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Access to Justice for Indigenous Peoples in Protected Areas

Why grievance and redress mechanisms should be part of the COP-17 decisions. Analysis and proposals for the seventeenth meeting of the Conference of Parties to the Convention on Biological Diversity

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Key messages

- **Access to justice under Target 22 includes access to grievance and redress mechanisms.** International law does not limit access to justice to courts. The COP-17 draft decisions already connect the two. *(17(c), activity 35; para. 13(c)(xi))*
- **Effective remedy is a legal obligation, and restitution comes first.** Some protected areas were created on Indigenous lands, territories and resources without free, prior and informed consent. Indigenous Peoples have a right to redress for this. Denying redress is itself a violation. *(17(c), new 35 bis; 10(b)(i), new 44 bis)*
- **A mechanism provides access to justice only if it can deliver remedy.** It must be designed with Indigenous Peoples, and be independent, accessible, culturally appropriate and gender-responsive. It must protect complainants against retaliation and be able to provide effective remedies. Item 18(b) contain some standards in text without brackets. *(10(b)(i), para. 44; 18(b), para. 22(i))*
- **Accountability must cover everyone who acts in protected areas.** This includes enforcement personnel, conservation organizations, funders and the financial mechanism. *(17(c), activity 32 and new paragraph; 10(b)(i), new 43 bis; 8(a), criterion (n); 8(b))*
- **The COP-17 review shows that access to justice is among the least implemented parts of Target 22.** The global review finds it is among the elements least reflected in national targets. COP-17 should respond with operational text. *(9(a))*

1. Why this matters at COP-17

Under Target 3, Parties are expanding protected areas toward 30 per cent of land and sea by 2030. Target 3 requires them to recognize and respect the rights of Indigenous Peoples, including over their traditional territories. Much of the land needed overlaps with Indigenous territories, which makes respect for their rights central to Target 3.

UN special procedures and regional human rights bodies have documented serious harms linked to protected areas: evictions, loss of access to lands and resources, criminalization and violence. This includes sexual violence by "militarized security forces, park rangers and law enforcement" (A/77/238, para. 18). In many documented cases, no remedy has followed

The draft global review of collective progress (item 9(a)) confirms the problem. It finds that access to justice, rights over lands and territories, and the protection of environmental human rights defenders are among the elements least reflected in national targets (para. 5(e)(iii)). The review identifies this gap but does not propose specific action to address it. Access to justice under Target 22 is necessary to implement Target 3 in line with the Framework's human rights-based approach (section C).

→ *Proposals: 9(a), new paragraph; 13, para. 5.*

2. What international law requires

The right to an effective remedy is guaranteed by article 2(3) of the International Covenant on Civil and Political Rights. For Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) sets out this right in detail:

- States must provide effective mechanisms to prevent, and give redress for, any action that takes away Indigenous Peoples' lands, territories or resources (art. 8(2)(b)).
- States must recognize and decide on their land rights through fair, independent and impartial processes (art. 27).
- Indigenous Peoples have the right to redress for lands taken without their free, prior and informed consent. Redress means restitution first. Only where restitution is not possible should it be just fair and equitable compensation (art. 28).
- Indigenous Peoples have the right to "just and fair procedures for the resolution of conflicts and disputes with States or other parties", and to effective remedies (art. 40).

Regional courts have applied these rules to conservation. Conservation goals alone do not justify evicting Indigenous Peoples (*Ogiek*, African Court, 2017). Creating a protected area does not cancel Indigenous land rights (*Kaliña and Lokono*, Inter-American Court, 2015). Restitution is the expected remedy (*Endorois*, African Commission, 2009).

The Human Rights Committee has held that failing to investigate violations and to provide reparation can itself breach the Covenant (General Comment No. 31, paras. 15–16). Denying an effective remedy is therefore a separate violation. The right to claim restitution of ancestral lands continues as long as the relationship with the land persists (*Sawhoyamaxa*, Inter-American Court, 2006).

→ *Proposals: 17(c), new 35 bis; 10(b)(i), new 44 bis; 10(b)(i), para. 10 (keep "just and fair resolution of disputes", consistent with UNDRIP).*

3. Access to justice includes grievance and redress mechanisms

Target 22 commits Parties to ensure access to justice. It does not mention grievance mechanisms. However, international law and texts that States have already agreed show clearly that the two are connected:

1. **Access to justice is about obtaining remedy, not only about going to court.** The Expert Mechanism on the Rights of Indigenous Peoples states: "Access to justice requires the ability to seek and obtain remedies for wrongs through institutions of justice, formal or informal, in conformity with human rights standards" (A/HRC/24/50, para. 3).

2. **Treaties expressly allow non-judicial remedies.** The Covenant allows remedies to be decided by "competent judicial, administrative or legislative authorities, or by any other competent authority" (art. 2(3)(b)). UNDRIP refers to "mechanisms", "processes" and "procedures", not only to courts (arts. 8(2), 27, 32(3) and 40). The Aarhus Convention provides for review before "a court of law and/or another independent and impartial body established by law" (art. 9).
3. **The UN framework on remedy relies on grievance mechanisms.** States must ensure remedy "through judicial, administrative, legislative or other appropriate means", including grievance mechanisms run by States and by non-State actors (UN Guiding Principles on Business and Human Rights, principles 25 and 27–29). For conservation, the UNEP Core Human Rights Principles ask every conservation organization and funder to provide an effective and independent grievance mechanism "in order to ensure justice and accountability" (principle 7).
4. **States already measure access to justice this way.** SDG indicator 16.3.3 counts people who "accessed a formal or informal dispute resolution mechanism".
5. **The CBD draft texts already make this connection.** Activity 35 calls for access to justice "including through the establishment of effective and accessible grievance mechanisms"; this text is still in brackets. Grievance mechanisms also appear in text without brackets in item 10(b)(i), para. 44, and item 18(b), paras. 22(i) and 24(g). The GEF safeguards policy, which applies to projects funded by the Global Biodiversity Framework Fund, already requires grievance mechanisms.

This connection matters in practice for Indigenous Peoples. Courts are often far away and expensive, and they work in other languages. National law often does not recognize collective land rights. National courts often cannot reach conservation organizations and funders. For these reasons, the Special Rapporteur on the rights of Indigenous Peoples has recommended grievance mechanisms that are "independent, accessible and culturally appropriate for indigenous peoples" (A/77/238, para. 71(j)). These mechanisms add to court remedies. They never replace them.

The question for COP-17 is therefore not whether grievance mechanisms are part of access to justice. The question is whether the decisions will say so clearly and consistently.

→ *Proposals: 17(c), activity 35 (remove brackets; add "and effective remedy"); para. 13(c)(xi) (add "grievance and redress mechanisms"); 17(b), activity 38(c).*

4. The standard: what makes a mechanism effective

A mechanism must be:

- **independent** of the actor whose conduct is being reviewed (Guiding Principles, principle 31: legitimacy);
- **accessible and culturally appropriate:** free of charge, in Indigenous languages, and open to collective and oral complaints (A/77/238, para. 71(j));
- **gender-responsive**, so that Indigenous women can use it safely, including for complaints of gender-based violence (CEDAW General Recommendation No. 39);
- **protective against retaliation** for complainants and human rights defenders (Target 22; CEDAW General Recommendation No. 39, para. 46(h));
- **able to provide effective remedy**, including restitution;
- **respectful of Indigenous justice systems**, consistent with international human rights standards, including women's rights (UNDRIP, arts. 34 and 40; CEDAW General Recommendation No. 39, paras. 24–25);

- **designed with Indigenous Peoples**, through their own representative institutions and on terms acceptable to them, and reviewed with them over time (UNDRIP, arts. 18 and 19; Guiding Principles, principle 31(h)).

→ *Proposals: 10(b)(i), para. 44; 17(c), activities 35, 36 and 37; 18(b), paras. 22(i) and 24(d); 17(b), activity 38(e).*

5. Three gaps the decisions must address

Past claims. Most grievance mechanisms only cover current projects. They cannot receive claims about protected areas created without consent, often decades ago. Yet the right to restitution continues even after the land has been lost (section 2). In 2003, the Vth IUCN World Parks Congress called for participatory mechanisms to restore Indigenous lands incorporated into protected areas without consent, to be in place by 2010 (Durban Action Plan, Outcome 5, Key Target 10). IUCN Members reaffirmed this in 2008 (Resolution 4.048). This commitment has not been met.

→ *Proposals: 17(c), new 35 bis; 10(b)(i), new 44 bis.*

Conduct of enforcement personnel. Activity 32 increases support for rangers but includes no human rights standards and no accountability. Where protected area enforcement is militarized, UNDRIP applies: military activities may not take place on Indigenous lands unless justified by a relevant public interest or freely agreed (art. 30). The UN Basic Principles on the Use of Force and Firearms (1990) and the Code of Conduct for Law Enforcement Officials (1979) set the standards for anyone with enforcement powers.

→ *Proposals: 17(c), activity 32; 10(b)(i), new 43 bis.*

Finance and non-State actors. Biodiversity finance is growing, including nature-based solutions and carbon-related activities. More actors are therefore involved whose conduct can harm Indigenous Peoples. Conservation organizations and funders must provide remedy, or cooperate in providing it, for harms they cause or contribute to (Guiding Principles 13, 19 and 22). The financial mechanism works under the authority and guidance of the COP (CBD, art. 21), but the COP receives no systematic information on grievance cases. The Green Climate Fund's Independent Redress Mechanism shows that accountability at the level of a fund is possible.

→ *Proposals: 8(a), criterion (n); 8(b), new para. 12(p), new reporting paragraph, annex III; 17(c), new paragraph inviting conservation organizations and funders; 18(a), safeguards table.*

Section 6 maps all relevant provisions in CBD/COP/17/2. Section 7 sets out the proposed text.

6. Mapping: grievance, redress and access to justice in CBD/COP/17/2

The table lists every provision in the compilation of draft decisions that refers to grievance mechanisms, redress, remedy or access to justice, together with directly related gaps. Square brackets reproduce those in the draft.

Item	Paragraph	Draft text	Status	Assessment
8(a)	Annex, criterion (n)	[(n) It [includes robust accountability, transparency, monitoring, reporting and evaluation of disbursement and utilization of resources, as well as grievance and redress arrangements][provides for a grievance and redress mechanism];]	Bracketed; two options	Only text making grievance and redress a design criterion for the financial mechanism itself. The first option links redress to accountability for resource use; the second is minimal. No reference to independence, accessibility or remedy.
8(a)	Annex (all criteria)	None of the 17 criteria refers to environmental and social safeguards or human rights.	Gap	A future entity could meet all criteria without safeguards, below the practice of existing funds.
8(b)	Operative paragraphs	No reference to grievance mechanisms. Para. 39(c): "[... while ensuring transparency, accountability, gender equality and the respect for human rights;]"	Gap; para. 39(c) bracketed	The decision promotes speed, simplification and private finance (paras. 12(b), 15, 20) without reference to safeguards or grievance. The COP receives no information on grievance cases.
8(b)	Annex III, paras. 3(f) and 8	3(f): information from indigenous peoples and local communities, women and youth, "including their views on possible impacts on their rights". 8: "[... information on possible impacts on their rights [in relation to project-specific environmental objectives and in accordance with relevant national legislation].]"	3(f) unbracketed; 8 bracketed	Rights impacts enter the quadrennial review, but para. 8's qualifier would exclude impacts not tied to environmental objectives, such as displacement or enforcement abuses.
9(a)	Para. 5(e)(iii)	"... issues related to the following were less well reflected in national targets: access to information and justice, rights over lands, territories, resources and traditional knowledge, and the protection of environmental human rights defenders ..."	Unbracketed finding	Evidence that access to justice is among the least implemented elements of Target 22. The operative "Yerevan pathway" does not respond to it.
10(b)(i)	Guidelines, para. 10	"[, including the rights to participate in decision-making matters that would affect them and to the just and fair resolution of disputes, [in accordance][consistent] with the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law]"	Bracketed	Reflects UNDRIP art. 40. Section III (paras. 8–15) is bracketed as a whole.
10(b)(i)	Guidelines, para. 33	"... respected through the recognition of their justice and governance systems and the provision of financial and technical support."	Unbracketed	Recognizes Indigenous and customary justice systems.
10(b)(i)	Guidelines, para. 43	"Mechanisms, legislation, administrative, corporate and policy measures, including safeguards, grievance mechanisms and monitoring systems, should be developed and implemented to prevent marginalization, displacement or cultural harm ..."	Unbracketed	Preventive framing; no reference to remedy.
10(b)(i)	Guidelines, para. 44	"Mechanisms ... for conflict prevention, resolution and grievance redress should be established or, as needed, strengthened. Those systems should recognize and respect customary dispute resolution practices and safeguard the rights of indigenous peoples and local communities in relation to protected areas ..."	Unbracketed	Strongest GRM text in 10(b)(i). Silent on independence, gender-responsiveness, reprisals, remedy and historical claims.
10(b)(i)	Guidelines, para. 59	"Legal support should be provided, as appropriate, in line with national circumstances, to enhance awareness of the collective land rights of	Unbracketed	Supports legal assistance; the only reference to women's land rights in the guidelines.

Item	Paragraph	Draft text	Status	Assessment
		indigenous peoples and local communities, including women and youth among them ..."		
10(c)	Para. 2(b)	Direct access to funding "in a transparent, fair, accountable and equitable manner"	Unbracketed	Accountability of funding processes, without a complaint pathway.
13	Para. 5	"[5. Welcomes the global analytical study on the implementation of a human rights-based approach into the goals and targets of the Framework (A/HRC/61/36) ...]"	Bracketed	Hook for OHCHR guidance on implementing a human rights-based approach, including access to justice.
17(b)	Annex, activity 38(c) and (e)	(c) "Identify and promote best practices [for access to information and justice and] for increasing participation ..."; [(e) Ensure the full protection of environmental human rights defenders.]	Bracketed	Reproduces Target 22 elements.
17(c)	Annex, activity 32	"... institutional support for the conservation workforce, such as rangers and other relevant personnel."	Unbracketed	Strengthens enforcement capacity with no reference to human rights standards or accountability.
17(c)	Annex, activity 35	"[Ensure] access to justice by indigenous peoples and local communities, women, children, youth and persons with disabilities[, including through the establishment of effective and accessible grievance mechanisms,] in accordance with national legislation and other relevant international agreements, to address issues related to the establishment, management and governance of [protected areas and other effective area-based conservation measures ...]"	"Ensure" and GRM clause bracketed	The only GRM reference in the protected areas decision..
17(c)	Annex, activities 36 and 37	36: "[Ensure] the full protection of environmental human rights defenders ..."; 37: "[, taking gender-based violence into due consideration]"	Bracketed	Target 22 and gender-based violence hooks.
17(c)	Para. 13(c)(xi)	"Good practices related to access to information, participation in decision-making, access to justice and the protection of environmental human rights defenders, consistent with Target 22 of the Framework;"	Bracketed (list (i)–(xi))	Request to compile good practices; could include grievance and redress mechanisms.
18(a)	Annex (supplement), safeguards table, "Equity, gender equality and human rights"	"Actions that present risks or imply potential risks of dispossession, undermining rights, failing to ensure free, prior and informed consent or benefit-sharing, among others, should be avoided."	Annex bracketed as a whole	Identifies dispossession risk in nature-based solutions and carbon-related activities but provides no grievance or redress pathway.
18(b)	Annex, safeguards table (p. 207)	"Management actions affecting customary access, subsistence use or culturally significant practices should involve affected communities and, where appropriate, include fair and effective forms of redress."	Unbracketed	Explicit reference to redress for restrictions on customary use.
18(b)	Annex, para. 22(i)	"Facilitating the establishment of accessible grievance prevention, dispute resolution and conflict management mechanisms and ensuring that outcomes are monitored and used to improve policy and practice;"	Unbracketed	Includes the learning function (UNGPs, principle 31(g)).
18(b)	Annex, para. 24(b), (d) and (g)	(b) benefit-sharing "on the basis of clear eligibility, governance structures and grievance mechanisms"; (d) "[environmental human rights defenders, with consideration given to [gender][gender-differentiated violence]...]" ; (g) "Strengthening accountability for benefit-sharing of wildlife revenues through independent oversight, regular financial and performance audits, the disclosure of revenue flows and allocations and accessible grievance and remedy mechanisms, together with protections against retaliation ..."	(b) and (g) unbracketed; (d) bracketed	Para. 24(g) is the most complete formulation in the compilation (independence, remedy, retaliation), but is limited to benefit-sharing of wildlife revenues.

Observations

- Grievance mechanisms appear in items 8(a), 10(b)(i), 17(c) and 18(b), and access to justice in items 9(a), 17(b) and 17(c). The language is inconsistent across items, and most of it is bracketed or qualified by national legislation.
- No text in the compilation provides a pathway for claims arising from conservation measures established without free, prior and informed consent.
- No text addresses accountability for the conduct of conservation enforcement personnel, although item 17(c), activity 32 strengthens institutional support for them.
- "Accessible" is the most frequent qualifier. Independence appears only in item 18(b), paragraph 24(g) ("independent oversight"); protection against retaliation only in paragraph 24(g); gender-responsiveness is absent from all grievance references.
- Remedy appears only in item 18(b): "fair and effective forms of redress" (safeguards table) and "grievance and remedy mechanisms" (para. 24(g)).
- None of the provisions mapped addresses the responsibility of non-State conservation actors and funders to remediate harm they cause or contribute to, although they implement and finance much of the work the decisions call for.
- Item 18(b), paragraph 24(g) is unbracketed. If adopted, it gives Parties agreed language on independence, remedy and protection against retaliation that can be used to harmonize weaker text in items 10(b)(i) and 17(c).

7. Proposals for the negotiations

In the proposed text, **bold teal** marks insertions and ~~red struck-through text~~ marks deletions. Where agreed language exists, it should be preferred: section C, paragraph 7(a), of the Framework provides the formula "in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law".

Item and paragraph	Proposed text	Legal basis and rationale	Priority
17(c), annex, activity 35	35. Ensure access to justice and effective remedy by indigenous peoples and local communities, women, children, youth and persons with disabilities, including through the establishment of effective and , accessible, independent and gender-responsive grievance mechanisms, with protection against retaliation , in accordance with national legislation and other relevant international agreements international obligations , to address issues related to the establishment, management and governance of [protected areas and other effective area-based conservation measures, recognizing indigenous and traditional territories, where applicable].	Remove the brackets around "Ensure" and the grievance clause. GBF Target 22; UNDRIP, arts. 27, 28 and 40; ICCPR, art. 2(3); "Independent", "remedy" and "protection against retaliation" mirror item 18(b), para. 24(g). "National legislation and international obligations" is the formula agreed in decision 16/4 (Task 1.2).	High
17(c), annex, new activity 35 bis	35 bis. Establish or strengthen processes, with the full and effective participation of the indigenous peoples concerned, to address claims arising from the establishment of protected areas and other effective area-based conservation measures on their lands, territories and waters without their free, prior and informed consent, providing redress that may include restitution, the restoration of access, use and governance rights or, where restitution is not possible, just, fair and equitable compensation, in accordance with their rights under national legislation and international obligations.	UNDRIP, art. 28; ILO 169, art. 16; CERD GR 23, para. 5; GA res. 60/147, paras. 18–23; Sawhoyamaya; Kaliña and Lokono; Endorois; Ogiek. Durban Action Plan (2003), Key Target 10; IUCN Resolution 4.048 (2008), already committed the conservation community to restitution mechanisms by 2010; Nanyuki Road Map (2024), Priority Area 11.	High
17(c), annex, activity 32	32. ... institutional support for the conservation workforce, such as rangers and other relevant personnel, including training and codes of conduct based on human rights standards, including on the use of force and the prevention of gender-based violence, and independent investigation of and accountability for abuses.	A/77/238, para. 18; CEDAW GR 39; Independent Review of WWF (2020). UNDRIP, art. 30; UN Basic Principles on the Use of Force and Firearms (1990); Code of Conduct for Law Enforcement Officials (1979). Consistent with activity 37 (gender-based violence) and activity 7 (human rights-based approach).	High
17(c), annex, activities 36 and 37; para. 13(c)(xi)	Retain activities 36 and 37 and remove brackets. Para. 13(c)(xi): Good practices related to access to information, participation in decision-making, access to justice, grievance and redress mechanisms and the protection of environmental human rights defenders, consistent with Target 22 of the Framework;	GBF Target 22 (activity 36 reproduces it); CEDAW GR 39.	Defend
10(b)(i), guidelines, para. 44	44. Mechanisms ... for conflict prevention, resolution and grievance redress should be established or, as needed, strengthened, with the full and effective participation of the indigenous peoples concerned, and should be independent, accessible, culturally appropriate and gender-responsive, protect complainants against retaliation and be capable of providing effective remedy. Those systems should recognize and respect customary dispute resolution practices, consistent with international human rights standards , and safeguard the rights of indigenous peoples and local communities ...	UNDRIP, arts. 34 and 40; UNGPs, principle 31; CEDAW GR 33; CEDAW GR 39; A/HRC/41/43; EMRIP Advice No. 6. "Consistent with international human rights standards" mirrors UNDRIP art. 34 and protects women within customary systems.	High
10(b)(i), guidelines, new para. 44 bis	44 bis. Where protected areas or other effective area-based conservation measures have been established on lands, territories and waters of indigenous peoples without their free, prior and informed consent, processes should be established, with their full and effective participation, to provide redress, including restitution or, where restitution is not possible, just, fair and equitable compensation, and the restoration	As for 17(c), new activity 35 bis. Including the provision in both texts ensures coherence between the guidelines and the programme of work.	High

Item and paragraph	Proposed text	Legal basis and rationale	Priority
	of access, use and governance rights, in accordance with their respective rights under national legislation and international obligations.		
10(b)(i), guidelines, new para. 43 bis	43 bis. Conservation enforcement personnel, including rangers, should be trained in and bound by codes of conduct based on human rights standards, including on the use of force and the prevention of gender-based violence, and allegations of abuses should be subject to prompt, independent and impartial investigation, with effective remedy for victims.	As for 17(c), activity 32.	High
10(b)(i), guidelines, para. 10	Retain the bracketed text on "the just and fair resolution of disputes", preferring "consistent with" the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law; remove the brackets around Section III (paras. 8–15).	UNDRIP, art. 40.	Defend
17(c), new operative paragraph	Invites conservation organizations and funders supporting the implementation of Target 3 to establish, participate in or facilitate access to effective and independent grievance mechanisms, and to provide for or cooperate in the remediation of adverse impacts on the rights of indigenous peoples and local communities that they cause or to which they contribute;	UNGPs, principles 13, 19 and 22; UNEP Core Human Rights Principles for Private Conservation Organizations and Funders, principle 7. The COP cannot bind non-State actors, but "invites" is the established formula for setting expectations of those implementing its decisions.	Medium
8(a), annex, criterion (n)	(n) It includes robust accountability, transparency, monitoring, reporting and evaluation of disbursement and utilization of resources, as well as environmental and social safeguards and an independent accountability mechanism with accessible, culturally appropriate and gender-responsive grievance and redress arrangements capable of providing effective remedy;	UNDRIP, arts. 40–42; UNGPs, principle 31. The GCF Independent Redress Mechanism (Bio-CLIMA, 2024) shows the value of a fund-level mechanism. Supports the first option.	High
8(b), new para. 12(p)	(p) Ensuring the full application of its Policy on Environmental and Social Safeguards, including its requirements on accountability, grievance and conflict resolution and on indigenous peoples, in all projects financed by the Global Environment Facility Trust Fund and the Global Biodiversity Framework Fund, in line with a human rights-based approach consistent with section C of the Framework, including by ensuring that accessible, independent and gender-responsive grievance mechanisms are disclosed to affected indigenous peoples and local communities, in their languages, before project implementation begins, and that complainants are protected against retaliation;	GEF ESS Policy, Minimum Standard 2. Asks the GEF to apply a policy its Council has already adopted.	High
8(b), new paragraph after para. 13	Requests the Global Environment Facility to include in its reports to the Conference of the Parties information on grievance cases related to projects financed through the biodiversity focal area and the Global Biodiversity Framework Fund, including their outcomes and the remedies provided;	CBD, art. 21 (financial mechanism under the authority and guidance of the COP). The GEF already reports these cases to its Council (GEF/C.70/Inf.11); no new reporting burden.	High
8(b), annex III, new para. 1(j); para. 8	(j) The effectiveness of environmental and social safeguards and of the grievance and redress mechanisms available to affected people, including their accessibility to indigenous peoples and local communities, women and youth, and the remedies provided; Para. 8: delete [in relation to project specific environmental objectives and in accordance with relevant national legislation].	The quadrennial review is the COP's tool for assessing the financial mechanism before deciding its future institutional structure (decision 16/34).	Medium
9(a), new paragraph after para. 35	Urges Parties to address the gaps identified in subparagraph 5 (e) (iii) above, including by ensuring access to justice and effective remedy, legally recognizing and protecting rights over lands, territories and resources, and adopting specific	GBF Target 22; Framework Principles, principles 4 and 10. Responds to the review's own finding.	Medium

Item and paragraph	Proposed text	Legal basis and rationale	Priority
	measures for the full protection of environmental human rights defenders, including women defenders;		
18(a), annex, safeguards table, "Equity, gender equality and human rights"	... Actions that present risks or imply potential risks of dispossession, undermining rights, failing to ensure free, prior and informed consent or benefit-sharing, among others, should be avoided, and accessible, independent and gender-responsive grievance and redress mechanisms should be available to those affected.	UNDRIP, arts. 28 and 32(3); CEDAW GR 39 (FPIC of Indigenous women for carbon sequestration and trading); A/77/238, para. 56 (REDD-plus grievance gaps).	Medium
18(b), annex, para. 22(i) and para. 24(d)	(i) Facilitating the establishment of accessible, independent and gender-responsive grievance prevention, dispute resolution and conflict management mechanisms ... / (d) support the option on environmental human rights defenders, with consideration given to gender-differentiated violence.	Consistency with para. 24(g) of the same annex; GBF Target 22.	Medium
13, para. 5	Remove brackets: welcome the OHCHR global analytical study (A/HRC/61/36) and encourage Parties to use it.	Provides Parties with guidance on applying a human rights-based approach, including access to justice.	Defend
17(b), annex, activity 38(c) and (e)	Retain "[for access to information and justice and]" and "[e) Ensure the full protection of environmental human rights defenders.]"; remove brackets.	GBF Target 22.	Defend

Sources

International instruments

- International Covenant on Civil and Political Rights (1966), art. 2(3).
- United Nations Declaration on the Rights of Indigenous Peoples, General Assembly resolution 61/295 (2007).
- ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- Basic Principles and Guidelines on the Right to a Remedy and Reparation, General Assembly resolution 60/147 (2005).
- Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998), art. 9.
- UN Guiding Principles on Business and Human Rights (2011), principles 13, 19, 22, 25 and 27–31.
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990); Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 (1979).
- Global indicator framework for the Sustainable Development Goals, General Assembly resolution 71/313 (2017), indicator 16.3.3.

Treaty bodies and expert mechanisms

- Human Rights Committee, General Comment No. 31 (2004).
- Committee on the Elimination of Racial Discrimination, General Recommendation No. 23 (1997).
- Committee on the Elimination of Discrimination against Women, General Recommendation No. 33 (2015), CEDAW/C/GC/33; General Recommendation No. 39 (2022), CEDAW/C/GC/39.
- Expert Mechanism on the Rights of Indigenous Peoples, A/HRC/24/50 (2013) and A/HRC/27/65 (2014), with Advice Nos. 5 and 6.
- Special Rapporteur on the rights of indigenous peoples, Protected areas and indigenous peoples' rights: the obligations of States and international organizations, A/77/238 (2022).
- Special Rapporteur on human rights and the environment, Framework Principles on Human Rights and the Environment, A/HRC/37/59 (2018).
- Working Group on Business and Human Rights, Gender dimensions of the Guiding Principles on Business and Human Rights, A/HRC/41/43 (2019).
- Office of the United Nations High Commissioner for Human Rights, global analytical study on a human rights-based approach to the Kunming-Montreal Global Biodiversity Framework, A/HRC/61/36.

Regional jurisprudence

- Inter-American Court of Human Rights, Sawhoyamaya Indigenous Community v. Paraguay, Judgment of 29 March 2006, Series C No. 146.
- Inter-American Court of Human Rights, Kaliña and Lokono Peoples v. Suriname, Judgment of 25 November 2015, Series C No. 309.
- African Commission on Human and Peoples' Rights, Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya, Communication 276/03 (2009).
- African Court on Human and Peoples' Rights, African Commission on Human and Peoples' Rights v. Republic of Kenya (Ogiek), Application No. 006/2012, Judgments of 26 May 2017 (merits) and 23 June 2022 (reparations).

Conservation and finance

- UNEP, Core Human Rights Principles for Private Conservation Organizations and Funders (2024), principle 7.
- Vth IUCN World Parks Congress, Durban Action Plan (2003), Outcome 5, Key Target 10; IUCN World Conservation Congress, Resolution 4.048, Indigenous peoples, protected areas and implementation of the Durban Accord (2008)
- Global Environment Facility, Policy on Environmental and Social Safeguards, SD/PL/03; Annual Report on Grievance Cases Involving GEF-Funded Projects, GEF/C.70/Inf.11.
- Green Climate Fund, Independent Redress Mechanism, case C0006 (Nicaragua, Bio-CLIMA project).
- Independent Review of allegations raised in the media regarding human rights violations in the context of WWF's conservation work, Embedding Human Rights in Nature Conservation: From Intent to Action (2020).
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