



Joint submission to the United Nations High Commissioner for Human Rights on the implementation of a human rights-based approach in the goals and targets of the Kunming-Montreal Global Biodiversity Framework

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- The African Academy for the Practice of International Law ([AAILP](#)) is an association of experts, academics and practitioners committed to the promotion, study and implementation of international law in Africa.
- The Organisation for the Protection of the Environment and Human Rights ([OPEH](#)) is a non-governmental organisation based in the Republic of Congo, working on community-based monitoring of natural resources, the promotion of human rights and environmental protection.
- The Association of Youth for Integrated Development–Kalundu ([AJEDI-Ka](#)) is a non-governmental organisation based in South Kivu, Democratic Republic of the Congo. It works to protect human rights, reintegrate children affected by armed conflict and preserve the environment.

Introduction

The biodiversity crisis directly affects the living conditions of millions of people, including their rights to life, health, food, water, a healthy environment, culture and sustainable livelihoods. These impacts fall disproportionately on Indigenous Peoples and local communities (IPLCs), whose ways of life, identities and rights are closely tied to nature. Respect for and promotion of human rights are not only compatible with the objectives of the Kunming-Montreal Global Biodiversity Framework (GBF), they are a necessary condition for its success. Human rights must be placed at the core of conservation and restoration policies. This requires a profound transformation of governance systems, grounded in the effective recognition of IPLCs' land and cultural rights, their full and meaningful participation in decision-making processes and their direct access to biodiversity funding, which remains overly centralised in the hands of Global Environment Facility (GEF) agencies.

This submission focuses on the implementation of the Framework in the Democratic Republic of the Congo (particularly in South Kivu and Tanganyika) and the Republic of the Congo (mainly in the departments of Sangha and Lékoumou). Both countries are home to exceptionally rich biodiversity that is vital to global ecological balance. Initiatives led by Indigenous Peoples and local communities (IPLCs) contribute directly to the concrete realisation of the GBF. However, environmental policies in these countries face serious tensions between conservation goals and the rights of IPLCs, especially in the DRC, where the protracted armed conflict exacerbates ecosystem degradation. This context is marked by large-scale deforestation driven by forced population displacement, illegal charcoal trade and the illicit exploitation of natural resources by armed groups to finance their activities.

This submission draws on two in-depth field studies conducted between 2024 and 2025 by OPEH in the Republic of the Congo, as well as on an analysis of the implementation of the Global Biodiversity Framework in the Democratic Republic of the Congo carried out by AJEDI-Ka.

Question 1 : Examples of measures taken to ensure the protection of human rights in the implementation of the GBF, particularly regarding the protection of IPLCs' traditional knowledge, with their free, prior and informed consent.

The GBF commits States to recognising the rights, contributions, and roles of IPLCs as custodians of biodiversity and as partners in its conservation, restoration and sustainable use¹. This principle must be incorporated into Congolese

¹ Convention on Biological Diversity, 'Kunming-Montreal Global Biodiversity Framework' (Decision 15/4, 19 December 2022) CBD/COP/DEC/15/4, paras 1–9, 2–3

laws and policies, in line with Targets 1, 3, 9, 21 and 22² of the GBF, especially Target 3, which highlights the interdependence between nature and the rights of Indigenous Peoples.

In 2024/2025, OPEH developed several initiatives to promote human rights and the traditional knowledge of Indigenous Peoples, in the context of the implementation of the GBF :

- A public outreach article and a discussion framework helped raise awareness among 100 stakeholders from sectoral administrations, Parliament, the judiciary and the scientific and academic communities about integrating human rights into the goals and targets of the GBF.
- As part of the ongoing revision of the National Biodiversity Strategy and Action Plans (NBSAPs) in Congo, OPEH conducted consultations with 100 members of local communities and Indigenous Peoples in the departments of Sangha and Lékoumou. Their views and recommendations regarding the integration of human rights were compiled into an analytical note submitted to Congo's National Focal Point for the Convention on Biological Diversity.

In the Republic of Congo, biological conservation is governed by Law No. 37-2008 of 28 November 2008 on wildlife and protected areas³. However, this legal framework presents several shortcomings: it fails to recognise the role and contributions of Indigenous Peoples and Local Communities (IPLCs) as custodians of biodiversity and contains no specific provisions for the recognition of traditional knowledge or community-based conservation initiatives.

Question 2 : Concrete and positive outcomes of a human rights-based approach in the implementation of the GBF, thanks to the actions of IPLCs, women, children, persons with disabilities or of African descent, as biodiversity custodians.

The following examples are drawn from the Republic of the Congo (Baka and Mbézzélé peoples) and eastern DRC (Uvira and Fizi territories, South Kivu province).

I. Republic of the Congo – Indigenous Baka and Mbézzélé communities

A) Strengthening land and natural resource monitoring by the Baka

Gender-differentiated relationships to nature, shaped by gender roles and stereotypes, influence access to, use of and control over natural resources. Integrating a gender perspective is essential for equitable governance. Studies show that the participation of women improves conservation outcomes and resource management⁴.

In January 2025, OPEH conducted an awareness-raising mission among Baka communities in the Sangha department (Zouoba, Kerembel, Elolola) to strengthen the role of women in conservation. This initiative, which contributes to GBF Target 23 promoting gender equality in conservation efforts, led to the engagement of 33 community members, including 12 women, in the monitoring of their lands and natural resources (buffalo clearings). Mixed patrol teams were formed and now carry out regular rotations to detect illegal activities (such as poaching, unauthorised mining, or logging) and preserve these resources for future generations.

Despite their commitment, community guardians operate under high-risk conditions: armed threats linked to poaching, intimidation and retaliation from certain corrupt authorities and the lack of legal recognition of their role. The sensitive areas they protect, such as forest clearings, remain without effective protection. These challenges hinder community-based conservation efforts and violate the rights of communities acting as environmental human rights defenders (see below).

B) Integrating dance into forest monitoring by the Mbézzélé

In Kabo, Republic of the Congo, Indigenous Mbézzélé communities integrate ritual dances into their cultural forest protection practices. Initiation ceremonies are held in sacred sites such as Edjengué and Ediho, during which participants spend several days in forest isolation following festive rituals designed to strengthen social cohesion and their connection to the land.

² Convention on Biological Diversity, 'Kunming-Montreal Global Biodiversity Framework' (Decision 15/4, 19 December 2022) CBD/COP/DEC/15/4, section H

³ Republic of the Congo, Law No 37-2008 of 28 November 2008 on Wildlife and Protected Areas, Official Journal of the Republic of the Congo, 28 November 2008

⁴ IUCN, *Gender and Biodiversity: Analysis of Women and Gender Equality Considerations in National Biodiversity Strategies and Action Plans (NBSAPs)* (International Union for Conservation of Nature 2017)

Mbénzélé practices, such as the Edjengui dance, serve to designate customary guardians of forest sanctuaries. In March 2025, seven Indigenous leaders were appointed as guardians. In these sanctuaries, which are built during initiation ceremonies, entry and the collection of non-timber forest products are strictly prohibited for non-initiated individuals. This traditional system strengthens community monitoring while preserving both biodiversity and associated cultural practices. Rooted in the intergenerational transmission of ancestral traditional knowledge and autonomous customary governance, these practices embody the principles of GBF Targets 3, 16, 21 and 22. Sanctuaries such as Edjengui and Ediho, governed by customary norms, function *de facto* as “other effective area-based conservation measures” (OECMs)⁵. Their legal recognition would enable the Congolese State to valorise these community-led mechanisms in the implementation of the GBF.

II. Democratic Republic of the Congo – Uvira and Fizi Territories (South Kivu Province)

GBF Target 22 aims to ensure the “full, equitable, inclusive and effective representation and participation” of IPLCs in “decision-making processes,” and to recognise “their rights over their lands, territories and resources.” This recognition can only be achieved through the implementation of practical tools for participatory land governance, particularly in post-colonial contexts characterised by legal insecurity.

The territories of Uvira and Fizi (South Kivu) are marked by persistent legal insecurity and recurring land disputes, especially in the fertile agro-pastoral Ruzizi plain. Tensions between farmers, pastoralists and private concessioners are exacerbated by high population pressure, the scarcity of arable land, the absence of buffer zones and the lack of a reliable rural land registry. These conflicts are embedded in broader intercommunal tensions and are reinforced by the absence of mechanisms for the recognition or protection of customary land rights. Lastly, the lack of effective consultation of IPLCs in the planning and implementation of conservation policies results in forms of dispossession, notably through land appropriation by public or private actors⁶. These violations occur alongside increased ecosystem degradation and growing precarity for smallholder farmers, in violation of their right to adequate livelihoods.

A) Participatory land-mapping in the Ruzizi Plain

According to the 2019 IPBES Global Assessment⁷, at least a quarter of the world’s land is owned and managed by Indigenous Peoples based on traditional knowledge that is often more effective than formally designated protected areas⁸. However, the lack of legal recognition weakens their land rights and livelihoods. Securing the collective land rights of IPLCs is critical to addressing land grabbing, resolving land-use conflicts, and effectively achieving Goal A and Targets 1 to 3 of the GBF. Without official recognition, IPLCs face a double burden: being denied access to their natural resources as sources of livelihood and being excluded from biodiversity governance and funding mechanisms⁹.

In response to this situation, the NGO Action for Peace and Concord (APC) is conducting participatory land mapping¹⁰ in South Kivu in close collaboration with local communities. Through a series of dialogue sessions, APC works to identify traditional boundaries by geolocating land uses (fields, grazing areas, and conservation zones) in order to secure IPLCs’ land rights, facilitate conflict mediation and strengthen their negotiating power with administrative authorities.

In connection with Targets 1, 3, 22 and 23, participatory mapping is an effective tool for biodiversity conservation. It helps delineate areas for sustainable agriculture (agroforestry, crop rotation, pasture protection), prevent land degradation (overexploitation, erosion) and secure IPLCs’ land rights, particularly those of women, who are more vulnerable to informal expropriation and forced displacement. Ultimately, this approach makes the role of local communities in land management visible, strengthens the recognition of their rights and safeguards their livelihoods.

“The biggest problem here is not the lack of land, it’s the lack of order. This is a tool for peace.” a local chief in the Ruzizi Plain

⁵ Convention on Biological Diversity, Decision 14/8 – *Other Effective Area-Based Conservation Measures* (29 November 2018) CBD/COP/DEC/14/8, para 2, 1

⁶ IPBES, *Report of the First Indigenous and Local Knowledge Dialogue Workshop on the IPBES Assessment on Business and Biodiversity* (Bogota, 23–24 September 2023) 30

⁷ IPBES, *Global Assessment Report on Biodiversity and Ecosystem Services* (2019) Summary for Policymakers, key message B6: ‘at least a quarter of the global land area is traditionally owned, managed, used or occupied by indigenous peoples’

⁸ OHCHR and UNEP, *Human Rights and Biodiversity – Key Messages* (February 2024) 4

⁹ IPBES, *Assessment of Transformative Change: The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services – Full Report* (2024) ch 1, s 1.3.2

¹⁰ GIC Network and Ghent University, *UVC Congo Research Briefs – Note 9: Gouvernance foncière formalisée à l’épreuve d’un déficit d’appropriation au Sud-Kivu* (RDC) (May 2021)

B) Local fisheries committees and management committees of agricultural and fisheries cooperatives

In Uvira, fishing, an essential food source for thousands of residents, is under threat from illegal and unsustainable practices (such as the use of mosquito nets and beach seines¹¹), as well as pollution. In response, the Uvira Center for Hydrogeological Research, with financial support from Innovation in Peacebuilding International¹², is supporting the strengthening of local fisheries committees and management committees of agricultural and fisheries cooperatives.

Composed of elected fishers, these committees are responsible for enforcing existing regulations: mesh size, respect for closed seasons and biological rest zones¹³, and bans on destructive practices. They conduct collective monitoring of illegal activities and lead awareness campaigns targeting other fishers. This model of local governance directly contributes to the implementation of the GBF by constituting *effective area-based conservation measures* (Target 3), reducing the overexploitation of fishery resources (Target 5), promoting equitable and sustainable resource management (Targets 9 and 10), and enhancing the customary rights and traditional knowledge of IPLCs, particularly fishers, in the governance of the resources that sustain them (Target 22).

“A few years ago, it became very difficult to buy fish. Fishers were coming back with almost nothing. We, the women who sell smoked fish, could no longer feed our families. Since the fishers’ committees became stricter and banned fishing on Lake Tanganyika during certain periods, life has become increasingly hard. But this measure, although restrictive, has started to produce effects, we can see a real difference compared to before. With this system, we are starting to see that fish are growing properly. We’ve realised that if fishing happens intermittently on the lake, the production will improve, and our own work will be protected and more productive, for a better future.”, a former combatant turned fish processor, Swima village (Fizi)

These examples highlight the importance of adopting an approach that is genuinely rooted in the rights of IPLCs, one that builds on their practices, knowledge systems, and institutions, rather than replicating top-down, technocratic models inherited from postcolonial governance systems. The initiatives carried out in the territories of Uvira and Fizi demonstrate that IPLCs are capable of leading effective conservation and sustainable management efforts, provided they are recognised as legitimate actors.

Question 4 : Human rights violations observed in connection with biodiversity loss or with measures taken under the GBF

The biodiversity crisis is also a human rights crisis, threatening the rights to life, dignity, health, food, water, a healthy environment, housing, sustainable livelihoods, and culture. The success of the GBF will depend on the use of human rights-based approaches. This requires moving beyond the still-dominant utilitarian or economic vision of nature toward a holistic perspective that acknowledges the interdependence between humans and ecosystems. It is therefore essential to explicitly integrate the role and responsibility of people in the restoration, conservation and sustainable use of biodiversity under Goal A and Targets 1 to 8¹⁴. In many regions, these issues manifest as concrete violations of human rights.

I. Right to Life and Security

Individuals and communities who mobilise to protect biological diversity make significant contributions to environmental protection and human rights. Yet, they are regularly subjected to violence, reprisals, assassinations and other forms of persecution. In 2019, the United Nations recorded 357 homicides of environmental defenders¹⁵. States have an obligation to ensure their protection, provide effective remedies, and sanction violations, in accordance with Article 2(3) of the ICCPR and Article 9(1) of the UN Declaration on Human Rights Defenders.

- **Threats and Violence Against Environmental Defenders in the DRC :** On 30 May 2025, an environmental activist residing in Mboko (South Kivu Province) was abducted, detained and tortured by the “Biloze Bishambuke Self-Defense Force” (FABB), a faction affiliated with the non-state armed group Wazalendo. The incident occurred while he was attempting to stop an illegal deforestation operation on a mountain overlooking the village of Mboko, in the Tanganyika region.

¹¹ Lake Tanganyika Authority, *Regional Charter of the ALT Member States on the Management of Fisheries in Lake Tanganyika* (adopted 16 December 2021, entered into force 16 March 2022) art 7

¹² Association AJEDI-Ka, personal communication collected in the field in Uvira (DRC), 24 June 2025

¹³ *Lake Tanganyika Fisheries Charter*, art 14

¹⁴ Human Rights and Biodiversity Working Group, *Human Rights-Based Approach to the Post-2020 Global Biodiversity Framework* (briefing paper, March 2022) 11

¹⁵ OHCHR, *Human Rights-Based Approach to Biodiversity Conservation* (UNEP and OHCHR 2022) 7

Another case involved a local leader from A'amba, who was tortured by the same armed faction for trying to prevent the illegal logging of trees on the Alende site, a mountain overlooking the village of Kabondozi, in the same area.

- **Reported Human Rights Violations in the Republic of the Congo :** Numerous allegations of abuses, such as forced displacement¹⁶, mistreatment and torture¹⁷, arbitrary arrests and detentions, and violations of the right to a fair trial¹⁸, have been reported against Indigenous peoples by eco-guards operating in the Odzala-Kokoua protected area, located in the Sangha and Cuvette departments and co-managed by the State and the African Parks Network. These abuses take place within a broader context of conservation policies implemented without effective consultation or the free, prior and informed consent of IPLCs, resulting in restricted access to lands and resources vital to their survival. Such practices violate human rights and regional and international commitments (including the UN Declaration on the Rights of Indigenous Peoples, Article 8(j) of the CBD and GBF Targets 21 and 22), while disregarding Indigenous systems of sustainable resource governance.

These allegations are supported by several cases documented by the Center for Action for Development, including acts of torture, arbitrary detention and the lack of judicial proceedings in the case of the Ouessou fishers who were arrested in 2019 within the Odzala-Kokoua Park¹⁹. These acts, which often target community leaders mobilised against the illegal exploitation of natural resources, violate fundamental rights guaranteed by the ICCPR (Articles 6 and 9) and the UDHR (Article 3). They also contradict GBF Target 22, which requires States to “protect environmental human rights defenders.” Finally, Human Rights Council’s Resolution 40/11²⁰ recognises the fundamental role of environmental defenders in the protection of human rights and the environment and calls on States to ensure their effective protection.

II. Right to Food and Food Security

The right to food and food security is enshrined in Article 11 of the ICESCR and Article 25(1) of the UDHR, as well as in Sustainable Development Goal 2. General Comment No. 12 of the Committee on Economic, Social and Cultural Rights specifies that States must refrain from any measures that undermine access to food and must adopt policies to protect the most vulnerable from food insecurity.

However, in several areas of South Kivu, this right is under threat. Large-scale deforestation linked to charcoal production and artisanal mining is causing severe soil erosion and loss of fertility. This degradation reduces agricultural yields and jeopardises the ability of local communities to feed themselves. For example, in the territory of Kabara, the conversion of farmland into residential plots, combined with frequent flooding, has significantly reduced the availability of arable land. Lastly, as noted above, in Uvira, fishing is threatened by pollution and unsustainable and illegal practices, such as the use of mosquito nets and beach seines.

III. Right to Safe Drinking Water, Sanitation and Health

Access to safe drinking water and adequate sanitation services is essential to the rights to human dignity, life and health. This right derives from Articles 11 and 12 of the ICESCR on the right to an adequate standard of living, as interpreted by General Comment No. 15 of the Committee on Economic, Social and Cultural Rights. UN General Assembly Resolution 64/292 formally recognised it as a fundamental human right, placing on States the obligation to ensure universal, safe, acceptable and affordable access, particularly for vulnerable populations.

- **Impact of Water Pollution on Health and Biodiversity :** In the lakeside territories along Lake Tanganyika (Sanza, Mboko, Apremba), water sources are severely polluted by artisanal mining activities (mercury, cyanide, and acids) and poor plastic waste management. Moreover, the absence of containment systems leads to the direct discharge of these pollutants into rivers, lakes, and groundwater, contaminating the drinking water sources used by nearby communities. Plastic waste accumulating on the shores and in the lakebed degrades into microplastics, which are ingested by aquatic fauna. This pollution poses ecological risks (damage to biodiversity), health risks

¹⁶ International Covenant on Civil and Political Rights, art 17; African Charter on Human and Peoples’ Rights, arts 14 and 16; African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, art 10

¹⁷ Constitution of the Republic of the Congo, art 8; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted by UNGA 1984)

¹⁸ International Covenant on Civil and Political Rights, art 14; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art 15; African Charter on Human and Peoples’ Rights, art 7; Constitution of the Republic of the Congo (2015), arts 8 and 9

¹⁹ CAD – Congo, *Mission Report on Abuses Committed in the Odzala-Kokoua National Park* (2023)

²⁰ UN Human Rights Council, Res 40/11 (21 March 2019) UN Doc A/HRC/RES/40/11

(contamination of the food chain)²¹ and ultimately threatens food security. Polluted water exposes populations to waterborne diseases, kidney disorders, birth defects and the effects of endocrine disruptors. In Uvira, due to irregular access to clean water from the public utility REGIDESO, many households still rely on the lake and nearby rivers for their daily water needs. Water pollution from toxic substances and plastics, the lack of sanitation and the degradation of aquatic ecosystems violate the targets of the GBF, which call for a reduction in “pollution-related risks” (Target 7), “health risks,” and the preservation of water regulation functions (Target 11).

IV. Right to a clean, healthy and sustainable environment

The right to a clean, healthy and sustainable environment is now universally recognised as a fundamental human right. Although it is not uniformly enshrined across all international legal instruments, UN General Assembly Resolution 76/300²² and Human Rights Council Resolution 48/13²³ explicitly affirm its status as an autonomous right, essential to the effective enjoyment of all human rights. While several regional instruments already incorporate this protection, only the African Charter on Human and Peoples’ Rights (Article 24) explicitly and bindingly recognises it, whereas other legal systems refer to it indirectly through rights to life, health, or an adequate standard of living. This recognition imposes positive obligations on States to prevent and remedy environmental harm that directly infringes on human rights.

The city of Uvira is facing an acute environmental and public health crisis, with sanitation and safety conditions reaching alarming levels. In the absence of public waste bins and waste collection systems, garbage is discarded in the streets, open drains, or directly into rivers that flow into Lake Tanganyika. Heavy metal levels in the lake exceed the safe limits set by the WHO²⁴, posing ecological risks (decimation of aquatic fauna) and serious health threats²⁵. This environmental degradation has contributed to the resurgence of waterborne and epidemic diseases: in June 2025, 401 cholera cases were reported in a single week by the Provincial Health Division of South Kivu²⁶, with children particularly affected.

The population of South Kivu is highly vulnerable to climate change. of 16–17 April 2020 in Uvira and the deadly landslide of 9 May 2025 in Kasaba caused numerous fatalities²⁷ and destroyed thousands of homes, including critical infrastructure such as the REGIDESO water network²⁸, increasing the risk of a cholera outbreak.

Deforestation in Fizi and Uvira has caused firewood shortages, forcing children, especially girls, to travel long distances in high-risk areas where sexual violence by non-state armed groups is frequent. According to UNICEF²⁹, rape cases had increased fivefold by the end of January 2025, with 30% involving children³⁰, highlighting a direct link between environmental degradation and severe violations of children’s rights, particularly those of girls.

“We walk for more than two hours to collect firewood, and we are sexually exploited by non-state armed actors we encounter along the way. This is the consequence of deforestation.”, a 17-year-old girl living in Kambumbe village

Conclusion

To conclude, environmental harms are interlinked, biodiversity loss, habitat destruction, climate change, pollution and the rise of zoonotic diseases. It is essential that the GBF explicitly recognise the right to a clean, healthy and sustainable environment in its goals and targets, as a fundamental human right. This would align with the progress made by the United Nations and many national jurisdictions (over 150 States now recognise this right in their

²¹ T Nyaga, J Ochieng and D Mburu, ‘Microplastics in Aquatic Ecosystems of Africa: A Comprehensive Review and Meta-analysis’ (*Environmental Research*, May 2024)

²² United Nations General Assembly, *The human right to a clean, healthy and sustainable environment*, UNGA Res 76/300 (28 July 2022) UN Doc A/RES/76/300

²³ UN Human Rights Council, *The human right to a clean, healthy and sustainable environment*, HRC Res 48/13 (8 October 2021) UN Doc A/HRC/RES/48/13

²⁴ World Health Organisation, *Guidelines for Drinking-water Quality* (4th edn, 2022) table A3.3

²⁵ L K Vercus et al, ‘Determination of the Toxicological Risk of Urban Waste from the City of Uvira Dumped into the North-Western Coast in Lake Tanganyika, Democratic Republic of Congo’ (2021) *Journal of Environmental Protection* 12(10) 682–703

²⁶ *Actualité.cd*, ‘Sud-Kivu : l’épidémie de choléra ne cesse de se propager dans les zones de santé, plus de 400 cas déjà enregistrés’ (11 June 2025)

²⁷ *Radio Okapi*, ‘Sud-Kivu : plus de 110 morts et des centaines de sans-abris après une pluie torrentielle à Kasaza’ (11 May 2025)

²⁸ MONUSCO, *Inondations à Uvira : la MONUSCO engagée aux côtés des populations et des autorités* (18 April 2020)

²⁹ UN, ‘DRC: UN Peacekeepers Warn of Deteriorating Security in Eastern Congo’ (UN Web TV, 15 May 2025)

³⁰ UNICEF USA, ‘Children in eastern Democratic Republic of the Congo increasingly exposed to sexual violence, abduction and recruitment’ (UNICEF USA, 13 February 2025)

domestic legal systems)³¹. The realisation of this right is inseparable from the effective fulfilment of all human rights, sustainable development and environmental protection. Its explicit inclusion in the GBF would strengthen the coherence of its implementation and ensure a people-centered approach.

³¹ OHCHR and UNEP, 'Human Rights and Biodiversity – Key Messages' (February 2023)