

Indigenous territorial rights in the Global Biodiversity Framework: Creating a third pathway to 30x30

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Abstract

At the conclusion of the 15th Conference of the Parties to the Convention on Biological Diversity (CBD-COP15) in Montreal, Canada in December 2022, many rights-holders and allies commended the inclusion of language respecting Indigenous rights and knowledge in the Kunming-Montreal Global Biodiversity Framework (KMGBF). In particular, they pointed to the recognition of and rights to Indigenous and traditional territories in Target 3, commonly referred to as 30x30. Drawing on a collaborative ethnography of CBD-COP15 and its preparatory meetings between 2020 and 2022, we examine how the International Indigenous Forum on Biodiversity and its allies built a transnational alliance of member states, non-governmental organizations, Indigenous Peoples and Local Communities (IPLCs), and others to further a human rights-based approach. We illustrate how they invoked the moral authority of the United Nations human rights framework and used consultation processes, established under Article 8j of the CBD, as well as the time and space provided by the COVID-19 pandemic. In doing so, they embraced Target 3—a target that was important to many actors—framing the recognition of territorial rights as key to achieving Target 3. The inclusion of rights-based language in Target 3 entails a critical step toward decolonizing conservation by underscoring the importance of recognizing and respecting the rights of IPLCs in all area-based conservation, by recognizing IPLCs rights—and implicitly Indigenous-led governance—over traditional territories, and by paving the way for a third category of area-based conservation, which sees Indigenous territorial claims as fundamental human rights and protecting territorial rights as a means of protecting Indigenous life. The power of this text lies in its codification of a conservation paradigm shift that frames long standing struggles against green grabs as human rights issues and foundation for legal claims in international, regional, and national courts. Nonetheless, it is limited in its ability to transform the broader political economy of conservation. The core challenge ahead is to utilize the various mechanisms for implementing the KMGBF—from monitoring and reporting to the new Subsidiary Body on Article 8j—to restructure the relations of domination under capitalism that cause environmental destruction and dispossession.

Keywords: Human rights based approaches, biodiversity conservation, Indigenous peoples and local communities, Kunming-Montreal Global Biodiversity Framework

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Résumé

À l'issue de la 15^e Conférence des Parties à la Convention sur la diversité biologique (CBD-COP15) à Montréal (décembre 2022), les nombreux détenteurs de droits et alliés ont salué l'inclusion d'un libellé respectant les droits et les connaissances des peuples autochtones dans le Cadre mondial de Kunming-Montréal pour la biodiversité (KMGBF). Les territoires autochtones et traditionnels ainsi que les droits qui s'y rapportent ont été reconnus dans la cible 3, communément appelée 30x30. Nous avons mené une ethnographie collaborative de la CBD-COP15 et de ses réunions préparatoires entre 2020 et 2022, et nous examinons ici comment le Forum international autochtone sur la biodiversité et ses alliés ont construit une alliance transnationale d'états-membres, des ONGs, de Peuples Autochtones et de Communautés Locales (IPLC) et d'autres acteurs afin de promouvoir une approche fondée sur les droits humains. Nous illustrons comment ils ont invoqué l'autorité morale du cadre des droits humains des Nations Unies et utilisé les processus de consultation établis en vertu de l'article 8j de la CDB, en tirant également parti du temps et de l'espace offerts par la pandémie de COVID-19. Ils ont présenté la reconnaissance des droits territoriaux comme un élément clé pour atteindre l'objectif 3. L'inclusion d'un langage fondé sur les droits contribue à la décolonisation de la conservation en reconnaissant et en respectant les droits des IPLC dans tous les programmes territoriaux, ainsi que la gouvernance dirigée par les peuples autochtones. Les revendications territoriales sont considérées comme des droits humains fondamentaux, comme un moyen de préserver la vie autochtone. La force du KMGBF réside dans la codification d'un changement de paradigme en matière de conservation qui présente les luttes longues contre l'accaparement des terres comme des questions relatives aux droits humains. Ils deviennent ainsi le fondement des revendications juridiques devant les tribunaux internationaux, régionaux et nationaux. Néanmoins, l'économie politique générale de la conservation n'a guère changé. Le principal défi à relever consiste à utiliser les différents mécanismes de mise en œuvre du KMGBF – du suivi et de l'établissement de rapports au nouvel organe subsidiaire sur l'article 8j – pour restructurer les relations de domination sous le capitalisme qui causent la destruction de l'environnement et la dépossession.

Mots clés: Approches fondées sur les droits humains, conservation de la biodiversité, peuples autochtones et communautés locales, cadre mondial de Kunming-Montréal pour la Biodiversité

Resumen

Al término de la 15.^a Conferencia de las Partes del Convenio sobre la Diversidad Biológica (CDB-COP15) celebrada en Montreal (diciembre de 2022), muchos titulares de derechos y aliados elogiaron la inclusión de lenguaje que respeta los derechos y los conocimientos indígenas en el Marco Mundial de Kunming-Montreal para la Diversidad Biológica (KMGBF). Se reconocieron los territorios y derechos indígenas y tradicionales en la Meta 3, comúnmente conocida como 30x30. Llevamos a cabo una etnografía colaborativa de la CDB-COP15 y sus reuniones preparatorias, y aquí examinamos cómo el Foro Indígena Internacional sobre Biodiversidad y sus aliados construyeron una alianza transnacional de Estados miembros, organizaciones no gubernamentales, pueblos indígenas y comunidades locales (IPLC), entre otros, para promover un enfoque basado en los derechos humanos. Ilustramos cómo invocaron la autoridad moral del marco de derechos humanos de las Naciones Unidas y utilizaron los procesos de consulta establecidos en virtud del artículo 8j del CDB, aprovechando también el tiempo y el espacio que les proporcionó la pandemia de COVID-19. Enmarcaron el reconocimiento de los derechos territoriales como clave para alcanzar la Meta 3. Esto contribuyó a la descolonización de la conservación al reconocer y respetar los derechos de los PILC en los planes basados en áreas y la gobernanza dirigida por los indígenas. Las reivindicaciones territoriales indígenas se consideran derechos humanos fundamentales, como medio para preservar la vida indígena. El poder del KMGBF es la codificación de un cambio de paradigma que enmarca las luchas de larga data contra la apropiación verde como cuestiones de derechos humanos. Las reclamaciones pueden presentarse ante tribunales internacionales, regionales y nacionales. No obstante, la economía política general de la conservación no ha cambiado. El reto fundamental es utilizar los diversos mecanismos para aplicar el KMGBF —desde la supervisión y la presentación de informes hasta el nuevo Órgano Subsidiario del Artículo 8j— para reestructurar las relaciones de dominación bajo el capitalismo que causan la destrucción del medio ambiente y el despojo.

Palabras clave: Enfoques basados en los derechos humanos, conservación de la biodiversidad, pueblos indígenas y comunidades locales, Marco Mundial de Kunming-Montreal para la Diversidad Biológica.

1. Introduction

Ensure and enable that by 2030 at least 30 per cent of terrestrial, inland water, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, **recognizing indigenous and traditional territories** where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, **recognizing and respecting the rights of indigenous peoples and local communities, including over their traditional territories**.

Target 3 of the Kunming-Montreal Global Biodiversity Framework (CBD, 2022a, emphasis added)

At the conclusion of the 15th Conference of the Parties to the Convention on Biological Diversity (CBD-COP15) in Montreal, Canada in December 2022, many rights-holders and allies praised the inclusion of language respecting the rights, knowledge, and other contributions of Indigenous Peoples and Local Communities (IPLCs) in the final Kunming-Montreal Global Biodiversity Framework (KMGBF) and specifically in Target 3 (e.g., IIFB 2022a).² With four goals and 23 targets, the KMGBF sets out an ambitious global plan to address biodiversity loss by 2030 (CBD, 2022a), which Parties agree to implement through their own national strategies. As shown in the epigraph, Target 3 of the KMGBF, commonly referred to as 30x30, establishes a global target that commits Parties to protecting 30 percent of terrestrial and inland water areas, and of marine and coastal areas, by 2030. It also recognizes IPLC rights and offers a third pathway to conservation, Indigenous and traditional territories, in addition to traditional state-led protected areas and other effective area-based conservation measures (OECMs).³

In this article, we examine how the International Indigenous Forum on Biodiversity (IIFB), which coordinates Indigenous strategies at the CBD, and its allies advanced a human rights-based approach (RBA), and specifically territorial rights, by embracing 30x30 in the KMGBF.⁴ Our analysis draws on a collaborative ethnography of the CBD-COP15 and its preparatory meetings between 2020 and 2022. Acknowledging that there were various networks and caucuses, particularly the Global Youth Biodiversity Network, Women 4 Biodiversity, the Human Rights and Biodiversity Working Group, the ICCA Consortium, as well as other non-governmental (NGO) campaigns, which helped to promote territorial rights in the KMGBF, we focus specifically on some of the key actions taken by IIFB. We illustrate how they used direct lobbying, press conferences, side events, publications, webinars, and speaking as observers to the negotiations to build a movement around RBA; how they invoked the moral authority of the United Nations (UN) system, specifically the UN Resolution on The Human Right to a Clean, Healthy and Sustainable Environment, passed in July 2022 (UNGA, 2022); and how they framed the recognition of territorial rights as key to achieving 30x30. And we

² We use the term "IPLC" to be consistent with the official terminology of the CBD. The term used in the Convention text is Indigenous and local communities (ILCs). However, the CBD has used IPLCs since 2014, and it is the term used throughout the documents we reviewed and the processes we observed. Nonetheless, we acknowledge that this term is problematic because it conflates Indigenous Peoples (IPs), who have distinct rights under international law, with local communities (LCs), and the IIFB represents IPs. For further discussion see: Cultural Survival (2022), Brondizio *et al.* (2021) & Zheng (2023).

³ Target 11, the protected area target of the 2011-2020 CBD strategic plan, introduced OECMs, which offered possible support for and formal recognition of territories conserved by Indigenous Peoples (Jonas *et al.*, 2017). The CBD defines an OECM as "a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the *in-situ* conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values" (CBD, 2018, 1).

⁴ The IIFB is an organization of representatives of Indigenous governments, NGOs, academics, and activists that negotiates positions among IPLCs and coordinates indigenous strategies at major international environmental meetings, including the CBD.

show how rights-holders and their allies cemented critical partnerships by capitalizing on the rising pressure on states and conservation organizations to acknowledge the colonial legacies of conservation and by working inside the system on a target that was critical to many delegations and NGOs.

In doing so, they helped the CBD to make critical steps toward decolonizing conservation in several ways. First, the Target 3 language emphasizes the need to protect the rights of IPLCs not only in protected areas and OECMs, but also in all area-based conservation. Second, it recognizes IPLC rights—and implicitly Indigenous-led governance—over their traditional territories, stressing the self-determination of Indigenous Peoples to conserve their own lands in their own ways. This paves the way for a third category of area-based conservation, that acknowledges Indigenous territorial claims as fundamental human rights, underscoring that protecting territorial rights is about protecting Indigenous life.

The power of this text lies in its codification of a conservation paradigm shift that frames long standing struggles against green grabs as human rights issues. It provides leverage for pressuring state and non-state actors to respect territorial rights and a foundation for legal claims in international, regional, and national courts. However, its ability to reshape the broader political economy of conservation, with rising corporate influence and accompanying reliance on market-based mechanisms, many of which entail expropriation of IPLC land and resource rights, remains more limited. Thus, the core challenge ahead is how to utilize the various mechanisms for implementing the KMGBF—from monitoring and reporting to the new Subsidiary Body on Article 8j—to restructure the relations of domination under capitalism that cause environmental destruction and dispossession.

We write not *for* or *to* Indigenous Peoples, but rather we direct our argument towards other non-Indigenous scholars who wish to better understand and support ongoing efforts by Indigenous Peoples and their allies to decolonize conservation in international policy venues. As white women of European descent living and working in North America, we are settlers on Indigenous lands and recognize the need to repair relations with Indigenous Peoples and to work towards more just futures. We further recognize Indigenous Peoples and the IIFB as experts and knowledge holders, whether this expertise is shared in scholarly or other formats, and we acknowledge the diversity of Indigenous Peoples, worldviews, and political positions. Finally, while we focus our analysis on the IIFB, we are mindful that the IIFB adopts positions negotiated among its members. They do not represent a singular or unified 'Indigenous' position, and nor do they necessarily represent the views of all Indigenous Peoples.

2. The 15th Conference of the Parties to the Convention on Biological Diversity

The CBD opened for signature at the 1992 UN Convention on Environment and Development and entered into force in 1993. Its goals are to promote the conservation and sustainable use of biological diversity, as well as the fair and equitable sharing of the benefits derived from using genetic resources. Article 8j of the CBD stipulates that States/Parties shall respect Indigenous and local communities' knowledge and practices, as well as equitably share benefits arising from these. It also requires the "involvement of the holders of such knowledge, innovations, and practices."⁵ Thus, Article 8j subsumes the knowledge and practices of Indigenous Peoples under the sovereignty of nation states. The Open-Ended Working Group on Article 8j was established in 1998 to enhance the involvement of Indigenous Peoples in the work of the CBD. With this in mind, the CBD secretariat works closely with the IIFB, providing training and financial support for some IPLC representatives to attend meetings. For example, from 2019- 2021, the CBD Secretariat and IIFB co-hosted several dialogues, which reviewed and discussed the KMGBF drafts and process. Of particular note, at COP16 in Cali, Colombia, the Parties agreed to establish a permanent subsidiary body on Article 8j (CBD, 2024).

With 194 Parties, the CBD's COP meets every two years to review progress, identify priorities, and establish work plans. Member states implement the agreed policies, targets, and various programs of work via National Biodiversity Strategy and Action Plans (NBSAPs). Within the CBD, Indigenous Peoples are not Parties; they may only speak if recognized after states, and only Parties can propose language to include in COP

⁵ UN Convention on Biological Diversity, article 8, section j. Retrieved July 23, 2025: <https://www.cbd.int/convention/articles/default.shtml?a=cbd-08>

Decisions. Nonetheless, Parties can choose to propose Decision text endorsed by observers such as the IIFB. IPLCs also influence negotiations through lobbying, press conferences, webinars, side events, and informal receptions and sometimes even participate as members of state delegations. They tend to have more influence in CBD negotiations than many other international conventions (Parks & Tsoumani, 2023).

COP15 had been scheduled to take place in Kunming, China in October 2020. Foremost on its agenda was securing a final agreement on a post-2020 framework, which was to comprise a strategic plan and an associated set of biodiversity targets to guide the CBD's work through to 2030. This followed on the CBD's strategic plan for 2011-2020 and its associated Aichi Targets, adopted at COP10 in Nagoya, Japan in 2010. Targets are highly visible political objects, often mobilized beyond the CBD in broader governance networks (Campbell *et al.*, 2014), and protected area targets are the 'marquee metric' of conservation (Hagerman *et al.*, 2021), serving as 'everyone's solution' to conservation problems (Corson *et al.*, 2014). Negotiations on the protected areas target for COP15 sought to extend and expand Aichi Target 11, which stated that,

By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape. (CBD, 2010)

The Open-ended Working Group (OWG) on the strategic plan, convened by the COP to develop the post-2020 framework, first met in August 2019 in Nairobi and subsequently in February 2020 in Rome. When the COVID-19 pandemic broke out, the OWG was in the middle of negotiating the framework. After a hiatus, the OWG eventually held Part 1 of its third meeting virtually in August-September 2021 and then Part 2 as a hybrid meeting in March 2022 in Geneva, followed by a fourth hybrid meeting in June 2022 in Nairobi. The first part of COP15 was then held virtually in September 2022, with the fifth and final meeting of the OWG held just before part II of the in-person COP15 meeting in December 2022 in Montreal, where the post-2020 framework was ultimately finalized as the KMGBF.

3. The theory and methodology of Collaborative Event Ethnography

Collaborative Event Ethnography (CEE) is a methodology in which teams of researchers collaborate to study global conservation governance through the lens of international conferences. CEE approaches global conservation governance as processual, dynamic, and contingent, constituted through constantly shifting assemblages of logics, practices, networks, and technologies that collectively configure fields of governance across space and time. The opportunities for reworking power dynamics in conservation lie in multiple nodes of coming together that make up these assemblages (Corson *et al.*, 2019; Gray *et al.*, 2020). We study conferences like COPs as 'field' sites where diverse state and non-state actors, normally dispersed, come together to negotiate and codify agendas and where power relations among them become visible in a time-condensed setting. At these conferences, alongside official negotiations among state actors, diverse actors from multinational banks to IPLCs present their positions in side events, press conferences and reports. Thus, COPs are political stages on which diverse actors legitimize and align around common agendas. In this article, we are interested in how rights-based approaches—by bringing together actors, redefining key principles and standards, and leveraging international support for enforcement mechanisms on-the-ground—offer opportunities for shifting hegemonic dynamics in global conservation governance so as to advance IPLC rights.

As part of a larger group of collaborative event ethnographers, we had planned to attend the Kunming meeting in October 2020. After COP15 was rescheduled a second time, we adapted methods designed for in-person meetings to study, over two years, the virtual and hybrid preparatory meetings of the OWG. This article draws on data collected by a subset of three individuals who attended public meetings, including in person at the hybrid Geneva meeting of the third OWG in Geneva in March 2022, interim virtual sessions held by IIFB and other organizations between sessions of the OWG, and the in-person COP15 part II in Montreal in

December 2022. We also draw on published texts, including reports, position statements, and press conferences, as well as public webinars.

Rights-based approaches and international indigenous politics

International conservation has always been a colonial project, intimately intertwined with the global political economy. It has historically relied on a model of exclusionary conservation, which has sought to protect nature from people via protected areas, often through expropriations of IPLC territories and rights, justified by racialized narratives that discount their practices as primitive (Cronon, 1996; Adams, 2019). There is rising pressure on conservation organizations to acknowledge the colonial legacies of conservation and to decolonize conservation (Whitt, 2009; Domínguez & Luoma, 2020; Eichler & Baumeister, 2021; Hendlin, 2014). Numerous Indigenous Peoples and scholars, including political ecologists, have articulated the colonial logic and power relations inherent in conservation (Collins *et al.*, 2021; Davis & Todd, 2017; Domínguez & Luoma, 2020; Kashwan *et al.*, 2021; Whyte, 2018; Youdelis, *et al.*, 2021) and have pointed to human rights violations associated with conservation (Alcorn *et al.*, 2007; Springer *et al.*, 2011; Duffy *et al.*, 2019). More recently, United Nations Human Rights Special Rapporteurs have been influential in documenting these violations (Tauli-Corpus *et al.*, 2020; Boyd & Keene, 2021).

Rights-based approaches (RBAs), which refer broadly to any intervention that explicitly and purposefully respects people's rights as outlined in international and national human rights laws, declarations, and resolutions, have arisen as a strategy for redressing these wrongs. Rights may be substantive (e.g., rights to life, territory, or a healthy environment), distributional (e.g., rights to equitable distribution of risks and benefits), recognitional (e.g., rights related to identities, ways of knowing, and experiences), or procedural (e.g., rights to participate, right to free, prior and informed consent) (Corson *et al.*, 2020; Greiber, 2009; Marion Suiseeya, 2014).⁶ RBAs provide a framework for animating collective action so as to build national and transnational alliances (Perera, 2015; Corson *et al.*, 2015), for opening up legal avenues for redress across scales (Ekardt *et al.*, 2023; Harris *et al.*, 2015; Medina, 2016), and a discursive strategy for articulating IPLCs as rights-holders in resource conflicts (Clark, 2017; Miroso & Harris, 2012; Stevens, 2014).

Nonetheless, RBAs are limited in their ability to redress political economic issues. They do not challenge neoliberal models of commodification of resources and privatization (Bakker, 2007; Yates & Harris, 2018). Nor do they necessarily translate to devolution of decision-making or an ability to enforce rights to natural resources on the ground (Bakker, 2007; Kashwan, 2013), and their implementation is often mediated by racialized, colonial power relations (Correia, 2018). They depend on states for granting rights (Lokhandwala, 2022). As such, they can depoliticize struggles for justice and provide a human rights stamp of approval (Corson *et al.*, 2015), which undermines customary or collective rights to governance (Clark, 2017; see also Radonic, 2017; Franco *et al.*, 2013). Therefore, they can reinforce enclosure, commodification and dispossession and exploitation of labor and knowledge (Rubis & Theriault, 2020).

In terms of the rights we outline above, we note that decolonizing conservation requires attention to all rights, but that the right to territory is fundamental. While the international context encompasses many different forms and instantiations of colonial conservation, critical scholars broadly agree on territorial rights as a critical component of their decolonial work. Territoriality is the "specific, irreducible element" of settler colonialism (Coulthard 2014, 7), and therefore decolonization in the settler colonial context "must involve the repatriation of land... *all of the land*, and not just symbolically" (Tuck & Yang, 2012, 7). Territorial rights are also critical in (post)colonial contexts throughout Africa and Asia, where IPLCs have frequently been displaced from their territories in the name of conservation under colonial land tenure systems that persist long after the formal withdrawal of colonial powers (Redford & Fearn 2007, Domínguez & Luoma, 2020). Indigenous land rights have been ignored and undermined in both settler colonial states and (post)colonial states, often through the

⁶ We use the term 'rights-based approaches' to include both human rights-based approaches, which are grounded in international law focused on universal human rights, as well as those approaches that recognize the distinct rights of Indigenous Peoples as outlined in the United Nations Declaration on the Rights of Indigenous Peoples as well as other relevant international law.

establishment of protected areas. While decolonizing conservation is a multi-faceted project that will unfold differently in different contexts, recognizing territorial rights is critical in all cases.

The call by Indigenous Peoples for RBAs to address conservation is also situated within a broader politics of recognition (Coulthard, 2014) with its concern over the 'colonial entanglement' (Dennison, 2012) of spaces like the CBD and whether or not Indigenous Peoples should engage with state-led processes. Drawing from Fanon, Coulthard (2014) argues that colonial relations are produced and maintained through state recognition, and, as a result, the state-led apparatus, as found in multilateral treaties like the CBD, are incapable of producing true liberation for Indigenous Peoples. Asserting rights in this context "only reinforces the state's anti-historic claim to sovereignty by contract" (Alfred, 2009, 72). Thus, international environmental agreements reformulate state power without relinquishing the true bases of state control (Alfred, 2009), which entails the dispossession of Indigenous Peoples (Coulthard, 2014). Therefore, for some Indigenous Peoples, a valid alternative to such political recognition by the state is the refusal to contort "oneself in a fundamental space of misrecognition" (Simpson, 2014, 22). We are thus cognizant that some Indigenous Peoples and scholars are critical of efforts to work within the CBD and other international legal frameworks.

However, other Indigenous scholars and organizations have strategically chosen to work in and through international institutions. They have framed struggles towards self-determination within a rights framework in order to put states into "a double bind" (Lightfoot, 2020, 164) wherein they could not claim to adhere to human rights while simultaneously denying the right of self-determination. The push for recognition of Indigenous rights has been most notable through the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (Gilbert, 2007; Lightfoot, 2016), although it has also occurred in the UN Framework Convention on Climate Change (Marion Suiseeya *et al.*, 2022), in addition to the CBD. In this manner, RBAs allow rights-holders and their allies to leverage the legitimacy of the UN system—from its declarations to its special rapporteurs—to build transnational strategic alliances that establish "biodiversity as a basic human right and... the struggle to use, access, and own it as a human rights struggle" (Corson *et al.*, 2020, 1130). For example, advocates invoked the UN General Assembly Resolution on The Human Right to a Clean, Healthy and Sustainable Environment (UNGA, 2022) as justification for the inclusion of Indigenous rights in the KMGBF. Passed in July 2022, the Resolution was the culmination of decades of declarations and resolutions at various levels within the UN on environmental and Indigenous rights, including a UN Human Rights Council resolution of the same name, which had passed on 8 October 2021 (UNHRC, 2021) and had taken "on a life of its own, catalyzing conversations and actions all over the world" (Boyd, 2022). In its 2025 ruling on the obligations of States in respect of climate change, the International Court of Justice also reaffirmed that a "clean, healthy and sustainable environment" is a human right.⁷ In this article, we focus on how the IIFB drew on this legacy to advance a human rights-based approach to conservation, and specifically territorial rights, in the KMGBF.

4. Advancing Indigenous territorial rights in Target 3 of the Global Biodiversity Framework

As the process of creating the new KMGBF began, the list of "cross-cutting issues and approaches" for the 'zero draft' of the KMGBF, which was released on August 30, 2019, mentioned IPLCs and RBAs (CBD, 2019). Yet, the text of the protected area target in the "zero draft" released in January 2020 did not include IPLCs, their rights, or their territories (CBD, 2020a).⁸ Instead, it largely reproduced Aichi Target 11, albeit with a higher percentage target. In the next section, we trace the IIFB's concerted effort over two years, together with allies and as documented in published texts, to include rights-based language, specifically territorial rights, in Target 3 of the KMGBF.

⁷ International Court of Justice. Obligations of States in respect of Climate Change. Retrieved July 23, 2025: <https://www.icj-cij.org/case/187>

⁸ In early versions of the KMGBF, the target that eventually became Target 3 was labelled Target 2. To avoid confusion here, we refer to it as "the protected area target."

Introducing the rights-based approach to Target 3

In February 2020, just before the second meeting of the OEWG, a group of government agencies and NGOs organized a *Thematic Workshop on Human Rights as Enabling Condition in the post-2020 Global Biodiversity Framework*.⁹ This workshop produced a report that was intended to affect the deliberations at the second meeting of the OEWG in Rome. It demanded a number of key changes to the zero draft, including:

...new targets, or added language in existing targets, that address... the recognition and implementation, nationally and globally, of the right to a clean, healthy, safe and sustainable environment [and] securing Indigenous Peoples' and local communities' rights to their lands, territories, and resources and their systems of governance, knowledge and practices.

It also called on "all CBD Parties... to be bold, ambitious and work with integrity and conviction to respect, protect and fulfil human rights in the post-2020 Global Biodiversity Framework" (AIPP *et al.*, 2020, 6). Following this workshop, the Human Rights in Biodiversity Working Group (HRBWG) formed and published a series of discussion papers in response to each updated draft of the KMGBF. These reports highlighted how to more effectively promote a human rights-based approach to conservation, and, in relation to Target 3 specifically, introduced options for recognizing Indigenous people's tenure rights and territories (HRBWG 2020; 2021; 2022a; 2022b).

At the second OEWG in Rome in 2020, several parties proposed that the protected area target recognize IPLCs (CBD, 2020b). The IIFB specifically suggested modifying the protected area target to recognize IPLC land tenure (suggested language shown in capital letters):

Protect sites of particular importance for biodiversity through protected areas and other effective area-based conservation measures by 2030 covering at least [60%] of such sites and at least [30%] of land and sea areas with at least [10%] under strict protection, and FULLY RECOGNIZE AND LEGALLY PROTECT LAND TENURE IN THE TERRITORIES OF IPLCS BY 2030 (IIFB, 2020).

Nonetheless, the protected area target contained in the first draft of the KMGBF, released in July 2021, still contained no mention of IPLCs or their rights and territories (CBD, 2021). In their commentary about this draft at the third OEWG in Geneva in March 2022, the IIFB recommended language to emphasize equitable governance and Free, Prior, and Informed Consent (FPIC), and to recognize areas conserved by Indigenous Peoples and Local Communities in their traditional territories in the protected area target (now Target 3):

Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably GOVERNED AND managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, WITH THE FREE PRIOR AND INFORMED CONSENT OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, AND AREAS CONSERVED BY INDIGENOUS PEOPLES AND LOCAL COMMUNITIES ON THEIR TRADITIONAL TERRITORIES, and integrated into the wider landscapes and seascapes (IIFB, 2022b).

⁹ It was co-convened by the Asia Indigenous Peoples Pact (AIPP), FPP, Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development, International Development and Law Organization, Natural Justice, UN Environment and SwedBio at the Stockholm Resilience Centre.

Momentum for and against 30x30

As negotiations on the initial drafts of the KMGBF were taking place, momentum for 30x30 was increasing within the mainstream conservation community, backed by scientific justifications for protected areas (e.g. Dinerstein *et al.* 2019; Visconti *et al.* 2019; Woodley *et al.* 2019). Former heads of state, foreign ministers and diplomats founded the Campaign for Nature in 2018 as a campaign to promote 30x30 (Campaign for Nature, n.d.). An intergovernmental group of 120 countries similarly established the High Ambition Coalition (HAC) for Nature and People to implement the global goal of effectively conserving and managing at least 30 percent of the world's land and ocean by 2030 (HAC, n.d.). Finally, the Leaders Pledge for Nature, signed initially by 65 countries in September 2020, aimed broadly, "to step up global ambition for biodiversity [to match] the scale of the crisis at hand" (Leaders Pledge for Nature, 2020).

However, backlash against 30x30 was also building. In September 2020, the Minority Rights Group, Rainforest Foundation UK, and Survival International sent a letter to the Parties and Secretariat of the CBD, entitled, "NGO concerns over the proposed 30% target for protected areas and absence of safeguards for Indigenous Peoples and local communities", which was signed by 173 organizations and individuals. It stated "We are concerned about the 30% target in the 'zero-draft' Global Biodiversity Framework... we believe this target...could further entrench an outmoded and unsustainable model of conservation that could dispossess the people least responsible for these crises of their lands and livelihoods" (Minority Rights Group International *et al.*, 2020, 1). In October 2021, 161 organizations, including Indigenous Peoples' organizations and other allied civil society organizations and experts, signed another letter challenging the Leaders Pledge for Nature. They drew on the Human Rights Council resolution on the Right to a Healthy Environment (which in turn UN General Assembly passed as a resolution in 2022), to urge, "Respect for, protection, promotion and fulfilment of human rights, and the protection of those who defend them, must be an essential and non-negotiable part of measures adopted in upcoming negotiations at the UN Convention of Biological Diversity, COP15." The first *Our Land, Our Nature* Congress, which took place the day before the 2021 International Union for the Conservation of Nature's (IUCN) World Conservation Congress, and which billed itself as "the first congress to decolonize conservation," specifically "discourage[d] the adoption of the 30x30 target" (Our Land, Our Nature Congress, 2021) calling it "the biggest land grab in world history" (Survival International, 2020). The ICCA Consortium asserted that, "[Target 3] has the potential to either further the recognition and support of custodians' collective rights and roles and/or exacerbate threats, abuses and injustices," and it argued that "human rights should be placed at the heart of the post-2020 framework" (Ramos, 2022). Finally, the outcome document from the World Conservation Congress in September 2021, *The Marseille Manifesto*, stated:

The Congress implores governments to set ambitious protected area and other effective area-based conservation measure targets by calling for at least 30% of the planet to be protected by 2030. These targets must be based upon the latest science, and reinforce rights – including Free Prior Informed Consent – as set out in the UN Declaration on the Rights of Indigenous Peoples. IUCN must boost the agency of Indigenous Peoples and local communities... (IUCN World Conservation Congress, 2021)

Amidst these broader debates, the IIFB chose strategically to partner with high profile organizations and proponents of 30x30, such as the Campaign for Nature and the HAC, commending its IPLC taskforce and holding joint events.¹⁰

With political momentum building behind 30x30, the argument that 30x30 could only work if it was done with the recognition and respect of traditional rights, knowledge and authority (because a disproportionate amount of biodiversity is conserved by Indigenous Peoples) began to gain traction. This narrative positioned

¹⁰ Jennifer Tauli Corpuz, IIFB. 2022. Webinar: Indigenous Peoples and the post-2020 Global Biodiversity Framework: Opportunities for actions and collaboration. April 28. Sponsored by Secretariat of the CBD, IIFB, Indigenous Women's Biodiversity Network, Red de Mujeres Indígenas sobre Biodiversidad, FPP, Nia Tero.

Indigenous Peoples as caretakers of the Earth, drawing on studies that showed reduced deforestation in Indigenous Lands that are protected areas (HRBWG, 2022; IIFB, 2022c, Sze *et al.*, 2022). It invoked a widely circulating statistic that 80% of the world's biodiversity is on Indigenous lands (IIFB, 2022c)¹¹ to assert that, "safeguarding the rights of IPLCs is the most effective—and the most economical—model of protecting the world's nature" (IIFB, 2022c).

Advancing territorial rights as a 'Third Pathway' in Target 3

During the third OEWG, the initial 'zero draft' of the protected areas target, which had no reference to rights, was transformed into the text released on March 29, 2022, which included multiple variations of references to rights (CBD, 2022b). These included general recognition of the rights of IPLCs as well as specific recognition of the right to territory. The draft target at this point was unintelligible, as it included all the different preferred terms proposed by Parties during negotiations, the majority of which remained in square brackets to signal they were unagreed. Nonetheless, at this point in the negotiations there was no mention of a third pathway; Indigenous lands and territories were 'included' under protected areas and OECMs in this draft of Target 3.

At a webinar in April 2022 on the margins of the 21st session of the UN Permanent Forum on Indigenous Issues, which is the biggest gathering for Indigenous Peoples in the UN system and which includes environment as one of six mandated areas of focus, speakers emphasized the strong support from several Parties for a human rights-based approach to Target 3, including equity in governance and FPIC, and underscored the disproportionate amount of biodiversity located on Indigenous lands. However, they opposed the inclusion of Indigenous territories in Target 3 as merely a subset of protected areas and OECMs:

Only 40% of Indigenous territories overlap with protected areas. But nonetheless whether or not Indigenous territories are included in protected areas, they have managed to be effective in maintaining biodiversity. Therefore, we are calling for recognition of Indigenous lands, waters, and territories as such without having to put [them] into the protected area or conserved area [OECM] box.¹²

Here the IIFB diverged from some of its state allies. For example, even as it stated that: "The adoption of the 30×30 target in the global biodiversity framework is an opportunity to implement the commitments made under the UN Declaration on the Rights of Indigenous Peoples", the HAC also underscored that this should be done through "OECMs or by other means" (HAC n.d.). In other words, the HAC put Indigenous territories 'in the OECM box.' In contrast, the IIFB argued that the recognition of Indigenous territories as a 'third category', distinct from protected areas and OECMs, was a fundamental human right:

For Indigenous peoples, human rights mean the right, the collective rights to our lands, our territories, our inheritances, our patrimony, our traditional knowledge, and the preservation of our cultures... What we want in this target [3] ... is that there be recognition for territorial lands of Indigenous peoples, but not as protected areas or other conservation measures. ... this is a human right, a fundamental human right for us.¹³

¹¹ See also: Side Event: Indigenous Peoples and the post-2020 KMGBF, Geneva. March 14, 2022. More recently, claims that 80% of the world's biodiversity is on Indigenous lands have been disputed (Fernández-Llamazares *et al.*, 2024).

¹² Jennifer Tauli Corpuz, IIFB. 2022. Webinar: Indigenous Peoples and the post-2020 Global Biodiversity Framework: Opportunities for actions and collaboration. April 28. Sponsored by Secretariat of the CBD, IIFB, Indigenous Women's Biodiversity Network, Red de Mujeres Indígenas sobre Biodiversidad, FPP, Nia Tero.

¹³ Viviana Figueroa, Secretariat of the Convention on Biological Diversity. 2022. Webinar: Indigenous Peoples, Human Rights Principles and FPIC in the Post-2020 Global Biodiversity Framework. April 29. Sponsored by Cultural Survival, Women4Biodiversity, International Indigenous Forum on Biodiversity.

Reflecting this push, at the fourth OEWG in Nairobi in June 2022, the IIFB proposed the following text (shown in capital letters), which underscores the importance of IPLC rights to "their traditional territories."

TARGET 3 Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably governed and managed, ecologically representative and well-connected systems of protected areas, other effective area-based conservation measures, FULLY RESPECTING AND UPHOLDING THE RIGHTS OF IPLCs, INCLUDING TO THEIR TRADITIONAL TERRITORIES AND FREE PRIOR AND INFORMED CONSENT, and integrated into the wider landscape and seascape. (IIFB, 2022d)

The final push: COP15 negotiations in Montreal

Collectively, these actions laid the groundwork for the activism that took place at the COP in Montreal. By the time COP15 part II arrived in December 2022, there was significant political momentum and support for 30x30 as well as a foundation for an RBA in Target 3. Therefore, the IIFB focused on protecting language already in the draft text, underscoring in a press conference that Target 3 could not be achieved without recognizing the territorial rights of Indigenous Peoples:

We are pleased that through our advocacy and the coordination and cooperation we've had with the Campaign for Nature, as well as the countries of the High Ambition Coalition, the rights of Indigenous peoples and local communities is currently in the text without brackets, and we hope that it continues to stay there because it's crucial... We cannot achieve 30 by 30 without Indigenous peoples.¹⁴

Second, they emphasized that recognizing territorial rights are human rights was necessary to achieving Target 3 in a side event: "There is no way to achieve Target 3 without recognizing and protecting and promoting some of the territorial rights of Indigenous Peoples and local communities. So that's the human rights—the territorial rights—of Indigenous Peoples, which enables the realization of the target."¹⁵ Third, they continued to assert that, while Indigenous and traditional territories would be critical to achieving Target 3, they should not be subsumed under the authority of national parks agencies or encompassed in OECMs:

In Target 3 it is... important to note that the lands, territories of IPLCs cannot be limited to designations of protected areas and/or OECMs, thus it is necessary to ensure that IPLCs collective lands, territories and waters have distinct recognition, recognizing that some IPLCs may want parts of their lands, territories and waters to be designated as indigenous conserved areas, indigenous protected areas or OECMs, if FPIC is in place (IIFB, 2022e).

Specifically, they advocated language that positioned Indigenous territories and customary lands and waters as a third category, as shown in capital letters, in Target 3:

Ensure and enable at least [30 per cent] of [all [---] and of [---]] [globally] [at the national level] especially [key biodiversity areas[, ecologically or biologically significant areas, threatened ecosystems] and other] areas of particular importance for biodiversity [and ecosystem functions and services] are [effectively] conserved through [effectively] [well] managed, ecologically representative, well-connected and equitably governed [systems] [networks] of [highly and

¹⁴ Jennifer Tauli Corpuz. 2022. Press Briefing: Understanding the 30x30 Goal. December 8.

¹⁵ Jennifer Tauli Corpuz. 2022. Side Event: How to integrate human rights and the right to a healthy environment into the post-2020 Global Biodiversity Framework? December 10. 15th Conference of the Parties to the Convention on Biological Diversity. Montreal, Canada.

fully] protected areas [including a substantial portion that is strictly protected] and other effective area-based conservation measures, [and [indigenous] [traditional] territories]/ INDIGENOUS PEOPLES TERRITORIES AND CUSTOMARY LANDS AND WATERS [, where applicable,] [which prohibits environmentally damaging activities] and integrated into the wider land[-]/[scapes] and seascapes [and national and regional ecological networks], [in accordance with national priorities and capabilities,] [including the right to economic development, will not affect the right or ability of all Parties to access financial and other resources required for the effective implementation of the whole framework,] [while ensuring that [sustainable use] of these areas, if in place, contributes to biodiversity conservation,] [RECOGNIZING the contribution of indigenous peoples and local communities to their management] and [RESPECTING] THE RIGHTS OF INDIGENOUS PEOPLES AND LOCAL COMMUNITIES (IIFB, 2022e).

In addition to holding the aforementioned webinars, press conferences, and side events and to proposing specific language to Parties, the IIFB and allies utilized silent protests. Prior to the negotiating session on December 10th, approximately 40 members of the IIFB stood outside the negotiating room as delegates and observers entered, holding signs advocating for the text "Target 3: Indigenous Peoples' territories and customary lands and waters." They also followed delegates into the negotiating room and sat holding the signs up, while numerous observers took pictures despite the ban on photos within negotiating rooms. Their silent protest was noteworthy, as such actions are unusual in negotiating spaces.

On the evening of December 14, 2022, as Parties engaged in the final negotiations of Target 3, many Parties stated support for including Indigenous territories in the target. However, the question of whether these would constitute a 'third category', distinct from protected areas and OECMs, was controversial. The debate centered on 'what counts' as conservation and how it is counted, echoing the Aichi Targets negotiations in 2010, when debates over what counts as conservation (e.g. OECMs vs. protected areas) was closely tied to debates over the percentage area needing to be conserved (Campbell *et al.*, 2014). Some countries noted that the contributions of Indigenous Peoples should definitely be recognized and it would be easy to reach 30x30 if Indigenous and traditional territories were included. Others argued that a number higher than 30% would be needed if a third conservation category were added to the target and that they should not water down 30% by including an ill-defined category. As a compromise, the phrase "[which may include][indigenous] [or] [traditional territories]" was proposed as a qualifier after protected areas or OECMs. However, this text subsumed Indigenous territories under either a protected area or OECM designation, and when they were given the floor, the IIFB asserted its opposition to the use of the word 'including': that in order for Indigenous Peoples to be full partners in conservation, their territories had to be recognized through a separate pathway.

Ultimately, Parties agreed they could remove the phrase 'which may include' and endorsed an alternative phrase "recognizing Indigenous or traditional territories, where applicable." While the IIFB and its allies succeeded in making its case in this particular moment, they continued to advocate in the corridors as negotiations moved to the Ministerial level, behind closed doors. They made a final push to frame Indigenous and traditional territories as a 'third pathway' in Target 3 during the 'stocktake' plenary session on December 17th, noting the words "and" and "recognizing" as essential (bolded below):

We note and appreciate that our rights are reflected throughout. However, we would like to draw attention to Target 3... [Using] 'which may include' and 'including' as options preceding 'indigenous and traditional territories', effectively incorporating OUR territories under state regulation and conservation frameworks, potentially undermining self-determination and human-rights based approaches. IIFB considers these options as RED LINES which should be deleted. Using 'which may include' or 'including' will further subsume indigenous and traditional territories. We call on Parties to support the text: '**and** indigenous or traditional territories' in this part of Target 3 and delete 'which may include' or 'including' as per the text below, favoring '**recognizing**' instead.¹⁶

¹⁶ Statement on behalf of the IIFB, delivered by Jennifer Tauli Corpuz. 2022. 15th Conference of the Parties to the Convention on Biological Diversity (Part Two), December 7 -19, 2022 Montreal, Canada. Plenary: Stocktake, December 17. <https://iifb-indigenous.org/2022/12/18/iifb-statement-plenary-171222/>

The preferred IIFB language ultimately prevailed, at least partially. As shown in the epigraph, the final text adopted on December 19th did not include "and" prior to "indigenous and traditional territories," but kept in the word "recognizing" instead of "including." This left it ambiguous if indigenous and traditional territories are a third category or a general statement of recognition. This grammatical sleight of hand and the ambiguity provided therein created options for IPLCs to choose to designate their lands as protected areas or OECMs, or as an Indigenous-led form of conservation governance such as an Indigenous Protected Area:

[The KMGBF] provides a third pathway for Indigenous Peoples and local communities to seek appropriate recognition of their rights and responsibilities to their ancestral territories, beyond state systems of protected areas and OECMs. ...They may still seek recognition of their collective territories through a protected area or OECM framework, but this third pathway provides more flexibility in diverse contexts—a key aspect of self-determination. (Tugendhat, 2023, 276)

In this manner, the two-year IIFB campaign successfully secured recognition of territorial rights in the KMGBF. Many rights-holders and their allies underscored the importance of this historic process and moment:

In my reflection on the Indigenous movement through the years, there are two processes that stand out for me. Obviously, the 20-year negotiation of the UN Declaration [on the Rights of Indigenous Peoples], which is a big collective effort. I think the current CBD process, which is a 30-year strategy, is the other process... Because here, the human rights in the UN Declaration are being put into text in Convention form. In terms of our relationships with nature, our relationships with our land, territories, and resources, traditional knowledge, sustainable use. So, our very lives are under negotiation actually.¹⁷

5. Discussion and conclusion

We have focused here on the territorial right in Target 3 because of its significance for Indigenous lives and its reframing of what conservation is, who does it, and how. Target 3 codifies UNDRIPs provisions in the CBD and in conservation specifically – an arena in which territorial rights have been frequently violated. The historic accomplishment by IIFB and allies to incorporate the recognition of IPLC rights and territories in Target 3 signals a monumental shift in conservation discourse and policy. By adopting a rights-based approach, specifically drawing on the UN Resolution on the Human Right to a Clean, Healthy and Sustainable environment, framing the recognition of territorial rights as essential to reaching 30x30, and collaborating with supporters of 30x30, the IIFB and allies were able to ensure recognition of Indigenous territorial rights, not only in the KMGBF generally, but also in Target 3 specifically.

This inclusion of territorial rights in Target 3 advances ongoing efforts to decolonize conservation in three key ways. First, it underscores the importance of recognizing and respecting the rights of IPLCs in all area-based conservation, such as traditional protected areas and OECMs. Second, it recognizes IPLC rights—and implicitly Indigenous-led governance—over their traditional territories. Finally, it paves the way for a third category of area-based conservation that recognizes Indigenous territorial claims as fundamental human rights, rights that cannot be subsumed under or 'included' in state-led conservation. Heeding Tuck and Yang's warning that "decolonization is not a metaphor" (2012, 3) but the "repatriation of Indigenous land and life" (p. 21), we underscore that decolonizing conservation requires not just recognizing but returning land (Wolfe, 2006; Whyte, 2018). Organizations, such as those behind the Our Land, Our Nature Congress and signatories to the 2021 NGO letter, opposed 30x30 because of concerns that protected area expansion would extend a model of conservation, rooted in racist and colonial ideology, which has dispossessed IPLCs and perpetuated human

¹⁷ Joji Carino, Senior Policy Advisor at FPP. 2022. Webinar: Indigenous Peoples, Human Rights Principles and FPIC in the Post-2020 Global Biodiversity Framework. April 29. Sponsored by Cultural Survival, Women4Biodiversity, International Indigenous Forum on Biodiversity.

rights abuses in the name of conservation. Yet they also argued that the best way to decolonize conservation was to recognize and respect the rights of Indigenous Peoples to their lands.

The recognition of Indigenous territories in Target 3 was controversial even among Indigenous rights groups, some of whom argued that, since states do not have jurisdiction over Indigenous territories, listing them alongside protected areas and OECMs was problematic. Proponents of rights language in Target 3 carefully negotiated to ensure that Indigenous territories were not included under OECMs, but as a third pathway, which empowers Indigenous Peoples, rather than states, to decide whether and how Indigenous territories could be counted toward conservation. Indigenous communities could choose to have a state designate their territories as a protected area or an OECM in order to provide additional protection (Townsend & Roth, 2023). However, they could also reject state recognition, while still contributing to conservation targets, or they could refuse altogether to engage with state institutions, including the CBD.

The third pathway offers Indigenous Peoples the opportunity to engage in conservation on their own terms, as a step toward returning land. As argued by Indigenous representatives at the CBD, the third pathway highlights the close relationship between Indigenous Peoples and their land, territories, resources, traditional knowledge, and sustainable use practices, underscoring that protecting territorial rights is about protecting Indigenous life. For example, in Canada, Indigenous Protected and Conserved Areas, defined as, "lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems" (Indigenous Circle of Experts, 2018, 5), provide an opportunity to better integrate Indigenous rights and responsibilities and to address the limitations of state protected area governance and management (Tran *et al.*, 2020).

The power of the rights-based language in the KMGBF lies in its codification of a conservation paradigm shift that provides political leverage for pressuring state and non-state actors to respect territorial rights and Indigenous ways of knowing and being and for legal claims in international, regional, and national courts, as international law is translated into regional and national law. The core challenge is to ensure that rights are protected in the implementation of the KMGBF. The rights agenda can be co-opted by those who believe that rights can somehow 'trickle down' from global conservation efforts (Witter & Satterfield, 2018), and thus the foregrounding of Indigenous rights at all scales is essential (Reyes-García *et al.*, 2022). The translation of the KMGBF into national, regional, and local law, policy, and assessment processes is paramount to ensure that progress at a global level does not mask power relations that do the opposite on the ground. States will require "significant political and moral pressure to hold them accountable to the rhetorical commitments they have made" (Lightfoot, 2020, 170). Most importantly, successful implementation of RBAs requires transformations in power relationships that influence area-based conservation (HRBWG *et al.*, 2024).

In early 2024, a number of organizations convened an international workshop in Nanyuki, Kenya. It developed a Road Map on Advancing Rights and Equity in Conservation that detailed 32 actions across 11 priority areas. Subsequently, at COP16 in Cali, Colombia in October, 2024, the IIFB and allies focused on the mechanism through which Parties will implement the KMGBF, which include: securing clear monitoring indicators of progress in equity and rights, leveraging financial resources, and ensuring IPLC rights are enshrined in NBSAPs (HRBWG *et al.*, 2024; IIED *et al.*, 2024). They secured a headline indicator on land-use change and land tenure in the traditional territories of IPLCs in the monitoring framework, which all Parties must report on as part of their NBSAPs. And, in an exciting down-to-the-wire agreement in the final plenary, the Parties established a new Subsidiary Body on Article 8j, which will focus on traditional knowledge and the full and effective participation of IPLCs in the work of the Convention (CBD, 2024; IIFB, 2024).

However, the embrace of RBAs and Indigenous territorial rights in Target 3 is insufficient to produce the systemic rebalancing needed to decolonize and transform conservation, reshape relations of power in conservation governance, or redistribute resource rights and wealth. First, it is important not only to recognize the territorial rights of IPLCs but also embrace diverse knowledge systems and ways of being and measuring (Tugendhat *et al.*, 2023). Transforming and decolonizing biodiversity conservation also involves "(re)Indigenizing ways of seeing, being, knowing, and relating; it means changing the way we think and act and the way the system operates" (M'sit No'kmaq *et al.*, 2021, 859). As one step toward this, in 2019, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global

Assessment, which is an independent scientific advisory body to the CBD, called for consideration of different knowledge systems as part of its conceptual framework (IPBES, 2019; McElwee *et al.*, 2020). Second, Indigenous self-determination cannot fully materialize without restructuring relations of domination under capitalism, including those with the state, which cause environmental destruction (Kuokkanen, 2019). Given the rising influence of the corporate sector within the CBD, and the increasing reliance on private financing and market-based mechanisms to achieve conservation, it remains to be seen to what extent these legal and discursive mechanisms, combined with monitoring, reporting, and consulting mechanisms, can counter the increasing influence of elite actors in conservation governance and impact on-the-ground struggles to secure land and resource rights.

Most importantly, the KMGBF does not address the ultimate driver of biodiversity loss—the ever-expanding economic system and associated exploitation of people and nature. In fact, alongside language on rights, the KMGBF also promotes a financial structure for conservation that relies heavily on innovative financing mechanisms, embedded in the private sector, over which there is limited ability to enforce human rights protections. Deeply entwined with the ideological embrace of market-based solutions is the rising influence of private equity, investment banks, and insurance companies in global conservation governance (Corson & Campbell, 2023). Yet these market-based conservation initiatives draw on and reinforce colonial legacies of exploitative power relations (Collins *et al.*, 2021), and state-led resource extraction remains a significant threat to IPLC territories, even when designated as protected (Kashwan, 2013; Youdelis *et al.*, 2021). Thus, there is an inherent contradiction in the KMGBF: the mechanism for increasing funding is the very mechanism that leads to expropriation of IPLC rights. The logic of the problem is the logic of the solution (Büscher & Duffy, 2022). Of course, many IPLCs seeking to conserve their territories on their own terms also need financial resources (Townsend & Roth, 2021), and they have been advocating for direct financing from foundations, the Global Environmental Facility, the private sector, and others (Baracat *et al.*, 2023).

Political ecologists have an important role to play in contributing to this broader effort to hold states and other actors accountable, particularly given the competing logics inherent within the KMGBF. They have brought attention to the importance of understanding power relations in struggles over the environment, and within conservation politics, to the political economy of conservation, its colonial logics, and the influence of racialized narratives and discourse. These areas, among others, have laid the foundation for our assessment of how RBAs have opened up opportunities to decolonize conservation and the ways in which working within the system can advance IPLC rights, access, and governance in conservation. However, this article also highlights the limits of international law and policy to confront the exploitation and dispossession inherent in capitalism, including green capitalism. In the context of increasing challenges to democracy and the rise of authoritarianism, it is critical to understand the opportunities and limits of the law for protecting human rights. Particularly given the dominance of green market approaches in environmental politics, we urge political ecologists to not only continue to advocate for redressing the fundamental drivers of environmental change and dispossession, but also to engage legal scholarship in discussions of political economy, power relations, and human rights law.

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