



# SELLING NATURE OR PROTECTING RIGHTS?

## A RIGHT TO FOOD PERSPECTIVE ON THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

### 1|

The FAO defines agricultural biodiversity as “the variety and variability of animals, plants, and micro-organisms that are used directly or indirectly for food and agriculture, including crops, livestock, forestry, and fisheries. It comprises the diversity of genetic resources (varieties, breeds) and species used for food, fodder, fibre, fuel, and pharmaceuticals. It also includes the diversity of non-harvested species that support production (soil micro-organisms, predators, pollinators), and those in the wider environment that support agro-ecosystems (agricultural, pastoral, forest, and aquatic) as well as the diversity of the agro-ecosystems.” Please see: FAO (1999). Agricultural Biodiversity, Multifunctional Character of Agriculture and Land Conference, Background Paper 1. Available at: <https://silos.tips/download/background-paper-1-agricultural-biodiversity>. In 2019, FAO released the first global assessment of biodiversity for food and agriculture, stating that “many key components of biodiversity for food and agriculture at genetic, species, and ecosystem levels are in decline”. FAO (2019). The State of the World’s Biodiversity for Food and Agriculture. Available at: [www.fao.org/3/CA3129EN/CA3129EN.pdf](http://www.fao.org/3/CA3129EN/CA3129EN.pdf).

### 1. Introduction

The rapid loss of biodiversity across nearly all wild and managed ecosystems is one facet of the profound ecological crisis the world is facing. Its scale is extensively documented and calls for urgent and comprehensive action. In December 2022, states parties to the Convention on Biological Diversity (CBD) agreed to the Kunming-Montreal Global Biodiversity Framework (KMGBF), which is supposed to serve as a global plan to protect biodiversity. This paper provides an overview and brief analysis of this framework from a human right to adequate food and nutrition (RtFN) and food sovereignty perspective.

Among many other functions, biodiversity is critical for the sustainable production of healthy and culturally appropriate food and thus the realization of RtFN. We are facing a steep decline both in biological diversity in general, and in agricultural biodiversity, which encompasses all organisms that contribute to food and agriculture – i.e. both the biological diversity directly associated with crop cultivation and animal rearing, as well as those organisms that contribute to the healthy functioning of agricultural ecosystems as a whole.<sup>1</sup> According to the United Nations Food and Agriculture Organization (FAO), 75% of plant genetic diversity has been lost since the beginning of the

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FAO (2005). Building on Gender, Agrobiodiversity and Local Knowledge. Available at: [www.fao.org/3/a-y5956e.pdf](http://www.fao.org/3/a-y5956e.pdf).

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FAO (2019) and Muir C. 2014. The Broken Promise of Agricultural Progress: An Environmental History.

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FIAN International (2020). The Rights to Biodiversity and Seeds. UNDROP Series. Available at: [www.fian.org/files/files/Andrea\\_20201211\\_Papers\\_4\\_Seeds\\_v2.pdf](http://www.fian.org/files/files/Andrea_20201211_Papers_4_Seeds_v2.pdf).

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Please see: Seufert, P. and Monsalve Suárez, S. (2022). "ETOs and biodiversity: A right to food perspective on the intersection of human rights and environmental law." In Gibney, M., Erdem Türkelli G., Krajewski, M., Vandenhoe W. (Eds.) The Routledge Handbook on Extraterritorial Human Rights Obligations.

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Please see: Maastricht Principles on the Human Rights of Future Generations. Available at: [www.etoconsortium.org/en/principles-on-the-human-rights-of-future-generations](http://www.etoconsortium.org/en/principles-on-the-human-rights-of-future-generations).

20th century, as farming communities worldwide have abandoned their local seeds for genetically uniform varieties.<sup>2</sup> Today, out of 6,000 plant species that have been cultivated for food, just nine account for 66% of total crop production. In addition, 90% of cattle reared in the Global North originate in only six breeds and 20% of livestock breeds are at risk of extinction.<sup>3</sup>

Agricultural biodiversity is the result of the interplay of cultural and biological diversity across all ecosystems over thousands of years. Throughout the world, peasants, Indigenous Peoples, and other small-scale food producers and communities have developed their own distinct systems to conserve, manage, nurture, and further develop their seeds and breeds. These seed and management systems are inextricably linked to ancient and traditional knowledge that is intrinsically collective, passed down from one generation to the next, and continuously enriched through peasants' and Indigenous Peoples' innovations. Therefore, the conservation and sustainable use of biodiversity is critical for the respect, protection, and fulfilment of the rights of Indigenous Peoples, peasants and other small-scale food producers. At the same time, realizing these rights contributes to biodiversity protection. Accordingly, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) contain specific provisions regarding biodiversity.<sup>4</sup>

Biodiversity protection is undoubtedly a human rights issue, thus requiring states to comply with their obligations under international human rights and environmental law. Given that biodiversity is a commons and goes beyond national borders, it also relates to states' extraterritorial obligations (ETO).<sup>5</sup> Finally, conserving biodiversity and ensuring its sustainable use is central to the respect, protection, and fulfilment of the rights of future generations.<sup>6</sup>





## 2. The Kunming-Montreal Global Biodiversity Framework at a Glance

### 2.1 FROM THE CBD TO THE AICHI TARGETS AND THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

The KMGBF provides guidance to states parties to the CBD on how to implement their obligations by establishing priorities for action to address biodiversity loss. Except for the USA and the Vatican, all UN member states are parties to the CBD. The KMGBF replaces the so-called Aichi Targets, a set of twenty targets that were adopted by the 10th CBD Conference of the Parties (COP) in 2010, to be implemented by 2020. Notably, none of the Aichi Targets was achieved according to the fifth Global Biodiversity Outlook Report, which was published by the CBD Secretariat in August 2020.<sup>7</sup>

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CBD (2020). Global Biodiversity Outlook 5. Available at: <https://www.cbd.int/gbo5>.

The process to develop the KMGBF was delayed by the COVID-19 pandemic. While its adoption was initially foreseen for 2020 at a COP in Kunming, China, it was eventually adopted at the 15th CBD COP in Montreal, Canada. Several rounds of consultations and negotiations preceded the adoption, including negotiations in an open-ended working group (OEWG) and deliberations in the CBD's subsidiary bodies, particularly the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTA).

- The KMGBF was formally adopted by the CBD COP 15 on December 18, 2022 via Decision 15/4. This decision contains the actual Global Biodiversity Framework in its annex. The KMGBF consists of four parts:
- An introductory section, which explains the KMGBF's background and purpose, contains considerations for the implementation of the framework,

clarifies its relationship with the 2030 Agenda for Sustainable Development, puts forward a theory of change, and contains a “2050 Vision and 2030 mission”;

- A set of four Goals to be achieved by 2050, which build on the CBD’s 2050 Vision for Biodiversity and are based on the CBD’s three objectives, plus one Goal on implementation;
- 23 Targets to be achieved by 2030, which are organized under three headers:
  1. Reducing threats to biodiversity;
  2. Meeting people’s needs through sustainable use and benefit-sharing;
  3. Tools and solutions for implementation and mainstreaming.
- A concluding section containing provisions for the KMGBF’s implementation and support mechanisms, responsibility and transparency, and communication, education, awareness and uptake.

The CBD COP Decision 15/4 states that the KMGBF “should be used as a strategic plan for the implementation of the Convention and its Protocols, its bodies and its Secretariat over the period 2022–2030”.<sup>8</sup> The KMGBF further states that it “aims to catalyze, enable and galvanize urgent and transformative action by Governments, and subnational and local authorities, with the involvement of all of society to halt and reverse biodiversity loss”,<sup>9</sup> specifying that it “aims to guide and promote at all levels the revision, development, updating, and implementation of policies, goals, targets, national biodiversity strategies and actions plans, and to facilitate monitoring and review of progress at all levels, in a more transparent and responsible manner.”<sup>10</sup>

8 | CBD COP Decision 15/4, para 8. Available at: [www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf](http://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf).

9 | KMGBF, para. 4.

10 | *Ibid.* para. 5.



### A "PARIS AGREEMENT FOR BIODIVERSITY?"

The KMGBF has sometimes been compared to the Paris Agreement on Climate Change, but such a comparison is misleading. The KMGBF is not an international treaty but a decision of the CBD COP. The main source of international law in the context of biodiversity remains the CBD, which places binding obligations on its parties. While CBD COP Decision 15/4 creates requirements for parties to comply with its implementation, the KMGBF is in no way a substitute for the CBD.

The attention that the KMGBF receives and the expectation that most biodiversity funding will now be directed to its implementation raises concerns that this may distract from the urgent implementation of the CBD. Civil society representatives who participated in the CBD negotiations pointed out that

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Faizi, S. (2004). 'The unmaking of a treaty: The convention on biological diversity', *Radical Philosophy* 126, Jul/Aug 2004. Available at: [www.radicalphilosophy.com/news/the-unmaking-of-a-treaty](http://www.radicalphilosophy.com/news/the-unmaking-of-a-treaty).

developing countries succeeded in achieving major concessions from rich nations. The result is a fairly balanced Convention, but ever since its adoption, countries from the Global North have carefully avoided implementing some of its articles, while cherry-picking others.<sup>11</sup> The KMGBF also prioritizes some CBD provisions and is intrinsically tied to the 2030 Agenda for Sustainable Development, which is why it is important to keep referring to the CBD as the main source of state obligations in the context of biodiversity.

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CBD, Arts. 6, 10a and 26. For more information, please see: [www.cbd.int/nbsap/introduction.shtml](http://www.cbd.int/nbsap/introduction.shtml).

## 2.2 THE CHALLENGE OF ACCOUNTABILITY

Any agreement is only as strong as its mechanisms of implementation and oversight. The main enforcement mechanisms of the CBD are the National Biodiversity Strategies and Action Plans (NBSAPs). Monitoring is based on mandatory reporting by states on measures taken to implement CBD provisions and their effectiveness in meeting the overall objectives.<sup>12</sup>

The KMGBF has its own yet-to-be-finalized monitoring framework with indicators. The KMGBF recognizes that the NBSAPs are “the main vehicle for implementation of the framework, including national targets communicated in a standardized format”,<sup>13</sup> but foresees the following additional accountability mechanisms:

- national reports based on the KMGBF monitoring framework;
- global analysis of information in NBSAPs;
- a global review of collective progress on the implementation of the KMGBF;
- voluntary peer reviews;
- “Further development and testing of an open-ended forum for voluntary country reviews”;
- information on non-state actor commitments towards the KMGBF, as applicable.

It further stipulates that the mechanisms for planning, monitoring, reporting and review recognize “the specific challenges faced by developing countries and the need for international cooperation to support them,” such as capacity-building and development as well as technical and financial support.<sup>14</sup>

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*Ibid.*, para 18.

15 | CBD COP Decision 15/5 on KMGBF monitoring framework, para. 8. Available at: [www.cbd.int/doc/decisions/cop-15/cop-15-dec-05-en.pdf](http://www.cbd.int/doc/decisions/cop-15/cop-15-dec-05-en.pdf).

16 | *Ibid.*, para. 9.

In a separate decision on the KMGBF monitoring framework (Decision 15/5), the CBD COP 15 established an ad hoc technical expert group (AHTEG), which is mandated to review it and “advise on the further operationalization of the monitoring framework” to the CBD COP 16 in 2024.<sup>15</sup> The decision further requests the CBD’s SBSTTA to “review the outcomes of the Ad Hoc Technical Expert Group on Indicators [...], to complete the scientific and technical review of the monitoring framework and to report its findings for subsequent consideration by the Subsidiary Body on Implementation and by the Conference of the Parties at its sixteenth meeting.”<sup>16</sup>

The KMGBF monitoring framework is thus still under review and will only be finalized by the next CBD COP in 2024. The expert group and subsidiary bodies currently focus on discussing the indicators, based on the existing draft. This document foresees three types of indicators, namely Headline indicators; Component indicators; and Complementary indicators. With a total of more than 300 proposed indicators, the KMGBF monitoring framework is quite comprehensive, although it is worth noting that many of these indicators are taken from existing monitoring initiatives, including the SDG indicators.

17 | KMGBF, para. 17.

18 | *Ibid.*, para. 19.

Although the monitoring framework is still under development, some of the draft indicators raise doubts about whether it will be useful to assess the improvement of biodiversity protection (see section 4.5 of this document). More importantly, however, the CBD COP made it voluntary for states to incorporate the outcomes of review into their NBSAPs and policies,<sup>17</sup> and clarifies that monitoring under the CBD “will be undertaken in a facilitative, non-intrusive, non-punitive manner, respecting national sovereignty, and avoiding placing undue burden on Parties.”<sup>18</sup> It is therefore highly questionable whether the framework will allow for any meaningful accountability of state and non-state actors.





### 3. The Global Biodiversity Framework and the Push Toward a Financialized Bioeconomy

#### 3.1 FINANCIALIZATION OF NATURE

When assessing the KMGBF, it is important to situate it in the context of the currently dominant approaches to biodiversity protection. Two aspects stand out in this regard. Firstly, there is a persistent tendency to conceive of biodiversity and ecosystems as existing separate from human societies. In such a perspective, biodiversity or ‘Nature’ are predominantly seen as functional to human wellbeing and thus the best way to conserve them is to carve out protected areas that exclude human activity. Although the KMGBF mentions some more holistic concepts, such as ‘Mother Earth,’ it is permeated by the perception that ecosystems are both malleable and separate from humanity. Specifically, the KMGBF’s 30x30 Target revives a ‘fortress conservation’ approach, which has proven to lead to systematic violations of people’s and communities’ rights.

Secondly, the KMGBF negotiations were strongly marked by the flawed premise that protecting biodiversity must be turned into a business. Instead of ensuring that industrial and financial activities are regulated to avoid harming people and the planet, the KMGBF seeks to promote financial market mechanisms, which transform the biodiversity crisis into yet another business opportunity.<sup>19</sup> Among many governments, conservation groups and ‘green’/‘blue’ business and financial circles, the current buzzword is ‘nature-based solutions’ (NBS), a term used to describe interventions ranging from reforestation to carbon markets. The concept has a nice ring to it, but it is dangerously ill-defined.<sup>20</sup> In their concrete implementation, NBS mainly take the form of offsetting schemes, which tie the protection of biodiversity in one

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FIAN International, Transnational Institute (TNI), Focus on the Global South (2020). *Rogue Capitalism and the Financialization of Territories and Nature*. Available at: [https://fian.org/files/files/Rogue\\_Capitalism\\_and\\_the\\_Financialization\\_of\\_Territories\\_and\\_Nature\\_\(1\).pdf](https://fian.org/files/files/Rogue_Capitalism_and_the_Financialization_of_Territories_and_Nature_(1).pdf).

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According to the IUCN, “Nature-based Solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.” See [www.iucn.org/theme/nature-based-solutions](http://www.iucn.org/theme/nature-based-solutions). KMGBF Targets 8 and 11 explicitly mention NBS.

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In response to current global social, environmental and economic challenges, governments and corporations are promoting the bioeconomy as a means to use 'renewable' biological resources to replace fossil fuels as well as for food, animal feed, and other bio-based products. While the core objective could be positive, the financialized version of the bioeconomy, which is being promoted, is fundamentally about generating profits from biological processes. For more information, please see Transnational Institute (TNI) (2015). The Bioeconomy: A Primer. Available at: [www.tni.org/files/publication-downloads/tni\\_primer\\_the\\_bioeconomy.pdf](http://www.tni.org/files/publication-downloads/tni_primer_the_bioeconomy.pdf).

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Intrinsic Exchange Group (2022). The solution: An inclusive economy. Available at: [www.intrinsicexchange.com/en/solution](http://www.intrinsicexchange.com/en/solution).

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Although land-use change is recognized by the KMGBF to be the major factor of biodiversity loss, the Organization for Economic and Cooperation and Development (OECD) has projected a rise of the extraction and use of primary materials from 79 gigatonnes today to 167 gigatonnes in 2060. Please see OECD (2018) Global Material Resources Outlook to 2060: Economic Drivers and Environmental Consequences. [www.oecd.org/environment/waste/highlights-global-material-resources-outlook-to-2060.pdf](http://www.oecd.org/environment/waste/highlights-global-material-resources-outlook-to-2060.pdf).

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Transnational Institute (TNI) (2023). Blue Finance: How much debt can the ocean sustain? Implications for coastal fishing communities in South Africa. Available at: [www.tni.org/files/2023-10/Blue\\_Finance\\_WEB.pdf](http://www.tni.org/files/2023-10/Blue_Finance_WEB.pdf). And Third World Network (2021). Beyond the gap: Placing biodiversity finance in the global economy. Available at: [https://twn.my/title2/briefing\\_papers/twn/Beyond%20the%20gap%20TWNBP%20May2021.pdf](https://twn.my/title2/briefing_papers/twn/Beyond%20the%20gap%20TWNBP%20May2021.pdf).

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Open letter by Emmanuel Macron, Mia Mottley, Luiz Inácio Lula da Silva, Ursula von der Leyen, Charles Michel, Olaf Scholz, Fumio Kishida, William Ruto, Macky Sall, Cyril Ramaphosa, Mohamed bin Zayed Al Nahyan, Rishi Sunak and Joe Biden. Available at: [www.theguardian.com/environment/2023/jun/21/a-green-transition-that-leaves-no-one-behind-world-leaders-release-open-letter](http://www.theguardian.com/environment/2023/jun/21/a-green-transition-that-leaves-no-one-behind-world-leaders-release-open-letter).

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For more information, please see: <https://iapbiocredits.org>. In November 2023, France launched a new biodiversity strategy that includes freely tradable biodiversity offset credits, called "crédits de renaturation." See [https://ecologie.gouv.fr/sites/default/files/Dossier-de-presse\\_SNB2030.pdf](https://ecologie.gouv.fr/sites/default/files/Dossier-de-presse_SNB2030.pdf).

place to its ongoing destruction elsewhere. As such, NBS are becoming part of the problem, serving as a license for business as usual, or even encouraging more land, forest and ocean grabs in areas owned and managed by Indigenous Peoples, small-scale food producers, and other communities.

NBS are deeply rooted in a conception of nature that partitions the living world into a set of 'ecosystem services' to which an economic value can be attributed. At their core, NBS promote transforming biodiversity and natural processes into commodities and assets within a financialized bioeconomy.<sup>21</sup> Indeed, carbon markets and emerging biodiversity markets are being increasingly integrated into the global financial system. The financial assets created by financializing Earth's natural economy are estimated to be worth US\$ 4,000 trillion, thus opening up new possibilities for speculation.<sup>22</sup>

Another way in which biodiversity and ecosystem conservation are tied to financial markets and speculation are so-called Debt-for-Nature swaps. Under such schemes, developing countries can reduce their debt burden in exchange for guaranteed finance for conservation efforts, supposedly creating a win-win for countries, financial actors and conservation groups (see Box). But just as this kind of financialization of biodiversity avoids tackling the underlying extractive ecosystem destruction,<sup>23</sup> Debt-for-nature swaps do not question the legitimacy of developing countries' debt and how it undermines effective action for biodiversity protection.<sup>24</sup>

That the KMGBF is functional to this kind of financialized bioeconomy is shown by an open letter signed by several heads of governments, which was published in June 2023 ahead of the Paris Summit for a New Global Financing Pact. The letter calls for a "Green transition that leaves no one behind" and specifically refers to the KMGBF to stress the need for "new economic models which recognize the immense value of nature for humanity". Moreover, the letter calls for "new, innovative, and sustainable sources of finance", such as biodiversity-credit markets.<sup>25</sup> At the Paris Summit, the UK and French governments launched a "Global Roadmap to Harness Biodiversity Credits for the Benefit of People and Planet" and established an International Advisory Panel on Biodiversity Credits to lead this process.<sup>26</sup>





## BIODIVERSITY CREDITS AND DEBT-FOR-NATURE SWAPS

Like carbon credits, biodiversity credits stipulate that ecosystem destruction in one place can be compensated by conservation measures in another. ‘No net loss’ is the counterpart to ‘Net zero’. They offer a convenient way out for the most responsible for biodiversity loss (such as corporations). Instead of ensuring that they stop their harmful practices of extraction, offsetting mechanisms such as biodiversity credits create financial incentives for conservation measures elsewhere. This requires giving a financial value to species, habitats, ecosystems etc. and creating markets where the offsets/credits can be traded as financial assets. This and the complex accounting and certification mechanisms have created a new segment of the finance industry.

The crude metrics used to describe the biodiversity value of a given species, habitat, or even of complex ecosystems, raise serious doubts about whether offsetting mechanisms can contribute to protecting biodiversity.<sup>27</sup> Rather, their main function seems to be the creation of new speculative financial markets. In parallel, they create serious risks for intensified land and resource grabs, as corporations and financial actors seek intact ecosystems to compensate for their ongoing destruction.<sup>28</sup>

In the same vein, Debt-for-Nature swaps use financial mechanisms to purportedly support biodiversity protection. The promise is to refinance states’ debt in return for conservation commitments. In May 2023, Ecuador struck the biggest deal of its kind so far, refinancing US\$ 1.6 billion of its commercial debt at a discount in exchange for a consistent revenue stream for conservation around the Galápagos Islands.<sup>29</sup> Countries such as Barbados, Belize and Gabon have struck similar deals and several more are said to be interested.<sup>30</sup>

Debt-for-Nature swaps are central in financing the 30x30 target. Belize’s Debt-for-Nature swap involves lending the government US\$364 million, part of which was intended to allow it to refinance debts owed to private lenders on the condition that the country would enlarge its marine protected areas from 20% to 30% of its ocean waters. Moreover, it commits the government to provide US\$180 million spread out over 20 years to a new national Conservation Fund. The fact that the deal further contains provisions for the support of carbon offset trading and the development of commercial fish farming indicates that such deals work primarily in the interest of financial actors, such as investment banks, pension funds and hedge funds, in addition to big conservation groups.

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The world’s biggest carbon credit certifier recently announced that it would completely revise its rainforest offset program, after media reports revealed that the existing scheme was flawed and “more than 90% of its rainforest offset credits do not represent genuine carbon reductions.” See: [www.theguardian.com/environment/2023/mar/10/biggest-carbon-credit-certifier-replace-rainforest-offsets-scheme-verra-aoe](http://www.theguardian.com/environment/2023/mar/10/biggest-carbon-credit-certifier-replace-rainforest-offsets-scheme-verra-aoe).

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For more information on biodiversity credits, please see: <https://interactive.carbonbrief.org/carbon-offsets-2023/biodiversity.html>.

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See: [www.theguardian.com/environment/2023/jun/21/are-debt-for-nature-swaps-way-forward-for-conservation-aoe](http://www.theguardian.com/environment/2023/jun/21/are-debt-for-nature-swaps-way-forward-for-conservation-aoe).

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*Ibid.* and [www.bloomberg.com/news/articles/2023-08-15/gabon-wraps-up-500-million-debt-for-nature-swap?leadSource=uverify%20wall#xj4y7vzkg](http://www.bloomberg.com/news/articles/2023-08-15/gabon-wraps-up-500-million-debt-for-nature-swap?leadSource=uverify%20wall#xj4y7vzkg).

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Committee for the Abolition of Illegitimate Debt (CADTM) et al. (2022). Financing the 30x30 agenda for the Oceans: Debt for Nature swaps should be rejected. Available at: [www.cadtm.org/Financing-the-30x-30-agenda-for-the-Oceans-Debt-for-Nature-swaps-should-be](http://www.cadtm.org/Financing-the-30x-30-agenda-for-the-Oceans-Debt-for-Nature-swaps-should-be).

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United Nations (1992). Rio Declaration on Environment and Development (1992). Available at: [www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf). The Convention on Biological Diversity (CBD) was adopted at the United Nations Conference on Environment and Development in 1992. At that Conference, the central principle of “common but differentiated responsibilities” was adopted at the highest political level. The principle recognizes that developed countries should take the lead in taking action on sustainable development, “in view of the pressures their societies place on the global environment and of the technologies and financial resources they command”. See: United Nations (1992). Rio Declaration on Environment and Development (1992). Available at: [www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf). The CBD makes operational this principle through differentiated obligations of developed and developing countries. There are clear legal obligations for developed countries to provide financial resources and transfer technology to developing countries.

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Hickel, J. et al. (2022): National responsibility for ecological breakdown: a fair-shares assessment of resource use, 1970-2017. *Lancet Planet Health* 6: e342-49.

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Hickel, J. et al. (2022). Imperialist appropriation in the world economy: Drain from the global South through unequal exchange, 1990-2015. *Global Environmental Change* 73: 102467.

Indeed, the organization The Nature Conservancy has become an important intermediary for such deals and is involved in advising concerned governments on how to implement their conservation commitments as well as managing some of the funds themselves.<sup>31</sup>

In sum, instead of addressing developing countries’ largely illegitimate debt, Debt-for-Nature swaps use it as a lever for (neo)colonial financial exploitation. As such, they blatantly contradict internationally supported principles for a coordinated and lasting solution to the debt crisis.

### 3.2 KMGBF TARGET 19 ON FINANCING BIODIVERSITY PROTECTION

In this context, KMGBF’s Target 19 is particularly problematic. It states the need to “substantially and progressively increase the level of financial resources from all sources, in an effective, timely and easily accessible manner, including domestic, international, public and private resources”. The target specifically calls on developed countries to increase biodiversity funding to developing countries and small island states “to at least US\$ 20 billion per year by 2025, and to at least US\$ 30 billion per year by 2030”.

The financing of biodiversity protection measures was a major issue during the negotiations leading to the adoption of the KMGBF. Governments from the Global South insisted on the respect of the principle of “common but differentiated responsibilities,” based on which the CBD places clear legal obligations on developed countries to provide financial resources and transfer technology to developing countries, to take account of “the pressures their societies place on the global environment and of the technologies and financial resources they command”.<sup>32</sup> This principle is critical for environmental justice because it pinpoints that most existing biodiversity and intact ecosystems are located in the Global South, while Global North countries bear the overwhelming responsibility for biodiversity loss and need to urgently reduce their resource use to fair and sustainable levels. A recent fair-shares assessment of resource use demonstrates that high-income nations with 16% of the world’s population are responsible for 74% of global excess material use.<sup>33</sup> In addition, the cumulative net “drain” of resources flowing from Global South countries to rich nations between 1990 and 2015 has been valued at US\$ 242 trillion.<sup>34</sup>

The creation of a specific fund under the CBD to finance biodiversity action in line with the KMGBF was a key demand for Global South countries but did not find consensus. Rather, the CBD COP established a fund under the Global Environmental Facility (GEF), the UN’s main environmental

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The Global Environment Facility (GEF) is a multilateral fund dedicated to confronting biodiversity loss, climate change, pollution, and strains on land and ocean health. Its grants, blended financing, and policy support helps developing countries address their biggest environmental priorities and adhere to international environmental conventions. The GEF connects 185 member governments with sustainability leaders across civil society, Indigenous Peoples, and the private sector, and works closely with other environmental financiers for efficiency and impact. Over the past three decades, the GEF has provided more than US\$22 billion in grants and blended finance and mobilized US\$120 billion in co-financing for more than 5,000 national and regional projects. For more information, please see: [www.thegef.org](http://www.thegef.org).

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Transnational Institute (TNI) (2023). Blue Finance: How much debt can the ocean sustain? Implications for coastal fishing communities in South Africa. Available at: [www.tni.org/files/2023-10/Blue\\_Finance\\_WEB.pdf](http://www.tni.org/files/2023-10/Blue_Finance_WEB.pdf).

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Target 19 c and d. “(c) Leveraging private finance, promoting blended finance, implementing strategies for raising new and additional resources, and encouraging the private sector to invest in biodiversity, including through impact funds and other instruments; (d) Stimulating innovative schemes such as payment for ecosystem services, green bonds, biodiversity offsets and credits, benefit-sharing mechanisms, with environmental and social safeguards”.

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Third World Network (2023). Biodiversity targets will not be met without justice. An assessment of the Kunming-Montreal Global Biodiversity Framework from a Southern perspective. Available at: [https://twn.my/title2/briefing\\_papers/twn/KMGBF%20TWNBP%20Aug%202023%20Lim.pdf](https://twn.my/title2/briefing_papers/twn/KMGBF%20TWNBP%20Aug%202023%20Lim.pdf).

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*Ibid.*

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KMGBF, para. 17.

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KMGBF, Target 16.

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KMGBF, Target 18 reads: “Identify by 2025, and eliminate, phase out or reform incentives, including subsidies, harmful for biodiversity, in a proportionate, just, fair, effective and equitable way, while substantially

fund.<sup>35</sup> In June 2023, the GEF Council established the Global Biodiversity Framework Fund (GBFF) (Decision 09/2023), a decision that was subsequently endorsed by the GEF Assembly in August 2023. On this occasion, Canada and the UK committed to initial contributions amounting to US\$ 200 million and GBP£10 million respectively. Following a proposal from Brazil and Colombia, the GBFF has a provision that 20% of its funds should be allocated directly to Indigenous Peoples and local communities.

Goal D of the KMGBF stipulates that there is a ‘funding gap’ of US\$ 700 billion per year for biodiversity conservation, restoration and protection. This stands at odds with the objective of a US\$ 200 billion annual increase set in Target 19. More importantly, however, this Target states that only a small part of this increase – US\$ 20 billion – should come from public money, implying that the remaining 90% will have to come from other sources, i.e., conservation finance.<sup>36</sup> Accordingly, Target 19 of the KMGBF places a strong emphasis on leveraging private finance and investments and financial market instruments, such as biodiversity offsets and credits and green bonds.<sup>37</sup>

“By allowing private, blended and ‘innovative’ finance, without any social and environmental safeguards, the door is opened wide for profit interests to set the priorities for biodiversity action”.<sup>38</sup> This clearly undermines, and even reverts, the principle of “common but differentiated responsibilities”. Rather than paying their debt to the Global South, and specifically to the Indigenous Peoples and local communities who conserve biodiversity and ecosystems, countries of the Global North, corporations and financial actors intend to use developing countries’ illegitimate debt as a means of new forms of financial colonialism and speculation .

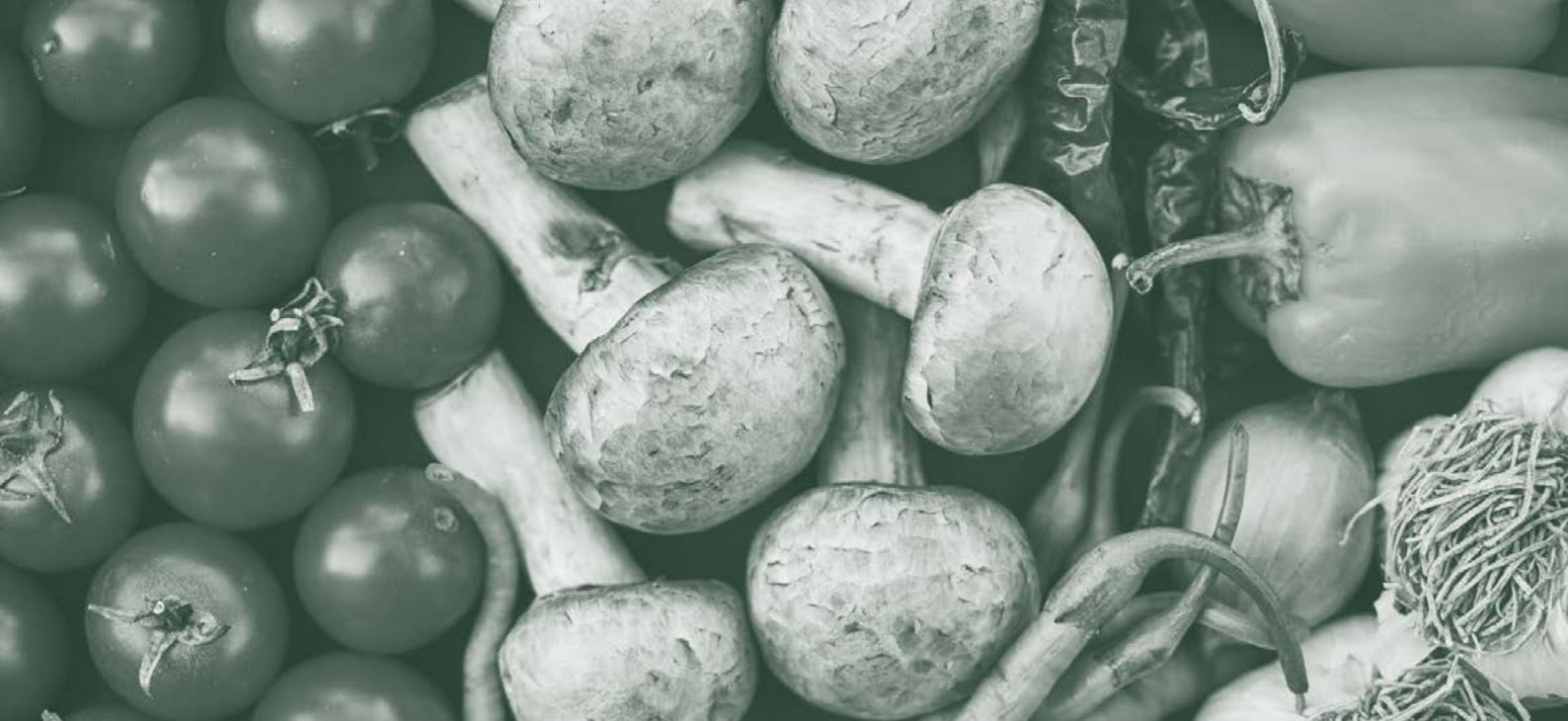
Corporate and financial actors are particularly set to continue benefitting by offsetting their destructive operations while generating more profits through ‘innovative’ financial instruments. It comes as no surprise that the KMGBF is extremely weak on corporate accountability (Target 15) and carefully avoids any clear commitment to tackle the drivers of biodiversity loss. Indeed, “the KMGBF regulation of the corporate business and finance sectors is miserably weak without mandatory requirements, accountability measures or legal responsibility for any damage done by them”.<sup>39</sup> While corporate actors are merely invited to self-report on their actions to protect biodiversity,<sup>40</sup> the burden of reducing negative impacts on biodiversity is conveniently put on people and consumers.<sup>41</sup> This ignores the fact that consumer ‘choices’ are largely conditioned by existing power imbalances in the economy. Moreover, the KMGBF does not set strong goals for the elimination of harmful subsidies – a core demand of Indigenous Peoples’, small-scale food producers’ and civil society organizations.<sup>42</sup>

and progressively reducing them by at least 500 billion United States dollars per year by 2030, starting with the most harmful incentives, and scale up positive incentives for the conservation and sustainable use of biodiversity.”

43 |  
KMGBF Target 19 f

In stark contrast to what has been said so far, Target 19 also calls for “enhancing the role of collective actions, including by Indigenous peoples and local communities, Mother Earth centric actions and non-market-based approaches including community based natural resource management and civil society cooperation and solidarity aimed at the conservation of biodiversity”.<sup>43</sup> This opening to alternative approaches, along with the provision allocating 20% of the GBFF funding directly to Indigenous Peoples and local communities, indicate that there is potential to push for biodiversity protection measures that respect and promote the rights of those people who act as custodians and stewards of biodiversity. It certainly creates a point of tension by acknowledging a view according to which commodification of biodiversity and market-based approaches should be rejected. It remains to be seen how this perspective can challenge the drive to further financialize nature, which is set to increase the burden on those who are the least responsible for the biodiversity crisis.





## 4. A Critical Analysis of Targets that are Relevant for the Right to Food and Nutrition

This section looks more closely at some of the KMGBF Targets, which are particularly relevant for the RtFN as well as the rights of small-scale food producers and Indigenous Peoples. It is important to note that the first paragraph of the introductory section of the KMGBF explicitly mentions the importance of biodiversity for food.<sup>44</sup>

44 |

KMGBF, para. 1 reads: “Biodiversity is fundamental to human well-being and a healthy planet, and economic prosperity for all people, including for living well in balance and in harmony with Mother Earth, we depend on it for food, medicine, energy, clean air and water, security from natural disasters as well as recreation and cultural inspiration, and it supports all systems of life on earth.”

45 |

KMGBF, Section C. Considerations for the implementation of the Kunming-Montreal Global Biodiversity Framework, para. 7g.

46 |

CBD COP Decision 15/4, para. 5.

47 |

KMGBF, Section C. Considerations for the implementation of the framework, para. 7n.

### 4.1 THE HUMAN RIGHTS-BASED APPROACH

A major achievement of the KMGBF is the explicit wording that “[t]he implementation of the framework should follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights. The framework acknowledges the human right to a clean, healthy and sustainable environment”.<sup>45</sup> In recognition of the transboundary and global importance of biodiversity and ecosystem protection, the COP decision adopting the KMGBF further calls on states “to cooperate at the transboundary, regional and international levels in implementing” it.<sup>46</sup> Moreover, the KMGBF contains an important reference to the rights of future generations by stating that “[t]he implementation of the framework should be guided by the principle of intergenerational equity which aims to meet the needs of the present without compromising the ability of future generations to meet their own needs and to ensure meaningful participation of younger generations in decision making processes at all levels”.<sup>47</sup>

## 4.2 RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

In addition to the general human rights-based approach, the KMGBF also contains important references to the rights of Indigenous Peoples and local communities. The CBD COP decision adopting the Framework calls on states to ensure that the rights of Indigenous Peoples and local communities are respected and given effect to in its implementation.<sup>48</sup> The KMGBF further “acknowledges the important roles and contributions of Indigenous peoples and local communities as custodians of biodiversity and partners in the conservation, restoration and sustainable use” and specifically states that its implementation must “ensure their rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of Indigenous peoples and local communities are respected, documented, preserved with their free, prior and informed consent, including through their full and effective participation in decision-making.”<sup>49</sup> Importantly, the text directly refers to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in this context, although states did not agree on also referring to the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

48 |  
CBD COP Decision 15/4, para. 6.

49 |  
KMGBF, Section C. Considerations for the implementation of the framework, para. 7a.

Another important aspect of the KMGBF is its recognition of different value systems concerning biodiversity, ecosystems and ‘Nature’, stating that it “recognizes and considers these diverse value systems and concepts, including, for those countries that recognize them, rights of nature and rights of Mother Earth, as being an integral part of its successful implementation”.<sup>50</sup> The rights of Indigenous Peoples and local communities are equally mentioned in several Targets, such as Targets 1, 3, 5 and 9, recognizing indigenous and traditional territories and customary use of biodiversity. Target 22 calls for Indigenous Peoples’ and local communities’ participation in decision-making and access to justice and information related to biodiversity, “respecting their cultures and their rights over lands, territories, resources, and traditional knowledge”. This Target also requires ensuring “the full protection of environmental human rights defenders”. As mentioned above, Target 19 mentions collective actions in support of biodiversity and community-based natural resource management, although this stands at odds with the Target’s strong promotion of financial instruments.

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*Ibid.*, para. 7b.

## 4.3 GENDER

The inclusion of a specific target on gender is one of the main achievements of the CBD women caucus and civil society organizations. Target 23 requires states to “[e]nsure gender equality in the implementation of the framework through a gender-responsive approach”, referring specifically to the need to recognize women’s and girls’ “equal rights and access to land and natural resources and their full, equitable, meaningful and informed participation and leadership at all levels of action, engagement, policy and decision-making related to biodiversity”. Gender-responsive representation and participation

in decision-making and access to justice and information are also referred to in Target 22 on environmental rights defenders. Gender equality and reducing inequalities are further mentioned in the introduction of the KMGBF.<sup>51</sup>

#### 4.4 “30X30” AND LAND-BASED CONSERVATION

Targets 1, 2 and 3 of the KMGBF were described as “land-based conservation targets” during the negotiations. Indeed, these are some of the measures that entail serious risks for the rights of Indigenous Peoples, small-scale food producers and other communities to their lands, oceans, forests and territories. Target 1 requires putting all areas under “participatory integrated biodiversity inclusive spatial planning and/or effective management processes addressing land and sea use change” and stop loss of “areas of high biodiversity importance”. More importantly, it highlights the need to respect the rights of Indigenous Peoples and local communities in this context.

Targets 2 and 3 establish the above-mentioned 30x30 target, i.e. the objective to “[e]nsure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration” (Target 2); and to “[e]nsure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures” (Target 3). Target 3 further requires that 30% of land and marine areas are “integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes”.

It is important to note that the need to respect the rights of Indigenous Peoples and local communities, including over their traditional territories, appears twice in this Target. However, this does not mitigate concerns that the 30x30 target will lead to a revival of so-called ‘fortress conservation’, which entails increased land, ocean, and resource grabbing. It is crucial to look at the 30x30 target and NBS in conjunction so as to understand how they work together to advance an agenda that is firmly anchored in capitalistic and (neo)colonial objectives. At its core, the aim is seemingly to divide the world up into, on the one hand, areas of intact nature with high biodiversity protected under strict regimes, and on the other, sacrifice zones of unabated (or even increased) extraction and destruction. The winners are conservation groups, businesses, and governments from the Global North who do not need to change the way they are operating, since the destruction caused by their activities can be compensated by conservation elsewhere. What is more, there will be new business opportunities, since NBS and protected areas will allow corporations and conservation groups to become traders of ‘natural

assets', such as biodiversity credits. Those who lose out under this age-old capitalist industrial practice of externalizing negative costs of unsustainable production are the majority of people, especially all those communities who are directly enmeshed with the rest of nature.<sup>52</sup>

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Jonas, T. et al. (2022). Farming, Pandemics and a Conservation Program Aimed at Enriching the Global North. Pandemic Research for the People (PRoP) Dispatch 9. Available at: [www.pretheppeople.net/dispatches](http://www.pretheppeople.net/dispatches).

It is telling that the International Indigenous Forum on Biodiversity's demand for Indigenous territories to count towards the 30% target was rejected, principally by European countries, despite widespread evidence showing that Indigenous Peoples protect their lands better than anyone else and that their territories should be a key mechanism in biodiversity protection.<sup>53</sup>

53 |

Survival International (2022). A defeat and some successes with a bitter after taste. Available at: [www.survivalinternational.org/articles/30-per-cent-statement](http://www.survivalinternational.org/articles/30-per-cent-statement).

#### 4.5 FOOD PRODUCTION SYSTEMS

Target 10 of the KMGBF builds on the previous Aichi Target 7 but adds more elements to the overall call for areas under agriculture, aquaculture, fisheries and forestry to be managed sustainably by 2030. It states that this aim should be achieved "including through a substantial increase of the application of biodiversity friendly practices, such as sustainable intensification, agroecological and other innovative approaches contributing to the resilience and long-term efficiency and productivity of these production systems and to food security". Thus, the Target remains general and does not provide any concrete objective for the transformation of food production systems away from the extremely destructive industrial model. "Agroecological approaches" are included, but along with "sustainable approaches" and "other innovative approaches". Furthermore, there is no mention at all of small-scale food producers and their contribution to biodiversity protection, nor their rights, which are essential to fulfil this role.

The vagueness and weakness of Target 10 is demonstrated by the proposed implementation indicators in the draft KMGBF monitoring framework. The two proposed Headline indicators are:

- 10.1 Proportion of agricultural area under productive and sustainable agriculture;
- 10.2 Progress towards sustainable forest management.

These extremely vague indicators are complemented by two proposed Component indicators:

- Area of forest under sustainable management: total forest management certification by the Forest Stewardship Council and the Programme for the Endorsement of Forest Certification;
- Average income of small-scale food producers, by sex and indigenous status.



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Please see a recent investigation by the International Consortium of Investigative Journalists (ICIJ), titled “Deforestation Inc.,” available at: [www.icij.org/investigations/deforestation-inc](http://www.icij.org/investigations/deforestation-inc).

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The Complementary indicators, which, it seems, have so far not been further addressed by the AHTEG, are somewhat better: 1. Agrobiodiversity Index; 2. Changes in soil organic carbon stocks; 3. Red List Index (wild relatives of domesticated animals); 4. Red List Index (pollinating species); 5. Proportion of local breeds classified as being at risk of extinction; 6. Proportion of land that is degraded over total land area.



Sustainable forest management is simply equated to certification under schemes that have been accused of “greenwashing deforestation”.<sup>54</sup> Meanwhile, it is totally unclear what the average income of small-scale food producers – undoubtedly an important issue – tells us about the biodiversity of food production systems. In the report on its third meeting, the CBD AHTEG working on the finalization of the indicators indicates that it will collaborate with the FAO to link the reporting on these indicators to the SDG monitoring. The priority thus seems to lie on making reporting simple, rather than on understanding how states actually promote sustainable food production models, such as agroecology.<sup>55</sup>

### A SMALL-SCALE FOOD PRODUCERS’ PROPOSAL FOR TARGET 10

During the negotiations of the KMGBF, the International Planning Committee for Food Sovereignty (IPC) proposed the following Target, which was based on the then draft. The proposal did not, however, receive support from governments:

“Conserve and enhance the sustainable use of biodiversity in agricultural and other managed ecosystems as means to increase their sustainability and social and ecological resilience, as well as the availability of healthy, nutritious and culturally adequate food by: a) supporting systems that use native seeds, landrace varieties and breeds, as well as agroecological production, particularly those managed by Indigenous Peoples and Local Communities, such as small-scale food producers, increasing the area dedicated to these systems by at least 100%; and b) decreasing the areas dedicated to genetically uniform production by at least 50%.”

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One of the main issues of disputes in the CBD and the ITPGRFA is whether DSI should be considered as a component of genetic resources, or as mere information. This is not a theoretical debate, because treating DSI as information that is separate from the actual (physical) resources would mean that all internationally and nationally established safeguards of the rights of Indigenous Peoples, small-scale food producers and other communities do not apply to genetic sequences once they have been digitized. For more information, please see: FIAN International (2022). Time for Human Rights-Based Seed Policies. Safeguard Biodiversity and the Right to Food. Available at: [www.fian.org/files/files/FIAN\\_Seeds\\_ENG\\_revfin.pdf](http://www.fian.org/files/files/FIAN_Seeds_ENG_revfin.pdf)

## 4.6 GENETIC RESOURCES AND BIOTECHNOLOGIES

Target 13 on the use of genetic resources is among the few calling for “effective legal, policy [and] administrative” measures to implement the objectives of the CBD, thus pointing to the importance of governance frameworks within which biodiversity action should be embedded. Moreover, it specifically includes “digital sequence information” (DSI) on genetic resources, thus acknowledging its importance and implicitly recognizing that DSI needs to be considered a part of genetic resources, including seeds.<sup>56</sup> However, as in most current policy debates around DSI, the focus of the Target lies entirely on the equitable sharing of benefits arising for the utilization of genetic resources and DSI. It calls for “facilitating a significant increase of the benefits shared” by 2030, without mentioning at all the need to respect, protect and fulfil

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For more information, please see: FIAN International (2023). Power Imbalances, Dispossession and Rising Inequality, How Digital Technologies Affect the Human Rights of Peasants and Small-scale Food Producers. Available at: [www.fian.org/en/publication/article/power-imbalances-dispossession-and-rising-inequality-3152](http://www.fian.org/en/publication/article/power-imbalances-dispossession-and-rising-inequality-3152).

the rights of Indigenous Peoples, small-scale food producers, and other communities over their seeds and other biodiversity they use for their livelihoods and wellbeing. This is a major gap because the sequencing of genetic information and patents over genetic sequences (physical and/or digital) have become powerful tools of biopiracy and seed grabbing.<sup>57</sup>

Although the Target mentions “traditional knowledge associated with genetic resources”, the focus is placed on facilitating access to genetic resources, instead of operationalizing states’ obligations under Article 8(j) of the CBD by putting in place legal frameworks to guarantee the knowledge, innovations and practices of Indigenous Peoples, small-scale food producers and other communities, including in the context of DSI. Neither the Target, nor the proposed indicators, make any reference at all to their right to seeds, as enshrined in Article 9 (“Farmers’ Rights”) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

Lacking focus on supporting those people and communities who act as stewards of biodiversity also concerns Target 4, which calls for action “to maintain and restore the genetic diversity within and between populations of native, wild and domesticated species to maintain their adaptive potential”. This Target refers specifically to *in situ* conservation and sustainable management practices, which points to peasant and Indigenous Peoples’ seed and agroecological management systems. However, instead of drawing attention to the protection of their rights or the urgent need to increase support for agroecology, the Target merely calls for “urgent management actions”. As with other Targets, the weakness of Target 4 is not compensated for by the indicators in the KMGBF Monitoring Framework. Only one Complementary indicator on the “Proportion of local breeds classified as being at risk of extinction” specifically refers to agricultural ecosystems but fails to look at the measures required to support and scale up biodiverse, agroecological production systems.

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Complementary indicators for Target 17 include: Number of countries that have the necessary biosafety, legal and administrative measures in place; Number of countries that implement their biosafety measures; Number of countries that have the necessary measures and means for detection and identification of products of biotechnology; Number of countries that carry out scientifically sound risk assessments to support biosafety decision-making; Number of countries that establish and implement risk management measures; Percentage of Parties to the Cartagena Protocol on Biosafety implementing the relevant provisions of the Protocol.

Regarding biotechnologies, Target 17 merely reiterates some of the requirements for biosafety measures, as well as the handling of biotechnology and distribution of its benefits to be put in place under the CBD. The Target makes no mention of the risks associated with biotechnologies, nor alludes to the new biotechnologies, which have been developed since the adoption of the CBD and its Cartagena Protocol. For once, at least the indicators contained in the KMGBF monitoring framework look at legal measures and risk assessments in the context of biotechnologies.<sup>58</sup>

#### 4.7 POLLUTION AND PESTICIDES

Target 7 is yet another example of the KMGBF’s lack of ambition to actually tackle the drivers of biodiversity destruction. Although pesticides are

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For more information about the KMGBF's provisions on pesticides, please see: Third World Network/Pesticide Action Network International (2023). Interpreting the Mandate for Action on Pesticides in the Kunming-Montreal Global Biodiversity Framework (KMGBF). Available at: <https://twn.my/title2/biotk/2023/btk231001/PAN-TWN-KMGBF-Pesticides-Tar-gets-Interpretation.pdf>

60 |

Indicator 7.2.

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For concrete proposals put forward by CSOs, please see: Third World Network/Pesticide Action Network International (2023). Optimizing the Monitoring Framework Indicators for Pesticides in the Kunming-Montreal Global Biodiversity Framework (KMGBF). Available at: <https://twn.my/title2/biotk/2023/btk231001/PAN-TWN-Optimising-the-KMGBF-Monitoring-Indicators-for-Pesticides.pdf>.

62 |

The Complementary Indicators for Target 7 include: "Trends in loss of reactive nitrogen to the environment" and "Trends in nitrogen deposition".

specifically mentioned, the Target does not set any clear objective to phase out or significantly reduce their use per se. Instead, the focus lies on "reducing the overall risk from pesticides and highly hazardous chemicals [...], including through integrated pest management, based on science, taking into account food security and livelihoods".<sup>59</sup>

Also in this case, the proposed indicators of the KMGBF Monitoring Framework are insufficient, although one of the Headline indicators of the KMGBF Monitoring Framework seems rather pertinent, namely "Pesticide environment concentration".<sup>60</sup> The report of the third meeting of the CBD expert group on indicators for the KMGBF states that "there is not an international entity which is developing an indicator on pesticides. A collaboration with FAO could provide a way to progress this indicator which could be explored by the Secretariat". This shows that the KMGBF monitoring process could help to close a critical gap regarding the information available on the concentration of pesticides in ecosystems, which constitutes a precondition for accountability, especially if the indicators are improved.<sup>61</sup> In addition, the proposed Component and Complementary indicators include fertilizer use and two indicators addressing the nitrogen cycle.<sup>62</sup>





## 5. Possible use of the Kunming-Montreal Global Biodiversity Framework by Civil Society Organizations

Based on the analysis set forth in the previous sections, it is clear that the KMGBF does not bring about the much-needed paradigm shift in human societies' interrelationship with biodiversity and ecosystems that many organizations of Indigenous Peoples, small-scale food producers and civil society called for. In the face of rapid biodiversity loss, the significant shortcomings make it unlikely that the Framework can serve as a truly transformational instrument.

Nonetheless, some elements of the KMGBF along with the now increased attention to biodiversity may be used in a tactical and pragmatic manner to advance the rights of Indigenous Peoples, small-scale food producers and other communities, as well as the just transition to food systems based on agroecology. What follows are a set of proposals of how organizations of Indigenous Peoples, small-scale food producers and civil society can use the KMGBF, while retaining a radical critique of it and advancing their struggle for the RtFN, food sovereignty and agroecology:

- The increased attention to biodiversity-related issues can provide opportunities to raise awareness on aspects that are missing in the KMGBF, including in the context of food and nutrition. This concerns specifically the respect, protection and fulfilment of the rights of Indigenous Peoples and peasants and other people working in rural areas to strengthen their biodiverse food production and management systems. In addition to the importance of realizing their right to seeds through their distinct seed

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FIAN International (2022). Time for Human Rights-Based Seed Policies. Safeguard Biodiversity and the Right to Food. Available at: [www.fian.org/files/files/FIAN\\_Seeds\\_ENG\\_revfin.pdf](http://www.fian.org/files/files/FIAN_Seeds_ENG_revfin.pdf).

systems,<sup>63</sup> the KMGBF can serve as an entry point for approaches that link issues such as land, fisheries, forests, seeds and animal breeds, and the transition to agroecology and nutrition through territorial approaches to biodiversity in agricultural ecosystems (“agroecology territories”). Connecting processes in different governance spaces (at country and international levels) may strengthen advocacy in this sense. The KMGBF may also open up funding possibilities in this sense.

- Contributing to NBSAP development and revision processes as well as national reporting under the CBD can be another way of raising attention on the importance of human rights-based approaches toward agroecology within biodiversity protection policies.
- Despite the flaws of the KMGBF Monitoring Framework and the weak institutional accountability mechanism, it will be important to critically accompany and assess the implementation of the CBD and the KMGBF at all levels to ensure accountability of states and corporate actors, putting a particular focus on those issues that are most relevant for RtFN and the just transition to agroecology.<sup>64</sup> Civil society organizations should carry out their own, independent monitoring and link it to different accountability mechanisms, such as international and regional human rights systems. Special attention should be paid to the impacts on the rights of Indigenous Peoples, peasants and other small-scale food producers and other communities, including in the context of corporate activities, the 30x30 target and the financialization of territories through NBS, biodiversity credits, Debt-for-Nature swaps etc.

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FIAN International (2023). A Just Transition to Agroecology. Available at: [www.fian.org/files/is/htdocs/wp11102127\\_GNIAANVR7U/www/files/AgroecologyJustTransition\\_en.pdf](http://www.fian.org/files/is/htdocs/wp11102127_GNIAANVR7U/www/files/AgroecologyJustTransition_en.pdf).



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