



Centering Human Rights in the Kunming-Montreal Global Biodiversity Framework

Key Asks

HUMAN RIGHTS AND BIODIVERSITY WORKING GROUP

Key Asks for COP17

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In 2022, Parties agreed that the implementation of the Kunming-Montreal Global Biodiversity Framework (KMGBF) “should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights” (KMGBF, Section C). It was a historic step in recognizing the vital link between human rights and biodiversity.

The seventeenth Conference of Parties to the Convention on Biological Diversity (CBD COP17) in Yerevan (Armenia), Taking Action for Nature, is a decisive moment to fully operationalize this mandate for effective implementation of the KMGBF.

The Human Rights & Biodiversity Working Group has set out key asks for Parties and observers to advance inclusive, equitable, human rights-based implementation of the KMGBF to 2030.

Human rights-based approach language still in brackets across decisions undermines effective and inclusive implementation of the KMGBF

Much language referring to Section C and its key considerations, including human rights-based approach (HRBA), Environmental Human Rights Defenders (EHRD), safeguards and Grievance Redressal Mechanisms, is still in brackets across several decisions (e.g., Resource Mobilization, Programme of Work on Protected Area, collective Global Review, Financial Mechanisms). At the same time, the Global Report clearly identifies whole-of-society participation, etc., as among the least reported elements.

Direct access modalities for financial resources for Indigenous Peoples and local communities, women and youth, and other rights holders also remain questioned and in brackets. This emerges from current draft decisions, notwithstanding the recognition in the Global Report, that means of implementation to support the many and outsized contributions of rights holders to the implementation of the KMGBF are insufficient and inadequate.

Furthermore, in relation to Agenda Item 17D on areas of potential further work, a way forward for the Convention to advance work on “Equity, gender equality and the human rights-based approach” must be agreed in order to address gaps identified in the Global Report on these issues with respect to KMGBF implementation.

Retaining language that centres HRBA in implementation and prompts corrective and strategic actions to ensure considerations of Section C are fully integrated in the Global Review of collective progress is critical for the future implementation, monitoring, and reporting of the Framework and achieving all the Targets.

Maintaining critical visibility and distinction of rights holders

Language, “actors other than national governments,” has emerged in draft recommendations negotiated at SBI7 in Nairobi, especially in the Global Review/Planning, Monitoring, Reporting and Review (PMRR) agenda item. Previous uses of “actors other than national governments” were limited to reporting and the communication of voluntary commitments by these actors in decision 16/32. Using generic language as a ‘blanket-language’ across the PMRR decision risks obscuring important differences and blurring distinctions in rights, responsibilities, roles and needs among the diverse stakeholders and rights holders under “actors other than national governments.” Indigenous Peoples and local communities, women and youth, and other groups are already too often disadvantaged, and their contributions made invisible in current implementation, monitoring, and reporting of the GBF.

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In the case of financial resources, for example, blanket language would ignore the fact that Indigenous Peoples and local communities, people of African descent embodying traditional lifestyles, women and youth have distinct rights and responsibilities that are different from those of business and financial institutions, thus prompting inaccuracies and inappropriate expectations.

From a HRBA perspective, the key recommendation is to retain clarity on distinct rights and duties, and use a case-by-case approach, maintaining a distinct list of rights holders and/or stakeholders when it comes to operative paragraphs concerning: **Participation in decision-making, planning, consultations; providing resources, financial support, means of implementation**, and overall **implementation of the KMGBF**.

Equitable governance of Protected Areas through a HRBA

The updated Programme of Work on Protected Areas (CBD COP17 Agenda Item 17 c) should deliver **effective and equitable governance of protected areas through a human rights-based approach** while retaining, recognizing, and supporting the diverse governance models and area-based conservation approaches and recognizing and respecting the rights of Indigenous Peoples and local communities. The Programme of Work should focus on whether areas are effectively conserved, equitably governed, and delivering biodiversity outcomes. Community-led and community-based conservation should be recognized and respected for their contributions to national and sub-national targets, and HRBA should be monitored and reported.

The HRBA language proposed in the draft should be retained as substantive language rather than reduced to a cross-reference to Section C of the KMGBF. A HRBA requires full, effective, inclusive, and gender-responsive participation of rights holders in policy and decision-making related to biodiversity conservation and management, as well as access to information and justice, effective and culturally appropriate grievance redress mechanisms, and full protection of environmental human rights defenders. HRBA should become a mandatory standard rather than an optional prescription for terrestrial and marine protected and conserved areas management at national and sub-national levels.

Equally, the entire Annex with guidelines in the draft decision on SB8J Programme of Work tasks 1.1 and 1.2 (CBD COP17 Agenda Item 10 b (i)) should be adopted in full, including section III C-10 on HRBA, customary governance (Section and recognition of and respect for indigenous and traditional territories (Section VI-26).

See also: The Human Rights & Biodiversity Working Group's **Key Recommendations on The Updated Programme of Work on Protected Areas**.

Filling the gap on marine and coastal biodiversity and island biodiversity through HRBA

Marine areas beyond national jurisdiction and all coastal and marine environments under national jurisdiction are bound together, and decisions taken in one will inevitably affect the other. Recognizing this interdependence is crucial not only for biodiversity conservation, but also for safeguarding the livelihoods and ways of life of small-scale fishers, that will be affected by the movements of larger fleets in areas beyond national jurisdiction. Moreover, environmental degradation or overexploitation in one will inevitably compromise the resilience of the other. Policies and global instruments should take into account this interdependence.

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Millions of Indigenous Peoples, local communities, and people of African descent embodying traditional lifestyles depend for their food security and wellbeing on the resources, territories and waters in coastal areas that are at the frontline of vulnerability to climate change and external and industrial exploitation. A HRBA is a must when trying to secure and safeguard the rights and livelihoods of coastal communities and biodiversity, and when dealing with conservation and development. All spatial planning efforts must take into consideration the decision-making of small-scale fishers and communities and, in all cases, respect the free, prior and informed consent of the affected communities.

Traditional marine territories of life of small-scale fisherfolks must be protected from big industries of the blue economy, including through processes like marine spatial planning that must incorporate traditional zoning systems and knowledge of Indigenous Peoples and local communities.

Initiatives and practices of coastal communities should be resourced and their contributions documented and included in reports to guide further actions and strategies for increasing the effectiveness of implementation of the targets of the KMGBF. Moreover, coastal communities should be engaged in the decision-making related to marine areas, the monitoring and identification of EBSAs within coastal and marine areas. Resources should be allocated to support capacity building and increase participation of indigenous peoples and local communities in relation to EBSAs and the BBNJ.

Also, the Voluntary Guidelines for the sustainability of small-scale fishers in the context of food security and poverty eradication must be brought into implementation after more than 10 years of approval by governments, securing the consideration of a human rights-based approach in marine conservation and an effective implementation of the KMGBF.

Strengthening policy coherence and synergies across biodiversity, climate and sustainable development through human rights-based approaches (item 18(a))

Synergistic actions and policy coherence across biodiversity, climate and sustainable development objectives can enhance effectiveness and generate multiple benefits for people and nature. As highlighted by IPBES assessments, interventions designed without sufficient consideration of social, ecological and governance contexts can generate trade-offs among biodiversity, climate, and equity objectives, reinforcing the importance of rights-based approaches, effective and fit-for-purposed safeguards, inclusive governance and context-specific implementation.

The group would welcome the adoption of the Primer for Policymaker of the Supplement to the Voluntary Guidelines for the Design and Effective Implementation of Ecosystem-based approaches to climate change adaptation and disaster risk reduction, providing guidance and tools based on good practices for the design, effective implementation and scaling up, as appropriate, of nature-based solutions and/or ecosystem-based approaches to climate change mitigation and adaptation to support the implementation of Targets 8 and 11, as well as other related targets, of the Framework (para 5 & annex). We emphasize that such a guidance must ensure inclusive conservation and management of biodiversity and its sustainable use remain as its **Key Objective**, with mitigation and adaptation to climate change serve as important co-benefits.

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Further negotiation of the primer to the supplement must be based on the undertaken peer review process, underlining the needs for stronger inclusion of rights-based approaches in the guidance and recognizing the multiple values of nature and the contributions of Indigenous Peoples and local communities, to strengthen the effectiveness, legitimacy and durability of ecosystem-based approaches while supporting the objectives of the KMGBF. Additional principles and safeguards that focus on nature-based solutions and/or ecosystem-based approaches while providing climate change mitigation co-benefits should be informed by the best available scientific evidence and documented practice from diverse contexts, including evidence synthesized through IPBES assessments, to identify approaches that have demonstrated effectiveness while recognizing that outcomes are context-dependent. The development of the technical series issue, integrating both the current voluntary guidelines and its supplement, would provide tremendous opportunity to strengthen the rights-based elements to ensure just, inclusive, and sustainable implementation.

We also acknowledge the undertaken process in developing a multilevel road map for enhancing cooperation, policy coherence, and synergies across the Rio Conventions. We strongly encourage Parties and other stakeholders to implement the actions consistent with Section C and ensure the full and effective participation of Indigenous Peoples and local communities, women and youth, and other relevant stakeholders.

Fulfilling Biodiversity Finance commitments through a human rights-based approach

The biodiversity finance agenda should place equity, access and participation at the centre of the financial mechanism and of resource mobilisation more broadly. The development of criteria for the institutional structure should explicitly address the persistent barriers faced by Indigenous Peoples and local communities, women and youth, both in accessing direct, flexible and predictable finance and in participating meaningfully in decisions on resource allocation. Discussions on broadening the contributor base should, at the same time, avoid relying on income-based classifications that fail to capture multidimensional and structural inequalities, and should not dilute existing commitments by developed countries or create additional implementation burdens for developing country Parties. More broadly, analysis of impediments to biodiversity finance should give greater attention to equity, power asymmetries and access, drawing not only on Parties' submissions but also on the experiences and evidence generated by rights-holders themselves.

Regarding the work of the GEF and GBFF, it should move from recognition and participation towards concrete changes in access, governance and accountability. This includes piloting and scaling direct and simplified access modalities, considering dedicated funding windows for Indigenous Peoples and local communities and women- and youth-led organizations, and strengthening their substantive role in financial decision-making.

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Strengthening the science-policy foundation for human rights-based implementation of the KMGBF

Recent assessments of IPBES, including the IPBES Values, Sustainable Use, Nexus, Transformative Change and Business assessments, consistently demonstrate that biodiversity outcomes are stronger, more equitable and more durable when governance systems recognize rights, include diverse knowledge systems, and enable meaningful participation in decision-making. The evidence base now extends across biodiversity, climate, food, water, health and economic systems and reinforces the commitments contained in Section C of the KMGBF. Accordingly, Parties are encouraged to welcome and actively utilize findings from recent IPBES assessments, including the Transformative Change, Nexus, Business and Biodiversity, Values and Sustainable Use assessments, to support implementation of the KMGBF through human rights-based approaches.

We also urge Parties to strengthen the integration of Indigenous and local knowledge, local monitoring systems and participatory assessment approaches within national implementation, monitoring and review processes. Further, Parties should ensure that future biodiversity assessments and science-policy processes explicitly evaluate social equity-with particular intersectional considerations of gender, age, language, ethnicity, mobility constraints, religion, as well as human rights and governance dimensions of biodiversity action, alongside ecological outcomes.

We urge Parties to use evidence from IPBES to inform safeguards, grievance mechanisms, benefit-sharing arrangements and inclusive governance systems that support effective and equitable implementation of all KMGBF targets.

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