

# What the **Global Biodiversity Framework** says about rights, regulations, agriculture and conservation



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**In December 2022, in Montreal (Canada), 196 States signed a Global Biodiversity Framework (GBF), pledging to take urgent action to halt and reverse biodiversity loss. No doubt a historic achievement for the UN Convention on Biological Diversity, but is the framework really fit for purpose?**

**Here, we take a closer look at the targets in the GBF, and what they mean for Indigenous Peoples' rights and human rights, regulations for corporations, agriculture and the conservation of ecosystems and species - what's good, what's bad, what's missing, and how can movements and NGOs use it?**

## **On Indigenous peoples' rights and human rights**

As addressed in the GBF, human rights and the rights of the Indigenous Peoples and local communities (IPLCs) are central to ensuring the conservation and protection of nature and biodiversity globally. Ensuring these rights are respected and a truly inclusive and participatory approach to decision-making must be made a key priority moving forward.

### **The good**

The Framework's implementation must follow a human rights-based approach, respecting, protecting, promoting and fulfilling human rights while

acknowledging the human right to a clean, healthy and sustainable environment. It must also ensure that the contributions, rights, traditional knowledge, worldviews, values and practices of IPLCs are respected. Also, their full and effective participation in decision-making is essential in the implementation ([Section C, Paragraph 7g](#)).

The rights of Indigenous Peoples and local communities over their territories, being critical to the conservation of biodiversity and forests, have also finally been expressly acknowledged in Target 22 and Target 3, even though other aspects of the latter target lead to mixed feelings.

Given the continuous human rights violations of IPLCs defending their territories and ecosystems against biodiversity destruction by corporations, the full protection of environmental human rights defenders has been a crucial win in Target 22. The same target also ensures equitable, inclusive, effective and gender-responsive representation and participation in decision-making, granting access to justice and information related to biodiversity to IPLCs and all rightsholders.

Other targets emphasise the essential links between IPLCs, their rights, land and biodiversity. Target 1 on spatial planning, for example, a practice that has historically overruled the interests of Indigenous Peoples and local communities, now includes specific mention of respecting their rights.

## Women and girls

The GBF also calls for ensuring gender equality and empowerment of women and girls while reducing inequalities throughout the implementation process. Target 23 recognises their equal rights, access to land and natural resources, participation and leadership “at all levels of action, engagement, policy and decision-making related to biodiversity.”

## Mixed feelings

Target 3 aims to convert 30% of the world into [protected areas](#). Historically, expanding conservation areas has excluded IPLC’s territories and been managed by governments and corporate actors, leading to extensive human rights violations. A 30% target without IPLC inclusion would also present a direct threat to biodiversity.

Fortunately, this target recognises Indigenous and traditional territories as a form of conservation. It also recognises and respects IPLCs’ rights for sustainable use of their territories. Monitoring this process will be especially important as the risk of expanding protected areas violating human rights is still significant.

## The missing

Certain targets directly threaten the goals and mission of the GBF. Target 15, for example, focuses on businesses and the private sector, yet the human rights element has disappeared, pointing to [the influence](#) of corporate lobby groups. This is especially concerning given the vast amount of corporate violations of human rights and the environment.

Similarly, although the climate crisis and certain climate policy measures pose a threat to people, especially in regions more vulnerable to its effects, Target 8 on climate change lacks any specific mention of human rights.

The key targets (22 and 23) for human rights and Indigenous rights are also missing proper indicators and follow-up mechanisms.

## Using the GBF to win battles at the national and local level

Human rights and the rights of Indigenous Peoples and local communities continue to be repeatedly violated. Including and recognising human rights in parts of the Framework is essential, but there is still work to be done. Civil society in the CBD should now propose implementation protocols, such as indicators, reporting and remedies for violations.

Ensuring the recognition of IPLC’s territories as protected areas or other effective area-based conservation measures at the national level can further protect them against corporate development projects. In some countries, movements can use this target to push for specific legislation on the recognition of Indigenous-led nature areas. In other countries, Indigenous territories can be directly recognised as protected and conservation areas, granting IPLCs governance rights.

Increasing participation in decision-making is essential at all levels, everywhere. Movements and NGOs should press hard for the full implementation of their participation rights (as ensured in Target 22) - and report to the CBD where these are not granted - as this is a catalyser for fair and sound decision-making.

They will also need to remain vigilant that the repeated inclusion of women’s and girls rights in the GBF is not reduced to tokenism, but instead supports them in bringing their real, gender-based, biodiversity-related concerns to the decision-making table.

## On regulations for corporations

Transnational Corporations (TNCs) are a major source of biodiversity loss. Reducing their impact to a level that does not surpass planetary boundaries will require imposing regulations that prohibit damages. This needs to be done coherently between all countries, or else operations will always move to the country with the weakest regulations. UN coordination is paramount for this.

### The good

[Target 14](#) calls for the integration of biodiversity considerations into all types of regulatory processes across all levels of government, and all sectors, particularly those with a high impact on biodiversity. This includes regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and national accounting. The Target also requires that all public and private activities, as well as fiscal and financial flows, be aligned with the GBF.

As for Target 15 - which concerns businesses, in particular, TNCs - its overall aim is "to progressively reduce negative impacts on biodiversity, increase positive impacts, reduce biodiversity-related risks to business and financial institutions, and promote actions to ensure sustainable patterns of production." However, as we will see in the following sections, the pathways set out to reach the aim are inadequate.

Target 16 calls for governments to enable people to make sustainable consumption choices, including through supportive policies, legislative or regulatory frameworks, and improving education. It also sets out to reduce the global footprint of consumption by 2030 in an equitable manner by halving global food waste, significantly reducing overconsumption and substantially reducing waste generation.

### The bad

Governments are being asked to regulate to "encourage and enable" businesses to behave better under Target 15. In other words, governments are using only the carrot and not the stick. The specific actions required of corporations under the Target are also largely insufficient:

The first is to "Regularly monitor, assess, and transparently disclose their risks, dependencies and impacts on biodiversity". Self-reporting however has not proven to lead to improvements in behaviour. Worse, the reporting - to be done through platforms such as the Taskforce on Nature-related Financial Disclosures (TNFD) - leads to corporate greenwashing and prioritises the risks of biodiversity loss on business over the impacts of business on biodiversity. Tellingly, under TNFD, there is no obligation to disclose where the TNC is operating, buying from or financing, nor to report complaints or allegations against it of serious environmental or human rights harms.

The Target also obligates TNCs to provide information to consumers on the products they buy to promote sustainable consumption patterns. Such corporate-led labelling makes consumers believe they are buying more sustainable products while concealing the impacts on the ground. Target 16 takes a similar approach, shifting the burden onto consumers by encouraging them to make sustainable consumption choices through "improved access to relevant and accurate information and alternatives", generally provided by unreliable corporate labelling.

The draft texts related to mainstreaming biodiversity across all sectors - meant to implement Targets 14-16 - only further enable greenwashing: the text is plagued with offsetting, self-reporting and self-certification.

Finally, requiring corporations to report on their compliance with access and benefit-sharing regulations and measures, is again ineffective. Reporting will not improve the absolute lack of sharing of benefits from corporations towards those harbouring the biodiversity and related knowledge they extract, exploit and profit from.

All of this signals an even more concerning danger as governments replace effective policies with greenwashing measures, thereby stepping away from their responsibilities.

### The missing

The GBF was a unique opportunity to set up systems of coordination to ensure coherent regulation of TNCs by all countries. While the overall aims of the relevant targets may point to progress, the lack of concrete regulations, systems to set them up, and follow-up on implementation, weaken the GBF as a whole. Each

and every target could be undermined by this lack of coherent regulation.

Human rights are violated repeatedly, particularly by TNCs both during their operations and expansion. Often these violations are against Indigenous Peoples and Local Communities defending their territories and environments. The inclusion of human rights in the business-related targets was therefore paramount. Nevertheless, it disappeared from the negotiation text on Target 15 at the eleventh hour, which is telling about the lack of willingness of TNCs and States to respect human rights.

### **Using the GBF to win battles at the national and local level**

Despite some of the points above, civil society should examine every policy, particularly Targets 14 and 15, and evaluate whether they contribute to their intended aim of minimising the negative impacts of business on biodiversity and confronting governments and corporate power in the event that they do not. Target 14 provides an argument to challenge governmental and sectoral policies that do not take biodiversity into account.

Governments should also be encouraged to support the UN Binding Treaty on Transnational Corporations and Human Rights to regulate businesses with respect to human rights, and to already start implementing the spirit of this treaty.

The reliance of governments on information provided by corporations, both for aiming to reduce the overall impact on biodiversity, and for stimulating consumers to opt for environmentally friendly products, implies a governmental responsibility to ensure the accuracy and adequacy of such corporate information, including through sanctions. Civil society can play a huge role in urging governments to act on this responsibility.

## **On agriculture**

**Industrial agriculture has been identified as the main cause of biodiversity loss through monoculture plantations, extensive pesticide use and more. The GBF highlights the need for biodiversity-friendly practices like agroecology moving forward but could also be opening the door for coopting by the biotech and agribusiness industries.**

### **The good**

Addressing the effects of agriculture on biodiversity, [Target 10](#) of the Framework ensures that “agriculture, aquaculture, fisheries and forestry are managed sustainably” in an effort to conserve and restore biodiversity while “maintaining nature’s contributions to people, including ecosystem functions and services.” This should be held as the standard for practices that may affect biodiversity.

The Target also acknowledges that efforts to achieve this should include “a substantial increase of the application of biodiversity-friendly practices” such as agroecology and “other innovative approaches”. We’ll come back to these “innovative approaches” in the Bad section.

Pollution by pesticides being especially relevant to agriculture, Target 7 presents an opportunity to get real results by outlining more concrete indicators. The Framework aims to reduce the risks and impact of pollution by 2030, “to levels not harmful to biodiversity and ecosystem functions and services”. These efforts include reducing excess nutrients lost to the environment and the overall risk from pesticides and highly hazardous chemicals by at least half.

### **The bad**

Unfortunately, the specifications of biodiversity-friendly practices mentioned in Target 10 also suggest the use of sustainable intensification and, vaguely put, “other innovative approaches”.

“Sustainable intensification”, or the disproven idea of increasing yields without adverse environmental impact nor the cultivation of more land, presents an especially harmful threat to biodiversity. Proponents have called for a broad set of practices and techniques,

which compromise biodiversity and the well-being of surrounding ecosystems for the sake of productivity and lack consideration for their impacts on people and communities.

These practices can include reducing tillage through the use of genetically modified (GM) crops, which actually require intensive use of pesticides, or even reducing land use by moving cows to mega-stables, which can lead to more agrocommodity plantations for animal feed. By using the “sustainable intensification” argument, corporate lobbyists have therefore been able to further promote biotechnology, fertilisers and pesticides.

The term also contributes to the false notion that we do not already have enough land or resources to feed the world – an idea used by the agribusiness industry to gain access to more land. It contradicts sharply with the UN Food and Agriculture Organization’s findings that there are enough resources to feed the world’s population now and in 2050, if we first redistribute food and reduce loss and waste, rather than increase production.

“Other innovative approaches” also points largely to biotech proposals. Synthetic biology and other extreme forms of GMOs are amongst the first to be qualified as such approaches. However, many have high risks, both for biodiversity and human health. Gene drives, for example, alter the genetic makeup of species by passing down transgenic genes to offspring, which can threaten entire ecosystems

### Corporate coopting

Listing agroecology as an “innovative approach” alongside biotech solutions rather than the important ecologically and socially sound alternatives to industrial agriculture could open the term up to cooptation by powerful corporate players. Movements and organisations everywhere should remain vigilant and push back against this to ensure that the transformative potential of agroecology isn’t undermined.

Finally, the references to “ecosystem services” throughout the report limit the value of nature to its economic contributions and may enable the financialisation of nature.

### The missing

Before the start of the GBF process, the [IPBES global assessment](#) report warned that agriculture was the main culprit for biodiversity loss and that real transformative change would need to happen in this sector in order to prevent biodiversity collapse. The GBF, however, does not include specific mandates related to agriculture that would guarantee implementation of the goals set out in the Target.

Report after report has shown how monoculture plantations, GMOs, and pesticides undermine biodiversity. Yet, the GBF does not place restrictions on these practices, on the contrary, it promotes them. Therefore, the necessary systemic change for the agriculture sector has not been an outcome of COP15, where the agribusiness and biotech industries had [significant influence](#). Restrictions and regulations on these industries need to become a central part of new rounds of policymaking.

### Using the GBF to win battles at the national and local level

Resisting the biotech and agribusiness industry remains an uphill battle. However, Target 10 provides criteria against which to test their claims: is the sector becoming more sustainable? Do their actions lead to conserving and restoring biodiversity?

Movements and organisations should demand that governments take these key questions as a guiding principle, and monitor whether the actions of the industry detract from them, especially in instances where “sustainable intensification” is being promoted.

Finally, movements and organisations should also call on their governments to implement policies that reflect the inclusion of agroecology in the GBF.

## On the conservation of ecosystems and species

The GBF includes several elements that can be helpful for preserving ecosystems and species. However, many of them can also be misinterpreted or misused to allow for harmful practices such as offsetting that put nature, biodiversity and ecosystems at risk.

### The good

[Target 4](#) calls for urgent management actions to prevent species extinction. Wherever there is a risk of extinction, governments now have to take action to significantly reduce that risk and ensure that there is a sufficient genetic variety of the species while also minimising human-wildlife conflict. This includes “in situ” (on site) conservation, meaning that plants or animals are kept healthy in their natural habitat. This can consist of, for example, supporting farmers to conserve seeds.

### The bad

Leading up to COP15, there was considerable advocacy for a “[nature positive](#)” concept, which implies that if the total size of all conserved and restored areas is even slightly larger than that of all destroyed areas, it would be considered a win despite the resulting destruction. Although the nature positive concept wasn’t endorsed in the final text, offsetting is still implied and enabled by the approach of total areas of nature without further specification throughout the text.

#### What is offsetting?

Offsetting is a harmful and often unsuccessful practice of compensating for the destruction of nature through restoration and conservation practices. It fails to tackle the root causes of biodiversity loss such as corporate power, perpetuates environmental injustices and doesn’t consider ecosystem functions, the impacts of biodiversity loss, and Indigenous rights, while playing into the false notion that ecosystems are interchangeable.

Offsetting is portrayed as a financial resource, even though, in reality, restoring ecosystems is costly and frequently ineffective. Therefore, permitting the destruction of one ecosystem through the restoration of another results in significantly higher costs than simply conserving one area. This means there is no additional funding available to conserve ecosystems.

Finally, the concept of Nature-Based Solutions appears in the GBF twice and is linked to the use of biodiversity as an offset for carbon emissions (e.g. tree planting), which will likely be implemented through offsetting practices.

### Mixed feelings

Target 1 aims to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030. This objective could help deter the advancement of detrimental development projects in essential ecosystems. However, the emphasis on spatial planning could again enable the use of offsets by only considering the overall share of land dedicated to biodiversity rather than preserving ecosystems as they are. On the other hand, the specific inclusion of respect for the rights of Indigenous Peoples and local communities can help ensure that their voices are heard and their knowledge and expertise are valued in decision-making processes.

Under Target 2, governments are tasked with ensuring that 30% of degraded areas are restored by 2030. While this goal is an opportunity to improve ecological integrity and connectivity in recognised degraded areas, there are concerns. For one, governments may try to minimise the extent of areas categorised as degraded to avoid the financial obligations associated with restoration. The lack of a clear definition of “degraded” can cause some areas to be misclassified, leading to ecosystem losses. There is also a high risk that restoration in one area may justify the destruction of another through offsetting schemes since there are no provisions guaranteeing that restoration efforts complement conservation efforts.

The requirement for conserved areas outlined in Target 3, emphasising effective conservation and management through ecologically representative, well-connected, and equitably governed systems, could enhance the quality of conserved areas. These provisions can serve as tools to hold governments accountable when conservation efforts are inadequate

or when corporate activities degrade protected areas. However, there are significant concerns that this target may result in the world being divided into a 30% category of “untouchable nature”, with compensation for the destruction of the remaining 70%.

## **The missing**

There is a lack of clear and distinct objectives for reducing ecosystem loss, the preservation of existing valuable ecosystems and restoration which further enables offsetting.

Such objectives should be measured independently and not be allowed to compensate each other. Significant disruptions of essential ecosystems should have been outright prohibited, including mountaintop removal mining, deep-sea mining, arctic drilling, fracking, drainage of peatlands, etc. No such ban was made, thereby allowing for the ongoing massacre of ecosystems.

The GBF’s conservation objectives also focus almost solely on ecosystems in conserved areas and species conservation. Measures to improve biodiversity in all other areas, including those inhabited by humans, are largely missing. The connection between conservation and the key drivers of biodiversity loss such as industrial agriculture, mining, and fossil fuel extraction are also not adequately acknowledged. The relevant targets are often counterproductive, based on measures that are merely greenwashing tactics.

## **Using the GBF to win battles at the national and local level**

Parts of the GBF that validate and allow for the scaling up of offsetting are likely to define policies at the national level in the future. Civil society will need to actively push back on these attempts by governments and corporations who rely on offsetting practices to justify the destruction of nature.

Civil society could also make use of the provisions under Target 2 to define areas as degraded, as these gain a higher chance of being restored and protected. The emphasis on the quality of conserved areas, which includes effectiveness, ecological representativity and well-connectedness and equitably governed can be a parameter for civil society to hold their governments to account.

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