

Law in Action: Achieving Global Peace with Nature

ClientEarth briefing for
COP16 to the UN Convention
on Biological Diversity

#NatureIsOurFuture

October 2024



About ClientEarth

ClientEarth uses the power of the law to bring about systemic change that can protect all life on Earth. We work in three ways: strengthening the law to change behaviours and practices, including by advocating for the right legislation and policy positions from governments; using strategic litigation to enforce laws, set precedents, raise awareness and change government and corporate mindsets; and capacity building: training judges, lawyers, and prosecutors; working with community groups and Indigenous Peoples, and providing legal guidance to citizens, authorities and businesses.

Foreword from ClientEarth CEO, Laura Clarke OBE

As the global community gathers for the 16th meeting of the Conference of the Parties (COP16) to the Convention on Biological Diversity, the urgency to achieve “peace with nature” has never been more critical.

The law is central to achieving this goal. History has shown us the power of legal frameworks in protecting and restoring nature. The Lacey Act, for example, enacted in 1900 in the United States, has achieved much over its lifespan – including dramatically influencing the heavily unregulated global wood industry and changing the practices of manufacturers, suppliers and importers of timber in the US and around the world. In Europe, the EU Habitats Directive, adopted in 1992, has established the largest coordinated network of protected areas in the world. In Costa Rica, the 1998 Biodiversity Law has made the country a pioneer in nature protection – the government has now officially increased protected areas to cover 25% of its land and 30% of its marine areas, well above OECD averages.

These examples illustrate the power of robust legal frameworks in protecting biodiversity. **However, as biodiversity loss accelerates globally, we must now move beyond isolated victories and push for comprehensive, cross-sectoral legal frameworks that integrate biodiversity into all areas of governance.**

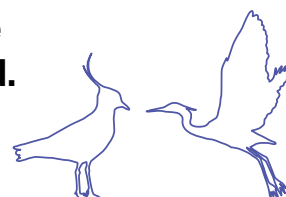
Two years ago, at COP15, countries made a historic commitment under the Kunming-Montreal Global Biodiversity Framework. That outcome represented a shared promise to humanity: to halt and reverse biodiversity loss by 2030. Now, the time has come for countries to fulfil that promise, and legal frameworks are among the most powerful tools to translate words into enforceable measures that can effectively safeguard our natural world.

Robust legal frameworks are needed, and they should integrate biodiversity into every sectoral and cross-sectoral decision throughout the economy – from finance and trade to energy production and agriculture. These frameworks should be grounded in a human rights-based approach and coupled with strong enforcement mechanisms to ensure that laws are upheld.

To enact such laws, a fundamental shift is required in the way we think about nature. We need to recognise that the health of ecosystems and species populations as essential prerequisites for economic and social development, and the health and security of both people and planet.

It's a matter of urgency and justice – the future of all life on Earth depends on a healthy, flourishing natural world.

It's a matter of urgency and justice – the future of all life on Earth depends on a healthy, flourishing natural world.



Executive Summary


As the world gathers for the 16th meeting of the Conference of the Parties (COP16) to the Convention on Biological Diversity (CBD), the urgency to protect, preserve, and restore global biodiversity has reached a critical juncture. Biodiversity loss is accelerating at unprecedented rates, with ecosystems deteriorating and species populations in rapid decline. **The current legal frameworks, which isolate biodiversity from broader governance sectors, are not sufficient to address the scale of the challenge.**

In December 2022, the Kunming-Montreal Global Biodiversity Framework (KMGBF) was adopted at COP15, marking a historic global commitment to halt and reverse biodiversity loss by 2030.¹ This framework sets four ambitious long-term goals for 2050 and 23 actionable targets² for 2030 that now, at COP16, must be transformed into enforceable actions. COP16 aims to finalise mechanisms for resource mobilisation and establish an effective global biodiversity monitoring framework to track progress toward these targets.

Robust legal frameworks are essential not only for protecting biodiversity but also for ensuring justice for people and nature. Historical examples such as the United States' Lacey Act³ and the European Union's (EU) Habitats Directive⁴ have shown the power of the law in combating environmental harm. However, these successes are fragmented and insufficient to tackle the interconnected nature of today's global biodiversity crisis. **We must move beyond isolated victories and adopt comprehensive, cross-sectoral legal frameworks that integrate nature into every area of governance, ensuring that biodiversity becomes central to socioeconomic development.**

COP16: Time to Put Commitments into Action for Nature and our Future

COP16 in Cali, Colombia, must build on the momentum generated at COP15, and ensure that the commitments made under the KMGBF are translated into tangible, enforceable actions. Success at COP16 will depend on finalising the Monitoring Framework, establishing periodic reviews of collective progress, and adopting transparent, science-based indicators. The global community must also address gaps in national biodiversity policies through updated National Biodiversity Strategies and Action Plans (NBSAPs), ensuring that resource mobilisation efforts are strategically targeted to meet the most critical needs. And, crucially, Ministers at COP16 must commit to translating their NBSAPs promises into domestic, legally-binding decisions.



Ministers at COP16 must commit to translating their NBSAPs promises into domestic, legally-binding decisions.



1. <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>
2. <https://www.cbd.int/gbf/targets>
3. <https://www.animallaw.info/article/overview-lacey-act-16-usc-ss-3371-3378>
4. https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en



ClientEarth's Policy Asks to Parties at COP16 on Implementing the KMGBF

1

Mainstreaming Nature Across Sectors

For Parties at COP16 to achieve the KMGBF goals and targets, nature must be mainstreamed into all sectors of governance. Current frameworks, such as NBSAPs, fall short of their potential by remaining siloed within environmental ministries and failing to integrate biodiversity concerns into broader national policy instruments. A comprehensive assessment of national legal systems is necessary to ensure that biodiversity conservation and protection and the sustainable use of natural resources are considered across all sectors, and that legal mechanisms are in place to mitigate any negative impacts.

2

Embedding Human Rights in Biodiversity Governance

A human rights-based approach must also be at the core of the KMGBF. Indigenous Peoples and local communities, women, children, and marginalised groups have historically been sidelined in environmental governance, yet they are key to successful biodiversity conservation. Legal frameworks must guarantee these groups' substantive participation in decision-making processes, ensuring that their rights to land and resources are protected and advanced. Transparency and public participation must be prioritised at all levels of governance, and grievance mechanisms must be established to provide timely justice for any violations.

3

Accountability and Enforcement: Turning Commitments into Action

Adopting ambitious targets is only the first step. Effective biodiversity governance requires rigorous compliance with laws at both national and international levels, to ensure that policy targets are translated into action with measurable outcomes. COP16 must deliver robust accountability mechanisms to ensure that commitments are upheld, including a standardised framework for monitoring and reporting progress. The implementation of the KMGBF hinges on binding legislation, transparent reporting, and consistent enforcement. The failure to meet past targets, such as the Aichi Targets,⁵ highlights the importance of turning promises into concrete actions through strong legal and institutional frameworks.

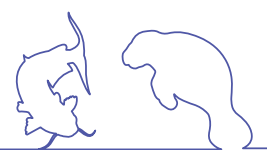


5. <https://www.cbd.int/sp/targets>



ClientEarth's Contributions to the Implementation of the KMGBF

- **EU Deforestation-Free Products Regulation:**⁶ This EU regulation will ensure that products entering the EU market do not contribute to deforestation or forest degradation, directly supporting the KMGBF's objectives for land-use sustainability. ClientEarth, working within an EU coalition of civil society organisations, reviewed the legislative proposal, drafted amendments, and advised decision-makers throughout the law's adoption.
- **Nature Restoration Law:**⁷ Adopted in 2024, this law sets ambitious restoration targets for degraded ecosystems, committing EU Member States to reversing biodiversity loss and enhancing ecosystem resilience by 2050. ClientEarth, as part of the #RestoreNature Coalition, played a key role by providing legal analysis and advocating for enforceable targets. Working with two hundred organisations, we mobilised public support and engaged policy makers to push for strong nature restoration measures.
- **30x30 Conservation Target:** ClientEarth continues to advocate for the protection of 30% of the world's land and sea by 2030, ensuring that Protected Areas are managed effectively and that Indigenous Peoples and local communities play a vital role in their governance.



6. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R1115>

7. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1991&qid=1722240349976>



ClientEarth's Policy Priorities for COP16

1. Biodiversity in Every Decision: Enforcing Laws that Protect Nature Across All Sectors

Current legal frameworks are limited and inadequate against the challenges that nature is facing because they separate biodiversity from other policy areas. This is best demonstrated by a mechanism used to translate CBD obligations into national action – **NBSAPs**, which currently take the form of toothless steering documents, siloed away in environmental ministries. **Only a small fraction of these plans are incorporated into cross-governmental policy instruments, binding across all executive branches, and even fewer are enshrined in national legislation.**⁸

This approach significantly limits the effectiveness of NBSAPs and is indicative of a broader trend of national biodiversity legislation, which is often riddled with gaps or lacks enforceability. Such an approach fails to address the multifaceted nature of biodiversity loss comprehensively, as well as its interlinkages with other major challenges that Parties face. Further, these plans are often developed without consultation with Indigenous Peoples and local communities and civil society organisations, risking the development of NBSAPs that fail to fully understand key challenges and opportunities to conserve biodiversity.

About the Kunming-Montreal Global Biodiversity Framework (KMGBF)

The KMGBF was adopted by Parties to the CBD at COP15 in December 2022, and it is a landmark global commitment to halt and reverse biodiversity loss by 2030.⁹

The KMGBF outlines four long-term goals for 2050, focusing on ecosystem health, sustainable use of biodiversity, equitable sharing of benefits, and financial/resource mobilisation, including closing the biodiversity finance gap of USD 700 billion per year. Additionally, it sets 23 actionable targets to be achieved by 2030, such as protecting 30% of land and sea, 30% restoration of degraded ecosystems, halving the introduction of invasive species, and phasing out USD 500 billion/year in harmful subsidies. COP16 will be a pivotal moment for countries to begin implementing these international goals into national action.



8. Maney, C., Guaras, D., Harrison, J. et al. National commitments to Aichi Targets and their implications for monitoring the Kunming-Montreal Global Biodiversity Framework. *npj biodiversity* 3, 6 (2024). <https://doi.org/10.1038/s44185-024-00039-5>

9. <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>

It is expected that all Parties to the CBD will present their revised NBSAPs at COP16 (or when relevant only their national targets), making sure that they include actions on all individual KMGBF Targets, and that the revision process has followed relevant guidance adopted by COP Decision 15/6.¹⁰ However, **recognising the gaps and learning from the Aichi Biodiversity Targets implementation experience**,¹¹ to truly achieve the CBD's objective it is essential that **NBSAPs serve as the tool for integrating biodiversity into broader national policy and legal frameworks, and that they encompass concrete measures for all critical sectors such as agriculture, energy production, finance, infrastructure and health.**

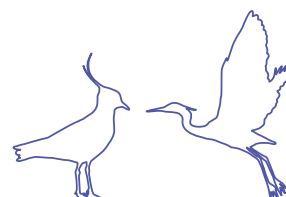
Still, beyond harnessing the full potential of NBSAPs, Parties' poor biodiversity policies track records can only be transformed through the **mainstreaming of biodiversity in all sectoral laws**, in line with **KMGBF Target 14**. Parties would need to undertake a comprehensive assessment of their national legal systems to: understand whether sectoral legislation properly integrates the conservation and sustainable use of biodiversity; assess its negative impacts on nature; and provide for adequate measures to mitigate these – while seeking co-benefits and supporting Indigenous Peoples' and local communities' participation in their implementation

It is essential that NBSAPs serve as the tool for integrating biodiversity into broader national policy and legal framework.

Action expected at COP16

COP16 will take place in Cali, Colombia, from 21 October to 1 November 2024. These are the principal areas where Parties to the CBD are expected to drive forward action in Cali:¹²

- 1. Translate the KMGBF into resolute national action**, with Parties expected to align their NBSAPs and demonstrate progress.
- 2. Mobilise and bolster the means of implementation**, including closing the USD 700 billion annual biodiversity finance gap and ensuring access to resources for developing countries, the least developed countries, Small Island Developing States, and economies in transition.
- 3. Accelerate progress on access and benefit-sharing (ABS)**, with a focus on operationalising a multilateral mechanism for the fair and equitable sharing of benefits from Digital Sequence Information on genetic resources.



10. <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-06-en.pdf>

11. Maney, C., Guaras, D., Harrison, J. et al. National commitments to Aichi Targets and their implications for monitoring the Kunming-Montreal Global Biodiversity Framework. *npj biodiversity* 3, 6 (2024). <https://doi.org/10.1038/s44185-024-00039-5>

12. <https://www.cbd.int/article/colombia-host-city-cali-cop16>



2. Embed a Human Rights-Based Approach at All Stages of the Kunming-Montreal Global Biodiversity Framework's Implementation

Enhancing effective public participation at all levels. Transparency and public participation are cornerstones of effective and accountable environmental governance. To ensure the successful implementation of the KMGBF, it is essential that Parties to the CBD prioritise these principles. Globally, transparency efforts must be strengthened to ensure that environmental information is readily available to the public, including details on how Parties comply with their commitments under the Framework. This transparency should extend to all stages of decision-making, particularly during legislative processes. Legal frameworks should ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making of Indigenous Peoples and local communities, women and girls, children and youth, and persons with disabilities. It is important to emphasise that participation results in decisions that are reflective of these groups' needs and interests.

Access to justice. In anticipation of potential violations of the rights of environmental human rights defenders, Indigenous Peoples and local communities, women and girls, children and youth, and persons with disabilities in implementation of the KMGBF, a grievance mechanism should be developed. The mechanism must be accessible, provide timely justice, and complaints must be considered at future COPs and feed into revisions of the implementation of the KMGBF. All complaints should be public, while taking heed of confidentiality requirements and ensuring the full protection of complainants.

Strengthening Indigenous Peoples' and local communities' rights in the implementation of the KMGBF. Extensive research underscores that ecosystems, particularly forests, thrive under the stewardship of Indigenous Peoples and local communities when they have the legal rights to land, under either statutory or legally recognised customary tenure systems. The KMGBF presents a crucial opportunity to address historical and ongoing violations of Indigenous Peoples' and local communities' rights, especially those resulting from inadequately conceived conservation efforts.





To enhance Indigenous Peoples' and local communities' rights under the KMGBF, ClientEarth considers that two key changes are needed:

- **Meaningful Engagement:** Indigenous Peoples and local communities must play a significant role in designing and implementing national laws and policies, with substantive participation. Meaningful engagement often requires the provision of technical and financial support to marginalised groups, including Indigenous Peoples and local communities, women, and those most at risk of being excluded from the discussions, to ensure they have a seat at the table. Equally important is the provision of support to ensure all stakeholders understand the content and potential impacts of legislation, particularly those unfamiliar with legal texts or jargon, for them to be able to provide their input. Certain contexts may also require tailored consultations for marginalised groups in a context that is sensitive to their needs.
- **Strengthening Rights:** Laws aligning with KMGBF goals should protect and advance Indigenous Peoples' and local communities' rights, not undermine them. The KMGBF should be seen as a key opportunity to legally recognise customary rights to land and natural resources. This should be done in a way that: ensures Indigenous Peoples' and local communities' free, prior and informed consent is needed for all decisions over their land; ensures that Indigenous Peoples and local communities share the benefits that come from any exploitation of natural resources on their lands so that they can sustain their livelihoods; and offers financial resources to continue conservation efforts.

To ensure the successful implementation of the KMGBF, it is essential that Parties to the CBD prioritise the principles of transparency and public participation as a cornerstones of effective and accountable environmental governance.





3. Accountability and Enforcement

Putting in place robust, science-based, and ambitious legislation for the conservation and sustainable use of biodiversity is only one part of the equation for achieving the necessary transformative change. This cannot be achieved without **full compliance with the applicable national and international laws, with effective, timely and appropriate recourse to judicial and non-judicial remedies in case of violations.**

As a first step, it is expected that at COP16 there will be a comprehensive global analysis of NBSAPs and national targets, as agreed¹³ in COP15, and a meticulous identification of gaps and challenges in national and global ambition. This should then be followed by the **formalisation of a platform for regional and subregional dialogues on progress** in line with Recommendation 2 adopted in the 4th meeting of the Subsidiary Body on Implementation (SBI).¹⁴ Such a process would provide invaluable insights on current ambition gaps and inform relevant decisions on resource mobilisation both within and beyond Global Environmental Facility funding, ensuring that financial support is strategically allocated to address the most critical needs and fill the identified gaps.

Furthermore, COP16 is expected to finalise the modalities for the global watershed moment that will be the biodiversity stocktake, that is, the global review of collective progress in the implementation of the KMGBF. To enable this, Parties need to adopt the templates for the 7th and 8th national national reports (to be submitted by COP17 and COP19, respectively), as their aggregate will serve as one of the **bases for the global review.** National reports need to follow a standardised format, so that they are comparable.

Besides the need for comprehensiveness and transparency, ClientEarth considers that both the global review of collective progress, as well as the national reports assessing individual Parties' progress, need to be carried out in a truly participatory manner, with full involvement of relevant stakeholders and rights-holders. Furthermore, they should both rely on a multi-source evidence basis, whereby independent scientific evidence, Indigenous knowledge, citizen science and remote sensing are included in the reports and used to both verify state-submitted data and fill knowledge gaps.

These considerations must be included in the relevant COP decisions coming out of COP16.

The necessary transformative change cannot be achieved without full compliance with the applicable national and international laws, with effective, timely and appropriate recourse to judicial and non-judicial remedies in case of violations.



13. <https://www.cbd.int/nbsap/post-cop15.shtml>

14. Convention on Biological Diversity, Subsidiary Body on Implementation, Recommendation: *Review of implementation: progress in the preparation of revised and updated national biodiversity strategies and action plans and the establishment of national targets in alignment with the Kunming-Montreal Global Biodiversity Framework*, CBD/SBI/4/2 (Nairobi, May 2024). <https://www.cbd.int/doc/recommendations/sbi-04/sbi-04-rec-02-en.pdf>



ClientEarth's Flagship Initiatives Driving Long-Term Implementation of the Kunming-Montreal Global Biodiversity Framework

1. Strengthening EU Law to Combat Global Deforestation

The EU's new Deforestation-free Products Regulation¹⁵ (EUDR), formally adopted by the EU institutions on 16 May 2023 and which entered into force as a Regulation of the EU on 29 June 2023, represents a critical leap forward in the fight against global deforestation. On 2 October, the Commission tabled a proposal to delay application of the law by 12 months, which is yet to be considered by the European Parliament and Member States. ClientEarth considers that postponing this law is not only delaying action to reduce the EU's impacts on forests but actively preventing broader progress on tackling the climate and biodiversity crises, further jeopardising the rights and livelihoods of Indigenous Peoples in forest areas.

The EUDR aims to ensure that products consumed in or exported from the EU do not contribute to deforestation or forest degradation, regardless of where they are produced. It builds on existing EU laws to combat trade in illegal timber, which have been in force for over a decade, and introduces more comprehensive rules that place the onus on companies doing business in the EU to ensure their products are deforestation-free. The EUDR applies to products made from a short list of commodities known to be linked to deforestation – such as palm oil, soy, beef, cocoa, coffee, rubber and timber – and applies to products originating from inside as well as outside the EU.



15. https://environment.ec.europa.eu/topics/forests/deforestation/regulation-deforestation-free-products_en

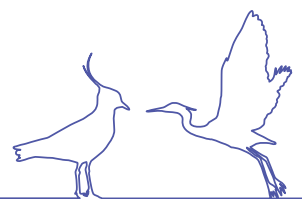


The EUDR requires EU Member States to implement and enforce it, including by establishing a robust enforcement framework and designating adequately resourced, empowered and independent agencies to monitor and enforce compliance. Member States must also establish national rules on penalties for non-compliance and coordinate with the European Commission and other Member States to ensure a uniform and consistent standard of enforcement. Full implementation and enforcement of the EUDR, including provisions targeting commercial operators, must be in place by 30 December 2024, with mechanisms for cross-border coordination, monitoring, and information exchange, including with agencies from third countries.

ClientEarth followed the development of the EUDR, working extensively with a coalition of NGOs developing common policy positions, reviewing the legislative proposal, drafting amendments, and supporting decision-makers to understand and negotiate key policy issues and technical details to agree a strong final text. We continue to work with NGO partners inside and outside of the EU to engage with European Commission and Member State counterparts to prepare for the timely implementation of the law.

The EUDR is a vital mechanism in achieving the goals and targets of the KMGBF by ensuring that major forest-risk products entering the EU market are sustainably produced, protecting forest ecosystems from degradation and destruction, and promoting sustainable land-use practices that are crucial for biodiversity conservation and ecosystem resilience. In particular, the EUDR aligns with **KMGBF Target 1**, which focuses on spatial planning and management to address land- and sea-use changes. It ensures that certain commodities are produced in ways that do not contribute to deforestation or forest degradation, both of which are major drivers of biodiversity loss. By requiring that products entering the EU market must not be linked to deforestation, the EUDR directly supports the KMGBF's goal of addressing land- and sea-use change, to bring the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity, close to zero by 2030.

The EUDR also supports **KMGBF Target 3**, which aims to conserve at least 30% of terrestrial, inland water and marine areas by 2030. By prohibiting the import of products sourced from deforested lands, whether legally or illegally deforested, the regulation helps to reduce pressure on critical ecosystems that are essential for biodiversity, both within existing protected areas and those meeting the criteria for future designation.



Furthermore, the EUDR contributes significantly to **KMGBF Target 10**, which emphasises the sustainable management of agriculture, aquaculture, fisheries and forestry. The regulation ensures that commodities entering EU market are produced in compliance with local laws, preventing unsustainable agricultural practices that could lead to deforestation and forestry practices that could engender forest degradation. By promoting sustainable production practices, the EUDR supports the KMGBF's goal of ensuring the long-term productivity and resilience of agricultural and forestry systems.

Along side our advocacy efforts at the EU level, ClientEarth works with partners in Côte d'Ivoire and Ghana – where 60% of the world's cocoa is produced – to improve legal frameworks regarding cocoa production. Improvements to the agri-food trade requires strengthening of legal frameworks at each step of global supply chains. By working with partners in producer countries, we support the meaningful participation of civil society organisations in the implementation and enforcement of the relevant local national laws and European regulations, so that objectives to improve the sustainability of global food systems can be realised in practice.

Since 2020, through research and consultation of civil society organisations and farmer-based organisations, ClientEarth and national legal partners have drafted briefings that set out the Ivorian and Ghanaian legal framework for cocoa production and trade, and identify loopholes and possible governance, legal and policy reform solutions for the major social and environmental costs of cocoa production at national level. Additionally, we have worked with national civil society organisations to analyse the extent to which the EU and incoming UK regulations on deforestation can act as a lever¹⁷ to address the social and environmental concerns of the cocoa sector in Ghana and Côte d'Ivoire. Given the potential 12-month delay of the EUDR, we are urging the EU to collaborate with producer countries to support the transition to responsible and sustainable agriculture.

ClientEarth will continue to work to ensure this groundbreaking new law is implemented and enforced, reflecting the imperative that countries and companies in the Global North take responsibility for the negative impacts of their enterprises on nature, climate and communities in the Global South. While there is more work needed to minimise impacts on the livelihoods of smallholder farmers, some local communities also see the EUDR as an opportunity to improve traceability in global supply chains and grow their visibility in the global market.

2. The EU's Landmark Nature Restoration Law: A Turning Point for Biodiversity and Climate Action

In a historic victory for nature and climate, the EU officially adopted the Nature Restoration Law (NRL) on 17 June 2024.¹⁸ The NRL constitutes an effort by the EU to implement **KMGBF Target 2**, which aims to ensure that by 2030 at least 30% of areas of degraded terrestrial, inland water, and coastal and marine ecosystems are under effective restoration, and to enhance biodiversity and ecosystem functions and services, ecological integrity, and connectivity. This milestone marks the final step in a challenging legislative journey, securing a critical tool for reversing biodiversity loss and enhancing climate resilience across Europe.

The NRL sets ambitious, legally binding targets to restore degraded ecosystems across the EU. It establishes a framework for Member States to implement effective, area-based restoration measures. Its goal is to collectively restore at least 20% of the EU's land and marine areas by 2030 and all ecosystems in need of restoration by 2050.¹⁹ The NRL also includes specific actions to halt and reverse the decline of pollinators. Furthermore, the NRL focuses on increasing biodiversity and green spaces in urban environments, aiming to improve the quality of life and enhance climate resilience in cities.



17. <https://www.clientearth.org/latest/documents/a-legal-pathway-to-sustainable-cocoa-in-ghana-and-cote-d-ivoire-introduction/>

18. <https://www.consilium.europa.eu/en/press/press-releases/2024/06/17/nature-restoration-law-council-gives-final-green-light>

19. *ibid.*



Member States are mandated to prepare and submit detailed national restoration plans, outlining how they will achieve these restoration goals, with regular progress reporting to ensure transparency and accountability. These national restoration plans also set the foundations for a truly biodiversity-centred spatial planning, while also promoting the harnessing of synergies between biodiversity policy and sectoral policies, particularly on renewable energy and agriculture. In this regard, the implementation of the NRL will also contribute to the achievement of KMGBF **Targets 1, 8, 10 and 14**.

The NRL is of critical importance for several reasons. Europe is facing a severe biodiversity crisis, with more than 80% of its ecosystems in poor condition. The NRL directly addresses this by restoring critical habitats. In addition to biodiversity recovery, the law contributes significantly to climate action by restoring ecosystems like forests, seabed, and wetlands, which help sequester carbon and build resilience to climate impacts. Healthy ecosystems also provide essential services, such as clean air, water, and fertile soils for agriculture, supporting local economies and creating jobs in sectors like sustainable farming, low-impact fishing, and tourism. The restoration of green spaces and natural habitats will additionally enhance public health and well-being, particularly in urban areas, where access to nature is often limited.

The #RestoreNature coalition²⁰ of civil society entities, including ClientEarth, played a key role in advocating for the adoption of the NRL. As part of this, ClientEarth provided essential legal analysis to strengthen the law and push for enforceable targets and deadlines. Working alongside over two hundred environmental organisations, the coalition helped mobilise over a million citizens across the EU to engage with EU policymakers and demand strong restoration measures.

Now that the NRL has been adopted, the focus shifts to its implementation across all EU Member States. Each country is required to submit a National Restoration Plan, detailing how they will meet the law's legally binding targets. These plans must include specific measures for restoring ecosystems, clear timelines for action, and mechanisms for monitoring progress. Close collaboration between national governments, stakeholders, and civil society will be essential to ensure that these plans are both ambitious and feasible. The effective execution of these restoration plans is critical to reversing biodiversity loss, strengthening climate resilience, and securing a sustainable future for Europe's natural environment.





3. Furthering the 30x30 Conservation Target

Advancing the **KMGBF Target 3**, commonly referred to as '30x30,' requires urgent global action to improve the stewardship of both land and ocean ecosystems, as overexploitation and unsustainable practices continue to drive severe biodiversity losses. To address this, at least 30% of the world's land and sea must be protected by 2030 through integrated, cross-sectoral approaches and robust national biodiversity strategies.

In the case of marine ecosystems, including the Mediterranean, ClientEarth advocates for the need to accelerate progress to protect at least 30% of EU marine waters by 2030, with a minimum of 10% designated as strictly protected. The focus in the Mediterranean must be on prioritising critical habitats and species to safeguard the region's unique biodiversity.

Enhancing the effectiveness of both existing and new Marine Protected Areas is an essential part of this effort. This requires the development and enforcement of robust management plans, environmentally sound conservation objectives, appropriate conservation measures, and sustainable funding to ensure long-term success.

The rights, knowledge, and perspectives of Indigenous Peoples and local communities must be central to implementing the 30x30 target at national levels. Conservation efforts must be inclusive, equitable, and respectful of those most closely connected to and dependent on EU seas.

On land, ClientEarth's efforts in Europe align with the European Biodiversity Strategy for 2030, advocating for the expansion of strictly protected areas that will form the backbone of the EU's nature conservation system. Key activities include campaigning for the improvement and enforcement of legal frameworks regulating the management of protected areas, particularly those of highest rank, such as national parks and nature reserves. This also involves advocating for better management and monitoring, stable funding, and public recognition for existing protected areas.





In Europe, we have also carried out strategic litigation to protect some of the region's most precious ecosystems, such as old-growth forests in Natura 2000 sites – including the Białowieża Forest and the Carpathian Forests in Poland – as well as protected woodlands in Romania. A notable success has been the legal victory to restore Lago di Vico, a protected lake polluted by unsustainable agricultural practices, which authorities are now required to restore. In Portugal, we worked with partners to protect another Natura 2000 site in the Tagus Estuary – the country's most important wetland for waterbirds and a vital stop for migratory birds between Europe and Africa – from proposals by the authorities to build an airport. The knock-on effects of this project would have been felt well beyond Portugal's borders.

In Africa, ClientEarth provides comprehensive legal support to civil society, to strengthen the role of Indigenous Peoples and local communities in protecting biodiversity. Together with national NGOs, we offer legal training to enhance community understanding of legal frameworks and rights, ensuring Indigenous Peoples and local communities are equipped to enforce these rights, particularly within the context of the KMGBF. By increasing Indigenous Peoples and local communities understanding of the KMGBF and its relevance to their communities, we empower them to actively participate in policy and legislative drafting processes.

Together with partners in Liberia, Ghana, Côte d'Ivoire, Republic of Congo and Gabon, ClientEarth continues to advocate for legal reforms that recognise Indigenous Peoples and local communities' rights to use, manage, or own their lands and community forests. This is a crucial step toward securing land rights, which in turn helps safeguard biodiversity. By facilitating dialogue between Indigenous Peoples and local communities and governments, we ensure that the perspectives, priorities, and knowledge of Indigenous Peoples and local communities are directly integrated into the design and implementation of KMGBF policies and laws.

In China, ClientEarth provides valuable legal expertise to advocate and support the implementation of KMGBF. We have contributed significantly to the revision of a series of nature-related laws and regulations, to make sure key targets of KMGBF have a solid legal basis. We contributed to the delineation and legal analysis of Ecological Conservation Redlines (ECRL), which is the major tool of China to achieve the 30x30 goal. So far, over 319 million hectares of areas have been delineated as ECRL. The land area of ECRL exceeds 30% of China's land territorial area.²¹ We have cooperated with Chinese prosecutors and judges to enhance law enforcement on nature conservation by conducting judicial training for them.²² Currently, we are working closely with Chinese judges to explore the direct application of CBD and KMGBF in their environmental rulings.



21. "The delineation of ecological protection redlines in China has been fully completed" https://www.gov.cn/lianbo/bumen/202305/content_6874320.htm (in Chinese).

22. "Procuratorial Public Interest Litigation Contributes "Chinese Plan" to the Construction of Global Ecological Civilization" https://www.spp.gov.cn/spp/gyssshmhsh/201912/t20191211_441021.shtml (in Chinese)

COP16 – what will success look like?

In addition to our policy asks above, for the COP16 negotiations to be considered successful, ClientEarth would like to see the following negotiation outcomes delivered:

- **Finalisation of the Monitoring Framework**, including science-based and representative indicators in line with decision COP15/5²³ based on outcomes of Subsidiary Body on Scientific, Technical and Technological Advice on its twenty-fifth meeting²⁴ (SBSTTA25).
- **Finalisation of the Planning, Implementation, Monitoring, Reporting and Review Mechanism** in line with decision COP15/6 and on the basis of outcomes of Subsidiary Body on Implementation on its fourth meeting²⁵ (SBI4), especially by adopting a decision on: i) the concrete procedural arrangements for the periodic global review of collective progress to be undertaken at COP17 and COP19; and ii) the further development and operationalisation of the open-ended forum for voluntary country review and potential expert-assisted review, with a substantial number of Parties agreeing to be reviewed by COP17.
- **Assessment and analysis of the collective ambition** ("stocktake of ambition") through Parties' revised NBSAPs or – where relevant – national targets, followed by an identification of gaps and a decision on how they will be addressed by COP17.

23. <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-05-en.pdf>

24. <https://www.cbd.int/doc/c/698b/dca4/dadb1b93ace9acae10f1bb04/sbstta-25-13-en.pdf>

25. <https://www.cbd.int/doc/c/450f/1447/6de8609b5e9ba3c8e4f7c017/sbi-04-17-en.pdf>

To discuss this briefing further, please contact:

Pierre Cannet (at COP16)

Global Head of Public Affairs & Policy

pcannet@clientearth.org

Paloma Colmenarejo Fernández (at COP16)

Policy Advisor, Global Public Affairs & Policy

pcolmenarejo@clientearth.org

This document was written for general information and does not constitute legal, professional, financial or investment advice. Specialist advice should be taken in relation to specific circumstances. Action should not be taken on the basis of this document alone. ClientEarth endeavours to ensure that the information it provides is correct, but no warranty, express or implied, is given as to its accuracy and ClientEarth does not accept responsibility for any decisions made in reliance on this document.

Beijing Berlin Brussels London Los Angeles Luxembourg Madrid Warsaw

ClientEarth is an environmental law charity, a company limited by guarantee, registered in England and Wales, company number 02863827, registered charity number 1053988, registered office 10 Queen Street Place, London EC4R 1BE, a registered international non-profit organisation in Belgium, ClientEarth AISBL, enterprise number 0714.925.038, a non-profit limited liability company in Germany, ClientEarth gGmbH, HRB 202487 B, a registered foundation in Poland, Fundacja "ClientEarth Prawnicy dla Ziemi", KRS 0000364218, NIP 7010254208, a registered delegation in Spain, Fundación ClientEarth Delegación en España, NIF W0170741C, a registered 501(c)(3) organisation in the US, ClientEarth US, EIN 81-0722756, a registered subsidiary in China, ClientEarth Beijing Representative Office, Registration No. G1110000MA0095H836, a registered subsidiary in Japan, Ippan Shadan Hojin ClientEarth, corporate number 6010405022079, a registered subsidiary and company limited by guarantee in Australia, ClientEarth Oceania Limited, company number 664010655.