

Implementing a human rights-based approach

What is urgently needed to effectively adopt a human rights-based approach across the implementation, monitoring and reporting of the post-2020 global biodiversity framework



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Contents

Key Messages	3
Implementing a human rights-based approach to the Global Biodiversity Framework	4
What is a human-rights based approach?	4
A human rights-based approach to conservation, sustainable use and benefit-sharing	5
Overarching recommendations	7
How to get there: the details bit	9
International human rights law	9
G. Action Targets, Paragraph 12:	9
I. Enabling conditions, Paragraph 14:	9
I. Enabling conditions, Paragraph 16:	9
Guiding Principles	10
Core human rights areas:	11
Acknowledge and enhance the interdependence of people and nature	11
Goal A	12
Goal B	12
The right to a clean, healthy, and sustainable environment	12
Goal B	12
The rights of Indigenous Peoples and local communities to their lands, territories, and resources	14
Goal A	14
Customary sustainable use	17
Traditional knowledge	18
Full, equitable and effective participation	19
Section J: Responsibility and Transparency	19
Equitable governance in area-based measures	21
Education and intergenerational equity	23
Goal B	24
Gender equity and equality	24
Increase accountability of business and the finance sector	26
Equitable access to financial resources	26
Adequately assess and understand biodiversity and related social and human rights impacts	27
Support and protect human environmental rights defenders	28
Effective monitoring and review mechanisms	29
Section J: Responsibility and Transparency	29
Reporting and National Biodiversity Strategies and Action Plans	30

Key Messages

1. A human rights-based approach means, in simple terms, that biodiversity policies, governance and management do not violate human rights and that those implementing such policies actively seek ways to support and promote human rights in their design and implementation.
2. Indigenous peoples and local communities' ways of life and territories are part of the solution to our global crises and must be identified and supported across the framework, including through recognition of rights over lands, territories and resources, in area-based measures, in customary sustainable use, in traditional knowledge and in full and effective participation.
3. The rights of women and girls to participate is enshrined in the Convention. This requires both disaggregation of data across Targets and Indicators, and the development of a specific Target (new 22) and associated indicators.
4. The rights of younger and future generations, and our responsibilities to them, are intergenerational and sacred. Transformative education and full engagement of children and youth in the design and implementation of this framework will be essential to enable us to live up to those responsibilities.
5. Review, reporting, and monitoring constitute critical elements of this framework. Review and refinement of the national reporting format, and development of effective non-State channels for commitments to be registered and for additional data to be provided, is essential.
6. The monitoring framework, agreed indicators, data sources and means of verification can only be finally established once the global biodiversity framework is complete. This may take longer than the planned meetings in Geneva and an additional inter-sessional meeting dedicated to the monitoring framework should be called.

Implementing a human rights-based approach to the Global Biodiversity Framework¹

The Theory of Change in the First Draft of the post-2020 Global Biodiversity Framework (GBF) acknowledges “the need for appropriate recognition of gender equality, women’s empowerment, youth, gender-responsive approaches and the full and effective participation of Indigenous peoples and local communities in the implementation of this framework” and commits that it “will be implemented taking a rights-based approach and recognizing the principle of intergenerational equity”.² The Draft goes on to confirm that “success will depend on ... employing rights-based approaches, and addressing the full range of indirect drivers of biodiversity loss”.³

This briefing paper seeks to unpack what these commitments mean in practice, by bringing in international legal principles on human rights, and applying these across the GBF. Building on previous analyses in April 2021 and in August 2021, this paper seeks to provide more in-depth discussion about monitoring and review, including proposed indicators at all levels to assess progress, success and weaknesses.

What is a human-rights based approach?

While the reference in Draft One is currently to ‘rights based approach’, it is respect for, and the protection and progressive realisation of **human** rights in particular which this paper is concerned with (a human rights based approach), reflecting the growing consensus regarding the integral nature of human rights and environmental action.⁴ A ‘rights based approach’ (the language currently used in the draft) may incorporate a human rights-based approach (HRBA) and go beyond, to addressing the rights of nature or the rights of mother-earth for instance, or rights established for other entities, but this is beyond the scope of this briefing. In focusing first on human rights, we acknowledge the specific obligations and responsibilities that humans have as a first line of defence and recovery for nature.

1 This human rights analysis of Draft One of the post-2020 Global Biodiversity Framework has been collaboratively compiled by members of the Human Rights in Biodiversity working group established in Chiang Mai, 2020. Members contributing included Forest Peoples Programme (FPP), SwedBio at Stockholm Resilience Centre, CBD Alliance, Global Youth Biodiversity Network (GYBN), International Indigenous Forum on Biodiversity (IIFB), ICCA Consortium, Natural Justice, Tebtebba Foundation, WWF International, Fundación Ambiente y Recursos Naturales (FARN), CoopeSoliDar R.L., Friends of the Earth International, the CBD Women’s Caucus and Women4Biodiversity.

2 Post-2020 First Draft: para 7

3 Post-2020 First Draft: para 17

4 See HRC Resolution July 2020 on the right of the child to a healthy environment which addresses both the rights and interests of youth and intergenerational responsibilities, and specifically calls for a rights-based approach in environmental decision making: <https://undocs.org/en/A/HRC/RES/45/30>. See also HRC Resolution 23rd March 2021 (<https://undocs.org/A/HRC/RES/46/7>) recognising that: “sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights” and that “degradation and loss of biodiversity often result from and reinforce existing patterns of discrimination, and that environmental harm can have disastrous and at times geographically dispersed consequences for the quality of life of indigenous peoples, local communities, peasants and others who rely directly on the products of forests, rivers, lakes, wetlands and oceans for their food, fuel and medicine, resulting in further inequality and marginalization.”. See also: the UN Common Approach to HRBA, available at: https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf

Explicit reference to human rights is accepted by Parties to the Convention on Biological Diversity (CBD), including in the 2016 Cancun Declaration of Parties to the CBD, where Parties committed “to work at all levels ... incorporating an inclusive economic, social, and cultural approach with full respect for nature and **human rights**”.⁵

Human rights-based approaches in the context of development are defined as follows:

“Under the HRBA, the plans, policies and processes ... are anchored in a system of rights and corresponding obligations established by international law, including all civil, cultural, economic, political and social rights, and the right to development. HRBA requires human rights principles (universality, indivisibility, equality and non-discrimination, participation, accountability) to guide United Nations development cooperation, and focus on developing the capacities of both ‘duty-bearers’ to meet their obligations, and ‘rights-holders’ to claim their rights.”⁶

Critical in this definition is the recognition that there are duty-bearers and rights-holders, acknowledging the different responsibilities and obligations of each. Within the category of ‘duty-bearers’, States hold specific duties under international law. However, non-State actors can hold obligations and duties as well, as elaborated under the UN Guiding Principles on Business and Human Rights. The duties of non-State actors to respect human rights is an integral part of a human rights-based approach. Within ‘rights-holders’, it is important to recognise both individual rights and collective rights, particularly important in the context of the Convention on Biological Diversity and collective held customary rights to (among others) land and resources.

A human rights-based approach to conservation, sustainable use and benefit-sharing

When applied to conservation, sustainable use and benefit-sharing, a human rights-based approach means, in simple terms, that biodiversity policies, governance and management do not violate human rights and that those implementing such policies actively seek ways to support and promote human rights in their design and implementation. This must include supporting duty-bearers to meet their obligations, and rights-holders to claim and exercise their rights. 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.

A human rights-based approach to conservation and sustainable use of biodiversity is regarded, both in legal instruments and best practices⁷, as a necessary condition for stopping biodiversity loss and degradation in an equitable and sustained manner. It is an essential enabling condition for the resilience of systems of life, good health, and the use, management, restoration, and conservation of natural resources, requiring its application

⁵ <https://www.cbd.int/cop/cop-13/hls/cancun%20declaration-en.pdf> (emphasis added)

⁶ <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

⁷ See, for instance, work done by IUCN to systematise a rights-based approach across the Union: https://www.iucn.org/sites/dev/files/content/documents/iucn_rba_systematization_compiled.pdf

throughout the framework, from the current reference in the enabling conditions, through the Goals and Targets and into the indicators and monitoring framework.⁸

Guidance, including practical workshops, handbooks, and guidelines for implementation and for monitoring of human rights outcomes should be developed together with experts from the Office of the High Commissioner for Human Rights (OHCHR) and other relevant actors including conservation and sustainable use experts.

There have been advances in the First Draft with regard to referencing both substantive⁹ and procedural¹⁰ rights, including:

- the recognition of traditional knowledge and customary sustainable use in Target 9
- the reference to the need to act ‘in a just and equitable way’ when addressing some underlying drivers such as harmful incentives and subsidies in Target 18
- the reference to relevant knowledge, including the traditional knowledge, innovations and practices of Indigenous peoples and local communities with their free, prior, and informed consent
- equitable and effective participation and the respect of the rights of Indigenous Peoples and local communities to their lands, territories, and resources in Target 21
- reference to the need to ensure equitable and effective participation by women and girls, and youth, in Target 21

These advances in integrating elements of a human rights-based approach must be maintained and strengthened in the final iteration of the framework. As it stands, however, the existing HRBA elements currently reflected in the post-2020 GBF First Draft are not sufficient to guarantee what is envisioned in the Theory of Change and in the principles for implementation: put simply, the text as it stands in Draft 1 cannot ensure a global biodiversity framework that is implemented with a human rights-based approach.

An effective human rights-based approach requires a more holistic approach with strengthening and improvements across all aspects and parts of the framework: goals, targets, monitoring framework, enabling conditions, National Biodiversity Strategies and Action Plans (NBSAPs), and beyond. This is to ensure that the implementation of the GBF will be effective, ambitious, and adequate for the transformational change needed. This briefing seeks to provide overarching recommendations and detailed text proposals, including for the monitoring framework, to support this.

⁸ As noted above: Post-2020 First Draft: para 17

⁹ Substantive rights refer to the rights that exist for their own sake and that governments are obligated to guarantee to people, and importantly focus on human rights outcomes, e.g. right to customary sustainable use

¹⁰ Procedural rights refer to the ‘procedures’ that must be followed to guarantee the realisation of substantive rights, e.g. right to participation in decision-making

Overarching recommendations

To translate the commitment to a human rights-based approach of the GBF into an improved document (Draft 1) that can be the basis for effective action, we recommend the following:

1. A **direct reference to relevant international human rights instruments** should be incorporated. Options for how this is done, edits in Paragraphs 12, 14 and/or 16 and in the potential elaboration of ‘guiding principles’ for the Framework as a whole.
2. The term **human rights-based approach** should be used, using the universal definition already provided by the United Nations¹¹, adapted for the CBD context if required and included **in the glossary** (CBD/WG2020/3/3/Add.2/Rev.1), with advice and input of the OHCHR and the United Nations Environment Programme (UNEP).¹² Using ‘rights-based approach’ is also acceptable, where the definition makes clear that it requires application of a human rights-based approach.
3. Text should be included in the decision of Conference of the Parties (COP) of the CBD, asking the CBD Secretariat, with the support of relevant organisations, including OHCHR and UNEP, to **develop further guidance on the implementation of an HRBA**.
4. Reference to a human rights-based approach in introductory text such as the proposed “guiding principles” in *2bis*, is important, but insufficient and should not replace improved integration of elements of a HRBA in the Goals, Milestones, Targets and monitoring framework of the post-2020 GBF. **Goals, Milestones and Targets need further work to ensure improved integration of a human rights-based approach.**
5. The monitoring framework of the global biodiversity framework is critical to ensuring that the implementation of a human rights-based approach is effectively monitored, and adjustments made where necessary. **Relevant indicators, both headline indicators, component and complimentary indicators, need to be adopted to ensure monitoring of an HRBA.**¹³ This includes indicators that link to specific rights to information, rights to full and effective participation and to access to justice, and rights to governance, self-determination and land rights, among others.
6. In the limited amount of time available for face-to-face negotiations and the considerable workload in front of State Parties, it is possible and indeed likely that the full monitoring framework with all headline and component indicators may not be finalised prior to COP15, or during the March Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), Subsidiary Body on Implementation

11 <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

12 See Key Messages on Human Rights and Biodiversity, OHCHR and UNEP, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/35407/KMBio.pdf>

13 While further work is needed to elaborate human rights relevant indicators, we would like to refer here both to OHCHR guidance on HR indicators for SDGs: <https://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>; also relevant for Indigenous Peoples there are the indicators under the Indigenous Navigator project, which monitors compliance to UNDRIP and other relevant human rights instruments.

(SBI) and Open-Ended Working Group (OEWG) meetings. In this eventuality, rather than rushing this critical component, there should be an **additional indicators-focused intersessional meeting** called with participation from all Major Groups and observers.

7. Parties to the CBD should include in the CBD COP Decision adopting the global biodiversity framework the **establishment of an effective review mechanism** with a mandate that includes reviewing and monitoring the application of an HRBA in the implementation of the GBF, promotes and enables non-State reporting of contributions to the 2050 vision, and contains a mechanism for increasing ambition under the targets on an annual or near annual basis ('ratchetting').

How to get there: the details bit

In this section language and text proposals are offered to address the issues raised above. These are intended to consider the global biodiversity framework as a whole and incorporate suggestions across the elements of the framework, from the preambular text and principles for implementation, through all constituent elements (Goals, Targets, indicators) and into the planning for monitoring and review of implementation. It is essential at this stage of negotiations that such a holistic view is taken, ensuring that the elements of the framework work in concert and are cross-referenced.

It is also viewed as critical by the contributing authors for this paper that elements considered essential in the framework must all be subject to, and linked to, means of monitoring. Therefore, in this paper significant attention is paid to indicators at each level of the framework, with specific reference to the non-paper circulated by the Secretariat of the Convention.¹⁴

International human rights law

We welcome reference to consistency and harmony with other international commitments and understand this to include consistency with relevant international human rights law. This reference should be made explicit in the text.

G. Action Targets, Paragraph 12:

... Actions to reach these targets should be implemented consistently and in harmony with the Convention on Biological Diversity and its Protocols and other relevant international obligations **including human rights obligations**, taking into account national socioeconomic conditions. (GBF draft 1, paragraph 12)

I. Enabling conditions, Paragraph 14:

The implementation of the global biodiversity framework requires **a human rights-based approach**¹⁵, integrative **and equitable**¹⁶ governance, and whole-of-government approaches to ensure **environmental justice**,¹⁷ policy coherence and effectiveness, political will and recognition at the highest levels of government.

I. Enabling conditions, Paragraph 16:

14 **Non-Paper**. Proposed Monitoring Framework For The Post-2020 Global Biodiversity Framework, available at: <https://www.cbd.int/meetings/SBSTTA-24>

15 International Indigenous Forum on Biodiversity

16 ICCA Consortium, WWF International, Forest Peoples Programme, International Indigenous Forum on Biodiversity

17 ICCA Consortium

Efficiency, and effectiveness and equity will be enhanced for all by integration with relevant multilateral environmental agreements and other relevant international processes, including human rights principles and instruments, at the global, regional, and national levels, including through the strengthening or establishment of cooperation mechanisms.

Guiding Principles

In addition to these proposed explicit links to relevant other sources of international law, we have previously recommended preambular text to guide implementation under a 'guiding principles' type of approach using similar language to *Agenda 2030 for Sustainable Development* adopted by the UN General Assembly and therefore all Parties to the CBD:

"The post-2020 global biodiversity framework is guided by, and will be implemented in line with, the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and other relevant international human rights instruments".¹⁸

Guidance on what constitutes 'other relevant international human rights instruments' is easily provided in a footnote, referencing the key instruments of the International Bill of Human Rights and additional core documents such as the UN Declaration on the Rights of Indigenous Peoples.¹⁹

The Reflections Document (CBD/WG2020/3/6) released by the Co-Chairs of the Open-Ended Working Group provides some further proposals of how this may be approached.²⁰ In their Reflection Document, the Co-Chairs suggest a list of 7 points that were "used in the development of the global biodiversity framework and should guide its implementation". This comes close to the concept of 'guiding principles' highlighted above, although it stops short of being full guidance and does not impose or assert any requirement for applying these principles in implementation. Two in particular are worth highlighting here (emphasis added, and proposed amendment included):

1. The framework ~~acknowledges the need for appropriate recognition of~~ **requires rights-based approaches**, gender equality, gender-responsive approaches, empowerment of women and girls and youth and Indigenous peoples and local communities, and their full, effective and equal participation in its implementation and review.
2. The framework **will be implemented respecting international human rights law**, the right to a safe, clean, healthy and sustainable environment, Indigenous peoples and local communities' tenure rights as well as the right to free, prior and informed consent as reflected in the United Nations Declaration on the Rights of Indigenous

¹⁸ See 'Our Shared Principles and Commitments', page 8, para. 10. "The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties..." UN Agenda 2030 for Sustainable Development. <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> This was previously recommended in the August 2021 Human Rights in Biodiversity publication, see here: https://swed.bio/wp-content/uploads/2021/08/humanrights_biodiv-AUG.pdf

¹⁹ See also the Human Rights Council Resolution in 2018: UN Declaration on the Rights of Peasants and other people working in Rural Areas, available at: <https://digitallibrary.un.org/record/1650694?ln=en>

²⁰ Co-Chairs Reflections Document, Open-Ended Working Group on the post-2020 Global Biodiversity Framework (CBD/WG2020/3/6): paragraph 36 <https://www.cbd.int/doc/c/2f74/dda0/270258bf5deaab47fbc43da4/wg2020-03-06-en.pdf>

Peoples, as well as intergenerational equity, and mindful of the diverse world views, values and knowledge systems, including different conceptualizations of Nature and biodiversity, including those recognized by some cultures as Mother Earth.

While appreciating the inclusion of this language in the tentative guidance, it is important that these (a) should be required in the implementation of the framework (not just 'should guide') (b) be linked to appropriate Targets and through those to indicators and monitoring pathways and (c) that these guiding principles should not replace the need to integrate all key elements of HRBA in the relevant goals, targets and indicators (especially headline) directly. This means that each of these principles should be reflected in required reporting indicators in the Framework itself. It is also a concern *if* the Co-chairs intention with the guidance is that the substance of the 7 points would then not need to be repeated in the Goals and targets. This would be extremely problematic, as the success of several targets is conditional to the respect of human rights and of Indigenous peoples' rights.

Core human rights areas:

Acknowledge and enhance the interdependence of people and nature

The framework seeks to bring about a transformation of society's relationship with nature and biodiversity yet many of the goals, and targets and proposed monitoring framework continue to take a largely utilitarian and economically assessed approach to this relationship. The framework needs to support a cultural shift by promoting and reinforcing reciprocal relationships between people and nature. This includes by valuing the contribution of peoples and their cultures to the protection, sustainable use and restoration of the natural world, and recognising that rights to lands, territories and resources, and the governance and traditional knowledge on which they depend, are deeply linked to cultural rights as protected under the global Covenants.

Improvement in how this is addressed in the framework can be found in principle 4 in the new Reflections document, noting however that this is not yet negotiation text:

Guidance point 4. The framework will be implemented respecting human rights, the right to a safe, clean, healthy and sustainable environment, indigenous peoples and local communities' tenure rights as well as the right to free, prior and informed consent as reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as **intergenerational equity**, and mindful of the **diverse world views, values and knowledge systems**, including **different conceptualizations of Nature and biodiversity, including those recognized by some cultures as Mother Earth.**

While welcome, this guidance is insufficient. Transformative change in society's relationship with nature needs to be threaded through the Goals, and into the Targets. Goal A clusters the area-based actions of the global biodiversity framework and links to the implementation of Targets 1-8. However, Goal A makes no reference to people at all, nor the role people have in the management (conservation, restoration, sustainable use) of nature. Introducing people back into Goal A is essential to provide framing for people's roles in Targets 1-8:

Goal A

The integrity of all ecosystems is enhanced, with an increase of at least 15% in the area, connectivity and integrity of natural **and managed** ecosystems, supporting healthy and resilient populations of all species, the rate of extinctions has been reduced at least tenfold, and the risk of species extinctions across all taxonomic and functional groups, is halved, and genetic diversity of wild and domesticated species is safeguarded, with at least 90% of genetic diversity within all species maintained.

Goal B and its milestones should acknowledge this interdependence by aiming to maintain and enhance nature and people's mutual and interdependent well-being. The protection of customary sustainable use, a core element of CBD implementation, is essential in targets 4, 5, 6, 9 and 10.

Goal B

Nature's contributions to people are valued, maintained or enhanced through conservation and sustainable use supporting the global development agenda **and human rights**²¹ for the benefit of all, **including future generations**²²;

(new) Milestone B.3

Diverse biodiversity and cultural values and interdependence between peoples and nature enhanced ensuring customary sustainable use and peoples' contribution to nature.²³

The right to a clean, healthy, and sustainable environment

The recognition and implementation of this right can be a powerful tool to mainstream biodiversity and embed a rights-based approach across policies and processes. It is already recognised in 150 national jurisdictions and on 8 October 2021 the UN Human Rights Council adopted a resolution recognising it as a human right.²⁴ The fulfilment of this right should be referred to in at least one of the goals or milestones. Options for this are indicated below, introducing reference to the right into Goal B or a Goal B milestone, and through Goal B into the monitoring framework.

Goal B

Nature's contributions to people are valued, maintained or enhanced through conservation and sustainable use supporting the global development agenda **and contributing to the realization of the right to a clean, healthy and sustainable environment** for the benefit of all **and future generations**.²⁵

21 International Indigenous Forum on Biodiversity

22 Option 1 from Nature Positive by 2030 (WWF) and supports, in part, the recommendations from the Global Youth Biodiversity Network (GYBN) (see 'intergenerational equity' pg. 16)

23 International Indigenous Forum on Biodiversity

24 See, for analysis, Yann Aguila, 'The Right to a Healthy Environment', World Commission on Environmental Law, IUCN, [available here](#)

25 FARN

Milestone B.1

Nature and its contributions to people are fully accounted and inform all relevant public and private decisions **and support the achievement of a nature-positive world and the fulfilment of the right to a clean, healthy, and sustainable environment for all.**

Headline indicator currently proposed (with edit):

B.0.1 National environmental economic **and cultural** accounts of ecosystem services*

Currently proposed complementary indicators:

B.4 Contribution to other relevant Sustainable Development Goals

b.26. Index of Linguistic Diversity - Trends of linguistic diversity and numbers of speakers of indigenous languages

b.27. Index of development of the standard- setting framework for the protection and promotion of culture, cultural rights, and cultural diversity

b.28. Cultural vitality index

b.29. UNESCO Culture 2030 (multiple indicators)

The indicator framework for Goal B is focused on the national environmental economic accounts.²⁶ For the Goal that is focused on the relationship between people and nature, this measurement framework is far too narrow. At a minimum reference to culture is essential, linking more clearly with cultural indicators such as those noted above – while also noting that these are complementary indicators, not required to be reported against, and they are the final four on a long list of 29 complementary indicators for this goal. **Each of these component indicators for Goal B should be threaded into complementary or component indicators for the relevant action Targets.**

We also welcome reference to the right to a safe, clean, healthy, and sustainable environment in the fourth guidance point, while reiterating the need for this to be introduced also into indicators and monitoring pathways.

Guidance point 4. The framework will be implemented respecting human rights, the **right to a safe, clean, healthy and sustainable environment**, indigenous peoples and local communities' tenure rights as well as the right to free, prior and informed consent as reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as intergenerational equity, and mindful of the diverse world views, values and knowledge systems, including different conceptualizations of Nature and biodiversity, including those recognized by some cultures as Mother Earth.

26 See: <https://seea.un.org/ecosystem-accounting>

Proposed new indicator:

→ Number of countries which have developed legislation implementing the right to a clean, healthy and sustainable environment

- Additional source of information and guidance for the implementation of this right can be found in the UN framework principles on human rights and the environment: <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/FrameworkPrinciplesReport.aspx>

The rights of Indigenous Peoples and local communities to their lands, territories, and resources

According to the IPBES Global Assessment and several other reports²⁷, at least a quarter of the global land area is traditionally owned, managed, used or occupied by Indigenous peoples. In addition, a diverse array of local communities manage significant areas under various property and access regimes and do so in sustainable ways with positive impact for biodiversity and ecosystem services. Many of these areas and property regimes are not formally recognised and are under increased pressure, and many are collective in nature. While we welcome the text in Target 21, securing collective and other tenure rights is a crucial condition to achieve the area-based targets of the GBF and requires specific reference, at a minimum, in Milestones under Goal A and in Targets 1 and 3.

Goal A

The integrity of all ecosystems is enhanced, with an increase of at least 15% in the area, connectivity and integrity of natural **and managed** ecosystems, ...

(new)

Milestone A.4 Customary land tenure of Indigenous peoples and local communities is fully secured.

Proposed Milestone indicator A.4.0.1

Extent of Indigenous peoples and local communities' lands, territories and resources secured (ref. SDG 1.4.2)²⁸

Current headline indicator (with edit):

A.0.1 Extent of selected natural and modified/**managed** ecosystems by type (i.e. forests, savannahs and grasslands, wetlands, mangroves, saltmarshes, coral reef, seagrass, macroalgae and intertidal habitats), **including governance and types of tenure, including territories of Indigenous peoples and local communities.**

Target 1. Ensure that all land, sea and **freshwater** areas globally are under integrated

²⁷ <https://report.territoriesoflife.org/wp-content/uploads/2021/05/ICCA-Territories-of-Life-2021-Report-FULL-150dpi-ENG.pdf>; https://wwfint.awsassets.panda.org/downloads/report_the_state_of_the_indigenous_peoples_and_local_communities_lands_and_territor.pdf

²⁸ International Indigenous Forum on Biodiversity

biodiversity and²⁹ inclusive participatory³⁰ spatial planning, addressing land- and sea-use change, retaining existing intact and wilderness areas, and respecting traditional territories and resources.³¹

Current headline indicator:

1.0.1 indicator of the percentage of land and seas covered by spatial plans that integrate biodiversity tbc*

Proposed disaggregation:

By terrestrial and marine ecosystem type, and by governance type

Proposed new component

1.3 Recognition of traditional territories and resources

Proposed new component indicators:

1.3.1 (already proposed 21.0.2) Land tenure in the traditional territories of Indigenous peoples and local communities

1.3.1 (opt 2) Trends in land use change and land tenure in the traditional territories of Indigenous peoples and local communities

Proposed new complementary indicator

t1.11 Trends in participation by Indigenous peoples, local communities, women, youth, and other rights-holders, in spatial planning³²

t1.12 Number of community maps and demarcation recognised and respected

Means of verification and/or complementary data sources

→ 21.0.2 currently proposed to use the dataset being developed for the SDG data: 'SDG: World Bank and UN-Habitat: <https://www.worldbank.org/en/programs/lsm/land-tenure> ' (nearly ready)

→ Complementary data incorporating community-based monitoring and non-State reporting

→ Additional data through non-State monitoring systems, e.g. the International Land Coalition's LANDEX <https://www.landcoalition.org/en/explore/our-work/data/landex/>

29 ICCA Consortium (i.e. 'and inclusive spatial planning')

30 FARN

31 IIFB ('traditional territories' as defined in the Glossary)

32 ICCA Consortium

While Target 1 focuses on spatial planning on a comprehensive scale and includes production landscapes and areas of sustainable use, Target 3 focuses on the identification and support of areas expected to contribute to the conservation of biodiversity. Suggestions here are specific to the objective and outcome of conservation (including where sustainable use is an element in the conservation strategy).

Target 3. Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably **governed and**³³ managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, **with the free, prior and informed consent of Indigenous peoples and local communities, and areas conserved by Indigenous peoples and local communities on their traditional territories**³⁴ and integrated into the wider landscapes and seascapes.

Currently proposed headline indicator:

3.0.1 Coverage of Protected areas and OECMS (*Opt. 1*) and **traditional territories** (by management **effectiveness** and **governance type**)

New headline indicator:

3.0.2 cumulative number of people at a site-level who have received training to increase their awareness of human rights of IPLCs and duties of all actors to recognise and respect these

- Disaggregated by actor type: PA staff; local government; Indigenous peoples and local community representatives; all disaggregated by gender
- Data from State reporting plus additional non-State reporting through revised reporting format

3.0.3 Diversity of governance types in the system of protected areas and OECMs³⁵

Currently proposed **and new** components

3.3 Effective management and equitable governance³⁶ of the system of protected areas and other effective area-based conservation measures

(Opt. 2 if not traditional territories not included in opt. 1) **3.5 Land tenure in the territories of Indigenous peoples and local communities**

3.5 Human rights respected and free, prior and informed consent implemented in all conservation programmes and projects

33 IIFB, Tebtebba, Forest Peoples Programme

34 Ibid.

35 ICCA Consortium

36 Proposed: As defined under decision CBD/COP/DEC/14/8

Currently proposed **and new** component indicators

3.1.1 Land tenure in the traditional territories of Indigenous peoples and local communities

3.3.1 Protected Area Management Effectiveness (PAME) (Protected Planet) **and Protected Area governance and equity (PAGE) assessments**

(Opt. 2) 3.5.1 % increase in formal land titling for Indigenous Peoples and local communities, including collectively held lands and resources

- Data from headline indicator 21.0.1

3.5.2 Number of countries with national legislation, policies or other measures regarding free, prior and informed consent related to conservation

- National reporting against indicator 21.0.1 through NBSAPs

Customary sustainable use

Target 4. Ensure active management actions, **including community-based customary use, management and monitoring**, to enable the recovery and conservation of species and the genetic diversity of wild and domesticated species, including through ex situ conservation, and effectively manage human-wildlife interactions to avoid or reduce human-wildlife conflict.

Proposed **new** component

4.4 Active management by Indigenous peoples and local communities through customary sustainable use practices

Proposed **new** component indicators

4.4.1 Active management by Indigenous peoples and local communities of flora, fauna and wild species in their lands and territories

4.4.1 (opt 2) Trends in customary sustainable use of wild flora and fauna³⁷

- Data sources: Community-based monitoring data; Indigenous Navigator

Target 5. Ensure that the harvesting, trade and use of wild species is sustainable, legal, **and³⁸ respecting customary law and customary sustainable use [of Indigenous peoples and local communities]³⁹** and safe for human health.

Proposed **new** component

37 WWF

38 Forest Peoples Programme

39 International Indigenous Forum on Biodiversity and Global Youth Biodiversity Network

5.2 Protection and promotion of customary sustainable use

Proposed **new** component indicators

5.2.1 Status and trends in traditional occupations (shared 9.1.2 Percentage of the population in traditional employment (ILO))

- Data sources: International Labour Organisation formal employment statistics; community-based monitoring data; Indigenous Navigator

Target 9. Ensure benefits, including nutrition, food security, medicines, and livelihoods for people especially for **those most dependent on biodiversity**⁴⁰ ~~the most vulnerable~~ through sustainable management of wild terrestrial, freshwater and marine species and protecting customary sustainable use by indigenous peoples and local communities.

Currently proposed headline indicator:

9.0.1 National environmental-economic, **cultural, and social** accounts of benefits from the use of wild species

This currently proposed headline indicator reduces benefits to people down to 'environmental-economic accounts of benefits' and renders silent cultural and social benefits from the use, management and protection of wild species. While the component indicators are welcome, only headline indicators are required reporting, and cultural and social values need to be highlighted as well.

Proposed **new** component

9.2 Protection and promotion of customary sustainable use

Proposed **new** component indicators

9.2.1 Status and trends in traditional occupations

9.1.2 Percentage of the population in traditional employment (ILO) (opt. 2)

Traditional knowledge

Target 20. Ensure that relevant knowledge, including the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior, and informed consent, guides decision-making for the effective management of biodiversity, enabling monitoring, and by promoting awareness, education and research.

Proposed headline indicator:

20.0.1 Indicator on biodiversity information and monitoring, including traditional

40 FARN, HR in Biodiv Working Group, International Indigenous Forum on Biodiversity

knowledge, for management tbc*

Proposed **new** component

20.3 Promote and support the use and transmission of indigenous and local knowledge

Proposed **new** component indicator

20.3.1 Status and trends in linguistic diversity⁴¹

- Responsible agency for data collection: UNESCO

Proposed **new** complementary indicator

t20.6 Trends in the inclusion of traditional knowledge (ILK) in global, regional and national knowledge platforms (e.g. IPBES, IPCC, UNESCO)

Full, equitable and effective participation

Full, equitable and effective participation in decision-making was previously supported in the text of the Aichi Targets and indeed in the preamble to the Convention itself⁴² and emerges clearly in the draft Global Biodiversity Framework in Target 21 as currently drafted. In addition to Target 21, full, equitable and effective participation should be specifically noted in the system for implementation, including Section J.

Section J: Responsibility and Transparency

18. The successful implementation of the grameowrk requites responsibility and transparency, which will be supported by effective mechanisms for planning, monitoring, **including community-based monitoring information systems and follow-up**, reporting and review. Countries, Patries fo the Convention, have a responsibility to implement mechanisms for planning, monitoring, reporting and review, **with the full and effective participation of Indigenous peoples and local communities, and all relevant stakeholders**. These mechanisms allow for transparent communication of progress to all, timely course correction and input in the preparation of the next global biodiversity framework ...

OHCHR has issued comprehensive guidance on the right to participate in public affairs, which should be provided to State Parties as relevant guidance for the implementation of the framework, including as applied through Section J and Target 21.⁴³

Target 21. Ensure equitable and effective participation in decision-making related to biodiversity by indigenous peoples and local communities, **women and girls and youth**,

41 FPP and CBD Women Caucus: Trends of linguistic diversity and number of speakers of indigenous languages (Decision VII/30 and VIII/15)

42 For instance: Article 14 (1) (a), Article 15 (6); Article 19 (1); Article 23 (5). Text of the Convention on Biological Diversity: <https://www.cbd.int/doc/legal/cbd-en.pdf>

43 https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf

and respect their **[distinct]** rights over lands, territories, and resources, ~~as well as by women and girls, and youth~~⁴⁴

Headline indicator already proposed:

21.0.1 Indicator on the degree to which indigenous peoples and local communities, women and girls as well as youth participate in decision-making related to biodiversity tbc*

Headline indicator already proposed:

21.0.2 Land tenure in the traditional territories of indigenous peoples and local communities

Proposed **new** component indicators:

- 21.1.1 Number of Indigenous peoples' or local community members participating in national level biodiversity planning and strategy meetings where they are able to influence decisions related to biodiversity and ecosystem services (disaggregated by gender and other key characteristics)
 - Data from national reporting under revised NBSAP reporting format and non-State reporting of participation
- 21.2.1 (from SDG 5.c) Adopt and strengthen sound policies and enforceable legislations for the promotion of gender equality and the empowerment of all women and girls at all levels⁴⁵
- 21.3.1 Establishment of effective mechanisms to ensure the full and effective participation of youth in the design and update process of NBSAP
- 21.3.2 Number of initiatives included in National Reports on youth-led initiatives, youth-adult partnerships, and youth-targeted projects

Note: indicators proposed for youth participation are in development, under the leadership of the Global Youth Biodiversity Network and may develop further. It is critical that in any further development of the monitoring framework and associated indicators that you are able to fully participate, including but not exclusively on the indicators relating to the exercise of their rights.

Proposed **new** complementary indicators

- t21.1 Proportion of PAs/OECMs in a country where IPLC representatives meet with PA /OECM managers at least once a year to discuss relevant aspects of PA/OECM plans for the coming year, and average number of IPLC participants disaggregated by gender and other key social characteristics

44 While understanding a Target 22 on women and girls is under consideration, edits are also suggested here to ensure women and girls and youth are not presented as add-ons for equitable and effective participation. WWF International

45 Women4Biodiversity

- t21.1 Number of education programs (capacity development courses) developed for governments for understanding, recognizing and respecting IPLC normative and legal systems
- t21.3 Number of assistance programmes for Indigenous peoples to ensure the conservation and protection of the environment and the productive capacity of their lands, territories and resources, without discrimination
- t21.4 Number of national level biodiversity policies that reflect the voices of youth in their development

Equitable governance in area-based measures

Governance was identified by the IPBES as one of the pathways to achieve transformative change.⁴⁶ The Local Biodiversity Outlooks 2⁴⁷ also highlighted the centrality of governance in achieving transformational change. Community-based conservation institutions and local governance regimes have often been effective in preventing habitat and biodiversity loss. Innovative, inclusive and equitable governance approaches to conservation are needed, including equitable co-management regimes and the recognition of the fundamental role of IPLC in conserving biodiversity for the future. Equitable governance should be required in targets 1 and 3, further reference to participation and equitable governance can be included in targets 20 and 21, and crucially - an indicator for assessing the extent of equitable governance in protected areas should be included as a Target 3 indicator.

Target 3. Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably **governed and**⁴⁸ managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, **with the free, prior and informed consent of Indigenous peoples and local communities, and including through recognition and support for their collective lands, territories and resources,**⁴⁹ and integrated into the wider landscapes and seascapes.

Headline Indicator (currently proposed):

3.0.1 Coverage of Protected areas and OECMs (by **management effectiveness and governance type**)

Headline **new** indicator

3.0.3 Diversity of governance type in the system of protected area and OECMs

Currently proposed **and new** component indicators

46 BIODIVERSITY AND ECOSYSTEM SERVICES

47 <https://lbo2.localbiodiversityoutlooks.net>

48 IIFB

49 Ibid.

3.3.1 Protected Area Management Effectiveness (PAME) (Protected Planet) and Protected Area governance assessments

3.3.2 Percentage increase in officially registered ICCAs or legally recognised OECMs with inclusive/collaborative governance arrangements developed in a participatory manner with Indigenous Peoples and local communities

- MoV: UNEP-WCMC Protected Planet ICCA Registry and OECM Registry

Currently proposed complementary indicators

- t3.11. Number of protected areas that have completed a site-level assessment of governance and equity (SAGE)
- t3.14. Extent of Indigenous peoples and local communities' lands that have some form of recognition

New complementary indicators:

- t3.15 % increase in Indigenous peoples' territories or community lands registered under ICCA or OECM status by the peoples or communities themselves
 - MoV: UNEP-WCMC Protected Planet ICCA Registry and OECM Registry
- t3.16 # of countries that have recognized diverse forms of governance of protected areas within their protected area systems complying with the Protected Areas Programme of Work
 - MoV: national or sub-national level governance assessments; national level reporting required through NBSAPs related to protected area policy and legislation
- t3.17 # of systems level governance assessments conducted (voluntary guidance in Annex II of CBD/COP/DEC/14/8)
- t3.18 number of sites in a country reported to have active grievance mechanisms and having applied social safeguards to management
 - NBSAP reports; complementary non-State reports; UNEP-WCMC Protected Planet
- t3.18 Proportion of PA/ICCAs in a country where IPLC representatives meet with PA/ICCA managers at least once a year to discuss relevant aspects of customary plans
- t3.19 Proportion of PAs/OECMs in a country where IPLC representatives meet with PA/OECM managers at least once a year to discuss relevant aspects of PA/OECM plans for the coming year, and average number of IPLC participants disaggregated by gender and other key social characteristics

Education and intergenerational equity⁵⁰

The Convention on the Rights of the Child Articles 28 & 29 affirm children's right to education that shall be directed toward respect for the natural environment. Such education could be strengthened in the GBF by incorporating elements on integrating biodiversity and cultural diversity into formal, non-formal and informal education programmes in relevant sections such as target 16 or Section K of the framework.

It is important to create space for young people to participate in shaping the decisions that will affect their future, and for future generations to enjoy the right to a healthy environment – often articulated as the principle of intergenerational equity. Children and youth have rights to enjoy their cultural heritage and access and participate in the cultural life of their people. This principle could be strengthened in Goal B (as noted above already) and Target 16 by ensuring that nature's contributions to people also benefit future generations, as well as by adding it as an enabling condition. Furthermore, children's rights should be incorporated in Target 21, in addition to the existing reference to youth (see section on 'environmental defenders' below).

Target 16. Ensure that people are encouraged and enabled and **incentivised** to make responsible choices and **facilitating** have access to relevant information, **transformative education**, and alternatives, taking into account cultural preferences, to reduce by at least half the waste and, where relevant the overconsumption, of food and other materials.

Current proposed headline indicator:

16.0.2 Material footprint per capita

Proposed headline indicator – **propose to move from T20 to T16 and elevate to headline indicator**

16.0.3 (ex. 20.2.1) Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessments (SDG 4.7.1)

Currently proposed component

16.1 People have access to relevant information and alternatives

This is a useful component however it is currently unmeasured.

⁵⁰ Although supported by all participating organisations, the proposed edits and text for 'education and intergenerational equity' are the work of the Global Youth Biodiversity Network (GYBN), emerging from a global and broad-based consultation process. Further details of their full proposals can be found: https://www.gybn.org/_files/ugd/0d4e2d_8064e573235d4337b0ba99e981273b2c.pdf

Proposed new component indicator:

→ **t16.1 Number of countries with integral environmental education legislation present and being applied in educational settings**⁵¹

Education is an enabling condition for the long-term achievement of the framework as a whole and an additional edit is recommended for Section K (Outreach, awareness, and uptake).

Section K: New paragraph (d) **Integrating transformative education on biodiversity and cultural diversity into formal, non-formal and informal educational programmes, promoting values and behaviours that are consistent with living in harmony with nature.**

In addition to the critical role of youth noted here, a key component of this global biodiversity framework must be focus on intergenerational equity and the generations who are to follow us. As noted above, Goal B can serve to reiterate this relationship between people and nature and the importance of the framework for the generations to come.

Suggested text:

Goal B

Nature's contributions to people are valued, maintained, or enhanced through conservation and sustainable use supporting the global development agenda for the benefit of all, **including future generations and especially those most directly dependent on these contributions.**

While inclusion of this text in Goals and Targets is critical, it is also important to link the principle of intergenerational equity across to the identified 'Enabling Conditions' for the framework (Section I).

17. Further, success will depend on ensuring greater gender equality and empowerment of women and girls, reducing inequalities, greater access to education, employing rights-based approaches, **respecting the principle of intergenerational equity**, and addressing the full range of indirect drivers (...)

Target 21. Ensure equitable and effective participation in decision-making related to biodiversity **and access to justice and information**⁵² by indigenous peoples and local communities, and respect their rights over lands, territories and resources, as well as by women and girls, **and children and youth, as well as ensure the safety of environmental human rights defenders**

Gender equity and equality

The economic and ecological agency of Indigenous and rural women, farmers, fishers, producers, and many other women is often not recognized in policy and decision-

⁵¹ FARN

⁵² Also proposed: 'access to justice and information', FARN

making. While women play important roles as managers, leaders and defenders of natural resources and agents of change, they face limitations in accessing financial and other resources and ownership of land and other resources. There are direct links between environmental pressures and gender-based violence⁵³, and the degradation of nature, competition over increasingly scarce resources and environmental crime and conflict can also exacerbate violence. Efforts to protect biodiversity need to ensure the protection, empowerment, leadership, decision-making and meaningful and informed participation of women and girls. The priorities of the Draft post-2020 Gender Plan of Action need to be reflected at the level of targets⁵⁴ and disaggregated indicators.

New Target 22: Ensure equitable access and benefits from conservation and sustainable use of biodiversity for women and girls, as well as their effective participation in policy and decision-making processes related to biodiversity.

As this is a new proposed target, all proposed text below is also new. In addition to this new target, disaggregation of all participation-related indicators should be mandatory for gender.

Proposed relevant indicators⁵⁵:

- SDG 1.4.2 Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure
- SDG 5.a.1 (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure
- Headline indicator for Target 21: 21.0.1 Degree to which Indigenous peoples and local communities, women and girls as well as youth participate in decision-making related to biodiversity.)

Relevant additional SDG indicators

- SDG 5.a.2 Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control
- SDG 5.5.1b Proportion of seats held by women in local governments

Relevant additional (component) indicators and data sources

- Number of National reports under the Convention on Biological Diversity that include reporting on women's and girl's contributions to the conservation and sustainable use of biodiversity, and on the integration of gender considerations into NBSAPs, including their implementation, budgeting and reporting

53 IUCN (2020): Gender-based Violence and Environment Linkages: the Violence of Inequality

54 Proposed New Target 22 on Gender: "Ensure equitable access and benefits from conservation and sustainable use of biodiversity for women and girls, as well as their effective participation in policy and decision-making processes related to biodiversity." (CBD Women)

55 <https://www.women4biodiversity.org/publications/>

→ Number of countries with a gender focal point

→ Number of countries with a Gender Plan of Action

Increase accountability of business and the finance sector

The GBF acknowledges the increasing role of businesses and financial flows in driving and responding to biodiversity loss, and the importance of changes in the behaviour of those sectors. Target 15 relies on businesses reporting and assessing their own performance, but we recommend independent verification as good practice. Further guidance is needed for the role of businesses in supporting the GBF and the role of States in holding accountable businesses when they do not comply with laws concerning biodiversity and human rights, with reference to the UN Guiding Principles on Business and Human Rights⁵⁶ and associated guidance in gender dimensions of the UNGPs.⁵⁷

Target 15. All businesses (public and private, large, medium and small) assess and report on their dependencies and impacts on biodiversity, from local to global, and progressively reduce negative impacts, by at least half and increase positive impacts, reducing biodiversity-related risks to businesses and moving towards the full **environmental and social** sustainability of extraction and production practices, sourcing and supply chains, and use and disposal.

Currently proposed component

15.4 Move towards the full **environmental and social** sustainability of extraction and production practices, sourcing and supply chains, and use and disposal

Proposed **new** component Indicators

15.4.3 # of countries with national human rights and/or environmental due diligence legislation⁵⁸

15.4.4 # of countries with national action plans on business and human rights that refer to the need to regulate businesses in terms of environmental, social and human rights performance⁵⁹

Equitable access to financial resources

The proposed increase in financial resources in target 19, including increased financial flows to developing countries, is welcome. However, experiences with existing financial instruments show that access remains challenging for direct custodians of biodiversity, including IPLCs and women. Equity and fairness require redirecting financial resources to

⁵⁶ See, for instance, OHCHR guidance on human rights, climate change and business, equally relevant to guide business action related to biodiversity: <https://www.ohchr.org/Documents/Issues/ClimateChange/materials/KMBusiness.pdf>

⁵⁷ See, OHCHR Gender Dimensions of the UNGPs, https://www.ohchr.org/Documents/Issues/Business/Gender_Booklet_Final.pdf

⁵⁸ Forest Peoples Programme

⁵⁹ Tebtebba

the local level, including through the development of appropriate and targeted instruments for IPLCs and applying human rights-based financing as a lever for equitable and effective implementation.⁶⁰ Likewise, effective measures should be in place so biodiversity financing mechanisms such as payment for ecosystem services are designed and implemented in line with international human rights agreements.

Target 19. Increase financial resources from all sources to at least US\$ 200 billion per year, including new, additional and effective and equitable⁶¹ financial resources, increasing by at least US\$ 10 billion per year international financial flows to developing countries, ensuring direct availability of funds to Indigenous peoples and local communities, women and youth,⁶² leveraging private finance, and increasing domestic resource mobilization, taking into account national biodiversity finance planning, and strengthen capacity-building and technology transfer and scientific cooperation, to meet the needs for implementation, commensurate with the ambition of the goals and targets of the framework.⁶³

Proposed new component

19.4 Financial resources provided to support and enhance the actions of Indigenous peoples and local communities and of women and girls, and youth.

Proposed new indicators

- Trends in the amount of project financing for collective actions led by indigenous peoples and local communities, and by women and youth
- Disaggregation from large biodiversity financing institutions, including also how many projects are generated by indigenous peoples and local communities, by women and by youth.

Adequately assess and understand biodiversity and related social and human rights impacts

Impact assessments and due diligence should recognise the need for integrated impact assessments, including social, cultural, economic, and human rights aspects, with consideration also of cumulative impacts and intergenerational impacts as outlined (for instance) in the Akwe: kon Guidelines. Target 14 should broaden reference to impact assessment to incorporate these aspects and recognise that integrating values into policies requires not only biodiversity values, but cultural diversity values as well.

Target 14. Fully integrate biodiversity diverse biological and cultural diversity⁶⁴

⁶⁰ Including taking into account the voluntary guidelines on safeguards in biodiversity financing mechanisms adopted at CBD COP12 (UNEP/CBD/COP/DEC/XII/3) which explicitly refer to “international human rights treaties”.

⁶¹ Tebtebba: “equitable” proposed to ensure that resources are distributed to those who need it more. Eswatini on behalf of African Union proposed to add “indigenous peoples and local communities” to developing countries as recipients of biodiversity financing. ‘Equitable’ must also refer to equity of access (WWF)

⁶² Ibid. Supported by Forest Peoples Programme.

⁶³ GYBN proposals (supported by IIFB)

⁶⁴ International Indigenous Forum on Biodiversity proposal supported by the Philippines. Supported by FARN. Supported by Forest Peoples Programme.

values into policies, regulations, planning, development processes, poverty reduction strategies, accounts, and assessments of environmental, **cultural, social and human rights**⁶⁵ impacts at all levels of government and across all sectors of the economy, ensuring that all activities and financial flows are aligned with biodiversity values.

Indicator(s)

- Amend reference to 'biological diversity' to refer to 'biological and cultural diversity' in all targets where relevant
- Include use of the Akwe: kon Guidelines as means of verification⁶⁶

Support and protect human environmental rights defenders

Provide a safe and enabling environment and strengthen practical measures to support and protect human rights defenders in environmental matters, including access to justice, effective and timely remedies in cases where IPLCs and other defenders face threats, criminalization and/or any form of violence. This should be embedded in the preface, enabling conditions, and further strengthened with explicit reference in Target 21.

Target 21. Ensure equitable and effective participation in decision-making related to biodiversity by indigenous peoples and local communities, and respect their rights over lands, territories and resources, as well as by women and girls, and youth, **as well as access to justice and security for environmental human rights defenders.**

Proposed new component:

21.4 Environmental, Indigenous and land defenders / environmental human rights defenders

Proposed (headline or component) indicator:

- **21.4.1 (to use)** SDG Indicator 16.10.1: Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months, **associated with defence of the environment 'environmental human rights defenders'**⁶⁷
- **21.4.1 (opt 2)** Proportion of environmental human rights defenders reporting having personally felt discriminated against or harassed in the recognition of rights over relevant resources in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (modified according to SDG indicator 10.3.1)

⁶⁵ CBD Women Caucus proposal to include "human rights impact" assessments supported by Argentina in OEWG 2; reference also to the Akwe:kon Guidelines that have been adopted by CBD parties and which provide guidance for cultural and human rights impact assessments

⁶⁶ <https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>

⁶⁷ Amended for suitability under the CBD framework, and in alignment with data collection from The Data Working Group and the OHCHR

Means of verification and/or complementary data sources

- State Party reporting against SDG Indicator 16.10.1 (noting that this official dataset is limited. See: https://d3o3cb4w253x5q.cloudfront.net/media/documents/a_crucial_gap_low_res.pdf)
- Complementary data source for this indicator is The Data Working Group which works specifically on land and environment defenders. This data collection and survey process has been co-developed with the OHCHR to provide complementary data into the SDG Metadata sets, where State data is missing or incomplete. See: <https://environment-rights.org/dd-coalition/our-work/data-collection/>
- # of countries / State Parties reporting any cases of violence against human rights defenders in environmental matters to the U.N (Voluntary National Reviews, High Level Political Forum, other mechanisms)

Effective monitoring and review mechanisms

One of the key benefits of an HRBA is the requirement for a strong process for compliance, monitoring and accountability. Experiences from the monitoring systems of other treaties (i.e., Aarhus Convention, the Human Rights Treaty Bodies, the Escazu Agreement, and the Universal Periodic Review) provide strong models for what could be put into place for the GBF, including multi-source reporting (including community-based monitoring information systems, and the findings of the Local Biodiversity Outlooks report, providing grounded data) and review by sector experts.⁶⁸

While detailed discussion of the nature and purpose of the monitoring and review mechanisms is on-going, this briefing provides some initial recommendations for the monitoring framework and indicators / means of verification / complementary sources of information. Section J is a priority area of amendment to secure a stronger reporting and review process:

Section J: Responsibility and Transparency

18. The successful implementation of the framework requires responsibility and transparency, which will be supported by effective mechanisms for planning, monitoring, **including community-based monitoring information systems and follow-up**, reporting and review. Countries, Parties to the Convention, have a responsibility to implement mechanisms for planning, monitoring, reporting and review, **with the full and effective participation of Indigenous peoples and local communities, and all relevant stakeholders**. These mechanisms allow for transparent communication of progress to all, timely course correction and input in the preparation of the next global biodiversity framework ...

⁶⁸ For more information on how the existing Voluntary Peer Review could also be improved to consider human rights, please see: <https://www.cambridge.org/core/journals/transnational-environmental-law/article/mind-the-compliance-gap-how-insights-from-international-human-rights-mechanisms-can-help-to-implement-the-convention-on-biological-diversity/CE0F47664F08EBE4919D5990F3709484>

20. The development of additional and complementary approaches is encouraged to allow other actors to contribute to the implementation of the framework and report on commitments and actions **including Indigenous peoples and local communities reporting and review through community-based monitoring and information systems and local biodiversity outlooks.**

Review and adaptive management will be needed to face the scale of the challenge faced, and preliminary recommendations related to the review and reporting procedures to be agreed include:

Reporting and National Biodiversity Strategies and Action Plans

It is important that national reporting processes are inclusive, fair, independent, and representative of all stakeholders and rights-holders, as outlined by CBD COP decisions, to guarantee the 'whole-of-society' approach that is envisaged, and to ensure the full and effective participation of Indigenous peoples, of local communities, women and girls, and youth, in the implementation of the global biodiversity framework. Towards this end, the following suggestions are provided, to be further developed:

→ National reporting formats require updating to account for:

- Implementation of a human rights-based approach
- Participation levels and quality of participation by Indigenous peoples and local communities, women and girls, and youth, in biodiversity planning and decision-making
- Links to reporting under complementary Conventions and international commitments, including the SDGs, the UN GPs on Business and Human Rights, and more.
- Gender Plan of Action (nationally interpreted)⁶⁹

→ Reporting against the implementation of NBSAPs must allow the provision and receipt of non-State reporting of contributions towards the Targets and Goals, including from all Major Groups

→ NBSAPs require reporting against human rights compliance, as outlined by the UN Special Rapporteur on Human Rights and the Environment:

Recommendation by the current UN Special Rapporteur on Human Rights and the Environment, David Boyd, that the post-2020 Global Biodiversity Framework:

“Require human rights-based, gender-sensitive conservation approaches to be incorporated within the development, content, and implementation of all National Biodiversity Strategies and Action Plans (NBSAPs) and other planning and monitoring

⁶⁹ WWF International, CBD Women

mechanisms ... Relatedly, require States to regularly monitor adherence to human rights standards and respect for the human, land, and tenure rights of Indigenous Peoples and other rural rights holders in all conservation measures.”⁷⁰

Indicator development

→ It is the view of the contributing authors for this briefing that time is short for the finalisation of the full monitoring framework prior to COP15. We recommend and would support additional inter-sessional meetings to more fully debate and conclude indicators and associated monitoring methods and datasets to be arranged after COP15 towards concluding a comprehensive monitoring framework by COP16.

Support for and recognition of complementary data sources

- Support and enhance community monitoring across all relevant targets and system for implementation (Section J: Responsibility and Transparency, see below)
- Support and enhance overlap with SDG Metadata collection and with non-State reporting into SDG indicators (including environmental human rights defenders)

Review and adoption

- The challenges facing the realisation of the Goals and Vision of this framework are considerable and the Conferences of the Parties to the CBD should consider, at each meeting, re-committing to or increasing commitments to, the realisation of the goals and targets, ‘ratchetting’ ambitions as capacity is built
- Non-State actors should have a pathway to commit to implementation and review and increase commitments as well

⁷⁰ UN SR on Human Rights and the Environment, Policy Brief 1: Human rights-based approaches to conserving biodiversity: equitable, effective and imperative, August 2021. Available: <https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/policy-briefing-1.pdf>
