

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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RECOMMENDATIONS TO PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY ON THE MONITORING OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

Ahead of the meetings of the Convention on Biological Diversity's Subsidiary Body on Scientific, Technical and Technological Advice, and the Subsidiary Body on Implementation, in May 2024 in Nairobi, Amnesty International is making a set of recommendations to parties to the Convention. These concern the proposed monitoring framework for the Kunming-Montreal Global Biodiversity Framework (KMGBF), which was agreed in Montreal in December 2022, at the 15th Conference of Parties of the CBD.¹ They have the objective of ensuring that the monitoring process fully respects the rights of all those who live on lands affected by biodiversity conservation initiatives, including the rights of Indigenous Peoples to their lands and territories, to self-determination, and to consultation and free, prior and informed consent, as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. The organization previously made recommendations for the content of the KMGBF, which can be found at the link in the footnote.²

The Kunming-Montreal Global Biodiversity Framework sets ambitious targets for the conservation of nature, with a set of specific targets to be reached by 2030 and a more ambitious vision to be realized by 2050. States are expected to submit regular reports to the Convention on Biological Diversity (CBD) Secretariat on what they have achieved in reaching these targets; the monitoring framework lays out how they should measure their progress. Given that the peoples and communities who live in areas which are targeted by measures to improve and protect biodiversity have in many cases experienced human rights violations, the KMGBF sets out a number of safeguards that must be respected in this context. The Nairobi meetings will aim to make significant progress towards finalizing the monitoring framework, in preparation for its anticipated adoption at the 16th Conference of Parties in Cali, Colombia in October 2024.

HOW THE CURRENT PROPOSALS FAIL TO FULLY PROTECT HUMAN RIGHTS

Amnesty International currently has several concerns that current proposals for the monitoring of the Kunming-Montreal Global Biodiversity Framework would fail to adequately protect human rights. These include:

- Target 3 of the KMGBF recognizes Indigenous and traditional territories as a pathway to conservation, which is separate from state-managed initiatives, namely protected areas and 'other effective area-based conservation measures'. A considerable body of evidence indicates that overall, Indigenous Peoples and local communities are more effective nature conservators than states; they often reject being brought under state-led conservation programmes due to the human rights violations that in many cases result from state control.³ They must be able to effectively participate in decision-making with regard to conservation initiatives, and Indigenous Peoples, in line with the right to self-determination, must be able to freely decide what happens on their lands. Currently, the guidance for monitoring Target 3 fails to recognize Indigenous and traditional territories as a separate pathway to conservation, and to track them as such.
- The current headline indicator for Target 3 – the most important element of the monitoring framework – merely requires states to identify the surface area of their territory devoted to the various categories of area-based conservation. This fails to capture the other elements required in Target 3 – for example the respect for human rights of those occupying such areas, their participation in conservation, and the quality of conservation.

¹ Decision adopted by the Conference of the Parties to the Convention on Biological diversity, 15/4. Kunming-Montreal Global Biodiversity Framework, CBD/COP/DEC/15/4, 19 December 2022, available at <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>.

² Amnesty International, Recommendations to States ahead of COP 15 (Convention on Biological Diversity), IOR 40/6162/2022, available at <https://www.amnesty.org/en/documents/ior40/6162/2022/en/>

³ J A Oldekop, G Holmes, W E Harris, K L Evans, "A global assessment of the social and conservation outcomes of protected areas", Conservation Biology, 2016 Feb;30(1):133-41.

- Indigenous Peoples and local communities have proposed four traditional knowledge indicators, covering trends in linguistic diversity; trends in land-use change and land tenure; trends in the practice of traditional occupations; and trends in how traditional knowledge is respected through policies and participation in conservation. These indicators are vital to the effective monitoring of KMGBF, but are not, as yet, included.
- Regarding the as yet to be filled gap regarding a headline indicator for Target 22, this target is fundamental for the safeguarding of human rights within the KMGBF. It sets a range of requirements for respecting the human rights of all people impacted by conservation measures, including protection and promotion of cultural rights, participation in decision-making, gender equality, access to justice, respect for traditional knowledge, rights to lands and resources, and the protection of environmental human rights defenders.

RECOMMENDATIONS

In order to remedy these gaps and shortcomings, Amnesty International makes the following recommendations to parties of the CBD:

- The guidance and indicators for the monitoring of Target 3 must recognise that Indigenous and traditional territories are a separate pathway to conservation and allow for them to be monitored and tracked accordingly within the disaggregation of this target.
- The headline indicator for Target 3 should be modified to ensure that only those area-based conservation initiatives that fully respect the rights of all those who live in such areas, including the rights of Indigenous Peoples, and in particular the right to free, prior and informed consent, can be included as part of states' reporting on this target; states should be required to submit substantive information to support this.
- Two of the proposed traditional knowledge indicators – on land tenure and use, and on participation in decision-making, should be included as component indicators in Targets 3 and 22, to support the input of data to these targets in order to ensure that conservation happens in accordance with the KMGBF human rights safeguards, and broader international human rights law.
- All four traditional knowledge indicators should be mainstreamed across the monitoring framework, in order to inform both the reporting on the KMGBF targets under Section H, and the broader human rights safeguards included in Section C.
- For Target 22, the headline indicator must capture all of the elements in square brackets under “proposed indicator text” in the document CBD/SBSTTA/REC/25/1.⁴ If necessary, more than one headline indicator could be used, given the complexity of elements captured by this target. In addition, as part of the monitoring framework, states should be required to respond to all the binary indicator questions listed in that document. Where they have responded that they do have legislation, policies, frameworks, and funding in place in response to the relevant questions, they should be required to submit substantive information demonstrating how they have done this.
- To support the implementation of the Framework, and in accordance with the recommendation from the Ad Hoc Technical Expert Group on Indicators for the KMGBF, states must ensure that the monitoring framework provides for “[a] full mapping of the relevant rights of all people, including those specifically identified in the KM-GBF such as Indigenous Peoples and Local Communities, women and girls, youth and children, environmental human rights defenders, and persons with disabilities.”⁵
- In order to strengthen accountability and transparency, organizations representing and/or working in allyship with Indigenous Peoples and local communities, must be facilitated to submit their own reports to the Convention on Biological Diversity Secretariat, assessing achievements and failings of states in the implementation of KMGBF. A mechanism should be created whereby the Secretariat and states parties consider these as part of the monitoring framework, address allegations of human rights harms and propose remedies.

⁴ Recommendation adopted by the Subsidiary Body on Scientific, Technical and Technological Advice on 19 October 2023, 25/1: Monitoring framework for the Kunming-Montreal Global Biodiversity Framework, available at <https://www.cbd.int/doc/recommendations/sbstta-25/sbstta-25-rec-01-en.pdf>, p 12.

⁵ Guidance on using the indicators of the monitoring framework of the Kunming-Montreal Global Biodiversity Framework, CBD/SBSTTA/26/INF/14, 4 April 2024, p 21.