From Agreements to Actions

A guide to applying a human rights-based approach to the Kunming-Montreal Global Biodiversity Framework

HUMAN RIGHTS AND BIODIVERSITY WORKING GROUP

GUIDE FOR IMPLEMENTATION (FIRST EDITION 2024)

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THE BIODIVERSITY PLAN
For Life on Earth

Purpose of this guide

The adoption of the Kunming-Montreal Global Biodiversity Framework (GBF, or the 'Biodiversity Plan') under the Convention on Biological Diversity (CBD) in 2022 marked a significant advance in integrating human rights into environmental policy and actions. Parties have agreed that the "*implementation of the Framework should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights*".[1]

This guide is compiled with a specific purpose: to provide additional support and concrete examples for Parties and decision-makers, non-state actors, and for rights holders, on how to meet this commitment to embed a human rights-based approach (HRBA) in the implementation and monitoring of the GBF at national and sub-national levels.[2] It prioritises clear information on relevant human rights standards and norms, and practical steps for how these norms can be translated into national and sub-national decision-making, taking into account the diversity of cultural, social, political and economic circumstances.

This guide aims to provide a concise resource, sign-posting key elements, and in each section of the guide additional references are provided to more comprehensive specific guidance. In approaching the subject in this way, it is expected that this guide can complement the work of other expert bodies, notably the work of the Office of the High Commissioner on Human Rights (OHCHR) and the multiple Special Procedures and mandate holders within that office. These, and others, are cited below.

1 CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, Section C, paragraph (g), see: https://www.cbd.int/gbf/introduction

2 Individuals involved in the drafting of this guide include Helen Tugendhat (FPP), Cristina Eghenter (WWF International), Jessica Campese (CEESP), Jazzy Rasolojaona (Natural Justice), Georgina Catacora-Vargas (Academic Peasant Unit "Tiahuanacu" of the BC University), Opi Outhwaite (Business, Human Rights and Environment Research Centre, University of Greenwich), Marina Venancio (IUCN World Commission on Environmental Law), Amelia Arreguin (CBD Women's Caucus & FPP), Phil Franks (IIED), Barbara Lassen (IIED), Josefa Tauli (GYBN), Alexandra Masako Goossens-Ishii (SGI), Lou Darriet (SwedBio) Pernilla Malmer, (SwedBio), Philip Seufert (FIAN International), Noelle Kumpel (BirdLife International), Jenny Springer (Equator Group), Mrinalini Rai (Women4Biodiversity), Vivienne Solis Rivera (ICSF, ICCA Consortium, CoopeSoliDar R.L), Johanna von Braun (ILC) and Nela Cernota (OHCHR). The result is a collective offer of multiple good faith efforts to support a human rights-based approach to the GBF. The result is not necessarily reflective of any specific individual's views and does not represent the organisational positions of any of the organisations in which we work.

How to use it

This document aims to provide specific, concrete and actionable guidance on how to apply a human rights-based approach across the entire Framework, with special focus on those goals, targets and innovative elements of the GBF that are critical to enable the effective integration of human rights in biodiversity-related plans and actions. The focus is on how a human rights-based approach can enable meaningful and appropriate implementation of the Biodiversity Plan and achievement of its goals and targets, including to better highlight, recognize and strengthen the ongoing roles and contributions of rights holders in achieving the GBF.

To achieve this, the guide is divided into four sections:

- **Section One** addresses what a human rights-based approach is and how to identify both the rights most likely to be impacted and the rights holder groups most likely to be impacted, addressing in particular those identified in the GBF itself. Here we address the rights of children and youth, of women and girls, of people living coastal and rural areas, local communities and the rights of Indigenous Peoples[3]. In doing so, we underscore the distinction between rights holders and stakeholders, fundamental in a HRBA.

- **Section Two** addresses the foundational elements of a human rights-based approach that are built into the GBF - like equity, participation, access to justice - looking first at the text of the GBF, defining terms to simplify and explain the often dense terminology, and outlining key questions that need to be asked when applying these principles in practice, and links to further resources.

- **Section Three** provides practical guidance on integrating a human rights-based approach in key processes for biodiversity policy and implementation: we address planning, financing, and monitoring and reporting.

- **Section Four** highlights specific considerations that we felt warranted additional guidance: beginning with land tenure and land use change, sea tenure and marine resources, nature-based solutions and customary sustainable use. Further additional guidance will no doubt be necessary in areas not covered here.

In each section additional resources have been collected and referred to, for further detailed information. In taking this approach it is possible to provide guidance in a way that integrates across the goals and targets and minimises the risks of siloing between these important elements.

In a final section, the 23 Targets of the GBF are mapped to human rights, highlighting in a simplified format where and how addressing human rights effectively can support the realisation of the Framework, and how the Framework Targets can support the realisation of human rights.

3 In this guide, we capitalise Indigenous Peoples as is now common practice, however direct quotes from other sources have not been changed, including quotes from CBD decisions and related materials.

Section One: Rights, rights holders and key concepts

What is a human rights-based approach?

A human rights-based approach (HRBA) to biodiversity is one that furthers the realisation of human rights through biodiversity actions, by avoiding harm to human rights, taking action based on principles of human rights, and achieving improved human rights outcomes.

This requires distinguishing between duty bearers and rights holders, seeking to identify those rights and rights holders that may be impacted by biodiversity actions, and seeking to avoid negative human rights impacts while enhancing positive ones. A HRBA requires a careful analysis of underlying power dynamics (both historic and current) that have caused or contributed to inequality, injustices and adverse human rights impacts - especially on individuals and/or communities and peoples who may be in disadvantaged, marginalised or otherwise vulnerable situations. This engagement with power dynamics and identification of conditions of marginalisation needs to be exercised continuously to understand the changes and evolution of the dynamics at play and accompanied, as far as is possible and relevant, with interventions to minimise marginalisation and advance equity.

The human rights-based approach analyses power structures and aims to empower people (rights holders) so that they can be aware of their rights, are able to demand them, and are able to exercise and enjoy them. Additionally, it aims to analyse the responsibility and obligation of states, their institutions, and non-state actors (duty bearers - see Box 1) to strengthen their capacities to fulfil their particular obligations and responsibility towards the rights holders.

BOX 1: Businesses and conservation organisations as duty-bearers

While the primary duty for fulfilling and delivering on human rights commitments, and the commitments made under international environmental treaties, lies with states, they are not the only actors with specific responsibilities. Groups throughout society have distinct roles, rights and corresponding responsibilities in achieving global commitments on human rights. The UN Guiding Principles on Business and Human Rights, as well as the OECD Guidelines for Multinational Enterprises, set out responsibilities for business enterprises.[4] With respect to biodiversity conservation, some types of conservation organisations also have responsibilities under these frameworks. The GBF highlights this explicitly, acknowledging the responsibilities that all individuals and communities have for the conservation and sustainable use of biodiversity and human wellbeing, centering the need for widespread participation and calling for a whole-of-society approach.[5]

This includes supporting duty bearers to meet their obligations, and rights holders to claim and exercise their rights, noting that "this latter element is particularly important, requiring proactive, concrete measures to ensure full and effective participation of rights holders, including in virtual spaces, and with particular focus on Indigenous Peoples and local communities".[6] The emphasis is not only on understanding the rights that may be adversely impacted but actively ensuring that biodiversity actions enhance the capacity of rights holders to exercise their rights, and seeking ways to advance the realisation of human rights.

Following a human rights-based approach is a key part of ensuring that the 'whole of society' can be engaged (see Box 2). Moreover, the individuals, groups, or peoples that hold certain entitlements or rights that are closely related to the work of the Convention should be considered separately from the wider definition of 'stakeholders' - those who have an interest in a given area or action. This distinction between rights holders and stakeholders is crucial for determining who needs to be consulted at the earliest possible moment, the basis on which their rights or interests need to be considered, and the concrete legal obligations that pertain to them.

4 This is further discussed in the findings for the Report of the Independent Panel of Experts of the Independent Review of allegations raised in the media regarding human rights violations in the context of WWF's conservation work (2020): EMBEDDING HUMAN RIGHTS IN NATURE CONSERVATION: FROM INTENT TO ACTION

5 *"This is a framework for all - for the whole of government and the whole of society. Its success requires political will and recognition at the highest level of government and relies on action and cooperation by all levels of government and by all actors of society"*, CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4 Section C, paragraph (c), see: Introductory sections of the GBF

6 Implementing a Human rights based Approach, Human Rights and Biodiversity Working Group: Paper 3 (2022), page 5.

BOX 2: Adopting a 'whole of society' approach

The implementation of the GBF is a critical area for action, particularly at the national and sub-national level, in the coming years. The GBF calls this a 'whole of society' approach (see footnote 5) which "relies on action and cooperation by all levels of government and by all actors of society".

Civil society coalitions, working groups and alliances, partnerships, and multi-stakeholder platforms will be needed to ensure the achievement of the goals and targets and strengthen collectively the effective implementation of the GBF using a human rights-based approach. It is at these national and sub-national levels that this guide is aimed.

Identifying rights and rights holders

Human rights are held by all individuals by virtue of our shared humanity. Collective rights are held by groups, most commonly as peoples, as in the shared Article 1 of the two International Covenants on human rights: "All peoples have the right to self-determination".[7]

All human beings are rights holders. Human rights are defined in a series of international legal instruments. At the global level, they are referred to collectively as the 'International Bill of Human Rights', beginning with the Universal Declaration on Human Rights and encompassing also the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.[8] These five key international instruments are further complemented by specialised international human rights treaties and other instruments that, among others, articulate the specific circumstances and associated rights of women and girls[9], of children and youth[10], of Indigenous Peoples[11], of peasants and others living in rural areas[12], persons with disabilities,[13] and other rights holder groups[14]. Of particular relevance to the CBD and GBF (where it is specifically referenced alongside the human rights-based approach in Section C) is the recently codified human right to a clean, healthy and sustainable environment (see Further Resources below).

There have also been particular regional frameworks established which seek to better reflect regional contexts and histories, which transform and develop similar human rights

7 Shared Article 1 of the two international covenants on civil and political, and economic, social and cultural rights, and a central tenet of the International Bill of Human Rights. For more information: International Bill of Human Rights | OHCHR

8 Fact Sheet No.2 (Rev.1), The International Bill of Human Rights • • • • • Background Towards the Universal Declaration

9 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

10 Convention on the Rights of the Child

11 UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007

12 UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018 (UNDROP)

13 Convention on the Rights of Persons with Disabilities

14 Rights holder groups may, in some contexts, include tribal peoples and Afro-descendent peoples, as identified and protected under international human rights law and under specific regional jurisprudence.

standards for the Americas[15], the African continent[16], Europe[17], and distinct parts of Asia[18].

The rights that may be impacted or are relevant to biodiversity conservation and sustainable use are broad, encompassing both procedural rights and substantive rights. Procedural rights (participation, access to information, and access to justice, among others) are rights to *fair processes* that respect the dignity of all individuals and groups engaging with them, and which also support better realisation of substantive rights. Substantive rights are those that describe the underlying entitlement to services or conditions of a good life (e.g. rights to education, health services, property, decent work, among others).

Although all human rights are potentially relevant, certain rights are more commonly impacted in the specific context of biodiversity conservation, sustainable use and benefit sharing. These include the use, ownership and access rights of individuals, groups, or members of those groups who depend on land, water or natural resources and their traditional knowledge to manage them and who may have customary or other claims to them, particularly where these claims may not be recognised under national law. Such rights to lands, territories and resources are intimately linked to associated rights to hold and transmit traditional knowledge, including the often specialised knowledge held by women. This is often particularly true for Indigenous Peoples, for local communities with customary management and use of resources, and for women and girls, youth and children, and people living in rural areas.

Identifying these rights and those who hold these rights requires early engagement with people potentially impacted or involved in biodiversity actions, including communities living close by, local authorities, and others. Rights holders may not be fully recognised as such under the national laws of the countries in which they live, even where their rights are outlined in instruments ratified by the government. When seeking to identify all rights holders potentially impacted or affected by a given action, reference to international law will be needed (see Box 3).

What is required

Section C, 7 (g): "The implementation of the Framework should follow a **human rights-based approach**, respecting, protecting, promoting and fulfilling human rights. The Framework acknowledges the **human right to a clean, healthy and sustainable environment**[19];

15 1948, The American Declaration on the Rights and Duties of Man OAS :: IACHR : Basic Documents in the Inter-American System.

16 1979, The African Charter on Human and Peoples' Rights African Charter on Human and Peoples' Rights

17 European Convention on Human Rights 1950

18 ASEAN Human Rights Declaration 2012

19 UN General Assembly Resolution 76/300 of 28 July 2022

Possible guiding questions about a human rights-based approach and the human right to a clean, healthy and sustainable environment:

- Are human rights integrated into national biodiversity planning, policies and reporting (e.g. included in NBSAPs and reported in national reports)? For example, relevant procedural rights (including participation in decision-making, access to information, access to justice and rights to lands, territories, and resources) and substantive rights (in particular the right to a clean, healthy and sustainable environment)?
- Are there relevant national targets and indicators to help track this? See Section Three below for details.
- Is the right to a clean, healthy and sustainable environment recognised in national legislation, the constitution or as signatory to a relevant regional or international convention?

Further Resources

Internationally recognized human rights

International Bill of Human Rights | OHCHR

OHCHR Dashboard for ratification status by treaty and country

UNSDG Guidance on an HRBA

UNSDG Human Rights Guidance and Policy

Right to a Clean, Healthy and Sustainable Environment

Reports of the UN Special Rapporteur on Human Rights and the Environment Online Resource

Good practices on the right to a safe, clean, healthy and sustainable environment, UN Special Rapporteur on Human Rights and the Environment (2019)

The human right to a clean, healthy and sustainable environment, HRC Resolution (2021)

The human right to a clean, healthy and sustainable environment UN GA Resolution (2022)

The human right to a clean, healthy and sustainable environment, HRC Resolution (2023)

What is the Right to a Healthy Environment?, UNDP (2023)

Human rights and biodiversity conservation

Conservation and Human Rights: Key Issues and Contexts, CIHR (2011)

Rights-based Approaches: Exploring Issues and Opportunities for Conservation, CIFOR and IUCN (2009)

Box 3: Major international human rights treaties and instruments

International Covenant on Civil and Political Rights 1966 (ICCPR)

International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)

International Convention on Elimination of All Forms of Racial Discrimination 1969 (ICERD)

Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW)

Convention on the Rights of the Child 1989 (CRC)

ILO Convention No. 169 on Indigenous and Tribal Peoples (ILO 169) 1989

Convention on the Rights of Persons with Disabilities 2006 (CPD)

UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007

UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018 (UNDROP)

Regional instruments (selected)

European Convention on Human Rights 1950

American Convention on Human Rights 1969

African Charter on Human and Peoples' Rights 1979

Arab Charter on Human Rights 2004

ASEAN Human Rights Declaration 2012

Rights holders under the Convention on Biological Diversity and GBF

In providing additional explanation and support for the identification of the rights holders mentioned in the GBF, we want to highlight that the term 'rights holders' refers to all individuals, groups, and members of those groups, who hold specific rights in a given context. It is not restricted to those rights holder groups that are specifically mentioned in the Convention.

However, for the conservation and sustainable use of biodiversity, the Convention has always recognised that those who depend most closely on lands, waters, territories and natural resources are most likely to be impacted by actions taken to implement the Convention. The rights of Indigenous Peoples and the rights of local communities living in close proximity and practising collective management of resources are particularly key, and the GBF also draws particular attention to the rights of women and girls, the rights of children and youth, the rights of environmental human rights defenders, of peasants and rural communities, and of local communities.

Children, youth, and intergenerational equity

Biodiversity loss has severe intergenerational repercussions for children, youth, and future generations, who will inherit the irreversible results of environmental degradation despite having played little to no part in driving the environmental crisis. The rapid loss of biodiversity is an urgent and systemic threat to their rights. As rights holders, children and young people are entitled to protection from infringements of their rights stemming from environmental harm and to be recognized and fully respected as environmental actors.[20]

Intergenerational equity is a principle that articulates a concept of fairness between generations. As it relates to biodiversity conservation and sustainable use and in the context of the GBF, intergenerational equity could be seen in two key dimensions:

- Ensuring equity between present and future generations. This includes recognizing the responsibility of present generations in ensuring the rights of future generations (not yet born) to enjoy a clean, healthy and sustainable environment; and

- Ensuring equity between today's younger and older generations. This includes ensuring that children and youth of the present generation are able to participate fully, effectively and meaningfully in decision-making and have equal and quality access to information, justice, education, and other rights.

20 CRC/C/GC/26: General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change

Box 4: Nine basic requirements for effective and ethical participation of children and youth[21]

Drawn from General Comment 12 of the Committee on the Rights of the Child, engagement of children and youth should conform to the following principles:

1. Transparent and informative. Children and youth must receive full, accessible, diversity-sensitive, and age-appropriate information about their right to express their views and the purpose, scope and impact of participation opportunities.

2. Voluntary. Children and youth should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.

3. Respectful. Children's and youth's views have to be treated with respect and they should be provided with opportunities to initiate ideas and activities.

4. Relevant. Children and youth should have opportunities to draw on their knowledge, skills and abilities and to express their views on issues that have real relevance to their lives.

5. Child-/youth-friendly. Environments and working methods should consider and reflect children and youth's evolving needs, capacities and interests.

6. Inclusive. Participation must be inclusive, avoid existing patterns of discrimination, and encourage opportunities for marginalized children and youth and youth of different ages, genders, (dis)abilities and backgrounds.

7. Supported by training. Adults, children and youth need preparation, skills, support and capacity-building to effectively facilitate children and youth participation

8. Safe and sensitive to risk. Expression of views may involve risks. Children and youth should participate in risk assessment and mitigation and know where to go for help if needed.

9. Accountable. Children and youth should receive clear feedback on how their participation has influenced outcomes, participate in follow-up activities, and should be supported to share that feedback with their peers.

21 Committee on the Rights of the Child, 2009. General Comment No. 12, The Right of the Child to be Heard, CRC/C/GC/12, para. 134.

What is required

Section C, 7 (n): "The implementation of the Framework should be guided by the principle of intergenerational equity which aims to **meet the needs of the present without compromising the ability of future generations** to meet their own needs and to ensure meaningful **participation of younger generations in decision-making processes** at all levels"[22]

Target 22: Ensure 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 ensure the full protection of environmental human rights defenders.

Key questions to ask about children, youth and intergenerational equity

- Are appropriate mechanisms, information, and resources available to ensure the meaningful participation of children and youth in decision-making processes?
- Are precautions, appropriate assessments, and environmental and social safeguards being put in place to prevent or minimise potential short- and long-term negative impacts on biodiversity and future generations?
- Are policies, actions and monitoring processes responsive to the needs, priorities, and contributions of children and youth?
- Are there existing children-led or youth-led activities and organisations that can be promoted and supported? Are there youth-led organisations with whom to collaborate with?

22 CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, Section C, paragraph 7(n), www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf.

Women and girls, and gender justice

Women and girls, who are critical actors in relation to biodiversity conservation, face disproportionate burdens due to persistent gender inequality amid the environmental crisis. Societal norms often limit their engagement and prevent their unique perspectives and knowledge from being considered in biodiversity conservation. This burden is compounded by intersecting factors such as ethnicity, socio-economic status, and geography, and particularly affects marginalised groups such as Indigenous, rural and impoverished women and girls, and small-scale producers. Furthermore, these additional layers of marginalisation exacerbate gender-based discrimination and violence.

Box 5: CBD Gender Plan of Action 2022 - 2030

"Recognizing also that the full and effective participation and leadership of women in all aspects of Convention processes, particularly in policy and action at national and local levels, is vital for achieving long-term biodiversity goals and the 2050 Vision of living in harmony with nature, (...) Urges Parties, and invites other Governments, subnational governments, cities and other local authorities, and relevant organizations to implement the Gender Plan of Action to support and advance gender mainstreaming and gender responsive implementation of the Kunming-Montreal Global Biodiversity Framework;[23]

The relevance of women and girls as well as gender justice in biodiversity conservation cannot be overstated. Women play a pivotal role in natural resource management and conservation efforts globally yet they are too often invisible in key decision-making spaces which impact their lives. Empowering women and promoting gender equality not only ensures fair and inclusive participation in decision-making but also enhances the effectiveness and sustainability of conservation outcomes. Women, including women from Indigenous Peoples, and afrodescendant and local communities, possess knowledge, skills and capabilities essential for effective environmental stewardship and action. In conservation, there is a reciprocal relationship as violations of women's rights can lead to the loss of biodiversity and, conversely, the degradation of biodiversity can lead to further violations of women's rights.

Given these interlinked challenges and opportunities, it is imperative to address gender imbalances in a comprehensive manner and to promote women's rights to achieve both gender justice and biodiversity conservation. In the context of conservation, promoting women's rights means, among other things, recognising and promoting women's agency in decision-making, and ensuring equitable access to and control and ownership over natural resources, land and water while recognising the potential tensions between collective rights, and individual rights, when it comes to lands, territories and resources. For women from Indigenous Peoples, and afrodescendant and local communities, the discrimination experienced due to gender, and that experienced due to one's Indigenous status or ethnicity, can intersect or combine in ways that exacerbate their situation. For Indigenous

23 Gender Plan of Action, CBD, Decision 15/11 (2024) https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-11-en.pdf

women and others, recognising rights also means recognising and valuing women's traditional knowledge and contributions to sustainable resource management.

Integrating gender perspectives and promoting women's rights are not only ethical imperatives, and legal requirements, but are also critical strategies for effective biodiversity conservation. The international framework, which includes instruments such as the Beijing Platform for Action and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and in particular General Recommendations Nos. 34[24] and 39[25], provides a solid foundation for promoting women's rights in conservation efforts (see Further Resources below).

What is required?

Section C: (h) Successful implementation of the Framework will depend on **ensuring gender equality and empowerment of women and girls**, and on reducing inequalities;

Target 22: Ensure 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 ensure the full protection of environmental human rights defenders.

Target 23: **Ensure gender equality** in the implementation of the framework through a **gender-responsive approach** where **all women and girls have equal opportunity and capacity** to contribute to the three objectives of the Convention, including by **recognizing their equal rights and access to land and natural resources** and their **full, equitable, meaningful and informed participation and leadership at all levels of action**, engagement, policy and decision-making related to biodiversity.

Possible guiding questions about gender justice

- How are the specific needs and rights of women and girls integrated into biodiversity conservation policies and initiatives?
- What measures can be taken to ensure the active participation of women and girls in decision-making processes related to biodiversity management and conservation?
- How can legislation and policy frameworks be strengthened to protect and promote the rights of women and girls, particularly with regard to access to and control over natural resources?
- What strategies should be developed to address gender-based violence and discrimination against women and girls in the context of biodiversity conservation?

24 CEDAW General Recommendation No. 34 on the Rights of Rural Women (2016)

25 CEDAW General Recommendation No. 39 on Rights of Indigenous women and Girls (2022).

- How can conservation organisations and initiatives promote women's empowerment and leadership to enhance the effectiveness and inclusiveness of biodiversity conservation efforts?

Further Resources

Beijing Declaration and Platform of Action Section K. Women and the Environment (1995)

General recommendation No. 34 on the rights of rural women CEDAW (2016)

Gender mainstreaming and biodiversity conservation (2018)

Advice to enable a gender-responsive process for the development of the post-2020 biodiversity framework CBD (2018)

Gender-based violence and environment linkages (2020)

Addressing gender issues and actions in biodiversity objectives, SCBD (2020)

Advancing women's rights, gender equality and the future of biodiversity in the post-2020 global biodiversity framework (2021)

Human rights, the environment, and gender equality: Key messages (2021)

General recommendation No. 39 on the rights of Indigenous women and girls CEDAW (2022)

Best practices in gender and biodiversity (2022)

Gender Equality, Women's Empowerment, and Leadership in National Biodiversity Planning, Monitoring and Reporting, UNDP, GEF (2024)

Understanding gender-based violence in the context of conservation, FPP (2024)

Advancing women's rights and gender equality in the implementation of the KM-GBF (Training Module), Women4Biodiversity (2024) (forthcoming)

Gender Equality and the CBD: A Compilation of Decision Text (COP1 - COP15), Women4Biodiveristy (2024) (forthcoming)

Indigenous Peoples and local communities - a note on CBD terminology

The original text of the Convention on Biological Diversity from 1992 does not use the term 'Indigenous Peoples', referring instead to 'indigenous and local communities'. In using this phrase, the Convention contains multiple provisions, from the Preamble[26] through into operative Articles, for recognising and protecting the rights of communities "who embody traditional lifestyles and make sustainable customary use of resources and manage their territories in accordance with these practices" as noted in Article 8(j), and/or who practise "customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements" as stated in Article 10(c).

Since 2014 all decisions of the Convention on Biological Diversity have referred to Indigenous *Peoples* and local communities (instead of indigenous and local communities) as a result of long-term advocacy by Indigenous Peoples' advocates after the adoption of UNDRIP and in recognition of the distinctness of these groups.[27] Although the term 'local communities' has no universal definition, the use of the term in the Convention is bounded and specific, as shown above, tied to communities who "maintain intergenerational connection to place and nature through livelihood, cultural identity and worldviews, institutions and ecological knowledge". This use of the term 'local communities' in the CBD does not, as IPBES has noted "ignore differences and diversity within and among Indigenous Peoples and between them and local communities; Indigenous Peoples have recognized and distinct rights, which are not extendable to the broader and encompassing concept of local communities."[28]

This guide addresses the distinct rights of Indigenous Peoples and those of local communities, and other rural rights holders, separately. Significant overlaps can be seen in the requirements for both, stemming from the close association of these terms in Convention text and subsequent decisions.

26 *"Recognizing* the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations, and practices relevant to the conservation of biological diversity and the sustainable use of its components". CBD

27 https://www.cbd.int/doc/meetings/cop/cop-12/official/cop-12-05-add1-en.pdf

28 https://www.ipbes.net/node/41326

Indigenous Peoples

In 2007, the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples. The declaration, which provides a "contextualised elaboration of human rights as they relate to the specific historical, cultural and social circumstances of Indigenous Peoples", consolidated and extended existing international law jurisprudence on Indigenous Peoples rights that had developed under multiple human rights treaties. UNDRIP has since been recognised as an authoritative framework for interpreting Indigenous Peoples rights within other human rights instruments.[29] The rights of Indigenous Peoples are intimately connected to the concerns of the Convention on Biological Diversity and the GBF, evidenced by the fact that they are mentioned no less than 18 times in the Framework.

While all the rights of Indigenous Peoples articulated in UNDRIP and in other international human rights instruments are relevant for understanding their roles and interests in implementing the GBF, we want to draw specific attention to four, mapped to the key elements of the GBF:

1. Rights to lands, territories and resources

The relationships that Indigenous Peoples have with their lands, territories and resources are underscored and protected in multiple Articles in the UN Declaration on the Rights of Indigenous Peoples, in recognition of the fact that these distinct spiritual and cultural relationships underpin, and are essential for, continued cultural survival. The Preamble states "control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs". These rights extend over "the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired" (Article 26 (1)) and the Declaration requires that States "give legal recognition and protection to these lands, territories and resources … with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned." (Article 26 (3)). These rights are directly relevant for the implementation of the GBF in multiple ways, and are directly referenced in Targets 1, 3 and 22, and by implication, Targets 5 and 9. They are relevant across the entire framework.

2. Rights to sustain and continue customary sustainable use

Customary sustainable use is addressed in more detail in Section 4, and directly referenced in Targets 5 on the use and trade of wild species and 9 on sustainable wildlife management. Customary sustainable use, for many communities and groups, underpins wider cultural norms and the health and continuity of traditional occupations, where groups want to sustain these. For Indigenous Peoples, customary sustainable use can often be an underpinning element of the right to culture, and to sustain and transmit culture to future generations.

29 CEDAW General Comment No. 39, para 13; EMRIP, *Free, prior and informed consent: a human rights-based approach*, A/HRC/39/62, 10 August 2018, para 3; UNSRIP James Anaya, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, 11 August 2008, A/HRC/9/9, para 86

Article 10 (c) states that Parties will:

> *(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;*

3. Rights to transmit and use traditional knowledge, practices and innovations

Article 8 (j) states:

> *(j) Each contracting Party shall, as far as possible and as appropriate:*
>
> *Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.*

4. Free, Prior and Informed consent (FPIC)

The right of Indigenous Peoples (and in some circumstances, other groups holding collective rights) to give or withhold their consent to a proposed action is a critical safeguard for many other rights. The UNDRIP confirms that free, prior and informed consent is required before any relocation (Article 10), before legislative acts are passed that may impact on their rights (Article 19), before any storage of hazardous materials on their lands, territories and resources (Article 29(2)), and prior to the approval of any project on, or impacting on, their lands, territories and resources (Article 32(2)). The right to 'prior and informed consent' before the establishment or expansion of protected areas that would require resettlement was also noted in the CBD Programme of Work on Protected Areas (PoWPA, 2004) and Free, Prior and Informed Consent is explicitly referenced in the GBF for any use or development of traditional knowledge (Target 21).

As a fundamental right of Indigenous Peoples, Free, Prior and Informed Consent is also implied in all Targets referencing these rights (1, 3, 5, 9, 21 and 22) as well as in a human rights-based approach across the whole Framework.

Possible guiding questions about Indigenous Peoples

- Are Indigenous Peoples recognised appropriately under national legislation?
- Are there any groups in the country that could or do assert their identity as Indigenous Peoples?
- Are there groups in the country who do not self-identify as Indigenous Peoples but who may have claims to distinct cultural collective rights including to lands, territories and resources?
- What processes or mechanisms are in place or should be put in place to ensure the participation of Indigenous Peoples in decision-making processes? (See also: participation in the section below)
- What legislative, regulatory and policy measures can be put in place to protect the rights of Indigenous Peoples over their lands, territories, and resources, including through secure titling of their areas?
- What mechanisms should be put in place with a view to recognizing Indigenous and traditional territories in area-based conservation?
- Are there policies or programmes in place that implement the CBD Action Plan on Customary Sustainable Use, or support, promote or advance customary use in other ways?
- Are there effective protections for the traditional knowledge of Indigenous Peoples in national legislation? And for associated biological resources?

Further Resources:

Recognising and supporting territories and areas conserved by indigenous peoples and local communities CBD (2012)

Achieving the Global Biodiversity Framework through Guaranteeing the Roles, Rights, and Contributions of Indigenous Peoples and Local Communities Inclusive Conservation Initiative (2024)

Protected areas and indigenous peoples' rights: the obligations of States and international organizations Report of the Special Rapporteur on the Rights of Indigenous Peoples (2022)

Indigenous peoples' rights to lands, territories, and resources (2012) ILC Learning Hub (landcoalition.org)

General recommendation No. 39 on the rights of Indigenous women and girls CEDAW (2022)

Understanding gender-based violence in the context of conservation, FPP (2024)

Box 6: UN Mechanisms on the Rights of Indigenous Peoples

UN Permanent Forum on Indigenous Issues studies

Expert Mechanism on the Rights of Indigenous Peoples provides studies on indigenous peoples' rights

Special Rapporteur on the Rights of Indigenous Peoples produces annual thematic reports

Other rural rights holders

In addition to Indigenous Peoples, there is a wide diversity of other individuals and groups who hold rights in rural areas who are particularly relevant for the Convention. This term is used here to encompass groups (and individuals within groups) including (among others) traditional, and some other, local communities, peasants, small-scale food producers, fishers, pastoralists, and people living in rural areas.

The Convention provides specific protections for local communities "embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity"[30]. Identifying communities who are included in this group can be contentious in some countries. The term is wide and heterogeneous (including between regions) and often used to describe very different contexts, in some cases groups who are clearly entitled to collective rights (e.g. because they are peoples, although not Indigenous Peoples), as well as others who are more like groups of local residents. In recognition of the Convention's use of the term 'embodying traditional lifestyles', the slightly qualified term 'traditional local communities' is used here.

In 2012, the Convention adopted a decision recognizing that the full and effective participation of local communities is crucial to achieving the objectives of the Convention, and provided guidance on identifying how they are to try to address the wide usage of the term.[31] A recent instrument that will often be applicable to, and helpful for, a diversity of local communities and others in rural areas is the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) adopted in 2018. This declaration elaborates on the rights of "any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organising labour, and who has a special dependency on and attachment to the land."[32]

Individuals and communities living in close relationship with their lands, waters and natural resources and engaged in small-scale food production are not only highly dependent

30 Article 8(j), CBD (1992) https://www.cbd.int/traditional/default.shtml referring to 'indigenous and local communities'.

31 Participatory mechanisms for indigenous and local communities in the work of the Convention. Local communities UNEP/CBD/COP/DEC/XI/14 CBD (2012)

32 UNDROP (2018), Article 1.

on biodiversity but also often have specific importance as stewards of biodiversity, particularly in their food and management systems. Agroecology, in particular, is a way of food production and management that builds on and stimulates natural processes in order to boost resilience and productivity.[33] The co-evolution of human communities with their natural environment is a central pillar of peasant and agroecological food systems. A case in point is the constant and dynamic adaptation of seeds and breeds to local conditions through peasants' distinct seed management systems.[34] Peasants' and other rural people's and communities' role as stewards of biodiversity relies on the control over their lands and territories, including through the protection of collective and customary tenure rights.

The UNDROP and the GBF intersect in many ways and the latter should be implemented in such a way that it supports the realisation of the rights enshrined in the UNDROP. This concerns particularly the rights of peasants, small scale fishers and other rural people to access and use in a sustainable manner the natural resources present in their communities (UNDROP, art. 5), the right to land (art. 17) and the rights to seeds and biodiversity (arts. 19 and 20). The following table provides an overview of some of the GBF targets and relevant articles of the UNDROP.

BOX 7: Mapping the KMGBF and UNDROP

GBF Target	Article in UNDROP
Targets 1-3	Arts. 5, 17
Target 7	Art. 14
Target 10	Arts. 15, 17, 19, 20
Target 13	Arts. 19, 20.
Target 23	Arts. 2, 4, 21

Possible guiding questions about other rural rights holders:

- Are food systems addressed in the NBSAPs and do they consider smallholder agriculture and small-scale fisheries?
- Is the role of peasants and other rural people, fishers and communities as stewards of biodiversity recognized and legally protected? Do policies exist to support and promote agroecology and traditional practices and food systems as an approach to ensure the protection and sustainable use of biodiversity within food systems?
- Are the tenure rights of peasants, fishers and other rural people and communities protected by law, including customary and collective tenure systems? Are such legal protections effectively implemented?

33 https://www.righttofoodandnutrition.org/files/article_1_rtfn_watch12-2020_eng.pdf. (Emphasis added).

34 https://documents.un.org/doc/undoc/gen/g21/397/86/pdf/g2139786.pdf?token=JSn5AUqrj4oTAdfExl&fe=true.

- Are the seeds and animal breeds of peasants and other rural people and communities as well as the systems through which they manage them recognized and protected by law and in reality? To what extent do intellectual property rights and other laws (certification, marketing etc.) restrict the use of peasant/native seeds and landraces?

- What legal protections exist for the protection of the traditional knowledge, innovations and practices of peasants, fishers and other rural people and communities, including those related to their seeds and animal breeds as well as farming practices or aquaculture?

Further Resources

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security FAO (2012)

General recommendation No. 34 on the rights of rural women CEDAW (2016)

United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018)

Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (2014)

Seeds, right to life and farmers' rights UN Special Rapporteur on the right to food (2021)

Recovering the Cycle of Wisdom: Beacons of Light Toward the Right to Seeds - Guide for the Implementation of Farmers' Rights, FIAN (2021)

CBD Guidance related to Indigenous Peoples and to local communities

The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments CBD (2004)

Tkarihwaié:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage CBD (2010)

Advice and recommendations arising from the expert group meeting of local communities representatives Annex (CBD 2011)

Participatory mechanisms for indigenous and local communities in the work of the Convention UNEP/CBD/COP/DEC/XI/14 CBD (2012)

Plan of Action on Customary Sustainable Use CBD (2014)

Training manual on the incorporation of traditional knowledge into the description and identification of EBSAs CBD (2016)

Rutzolijirisaxik Voluntary Guidelines for Traditional Knowledge Repatriation (2018)

Glossary of relevant key terms and concepts within the context of Article 8(j) and related provisions CBD (2018)

Mo'otz Kuxtal Voluntary Guidelines for the development of mechanisms, legislation or other appropriate initiatives to ensure the FPIC (2019)

Joint Programme of Work on the Links between Biological and Cultural Diversity (2022)

Environmental human rights defenders (EHRDs)

The term human rights defender (HRD) refers to people or groups who take peaceful actions to promote and/or protect human rights.[35] Environmental human rights defender (EHRD) has developed as an inclusive term referring to defenders who strive to promote human rights in relation to the environment including land, air, land, flora and fauna.[36] EHRDs, like all HRDs, are identified primarily by the actions that they take to promote and protect human rights.[37] It is the human rights character of their work or actions taken as opposed to the profession, title or the name of the organisation they work for that defines them as HRDs.[38] EHRDs can be Indigenous leaders or Indigenous communities, afro-descendant communities, farmers, women, children, environmental journalists, environmental lawyers, conservationists, NGO staff, community organisers etc.[39]

Environmental human rights defenders can face serious threats in the course of the work that they do to defend their rights and the rights of others. These threats, and actual violence and harm, include killings, physical violence, threats, harassment, criminalisation, defamation, discrimination, and/or can experience these same threats occurring towards their families and loved ones. Women defenders also face the additional risk of gender-based violence, which can take specific forms such as sexual harassment or abuse, domestic violence and gender-based intimidation.

What is required

In Target 22 the GBF commits to:

> Ensure … **the full protection of environmental human rights defenders.**

The CBD Secretariat has provided guidance related to this provision to ensure full protection, indicating that it "refers to measures that can be taken to safeguard individuals or groups who work to protect the environment, advocate for environmental justice, and defend the rights of indigenous peoples and local communities."

Measures that can be taken to support and to protect environmental human rights defenders are manifold and can include:

- preventing violence and intimidation by providing legal protection
- review of existing legal instruments and adapting, reforming or enhancing them

35 UN (1998) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms Adopted by UN General Assembly Resolution 53/144, 9 December 1998, A/RES/53/144

36 FORST, M. (2016) Report of the Special Rapporteur on the situation of human rights defenders

37 UN (1998) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms Adopted by UN General Assembly Resolution 53/144, 9 December 1998, A/RES/53/144

38 Human Rights Defenders: Protecting the Right to Defend Human Rights, OHCHR Fact Sheet No. 29, 2004.

39 Policy Brief, Environmental Human Rights Defenders A global crisis John H. Knox (2017)

- developing and enforcing effective remedies
- developing a quick and secure alert system
- establishing and providing emergency support mechanisms (for urgent legal assistance, urgent medical support, etc.)
- securing exercise of their rights free from reprisals and retaliation
- raising awareness about the important role of environmental human rights defenders.

Possible guiding questions about environmental human rights defenders

- What are the risks that EHRDs are facing due to the nature of their work/role ?
- What is the incidence of violence, killings, threats, criminalisation and other forms of harm against EHRDs in the country? Are these figures tracked and disaggregated by cause?
- What legal and practical measures are in place at the national level to ensure the full protection of EHRDs?
- How do the existing measures address and respond to threats and attacks against EHRDs? How could their effectiveness be improved?
- Where threats and attacks have taken place, including by non-State actors, are there systems in place that can provide access to remedies for those suffering harms?
- What mechanisms can be adopted to ensure timely and accurate information and access to justice for EHRDs?
- Are rights to peaceful protest recognised in national laws and civic space secured? Are rights to peaceful protest also applied in practice?

Further resources

The Aarhus Agreement: UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1989)

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms OHCHR (1998)

Human Rights Defenders: Protecting the Right to Defend Human Rights, Fact Sheet No. 29 OHCHR (2004)

Situation of Human Rights Defenders, UN Special Rapporteur on human rights defenders (2016)

Policy Brief, Environmental Human Rights Defenders A global crisis John H. Knox (2017)

The Escazú Agreement: Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (2018)

The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (2021)

SUPPORTING GOVERNMENTS TO BETTER RESPECT, PROMOTE AND PROTECT ENVIRONMENTAL HUMAN RIGHTS DEFENDERS United Nations (2023)

Persons with disabilities

Inclusive approaches that enable participation across all of society, including persons living with disabilities, are important. Approximately 15% of the population are living with disabilities in one form or another, and serious attempts to address climate and biodiversity action need to ensure the active participation of all of society in developing and implementing innovative solutions. The Convention on the Rights of Persons with Disabilities adopted in 2006 provides some framework for action to support disability inclusive planning, and the UN Partnership on Disability, along with UN Department of Economic and Social Affairs (UN-DESA), have produced significant additional resources linked below.

Possible guiding questions about persons with disabilities

- Are actions and mechanisms in place to facilitate the participation of persons with disabilities in the NBSAP revision and other biodiversity-related policy-making processes?

Further Resources

Convention on the Rights of Persons with Disabilities 2006 (CPD)

Fact Sheet on Persons with Disabilities, United Nations DESA Resources

Section Two: Key concepts

Participation, inclusion, and representation

> *"the right to participate requires an environment that values and takes into account the work and contribution of all members of society, supports and encourages their engagement and ensures that they are empowered and equipped with the knowledge and capacity necessary to claim and exercise their rights"*[40]

The GBF places considerable importance on the use of inclusive and participatory processes across its planning, implementation, monitoring and reporting. This begins in the Decision text itself, which calls for "*fostering the full and effective contributions of women, youth, indigenous peoples and local communities, civil society organisations, the private and financial sectors, and stakeholders from all other sectors*".[41]

We see calls for participation by Indigenous Peoples and local communities, by the younger generation (children and youth), and by women and girls, by civil society and others. Understanding what it requires to foster full and effective participation is important. It may well require more than simply opening opportunities to enter policy- and decision-making spaces. It includes, where appropriate, actively supporting individuals and groups to engage meaningfully and on equal terms. For example, ensuring equitable multi-actor dialogues, make it possible for rights holders to articulate their concrete proposals, based on their expertise, experiences and values, and ensure that their proposals are brought into the process and considered on an equal level with other proposals, and the extent to which translation and interpretation services are provided for documents and for live-interaction in consultation formats. It requires identifying and addressing barriers to meaningful participation. For example, women often have specific responsibilities in catering for community meetings that prevent them from being part of discussion and decision-making. From a longer-term perspective, the provision of accessible and adequate education is key to enabling full and effective participation of all rights holders.

40 Page 6, para 17, Guidelines for States on the effective implementation of the right to participate in public affairs OHCHR

41 CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4: p.2

Box 8: Spectrum of participation

Effective participation can be placed on a spectrum defined by the extent to which a given participant is able to influence the decisions being taken. Decision-making processes may sit across this spectrum of participation. This spectrum of participation is useful for understanding the purpose and outcomes of participation from a general public participation perspective. It is limited in its focus on positive forms of participation, and it does not address the consequences where participation is ineffective or deficient. This table also addresses general public participation and does not address the additional requirements where rights holders are engaged in the decision-making process. When rights are at stake, the responsibility to provide a level of participation that can substantially impact on the outcome of a decision is heightened. See more: https://www.iap2.org/page/pillars

The GBF addresses participation requirements both in terms of general public participation as a 'whole of society approach' and more specific requirements for participation of rights holders in Targets 22 and 23, which specifically highlights the need to ensure the effective participation of Indigenous Peoples, local communities, women and girls, children and youth, and persons with disabilities. The quality of the participation required is also carefully defined.

What is required

Section C, 7 (c) "This is a framework for all - for the whole of government and the whole of society. Its success requires political will and recognition at the highest level of government and relies on **action and cooperation by all levels of government and by all actors of society**"

Section C, 7 (n) "The implementation of the Framework should be guided by the principle of intergenerational equity which aims to meet the needs of the present without compromising the ability of future generations to meet their own needs and to **ensure meaningful participation of younger generations in decision-making processes at all levels**"

Target 1: "Ensure that all areas are under **participatory** integrated biodiversity **inclusive** spatial planning ..."[42]

Target 12: [Increase green and blue spaces in urban areas] "... contributing to **inclusive** and sustainable urbanization ..."[43]

Target 21: [Ensure the best data is available] "... to guide effective and equitable governance, **integrated** and **participatory** management of biodiversity"[44]

42 CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4: p.9
43 CBD/COP/15/L.25: p.10
44 CBD/COP/15/L.25: p.12

> Target 22: Ensure the **full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making,** … by indigenous peoples and local communities, … as well as by women and girls, children and youth, and persons with disabilities …"
>
> Target 23: [Ensure gender equality … where all women and girls have equal opportunity … including by recognising …] "their **full, equitable, meaningful and informed participation** and leadership at all levels of action, engagement, policy and decision-making related to biodiversity"[45]

Participation is critical in the context of a human rights-based approach and the direct participation of rights holders is well acknowledged in the CBD. Participation extends also to all stakeholders including civil society organisations, business, academia. In the GBF, Target 22 states that participation needs to be: "full, equitable, inclusive, effective and gender-responsive", principles which apply across all goals and targets as a general and cross-cutting requirement.

In addition to this general requirement, the five targets and two paragraphs in Section C quoted above contain specific reference to a need for participatory processes, and all these dimensions of participation (full, equitable, meaningful and informed) should be fulfilled, implemented and monitored for these targets in particular as participation forms a component of the targets themselves.

Understanding what is being required

Full: Rights holders are in the position to participate in meetings, processes and consultations (at all stages of a process); they have the resources/support to participate; they are provided with information in their languages and/or supported with translation services, and the process is based on openness, transparency, and respect.

Equitable: Rights holders have the right to intervene and convey their aspirations on an equal footing during meetings; they are engaged as equitable participants in all aspects of the process, including in working groups/teams/task forces should the latter be established. Those identified as more at risk of marginalisation are provided with additional support and channels for input, with a focus on equitable outcomes, not equal provision. Input can and should be sought in advance on setting the agenda for consultations so that items of concern to rights holders are discussed.

Gender-responsive[46]: a term used to describe laws, policies, programmes and public services that are formulated and/or delivered to (a) take into account existing structures and relations of gender inequality and seek proactively to overcome and remove them; (b) identify and bring attention to women's contributions and critical roles as agents and leaders, in order to facilitate gender equality, the empowerment of women and women's enjoyment of human rights.

45 CBD/COP/15/L.25: p.13

46 This definition is drawn from the guidance provided by the CBD: Towards a gender-responsive implementation of the Convention on Biological Diversity

Inclusive: Legitimate representatives of *all* rights holders are able to participate directly in the process including through various mechanisms like meetings at sub-national level, special submissions and others to ensure that all knowledge, experiences and proposals are taken into account. All participants are treated equally. Groups who are traditionally marginalised are specifically targeted for facilitated participation. Records of meetings should indicate participant rights holders.

Effective: Rights holders are able genuinely to influence the outcome of decision-making processes, advance their rights and contribute in meaningful ways, through their participation.

Possible guiding questions about participation

- Which groups/organisations are typically invited to consultations and decision-making spaces?
- Which groups in society are most often excluded from policy and decision making spaces?
- Are rights holders (those with specific entitlements) identified separately from broader stakeholder groups?
- What are the barriers that rights holders face and how can these be addressed or minimised?
- Are resources available through general budgets for rights holders' participation at sub-national levels? At the national level?
- Do rights holders have the opportunity to raise their proposals and convey their needs and aspirations? Are they provided with sufficient resources and information in advance of participating in a given process to prepare inputs?
- Are their needs and aspirations adequately taken into consideration and integrated in the process and final output?
- Do the results of decision-making processes tend to reflect the input of consultations and meetings held to inform rights holders and stakeholders? Are the results or decisions reached shared back with participants and contributors to a given process?

Box 9: Participation in NBSAP revisions: preliminary findings

The Human Rights and Biodiversity Working Group conducted an open survey in 2024 to try to assess the participation of civil society and the realisation of a whole-of-society approach in the NBSAP revision process. The survey had 53 respondents from civil society groups and rights holders from across 29 countries. The level and quality of participation in the NBSAPs showed a wide diversity of engagements and involvement, highlighting also some positive arrangements like platforms and regular consultations to strengthen coordination and communication between governments and non-government actors. INGOs and NGOs tend to be included more than other rights holders in national level consultations. Some rights holders like women's associations and persons with disabilities tend to be less visible in national-level consultations. Another emerging finding is that, overall, the priority role of civil society in consultations is 'submitting written inputs' and participation in consultations. There are limitations to what these results can tell us but they do point to an important action to try to monitor, more comprehensively, commitments towards inclusive, effective, equitable, full and gender-responsive participation in the GBF.

Further Resources

Guidelines for States on the effective implementation of the right to participate in public affairs OHCHR

Meaningful Participation of Persons with Disabilities in the Decision-Making Processes UNDP (2023)

International Association for Public Participation Online Resource

Towards a gender-responsive implementation of the Convention on Biological Diversity CBD (2018)

Enabling a gender-responsive process for the development of the post-2020 biodiversity framework

Equity

Equity, broadly speaking, refers to treating people fairly and with justice, both in how actions are taken, and in the results of those actions. The GBF insists on equitable processes and outcomes multiple times, across a range of contexts, with references to equity and equitable found in two paragraphs in Section C and seven targets (described below).

The Convention's insistence that the sharing of benefits of the use of genetic resources be fair and equitable means the term 'equitable' has been associated with the use and conservation of biodiversity for decades. 'Equitable' appeared twice in the GBF's predecessor, the Strategic Plan for Biodiversity 2011-2020 (the 'Aichi Targets), once in reference to equitable sharing of benefits in the use of genetic resources, and again in reference to equitable management of protected and conserved areas.[47] The GBF extends this significantly, insisting again on equitable processes and outcomes not only for the use of genetic resources but in the governance of protected and conserved areas, and then also in consideration of future generations, in participation, and related to equitable outcomes between countries, including in the ways in which subsidies and incentives negative for biodiversity are addressed.

Due to the inclusion of 'equitable' in the previous Strategic Plan in relation to protected areas, there is existing guidance on this term already, including the CBD's own guidance in Decision 14/8 (Annex II) on "Voluntary guidance on effective and equitable governance models". Under this guidance and in more recent developments, equity in relation to area-based conservation has been broken down into three dimensions, each with direct links to the use of a human rights-based approach: recognition, procedure and distribution.[48]

- *Recognition:* This involves not only recognition of, but also respect for, the rights of all rights holders in a given context. It requires identification of those rights as a first step. It also refers to recognition of, and respect for, relevant rights holders in a given context and the knowledge and values they hold.

- *Procedure:* This refers to the 'procedural' elements of equity, e.g. the requirement to ensure full and effective participation, and transparency, information sharing and accountability, in decision-making. Procedural equity also encompasses access to justice and to effective dispute resolution, and the fair and effective enforcement of rules and of law. *This element of equity can map directly onto the procedural rights element of an HRBA - see Section One.*

- *Distribution:* This involves ensuring appropriate and fair sharing of benefits and costs or burdens (negative impacts) of an action between and among different rights holders and stakeholders. *This element of distribution could support the realisation of substantive rights, including rights to health, education and other public services.*

47 Further underscoring the link between equity and protected areas, the Programme of Work on Protected Areas (PoWPA) adopted by the CBD in 2004 also called for the equitable sharing of the costs and benefits of establishing protected areas. https://www.cbd.int/doc/publications/pa-text-en.pdf

48 Governance of Protected Areas: From Understanding to Action, IUCN (2013); Global Biodiversity Framework: equitable governance is key, IIED (2021)

These three dimensions are useful in framing equity and equitable outcomes across each of the references in the GBF, but are particularly relevant for (and have been developed to support) equitable governance and, as is shown here, can link to the use of a human rights-based approach.

Increased attention has been paid to the importance of 'equitable governance' in achieving both socially and ecologically positive outcomes in area-based conservation over the past decades and, through the 'recognition' element, a platform for rights to be recognised in a given landscape or area. The CBD recognises that updated guidance on equitable governance will be needed in the context of the new, more explicitly rights-oriented language in Target 3. Some initial resources are provided below.

While less developed guidance is available on the other areas in which commitments are made in the GBF to deliver equitable outcomes, some guiding questions to explore these areas have also been provided.

What is required

Section C, 7 (n): "The implementation of the framework should be guided by the principle of **intergenerational equity**"

Section C 7 (r): "recognizing the need for **equitable access to tools and technologies**"

T3 "Ensure and enable that … areas are effectively conserved through … **equitably governed systems** of protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable"

T13 **equitable** sharing of benefits

T16 reducing global footprint of consumption in an **equitable** manner

T18 eliminate, phase out or reduce incentives ….. in **just, fair, effective and equitable way**,

T21 …to **guide effective and equitable governance**…

Both T 22 and 23 speak to the need for **equitable participation**

Possible guiding questions about equitable outcomes in the Framework

Intergenerational equity

- What long-term benefits are delivered and how can they be enjoyed by the next generations?
- How are the interests and needs of future generations being taken into account in biodiversity planning and in spatial planning processes?
- What scales of modelling (in terms of time scales) are available or are being done in-country to understand likely trajectories of impact from the policy decisions being made? Are climate models also being tracked for biodiversity impacts?

Equitable access to tools and technologies

- [For northern/developed countries] Are tools and technologies part of the northern to southern transfer of resources?
- [For northern/developed countries] Are academic partnerships between universities and research institutions in more developed countries and those in countries with less economic resources being developed?
- Are tools and technologies designed and produced with multiple audiences in mind and accessible to, and appropriate for, marginalised groups in particular?

Equitably governed

- How are rights holders involved in the management and governance of protected and conserved areas (PCAs) especially in the case of Indigenous and traditional territories overlapped by PCAs?
- Are the distinct knowledge systems and value systems of Indigenous Peoples and local communities recognised in decision making and governance?
- How are local and traditional governance systems that have worked for nature conservation and sustainable use recognized and supported and/or appropriately integrated in government management regimes of PCAs?
- Are the self-determined conservation initiatives of Indigenous Peoples and local communities recognised and supported under their own governance systems and on their own terms? How?
- Are tools to assess the quality of governance in the PCA system in the country being used widely? (for instance, SAGE, GAPA, the Green List, among others)

Equitable sharing of benefits

- What is the status of implementation of the Nagoya Protocol to the CBD?
- Are conservation costs and benefits equitably distributed between rights holders and duty bearers?
- Are those paying the highest costs also receiving appropriate financial or other benefits?
- [For northern/developed countries] Is benefit sharing of the development of technology equitable between countries?

Equitable reduction of global footprints, and elimination of negative incentives

- [For northern/developed countries] Are there regulatory or legal steps being taken to reduce the overseas footprint of commodity trade into the country?
- [For northern/developed countries] Are there regulatory or legal steps being taken to address overseas deforestation within the global supply chain footprint?

Equitable participation (see participation above)

Further Resources

Governance of Protected Areas: From Understanding to Action, IUCN (2013)

Voluntary guidance on effective and equitable governance models, CBD (2018)

Global Biodiversity Framework: equitable governance is key, IIED (2021)

Natural Resource Governance Framework, IUCN (2021)

Review of Methods for Assessing the Social Impacts of Conservation IUCN (2023)

Advancing equitable governance in area-based conservation, IUCN (2024) (forthcoming)

Human Rights Based Approach to Area-Based Conservation, HRBWG (2024) (forthcoming)

Good Practice Guidance on addressing Indigenous and Community Conserved Areas Overlapped with Protected Areas, IUCN WCPA (2024) (forthcoming)

Access to justice and access to information

These two principles of access to justice and access to information are addressed at the same time in the GBF under Target 22. While related concepts, they are distinct:

Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to contribute their knowledge, experiences and proposals, exercise their rights, challenge discrimination, or hold decision-makers accountable. It requires at a minimum a judicial or legal system that is impartial and accessible.

The UN recognises the following actions as required to advance and support access to justice:

- empowering the poor and marginalised to seek response and remedies for injustice;
- improving legal protection, legal awareness, and legal aid;
- civil society and parliamentary oversight;
- addressing challenges in the justice sector such as police brutality, inhumane prison conditions, lengthy pre-trial detention, and impunity for perpetrators of sexual and gender-based violence and other serious conflict-related crimes;
- strengthening linkages between formal and informal structures.[49]

Access to information is an enabling element of access to justice, and underpins a range of other rights including the right to freedom of expression and an enabler of participation:

> *"The right to participate in public affairs is closely linked to the full realisation of the right of access to information, which, as part of the right to freedom of expression, is an enabler of participation and a prerequisite that ensures the openness and transparency of, and accountability for, States' decisions"*[50]

Regional laws have codified both access to justice and access to information in relation to environmental matters, first in the late 1980's with the adoption of the European regional agreement, the Aarhus Convention (formal name: UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters), and more recently in the adoption in the Americas of the 'Escazú Agreement' or the 'Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean'.

49 Adapted from: https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/

50 Page 6, para 15, Guidelines for States on the effective implementation of the right to participate in public affairs

Box 10: What does the Escazú Agreement say about access to information?

Article 5

"Accessibility of environmental information:

1. Each Party shall ensure the public's right of access to environmental information in its possession, control or custody, in accordance with the principle of maximum disclosure",

Article 6

"3. Each Party shall have in place one or more up-to-date environmental information systems, which may include, inter alia:

(a) the texts of treaties and international agreements, as well as environmental laws, regulations and administrative acts; (b) reports on the state of the environment; (c) a list of public entities competent in environmental matters and, where possible, their respective areas of operation;[51]

What is required

In Target 22, the GBF commits to:

> Ensure the … **access to justice and information** … by indigenous peoples and local communities … as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.

Access to information and access to justice in the context of environmental decision making and environmental policy has emerged strongly in recent years in intergovernmental agreements and in national laws. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (often called the Aarhus Convention) (signed 1998) and binding on European States was the first piece of international law that enshrined a link between environmental rights and human rights, acknowledged that we owe an obligation to future generations and establishes the need to involve all stakeholders and rights holders in environmental action.

Adopted at a regional level in Latin America in 2018, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (often called the Escazú Agreement) repeated requirements related to access to information and access to justice in environmental matters. The language in Target 22 of the GBF extends the requirements of these regional treaties by stating a global commitment among CBD Parties to seek to ensure both access to information and access to Justice. The subsequent adoption of a UN Resolution on the right to a clean, healthy, and sustainable environment in July 2022 further underlined the emerging universality of this agreed principle of a right to a healthy environment, and the need

51 This is an incomplete list of the requirements, for the full list see: Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

for access to information and access to justice that accompany this right.[52] All of these international human rights instruments provide critical guidance for how to meet the commitment towards access to justice and access to information in Target 22.

The CBD Secretariat also notes that all actions towards Target 22 should take into account the considerations for implementation identified in Section C of the Kunming-Montreal Global Biodiversity Framework and that "progress towards Target 22 will directly support the attainment of all goals and targets. However, progress towards this target is particularly relevant for the achievement of targets 1, 3, 5, 9, 13, 21 and 23. Conversely, progress towards targets 21 and 23 will support progress towards this target".[53]

Possible guiding questions about access to justice

- How effective and efficient is the legal and judicial system? (For instance, are cases decided in a timely manner? Are the judgements generally accepted as binding and fair? Is there legal aid available for individuals and groups to access the judicial system if they do not have sufficient resources themselves?)
- Are there automatic rights to challenge environmental decisions taken by the State? Under what conditions? Do affected groups (such as Indigenous Peoples) have standing to bring challenges?
- What are the costs of accessing the judicial system?
- What particular barriers do Indigenous Peoples and local communities face to accessing the judicial system? (e.g. distance, language/translation, lack of education, lack of identity documents needed to commence a case, cost, discriminatory attitudes etc.)

Possible guiding questions about access to information

- Is information about environmental decision-making provided publicly and in ways in which the general public can access?
- Are Freedom of Information requests possible for all public agencies, including Ministries of the Environment, Natural Resources or others relevant for environmental decision making?
- Are decisions regarding rezoning, spatial planning or other area-based decisions that may impact on access and ownership rights, including social and environmental impact assessments, provided well in advance of decisions being made?
- Is public information provided in all appropriate languages to provide wide access?

52 Good practices on the right to a safe, clean, healthy and sustainable environment, UN Special Rapporteur on Human Rights and the Environment (2019) and What is the Right to a Healthy Environment?, UNDP (2023)

53 Secretariat of the CBD: Target guidance, Target 22: available at https://www.cbd.int/gbf/targets/22

Further Resources:

Guidelines for States on the effective implementation of the right to participate in public affairs

Access to Justice - United Nations and the Rule of Law

The Aarhus Agreement: UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1989)

The Escazú Agreement: Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (2018)

Roles and responsibilities of businesses

In 2011, the UN General Assembly adopted the UN Guiding Principles on Business and Human Rights (the UNGPs). The UNGPs establish a framework that elaborates on the obligation of States to protect human rights from business impacts, recognises the responsibility of businesses to respect human rights, and outlines principles for effective remedy when rights are negatively affected. This framework highlights that all businesses, regardless of their size or sector, should:

- avoid causing or contributing to human rights impacts in their own activities;
- seek to prevent or mitigate any human rights impacts that are directly linked to their products, operations or services;
- remedy impacts where they are caused by, or contributed to by, business activities.[54]

As part of complying with this responsibility, the UNGPs provide that businesses should undertake human rights due diligence, which involves an ongoing process of identifying, assessing and addressing any actual or potential adverse human rights impacts in their own activities or within their value chains.

The UNGPs and the responsibilities of business are expressly referred to in the UN General Assembly Resolution on the human right to a clean, healthy and sustainable environment. In meeting their human rights responsibilities, businesses must therefore respect the right to a clean, healthy and sustainable environment, which, as a component, includes the right to healthy and functioning ecosystems and biodiversity.

54 UN Guiding Principles on Business and Human Rights, (2011)

The UNGPs reiterate that the State duty to protect against human rights impacts from business requires States to "take appropriate steps to prevent, investigate, punish and redress" human rights abuses by business "through effective policies, legislation, regulations and adjudication".[55] One type of measure that has been adopted in this respect recently includes mandatory human rights due diligence legislation. Further measures to support transparency and disclosure are also needed to ensure accountability of businesses for violation of human rights, including the right to a clean, healthy and sustainable environment.

Reflecting (some of) the language and approach of the UNGPs, the GBF provides direction on this 'state-duty nexus' in relation to biodiversity and outlines two other areas of responsibility: monitoring and reporting; and transparency (see below).

What is required

> Target 15: Enable businesses (particularly large ones) to "regularly **monitor, assess and transparently disclose** … **impacts on biodiversity** … along their operations, supply and value chains and portfolios … **provide information** needed to consumers … **report on compliance** with access and benefit-sharing … in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business …"

Possible guiding questions about the roles and responsibilities of businesses

- What are the key business sectors or industry areas that have the most significant impacts on biodiversity in your area / region / country?
- What are the (most significant) potential adverse human rights impacts, from the activities of businesses, or as a result of biodiversity loss from industry? (This may include not only harms caused by biodiversity loss, but also by actions taken to mitigate biodiversity loss, including off-setting, establishment of protected areas, changes to sourcing practices with negative impacts on human rights).
- Which businesses (any, some, all) assess potential impacts on human rights or on biodiversity from their business activities?
- Which businesses (any, some, all) have public plans to monitor and act on human rights or biodiversity risks associated with their business activities?
- Are regular reports provided by businesses in your area / region / country demonstrating their impacts on biodiversity or impacts on human rights?
- To what extent does or could national level regulation, law and policy be used to manage, mitigate or reduce business impacts on biodiversity and human rights in your area / region / country?
- Does your country have in place rules that regulate or address the impact that businesses domiciled there have in overseas territories or countries?

55 UN GPs on Business and Human Rights, Principle One.

Further Resources:

UN Guiding Principles on Business and Human Rights, (2011)

Why rightsholder consultation is the gateway to effective human rights due diligence, Business and Human Rights Resource Centre (2020)

Human Rights Impact Assessment Guidance and Toolbox, Danish Institute for Human Rights (2020)

The human right to a clean, healthy and sustainable environment UN General Assembly Resolution (2022)

Section Three: Key Processes

A human rights-based approach needs to be applied throughout all stages of biodiversity planning, implementation and monitoring. We highlight here 3 key processes: (i) planning; (ii) financing and resource mobilisation; and (iii) monitoring, reporting and review. Similar principles can be applied in other and related stages.

Planning

Moving from commitment in the GBF to action requires assessment and planning for rapid and effective implementation. Planning processes take place at multiple levels and for multiple purposes and each provide significant opportunities for 'inclusive, participatory and representative' approaches. Critical at this stage and in the years to come are the national-level processes to revise or update NBSAPs (see below), but these are not the only important planning processes. Planning and policy making at the national level across a range of sectors, including budgeting, on industrial development strategies, on spatial planning and land use planning, on trade regulation and on many other sectors, has a direct impact on biodiversity.

Planning processes at sub-national and local levels can often present more opportunities for full and effective participation of rights holders. At this level, representation and access to information may be able to be sought most easily. Planning processes at sub-national levels are also critical to ensuring effective participation in decision-making from the earliest moment possible. Sometimes decision-making processes may be abridged or shortened due to perceived time limits, but unless there is genuine urgency on objective grounds, this should be avoided.

Planning and policy development are circular processes (and not once-off), where actions are monitored, reviewed and recommendations for change are made. Participation is needed throughout the planning cycle, and at all stages in an adaptive management cycle. We address NBSAPs in particular detail here, but the same principles apply for any planning process, at any level of government.

National Biodiversity Strategy and Action Plans (NBSAPs)

The national biodiversity planning framework is the NBSAP - the national biodiversity strategy and action plan - known by many different names at a national level. These should be updated and revised at regular intervals, and now they need to be updated to take into consideration the adoption of the GBF.

Whether and how rights holders participate in NBSAP development processes can help determine whether and how their rights and contributions and aspirations are reflected in NBSAP content and implementation. Ongoing NBSAP revisions have the potential to advance HRBAs if the conditions are right for their full and effective participation.[56]

The OHCHR issued guidance on integrating human rights in NBSAPs in 2022, followed by further guidance from the UN Environmental Management Group in 2024 (available below).[57] This initial guidance is a framework and is at a high level. It is a good starting point, but additional and more specific guidance in different policy areas is needed to have greater impact.

Possible guiding questions about NBSAPs

- Are Indigenous Peoples, local communities, women, youth and their respective legitimate organisations and associations/networks (or 'rights holders') informed about the process and the topic, and invited to attend meetings and consultations of the government to develop NBSAPs?
- In meetings and consultations with government agencies, are rights holders always in the minority or are there dedicated sessions or events for their inputs and engagement?
- Is outreach done at community level, on a representative basis, to ensure inclusive participation?
- Is rights holders participation full, inclusive, equitable, effective and gender-responsive? Have their concerns and aspirations been integrated/adopted/reflected in the draft NBSAP?
- Are 'human rights' or 'rights' mentioned in the NBSAP document? Is there or has there been a good faith effort to identify (and then respect, protect and fulfil) customary or other non-statutory rights derived from custom and use?
- Do draft NBSAPs have national targets for Targets 22, 23 and the Gender Plan of Action in particular?
- Are the agreements discussed and approved with these rights holders reviewed and followed up in their implementation compared to others?
- Are there specific indicators for follow up on these agreements at the national level?

56 In the past there has been limited consultation with Indigenous Peoples and local communities in NBSAP development, and Indigenous Peoples and local communities are rarely engaged as full partners in implementation. A review by Climate Focus and Parabukas (2023) found that there were substantial barriers to procedural rights and equity in NBSAP development processes to date, as well as challenges in how NBSAPs address Indigenous Peoples' and local communities' substantive rights and contributions.

57 Guidance on integrating human rights in National Biodiversity Strategy and Action Plans (NBSAPs) (UN EMG 2024)

Further Resources

Guidance on integrating human rights in National Biodiversity Strategy and Action Plans (NBSAPs), UN Environment Management Group (2024)

Integrating Human Rights and Gender Considerations into NBSAPs, (Webinar recording), GEF Early Action Support (2024)

NBSAP Accelerator Partnership (on-going initiative)

Financing and Resource Mobilisation

In COP15 at the adoption of the GBF, a 'financing gap' was identified of US$ 200 billion a year by 2030 if the ambitions of the framework were to be achieved. Target 19 provided an initial framework for how this resource mobilisation was to take place, with key avenues for financing identified, all of which need further development.

The Target envisages both non-market and market-based financing being needed to fill the resource gap.

It recommends three primary sources of non-market financing:

1. increase in international public funding including via multilateral funds;
2. increases in domestic public budgets for biodiversity; and
3. an innovative call for *"enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity.*[58]

In addition to these non-market mechanisms, the Target also calls for stimulating increased private sector investment in biodiversity (in not clearly defined ways), and a separate, explicit call for "*stimulating innovative schemes such as payment for ecosystem services, green bonds, biodiversity offsets and credits, benefit-sharing mechanisms, with environmental and social safeguards*".[59]

Following agreement on the GBF the CBD Resource Mobilisation Strategy will be updated (for COP16) to support the implementation of the Framework. Mobilisation of international public funding is proceeding through negotiations under the Global Environment Facility (GEF) and the establishment of a new GBF Fund, and domestic commitments are being made. Alongside this, the rapid emergence of biodiversity credits, biodiversity offset schemes and other market-based investment vehicles seeks to attract

58 CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, Clause 13.1, Target 19 www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf

59 CBD (2022), Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, Clause 13.1, Target 19(d); www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf

private finance, sometimes linked to the carbon market in combined 'nature credits' and sometimes as a specifically biodiversity focused market. The focus on these market mechanisms has been highly criticised, as has their ability to deliver on biodiversity outcomes.[60] CBD Parties have also called attention to the need, at a minimum, for human rights impact assessments for these new instruments:

> "Biodiversity finance instruments, in particular innovative ones, ***should be assessed for their impact on gender equality and human rights***. This involves conducting impact assessments and ensuring that finance mechanisms are designed to avoid or mitigate unintended impacts on the rights and livelihoods of indigenous peoples and local communities, in accordance with national legislation … CBD COP already developed guidance thereon[61] and its application could be further encouraged'."[62]

The application of a human rights-based approach to financing from all sources and the provision of both market and non-market financing for biodiversity action needs to be guided by:

- **Accessibility and timeliness** of the financing for those groups contributing frontline action in biodiversity management and conservation;
- **Quality** of the financing being provided, with appropriate conditions and expectations;
- **Quantity** of financing being mobilised;
- **Direct and unrestricted financing** for those who have historically contributed the most direct action in biodiversity management and conservation, with little recognition, including financing for **custodians of biodiversity and other rights holders** at the local level;
- Direct financing for locally-led actions.

Many mechanisms and their funders have commitments, standards and/or priorities related to gender equality and women's empowerment and a number of these have stepped up gender commitments in recent years. The contribution of these mechanisms to gender responsive biodiversity action on the ground is especially powerful when investments include tracking, assessing and sharing compliance and impacts.

Where public funds are being proposed, both domestically and internationally, it should be noted that between 2011 and 2020, *less than one percent* of Official Development Assistance (ODA) financing for climate change mitigation and adaptation in that period was supporting Indigenous Peoples' and local communities' tenure or forest management projects. Only 17% of this (about US$ 46 million per year) was then shown to reach Indigenous-led and local community-led organisations (defined as having a named

60 CFN (2024), Funding Nature – The essential role governments and the illusion of biodiversity credits; www.campaignfornature.org/s/Funding-Nature-The-Essential-Role-of-Governments-and-the-Illusion-of-Biodiversity-Credits-CfN-White-bw2c.pdf

61 See COP decisions 12/3 and 14/15, on guidelines for safeguards in biodiversity financing mechanisms.

62 Exploration of the biodiversity finance landscape, CBD/SBI/4/INF/10 (2024): pg. 57, para 250 (emphasis added)

Indigenous Peoples or local community organisation in the project description).[63] This assessment was done of climate change funding; a similar assessment of biodiversity related funding has not been done, but the results would likely be similar. While Indigenous Peoples and other rights holder groups are contributing significantly to the outcomes of the GBF, these figures show the wide gap that exists and the failure to adequately provide funds to do so. As the Rainforest Foundations have stated, "*it is essential that [IP & LCs] are more effectively represented in setting the agenda for, and the design of, climate, biodiversity and ODA [Official Development Assistance] programmes*".[64]

In this context, Decision 15/11 emphasises the imperative of gender-responsive biodiversity finance. It calls for increased support from entities such as the Global Environment Facility and relevant funding organisations to provide technical and financial assistance, capacity-building, and development for the implementation of the Gender Plan of Action. Additionally, it urges Parties and relevant public and private entities to enhance the gender responsiveness of provision of financial resources, and other means of implementation.

Where market mechanisms are being proposed or promoted, careful consideration will need to be paid to the potential negative impacts of these mechanisms on rights holders, including those with tenures that are insufficiently protected under national laws. Where market mechanisms are to be used, due diligence, high integrity certification and grievance and redress mechanisms for market harms are all essential parts of an appropriate regulatory framework at the national level.

Possible guiding questions about financing and resource mobilisation

- What safeguards and mechanisms are in place to ensure accountability in the context of private and blended biodiversity financing?
- What mechanisms are in place to ensure transparency and accountability of private and blended biodiversity finance, in particular with regard to compliance with social and environmental safeguards?
- What measures are being taken to assess the accessibility of biodiversity finance to those who have historically contributed most to conservation efforts, such as Indigenous Peoples and local communities?
- How is the quality of biodiversity financing monitored and evaluated to ensure that it meets the needs and expectations of stakeholders, including appropriate conditions and standards?
- What strategies are used to mobilise sufficient financial resources for biodiversity conservation, both domestically and internationally, and how are these efforts monitored for effectiveness?

63 RFN (2021) Falling Short: Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020), p.17.

64 RFUS, RFN & RFUK (2022), Realising the Pledge: How increased funding for forest communities can transform global climate and biodiversity efforts; www.rainforestfoundationuk.org/wp-content/uploads/2022/07/realise-the-pledge-ENG.pdf.

- How do funding mechanisms directly support locally-led actions for biodiversity conservation, and what steps are taken to ensure that funds reach custodians of biodiversity and other rights holders at the local level?

Further Resources

Falling Short: Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries RFN (2021)

Realising the Pledge: how increased funding for forest communities can transform global climate and biodiversity efforts RF-UK, RF-Norway, RF-US (2022)

Funding with Purpose, RRI (2022)

Building Bridges, RRI (2022)

The Montreal Roundtable: Improving solidarity and reciprocity in funding and support relationships, Forest Peoples Programme (2022)

Indigenous Participation in the Implementation of the Global Biodiversity Framework Target 19: Financial Resources for Biodiversity Strategies and Action Plans, Emil Sirén Gualinga (2024)

Monitoring and Reporting

The focus of this guidance is on national and sub-national action. At this level, indicators should be a mix of the headline and binary indicators agreed under the CBD-led GBF Monitoring Framework (disaggregated as appropriate), selected and relevant component and/or complementary indicators and additional national and sub-national level indicators developed by specific countries.

The Monitoring Framework is an essential part of the GBF, as it will enable national progress to be tracked and guide decision-making to deliver on the ambition of the Framework in a standardised manner. Parties are required to use the monitoring framework to guide their NBSAPs and data collection efforts, and to report on their use in the national reports.

However the Monitoring Framework lacks adequate indicators for the elements included in Section C of the GBF, in particular on the implementation of a human rights-based approach itself. Box 12 proposes a composite indicator which could be developed to fill this gap. Equity / equitable governance and the human rights-based approach relating to the conservation and sustainable use of biodiversity have also been highlighted as gaps in guidance by the SCBD where scientific and technical needs are not yet met. Tracking of the rights of Indigenous Peoples and local communities is also insufficiently dealt with within the Monitoring Framework, and needs to be addressed - at least in part - through the introduction and operationalization of the so-called 'traditional knowledge indicators' adopted by the CBD through various COP decisions (from COP7 to COP13).

Box 11: The 4 Traditional Knowledge Indicators

1. Status and trends of linguistic diversity and numbers of speakers of indigenous languages
2. Status and trends in the practice of traditional occupations
3. Status and trends in land-use change and land tenure in the traditional territories of indigenous and local communities
4. Trends in which traditional knowledge and practices are respected through their full integration, safeguards and the full and effective participation of indigenous and local communities in the national implementation of the Strategic Plan.

A technical and scientific review of the traditional knowledge indicators, including how they could be taken into account in the monitoring framework, was carried out by the CBD Secretariat in 2024 and can help guide action to integrate these indicators in monitoring plans and activities.[65]

Some of the gaps identified above may be filled by continued development of indicators and their methodology at the global level, but Parties can proceed by developing additional national and sub-national level indicators. At a minimum this should include all targets where rights are specifically indicated as components of the target action. (Targets 1, 3, 5, 9, 13, 21, 22 and 23). This needs to include monitoring of violations (as well as positive fulfilment) of human rights, including rights to property and rights to lands, territories, and resources, as specifically highlighted in the Framework.

65 Scientific and technical review of the traditional knowledge indicators and their suggested links with the headline, component and complementary indicators of the monitoring framework for the Kunming-Montreal Global Biodiversity Framework, CBD SBSTTA/26/INF/11 https://www.cbd.int/meetings/SBSTTA-26

Box 12: Tracking the delivery of a human rights-based approach across the GBF under Section C

A composite indicator could be developed, using a review of the integration of human rights in NBSAPs conducted by OHCHR in 2022 as a baseline, to act as a proxy for tracking a wider human rights-based approach as well as the right to a healthy environment over time. This composite indicator could also be disaggregated to provide several relevant binary indicators, as follows:

Extent to which human rights, including the right to a clean, healthy and sustainable environment, are integrated into national biodiversity planning, policies and reporting (e.g. included in NBSAPs and reported in national reports) – covering the following elements:

- Right to a clean, healthy and sustainable environment
- Right to access to information
- Right to participation in decision-making
- Right to access to legal remedies

A monitoring and reporting framework that adopts a human rights-based approach requires **inclusive approaches to data,** supporting COP15's call inviting "Parties and relevant organisations to support community-based monitoring and information systems and citizen science and their contributions to the implementation of the monitoring framework for the Kunming-Montreal global biodiversity framework". It should recognise and provide technical and financial support for the development or expansion of community-based monitoring for biodiversity outcomes and for all other associated outcomes.

Moreover, in regards to reporting requirements for the GBF, it is crucial that relevant rights holders and stakeholders participate in national reports, and that **independent third-party reporting**, in parallel to state-led reporting, is valued and supported. The Local Biodiversity Outlooks (LBO) are an example of Indigenous Peoples and local community-led monitoring and reporting, which present the contributions, perspectives and experiences of Indigenous Peoples and local communities around the current social-ecological crisis and to the GBF. Supporting the capacity and funding to such initiatives is an important part of ensuring monitoring is done with a HRBA.

In all cases, knowledge and data should be reported in line with the FAIR and CARE principles as well as the Human-Rights-Based Approach to Data (see Further Resources).

Further Resources

OHCHR (2012) Human Rights Indicator - A Guide to Measurement (2012)

OHCHR (2015) Land and Human Rights: Standards and Applications (2015)

FAIR Principles (2016)

A Human Rights Based Approach to Data OHCHR (2018)

CARE Principles Global Indigenous Data Alliance (2018)

Indigenous Navigator

Local Biodiversity Outlooks (LBO 2) (2020)

Local Biodiversity Outlooks Online

Possible guiding questions about monitoring and reporting

- Who has input into setting national and sub-national level indicators and agreeing appropriate data sources to monitor achievement of these?
- Are there channels for submitting data from third parties, directly from rights holders, into government reports?
- Are there mechanisms or channels for independent reporting that complements state-led reports?
- Where outcomes are community level, is it possible for community-based information systems to be used in monitoring? (for instance, if extent of biodiverse agro-ecological systems were an agreed indicator, could community monitoring data be incorporated into government reports)
- Does data collection at the national level provide for disaggregation of the relevant rights holders? (indicating distinct answers for Indigenous Peoples and local communities, women and girls, youth and children, environmental human rights defenders, and persons with disabilities)
- Are national and sub-national level indicators being developed or planned for each of the considerations listed in Section C of the GBF?
- Are the four traditional knowledge indicators developed under the Article 8(j) process being tracked at a national level? is indigenous-led data provision supported in tracking these indicators?
- Monitoring of human rights based approaches and of human rights outcomes benefits from engagement with expert actors. Is the national human rights institution (if one exists) engaged in monitoring GBF outcomes?

Section Four: Specific considerations

(Area-based) Conservation

Conservation, and particularly the expansion and improvement of area-based conservation foreseen in Target 3, raises particular questions in regard to human rights, and in particular the rights of Indigenous Peoples and local communities. Opportunities exist to partner with and work alongside Indigenous Peoples and other traditional and community custodians of conservation areas not yet recognised as contributing to the global conservation effort. At the same time, a long and continuing history of exclusion and restriction of rights in and around areas declared as conservation zones raises fears that any expansion of the protected and conserved areas system at a global level may, or perhaps will, lead to restrictions on customary and statutory rights of Indigenous Peoples and of local communities.

Target 3, as with the other targets, must be implemented with a human rights-based approach, and beyond this, the Target itself includes some additional components outlining other rights-related aspects:

- "equitably governed"
- "recognising indigenous and traditional territories"
- "recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories"

Each of these elements links to specific considerations in implementing this target. Equitably governed is addressed above, and provides an effective and comprehensive framework to address equity issues in existing protected and conserved areas, and in the creation of new ones.

A few words on the second and third components:

- **'Recognising indigenous and traditional territories'**: requires that the lands and territories of Indigenous Peoples and of local communities with collective claims to resources are recognised as contributions to the ambitions of Target 3. In some countries, processes to recognise the lands, territories and resources of Indigenous Peoples are already in place. In other cases, this may require reform or creation of land use categories that enable these territories to be recognised and supported on their own terms.

- **"recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories"**: requires that the rights of Indigenous Peoples and the distinct rights of local communities are recognised and respected *in the implementation of Target 3* and in the creation, improvement or extension / re-zoning as well as reporting of conservation areas overlapping with their lands and territories.

Further Resources

Human Rights Standards for Conservation IIED and Natural Justice (2014)

Human Rights-Based Approaches to Conserving Biodiversity UNSR on human rights and the Environment (2021)

From Commitments to Action: Advancing Community Rights-based Approaches, RRI (2023)

Protected Areas and the Land Rights of Indigenous Peoples and Local Communities, RRI (2015)

Human Rights Principles for Conservation Funders (UNEP) 2024 (forthcoming)

Human Rights Principles for Conservation (UNEP) 2024 (forthcoming)

Conservation and Human Rights: a practical introduction. The Interdisciplinary Centre for Conservation Science (ICCS), Oxford UK and Forest Peoples Programme (FPP), Moreton in Marsh, UK. (2024) (forthcoming)

Understanding and Advancing Human Rights Based Approaches to Conservation, Human Rights and Biodiversity Working Group (2024) (forthcoming)

Land use and land tenure

There is a huge diversity of ways in which land rights, land use and land tenure is expressed, both recognised and unrecognised under national law and under international law. Unrecognised and customary rights can include rights to access or use lands, territories and resources (including inland waters and seas) that have been traditionally owned, occupied and used, or are currently under customary tenure. Where rights are not recognised, partially recognised, or recognised but not secured, changes in land use can risk significant 'land grabs' or appropriation of the lands and resources belonging, or managed and governed.

This risk is highlighted in the 2022 Land Gap report, which found land-based climate mitigation pledges from Parties to the UNFCCC (when compiled together) would require some form of land use change in almost 1.2 billion hectares (4 times the size of India). When the conservation and restoration targets under the GBF are overlapped with these existing climate commitments, the land required increases. It is imperative that the commitments made to address climate change and biodiversity loss do not lead to unjust and widespread loss of lands and resources. In recognition of this and other risks associated with land use change, the Land Gap Report notes the importance of protecting all remaining primary ecosystems; securing land rights for communities; and shifting to agroecology in food production.

For Indigenous Peoples, key considerations are noted above as rights to lands, territories and resources are the foundational basis for the cultural survival of Indigenous Peoples and specific, stringent jurisprudence has developed around these rights. In the GBF, the rights of Indigenous Peoples are mentioned in area-based targets (Targets 1 and 3) and their rights over lands, territories and resources are repeated again in Target 22.

In addition to the rights of Indigenous Peoples, rights to land exist in many other forms, both individual rights and rights of groups. In the GBF, specific mention is made of the importance of recognising women's rights over land in Target 23. In practice, it is important to identify and respect the rights of all rights holders, including rights to property, and to land.

Further Resources

Land and Human Rights, Office of the High Commissioner on Human Rights (OHCHR) (2015)

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, Food and Agricultural Organisation (FAO (2022)

The Land Rights Standard

Who Owns the World's Land?: Global Status of Indigenous, Afro-Descendent and Local Community Land Rights Recognition from 2015-2020, RRI (2023)

Indigenous peoples' rights to lands, territories, and resources International Land Coalition (ILC) Learning Hub

The Land Gap Report (2022, updated 2023)

Sea use and access to coast and seas

Further Resources

Sustainable Ocean Initiative Training Module: Stakeholder Involvement and Communication

Sustainable Ocean Initiative Training Module: Strategic Approaches to Stakeholder Involvement

Customary sustainable use

Customary sustainable use is protected under Article 10(c) of the CBD, and Parties to the Convention have negotiated and adopted a Plan of Action on Customary Sustainable Use of Biological Diversity to respond to the need to clarify and operationalize Article (10c) of the Convention where customary sustainable use is mentioned. This action plan outlines the general principles (ecosystem approach, traditional knowledge, innovation and practices, cultural and spiritual values).

Many Indigenous Peoples and local communities are engaged in community-based initiatives that contribute to the conservation and sustainable use of biodiversity in fundamental ways but are not always recognized and supported. Implementation of the Action Plan can go some way to addressing this.

The Plan of Action on Customary Sustainable Use identifies 3 key target actions (summarised here):

I. To incorporate customary sustainable use practices or policies into national biodiversity strategies and action plans (NBSAPs),

II. To promote and strengthen community based initiatives and collaborate with Indigenous and local communities,

III. To identify best practices to: (i) Promote the full and effective participation of Indigenous and local communities, and also their prior and informed consent to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas, (ii) Encourage the application of traditional knowledge and customary sustainable use of biological diversity in protected areas, and to (iii) Promote the use of community protocols to affirm and promote customary sustainable use of biological diversity in protected areas.

The GBF renews attention on the importance of customary sustainable use in two targets, Target 5 and Target 9, which both refer to the need to respect, protect and encourage such use: “while respecting and protecting customary sustainable use by indigenous peoples and local communities” (Target 5 on the use, harvesting and trade of wild species) and “protecting and encouraging customary sustainable use by indigenous peoples and local communities” (Target 9 on management of wild species).

Further Resources

Plan of Action on Customary Sustainable Use of Biological Diversity CBD (2014)

Local Biodiversity Outlooks Online

Nature-based solutions

Advanced as a framework for action on biodiversity loss, nature-based solutions need to engage with and support local and Indigenous solutions and practices that work for sustainability and biodiversity, and understand the links between cultural and natural diversity. Nature-based solutions (NbS) are advanced in the GBF in both Target 8 and Target 11, alongside the similar phrase of 'ecosystem based approaches'. However, NbS are more advanced in terms of standards being set and frameworks being developed, with the UN Environment Assembly passing a supportive Resolution in 2022 and a Global Standard for NbS having been developed in 2020 by the IUCN (see Further Resources below).

Further Resources

Nature Based Solutions Initiative (University of Oxford) and related guidelines

Nature-based Solutions Global Standard, International Union for the Conservation of Nature (IUCN) (2020) and related guidance

Human Rights-Based Approaches in IUCN's Global NBS Standard (online interview), IUCN (2024)

The Targets, human rights, and suggested (possible) actions that can be undertaken

NB. Possible actions provided here are examples only; there are many other actions that can be taken and will be, at the national and sub-national level. These examples are provided to support analysis about how national actions can contribute to the GBF and advance the realisation of human rights.

Kunming-Montreal Global Biodiversity Framework Target	Links to human rights	(possible) national and sub-national level actions to advance an HRBA
Target 1: *Ensure that all areas are under **participatory**, integrated, and biodiversity inclusive spatial planning and/or effective management processes addressing land and sea use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030, **while respecting the rights of indigenous peoples and local communities.***	The target considers spatial planning as a tool that can help identification, management, and protection of high biodiversity areas, reduce biodiversity loss and support sustainable development. The process of spatial planning should be participatory, take into consideration multiple values of biodiversity, and the perspectives and holistic worldviews that underpin the governance of Indigenous and traditional lands, waters, and territories of, Indigenous Peoples and local communities. Specific reference to resource-related collective rights is included here, guidance on how to appropriately identify, recognise and respect these rights is crucial.	• Document and integrate Indigenous and traditional territories' zonation plans • Conduct consultations at sub-national level to guarantee more participation of Indigenous Peoples and local communities, women etc • Integrate waters, lands and territories managed/governed by Indigenous Peoples and local communities as a category in national spatial plans
Target 2: *Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity.*	The distinction between conservation, land management and ecosystem restoration is blurry. Many, and most publicized, restoration efforts or initiatives are made up by large government initiatives, big conservation NGOs and businesses. Community-based restoration at community level done by Indigenous Peoples, local communities, pastoralists, and small-scale farmers) goes widely unrecognised, despite their unquestionable collective contribution to ecosystem restoration, likely surpassing large scale government and private sector efforts. Ill-suited or ineffective restoration schemes divorced from local communities and from Indigenous owners can and will cause human rights violations.	• Document and support restoration and management practices (terrestrial and coastal, ecosystem-based) of Indigenous Peoples and local communities in their territories and areas • Integrate such effective practices in spatial plans especially at sub-national level • Ensure participatory processes in restoration initiatives especially in case of Indigenous and/or traditional territories

Target 3: *Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and* ***equitably governed*** *systems of protected areas and other effective area-based conservation measures,* ***recognizing indigenous and traditional territories*** *where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes,* ***recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories.***	The Target is significant in that it introduces three key elements related to rights and equity in protected and conserved areas that were missing in Aichi Target 11: governance, in particular equitable governance of protected areas and OECMs; the recognition of all conservation actors, especially Indigenous Peoples and local communities through the addition of a possible third 'conservation category' of Indigenous and traditional territories; and the recognition and respect of Indigenous Peoples and local communities' rights. Improvement of equitable governance is required across all protected and conserved areas regardless of governance type or status, and the target calls for recognition of locally-led and self-determined conservation initiatives, including recognising indigenous and traditional territories, and this needs active promotion to be realised. This target is also adopted with recognition of the history and on-going violations of land and resource rights linked to exclusionary protected areas that needs to be recognised and addressed.	• Support documentation and appropriate recognition of ICCAs • Explore models of collaborative management and shared governance of protected areas that are contextually appropriate • Conduct Free, Prior and Informed Consent process before planning of new protected areas • Establish platforms for continued dialogue and communication between government, biodiversity custodians, and other stakeholders • Establish conflict-resolution mechanisms
Target 4: *Ensure urgent management actions to halt human induced extinction of known threatened species and for the recovery and conservation of species, in particular threatened species, to significantly reduce extinction risk, as well as to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential, including* ***through in situ*** *and ex situ* ***conservation and sustainable management practices,*** *and effectively manage human-wildlife interactions to minimize human-wildlife conflict for coexistence.*	The role of Indigenous Peoples and local communities in preventing species extinction and managing human-wildlife conflict through traditional values and practices, and by means of governance systems of natural resources in their territories is known but not always recognized and adopted in species management plans. Hence the risk of not only establishing ineffective solutions but also the risk of impacting negatively on the livelihoods of Indigenous Peoples and local communities in their territories.	• Support documentation of traditional practices that are effective in maintaining and restoring genetic diversity *(in situ)* • Conduct risk assessment and prevent actions that can impact negatively on the lives and livelihoods of Indigenous Peoples and local communities

Target 5: *Ensure that the use, harvesting and trade of wild species is sustainable, safe and legal, preventing overexploitation, minimizing impacts on non-target species and ecosystems, and reducing the risk of pathogen spill-over, applying the ecosystem approach,* ***while respecting and protecting customary sustainable use by indigenous peoples and local communities.***	Customary sustainable use is the product of a set of values and diverse knowledge systems, and of institutions, regulations and governing mechanisms that enable the use of species and resources to be sustainable: to protect customary sustainable use, these knowledge systems need to be valued and these traditional institutions protected and promoted. Customary sustainable use of natural resources by Indigenous Peoples and local communities is protected under the Convention, which binds Parties to promote these practices. (26) There is an approved Plan of Action on Customary Sustainable USE (2014) under the CBD which however has largely not been implemented, monitored nor reported. Moreover, there are highly contextual aspects around the use, harvesting and trade of wild species, hence locally adapted actions are important to understand and safeguard customary sustainable use.	• Adopt and integrate the Plan of Action on Customary Sustainable Use at national level. • Support documentation and recognition of customary sustainable use practices and related knowledge and context of use, harvesting and trade
Target 6: *Eliminate, minimize, reduce and or mitigate the impacts of invasive alien species on biodiversity and ecosystem services by identifying and managing pathways of the introduction of alien species, preventing the introduction and establishment of priority invasive alien species, reducing the rates of introduction and establishment of other known or potential invasive alien species by at least 50 per cent, by 2030, eradicating or controlling invasive alien species especially in priority sites, such as islands.*	Actions taken to address invasive alien species can and often do result in changes to resource management strategies and patterns of use to natural resources. Where this happens in areas where traditional rights holders (Indigenous Peoples, or local communities) are present, such management changes need to be self-determined, or done with free, prior and informed consent.	• Conduct social and environmental risks assessments • Involve Indigenous Peoples, local communities and other rights holders in the assessment
Target 7: *Reduce pollution risks and the negative impact of pollution from all sources, by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: reducing excess nutrients lost to the environment by at least half including through more efficient nutrient cycling and use; reducing the overall risk from pesticides and highly hazardous chemicals by at least half including through integrated pest management, based on science,* ***taking into account food security and livelihoods;*** *and also preventing, reducing, and working towards eliminating plastic pollution.*	Pollution has negative impacts also on territories where Indigenous Peoples and local communities live and sustain their livelihoods. Moreover, rights holders, including women and children in rural areas, have suffered more the brunt of overuse of harmful pesticides and other chemicals.	• Monitor, and prevent, impact on individuals and groups in vulnerable situations

Target 8: *Minimize the impact of climate change and ocean acidification on biodiversity and increase its resilience through mitigation, adaptation, and disaster risk reduction actions, including* ***through nature-based solution and/or ecosystem-based approaches****, while minimizing negative and fostering positive impacts of climate action on biodiversity.*	Nature-based solutions need to be based on strong environmental and social safeguards to ensure effective and just adaptation, mitigation and disaster risk reduction, including considering and supporting Indigenous Peoples and local communities, women and other rights holders as proponents of solutions based on nature and culture, which is embedded in the holistic view and governance of Indigenous and traditional territories.	• Recognize and support in appropriate ways local and Indigenous practices and value them as effective culture-nature solutions • Monitor social safeguards for inclusion, fair and equitable sharing of benefits, gender equality etc
Target 9: *Ensure that the management and use of wild species are sustainable, thereby* ***providing social, economic and environmental benefits for people, especially those in vulnerable situations and those most dependent on biodiversity,*** *including through sustainable biodiversity-based activities, products and services that enhance biodiversity,* ***and protecting and encouraging customary sustainable use by indigenous peoples and local communities****.*	The target is explicit in suggesting that customary sustainable use can be part of alternative livelihoods and biodiversity-based activities that support sustainable use of wild species. There is also special consideration Indigenous Peoples and local communities as part of those living in vulnerable circumstances and are most dependent on biodiversity of which they are custodians. Requires protection and encouraging of customary sustainable use (linked to CSU Action Plan)	• Support community enterprises, small-scale farming and fishing that are based on sustainable use of resources and directly benefits the small-scale producers • Develop shorter supply-chains for biodiversity products and resources to retain more value locally, including in the territories of Indigenous Peoples and local communities
Target 10: *Ensure that areas under agriculture, aquaculture, fisheries and forestry are managed sustainably, in particular through the sustainable use of biodiversity, including through a substantial increase of the application of* ***biodiversity friendly practices****, such as sustainable intensification,* ***agroecological*** *and other innovative approaches contributing to the resilience and long-term efficiency and productivity of these production systems and to food security, conserving and restoring biodiversity* ***and maintaining nature's contributions to people****, including ecosystem functions and services.*	Around the world, large areas of global significance for biodiversity conservation are owned and managed by Indigenous Peoples and local communities who maintain ancestral ties to their lands and depend upon farming, fishing and forest resources for their livelihoods. Small-scale farming is the predominant form of agriculture both in developed and developing countries. This kind of agricultural systems preserves traditional food products, contributing both to a balanced diet and the safeguarding of the world's agro-biodiversity. Small-scale and Indigenous farmers and fishers are embedded in territorial networks and local cultures, and spend their incomes mostly within local and regional markets, generating many agricultural and non-agricultural jobs. More attention and engagement with traditional and small-holder and family-based agriculture and coastal fisheries is key to mitigating the effects of natural disasters, self-sufficiency, food security and food sovereignty, local entrepreneurship, and protection of biodiversity.	• Document and support Indigenous and traditional food systems (terrestrial and coastal) and their practices that protect agrobiodiversity • Recognize Indigenous and traditional food systems as viable models for biodiversity friendly practices and agroecological approaches • Support in situ seed banks • Eliminate banning and outlawing of traditional agricultural systems like shifting cultivation

Target 11: *Restore, maintain and enhance nature's contributions to people, including ecosystem functions and services, such as regulation of air, water, and climate, soil health, pollination and reduction of disease risk, as well as protection from natural hazards and disasters,* ***through nature-based solutions and/or ecosystem-based approaches for the benefit of all people and nature.***	Nature-based solutions need to be based on strong environmental and social safeguards to ensure effective and just adaptation, mitigation and disaster risk reduction, including considering and supporting Indigenous Peoples and local communities, women and other rights holders as proponents of solutions based on nature and culture, which is embedded in the holistic view and governance of Indigenous and traditional territories.	• Recognize and support in appropriate ways local and Indigenous practices and value them as effective culture-nature solutions • Monitor social safeguards for inclusion, fair and equitable sharing of benefits, gender equality etc
Target 12: *Significantly increase the area and quality and connectivity of, access to, and benefits from green and blue spaces in urban and densely populated areas sustainably, by mainstreaming the conservation and sustainable use of biodiversity, and ensure biodiversity-inclusive urban planning, enhancing native biodiversity, ecological connectivity and integrity, and* ***improving human health and well-being*** *and connection to nature and contributing to* ***inclusive*** *and sustainable urbanization and the provision of ecosystem functions and services.*	This target significantly contributes to the realization of the human right to a clean, healthy and sustainable environment for all, adopted at UNGA 2022 and contained in Section C of the GBF. The right is already embedded in many laws and constitutions of Countries.	• Consider and address the needs of urban poor in the zonation of, and revegetation of urban areas where green and blue spaces are being increased • Consider, avoid and mitigate the impact of any resettlement or migration caused by changes in urban planning and zones.
Target 13: *Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030 facilitating a significant increase of the benefits shared, in accordance with applicable international access and benefit-sharing instruments.*	Two important aspects (fair and equitable sharing of benefits, and recognition of traditional knowledge of genetic resources and its users) serve as safeguards for respecting and protecting the rights of Indigenous Peoples and local communities, women and other rights holders who are often the best custodians of biodiversity. Community protocols are embedded in the Nagoya Protocol (2010) as a community-led instrument to secure protection of traditional knowledge, FPIC and access to benefit-sharing to rights holders	• Support the development and application of community protocols • Apply strong social safeguards to bio-prospecting

Target 14: *Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors, in particular those with significant impacts on biodiversity, progressively aligning all relevant public and private activities, fiscal and financial flows with the goals and targets of this framework.*	As stated by IPBES, "acknowledging and fostering the use of diverse conceptualizations of multiple values of nature and its contributions to people is required for adequately addressing the challenge of achieving global sustainability. Indigenous and traditional governance systems have been effective because of the holistic perspective and the multiple values attached to nature. There is a lot that can be learned from these systems to help mainstream biodiversity into policies for sustainability and equity.	• Conduct participatory valuation processes in biodiversity key areas and territories to support more effective and diverse decision-making • Actively seek to identify, respect and incorporate the multiple values that people identify in biodiversity, in national and sub-national decision making, including where trade-offs may be made
Target 15: *Take legal, administrative or policy measures to encourage and enable business, and in particular to ensure that large and transnational companies and financial institutions:* *(a)* ***Regularly monitor, assess, and transparently disclose their risks****, dependencies and impacts on biodiversity, including with requirements for all large as well as transnational companies and financial institutions along their operations, supply and value chains and portfolios;* *(b) Provide information needed to consumers to promote sustainable consumption patterns;* *(c) Report on compliance with access and benefit-sharing regulations and measures, as applicable; in order to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production.*	Recent regulatory and legislative moves towards requiring due diligence from businesses into both environmental and social impacts of their footprints and portfolios, we recommended that the scope of Target 15 include assessment of social and environmental impacts, including those on biodiversity specifically. While this Target does not require comprehensive risk assessment including social impacts, it remains standard across voluntary and mandatory due diligence requirements. Standard industry standards remain often weak on biodiversity and fail to effectively incorporate human rights into social impact assessment. See also responsibilities of businesses.	• Require businesses to conduct social, human rights and biodiversity risk assessments across their portfolios and supply chains. • Require monitoring, assessment and disclosure not only of the results of risk assessments but of any breaches of social and/or environmental requirements under national or international law.

Target 16: *Ensure that people are encouraged and enabled to make **sustainable consumption choices** including by establishing supportive policy, legislative or regulatory frameworks, improving education and access to relevant and accurate information and alternatives, and by 2030, reduce the global footprint of consumption in an equitable manner, including through halving global food waste, significantly reducing overconsumption and substantially reducing waste generation, **in order for all people to live well in harmony with Mother Earth.***	This target speaks to the responsibilities to make sustainable consumption choices. It needs to begin with the unique responsibilities of Parties to enable and encourage those choices. Consumption patterns are vastly different in different parts of the world, with unequal levels of footprint between the global North and global South. Reduction in consumption patterns should be equitable: requiring the most change from those consuming the most or with historical patterns of high consumption. Further, culturally rooted patterns of consumption should be recognised and protected by encouraging culturally appropriate choices.	• Models of local and regional markets for shorter food supply chains (enhance local foods) • Policies to support localization of food systems • Multi-stakeholder campaigns for equitable and green lifestyles • Regulation at multiple levels to support fair and just markets
Target 17: *Establish, strengthen capacity for, and implement in all countries biosafety measures as set out in Article 8(g) of the Convention on Biological Diversity and measures for the handling of biotechnology and distribution of its benefits as set out in Article 19 of the Convention.*	Potential uses, impacts and implications of biotechnology are not all fully known, and this Target contains important focus on biosafety measures, and raises the importance of distribution of benefits from the use of biotechnology. The principles of equity in managing dangers or potential trans-border impacts of the use of biotechnology and equity in the distribution of benefits are both important.	
Target 18: *Identify by 2025, and eliminate, phase out or reform incentives, including subsidies, harmful for biodiversity, in a **proportionate, just, fair, effective and equitable way,** while substantially and progressively reducing them by at least 500 billion United States dollars per year by 2030, starting with the most harmful incentives, and scale up positive incentives for the conservation and sustainable use of biodiversity.*	Equitable outcomes in this Target (and others committing to the same) requires assessment of equity for individuals and for groups, and in the context of eliminating or phasing out subsidies, equity will also need to consider the relationship between State Parties as well. Some State Parties hold a greater responsibility for historic biodiversity loss and other State Parties may need more external investment to reach restoration and conservation targets.	

Target 19: *Substantially and progressively increase the level of financial resources from all sources, in an effective, timely and easily accessible manner, including domestic, international, public and private resources, in accordance with Article 20 of the Convention, to implement national biodiversity strategies and action plans, by 2030 mobilizing at least 200 billion United States dollars per year, including by:* *(a) Increasing total biodiversity related international financial resources from developed countries, including official development assistance, and from countries that voluntarily assume obligations of developed country Parties, to developing countries, in particular the least developed countries and small island developing States, as well as countries with economies in transition, to at least US$ 20 billion per year by 2025, and to at least US$ 30 billion per year by 2030;* *(b) Significantly increasing domestic resource mobilization, facilitated by the preparation and implementation of national biodiversity finance plans or similar instruments according to national needs, priorities and circumstances;* *(c) Leveraging private finance, promoting blended finance, implementing strategies for raising new and additional resources, and encouraging the private sector to invest in biodiversity, including through impact funds and other instruments;* *(d) Stimulating innovative schemes such as payment for ecosystem services, green bonds, biodiversity offsets and credits, benefit-sharing mechanisms, with environmental and social safeguards;* *(e) Optimizing co-benefits and synergies of finance targeting the biodiversity and climate crises;* ***(f) Enhancing the role of collective actions, including by indigenous peoples and local communities, Mother Earth centric actions[1] and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity;*** *(g) Enhancing the effectiveness, efficiency and transparency of resource provision and use.*	Experience with existing financial instruments shows that access remains challenging for Indigenous Peoples, and for local communities, women, girls, and marginalised groups. The provision of equitable access to financial resources is crucial. Research reflects the miniscule proportions of both climate and nature funding that reaches the point of impact. Further context provided in Financing and Resource Mobilisation.	• Establish public sector funding levels for community actions in advancing the GBF implementation through appropriate ministries, including funding for community restoration, conservation, and sustainable management activities. • Establish and monitor direct financing channels to enable a sufficient proportion of these funds to be provided directly to organisations and groups as close to the planned actions as possible. • Apply safeguards – and importantly independent verification and certification of social, human rights and environmental outcomes – to protect the market-driven component of biodiversity financing increases or may increase. • Recognize non-market and collective contributions of Indigenous Peoples and local communities and other rights holders

Target 20: *Strengthen capacity-building and development, access to and transfer of technology, and promote development of and access to innovation and technical and scientific cooperation, including through South-South, North-South and triangular cooperation, to meet the needs for effective implementation, particularly in developing countries, fostering joint technology development and joint scientific research programmes for the conservation and sustainable use of biodiversity and strengthening scientific research and monitoring capacities, commensurate with the ambition of the goals and targets of the framework.*	In this target, it is important that 'science', 'technology', and 'innovation' also include different knowledge systems and the practices and innovation of Indigenous Peoples and local communities.	• Recognize innovation, and knowledge-based practices of Indigenous Peoples and local communities that are effective for the conservation and sustainable use of biodiversity
Target 21: *Ensure that the best available data, information and knowledge, are accessible to decision makers, practitioners and the public to guide* ***effective and equitable governance, integrated and participatory management*** *of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context,* ***traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent****[1], in accordance with national legislation.*	A critical element of the Target from a human rights perspective is the availability and use of the traditional knowledge, innovations and practices of Indigenous Peoples and local communities and the importance of respect for free prior and informed consent in that context, while emphasising also the importance of equitable governance in decision making. Further attention is also paid in this Target to the importance of equitable governance and participatory management of biodiversity. (See equity).	• Conduct a fair FPIC process • Safeguard the use of traditional knowledge and respect the rights of its owners • Ensure full and effective participation of rights holders in biodiversity policy-making
Target 22: *Ensure* ***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 ensure the full protection of environmental human rights defenders.***	Critical links are throughout this target and the entire Framework and it should be understood as cross-cutting. This target defines the nature of participation required throughout the whole framework "*full, equitable, inclusive, effective and gender-responsive*" and includes representation. This must be consistently applied as cross-cutting. Respect for cultures, and for rights over lands, territories and resources, and respect for traditional knowledge are all highlighted for Indigenous Peoples and for local communities. Each of these can stand alone and needs to be considered carefully. Additional guidance and explanation on the references here to access to information and access to justice can be found in the regionally specific Aarhus Convention and Escazu Agreements.	**NOTE: This guide addresses the multiple ways in which the ambitions of Target 22 can be embedded in actions across the entirety of the Framework.**

Target 23: *Ensure **gender equality** in the implementation of the framework through **a gender-responsive approach** where all women and girls have equal opportunity and capacity to contribute to the three objectives of the Convention, including by **recognizing their equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels** of action, engagement, policy and decision-making related to biodiversity.*	The Gender Plan of Action is a critical tool to support and advance gender mainstreaming and gender responsive implementation of the post-2020 global biodiversity framework, as mandated by the new Target 23.	• NOTE: See the CBD Gender Plan of Action for more ideas, including: • Increase all women and girls' rights to ownership and control over land and access to natural resources • Promote women's empowerment and opportunities in biodiversity-based supply chains and sectors • Identify and eliminate, prevent and respond, to all forms of gender-based discrimination and violence • Increase opportunities and strengthen the meaningful and effective participation and leadership of women at all levels