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Director’s Message

Forest Rights and Forest Wrongs

This issue of the FPP’s newsletter carries stories about forest rights and forest wrongs, as conflicting interests and approaches battle to decide the fate of the forests and forest peoples in different countries.

The violent assassination in September of four Ashaninka leaders from Saweto, Peru in the hands of illegal loggers was a sobering reminder of the continuing vulnerability of forest peoples in their struggles to secure legal title over customary lands and forests against vested interests. Peruvian law requires legal recognition, demarcation and titling of indigenous peoples’ traditional lands prior to permitting resource extraction, yet Saweto’s lands remain untitled, leaving these open to forest conversion and commercial exploitation.

Peru will also host the UNFCCC COP20 talks in December, when forest issues relating to climate change mitigation will be further negotiated. An international public hearing with community testimonies on deforestation and human rights will be organised by FPP and Peruvian Indigenous peoples’ organisation AIDESEP, with the presence of the UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz. A ground-breaking report demonstrating that securing the human rights of forest peoples goes hand in hand with securing forests around the world will also be launched.

By actively engaging other actors affecting their forests and their rights, forest peoples are transforming institutionalised practices and seeking creative solutions combining respect for human rights in decision-making about forests. The Sengwer people of the Embubot Forest in Kenya secured a commitment from the World Bank's President Kim to directly communicate with President Kenyatta, following forced evictions this year by the Kenyan Forest Service, associated with a World-Bank funded forest conservation project. Community leaders have called for a robust action plan by the Kenyan government to resolve the forest crisis.

The Mambuti-Batwa, in the Democratic Republic of Congo (DRC), conducted 3D community mapping of their territories and use zones in support of redress mechanisms in the Kahuzi-Biega National Park. The IUCN Whakatane Mechanism, which promotes dialogue, field assessments and joint problem-solving with park authorities’ conservation organisations and affected communities, is being piloted in DRC, Thailand and Kenya. Lessons will be shared in the upcoming World Parks Congress in Sydney.

The pattern of community territories overlain by conservation and private concessions continues to fuel land conflicts across the region, exemplified by recent threats against community rights around the Boumba Bek - Nki Conservation Area of southeast Cameroon, including violence by eco-guards.

There are also new prospects and challenges in forest governance. In September 2014 the Indonesian government agencies concerned with lands and forests declared their support for indigenous peoples’ rights, providing a helpful starting point for the incoming President Joko Widodo, who takes office in October 2014.

The Forest Stewardship Council (FSC) recently decided to establish a Permanent Indigenous Peoples Committee (PIPC) in its governing structure, a welcome boost to its earlier commitments to respect free prior informed consent (FPIC) of indigenous peoples among its principles and standards. This growing political attention on forests must also build momentum to secure the rights of forest peoples.

Joji Cariño,
Director, Forest Peoples Programme
Peru’s Government Fails to Tackle Violence and Forest Destruction in the Peruvian Amazon

In April 2014, in a tragic premonition of what was to come, the leaders of Saweto, an Ashaninka village in the Peruvian Amazon, requested urgent measures from the Peruvian government to ‘prevent any attempt on our lives’. The threat had come from loggers ‘in reprisal’ for the community’s longstanding efforts to document and denounce illegal logging in their territory.¹

In September 2014, Edwin Chota, headman of Saweto, was murdered along with Jorge Ríos Pérez, Leoncio Quinticima Melendez and Francisco Pinedo. The men had spent over a decade fighting to secure a land title for Saweto and for protection from illegal logging, which they had continued to point out the government was still failing to tackle. “To date, we don't see any concrete results from the struggle against illegal logging which has intensified in the headwaters of the Cañanya river… and on the upper river Tamaya.”² Mr Chota in particular had been the frequent target of death threats from loggers but his repeated requests for protection were never met. The local logging mafia are suspected of carrying out the assassinations. Although Peruvian law requires the government to legally recognise, title and demarcate indigenous peoples’ traditional lands and to do so before permitting resource extraction, Saweto’s lands remain untitled. This is despite formal applications made by the village since 2002. Consequently their efforts to protect and control their traditional lands have been weakened, as Mr Chota described. “As long as we don't have title, the loggers don’t respect native ownership… they threaten us. They intimidate. They have the guns.” To compound the problem, logging concessions were gazetted over the area in 2001. Although these concessions are currently not operational, they are home to rampant illegal logging and their existence has been used by the regional government of Ucayali as a pretext to block Saweto’s application for title.

Unfortunately, the case of Saweto is not an isolated one. AIDESEP, Peru’s principal national Amazonian indigenous peoples’ organisation, estimates that about 20 million hectares of indigenous peoples’ traditional lands remain without legal recognition, including 594 indigenous villages without a land title. However, even if communities are titled, legal loopholes permit the government to retain control over forestry and mineral resources, which restricts indigenous peoples’ efforts to protect their own forests and manage their communal resources.

Meanwhile, despite government pledges to tackle illegal logging, independent investigations estimate that approximately 80% of timber exported from the Peruvian Amazon is extracted illegally.³ Official reports show how over half of logging concessions investigated are extracting timber from outside their concession.⁴ This mirrors a standard practice in the Peruvian Amazon where timber is extracted illegally from indigenous territories and protected areas, but laundered through legally established logging concessions, which provide all the necessary documentation.

Mr Chota himself repeatedly denounced these shortcomings. The nearest forestry control post to Saweto was several days downriver, which allowed loggers to float their logs out during the rainy season and claim that timber illegally cut in Ashéninka territory was harvested from a nearby...
concession. “Welcome to the land without law,” Edwin Chota said in April 2014, “From that inspection post all the way back here, there is no law. The only law is the law of the gun.”

A forthcoming study by AIDESEP and the Forest Peoples Programme identifies the real underlying drivers of deforestation in Peru. It shows that the government’s failure to ensure secure legal recognition of indigenous territories and to support community efforts to protect their forests, is intensifying forest destruction. The report shows how this destruction (almost 250,000 hectares in 2012) has been driven historically by government programmes to build roads and encourage colonisation in the jungle, as well as by the granting of concessions to oil and gas companies, which cover over 80% of the Amazon. In addition, a combination of legal loopholes, weak environmental controls and corruption underlies recent government failures to prevent the clear cutting of thousands of hectares of primary forest for oil palm plantations and illegal gold-mining operations. This compounds the issue of illegal logging, which remains rampant.

In 2008, Peru made an ambitious pledge to reduce its net deforestation to zero by 2020, but these trends make this pledge appear increasingly unobtainable, even more so when combined with Peru’s plans to construct over 70 mega dams in the Amazon. In July 2014, the Peruvian congress pushed through a new pro-investment law (Law 30230) that weakens Peru’s fragile environmental regulations still further by reducing the fines for environmental contamination and shrinking the time allotted for reviewing Environmental Impact Assessments.

Crucially, it removes the power of environmental authorities to set standards for levels of pollution. Worse still, the same law establishes special procedures that could enable the government to excise or extinguish indigenous peoples’ land rights where large-scale development projects are planned. It has been rejected by indigenous peoples organisations for whom it represents ‘the best example of the illegal and illegitimate actions being promoted by the government of Ollanta Humala.’

On the eve of its presidency of the latest UN climate conference in Lima (COP20, December 2014), the Peruvian government has been anxious to advertise its commitment to protect forests and respect indigenous peoples’ rights. This includes a $300 million programme financed by the governments of Norway and Germany. This commitment, as highlighted by the tragic events in Saweto and the recent package of legal measures, needs to be questioned.

“It makes me furious. Selling off the jungle is a business for the state, but the price is the death of our Asháninka brothers. Despite the fact that they had been denouncing the loggers, the government closed its eyes and became deaf, blind and dumb, but when they died only then did it start to take action,” Marcial Mudarra, President, CORPI-San Lorenzo.

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1 ‘En represalia, las amenazas de muerte y denuncias sin fundamentos hacia mi persona y comuneros de la comunidad son con mayor fuerza, por lo que pido la prevención de cualquier atentado contra la vida’ Carta CCNN Alto Tamaya a Director Ejecutivo Forestal y de fauna Silvestre Ucayali (23 Abril 2014).
2 ‘que a la fecha (abril 2014) no se percibe resultados concretos de lucha contra la tala ilegal…que ha intensificado en las cabeceras de la quebrada cañanya…y en el rio alto Tamaya’ Ibid: 2014
5 http://ngm.nationalgeographic.com/2013/04/mahogany/wallace-text
7 RAISG 2012, Amazon Under Pressure.
8 Statement of unity pact of indigenous organisations of Peru, 7th September 2014. ‘Es el mejor ejemplo de la ilegalidad e ilegitimidad en la que viene incurriendo el gobierno de Ollanta Humala’ http://servindi.org/actualidad/112771
A Real Resolution or a False Dawn?

The Sengwer propose a way forward, as World Bank recognises it made mistakes

The Sengwer of Embobut Forest in the Cherangany Hills, Kenya, have - since January 2014 - been forced off their lands by armed Kenya Forest Service (KFS) guards, who have been burning all their homes to the ground.

This has been despite an injunctive order in the High Court forbidding this. Click here to read more. Perhaps over 70% of the Sengwer have since returned to their lands, living in inadequate temporary shelters, and being harassed and arrested by KFS guards.

Other peoples (who had either been moved into Embobut forest by the Government, or had taken advantage of the Sengwer's rights to their land being denied, and so had taken over land for cultivation) have not returned. That the Sengwer have insisted on returning, despite the ongoing harassment, highlights how vital their ancestral home is to them.

Last week, on September 30th, the World Bank Executive Board met under the Chairmanship of President Kim to decide its response to the Sengwer's situation. It had to decide between:

(a) The Bank's own Inspection Panel's strong criticisms of the Natural Resource Management Project (NRMP). Click here for Guardian article.

(b) The Bank Management's proposed Action Plan in response to the Panel's findings. This plan was – from a Sengwer point of view - entirely inadequate, in that it tried to refute or deflect all criticism, and simply proposed a few inadequate responses.

Although the Inspection Panel could not prove a direct link between Bank funding and the KFS forced evictions of the Sengwer, the Panel had found that:

(1) The Bank failed its own Indigenous Peoples OP 4.20 safeguard policy by not safeguarding their rights to their lands, including “because the proper steps to address the potential loss of customary rights were not taken as provided by the policy”; and

(2) The Bank was non-compliant with its safeguard policies because the project sustained the conditions for further evictions by failing to adequately identify, address or mitigate the fact that the institution it was funding, KFS, was and still remains committed to eviction “before, during and after the conclusion of the NRMP”.

Despite some differences of view in the Board, they responded by requiring a far more robust response from the Bank including President Kim's commitment to contact President Kenyatta. Some argue that the problem with the World Bank offering to help solve problems it has created is that it uses the same approach that created the problems in the first place.

However, the affected communities have welcomed the Bank's response. They have proposed a very clear plan of action to enable the Bank's intervention to support a real resolution that can secure the forests through securing forest peoples’ rights. Their letter to President Kenyatta directs his government to meet four key requests:

(1) Ministry of Environment, Water and Natural Resources, Kenya Forest Service and the Kenya Wildlife Service to adopt new conservation paradigm in which Forest Indigenous Communities are made the custodians of their forests under the supervision of the said conservation agencies.

(2) The National Land Commission to actively, effectively and efficiently implement their constitutional mandate of resolving the issues faced by forest-dwelling indigenous communities and more so addressing issues of historical land injustices.
(3) **Review of the Forest Act 2005** to be in line with the Constitution of Kenya 2010 and National Land Policy with active, effective and efficient consultation and participation of forest indigenous communities.

(4) **Kenya Forest Service to respect the rule of law** (Conservatory Injunctive Orders issued by Eldoret High Court in March 2013 with respect to the case filed by Sengwer of Embobut forest) and to **STOP continued harassment and any other form of forceful eviction and displacement (destruction of property, burning of houses, arrests, intimidation, etc)** of members of Sengwer indigenous communities from their ancestral homes and lands in Embobut forests.

The Sengwer hope a real resolution can be found. They are hopeful that the Bank and the Government can recognise that, far from being a threat to the forest, such peoples are best placed to protect their forests.

**Further background on the developing situation in Kenya**

Other forest-dwelling peoples in Kenya have also increasingly played an active role:

- in the fast-developing legal situation,
- in demonstrating that they are the best custodians of their forest lands, and
- in ensuring that forest conservation in Kenya adopts the rights-based approach of the new conservation paradigm, which can lead to a win-win for forest-dwelling communities and for forest conservation.

Over the last year **the Ogiek at Chepkitale, Mt Elgon’s Council of Elders and community scouts** continue to implement their newly written down customary bylaws, through which they have successfully arrested charcoal burners. They managed to persuade the Kenya Forest Service (KFS) to stop promoting a system through which non-forest dwelling communities were destroying indigenous forest. [Read more.]

Through the **Forest Indigenous Peoples’ Network**, forest-dwelling communities – including the Ogiek of Mt Elgon, Sengwer of the Cherangany Hills, Yaaku of Mokogodo Forest, and the Sanye and Aweer/Boni of Lamu Country – are supporting each other to develop the bylaws and the capacity, and the rights and responsibilities, to determine their own future so that they can sustain and be sustained by their (existing and recovering) rich ecology.

The network met in September 2014 and prepared a powerful collective presentation for the **National Land Commission’s Task Force**. [See the position statement.](#) This task force will be preparing legislation by March 2015 to address historical land injustices, such as those suffered by all these peoples.
Conservation Projects That Harm Communities

Threats against community rights continue to rise in and around the Boumba Bek - Nki conservation area of southeast Cameroon

The transfrontier Tridom* area has been targeted for conservation for the past 20 years. Its cornerstones comprise Minkebe National Park in Gabon, Odzala Park in the Republic of Congo, the Dja Reserve and Boumba Bek-Nki Parks. The area is also home to many rural communities, including thousands of indigenous Baka whose livelihoods and culture have relied upon forest hunting and gathering across the region for many years.

Government map showing the National Park areas

This heavily forested region has long been targeted for exploitation by logging companies that have secured government permission in the form of large (30-70,000 ha) logging concessions. In more recent years, new mines for cobalt and iron ore have started to open, and this has been associated with rapid investments in infrastructure development (mainly roads), increased numbers of illicit mining camps, and increasing migration into the zone by potential farmers, miners and commercial actors. These threats have brought about increasing investments in anti-poaching activities, resulting in indigenous Baka being cut off from their traditional lands, and having their human rights threatened by overzealous eco-guards.

Outside the few local towns across the region, the majority of the rural population is indigenous Baka, numbering around 8,000 people, with the majority aged 25 or under. The original management approach that was adopted for Boumba Bek Park was based upon the policy of no access or use, enforced by teams of paramilitary eco-guards charged with controlling illegal wildlife poaching.

Around the Boumba Bek portion of the complex (Boumba Bek-Nki National Parks), these guards swiftly earned a negative and well-documented reputation for targeting local and indigenous peoples, resulting in serious abuses and conflict between park authorities and communities, reduced community welfare, and increasing poverty. Communities remain systematically excluded from the management of the park, in direct contravention to key IUCN and WWF policies requiring protection of community rights and governance of community forests based upon their Free, Prior and Informed Consent (FPIC). These standards are to be further validated at the World Parks Congress in Sydney in November 2014.

Maps of customary areas in and around Boumba Bek, created between 2004 and 2006 by communities, their civil society support organisations (including FPP) and NGO conservation agencies clearly illustrated how indigenous communities’ traditional lands had been overlain by the park boundaries.

Maps created by Baka communities during 2014, with support from the indigenous NGO Okani, show a similar pattern of extensive forest use across vast Baka customary areas overlain by logging and mining concessions nearby, and mirror other Baka territories overlain by Nki National Park.
The pattern of community territories overlain by conservation, as evidenced by these community maps, explains why conflicts between indigenous communities and park authorities became so severe so rapidly across this region well over a decade ago. As documented in a recent report, they continue around both Boumba Bek and Nki National Parks today. Serious allegations of human rights abuses by eco-guards against communities during 2014 in this region are credible and consistent with a systematic pattern of such abuses. This is a depressing feature of the “guns and guards” model of conservation which still predominates in southeast Cameroon, and which FPP has also documented in the northern Republic of Congo, southwest Central African Republic, eastern Democratic Republic of Congo and Kenya (see Sengwer article in this issue).

The most significant development southwest of Nki Park in Cameroon - and part of the reason eco-guards have become even more active there in recent years - is the huge Mballam iron ore mine that is being established by the Cameroon company known as Camiron. It holds the concession permit for an area containing substantial amounts of direct ship ore in the form of up to 95% pure hematite. The development programme for the mine includes construction of a 450 kilometre long railway and associated infrastructure (including roads) between Mballam in southeast Cameroon and a new port located south of Kribi. That railway will further bisect other Baka and Bagyeli community lands, and is the harbinger of a dramatic transformation of the landscape in and around the Boumba Bek-Nki Complex. This is home to the majority of Cameroon’s indigenous forest peoples who want to conserve the forest upon which their welfare and culture depends.

Conservation agencies working in Cameroon should recognise the key role that indigenous communities have had in the conservation of their customary lands, which have now become national parks - and stop persecuting them there. And indigenous Baka from around the Mballam mining area are clear: the lands being targeted by the Mballam mining company are customary territories that are vital for their livelihoods and community wellbeing.

See film: Droit a la terre et droit a la pierre (Zone de Mballam) In French.
Key
*Tridom: Tri-National Dja-Odzala-Minkebe
3D Mapping Starts to Bear Fruit

This project, led by indigenous Bambuti-Batwa, was followed by a Whakatane Assessment with conservation authorities at Kahuzi Biega National Park in the DRC.

Indigenous Batwa have lived in the forests and mountains of Kahuzi Biega for hundreds of years. The mountain range is also a habitat for lowland gorillas and other large primates living in the Albertine Rift zone. The creation of Kahuzi Biega National Park (PKNB) in 1970 led to the expulsion, by force, of the Bambuti-Batwa who had been living in and using that forest for generations. Since there were no lands available outside the park, they ended up dispersed in small pockets of marginal land - but the amounts were inadequate and contested by other ethnic groups. The Bambuti have lived in poverty ever since, losing their own language and having to adopt the languages of the three other peoples they are now living amongst. Indigenous Batwa from across the region raised these issues at the World Parks Congress (WPC) in 2003, but since then little has changed. Will the 2014 WPC in Sydney help them any more?

In 2014, the Bambuti made a 3D map of their traditional territories and usage zones. They were supported by FPP, the “Centre d’Accompagnement des Peuples Autochtones et Minoritaires Vulnerables” (CAMV), and the ARCUS foundation. The map indicates the location of areas within the national park that they are still unable to access. The process involved constructing a physical base map of the region with the input of indigenous men and women, who located sacred spaces, use zones and the locations of ancient villages on the physical structure.

The Congolese Institute for Nature Conservation (ICCN), the provincial government, and park managers collaborated in this process. Since 2004, attitudes of conservation actors across the DRC have been changing, and there is now widening recognition that indigenous Bambuti-Batwa must play a key role in managing protected areas. The 3D map demonstrates the ongoing, deep connections between indigenous livelihoods and the long-term protection of biodiversity for the PKNB environment in which they have been living for hundreds of years.

The Whakatane Mechanism was developed by IUCN in 2011 “to address and redress the effects of historic and current injustices against indigenous peoples in the name of conservation”. It is a consensual approach to generating frameworks that enable indigenous communities and conservation authorities to work together to protect their rights and the environment. Its success depends on conservation and government authorities recognising that indigenous peoples can become effective partners in conservation when their right to help protect their lands is implemented.

The Kahuzi Biega Whakatane Assessment, during September and October 2014, was the third such assessment to be piloted by IUCN across the world. The first two pilot Whakatane Assessments took place in 2011 and 2012, in Mt Elgon, Kenya and in Ob Luang National Park, Thailand. The results of all the assessments will be presented at IUCN’s World Parks Congress in Sydney in November 2014 to help shape the future of conservation.

The multi-step process in Kahuzi-Biega included:
(1) 3D Mapping: Over 21 days Bambuti from the main clan groups around Kahuzi constructed a 3D map of their territory.

(2) The 3D map was presented at the first meeting between the Bambuti and PKNB, local authorities, IUCN and ICCN. As well as demonstrating their lands and knowledge, it reflected their cultural and social dependence on their forests. The conservator for PKNB noted: “We know the Bambuti go into the forest unofficially for honey and medicine, hence if the park is destroyed the Bambuti are destroyed too.”

(3) Fieldwork: After the round-table, representatives of ICCN, IUCN, FPP, CAMV, researchers, and an Ogiek indigenous representative, from the Kenya Whakatane assessment, undertook a three-day field assessment to learn from Bambuti communities in Kabare, Bunyakiri and Kalehe. One old man said: “We want to have our land back where we can live according to our customs. We want to go back to our forest where our ancestors died. You cannot give us anything that will replace our forest.”

(4) A second round-table was held in Bukavu, where the findings and road map were discussed. This involved 85 Bambuti, CAMV, ICCN, IUCN, FPP, PKNB, traditional chiefs, key Provincial Ministers (Mines, Agriculture, Land, Rural Development, Environment), the President of the Parliament, and the deputy responsible for the environment.

The Whakatane process resulted in what promises to be a meaningful dialogue between indigenous Bambuti and PKNB managers. The road map addresses short-term goals to help meet immediate Bambuti needs including land, education, health and jobs, equitable benefit-sharing from the park, and training to build their capacities to secure the medium and long-term goals. These include documenting community management, identifying park periphery lands to hand back to communities, and allowing Bambuti collective land ownership, resulting in modern rights-based conservation. The key sticking point in these discussions is continued disagreement over the possibility that Bambuti could ever regain formal recognition for their rights inside the existing boundaries of the PKNB. The success of DRC’s community conservation approach will be judged by its ability to enforce communities’ rights to manage their traditional territories and better protect their environment.

Photos - credit: ©FPP/CAMV
Looking Ahead

Prospects for Indonesian forest peoples with new incoming President

President Joko Widodo is welcomed. Photo credit: Wall Street Journal

Indonesia went through a historic democratic process this year, directly electing a new President to take over from a prior incumbent at the completion of his term. The new President, Joko Widodo, universally known as ‘Jokowi’, does not come from a traditionally political or military background, but was previously a modest furniture-maker before being elected Mayor of Surakarta and then Governor of the capital city, Jakarta. Jokowi gained popularity as ‘Mr Clean’, meeting ordinary people and sorting out Jakarta’s chaotic transportation. Unlike previous presidents, he comes to power with less of the political patronage and murky backroom deals that compromise most Indonesian politicians.

In terms of the country’s forests and forest peoples, Jokowi faces a huge challenge. Indonesia’s forests are being depleted at some two million hectares a year, mainly due to the illegal and corrupt allocation of concessions to plantations, mining schemes and related transmigration projects. A recent study by Forest Trends shows that over 80% of deforestation in Indonesia for oil palm and pulpwood is illegal. FPP’s recent report, Assault on the Commons, details how this catastrophic forest loss is made easy because the rights of over 90 million forest people in Indonesia are insecure. National laws prioritise the handing out of lands and forests to corporations over the interests of communities and indigenous peoples. Forest-based livelihoods are thus being undermined by profit-hungry investors seeking quick returns.

A vigorous indigenous peoples’ movement, with supportive civil society, has been pushing for reform of these laws so that customary forest areas are allocated to communities for their long-term management, ownership and use. Campaigns to recognise indigenous peoples’ rights started in the 1980s and gained strength after the fall of the Suharto regime. Since then the civil society and a national indigenous peoples’ organisation, AMAN, has flourished.

The need for effective recognition of indigenous peoples’ rights has been repeatedly asserted by NGOs, academics and development agencies with respect to forest certification, the resolution of land conflicts, timber legality, community forest management, REDD+ pilot schemes, ‘sustainable palm oil’ and corporate commitments to ‘zero deforestation’. The UN’s Committee on the Elimination of Racial Discrimination has repeatedly recommended such reforms. Recent rulings by the Constitutional Court have recognised the unconstitutionality of elements of the forestry law that deny indigenous peoples’ rights. The outgoing President made a promise last year to recognise indigenous peoples’ rights. Recently, an exhaustive World Bank report calls for the same.

The World Bank is also supporting the mapping of indigenous peoples’ lands by AMAN members. Already 4.9 million hectares of customary land claims have been mapped and AMAN has been pushing for national agencies to formally recognise these land claims. AMAN and the World Bank want to map 40 million hectares by 2022. Indonesian NGOs, Sekala and the national participatory mapping network (JKPP) suggest that there is a ‘high probability’ that in Indonesia 42.5 million hectares of land are subject to customary claims, while an additional 72 million hectares have a ‘medium probability’ of also being encumbered with rights – about half the national territory.
In September 2014 the Indonesian government agencies concerned with lands and forests declared their support for indigenous peoples’ rights. The Declaration was issued jointly by the Coordinating Ministry of People’s Welfare, Ministry of Internal Affairs, Ministry of Law and Human Rights, Ministry of Forestry, Ministry of the Environment, National Land Agency, the National Geospatial Information Agency, National Commission on Human Rights and the national REDD+ Agency. Welcoming the Declaration Abdon Nababan, the Secretary General of AMAN, noted the need for legal reforms to secure their rights and efforts by indigenous peoples themselves to build their capacity to manage their lands and forests in line with local wisdom.

This Declaration provides a helpful starting point for the incoming President, due to take office on 20th October 2014. During his election campaign, Jokowi agreed to recognise and protect customary lands, adopt a national law upholding indigenous peoples’ rights, and favour community rights. Discussions are already underway about setting up a new Ministry of Agrarian Affairs, to oversee land matters and strengthen the implementation capacity of the National Land Agency (BPN).

Jokowi may have an uphill battle promoting land rights and curbing corrupt agribusiness and forestry concessions. His vice-Presidential running mate, Yusuf Kalla, has an impressive track record in resolving regional inter-ethnic conflicts, but his family has long-term investments in palm oil.

The political party on whose platform they both stood, the Indonesian Democratic Party of Struggle (PDI-P), is deeply enmeshed in dodgy land deals in the provinces. Even so, the political coalition that backed Jokowi’s presidential election campaign only commands 36% of the national parliament. Recently, the parliament passed a law preventing the direct election of mayors, provincial governors and district heads, a move that commentators read as a snub to the incoming President and a way of strengthening the hand of political parties.

Local civil society activists hope Jokowi can bring about much needed reforms, but know that those who benefit from current malpractices will not give up their privileges and impunity without a fight.

Securing Indigenous Peoples’ Free, Prior and Informed Consent in Forests

The Forest Stewardship Council (FSC) has just agreed to establish a Permanent Indigenous Peoples Committee (PIPC) in its governing structure. The Sami is a traditional reindeer-herding people. Below, Anders Blom - of the Protect Sápmi Foundation, an indigenous peoples’ organisation that works with the Sami - sets out his vision of how FSC should now help to realise indigenous peoples’ rights.1

Every effective organisation must have a vision guiding their way. A vision must be strong, reachable and visible for everyone within the organisation. It reminds me of the story of when Michelangelo was making his sculpture of David and one of his disciples asked him: “Master, how can you create such beauty out of a solid rock?” Michelangelo answered, “But isn’t it obvious? I see David in the rock all the time. All I have to do is to remove the parts that obscure him.”

Within the Permanent Indigenous Peoples’ Committee (PIPC) of the Forest Stewardship Council, we have made a value-driven vision statement that says that we shall:

‘Champion the enhancement of strong, resilient, sustainable and successful indigenous peoples’ communities, whose rights and interests are recognised, respected, protected and provided for in the use and management of their ancestral lands, forests and natural resources.’
In order to reach that vision, in order to see David in our stone, we have to work with tools that help us to remove the obscuring parts.

Free, Prior and Informed Consent (FPIC) is presently the most important tool to reach our vision. There have historically been a lot of discussions concerning the definitions of FPIC. FPIC is already mentioned in the present FSC standard as it is a part of civil rights, international law and corporate responsibility programmes. As we see it, there is no longer a need for that discussion. There might however still be some questions to clarify.

- The issue today is not discussing definitions but how we can implement FPIC. FSC has produced a comprehensive guideline for the implementation of FPIC – read it! It shows that consultation is not equal to consent. The guideline is a good example of how FSC works proactively on this issue.

- Since 2012, FPIC as a concept has been clearly integrated into the FSC’s Principles & Criteria. It will be a compulsory element of International Generic Indicators and of the national standards that derive from them. For all companies working in the indigenous landscape, this will be a mandatory part of their work.

- Many have asked if FPIC is an absolute veto – we would say it is not.

- We believe that FPIC brings a responsibility to both the indigenous communities and to the certified companies. A serious dialogue-based process should result in a written agreement.

What of the hope, fears, challenges and opportunities concerning FPIC?

These are all relevant questions for many of you as well as for us in PIPC. Let’s start with the hope.

We see FPIC as the most important tool to recognise and respect indigenous rights. FSC is hopeful that it is taking the lead in this issue. No other market-driven, third party-controlled certification system has reached this far. So how about fears? Yes we also experience fears in relation to FPIC. For example, will the companies/the certificate holders realise their responsibility to provide indigenous communities with the capacity needed to fully participate in the FPIC process?

Here we are talking about financial contributions, access to independent advisers, training etc. Without that contribution I fear that the whole idea of FPIC will fail.

Are there any challenges connected to FPIC? Yes, there will be challenges on all sides in this process. For FSC it will be a challenge to balance the interests of the different chambers without losing focus. For the certificate holders, it will involve a paradigmatic change in attitudes toward indigenous people. They will need to build internal capacity and knowledge for this change. For the indigenous communities, one of the big challenges will be to build trust in their relations with the certified companies and the Certification Bodies (CBs) to overcome all historical wrongdoings. In the name of good faith and cooperation this can be done.

What then are the opportunities? For FSC it will be the opportunity to become the preferred standard for indigenous peoples all over the world. For the certificate holders this will bring the satisfaction of being a part of the solution and not risking being a part of the problem. For indigenous peoples this might bring a true opportunity to safeguard and protect important parts of our landscape. By building relations, they can spread the good words of true sustainability and resilience.

Finally we are facing a period of hard work. The first step will be the planned FPIC implementation projects. I am convinced that with good will and hard work we will meet at the General Assembly in three years and pronounce our satisfaction of being an even stronger organisation in a better world.

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1 This guest article is an edited version of the speech made by Anders Blom to a side meeting on ‘Free, Prior and Informed Consent in FSC-certified forest management: hopes, fears, challenges and opportunities,’ presented at the FSC General Assembly in Sevilla, Spain, 10th September 2014.
CBD COP12

Support for indigenous peoples’ customary practices and biodiversity monitoring

The 12th Conference of the Parties to the Convention on Biological Diversity (CBD COP12) was held in Pyeongchang, South-Korea, from 6-18 October 2014. Indigenous peoples from all around the globe gathered to share their perspectives on several biodiversity-related issues that are of great importance to their communities and their territories, such as biodiversity and climate change, invasive species, gender and biodiversity, and traditional knowledge.

COP12 represented a milestone moment as the CBD adopted a plan of action on customary sustainable use that commits to, and calls for, concrete support for community-based sustainable practices in relation to biodiversity. Moreover, the Parties to the Convention finally agreed to use the term ‘indigenous peoples and local communities’ in future decisions.

One of the main tasks of COP12 was to carry out a mid-term review of the CBD’s Strategic Plan for Biodiversity (2011-2020). A flagship report, called the 4th Global Biodiversity Outlook (GBO4), was launched that reviewed to what extent we are on track to meet the twenty global biodiversity targets in this plan. Indigenous peoples have consistently stressed the importance of their integrated biodiversity management systems to advance on multiple biodiversity targets, but also that (lack of) progress on most biodiversity targets can have major impacts on their communities, livelihoods, knowledge and practices.

They also pointed at the importance of community-based monitoring, and conveyed clear messages that traditional knowledge should be acknowledged as expert knowledge, complementary to scientific knowledge. The CBD is starting to recognise this and has included several case studies on community monitoring in GBO4. COP12 adopted various decisions in which community-based initiatives, based on traditional knowledge, were acknowledged and encouraged.

To view photos, read indigenous peoples’ statements, and view the press conference by the International Indigenous Forum on Biodiversity (IIFB) on the terminology debate, visit the IIFB portal.

Access and download GBO4 and the related technical documents here.

All the decisions are temporarily available as in-session documents here until they are fully processed and posted as COP12 decisions on the CBD website.

The Green City Resolution is Out!

FPP organised a seminar entitled, “Evaluating Investment Projects: Legal and Good Governance Considerations” in September 2014 in Kumba, Western Cameroon.

The purpose of the meeting was to share information on current international law and up-to-date industrial standards for industrial companies seeking lands for agribusiness development. This included communities impacted by the SGSOC/Herakles palm oil development around Mount Cameroon and participants from outside the region whose lands are impacted by other large development projects.

During the week, communities organised their own committee to develop a common platform for dialogue with companies on the basis of international legal provisions protecting community rights, and the result is the Green City Resolution. This sets out principles based upon community consensus and international law, and forms the basis for further work by communities to build their capacities to negotiate fairly with companies seeking to develop their customary lands.
Supporting Indigenous Peoples’ Communities to Influence Trade Agreements with the EU

In 2012, Guyana started negotiations with the EU with the aim of entering into a Voluntary Partnership Agreement (VPA) that will seek to ensure that Guyana exports only legal timber into the EU market. The VPA is a measure required under the Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT) adopted by the EU in 2003. It aims to reduce illegal logging by strengthening sustainable forest management, improving governance and promoting trade in legally produced timber. Central in the VPA is a definition of what constitutes ‘legal timber’ and it is the responsibility of each partner country to develop such a legality definition. The EU emphasises the importance of broad stakeholder participation in this process. Click here to read the guidance.

After concerns were raised in Guyana about the lack of effective participation from civil society in the VPA process, and especially from indigenous peoples’ communities, the EU awarded a project to the Amerindian Peoples Association and FPP named “Promoting the effective participation of indigenous peoples in the Voluntary Partnership Agreement in Guyana”. The project receives co-funding from DFID’s Forest Markets and Governance Programme.

Land issues and the VPA process

Since the beginning of the year, material discussing FLEGT and related issues has been developed and used in six workshops bringing together people from 24 communities in regions 1 and 2, which are the areas most impacted by logging. The workshops included an introduction to FLEGT and the VPA process and, given that these were new concepts for most participants, triggered a number of questions and concerns.

Many wanted to know how the VPA will deal with the current land disputes and asked how it could be decided whether a log is legal when different actors claim to own the land it comes from. This concern is linked to the fact that most of the land that the communities have traditionally owned, occupied and used is considered state land under existing national statutory law. When raising their concerns with the Ministry of Amerindian Affairs, they are told that they have to apply for legal title to the land or an extension if they already have a title.

However, the experience of communities is that they dedicate significant time developing and submitting these applications that then disappear into official processing or are ignored entirely. Meanwhile their lands are given away to logging and mining interests. Many participants therefore called for the disputes involving their land and the outstanding applications for extensions to be dealt with before any VPA is signed.
Although land tenure forms a vital element of forest governance, Guyana’s government negotiating team has so far expressed the view that the VPA is not the forum to address broader land issues. Communities who live in and depend on the forest question this official government view. Amerindian villages and communities insist that vital governance issues must be part of the VPA negotiations and the development of a credible and robust legality definition. Villagers and indigenous organisations are concerned that important land rights, legal contradictions and loopholes have so far been side-stepped in the VPA process. Before the year is over, a second round of workshops will be conducted under the APA-FPP project. They will aim to systematically record further concerns and recommendations to be fed into the national process.

Weak forest governance and violations of FPIC

While the Guyana-EU VPA development process is ongoing, major problems with Guyana’s forest governance continue. Disclosure in July 2014 of the controversial dealings of the Chinese logging company Bai Shan Lin kicked off a major public debate about Guyana’s forestry concession system. Carrying proof of weak law enforcement, flawed legal and regulatory frameworks, corruption and lack of transparency in the forestry sector, this debate poses an appropriate challenge to the government’s attempt to avoid dealing with existing problems in the forest sector as a part of the VPA process.

In deals kept secret from public scrutiny, Bai Shan Lin was allocated vast areas of forest - some indications suggest up to 1.4 million hectares – and started extraction of logs without any environmental and social impact assessments.

Some of the areas the company is said to have rented illegally from other companies. Communities in north and south Rupununi are now extremely concerned about the consequences of the company’s activities, including the building of a road, for their livelihoods.

The concessions lie very close to, and in some cases even overlap, their traditionally owned land, yet they have not been consulted or have not given their consent to Bai Shan Lin’s activities.

The village of Apoteri lies only 300 meters away from one of the concessions and a resident said to a local newspaper “We are too close to the concession. We don’t know what is going to happen.” He elaborated that the communities of Apoteri, Rewa and Crashwater are surrounded by the concessions and they have nowhere to go.

It is important that the experiences of these and other affected villages are fed into the VPA discussions and the ongoing APA-FPP project will help bringing representatives to a forum where they can share their concerns.

The following link reveals aerial views of logging exports taking place in Guyana: 
Click here to see video with aerial footage

Click on the following link for further information on Bai Shan Lin’s logging operations in Guyana: “Exploitation, disruption and destruction”

IP Representatives Develop Human Rights Monitoring Framework

FPP is one of four Implementing Partners (the others being AIPP, IWGIA and Tebtebba) in a European Commission-funded International Labour Organisation (ILO) project to develop a human rights monitoring framework and tools for indigenous peoples to use in their community-based monitoring activities. The project will also push for the inclusion of indigenous peoples’ rights and aspirations in the post-2015 development agenda, including in the future sustainable development goals, targets and related indicators.

An important first step in this project took place in Chiang Mai, Thailand on 19-21 August, when ten representatives of indigenous peoples organisations gathered to discuss and agree the most important issues that must be captured by such monitoring, based on the rights covered by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

With participants from Chile, Peru, Suriname, Kenya, Nepal and Thailand, a wide-ranging debate identified a number of key overarching themes that are common to indigenous peoples. However, it was recognised that there will always be special concerns relevant for specific local situations. With support from Brigitte Feiring, a consultant to the project, participants were able to propose draft monitoring tools to be field-tested in communities over the next six months. The in-country partners include:

- Indigenous Livelihoods Enhancement Partners, Kenya
- Inter Mountain Peoples Education and Culture in Thailand
- Lawyers Association for Human Rights of Nepalese Indigenous Peoples
- Mainyoito Pastoralist Integrated Development Organization, Kenya
- National Indigenous Women’s Federation, Nepal
- Vereniging van Inheemse Dorpshoofden in Suriname
- Visión Amazonía, Peru
- OKANI, Cameroon.

For more details contact ailsa@forestpeoples.org
Community Testimonies
Showing the Way to
Protect Rights and Forests

Tackling deforestation and other climate mitigation actions will be one of the key items on the agenda of the upcoming Conference of the Parties to the UN Framework Convention on Climate Change in December in Lima, Peru (COP20). This has been evidenced in the recent past with the intense negotiations on REDD+ and more recently with the launch of the New York Declaration on Forests, signed by governments, companies and NGOs on the occasion of the UN Climate Summit held in New York September.

REDD+, climate smart agriculture and sustainable supply-chains are now bundled together in a common effort to reduce deforestation and related carbon emissions in tropical areas. However, lack of compliance with internationally agreed safeguards, poor governance reform, and the increasing pressure on indigenous lands and territories require more compelling action. This is needed to address the danger of exacerbating human rights abuse. Voluntary agreements and private public partnerships cannot substitute for robust international and national action to target internal and external drivers of deforestation, ensure respect and compliance with international human rights standards (and in particular respect for and protection of indigenous peoples’ lands, territories and resources) and the principle of free prior and informed consent.

Accountability of governments and companies is even more urgent given the risk that current negotiations leading to COP21 in Paris may pay only lip service to indigenous peoples’ rights and the obligation to ensure a rights-based approach to land-based mitigation. There is a risk they will fail to duly recognise the positive contribution of indigenous peoples in forest protection, climate mitigation and adaptation.

For all these reasons, the Forest Peoples Programme (FPP) is organising – together with Peruvian Indigenous peoples’ organization AIDESEP – an international public hearing on deforestation and human rights during COP20. The public hearing will be held on December 8th at the Museum of Arts of Lima (MALI). Special guest of the hearing will be Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples. The hearing will offer a public space for indigenous peoples leaders from Latin America, Africa and Asia to share their experiences from the field. These will cover both experiences with deforestation and associated human rights issues, and experiences in defending forests and resources. The hearing will also launch a ground-breaking report on deforestation, with contributing authors and involved communities present, and the demands of the Palangka Raya Declaration will be reiterated.

In addition to the hearing (that is meant to be a contribution to the activities of the Cumbre de los Pueblos), FPP and a delegation of indigenous peoples’ leaders and CSO representatives from Peru, Colombia, Guyana, Panama, Paraguay, Democratic Republic of Congo and Indonesia will also participate in the activities of the Indigenous Pavilion and at civil society initiatives at the Global Landscapes Forum.

For a more detailed description of the hearing background, see the hearing flyer pdf and the Palangka Raya page here.

To pre-register – please email COP20hearing@forestpeoples.org to reserve your space, to come and exchange experiences and listen to community testimonies.
New Publications

Indigenous Peoples’ Rights and Climate Policies in Guyana: a special report

More than four years after the signing of the Guyana-Norway MoU, this report addresses the quality of treatment of indigenous peoples’ rights in Guyana’s national policies on land, low carbon development and forests.

The review draws on extensive community visits and policy analyses conducted by the Amerindian Peoples Association (APA) and the Forest Peoples Programme (FPP) between 2009 and 2013.

The report presents recommendations on measures required to strengthen the recognition and respect for indigenous peoples’ rights in national land use, forest and climate policies.

Forthcoming Publications

Indigenous women and the Inter-American human rights system: a toolkit on mechanisms

This toolkit presents legal mechanisms relevant to indigenous women’s rights in the Inter-American human rights system. It aims to support indigenous women’s organisations in

The Palangka Raya Declaration on Deforestation and the Rights of Forest Peoples

The Forest Peoples Programme and Indonesian partner organisations co-hosted an international workshop on deforestation and forest peoples’ rights that resulted in the Palangka Raya Declaration on Deforestation and the Rights of Forest Peoples.

At the close of the workshop, participants issued a global call to action. The Declaration sets out the key measures and reforms needed to tackle forest loss and uphold forest peoples’ rights. Available in five languages. Click here to download a copy.
making efficient use of the various mechanisms and in influencing standard setting. This publication responds to and further explains the need for human rights bodies to adopt an approach that encompasses both women's rights and indigenous peoples' collective land rights when dealing with indigenous women's rights cases.


Revised Guide on FPIC and RSPO: Revised guide for RSPO members on how to implement Free, Prior and Informed Consent, in line with the revised RSPO Principles & Criteria of 2013.

Assault on the Commons – Indonesia Case Study: A chronology and analysis of the history and factors of deforestation in Indonesia, and the engagement of forest peoples and supporting organisations towards rights protection and forest preservation.

World Heritage Sites and Indigenous Peoples Rights

Co-publishers
International Work Group for Indigenous Affairs (IWGIA)
Forest peoples Programme (FPP)
Gundjeihmi Aboriginal Corporation (GAC)

This book includes 20 case studies of World Heritage sites from around the world, with some relevant background articles. The case studies explore and document, from a human rights perspective, indigenous peoples’ experiences with World Heritage sites and with the processes of the World Heritage Convention. They identify recurring concerns and shortcomings in the implementation of the Convention, as well as opportunities it may provide for indigenous peoples and the defence and promotion of their human rights.

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FPP offers discounts to southern NGOs and academic institutions. All publications are free to indigenous peoples’ organisations.