed)	Bracketed
Recognition of IPLC governance systems	Bracketed
Environmental human rights defenders	Bracketed
Access to justice and grievance mechanisms	Bracketed
FPIC qualifiers	Bracketed
Ecological connectivity Programme element	Bracketed
Financing commitments	Partly bracketed

What Should the ICCA Consortium Follow at COP17?

Priority 1: Maintain and Strengthen Recognition of Indigenous and Traditional Territories and ICCAs–territories of life

Ensure that references to Indigenous and Traditional Territories are retained and strengthened throughout the Programme and remain aligned with outcomes from the Article 8(j) process. As part of this, initiate discussions on the relationship and overlaps between ITTs and ICCAs as terminologies, including addressing questions and resolving continued confusion on this point among different actors. If possible, the Consortium could produce a joint paper with other actors on how to reflect ITTs in the context of T3 and how the terminology of ICCAs can be considered.

Priority 2: Defend Rights-Based Approaches

Advocate for stronger language on human rights-based approaches, FPIC, collective rights, and recognition of Indigenous Peoples' and Local Communities' governance systems within the direct language of the updated and expanded PoWPA. Cross references to Section C are welcome, but not sufficient.

Priority 3: Ensure Governance Diversity and Equity Remains Central, Including in the Name of PoWPA Itself

Promote recognition that biodiversity conservation is achieved through diverse governance systems and types, including ICCAs–territories of life. Towards this end, reinforce understanding that PAs and OECMs can be under any governance type, including governance by Indigenous Peoples and/or Local Communities, while stressing that territories and areas governed by these custodians should also be recognized in their own right (see note about re: advancing clarity on relationships between ITTs and ICCAs–territories of life).

In this context it would also be extremely useful to initiate conversation with various actors on the definition of protected and conserved areas (PCAs), including to ensure a definition/understanding that reflects the reality that many areas that are conserved in practice are not yet appropriately recognized (ref: Meanings and More, pg. 39).

Priority 4: Engage on Monitoring and Data Governance

Support community-led monitoring, recognition of Indigenous and local knowledge systems, CARE principles, and other relevant protocols and safeguards for Indigenous Peoples' and Local Communities' data sovereignty.

Priority 5: Monitor Emerging Ecological Connectivity Discussions

Ensure future connectivity initiatives are implemented with full participation, rights recognition, and FPIC, and do not undermine self-determined conservation or customary governance systems.

Priority 6: Advocate for Direct and Accessible Financing

Support stronger commitments on direct and accessible financing for Indigenous Peoples, Local Communities, women, and youth.

Priority 7: Safeguard Accountability Mechanisms

Advocate for retention and strengthening of provisions on access to justice, effective grievance mechanisms, and protection of environmental human rights defenders as important safeguards against conservation-related rights violations.

Overall Assessment

The SBSTTA recommendation significantly strengthens the visibility of Indigenous and Traditional Territories (ITTs), governance diversity, participation, and rights-related issues within the PoWPA framework compared to the original 2004 Programme. It also creates stronger links with Target 3 of the KM-GBF and the Programme of Work on Article 8(j), including specific references to the recognition, respect, promotion and protection of ITTs.

At the same time, several of the most politically significant provisions remain unresolved, including language on a human rights-based approach, recognition of Indigenous Peoples'

and Local Communities' governance systems, environmental human rights defenders, access to justice, grievance mechanisms, and aspects of FPIC implementation.

A further issue to watch is that, while references to ITTs have increased substantially, most references remain in brackets (including because the scope of the revised Programme and whether and how it includes all three pathways identified in Target 3 is largely bracketed). It will be important to ensure the final, adopted language reinforces clear recognition of Indigenous and Traditional Territories as a distinct pathway in their own right.

In sum, at COP17, it will be critical to ensure that gains made on recognition of Indigenous and Traditional Territories and ICCAs–territories of life are retained and strengthened, in ways consistent with guidance from SB8J, and that unresolved provisions on rights, governance, justice, and accountability are not weakened or removed during final negotiations.

***Note**: The recommendations adopted by SBSTTA 28 in August 2026 do not themselves replace the existing Programme of Work on Protected Areas (PoWPA). Rather, SBSTTA recommendations are advisory and are forwarded to COP17 for consideration. COP17 will decide whether and how to revise the PoWPA. Unless the recommendation explicitly proposes a completely new Programme of Work, the intention is generally to update, align, and revise the existing PoWPA so that it reflects the Kunming–Montreal Global Biodiversity Framework (KM-GBF), particularly Target 3 and related targets.*