

To: Mr. Francis Ogwal & Mr. Basile van Havre
Co-Chairs of the Post-2020 Open Ended Working Group

CC: Bureau of the Conference of the Parties
Elizabeth Mrema, Executive Secretary of the Convention on Biological Diversity

Re: Concerns about protected areas target in Post-2020 Global Biodiversity Framework

Date: August 11, 2021

As philanthropic organizations committed to acting in solidarity with our partners and the shared vision we have for a bioculturally diverse world, we write to express concerns about Target 3 in the First Draft of the Post-2020 Biodiversity Framework, commonly referred to as 30 x 30, calling for 30% of the planet to be placed in protected areas or other effective area-based conservation measures (OECMs) by 2030.¹

Recognizing that we are in the midst of ecological collapse and facing serious extinction events daily, we support calls for urgent and bold action to address the anthropogenic biodiversity and climate crises happening worldwide.² However, in light of the history of the ‘protected areas’ approach, Target 3 is likely to be interpreted and implemented in ways that will lead to further human rights violations against Indigenous Peoples and local communities across the globe, and will be counter-productive to achieving the conservation goals we all share.³

The current draft proposal echoes similar commitments made as part of the 2011-2020 Aichi Biodiversity Targets, none of which have been fulfilled.⁴ A significant factor contributing to this failure is that the decision-making and funding for protected areas has remained almost entirely in the hands of individuals and organizations remote from realities on the ground, without respect for the experience and knowledge of Indigenous Peoples and local communities who have nurtured biodiversity and maintained complex ecosystems for generations.⁵

Administration of protected areas has often been organized around a problematic goal of separating human beings and nature. That paradigm is a Euro-American notion⁶ associated with the industrial decimation of ecosystems in Europe before colonialism exported it throughout the world, applying it to inhabited, ecologically intact places that were redefined as ‘wilderness.’ This approach plays out today as “fortress conservation”⁷ and has been used to justify land grabbing and displacement of Indigenous Peoples and local communities from their ancestral homelands.⁸ This approach remains a social, cultural,

¹ CBD, *First Draft of the Post-2020 Global Biodiversity Framework*, Annex, p. 6 (6 July 2021), <https://www.cbd.int/doc/c/abb5/591f/2e46096d3f0330b08ce87a45/wg2020-03-03-en.pdf>

² Recognizing the role of the dominant extractive economy in perpetuating ecological collapse, we acknowledge the need to work towards alternative economic models, which includes divesting from extractive industries and reinvesting in an economy that values life.

³ We echo concerns named in this recent open letter: Chris Lang, *Open letter to the lead authors of ‘Protecting 30% of the Planet for Nature’: “This paper reads to us like a proposal for a new model of colonialism,”* 6 January 2021, <https://redd-monitor.org/2021/01/06/open-letter-to-the-lead-authors-of-protecting-30-of-the-planet-for-nature-this-paper-reads-to-us-like-a-proposal-for-a-new-model-of-colonialism/>

⁴ See: Earth.org, *World Fails to Meet Single Aichi Biodiversity Target To Stop Destruction of Nature – UN*, 16 September 2020, <https://earth.org/un-report-aichi-targets/>

⁵ Knowledge embodied in Indigenous languages. See: UNESCO, *Biodiversity and linguistic diversity: Maintaining Indigenous languages, conserving biodiversity* <http://www.unesco.org/new/en/culture/themes/endangered-languages/biodiversity-and-linguistic-diversity/> and see: EcoWatch, *Decolonizing Species Names*, 3 February 2021, <https://www.ecowatch.com/species-names-meaning-changing-2650281307.html>

⁶ Fortress conservation is as old as the “royal forests” of medieval Europe see: Robert E. Moise *Partnering with Indigenous Peoples in CARPE Initiatives: Towards a New Conservation Practice*, https://pdf.usaid.gov/pdf_docs/pa00x28z.pdf and subsequently in the creation of Yosemite and Yellowstone National Parks in the United States by forcibly displacing Indigenous Peoples with force. See: Marcus Colchester, *Salvaging Nature: indigenous peoples protected areas and biodiversity conservation*, https://www.researchgate.net/publication/284691747_Salvaging_Nature_indigenous_peoples_protected_areas_and_biodiversity_conservation

⁷ Dan Brockington, *The Enduring Power of Fortress Conservation in Africa*, available at <https://centredestudisafricans.org/wp-content/uploads/2015/11/Brockingtonfinal.pdf>

⁸ In particular, Aichi Target 11, which advocates that 17% of land to be designated as protected areas, has been used to justify and perpetuate land grabbing. See: Policy Brief of the ICAA Consortium, Issue No. 7 <https://www.iccaconsortium.org/wp-content/uploads/2019/11/ICCA-Briefing-Note-7-Final-for-websites.pdf>

economic and ecological failure.⁹ We are concerned that the 30 x 30 initiative will be interpreted and implemented in ways that perpetuate these failures.¹⁰

Under the leadership of large international conservation NGOs working in concert with national governmental institutions,¹¹ protected areas have become heavily militarized zones, increasingly patrolled by armed ‘ecoguards’ committing extensive atrocities. Egregious human rights violations, including wholesale involuntary removal of entire communities, have been abundantly documented¹² for decades by academics, investigative journalism, and civil society organizations.¹³ Such violations continue. Ecoguards supported by WWF in Cameroon, the Democratic Republic of Congo, the Republic of Congo, the Central African Republic, Nepal, and India,¹⁴ for example, have been found to have repeatedly engaged in torture, beatings, rape, and extrajudicial killings. These abuses have been confirmed by multiple investigations, including the report of an Independent Panel of Experts¹⁵ commissioned by WWF itself (under pressure).¹⁶ One author has concluded that the conservation industry has displaced more people than war.¹⁷ Such abuses violate human rights treaties signed and ratified by all Parties to the CBD.¹⁸ While protecting at least 30% of the planet’s land and oceans by 2030 is on its face a worthy goal of responding to biodiversity loss, the Framework’s focus on “protected areas” will likely continue to lead to human rights abuses across the globe.

Besides being rife with human rights abuses, the fortress approach to protected areas actually undermines the conservation goals it seeks to foster by marginalizing and alienating the very people who are best equipped to protect biodiversity.¹⁹ In the words of the late Maasai leader Martin Saningo’o Olesanago:

Our ways of farming pollinated diverse seed species and maintained corridors between ecosystems... Yet, in the interest of “biodiversity,” more than 100,000 Maasai pastoralists have been displaced from their traditional homeland, Maasailand. We were the original conservationists. Now you have made us enemies of conservation.²⁰

⁹ Jacqueline Loos, Reconciling conservation and development in protected areas of the Global South, August 2021, <https://www.sciencedirect.com/science/article/abs/pii/S1439179121000712>

¹⁰ Rights and Resources Initiative, *Rights-Based Conservation: The path to preserving Earth’s biological and cultural diversity?* November 2020, https://rightsandresources.org/wp-content/uploads/2020/11/Final_Rights_Consevation_RRI_05-01-2021.pdf

¹¹ National governments often fail to protect land tenure rights, because of conflicts with other laws, weak land administration and judicial systems, and in some cases corruption. See: USAID Issue Brief *Tenure and Indigenous Peoples: the importance of self-determination, territory, and rights to land and other natural resources*. <https://land-links.org/wp-content/uploads/2016/09/Tenure-and-Indigenous-Peoples.pdf>

¹² See: Laura Dominguez and Colin Luoma, *Decolonizing Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment*, 16 January 2020, https://www.mdpi.com/2073-445X/9/3/65?type=check_update&version=2

¹³ See Mark Dowie, *Conservation Refugees*, MIT Press. <https://mitpress.mit.edu/books/conservation-refugees>

¹⁴ See: Tom Warren and Katie J.M. Baker, *WWF Funds Guards Who Have Tortured And Killed People*, 4 Marc, 2019, <https://www.buzzfeednews.com/article/tomwarren/wwf-world-wide-fund-nature-parks-torture-death>; <https://wrm.org.uy/articles-from-the-wrm-bulletin/section1/wwf-in-the-drcs-salonga-national-park-torture-murder-and-gang-rape/>

¹⁵ The Panel’s members were Judge Navi Pillay (Chair), former UN High Commissioner for Human Rights; Professor John Knox, former UN Special Rapporteur on the Environment; and Dr. Kathy MacKinnon, Chair of the IUCN World Commission on Protected Areas.

¹⁶ See: *Embedding Human Rights in Nature Conservation: From Intent to Action*, Report of the Independent Panel of Experts of the Independent Review of allegations raised in the media regarding human rights violations in the Context of WWF’s Conservation Work, 17 November 2020, https://wwfint.awsassets.panda.org/downloads/independent_review___independent_panel_of_experts___final_report_24_nov_2020.pdf

¹⁷ See: Mark Dowie Interview, Cultural Survival Quarterly Magazine, 10 March 2010. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/conservation-refugees>

¹⁸ Significantly, Article 3 of the UNDRIP recognizes Indigenous Peoples’ right to self-determination, which includes the right “to freely determine their political status and freely pursue their economic, social and cultural development.” Article 4 affirms Indigenous Peoples’ right “to autonomy or self-government in matters relating to their internal and local affairs,” and Article 5 protects their right “to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.” Article 26 states that “Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,” and it directs states to give legal recognition to these territories. https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/

¹⁹ See: Critique of fortress conservation, Dartmouth, <https://sesmad.dartmouth.edu/theories/85>; <https://www.jstor.org/stable/40339115?seq=1>; and Abhijit Mohanty, *Why the WWF’s ‘Fortress Conservation’ model is ethically wrong*, 17 July 2019, <https://www.downtoearth.org.in/blog/india/why-the-wwf-s-fortress-conservation-model-is-ethically-wrong-65684>

²⁰ See: Mark Dowie Interview, Cultural Survival Quarterly Magazine, 10 March 2010. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/conservation-refugees>

Making enemies of local communities and disrupting their ways of life that have nurtured biodiversity and maintained complex ecosystems for generations is not a viable long-term strategy for conservation.²¹

Indigenous Peoples have long been the most effective guardians of biodiversity²² in their home territories, which are also the most culturally and linguistically diverse places in the world.²³ Their effectiveness has been widely documented²⁴ and acknowledged by the world community, including all stakeholders engaged in the development of the Post-2020 Global Biodiversity Framework (GBF).

Indigenous Peoples – who are the rightful owners of the remaining intact ecosystems²⁵ – and local communities must be central decision makers in any global framework for biodiversity.²⁶ To avoid repeating the shortcoming of the Aichi Biodiversity Targets, equity and respect for human rights need to be built into the Framework. Accordingly, we call for the Framework to be guided by the following core principles:

- 1) **Acknowledge Indigenous Peoples as owners, leaders and active decision-makers in managing terrestrial and marine ecosystems.** Indigenous Peoples and their knowledge systems and practices²⁷ must lead the process from conceptualizing and planning to implementation, monitoring and evaluation, and, as IPBES recommends, must fully and effectively participate in the governance of biodiversity from local to global levels.²⁸
- 2) **Respect the human rights of Indigenous Peoples, including the right to self-determination.** In accordance with the 2007 UN Declaration on the Rights of Indigenous Peoples and other relevant international Human Right standards,²⁹ the Framework must include clear and strong language safeguarding the human rights of Indigenous Peoples, including their right to make their own decisions regarding the management of their home territories.
- 3) **Recognize and protect land rights and customary land tenure systems of Indigenous Peoples and local communities living in and around important biodiverse ecosystems.** Communal land rights should be recognized as a core strategy to prevent biodiversity loss, address the climate crisis, and protect biodiversity to prevent new pandemics.³⁰
- 4) **Ensure direct financial support for conservation to Indigenous and local communities.** Funding should go directly to organizations led and governed by Indigenous and local peoples,

²¹ See: An ICCA Consortium compilation of 17 case studies, spanning five continents, *Territories of Life: 2021 Report*, <https://report.territoriesoflife.org/wp-content/uploads/2021/05/ICCA-Territories-of-Life-2021-Report-FULL-150dpi-ENG.pdf>

²² See: Ashish Kothari, *Colonial conservation in new avatars*, 13 January, 2021, <https://wsimag.com/economy-and-politics/64574-colonial-conservation-in-new-avatars> as it is worth highlighting that other approaches, such as ICCAs, territories of life, etc. are more effective in protecting biodiversity.

²³ Research has found that global biodiversity loss is driven by the loss of Indigenous cultures and languages. See International Institute for Environment and Development (IIED), *Bicultural heritage territories: key to halting biodiversity loss* (2020), at <https://pubs.iied.org/sites/default/files/pdfs/migrate/17760IIED.pdf> and

Miguel Pinheiro, *Land and language: Indigenous cultures key to protecting Amazon biodiversity* (2020), <https://news.mongabay.com/2020/11/land-and-language-indigenous-cultures-key-to-protecting-amazon-biodiversity/>

²⁴ See: Damian Carrington, *Indigenous peoples by far the best guardians of forests – UN report*, 25 March, 2021, <https://www.theguardian.com/environment/2021/mar/25/indigenous-peoples-by-far-the-best-guardians-of-forests-un-report>

²⁵ See: Damian Carrington, *Just 3% of world's ecosystems remain intact, study suggests*, 15 April, 2021, <https://www.theguardian.com/environment/2021/apr/15/just-3-of-worlds-ecosystems-remain-intact-study-suggests>

²⁶ The fact that this essential understanding has continued to be dismissed puts into question the real motivations of corporate-funded conservation, which relies heavily on funding from extractive industries.

²⁷ For example, an examination of 245 Indigenous territories in Brazil found that Indigenous Peoples were effective in curbing deforestation, but that secure land tenure was key to their effectiveness. See Sue Branford, *Indigenous Best Amazon Stewards, But Only When Property Rights Assured: Study*, <https://news.mongabay.com/2020/08/indigenous-best-amazon-stewards-but-only-when-property-rights-assured-study/>

²⁸ See: IPBES Global Assessment report, which clearly states that biodiversity is declining less in Indigenous Peoples' lands

²⁹ See Kimberly Brown, *Human rights must be at the heart of new biodiversity framework, experts say*, 25 May 2021, <https://news.mongabay.com/2021/05/human-rights-must-be-at-heart-of-new-biodiversity-framework-experts-say/>

³⁰ See: Sarah Sax, *The Ever Clearer Link Between Deforestation and Public Health*, 2 June, 2021, https://www.yesmagazine.com/environment/2021/06/02/covid-deforestation-public-health?utm_medium=email&utm_campaign=YESDaily_20210603&utm_content=YESDaily_20210603+CID_b733a7b614dda5b6112f900ad1c105a0&utm_source=CM&utm_term=The%20Ever-Clearer%20Link%20Between%20Deforestation%20and%20Public%20Health

who have deep personal connections to the land and are accountable to their communities, rather than to large intermediary conservation organizations.³¹

The 196 members of the UN Convention on Biological Diversity have one chance in a decade to adopt a strategic framework that will guide critical work towards protecting the world's remaining biodiversity on Earth. Experiences from previous decades have shown us what has worked and what has not. We urge every member state to take seriously our concerns about Target 3. The Framework must ensure full protection of human rights and the leadership of Indigenous Peoples and local communities as partners and decision makers.³² There is no other way to achieve the ambitious goals of protecting and reviving biodiversity.

Signatories (in alphabetical order):

1. AgroEcology Fund
2. Amazon Defenders Fund
3. American Jewish World Service
4. Angelica Foundation
5. Bafrayung Foundation
6. Ben & Jerry's Foundation
7. Ceres Trust
8. Chorus Foundation
9. The Christensen Fund
10. CLIMA Fund
11. Cloud Mountain
12. Common Counsel Foundation
13. Community Foundation for the Western Region of Zimbabwe
14. CS Fund
15. Cultural Survival Keepers of the Earth Fund
16. EDGE Funders Alliance
17. First Nations Development Institute
18. Fondo Acción Solidaria A.C
19. Fund for Global Human Rights
20. Gaia Foundation
21. Global Fund for Women
22. Global Greengrants Fund
23. Globetrotter Foundation
24. Grassroots International
25. Het Actiefonds
26. Inter Pares
27. International Funders for Indigenous Peoples
28. Kataly Foundation
29. The Leighty Foundation
30. The Libra Foundation
31. The Martha and Hunter Grubb Foundation
32. Meyer Family Fund
33. NDN Collective
34. Panta Rhea Foundation
35. Peace Development Fund
36. PRBB Foundation

³¹ See Rainforest Foundation Norway, *Falling Short: Donor funding for Indigenous Peoples and local communities to secure tenure rights and manage forests in tropical countries (2011–2020)*, <https://www.regnskog.no/en/news/falling-short> (finding that a very small share of funding for biodiversity and climate protection work has gone to Indigenous and local communities.)

³² Their participation must go beyond the limited virtual meetings, which while useful in these times of crisis, virtual or semi-virtual negotiation meetings on substantive policy issues are very problematic and have not had the full and effective participation of Indigenous Peoples and local communities in the GBF process.

37. Seventh Generation Fund for Indigenous Peoples
38. Shockwave Foundation
39. Solidaire Network
40. Swift Foundation
41. Thousand Currents
42. Threshold Foundation
43. Tides Foundation
44. Tikkun Earth Fund
45. Tikva Grassroots Empowerment Fund
46. True Cost Initiative
47. Urgent Action Fund for Women's Human Rights
48. Urgent Action Fund-Africa
49. Windrose Fund