

ACCESS TO JUSTICE UNDER THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK (GBF)

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GBF was adopted by the Parties to the Convention on Biological Diversity at COP 15 in December 2022.

GBF seeks to halt and reverse biodiversity loss (conserve 30% of the world's land and 30% of the world's oceans by 2030).

Vision - A world of living in harmony with nature where by 2050, biodiversity is valued, conserved, restored and wisely used...

Mission - For the period up to 2030, to take urgent action to halt and reverse biodiversity loss to put nature on a path to recovery for the benefit of people and planet...

I. INTRODUCTION – Vision, mission, goals and targets of the GBF



The GBF has four long-term goals for 2050 related to the 2050 Vision for Biodiversity, and 23 global targets for urgent action over the decade to 2030.



Actions to reach these targets should be taken by Governments, and subnational and local authorities, with the involvement of all of society.




It is expected that these will contribute to the achievement of the three objectives of the CBD, i.e., conservation of biodiversity; sustainable use of the components of biodiversity; and the fair and equitable sharing of the benefits arising from the use of genetic resources.

INTRODUCTION – Vision, mission, goals and targets of the GBF (Cont.)

- Target 22 of the GBF reads as follows:
- Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.
- There are five main elements in Target 22.

II. ACCESS TO JUSTICE UNDER THE GBF



ACCESS TO JUSTICE UNDER THE GBF (Cont.)

1. Ensuring the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making of indigenous peoples and local communities (IPLCs) in matters related to biodiversity;
2. Ensuring the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making of women and girls, children and youth, and persons with disabilities, in matters related to biodiversity;
3. Providing access to justice and information related to biodiversity to IPLCs, women and girls, children and youth, and persons with disabilities;
4. Respecting the cultures and rights of IPLCs over their lands, territories, resources, and traditional knowledge; and
5. Ensuring the full protection of environmental human rights defenders (EHRDs).


ACCESS TO JUSTICE UNDER THE GBF (Cont.)

Third element applies here, i.e. ,ensuring access to justice in biodiversity related matters for IPLCs, women and girls, children and youth, and persons with disabilities. It also applies to EHRDs as the Target refers to their protection.

Access to justice enables people to exercise their rights, challenge discrimination or hold decision-makers accountable.

Therefore, access to justice and human rights are interconnected.

Most importantly, GBF provides for a **human rights-based approach** to its implementation and acknowledges the **human right to a clean, healthy and sustainable environment** in line with UNGA and UNHRC resolutions.



ACCESS TO JUSTICE UNDER THE GBF (Cont.)

A healthy environment is a necessary precondition for the effective enjoyment of many other human rights, e.g., rights to life, food, health. As more habitats are degraded or lost and species become extinct, human rights impacts increase significantly.

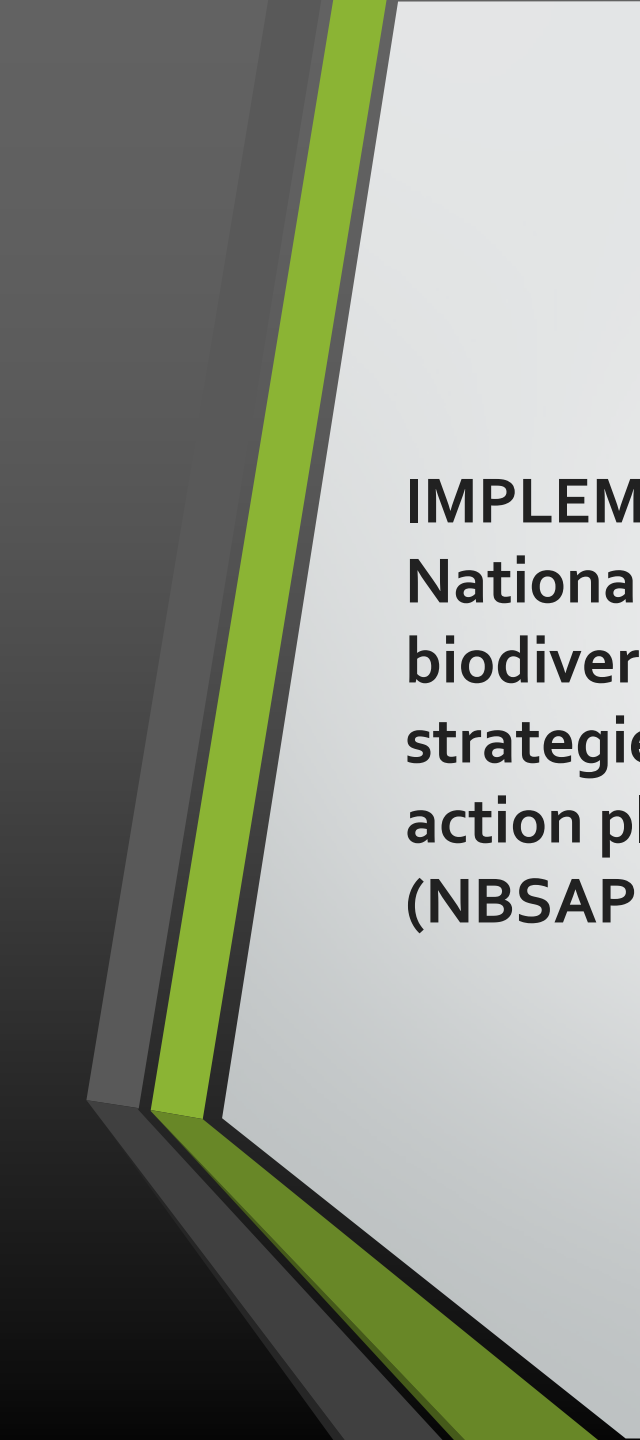
The human rights harms associated with biodiversity loss disproportionately fall on those who depend directly on nature, and those who are already in vulnerable situations.

Thus, access to justice is closely linked to the human rights challenges faced by the vulnerable groups identified in GBF Target 22 (IPLCs, women and girls, children and youth, persons with disabilities and EHRDs). EHRDs play an essential role in safeguarding the environment and human rights.

Therefore, a human rights-based approach to biodiversity planning aims to address inequality and discrimination.

III. IMPLEMENTATION - National biodiversity strategies and action plans (NBSAPs)

- COP decision 15/6 - NBSAPs implement the CBD at the national level and national reports are the main instrument for monitoring and reviewing the implementation of the CBD and the GBF.
- Thus, COP 15 adopted an enhanced multidimensional approach to planning, monitoring, reporting and review, comprising, inter alia:
 - NBSAPs, revised or updated in alignment with the GBF and its goals and targets.
 - Submission of national reports including indicators in the GBF monitoring framework.
 - Global analysis of NBSAPs and review of collective progress in the implementation of the GBF, based on national reports.



IMPLEMENTATION - National biodiversity strategies and action plans (NBSAPs) – Cont.

- COP decision 15/6, Annex I, contains guidance for revising or updating NBSAPs to align with the GBF. The guidance states, inter alia, that NBSAPs:
 - are an umbrella process for national targets and actions relevant to the GBF;
 - are the main instrument for Parties to communicate their contribution to the GBF;
 - involve all government sectors, stakeholders, IPLCs, women and youth across society to ensure that the concerns of different actors are addressed; and
 - promote synergies and planning across other MEAs.
- Annex I also contains a detailed template for submission of national targets as part of NBSAPs towards the implementation of the GBF.

IV. INTEGRATION OF ACCESS TO JUSTICE (TARGET 22) IN NBSAPs

UN Environment Management Group developed a guidance document on integrating human rights in NBSAPs, in readiness for the adoption of the GBF.

Parties are invited to consider this guidance when developing their NBSAPs for the implementation of the GBF. Integrating the right to access to justice in NBSAPs includes:

- Establishing effective, accessible and appropriate complaints mechanisms and remedies at the national level, including legal remedies.
- Guaranteeing access to justice and effective remedy for persons, groups and peoples in vulnerable situations; and
- Ensuring accountability and effective remedy for biodiversity-related human rights harms.

IV. INTEGRATION OF ACCESS TO JUSTICE (TARGET 22) IN NBSAPs (Cont.)

- Examples of integration of the right to access to justice for specific vulnerable groups include:
- For IPLCs:
 - Respect, protection and fulfilment of the rights of IPLCs when taking biodiversity action.
 - Guaranteeing the rights of IPLCs to their lands, resources and territories.
 - Prohibiting conservation measures that forcibly displace Indigenous Peoples.
- For EHRDs:
 - Ensuring action against threats to the life or wellbeing of EHRDs and access to justice and effective remedy when violations occur.
 - Providing for effective investigations and prosecution of those responsible for violence and intimidation against EHRDs.

V. OTHER ROLES IN THE IMPLEMENTATION OF THE GBF

Some actors identified by
COP in decision 15/6
include:

Parties and other
Governments and all other
relevant organizations:

- Provide financial and technical support for GBF implementation especially for LDCs and SIDS.

International, regional,
subregional or national
organizations:

- Support countries in the updating and revision of NBSAPs and the preparation of national reports.

Donors, Governments and
multilateral and bilateral
agencies:

- Provide funds to support planning, monitoring, review and reporting for the implementation of the GBF.

Executive Secretary:

- Overall secretariat support/coordination; conduct a strategic review and analysis of the programmes of work of the Convention in the context of the GBF to facilitate its implementation.

VI. CONCLUSION

- The right to access to justice for IPLCs, women and girls, children and youth, persons with disabilities and EHRDs in Target 22, coupled with the GBF human rights-based approach, is a fundamental step towards ensuring that these vulnerable groups can effectively exercise their rights, challenge discrimination or hold decision-makers accountable, in biodiversity related matters.
- Significant efforts from all levels of government and society are required for Target 22 implementation, including capacity-building and resources.
- CBD Secretariat is looking forward to collaboration with the processes under the Aarhus Convention, and other similar multilateral processes, to assist governments and communities understand and implement the access to justice element of Target 22.

End of
presentation

THANK YOU