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Advancing a Human Rights-Based Approach to the implementation of the Kunming-Montreal Global Biodiversity Framework

Key messages of the UN Environment Management Group Issue Management Group on Human Rights and the Environment for the 17th meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD COP17)

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The key messages are intended to support a coherent UN system-wide approach to human rights-based biodiversity action in the context of CBD COP17.

Summary of key recommendations for integrating human rights at COP17

1. **Integrate** human rights, including gender equality, across all COP17 processes and outcomes
2. **Centre** rights-holders in biodiversity governance and decision-making
3. **Strengthen** recognition of Indigenous Peoples, people of African descent, local communities, women and youth, as biodiversity leaders
4. **Adopt** rights-based monitoring and reporting mechanisms for the KMGBF
5. **Support** and **protect** environmental human rights defenders
6. **Address** the impacts of business activities on biodiversity
7. **Ensure** adequate and equitable biodiversity finance
8. **Strengthen** synergies across the Rio Conventions through a human rights-based approach

Core Message: *Implementing the Kunming-Montreal Global Biodiversity Framework through a human rights-based approach is essential to achieving effective, equitable and sustainable biodiversity outcomes.*

Introduction: Human rights and biodiversity

Through various United Nations agreements, frameworks, and resolutions, the international community has recognized that human rights are essential to achieving the goals of the Convention on Biological Diversity and its Kunming-Montreal Global Biodiversity Framework. The enjoyment of human rights, including the rights to life, food, water and sanitation, health, and cultural rights, depends on biodiversity. Healthy biodiversity and ecosystems are a key element of the human right to a clean, healthy and sustainable environment. Both the United Nations General Assembly and the Human Rights Council have acknowledged the impact of the loss of biodiversity and ecosystem decline on the enjoyment of the right to a healthy environment and all other human rights.[1]

The Kunming-Montreal Global Biodiversity Framework acknowledges the right to a clean, healthy and sustainable environment and calls for a human rights-based approach to its implementation in its Section C. The Framework acknowledges the roles and contributions of Indigenous Peoples, among others, in conserving biodiversity and in its restoration and sustainable use.

[1] General Assembly resolution 76/300 and Human Rights Council resolutions 48/13 and 57/28.

As the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services has confirmed, a human rights-based approach supports the best outcomes for both people and biodiversity, contributing towards safeguarding the planet. Conversely exclusion of people who depend on biodiversity from conservation policies and decision-making often fails to achieve desired conservation outcomes.[2]

The International Court of Justice affirmed in its advisory opinion on climate change that States must take into account their human rights obligations when implementing climate change treaties and other relevant environmental treaties, including the CBD.[3] The Court found that the right to a clean, healthy, and sustainable environment was inherent in, and essential to the enjoyment of other human rights.[4]

1 Integrate human rights across processes and outcomes of the 17th meeting of the Conference of the Parties to the Convention on Biological Diversity

Key recommendations

- Explicitly reference Section C of the KMGBF and human rights in relevant CBD COP17 decisions.
- Strengthen cooperation between the CBD Secretariat and United Nations human rights bodies and mechanisms.
- Integrate human rights considerations throughout implementation, monitoring, reporting and review processes under the Convention.

Why it matters

Advancing the conservation, restoration and sustainable use of biodiversity through the equitable and human rights-based implementation of the KMGBF directly contributes to upholding human rights, including the right to a healthy environment.

COP17 opportunity

At CBD COP 16, Parties requested the CBD Secretariat to enhance cooperation with human rights and environmental agreements in relation to biodiversity. CBD COP 17 presents an opportunity for States Parties to advance human rights-based protection, conservation and sustainable use of biodiversity by furthering the implementation of the Kunming-Montreal Global Biodiversity Framework. By integrating human rights throughout all efforts to implement the CBD, including in COP 17 outcomes such as reviews and updates of programmes and areas of work more sustainable biodiversity outcomes will be achieved.

2 Centre rights-holders in biodiversity governance and decision-making

Key recommendations

- Further integrate the rights of Indigenous Peoples, people of African descent, peasants, local communities, women, children, youth and persons with disabilities, among others, across COP17 decisions and implementation of the KMGBF.
- Strengthen measures to ensure the effective participation and leadership of rights-holders in biodiversity decision-making and implementation.
- Promote direct access to finance, secure land rights and other measures that support the leadership of people in the conservation, restoration and sustainable use of biodiversity.

Why it matters

A human rights-based approach to biodiversity requires that both the decision-making and implementation of biodiversity action is done in consultation and with the effective participation of the rights holders that are affected by it. Those at the frontline of safeguarding biodiversity, are often the most impacted by its loss. This includes Indigenous Peoples, people of African descent, peasants, and local communities. The KMGBF recognises the essential role of women, Indigenous Peoples and local communities, among others, in conserving biodiversity. COP 16 took an important step in recognising people of African descent and Indigenous Peoples as fundamental actors in the protection of biodiversity. The United Nations Human Rights Council has recognised the connection between biodiversity loss, discrimination and inequality.[5]

COP 17 opportunity

COP 17 should build upon these developments to further the integration of the rights of Indigenous Peoples, people of African descent, peasants, local communities, women, children, youth and persons with disabilities, among others, into its decisions and outcomes.

3 Promote community- and Indigenous-led biodiversity governance and action

Key recommendations

- Ensure the substantive integration of knowledge, cultures and traditional practices of Indigenous Peoples, and local communities in biodiversity

[2] IPBES, the thematic assessment of the underlying causes of biodiversity loss and the determinants of transformative change and options for achieving the 2050 Vision for Biodiversity (transformative change assessment), Chapter 5, page 6; IPBES Transformative Change Assessment: Summary for Policymakers, p 7 (KM 8).

[3] International Court of Justice, Obligations of States in respect of Climate Change, Advisory Opinion, para. 404.
[4] Ibid, para. 393.
[5] Human Rights Council resolution 57/28.

conservation on an equal footing with other knowledge systems and with full respect for their respective rights in the work of the Subsidiary Body on Article 8 (j).

- Ensure that the implementation of Target 3 does not result in the forced displacement or marginalisation of Indigenous Peoples, and local communities and other rights-holders.
- Promote participatory processes that respect human rights, including the rights of Indigenous Peoples and their free, prior, and informed consent.
- Integrate the knowledge, cultures and traditional practices of Indigenous Peoples, and local communities into biodiversity governance on an equal footing with other knowledge systems.
- Strengthen legal and policy frameworks that support Indigenous- and community-led biodiversity protection and restoration practices.

Why it matters

The realization of KMGBF Target 3 on conservation of 30% of lands, waters and seas must not lead to the forced displacement or marginalisation of Indigenous Peoples, local communities and other groups, with respect to their lands, resources, and territories. Recognizing the rights of Indigenous Peoples and guaranteeing their right to free, prior and informed consent (FPIC) as part of implementing a human rights-based approach is essential for them to both to lead and participate in biodiversity conservation.

COP 17 opportunity

The modus operandi of the Subsidiary Body on Article 8 (j), a new mechanism established at CBD COP16 to support implementation of Article 8(j) of the Convention on Biological Diversity which deals with, inter alia, traditional knowledge, innovations and practices of Indigenous Peoples, and local communities, will be negotiated at COP17, providing an opportunity to discuss the substantive integration of knowledge, cultures and traditional practices of Indigenous Peoples, and local communities in biodiversity conservation on an equal footing with other knowledge systems and with full respect for their respective rights.

The COP17 consideration of the Guidelines to strengthen the legal and policy framework for the implementation of Targets 2 (restoration of 30% of degraded ecosystems) and 3 (conservation) of the KMGBF, including on Indigenous and traditional territories, offers an opportunity to support the protection and restoration practices led by Indigenous Peoples, and local communities. This will promote approaches that integrate the knowledge, cultures and traditional practices of Indigenous Peoples, and local communities, in biodiversity governance.

4 Advance gender equality and a gender-responsive approach

Key recommendations

- Promote the leadership and participation of women and girls in biodiversity governance and implementation.
- Support capacity-building initiatives that empower women and girls to contribute to the implementation of the KMGBF.
- Strengthen financial support for women-led biodiversity initiatives and actions.
- Draw on the expertise of the CBD Women's Caucus and other representative bodies promoting gender equality in biodiversity action to inform COP17 outcomes and implementation.

Why it matters

As acknowledged within the KMGBF, gender-responsive implementation is crucial for meeting its targets. Women and girls often face distinct barriers in biodiversity governance and action despite their critical contributions. These barriers must also be addressed in biodiversity policy and decision-making. Achieving gender equality and ensuring the full, equal and meaningful participation of all women and girls in biodiversity-related decision-making are essential for effective, inclusive and sustainable biodiversity governance. Parties should advance gender equality and ensure the full, equal and meaningful participation of all women and girls in biodiversity-related decision-making as a prerequisite for the effective implementation of the KMGBF.

Women, particularly Indigenous women and Afro-descendant women, make significant contributions to biodiversity conservation through their knowledge systems, cultural heritage, and community leadership. Efforts are needed to address social, legal and institutional barriers that may affect their access to land and resources and their full and effective participation in governance processes including decision-making and leadership.

COP17 opportunity

The mid- term review of the CBD Gender Plan of Action highlights progress made in this area. However, it also makes clear that there is a need for greater leadership, capacity building and financial support for women and girls. The expertise of the CBD Women's Caucus and other representative bodies promoting gender equality in biodiversity action should inform COP17 decision-making.

5 Integrate human rights into implementation, monitoring and review

Key recommendations

- Integrate a human rights-based approach into National Biodiversity Strategies and Action Plans (NBSAPs), related targets and other relevant policies throughout their development, updating, implementation, monitoring and reporting – including by ensuring meaningful public participation through community-based monitoring and information systems.
- Fully incorporate a human rights-based approach to indicators into national reporting and global monitoring and review processes and ensure that reporting reflects the inputs of rights-holders themselves, including by using disaggregated data and community monitoring.

Why it matters

Integrating human rights in NBSAPs, including their development, in line with the KMGBF, provides a roadmap for rights-based implementation of the Framework at the national level. Reaching the KMGBF goals by 2030 can be facilitated by using human rights-based indicators. These should be fully incorporated into national reporting. To fully assess progress, gaps and challenges relating to the protection of rights and the leadership of rights-holders in biodiversity action, it is important to have access to disaggregated data. The Monitoring Framework for the KMGBF emphasises that headline indicators should be disaggregated to measure impacts on specific demographic groups.

COP17 opportunity

COP17 will see the first global review of progress by parties towards achieving the goals of the KMGBF. The review will draw from NBSAPs, as well as national targets and reports. Decision 16/31 of the Conference of the Parties recognizes the contributions of community-based monitoring and information systems to global biodiversity knowledge, data and information. The global review will also provide important context for the Second Global Assessment of Biodiversity and Ecosystem Services, due to be delivered by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in 2028.

6 Support Environmental Human Rights Defenders

Key recommendations

- Ensure that environmental human rights defenders are able to safely participate in COP 17, with full acknowledgment of their contributions to biodiversity protection, alongside commitments to their safety by States parties.

Why it matters

Environmental human rights defenders carry out vital work, including to protect the planet, often at great risk to themselves. Women environmental human rights defenders face the additional risk of gender-based violence. An important milestone during COP 16 was the adoption of component indicators tracking attacks and killings of environmental human rights defenders who face severe risks and violence for protecting biodiversity and their territories. The monitoring indicator for Target 22 of the KMGBF tracks the establishment of legal and other frameworks to protect environmental human rights defenders as well as the rights of information, participation and access to justice.

COP 17 Opportunity

CBD COP17 should agree on formal, binding human rights due diligence and safeguard procedures to protect environmental human rights defenders. In its analytical study relating to KMGBF implementation, OHCHR recommended the collection of disaggregated data on attacks on environmental human rights defenders for inclusion in national reports on the implementation of the KMGBF.[6]

7 Address the impacts of business activities on biodiversity

Key recommendations

- Include a clear commitment to protect human rights and ensure due diligence processes to prevent, mitigate and remedy any human rights impacts in biodiversity-related policies and actions by private actors including financial institutions, investors and biodiversity funders, in line with the Guiding Principles on Business and Human Rights and international human rights law.

Why it matters

Historically, private actors have been associated with a range of human rights abuses related to their conservation efforts. Businesses, including conservation organizations and funders, must fully respect human rights, including the rights of people in vulnerable situations, Indigenous Peoples and environmental human rights defenders. Remedy should be provided in cases where human rights harm has occurred as a consequence of biodiversity conservation implemented by private actors without adequate human rights, social and environmental safeguards.

COP 17 opportunity

The indicator for Target 15 of the KMGBF requires countries to specify the number of companies

[6] This is in alignment with the component indicator for Target 22.

disclosing their biodiversity-related risks, dependencies and impacts, which involves assessment of human rights and environmental impacts.

8 Ensure Fair and Equitable Biodiversity Finance

Key recommendations

- Accelerate efforts to mobilise resources and ensure that new and existing financial mechanisms are accessible, equitable, and human rights based.
- Incorporate human rights, environmental, social and gender safeguards, including the free, prior and informed consent of Indigenous Peoples in financial mechanisms.
- Ensure market-based mechanisms or economic measures related to biodiversity are designed and implemented in a transparent, equitable and accountable manner that includes human rights, environmental and gender impact assessments.
- Support the meaningful participation of Indigenous Peoples, local communities and other rights-holders and help foster an enabling environment for those contributing to biodiversity conservation.

Why it matters

In order to be sustainable and provide just and equitable outcomes for both people and planet, biodiversity finance needs to be made available to those that are already protecting and conserving biodiversity. Direct access to finance is essential to enable their effective participation, support their biodiversity stewardship efforts, and ensure equitable benefit-sharing. A human rights-based approach requires direct access to funds by groups on the frontline of protecting biodiversity, in particular Indigenous Peoples, local communities, people of African descent, women and youth. Biodiversity finance should be implemented consistently with the human rights-based approach reflected in the KMGBF.

COP 17 opportunity

The monitoring framework for the KMGBF tracks international and domestic public and private funding for biodiversity and ecosystem services (Target 19/Goal D), and COP17 will decide on criteria for a permanent finance mechanism.

9 Strengthen synergies across the Rio Conventions through a human rights-based approach

Key recommendations

- Align NBSAPs under the CBD, Nationally Determined Contributions and national adaptation plans under the Paris Agreement, and Land Degradation Neutrality targets under the UNCCD with human rights law and standards as a common denominator.
- Ensure technical and human rights-based information exchanges across the Rio Conventions to help support integrated responses to multiple, interconnected planetary crises.

Why it matters

The impacts of biodiversity loss, climate change, and desertification, pollution, land degradation and drought are mutually compounding. Advancing the right to a clean, healthy and sustainable development, requires aligned action to address desertification, land degradation and drought, biodiversity loss, pollution, and climate change, as well as to connect environmental governance frameworks.

COP17 opportunity

CBD COP 16 noted that climate change is a significant driver of biodiversity loss and the conservation, restoration and sustainable management of ecosystems helps to address climate change. It further highlighted the importance of cooperation between key global agreements to help coordinate climate and biodiversity action. Technical and human rights-based information exchange can help support integrated responses to multiple planetary crises and should be supported through COP 17 outcomes.

For more information on the work of the **Environment Management Group Issue Management Group on Human Rights and the Environment** see:

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