

Human Rights in the post-2020 Global Biodiversity Framework

Options for integrating a human-rights based approach to achieve the objectives of the Convention on Biological Diversity



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Rationale

This document is offered as a discussion paper to support the integration of human rights into the post-2020 Global Biodiversity Framework. In this document, we collate and present key human rights-related language that is being proposed for the post-2020 Global Biodiversity Framework by a wide range of actors. It does not attempt to coalesce around single proposals for Target text, nor for Indicator proposals. Instead, the document seeks to present and display the many ways in which current text under negotiation could be enriched and improved through the integration of human rights concerns.¹

The document takes its point of departure in the recommendations made by the *Thematic Workshop on Human Rights as enabling condition in the post-2020 global biodiversity framework*, held in Chiang Mai, Thailand from 18 to 20 February 2020². The workshop was co-convened by Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), International Development and Law Organization (IDLO), Natural Justice, UN Environment and SwedBio at Stockholm Resilience Centre.³

The compilation has been prepared by a group of participants from the Thematic workshop on Human Rights in the post-2020 Global Biodiversity Framework, representing Forest Peoples Programme (FPP), Asia Indigenous Peoples Pact (AIPP) CBD Alliance, Global Youth Biodiversity Network (GYBN), Fundación Ambiente y Recursos Naturales (FARN), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, ICCA Consortium, Natural Justice, SwedBio at Stockholm Resilience Centre, Tebtebba Foundation, WWF Indonesia, the CBD Women's Caucus and Women4Biodiversity. Special thanks to Helen Tugendhat, from Forest Peoples Programme, who coordinated the compilation.

Before stepping into text analysis and recommendations, contributing authors for this document would like to recognise the growing consensus on the need to place human rights at the heart of the post-2020 Global Biodiversity Framework and of all efforts to address climate and nature damage and loss. The UN Human Rights Council Resolution 46/7 on human rights and the environment adopted in March 2021 specifically noted the links between human rights and environmental concerns:

Recognizing 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

¹ For example, the document provides a compilation of updated proposals from the ongoing process in the CBD after the workshop, including the Open Ended Working Group 2 (OEWG2) held in Rome, end of February 2020, and the new zero-draft of the post-2020 GBF, released in September 2020. Proposals were also compiled from ongoing deliberations in the CBD virtual fora, as well as among actors committed to the inclusion of a human rights-based approach.

² CBD/SBI/3/INF/22 <https://www.cbd.int/doc/c/b0df/77f7/d44e6dfc871dc7a67bcd1334/sbi-03-inf-21-en.pdf>

³ See also the Peer-to-Peer Dialogue on the human right to a healthy environment and SDGs: weaving SDG 16 and human rights law with the post-2020 global biodiversity framework co-convened by SwedBio at Stockholm Resilience Centre, International Development Law Organization, Office of the United Nations High Commissioner for Human Rights (OHCHR) – Special Procedures, UN Environment and Natural Justice which took place in 28-31 May 2018 in Machakos, Kenya, available at: https://swed.bio/wp-content/uploads/2018/11/7017-0008-SRC-Co-chairs-summary-of-three-peer-to-peer_Web.pdf See also associated Handbook on human right to a healthy environment for a thriving Earth. <https://swed.bio/reports/human-right-to-a-healthy-environment-for-a-thriving-earth/>

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,**

Recognizing also that sustainable development and **the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights,** including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,⁴

The UN Special Rapporteur on human rights and the environment⁵ issued an Open Letter to all States in January 2021, highlighting:

“the profound importance of implementing a rights-based approach to both the climate and biodiversity crises. A rights-based approach to environmental protection is an obligation, not an option, because of the international human rights commitments made by all States. Taking a rights-based approach to climate change and biodiversity conservation will produce effective and equitable outcomes that prioritize vulnerable and marginalized populations”

He also noted the unintended negative impacts that environmentally focused actions have had on the enjoyment of human rights in the past and the need to avoid this:

“The damaging “fortress conservation” model of the past, which resulted in Indigenous peoples and local communities being evicted from their traditional territories to create protected areas, is completely incompatible with the human rights obligations of States. Fortunately, **working in partnership with Indigenous peoples and local communities has proven to be an effective and equitable path forward,** improving biodiversity protection, respecting human rights and alleviating poverty at the same time”⁶

This interconnection between human rights and nature and the understanding that recognising and realising human rights are part of the solution to loss of nature is the reason for this discussion document. It underpins the importance of appropriately integrating human rights concerns and interests into the post-2020 Global Biodiversity Framework: they cannot be understood or responded to separately, they are intimately interconnected. This document also incorporates the position of the International Indigenous Forum on Biodiversity (IIFB): “the post-2020 Global Biodiversity Framework must not reduce the gains already secured in the Aichi Targets – they must be considered the minimum standards on which the post-2020 framework builds.”⁷

A final note: the text proposed here contains a range of options for indicators under each target. It is not the case that all indicators are being proposed to be adopted as this would result in far too many indicators for effective measurement. Instead clear, high-level

4 A/HRC/46/L.6/Rev.1

5 In addition, the UNSR on human rights and the environment also issued a report on Biodiversity in July 2020, available at: <https://undocs.org/A/75/161>

6 Letter from the Special Rapporteur on human rights and the environment – Adopting a rights-based approach to the global climate and biodiversity crises. January 2021. Available at: <https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/Geneva-Climate-Nature-en.pdf>

7 International Indigenous Forum on Biodiversity

indicators ('headline' indicators) should be identified that can be repeated against different target areas, complemented by more detailed indicators where necessary. Where possible the suggestions for indicators build on those already agreed in other multilateral fora. The potential for productive collaboration between the UN Convention on Biological Diversity and other key multilateral treaty processes, critically the UNFCCC and the UN SDGs, is considerable and shared headline indicators should be sought where possible.

Key messages

- Human rights and a healthy planet are mutually dependent. To have a safe, clean and healthy environment, we have to respect, protect and fulfil human rights. To realise our human rights, we must heal, protect and sustainably live on our planet.
- Across human cultures – particularly of Indigenous peoples and local communities – are diverse worldviews, values, ethics and spiritual beliefs that embody and guide our reciprocal relationships with the rest of the planet.
- Land tenure security and recognition of tenure rights is a key plank in addressing biodiversity loss and supporting the systems of governance and knowledge that enable biodiversity management and protection
- Biological diversity must be understood in relation to the cultural diversity that sustains and maintains it.
- All commitments to address the biodiversity crisis must include discussions on halting industrial drivers of biodiversity loss, including by eliminating perverse investments and incentives that are harmful for biodiversity and that negatively impact human rights.

Incorporating human rights into the Goals of the post-2020 framework

The draft 2050 Goals of the Global Biodiversity Framework were revised and reissued in August 2020⁸ and have not yet been the topic of negotiation since that time. Recommendations from actors at the Goal level presented here are those forwarded in February 2020, during and directly after OEWG 2, and prior to the new Goal text. Additional text revisions should be expected as negotiations continue.

Draft version 2 (August 2020) 2050 Goals and proposed revisions:

- (a) The area, connectivity and integrity of natural ecosystems increased by at least [X%] supporting healthy and resilient populations of all species while reducing the number of species that are threatened by [X%] and maintaining genetic diversity;
- (b) **Nature and people's mutual and interdependent well-being is enhanced**⁹ ~~Nature's contributions to people have been valued, maintained or enhanced through conservation and sustainable use, and sustainable and equitable production and consumption~~¹⁰ supporting the global sustainable development agenda for the benefit of all people and future generations, and [Option 1 – also see Option 2 below, new Goal] contributing to the realization of the right to a safe, clean, healthy and sustainable environment and stable climate for all and reducing the risks for human health¹¹;
- (c) The benefits, from the utilization of biodiversity, ecosystem services, and genetic resources, and associated traditional knowledge, are shared fairly and equitably;¹²
- (d) Means of implementation to achieve all goals and targets in the framework.

Proposed new Goal (e): Increased enjoyment by all persons, groups and peoples, of their cultural, religious, recreational and spiritual values and practices related to biodiversity, including children's right to play;¹³

Proposed new Goal (f): The right to a safe, clean, healthy and sustainable environment is universally recognised, protected and enjoyed¹⁴.

8 <https://www.cbd.int/doc/c/3064/749a/0f65ac7f9def86707f4eaeafa/post2020-prep-02-01-en.pdf>

9 Source: HR in the post-2020 GBF, Chiang Mai, 2020

10 Nature Positive by 2030 (WWF)

11 Option 1 from Nature Positive by 2030 (WWF)

12 Source: HR in the post-2020 GBF, Chiang Mai, 2020; p. 8

13 Source: HR in the post-2020 GBF, Chiang Mai, 2020; p. 9

14 Source: HR in the post-2020 GBF, Chiang Mai, 2020

Concrete wording for key elements including Targets and Indicators

Target 1

By 2030, [50%] of land and sea areas globally are under spatial planning and appropriate [OR equitable¹⁵] governance¹⁶ addressing land/sea use change, retaining most of the existing intact and wilderness areas, ensuring full legal recognition and protection of Indigenous peoples' rights to lands, territories, and waters, and local community rights to lands and waters¹⁷, and allow to restore [X%] of degraded freshwater, marine and terrestrial natural ecosystems and connectivity among them.

Indicator(s)

- CBD indicator: Trends in land-use change and land tenure in the traditional territories of IPLCs (COP decision X.43) as a Headline Indicator in T1 and a shared indicator in T2.
- SDG indicator 1.4.2 land tenure: 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. *Critically important to disaggregate for collective tenure and customary tenure within tenure rights: individualisation of tenure can be very damaging to societies and peoples*
- Trends in low-impact ecosystems (including marine and inland waters) under customary tenure; trends in forest and agricultural land under customary tenure
- Trends in participation by indigenous peoples, local communities, women, youth, and other key rights-holder and stake-holder groups in spatial planning¹⁸
- Number of countries that adopt and implement national disaster risk reduction strategies in line with the Sendai Framework for Disaster Risk Reduction 2015–2030 (SDG indicator 13.1.2)¹⁹

Data sources

- Indigenous Peoples Navigator (land, territories and resources indicators – under development) and the International Land Coalition LANDEx (under development).²⁰

15 ICCA Consortium

16 WWF Indonesia

17 International Indigenous Forum on Biodiversity, Forest Peoples Programme, Tebtebba, Global Youth Biodiversity Network, also addition of LCs by Swedbio, also International Indigenous Forum on Biodiversity submission of views August 2020. International Indigenous Forum on Biodiversity and Forest Peoples Programme also suggest [as distinct land categories].

18 Fundación Ambiente y Recursos Naturales (FARN)

19 CBD Women Caucus

20 WWF: Means of verification / data source suggested

Target 2

By 2030, protect and conserve through [Option 1: securing the tenure rights of indigenous peoples and local communities, and establishing²¹] well connected, equitable²² and effective systems of protected areas, and other effective area- based conservation measures, [Option 2: and Indigenous peoples' lands, territories and waters²³], at least 30 percent of the planet with the focus on areas particularly important for biodiversity.

Proposed new Target language: By 2030, protect and conserve at least 30 percent of the planet with a focus on areas particularly important for biodiversity through appropriate recognition and support for the collective lands, waters and territories of Indigenous peoples and local communities, well connected, effective, and equitably governed systems of protected areas and other effective area-based conservation measures.²⁴

Indicator(s)

- In relation to the IPLC land classification as a distinct category in Target 1, data disaggregation (overlap IPLC lands with PAs, OECMs, joint management, etc) would need to be added in T2
- **Indicators on equitable governance** with relevant indicators (building on work by IIED) as part of the indicators process between COP 15 and COP 16²⁵ | Trends in equitable governance and effective management of protected areas and other effective area-based conservation measures²⁶
- Trends in land tenure security for indigenous peoples and local communities,²⁷ and tenure rights for women²⁸
- 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 indicator 1.4.2) / SDGs indicator 1.4.2, notably part b (collective tenure rights)²⁹
- Conflict-related deaths per 100,000 population, by sex, age and cause (SDGs. 16.1.2)³⁰
- Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (SDGs 16.3.1)³¹

21 Source: HR in the post-2020 GBF, Chiang Mai, 2020; also 'ecologically representative' is crucial yet missing, it is an important element and was included in Aichi Target 11, Fundación Ambiente y Recursos Naturales (FARN)

22 Forest Peoples Programme

23 Tebtebba + WWF (addition of waters)

24 ICCA Consortium

25 Forest Peoples Programme

26 Global Youth Biodiversity Network

27 WWF

28 Swedbio

29 WWF propose for T2, Forest Peoples Programme propose for T1, CBD Women Caucus for T2

30 CBD Women Caucus

31 CBD Women Caucus

Data sources

- Indigenous Peoples Navigator (land, territories and resources indicators – under development) and the International Land Coalition LANDEX (under development).³²

Target 3

By 2030, ensure active management actions, **including community-based customary use, management and monitoring**³³, to enable wild species of fauna and flora recovery and conservation, and reduce human-wildlife conflict by [X%]

Indicator(s)

Headline indicator: T3.3: Active management by IPLCs of flora, fauna and wild species in their lands and territories

- Trends in monitoring, conservation and restoration of species in IPLC territories
- Trends in customary sustainable use of wild flora and fauna.³⁴
- Community based information monitoring systems; potential use of Indigenous Navigator data sets.

Target 4

By 2030, ensure that the harvesting, trade and use of wild species of fauna and flora is at **sustainable levels, legal**³⁵, and **safe, while taking into account and**³⁶ **respecting rights to customary sustainable use [of Indigenous peoples and local communities]**³⁷.

Note: illegality is problematic for IPLCs where customary sustainable use (CSU) patterns have been rendered illegal by national regulations or laws (rotational farming, e.g.). Further 'legal' is prioritised here over 'sustainable' where the primary concern of the CBD is towards sustainable use. This target must be compliant with the rights of indigenous peoples.

Indicator(s)

- Trends in the recognition and respect of customary sustainable use requirements and practices in relation to harvest of wild fauna and flora³⁸

³² WWF: Means of verification / data source

³³ Forest Peoples Programme, Natural Justice (NJ: specifically include 'management'); WWF Indonesia include 'customary use'.

³⁴ WWF

³⁵ Swap 'legal' and 'sustainable' and lead with sustainable as the primary focus, HR in Biodiversity Report, Feb 2020

³⁶ Forest Peoples Programme

³⁷ International Indigenous Forum on Biodiversity and Global Youth Biodiversity Network

³⁸ Forest Peoples Programme

- Trends in customary sustainable use of wild flora and fauna.³⁹
- Data source: trends could be monitored by IPLC and practices reported in LBO reports
- Number of Parties adopting policies and action plans on customary sustainable use⁴⁰

Target 5

By 2030, manage, and where possible control pathways for the introduction of invasive alien species, [50%] reduction in the rate of new introductions, and eradicate or control invasive alien species to eliminate or reduce their impacts, including in at least [50%] of priority sites **and indigenous lands and territories where such species are a threat⁴¹ | taking into account Indigenous Peoples' uses.**⁴²

Indicator(s)

- Include 'by indigenous peoples and local communities where on their jurisdictions/ lands and territories' in proposed indicators

Target 6

Reduce by 2030, pollution from excess nutrients, biocides, plastic waste and all other sources by at least [50%], **prioritizing pollutants that impact on groups in vulnerable situations⁴³, such as women, children, and Indigenous peoples and local communities.**⁴⁴

Indicator(s)

- Mortality rate attributed to household and ambient air pollution (SDG 3.9.1)
- Mortality rate attributed to unsafe water, unsafe sanitation and lack of hygiene (exposure to unsafe Water, Sanitation and Hygiene for All (WASH) services) (SDG 3.9.2)
- Mortality rate attributed to unintentional poisoning (SDG 3.9.3)
- Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in

39 WWF and Global Youth Biodiversity Network

40 Global Youth Biodiversity Network

41 WWF

42 Tebtebba w support from Grenada, WWF also raises the risks posed by invasive species "invasive species could represent serious threats to indigenous territories and increase their vulnerability and resilience hence also potentially pose risks for food security"

43 'in vulnerable situations' is suggested instead of people 'with specific vulnerabilities', to underscore vulnerability can be a transient state. Fundación Ambiente y Recursos Naturales (FARN), and also drawn from OHCHR Key Messages on Human Rights and Biodiversity, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/35407/KMBio.pdf>

44 CBD Women Caucus

transmitting information as required by each relevant agreement (SDG 12.4.1)⁴⁵

Target 7

By 2030, increase contributions to climate change mitigation adaptation and disaster risk reduction from nature-based solutions⁴⁶ and ecosystems-based approaches⁴⁷, ensuring resilience and minimizing any negative impacts on biodiversity and people |and indigenous peoples and local communities.⁴⁸

Indicator(s)

- Include monitoring element about avoiding or minimizing impacts on IPLCs (e.g. UNFCCC MRV system)⁴⁹
- Number of deaths, missing persons and directly affected persons attributed to disasters per 100,000 population (SDG 13.1.1)⁵⁰
- Conflict-related deaths per 100,000 population, by sex, age and cause (SDG 16.1.2)

Target 8

By 2030, ensure benefits, including nutrition, food security-sovereignty⁵¹, livelihoods, health and well-being, for people, especially those in vulnerable situations⁵², including through customary sustainable and management of wild species of fauna and flora⁵³

Note: The target focuses on benefits for people living in the most vulnerable circumstances, and nutritional, livelihood and other benefits from the active management of wild species. This is very close to customary sustainable use.

Indicator(s)

- Trends in the practice of traditional occupations (COP decision X.43)⁵⁴
- Trends in securing land and resources of IPLCs (Note: operationalization of T20 in relation to rights to resources)⁵⁵

45 CBD Women Caucus – all pollution related indicators under T6

46 First reference of Nature based Solutions. Note the need to integrate culture: 'nature and culture based solutions': International Indigenous Forum on Biodiversity, WWF; Nature based solutions are not self-executing, and need relevant knowledge to be applied, e.g. culture-based and human rights approach alongside it. Forest Peoples Programme.

47 EBA is preferred over NbS: Fundación Ambiente y Recursos Naturales (FARN); EBA also aligned with accepted CBD language

48 International Indigenous Forum on Biodiversity proposal supported by Norway in OEWG 2. 'and people' allows safeguards in any NbS discussion.

49 Forest Peoples Programme

50 CBD Women Caucus

51 Tebtebba: Food sovereignty was proposed by International Indigenous Forum on Biodiversity for zero draft target 6 and supported by Norway during OEWG 2

52 "Those facing situations of vulnerability" Fundación Ambiente y Recursos Naturales (FARN)

53 Tebtebba

54 Forest Peoples Programme

55 Forest Peoples Programme

- Trends in practice of active management of wild species, including through customary sustainable use as captured by CBMIS, e.g. Trends in the practice of traditional occupations
- Trends in use of customary practices (ICCAs, LMMAs) to manage aquatic and terrestrial wild species⁵⁶
- Proposal for additional monitoring element and indicator, to ensure that benefits from sustainable use are accruing “especially for the most vulnerable”⁵⁷
- Indicator on IPLCs’ food security, nutrition and livelihoods⁵⁸
- Number of countries with action taken to accelerate gender equality and rural women’s economic empowerment (UN Decade on Family Farming)

Target 9

By 2030, support the productivity, sustainability and resilience of biodiversity in agricultural and other managed ecosystems, **including Indigenous-managed ecosystems**⁵⁹ through conservation and sustainable use of such ecosystems, **safeguarding traditional practices**⁶⁰ and reducing productivity gaps by at least [50%].⁶¹

Indicator(s)⁶²

- SDG indicator 1.4.2 land tenure: 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 tenure⁶³
- CBD indicator: Trends in land-use change and land tenure in the territories of IPLCs (COP decision X.43)⁶⁴
- SDG Indicator 2.4.1 (*Proportion of agricultural area under productive and sustainable agriculture*)⁶⁵
- Trends in the practice of traditional occupations (COP decision X.43)
- Trends in the practice and legal recognition of traditional agriculture

56 WWF

57 WWF

58 Forest Peoples Programme

59 Tebtebba

60 WWF

61 The focus on productivity remains ambiguous and could potentially threaten resilience and sustainability. Reference to indigenous food systems should be added. WWF

62 Forest Peoples Programme: SDG indicators 2.3, 2.4 and 2.5 are highly relevant for customary sustainable use and data generated for relevant indicators under this target need to be disaggregated for IPLCs and monitored through CBMIS. See Annex a.

63 Forest Peoples Programme, repeated from T1

64 Forest Peoples Programme

65 WWF

- Areas under agroecological approaches, including agro-forestry and other highly sustainable practices⁶⁶
- 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 (SDGs 5.a.1 (a))⁶⁷
- Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control (SDGs indicators 5.a.2)
- Average income of small-scale food producers, by sex and indigenous status (SDG indicator 2.3.2)
- Percent of indigenous community members that participate and are employed in traditional and subsistence activities (FAO)
- Cultural Well-being and Cultural Vitality – cultural vitality index for indigenous and local knowledge⁶⁸
- Volume of production per labour unit by classes of farming/pastoral/forestry enterprise size (SDG indicator 2.3.1)
- Average income of small-scale food producers, by sex and indigenous status (SDG indicator 2.3.2)
- Proportions of positions in national and local institutions, including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups (SDG indicator 16.7.1)
- Proportion of population who believe decision- making is inclusive and responsive, by sex, age, disability and population group (SDG indicator 16.7.2)

Target 10

By 2030, ensure that nature-based solutions **and ecosystem-based approaches**⁶⁹ contribute regulation of air quality, hazards and extreme events and quality and quantity of water for ~~at least [XXX million]~~ **all people, prioritizing those in vulnerable situations.**⁷⁰

Indicator(s)

- Indicators regarding NbS need consistency (safeguards, integration of culture, etc. ref. T7)

⁶⁶ WWF

⁶⁷ CBD Women Caucus (and all that follow this one under T9)

⁶⁸ Arctic Social Development Index

⁶⁹ Aligns with CBD text

⁷⁰ NbS require safeguards, cross-reference with T7

Target 11

By 2030, increase benefits from biodiversity and green/blue spaces for human health and wellbeing, including the proportion of people with access to such spaces by at least [100%], especially for urban dwellers.

Indicator(s)

- Disaggregation of data for women, for indigenous peoples and for local communities.⁷¹
- Squared meters of public/free access green/blue spaces per inhabitant/minimum distance from public/free access green/blue spaces per cities⁷²
- Urban biodiversity inventories (e.g. georeferenced native trees)⁷³

Target 12

By 2030, increase by [X] benefits shared for the conservation and sustainable use of biodiversity through ensuring access to and the fair and equitable sharing of benefits arising from utilization of genetic and biological⁷⁴ resources, ecosystem services and associated traditional knowledge based on free, prior and informed consent⁷⁵.

Indicator(s)

- Number of countries with policy framework for appropriate recognition and protection of traditional knowledge systems⁷⁶
- Trends in access to biological resources and associated traditional knowledge
- Trends in National policies, laws, programmes and projects supporting access and benefit-sharing provisions with IPLCs
- Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control (SDGs indicators 5.a.2)⁷⁷

New indicators related to trends in access to biological resources and associated traditional knowledge:

- Number of national policies, laws and administrative measures with provisions

⁷¹ International Indigenous Forum on Biodiversity; Forest Peoples Programme; etc.

⁷² Fundación Ambiente y Recursos Naturales (FARN)

⁷³ Fundación Ambiente y Recursos Naturales (FARN)

⁷⁴ Argentina, Brazil, Uganda (on behalf of AU) Mexico and Colombia all support widening genetic resources, through 'in any form, including ecosystem services' or similar language

⁷⁵ 'free, prior and informed consent' prior to the use of indigenous and local knowledge, aligns with the provisions and related guidance of CBD Article 8(j)

⁷⁶ WWF

⁷⁷ CBD Women Caucus

supporting access and benefit-sharing arrangements with IPLCs

- Number of countries respecting and recognising community protocols
- Number of contractual agreements with IPLCs for use of TK associated with genetic resource (potentially also monetary benefits shared with IPLCs (NJ))
- Number of ethical bio-trade contracts made with IPLCs and/or ABS contracts or terms of agreement⁷⁸
- Numbers of Payment for Environmental Services (PES) agreements with IPLCs

Target 13

By 2030, integrate **diverse** biodiversity and **cultural**⁷⁹ values into policies, regulations, planning, development processes, poverty reduction strategies and accounts at all levels, ensuring that biodiversity values are mainstreamed across all sectors and integrated into assessments of environmental, **cultural, social and human rights**⁸⁰ impacts.

Indicator(s)

- Amend all proposed indicators to refer to 'biological and cultural diversity'
- Number of countries which incorporate cultural values in policies and regulations, including in strategic environmental assessments and environmental impact assessments.⁸¹
- Tenure security is recognized as a necessary factor in enabling sustainable natural resource management and eradicating poverty. We propose an indicator on secure tenure rights to land: "the 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 Indicator 1.4.2)⁸²
- Proportion of seats held by women in (a) national parliaments and (b) local governments (SDG indicator 5.5.1)⁸³

78 Natural Justice

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

80 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

81 Forest Peoples Programme

82 WWF

83 CBD Women Caucus

Target 14

By 2030, achieve reduction of at least [50%] in negative impacts on biodiversity by ensuring production practices and supply chains are sustainable and equitable⁸⁴ and respect human rights⁸⁵.

Indicator(s)

- In relation to supply chains, human rights due diligence by corporations should be required at all stages of their supply chains, and need to be taken into account.⁸⁶
- Initiatives such as the High Conservation Value Resource Network and the High Carbon Stock Approach need to be incorporated.
- Look at human and environmental rights due diligence and/or national action plans on business and human rights⁸⁷
- Relevant SDGs: 8.a , 9.3 , 9.5 , 9.b , 16.3 , 17.11⁸⁸
- Accountability and long-term compliance mechanisms put in place for governments with regard to serious or irreversible damage to biodiversity⁸⁹
- Number of countries systematically incorporating risk assessment and risk management carried out by independent experts in development projects⁹⁰
- Indicator on Participatory Guarantee System (PGS[1]) could be considered.⁹¹

Target 15

By 2030, eliminate unsustainable and unfair⁹² consumption patterns, ensuring people everywhere understand and appreciate the value of biodiversity biological and cultural diversity, including through transformative education⁹⁴, and thus make responsible choices commensurate with 2050 biodiversity vision, taking into account individual and national cultural and socioeconomic conditions.

84 WWF

85 Natural Justice

86 Forest Peoples Programme

87 Tebtebba

88 Tebtebba

89 Global Youth Biodiversity Network

90 Global Youth Biodiversity Network

91 CBD Women Caucus: "Participatory Guarantee Systems (PGS) are locally focused quality assurance systems. They certify producers based on active participation of stakeholders and are built on a foundation of trust, social networks and knowledge exchange". <https://www.ifoam.bio/our-work/how/standards-certification/participatory-guarantee-systems>

92 Global Youth Biodiversity Network

93 "biological and cultural diversity" – values towards biological diversity are diverse because of cultural diversity. Diverse values of 'good life' was recognized in Target 20 of the original zero draft.

94 Global Youth Biodiversity Network

Indicator(s)

- Trends in demand and access to more environmentally friendly products and support mechanisms for small-scale producers of organic and sustainable products⁹⁵
- Data source: CBMIS can count IPLC plans complementing government plans on Target 15 (data disaggregation)⁹⁶

Target 16

By 2030, establish and implement measures to prevent, manage or control potential adverse impacts of biotechnology on biodiversity and human health, **including socio-economic considerations⁹⁷ and especially with regard to the values of biological diversity to Indigenous Peoples and local communities⁹⁸**, reducing these impacts by [X]

Indicator(s)

- Measures to prevent potential adverse impacts of biotechnology on biodiversity and human health, especially on women, IPLCs, elders and children.⁹⁹
- Percentage of Parties to the Cartagena Protocol implementing the relevant provisions of the Protocol in regard to IPLCs. (data disaggregation)¹⁰⁰
- Consider the mainstreaming of gender in the Cartagena Protocol and the National Biosafety Action Plans. This could serve as an indicator itself to ensure that safety of half of the world's populations health and well-being.¹⁰¹

Target 17

By 2030, redirect, repurpose, reform or eliminate incentives harmful for **biodiversity biological and cultural diversity¹⁰²**, including [X] reduction in **[OR elimination of]¹⁰³** the most harmful subsidies, ensuring that incentives, including public and private economic and regulatory incentives, are either positive or neutral for biodiversity.

Indicator(s)

- Increase in positive incentives directed at local level initiatives, including promoting

95 Global Youth Biodiversity Network

96 Forest Peoples Programme

97 IIFB proposal, supported by the Philippines

98 Text from the Cartagena Protocol, Article 26, para 1.

99 Global Youth Biodiversity Network

100 Forest Peoples Programme

101 CBD Women Caucus, ref. https://portals.iucn.org/union/sites/union/files/doc/gender_and_biosafety.pdf

102 "biological and cultural diversity" to take into account impacts on indigenous peoples and local communities and be consistent with the nature-culture inter-linkage

103 WWF

IPLC contributions, to conservation and sustainable use

- Trends in development of locally focused positive incentives for local actions on biodiversity

Target 18

By 2030, increased by [X%] financial resources from all international and domestic sources, through new, additional, and effective and equitable¹⁰⁴ financial resources commensurate with the ambition of the goals and targets of the framework and implement the strategy for capacity-building and technology transfer and scientific cooperation to meet the needs for implementing the post-2020 global biodiversity framework.

Indicator(s)

- Trends in the mobilization of financial resources, promoting this mobilization to be targeted to vulnerable stakeholders as women, youth and IPLCs, including right's safeguards¹⁰⁵
- Increase recognition of monetary and non-monetary contributions arising from collective actions of IPLCs,
- Increase in direct funding and support for capacity building and technology transfer for IPLCs
- Trends in recognition of monetary and non-monetary contributions arising from collective actions of IPLCs
- Trends in direct funding for IPLCs
- Trends in capacity building with IPLCs
- Trends in technology transfer with IPLCs
- Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment (SDG indicator 5.c.1)¹⁰⁶
- Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control (SDG indicator 5.a.2)

104 Tebtebba: "equitable" proposed to ensure that resources are distribute 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)

105 Global Youth Biodiversity Network (also disaggregated for type of finance)

106 CBD Women Caucus

Target 19

By 2030, ensure that quality information, including traditional indigenous and local¹⁰⁷ knowledge, innovations, practices and technologies of indigenous peoples and local communities with their free, prior and informed consent¹⁰⁸, is available to decision makers and public for the effective management of biodiversity through promoting awareness, education and research.

Indicator(s)

- Trends in availability of biodiversity-related indigenous and local knowledge¹⁰⁹
- Trends in the inclusion of traditional knowledge (ILK) in global, regional and national knowledge platforms (e.g. IPBES, IPCC, UNESCO)¹¹⁰
- Number of global, regional and national knowledge platforms including traditional knowledge in policies, mechanisms and procedures
- Number of countries adopting formal FPIC protocols; number of formally adopted and recognized community protocols (mandated by Nagoya Protocol)¹¹¹
- Data sources: Local Biodiversity Outlook (LBO) on traditional knowledge and practices; ICCA Registry¹¹²
- Trends in linguistic diversity in T19¹¹³

Target 20

Current text edit: By 2030, ensure equitable participation in decision-making, planning, implementation and monitoring related to biodiversity, and ensure rights over relevant land, territories, waters and resources of Indigenous Peoples and local communities, women and girls as well as youth, in accordance with national circumstances.¹¹⁴

New text option 1: By 2030 ensure full and effective participation of women and girls, youth, indigenous peoples and local communities, in decision-making related to the conservation and sustainable use of biodiversity at all levels, and the free, prior, and informed consent of indigenous peoples and local communities in decision-making, ensuring equitable participation and rights over relevant resources, the rights of access to

107 Tebtebba: "indigenous and local" – based on discussion during 11th WG8, wherein language from CBD Article 8(j) and Article 17 was combined, in order to recognize the dynamic nature of knowledge of indigenous peoples and to differentiate it from local knowledge

108 'knowledge, innovations and practices' from Article 8(j), Convention on Biological Diversity

109 FPP also noting 'biodiversity' needs to move to 'cultural and biological diversity' across indicators

110 FPP

111 WWF

112 WWF

113 FPP and CBD Women Caucus: Trends of linguistic diversity and numbers of speakers of indigenous languages (decision VII/30 and VIII/15) and traditional knowledge use should be explicitly added to monitoring element

114 Tebtebba: Deleting "in accordance with national circumstances" makes States obligated to protect rights of indigenous peoples even without national legislation on indigenous peoples' rights

environmental information, public participation and justice in environmental matters.¹¹⁵

New text option 2: By 2030, legal and policy frameworks are developed and implemented to guarantee the human right to a safe, clean, healthy and sustainable environment of current and future generations, to ensure the safety of environmental human rights defenders, to ensure equitable participation in decision-making as well as the rights over relevant resources of indigenous peoples and local communities, women and girls as well as youth.¹¹⁶

Indicator: the number of States that recognize the right to a healthy environment through their constitutions, legislation or as parties to legally binding regional treaties that include the right.

New text option 3: Promote the equitable governance, conservation, sustainable use, and restoration of biodiversity and ecosystems, including through full and effective public participation in decision-making at all levels particularly of indigenous peoples, local communities, women and youth, and secure rights over their lands and resources by 2030.¹¹⁷

Note: Human rights are indivisible. While critical as a target under Means of Implementation, they need to be linked specifically to substantive rights in Goals and Targets.

Participatory rights (as a Means of Implementation) are needed to exercise and realise substantive rights as elaborated by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), Convention for the Elimination of Discrimination Against Women (CEDAW), Rights of the Child, or as defined in international law.

Indicator(s)

To make the text consistent with the text in the target proposed component T20.1 should be divided into two components as follows:¹¹⁸

T20.1 Equitable participation of IPLCs in decision-making related to biodiversity

Re. procedural / participation rights:

- Number of Parties reporting on inclusion of IPLCs in the updating, implementation and monitoring of NBSAPs, and their full and effective participation in the implementation of the post-2020 GBF at all levels
- Number of Parties with designated Focal Point of Art. 8(j) and related provisions

T20.1 bis Full recognition and respect of the rights of IPLCs over relevant resources

¹¹⁵ Global Youth Biodiversity Network, Argentina, International Indigenous Forum on Biodiversity, CBD Women Caucus alternative Target language

¹¹⁶ Swedbio – this text is also proposed as a possible new Goal

¹¹⁷ Submission by ICCA Consortium, Natural Justice, FoE, Resource Africa, International Institute for Environment and Development (IIED) and Women's Caucus at OEWG2

¹¹⁸ FPP: divide substantive and procedural

Re. substantive rights:

Add indicators identified by the Indigenous Navigator monitoring tool with respect to rights of Indigenous Peoples in regard to T20.1 and additional component T20.1(bis):

http://nav.indigenousnavigator.com/images/Documents/Tools/Navigator_UNDRIPIndicators.pdf

Highly relevant to the post2020 goals and targets are indigenous rights pertaining to:

Customary Law (T8, T12); Consultation and free, prior informed consent (T2, T12, T16, T17, T18, T19, T20) Languages (T19); Cultural Integrity (T8, T18, T19, T20); Cultural heritage, traditional knowledge and intellectual property (T16, T19); Land, territories and resources (T1, T2, T7, T8, T9, T14, T16); Environment (T1, T2, T3, T4); Participation in Public Life (T20 and other targets affecting IPLCs); The Right to Food (T8, T9); The Right to Development (T12, T13); Education (T19); Health (T8, T12).

Existing suggested indicators:¹¹⁹

- 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 indicator 1.4.2)
- (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 (SDG indicator 5.a.1)
- Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control (SDG indicator 5.a.2)
- Number of countries where the legal framework (including customary law) improves women's rights to land ownership and/or control; access to other natural resources and productive assets, information, infrastructure, services and markets (UN Decade on Family Farming)
- Proportions of positions in national and local institutions, including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions, by sex, age, persons with disabilities and population groups (SDG indicator 16.7.1)
- Trends in the implementation of the Voluntary Guidance on the Responsible Governance of Tenure (VGGT) FAO¹²⁰

Moving accepted T20 indicators:¹²¹

Given that traditional knowledge is a cross cutting theme, indicators relevant for IPLCs are needed under Goals A, B and C, and associated Targets 1,2,3,4,5,7,8,9,10,11,12, 16 and 18

¹¹⁹ These highlighted are now already in the updated MF, and we hope it can be retained. (CBD Women Caucus)

¹²⁰ CBD Women Caucus ref. <http://www.fao.org/3/a-i2801e.pdf>

¹²¹ Forest Peoples Programme

require data disaggregation for IPLCs and women.

Complementary outcome indicators related to these targets can be monitored through community-based monitoring and information systems (CBMIS) applying the indicators identified in the Indigenous Navigator monitoring tool (see above).

The proposed indicators under Target 20 (land use change, land tenure and traditional occupations) which have been adopted through COP decisions, are better placed as components under Goals A, B and C and associated Targets, and operationalised using human rights-based structural, process and outcome indicators to measure progress in implementation.

Appropriate indicators under Target 20, regarding the recognition of rights of IPLCs, women and youth and their equitable participation in decision-making can be addressed and monitored through community-based monitoring and information systems (CBMIS), as complementary tools to global and national monitoring and reporting. A good example is the Indigenous Navigator which monitors implementation of the UN Declaration on the Rights of Indigenous Peoples, the SDGs and the Outcome Document of the World Conference on Indigenous Peoples.

Proposed additional or replacement Targets

Re: land and environment defenders

XX: Ensure a safe and enabling environment and access to justice for [persons, groups and organisations that promote and defend the environment, and human rights and environmental matters] OR [environmental human rights defenders] with particular attention to indigenous peoples, local communities and women, reducing attacks on defenders year on year.¹²²

Re: right to a safe, clean, healthy and sustainable environment

XX: By 2030, legal and policy frameworks are developed and implemented to guarantee the human right to a safe, clean, healthy and sustainable environment and the safety of 'human rights defenders in environmental matters'¹²³ | 'environmental human rights defenders'.¹²⁴

Re: gender equality

XX: Ensure, monitor and report on women and girls':

¹²² Chiang Mai meeting HR in Biodiv

¹²³ Global Youth Biodiversity Network, Natural Justice, supported by Argentina

¹²⁴ 'Environmental human rights defenders' is the term used by the Office of the High Commissioner for Human Rights, see: <https://wedocs.unep.org/bitstream/handle/20.500.11822/35407/KMBio.pdf>

- (i) equal access to biological resources;
- (ii) fair and equitable sharing of benefits from relevant resources; and (iii) women and girls' equal engagement and leadership at all levels of decision-making and governance processes in support of the objectives of the Convention.¹²⁵

Re. overarching human rights as an enabling condition¹²⁶

XX. By 2030, promote enabling conditions and the establishment, implementation and monitoring of appropriate legal and policy frameworks and other measures that:

- (a) Guarantee human rights in the implementation of the Kunming Plan, including the right to a safe, clean, healthy and sustainable environment and access to justice;
- (b) Respect, recognize and integrate the use of traditional knowledge, innovations, practices of Indigenous Peoples and local communities, women, girls and youth; and
- (c) Support and protect environmental human rights defenders.

Means of verification / data sources / additional indicators

This section is a work in progress

Data Disaggregation

One final point before stepping into the key headline messages and the text suggestions: it is important that current and future indicators monitor outcomes for youth, indigenous peoples, local communities, and women separately and in combination and thus data must be disaggregated by age, sex, and indigenous status wherever possible and relevant.

Means of Verification

Community participatory research, data generation and analysis, using such tools such as community cultural mapping, the Indigenous Navigator, (indigenounavigator.com) and Local Biodiversity Outlooks are useful for monitoring community outcomes in regard to global policy goals, for increased transparency and accountability and for ground-truthing satellite information as well as global and national data.¹²⁷

Possible additional cross-references with SDG Indicators

SDG indicators 2.3, 2.4 and 2.5 are highly relevant for customary sustainable use and data

¹²⁵ CBD Women Caucus, in CBD/SBSTTA/24/INF 6 and 17

¹²⁶ Entire additional target: WWF (Nature Positive by 2030)

¹²⁷ Forest Peoples Programme

generated for relevant indicators under this target need to be disaggregated for IPLCs and monitored through CBMIS:

- 2.3 *By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment*
- 2.3.1 *Volume of production per labour unit by classes of farming/pastoral/forestry enterprise size*
- 2.3.2 *Average income of small-scale food producers, by sex and indigenous status*
- 2.4 *By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality*
- 2.4.1 *Proportion of agricultural area under productive and sustainable agriculture*
- 2.5 *By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at the national, regional and international levels, and promote access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed*
- 2.5.1 *Number of plant and animal genetic resources for food and agriculture secured in either medium or long-term conservation facilities*
- 2.5.2 *Proportion of local breeds classified as being at risk, not-at-risk or at unknown level of risk of extinction.*