



Marcus with Melayu boatman in the Kampar Peninsula, Indonesia. Photo: Marcus Colchester

Director's Message

Two lasting impressions from Indonesia in 2009 will stay with me for a long time. The first is the good feeling that, as a result of sustained advocacy in close alliance with our local partners, we got oil palm companies to hand back land to communities that they had taken without consent. And then we got the World Bank to suspend all funding to palm oil worldwide while it rethinks its approach to agribusiness. The second was to revisit the riverside villages on the Kampar Peninsula and find each one riven by internal conflicts seeded by unscrupulous companies seeking to open up huge pulpwood plantations without first discussing their plans with the communities as they had promised. The palpable sense of anger, betrayal, confusion and powerlessness was deeply shocking.

This report is replete with further positive and negative stories, showing not only the urgent need to support forest peoples' struggles to secure their rights but also that this work can be effective even in the most difficult circumstances. At FPP we often feel overwhelmed by the scale of the challenge and overstretched by demands from forest peoples for our support. Yet both the challenges and the successes also give us the motivation to continue – indignation at injustice and satisfaction when justice is achieved.

Looking back over two decades of FPP's work, we need to appreciate how much things have changed. International law now upholds the rights of indigenous peoples. Forest 'policy-makers' now admit that entrusting forestlands to forest peoples curbs deforestation and helps forest restoration. Business leaders and financiers no longer ask us why they should respect forest peoples' rights but how. At the same time, pressures on forests intensify as global demands for food, fuel and fibre boom. It remains unclear whether the new bonanza to stave off climate change by slowing deforestation really will help secure forest peoples' rights or, hastily imposed by technocrats, will just accelerate graft and dispossession. Like it or not, in the years ahead we will have to focus on this new opportunity and threat.

Marcus Colchester, Director

Peoples' rights and climate change

As global warming intensifies, forest peoples are demanding a greater say in initiatives aimed at keeping carbon locked up in the forests. FPP is providing support on a number of fronts: working with partners to insist that funding mechanisms fully respect forest peoples' rights; using international law to show how some climate change measures violate human rights; and supporting dialogue between forest peoples and the agencies setting up carbon projects. Our aim is that carbon projects should only be carried out with forest peoples' free prior and informed consent, include mechanisms to ensure fair sharing of the benefits and genuinely contribute to reduced carbon emissions. Thanks to sustained advocacy with encouraging support from some governments, businesses and conservation agencies, there is a growing awareness that measures to Reduce Emissions from Deforestation and Forest Degradation (REDD) will not work without good governance, just tenure regimes and respect for the rights of forest peoples.



Indigenous peoples insist that measures to reduce carbon emissions must respect human rights. Photo: Helen Tugendhat

Forest peoples heard in climate change negotiations

Indigenous peoples worked hard to get rights on the agenda in the run-up to the 15th Conference of the Parties (COP15) on climate change at Copenhagen. This paid off as draft agreements on the new REDD+ regime (which includes conservation) under the Climate Convention contain important language on human rights, land tenure and governance.

To help achieve these advances FPP provided sustained legal advice, advocacy support and political analysis to four meetings of the Indigenous Peoples Forum on Climate Change. We co-hosted a roundtable in Bangkok to brief key governments about REDD and indigenous peoples' rights. At the Accra Caucus (a coalition of civil society organisations working on climate justice inside the Climate Convention) we provided guidance on negotiating language on rights. We submitted numerous analyses and position papers to preparatory committees of the Copenhagen conference, found funds for 13 indigenous and community leaders to attend COP15 and provided technical support during the meeting.

All of this strengthened the voice of indigenous peoples, enabling them to push for inclusion of new safeguards on rights and environment in future international agreements on finance for forest and climate initiatives.

W Congratulations to you and your colleagues for this vital supporting role you are playing for Indigenous Peoples' rights and for standing up for the central role they and other local communities must play if we are to continue breathing over the long term. //

Ruth Oku-Ampofo, Senior Grant Associate, The Christensen Fund

Forest peoples gear up to REDD projects in Indonesia

FPP's work with communities in three areas of Indonesia is enabling them to assert their rights in dialogues with the managers of commercial REDD projects. Indonesia, whose per capita greenhouse emissions are as high as Europe's, is being fast-tracked through the World Bank's 'REDD Readiness' process to obtain US\$3.6 million from the Forest Carbon Partnership Facility for further 'readiness' planning. Carbon forestry companies are already offering communities contracts to protect standing forests or plant up community lands with 'carbon' plantations under lease agreements, yet many community leaders are not aware of the implications of these projects, or their rights.

One such case involves the communities of the Kampar Peninsula of eastern Sumatra. The powerful APRIL consortium of pulpwood plantation companies is seeking REDD payments for a central forest conservation area on community lands. The core zone will be surrounded by commercial Acacia plantations, covering 56,000 hectares in total. The communities were not consulted.

Working with the local NGO Scale Up, FPP helped communities to mobilise, provided training workshops and data gathering, and met several times with APRIL to urge them to obtain the communities' free prior and informed consent (FPIC) before proceeding. But the company suddenly began clearing forests and draining peat soils to build a port facility and roads. The pressure on APRIL intensified and in November, following international press coverage of a sit-in involving Greenpeace and other activists at the company's gates, the Ministry of Forestry announced that it was suspending the company's permits in the Kampar Peninsula. The provincial parliament is now involved and has informed the national government and key pulp and paper companies that they should consider community interests when making plans for development in the Kampar Peninsula.



Workshops with community leaders and officials to raise awareness of their rights and REDD revealed that none of the Kampar communities had been provided details of company plans for their lands. Photo: Marcus Colchester



Illegal logging is gradually stripping the Kampar Peninsula of its larger trees. Photo: Marcus Colchester

In the mountainous region of Aceh, Indonesia, the Ulu Masen REDD pilot project aims to reduce deforestation of 700,000 hectares of forest by up to 80%. The project is being developed by the provincial government in collaboration with Fauna and Flora International and the carbon brokerage firm, Carbon Conservation. Merrill Lynch has committed to buy future certified emissions reductions at \$4/tonne CO₂. The project partners have said they will respect the rights of local indigenous communities but although some community leaders gave their support to the project in the design phase, many other communities are yet to learn about it, and the systems for consultation, consent, benefit-sharing and community activities to reduce deforestation are still being developed. Working with the indigenous NGO Pusaka, FPP has informed communities about FPIC and REDD, and started a process to help them prepare to negotiate with the provincial government and conservation groups on implementing the REDD pilot.

The government of West Papua has signed a MoU with a carbon brokerage firm covering eight million hectares of peat forests and other 'critical lands', while the provincial government in Papua has signed an MoU on REDD with the companies New Forest Asset Management and Emerald Planet, for 300,000 hectares of pilot projects. Working with Pusaka and the Papuan community support networks Jasoil and YLHPMSP, FPP strengthened connections with the local community organisations, providing training and developing preliminary dialogues with the local government. With Pusaka and the Centre for People and Forests (RECOFTC) we held a major workshop on customary rights, conflict resolution, FPIC and REDD attended by community leaders, national and local NGOs, and national and local government. Communities attending the workshop subsequently worked with Jasoil to map their customary lands and asked the provincial government to respect community rights to manage their

natural resources and involve them in any decisions on REDD pilot projects.

We also put pressure on the Indonesian government via a complaint to the UN Committee on the Elimination of Racial Discrimination (CERD) explaining how Indonesia's draft REDD regulation would violate indigenous peoples' rights. CERD wrote to the Indonesian government highlighting its obligation to uphold indigenous rights, including collective property rights in all public policies and laws, including those relating to forest protection and climate change mitigation. Partly as a result of this advocacy (and related, long-standing campaigns by indigenous organisations) the government of Indonesia is now in dialogue with indigenous peoples about the design of a new Indigenous Peoples Rights Act and new legislation covering community management and jurisdiction over forests.

Further reading:

- *Free, Prior and Informed Consent, REDD and Conflict Management in West Papua.* <http://tinyurl.com/y3qlerj>
- *Indonesia: indigenous peoples and the Kampar Peninsula.* <http://tinyurl.com/ya8bkqb>
- *Taking stock of Copenhagen: outcomes on REDD+ and rights.* <http://tinyurl.com/y73fh3y>
- *UNFCCC Intersessional Meeting, Bangkok 2009. Briefing Paper on Indigenous Peoples and Climate Change.* <http://tinyurl.com/y6gaqq4>

Coming up in 2010:

- Follow-up work on REDD in Aceh, Riau and West Papua
- Continued support to partners to defend rights in forest and climate initiatives and funding
- Support for partners at climate convention meetings on REDD in the run-up to COP16

Supporting forest peoples to defend their rights

FPP's Legal and Human Rights Programme assists forest peoples to secure their rights by supporting national and international legal actions including human rights mechanisms and procedures, by providing legal analysis on various issues, and by providing training and other technical assistance.

Saramaka people win Goldman prize



Hugo Jabini and Wanze Eduards with the Goldman Environment Prize. Photo: Will Parinello

WFrom the 17th century until today, we have managed and controlled our territory according our own laws and customs in a sustainable way. We are obligated to protect it so that future generations of Saamaka can live there in freedom and in our way. That is why we fought against the logging companies sent by the government. They tried to destroy our forest, but we said no to that. With the judgement of the IA-Court, our right to freely determine and pursue our development in accordance with our own aspirations and culture has been upheld. // S. Hugo Jabini, Saramaka leader

In March 2009 Saramaka leaders Hugo Jabini and Wanze Eduards were awarded the Goldman Environment Prize, for their defence of the land rights of the Saramaka people of Suriname.

This followed a landmark ruling by the Inter-American Court of Human Rights in 2007 that the imposition of mining and logging concessions on Saramaka lands without their consent, reasonable benefit-sharing or proper socio-environmental studies violated the Saramaka's human rights.

The judgement, secured after 13 years of sustained legal support from FPP to the Saramaka, required Suriname to pay compensation, demarcate and title the 9000 square kilometres of Saramaka lands and pass laws securing the rights of the Saramaka and, by extension, all indigenous and tribal people in Suriname.

During 2009 FPP assisted the Saramaka to collect information and report to the Court on how the judgement is being implemented. The UN Special Rapporteur on the rights of indigenous peoples has agreed to support the drafting of the legislation needed to implement many aspects of the judgment, and talks have been held with the Saramaka's neighbours to document agreed boundaries as part of delimiting Saramaka territory.

The ruling continues to be widely cited and discussed, and is seen as a valuable and far reaching precedent in that it changed international jurisprudence so that major development projects throughout the Americas will now require free prior and informed consent.

Indigenous lands in Brazil see colonists removed, but in Peru threats continue

After several years of petitioning the Brazil Courts and the Inter-American Commission on Human Rights, the Indigenous Council of Roraima has won an important Supreme Court judgment confirming that the demarcation and titling of the Raposa Serra do Sol indigenous territory is constitutional. This paved the way at last for the Brazil government to remove non-indigenous trespassers from the lands of the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples.

However the Court decision included conditions undermining the very rights the ruling was intended to protect – rights to property, consultation and consent, and self-determination including in the context of future economic development. This could be disastrous for all the indigenous peoples of Brazil, not just those of Raposa. The government has also failed to punish those responsible for violent attacks on the Raposa indigenous communities. FPP therefore supported the Indigenous Council of Roraima to call upon the Inter-American Commission to admit the case and deal with these unresolved issues.

The indigenous peoples of Peru are also fighting illegal intrusions into their land by loggers and proposed oil prospection. Peaceful indigenous blockades protesting ongoing oil exploration in Peru were violently suppressed by the government. FPP supported AIDESEP, the national indigenous federation in Peru, to ask the Inter-American Commission to impose precautionary measures on Peru to address these issues.



Indigenous communities of Atalaya in the Peruvian Amazon protest against unjust laws that would open their forests to massive exploitation. Photo: ORAU, Peru

Progress on Kaliña and Lokono land rights case in Suriname

The Kaliña and Lokono people of the Lower Marowijne River oppose protected areas, mining and logging concessions imposed on their lands, and the granting of land titles to non-indigenous people. Initial negotiation efforts with government having failed, the Inter-American Commission on Human Rights reviewed the case and may issue its decision in 2010. FPP developed the evidence needed to litigate the case if the Commission decides to forward it to the Inter-American Court.

Using the UN human rights system to defend indigenous rights

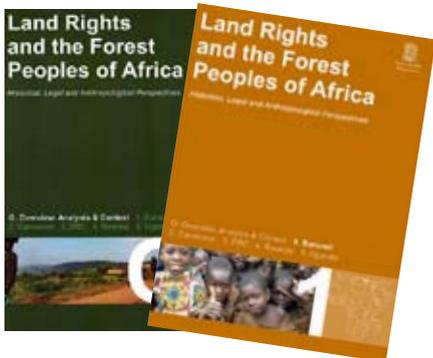
We obtained important decisions from the United Nations Committee on the Elimination of Racial Discrimination (CERD) on human rights violations by Colombia, Suriname, Brazil, Peru, India, Nepal and Indonesia, and we supported our partners with actions in their own countries to get governments to implement CERD's decisions and recommendations. We sent urgent communications to several UN Special Rapporteurs, particularly the Special Rapporteur on the rights of indigenous peoples, concerning violations of indigenous rights in Colombia, Guyana, Nepal, India and Uganda.

The UN Committee on Economic, Social and Cultural Rights (CESCR) adopted strong recommendations in response to our report about the situation of indigenous peoples in Cambodia who are faced with land grabbing, concessions being imposed on their lands, evictions from their lands and inadequate laws to prevent these injustices. We are now following up CESCR's recommendations with our Cambodian partners.

Towards rights-based conservation in Paraguay

The Mby'a Guarani people are contesting the way the Reserve for the San Rafael National Park, funded by the Global Environment Facility (though the United Nations Development Programme, UNDP), was imposed without their consent on their ancestral lands in Paraguay's Atlantic forest. Our previous legal and advocacy work with the Mby'a enabled them to get UNDP and government support and finance for a community mapping project. With FPP support, the Mby'a were trained in community mapping and documented their traditional uses, customary laws, and ancestral occupation within the park area. The communities' own detailed reports have been completed and a condensed report is now being drafted for publication. The mapping work will support Mby'a claims for titling of their territory and their leadership in the conservation and management of the natural resources within their lands. The hope is to create a best-practice model for rights-based conservation. The government has already signed an agreement with the Mby'a that all conservation efforts within their lands will be done with their consent, and respect for Mby'a human rights and self-determination.

New land rights study published



FPP has published the first detailed historical, legal and anthropological analysis of indigenous land rights in five central African countries – Cameroon, Burundi, Rwanda, Uganda and Democratic Republic of Congo. The summary report and five country studies show how colonial and then independence laws gradually dispossessed forest-dwelling 'Pygmy' peoples of their land rights by denying customary tenure rights and enacting laws transferring property to states, notably through imported legal concepts such as 'terra nullius'. In all the countries, the indigenous peoples were evicted from their customary lands without compensation, and are now suffering landlessness and marginalisation. Governments have failed to implement measures under international treaties guaranteeing the rights of indigenous peoples and there is a strong case for reparations to be made to the affected communities.



Indigenous peoples constitute between one-third and one-half of the Nepal population and are recognised in the present Constitution, yet are not allowed to choose their own representatives in the constitutional reform process. Photo: Helen Tugendhat

Indigenous peoples excluded from Nepal's constitutional reform

FPP is supporting Nepal's indigenous peoples to challenge their exclusion from the constitution reform process. The new constitution is being drafted by a Constituent Assembly in which indigenous persons may only participate if they are chosen by political parties and conform to party manifestos. This denial of their right to choose their own representatives and to participate in the crucial process of drafting the new constitution perpetuates centuries of deeply engrained discrimination against Nepal's indigenous peoples.

FPP supported trainings for indigenous leaders from Nepal and south and south-east Asia in constitution reform processes, models for self-determination and autonomy, as well as issues relating to the Arun III dam and REDD. We also developed training materials with LAHURNIP, the indigenous lawyers' association. In collaboration with indigenous organisations, we submitted Urgent Action requests to CERD, began drafting a complaint to the Human Rights Committee and asked the Special Rapporteur on Indigenous Peoples to assess the situation. FPP also supported partners who have taken the case to the Supreme Court and held information-sharing sessions with indigenous members of the Constituent Assembly. CERD agreed with the complaints and wrote to the Nepal government recommending that 'mechanisms be established to ensure indigenous peoples' free prior and informed consent in relation to the constitutional preparation process, and that an indigenous peoples' thematic committee be set up to guarantee the representation and participation of indigenous peoples in political life.' This decision and the Special Rapporteur's report of his on-site visit to Nepal fed into the debate and preliminary rulings by the Supreme Court case. A full hearing on the merits, however, has been repeatedly delayed by the Court.

Mixed fortunes for the Diaguita of Argentina

In Tucuman Province, FPP has assisted a Diaguita lawyer to achieve notable gains for the Diaguita people. Pamphlets on the international and domestic human rights of indigenous peoples in Tucuman and Catamarca provinces were drafted and distributed to the communities to build capacity. In response to a proposed IDB-funded dam project, FPP advised on the drafting of agreements between the Tucuman Province and the Pueblo Nogalito Lule regarding processes of consultation and consent. FPP also advised on agreements between two other communities and the Tucuman Province – the community of Amaicha regarding tourism in the area, and the Quilmes community regarding restitution and future management of an ancestral sacred site.



Armed police preparing to evict Quilmes indigenous community. Photo: Vanessa Jiménez

While several successful legal suits have been concluded, lamentably, state-backed evictions of Diaguita communities resumed during 2009. Violent evictions involving armed police and non-indigenous trespassers caused the death of one elder, many injuries and the displacement of many families whose homes and property were destroyed. With our partners FPP drafted a comprehensive report on forced evictions. The contents were incorporated into a request for precautionary measures before the Inter-American Commission on Human Rights by a local human rights organisation, and will soon be shared with three UN Rapporteurs that previously engaged Argentina on this issue.

Land hopes for Batwa people in Uganda

The Ugandan government has for the first time acknowledged the problems of the Batwa, who were evicted from their ancestral forests in the south-west of the country during the establishment of the Mgahinga and Bwindi national parks, and who are now largely landless and highly marginalised. This is a welcome step forward in the Batwa's long struggle to obtain redress for the loss of their lands.

In response to a report submitted by the Batwa community organisation UOBDU and FPP, the African Commission on Human and Peoples' Rights (ACHPR) questioned the Ugandan government about its new land policy and the failure to address Batwa land issues, the risk of extinguishment of Batwa culture and language, the importance of the forest to the Batwa people, Uganda's failure to compensate Batwa evicted when the national parks were created and the need for political representation and affirmative action to tackle the Batwa's marginalisation. The government recognised the religious and spiritual importance of land for the Batwa people and went on to declare, before the African Commission, that it will begin assessing the feasibility of restitution of land for the Batwa.

To develop a strategy for land restitution, UOBDU held in-depth consultations with the 39 Batwa communities and strategic workshops to discuss how the communities want to claim their land rights. The Batwa now feel they own this process whereas previously the views of religious, development and conservation agencies dominated the Batwa land rights agenda. Based on the community consultations, local and international legal experts identified legal options for pursuit of a Batwa land claim, which the communities are currently considering.

Following exchange visits with indigenous Ogiek communities in Kenya, who have mapped their ancestral lands using Participatory 3-Dimensional Modelling, the



Signing the Batwa Declaration. Photo: Cathleen Peterson

Batwa have decided on a mapping strategy suited to their historical and current relationships to their ancestral lands.

The Batwa produced a Declaration calling on the government to address their dispossession of their ancestral lands. It was distributed to each community in their local language so they can start discussions with local government. UOBDU is also in the process of lodging a formal complaint to the Uganda Human Rights Commission, and the Commission has promised to visit south-west Uganda to carry out research on the Batwa's situation. In meetings with governmental environment, forestry and wildlife conservation bodies the Batwa stressed their rights to access their ancestral forests now subsumed in protected areas, to participate in their management and to have a greater share of the benefit-sharing schemes set up by the national park managers with local communities around the forests.

Maho file case with IAHCR

The Maho indigenous community in Suriname has suffered decades of harassment and abuse from invaders who have taken over a large percentage of the Maho traditional lands with government connivance. For example, in 2008-9 the government actively supported a sand miner who bulldozed a significant area of Maho farming lands and cut and sold timber from their forest. An armed guard kept community members away from the miner's operation.

The Maho community has for years tried to get their traditional lands protected, but the government has not responded to their complaints. In December 2009 the Maho therefore filed a case with the Inter-American Commission on Human Rights, detailing the violations of their rights, including their right to life with dignity.

ACHPR looks at indigenous rights and natural resources

FPP supported partners in the Republic of Congo to submit a report on the situation of indigenous peoples to the African Commission on Human and Peoples' Rights. This led to extensive discussions between the Commission and Congo on the lack of progress in adopting the bill on indigenous peoples' rights, logging activities and benefit sharing. In 2008, our Cameroon partner CED submitted a discussion paper to the Commission advocating for the creation of a working group on human rights and natural resources extraction activities. In November 2009 the Commission created a special mechanism on human rights, natural resources and extractive industries in Africa. It has invited FPP and partners to report on the issues and relevant jurisprudence, in order to feed into the work of the Commission.

Providing legal know-how and training to partners

During 2009 FPP continued an intensive world-wide programme of training and legal support with our indigenous partners, their support organisations, and members of the legal profession. Trainings in Ecuador, Guyana, Suriname, Paraguay, India, Nepal, Cambodia, Indonesia and Uganda dealt with understanding and using human rights laws and mechanisms, the principle of free prior and informed consent, indigenous rights in climate change discussions and legal strategies. Local concerns such as dams, protected areas and mining were also covered.

We provided hands-on support for domestic legal work. In Costa Rica we provided partners with legal advice relating to dams, legislative reform and forced alienation of indigenous lands. We supported partners in Colombia to document violation of the Wayuu indigenous peoples' rights, particularly those of women. We helped get a potentially landmark aboriginal title case in Guyana back on track after many years' delay due to government interference in the court system. In Suriname we assisted partners' cases on land rights, large-scale bauxite mining, and dams. In Indonesia we are assisting partners' work on oil palm plantations, labour rights and legal reform. In Cameroon we advised partners on legal aid to communities and documentation of human rights violations and in Uganda on land rights and reparations. Legal support fed into our partner's work on the Burundi land reform process resulting in formal recommendations from the National Land Commission for the government to allocate land to landless Batwa.

Legal support includes helping partners to produce simplified guides to inform their communities about their rights under international and national law. A guide to CERD was produced in Khmer, and information materials on the UN Declaration on the Rights of Indigenous Peoples in Khmer, Hindi and Nepali. Simple guides and posters on what to do if rights are violated, women's and children's rights and free prior and informed consent were produced and distributed to hundreds of indigenous communities by partners in Cameroon, Burundi and Democratic Republic of Congo.

Coming up in 2010:

- Expansion of our legal support work in Costa Rica and Colombia
- New FPP work programme on the rights of indigenous women
- Support for Batwa advocacy strategies through meetings with Ugandan government, community consultations and strategy meetings
- Legal support to Batwa including complaint to Uganda Human Rights Commission
- Cameroon partners' shadow reports to three international human rights bodies

Ensuring that finance and industry don't harm forest peoples

FPP's Responsible Finance programme seeks to ensure that publicly and privately funded projects affecting forest peoples are designed according to binding 'safeguard' policies and only go ahead with the free prior and informed consent of affected indigenous peoples, and with measures in place to ensure that borrower governments respect their obligations under international human rights and environmental treaties.

World Bank accepts that climate change funds must respect indigenous rights

The World Bank is taking the lead in funding REDD projects which aim to compensate developing countries for curbing their exploitation of their forests. The two main funds are the Forest Carbon Partnership Fund (FCPF) and the Forest Investment Programme (FIP). Our work with indigenous partners around the world contributed to the World Bank's decision during 2009 that all REDD readiness programmes should be categorised high risk (category A). The Bank's revised guidelines for REDD planning now accept that REDD policies must be in line with the UN Declaration on the Rights of Indigenous Peoples, including respect for the right to free prior and informed consent.

To help forest peoples respond effectively to the World Bank's carbon funds, FPP held community training workshops on indigenous rights and REDD in Guyana, Panama, Nepal and Indonesia. We helped partners in Guyana, Suriname and Indonesia communicate with government and forestry officials on REDD, meet World Bank officials and attend FCPF meetings. Collaborative work with our partners showed that 'REDD readiness plans' (R-plans) prepared by Panama, Guyana, Suriname and Indonesia violated the FCPF and FIP's own rules on public participation and respect for rights. A position paper on REDD and indigenous peoples' rights produced after capacity building and training in Guyana was an effective advocacy tool at the FCPF. As a result, Guyana's R-Plan was re-written to include protections for traditional farming and subsistence activities and acknowledging the relevance of the UN Declaration on the Rights of Indigenous Peoples. Regrettably, in early 2010 the government dropped its commitment to protect traditional agriculture and now only pledges to 'study' carbon emissions from farming on indigenous lands. Overall the R-plans remain unacceptably vague on critical issues and our partners have asked us to help them put a brake on their further development so that forest peoples can participate properly in their redesign.

Our submission to the UK Parliament's Environmental Audit Committee's investigation of REDD resulted in the committee recommending that the UK government should respond to criticisms of the World Bank's Forest Carbon Partnership Facility. Our statement to the 11th UN Human Rights Council session drew attention to the effects of climate change on human rights and the risks of mitigation measures being promoted, by the World Bank and others, to tackle climate change.

More protection for the rights of communities affected by palm oil

FPP continued to strengthen measures protecting the rights of indigenous communities and smallholder producers of palm oil, through our involvement in several of the Roundtable on Sustainable Palm Oil's working groups and our close partnership with the Indonesian NGO SawitWatch and OxfamNovib, who are on the RSPO Executive Board.

Sustained NGO inputs have made palm oil buyers and producers realise, belatedly, that they require smallholder involvement in palm oil production and certification if the market in 'sustainable palm oil' is to be fulfilled. The RSPO has now adopted a document on *Guidance for Scheme Smallholders* drafted in close consultation with small holders and our partners, and has agreed to improve the procedures for certifying smallholders and strengthen certification standards.

“We greatly appreciate FPP's work with Sawit Watch since 2004 in the promotion and recognition of indigenous peoples' right to free, prior and informed consent adopted in the framework of global RSPO standards by the palm oil industry, consistent with the United Nations Declaration on the Rights of Indigenous Peoples.”

Norman Jiwan, Sawit Watch

A fact-finding visit by our partners and FPP showed that weaknesses in Indonesian laws and procedures are allowing oil palm plantations to encroach on 'high conservation value areas', which are essential for meeting basic community needs and cultural identity. The findings shocked the RSPO Board which commissioned FPP to lead a multistakeholder review and draft a White Paper spelling out what the RSPO must do to better protect high conservation value areas.

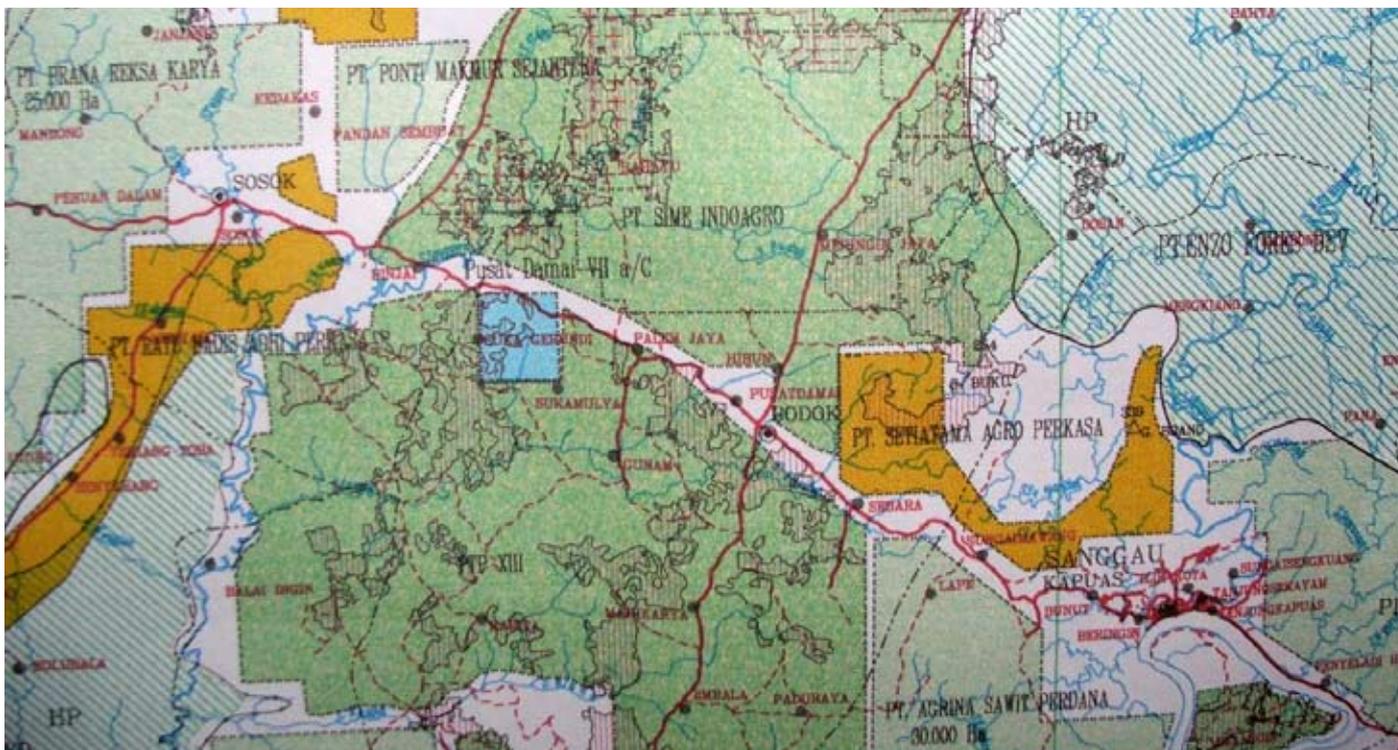
With other IPOs and NGOs in Indonesia we filed a case study with the UN Special Rapporteur on the Right to Food showing how oil palm expansion is undermining local livelihoods. The Special Rapporteur is to look into the case in 2010.

Influencing UK policy

FPP and the Law Department of the Business School of Middlesex University made a joint submission on business and human rights to the Parliamentary Joint Committee on Human Rights. The submission set out the requirements for free prior and informed consent that form a minimum standard for investment or involvement in indigenous peoples' lands, or investment and development of resources on indigenous peoples' lands.



Following community trainings on REDD and rights in Guyana, our partners succeeded in getting Guyana's REDD Readiness plan re-written to provide more protection for traditional livelihood activities. Photo: Tom Griffiths



International and private banks shaping up on oil palm finance

After several years of sustained effort, FPP and our partners succeeded in getting subsidiaries of the world's largest oil palm trading company, the Wilmar group, to return land to communities in West Kalimantan, Indonesia, and pay compensation for damages and the use of community lands.

The companies have illegally destroyed forests and expanded oil palm plantations onto community lands without community consent or compensation, thereby contravening the rules of the Round Table on Sustainable Palm Oil (RSPO) of which Wilmar is a member, and the standards of the International Finance Corporation (IFC- the World Bank's private sector arm), which supports Wilmar financially.

Now, Wilmar subsidiaries will halt further expansion, recognise community rights to land and increase the area of existing plantation allocated to community members as smallholders.

We are also pleased that the Compliance Advisory Ombudsman of the IFC responded to our complaints by carrying out an audit, which confirmed that the IFC staff had failed to apply the IFC's Performance Standards properly and had allowed financial considerations to override due diligence when deciding to give financial assistance to the Wilmar Group. The audit also agreed with us that the Performance Standards should be applied to the entire 'supply chain', meaning that IFC lending to support a palm oil refinery in Ukraine needs to look at where the palm oil is coming from and should check out the estates that are being sourced. This has huge implications for how the IFC goes about project lending in the future and could affect the Equator Banks too – the private sector banks that promise to apply the IFC's Performance Standards to their project lending.

These important results enabled us to

Land use plans in West Kalimantan encourage oil palm companies to encroach on community lands.
Photo: Marcus Colchester

convince the President of the whole World Bank Group to freeze all World Bank and IFC funding for the palm oil sector pending the development of a revised strategy. This will also examine why companies in Indonesia flout the IFC's Performance Standards.

Other banks are now beginning to pay attention to the consequences of their funding for oil palm. FPP continued to dialogue with the Hong Kong and Shanghai Bank (HSBC) which is a major funder of the palm oil sector in south-east Asia. We co-funded six case studies by Indonesian NGOs on rights violations and environmental problems associated with HSBC client companies in Indonesia and produced a detailed dossier revealing the problems (due for publication in 2010).

Other banks such as Rabo-Bank, the Dutch agriculture bank which has major investments in palm oil, are now getting involved in debates about improved transparency and conflict resolution with client companies.

The Forests Dialogue upholds forest peoples' rights in climate change measures

FPP is a member of The Forests Dialogue, an industry and NGO-led consortium on sustainable forest management. During a series of three TFD meetings, participating forestry companies, banks, international agencies and NGOs agreed that forest and climate change mitigation policies and programmes must uphold indigenous peoples' rights and include measures to address the underlying causes of deforestation.

The TFD document supportive of indigenous peoples' rights, land rights, free prior and informed consent, good governance and equitable benefit sharing was deployed as a key advocacy tool at the Bangkok and Copenhagen climate change meetings. Business support for a safeguards approach substantially assisted a useful outcome on draft agreements on REDD and rights at Copenhagen (see page 1).

Shrinking the paper industry

The European Environmental Paper Network (EEPN), an NGO coalition hosted by FPP, is campaigning for the European pulp and paper industry to become socially and environmentally sustainable. EEPN published a scorecard on the paper-reduction measures taken by 20 major companies, and held meetings with the companies to encourage them to reduce consumption. Following this, several of them improved their performance, and almost all wanted advice on measures they could take to reduce their impact.

Climate change briefings published

FPP published the first four in a series of Climate Change briefings, covering Indonesia, Guyana and the World Bank's Forest Investment Programme and Forest Carbon Partnership Facility.

The briefings analyse the role of forests in international negotiations about carbon finance and how national policies are seeking to use forests to obtain REDD payments. They show how World Bank agencies are failing to apply safeguards meant to protect indigenous rights, while companies are overriding community concerns.

Our community outreach guide on REDD, co-authored with Tebtebba Foundation, IWGIA and AIPP, provides practical advice on how to deal with REDD projects.

Further reading:

- *Guyana: indigenous peoples, forests and climate initiatives.* <http://tinyurl.com/yeq9dyf>
- *Problems with the Guyana Readiness Plan (R-Plan) submitted to the World Bank Forest Carbon Partnership Facility (FCPF).* <http://tinyurl.com/ydbh2mm>
- *The World Bank's Forest Investment Programme (FIP): core elements and critical issues.* <http://tinyurl.com/yblnrem>
- *Moving the goal posts? Accountability failures of the World Bank's Forest Carbon Partnership Facility (FCPF).* <http://tinyurl.com/yhg3lhy>
- *HCV and the RSPO: report of an independent investigation into the effectiveness of the application of High Conservation Value zoning in palm oil development in Indonesia.* <http://tinyurl.com/ydjqb4d>
- *Selling Indonesia's coast for cheap prawns and profit.* youtube.com/watch?v=ubp7tARbTgw

Coming up in 2010:

- REDD training workshops in Peru, Paraguay, Cameroon and DRC
- Meetings with the Indonesian Government, NGOs and companies to explore means of reforming laws to allow compliance with the RSPO standard
- Documentation of the expansion of the palm oil sector in other countries in the SE Asia region
- Launching of a project with indigenous lawyers and organisations to explore using plural legal regimes to secure rights in SE Asia
- Detailed input to World Bank review of its safeguard system
- Technical submission to the IFC review of its performance standards
- Film on problems of large-scale 'plasma' and contract shrimp farming methods in Indonesia



Fishing community protest outside the Ministry of Fisheries in Jakarta against the proposed bill to privatise the coastline. Photo: Jim Wickens

Communities protest Asia Development Bank involvement in destructive shrimp farming

Working with our Indonesian partners, we continued to raise awareness of the impacts of shrimp aquaculture on local communities' livelihoods and health, and the involvement of the Asian Development Bank and national banks in the shrimp industry. We contributed to a hard-hitting film on the 'coastal areas and small island management law', or HP-3 as it is commonly known, following a fact-finding mission to industrial shrimp producer Dipasena and the neighbouring farm of Bratasena, in Lampung Province, Sumatra. If passed, HP-3 will allow commonly-held land used by communities, as well as the coastal waters and the seabed up to 12 kilometres offshore, to be offered to the highest bidder, on leases lasting up to 60 years, thereby threatening land use rights of hundreds of thousands of coastal dwellers across Indonesia. The film documented labour and environmental problems associated with commercial shrimp farms. It was broadcast online with the Ecologist and set to run on Link TV in the USA.

A protest outside the ADB AGM Forum in Bali was followed by a press release condemning weak shrimp certification, with 90 signatories around the world. This received wide coverage and helped to pressure the Aquaculture Stewardship Council to incorporate a draft set of social standards into the certification process for the first time.

Chaco conservation project cancelled by Inter-American Development Bank

For the past two years FPP has worked with partners in Paraguay and Argentina to inform the Inter-American Development Bank (IDB) about fundamental mistakes it made in conceiving and carrying out the *Conservation of Natural Heritage in the Gran Chaco* project without the consent or participation of the indigenous peoples affected.

In Paraguay, FPP supported the indigenous organisation CAPI to raise concerns with the IDB regarding the project's failure to provide information to affected communities and press the IDB to apply its safeguard policies on land rights properly.

In response, the IDB temporarily suspended project activities and carried out a mid-term review. This review revealed major failings including that the local executing body did not properly consider and consult with the indigenous peoples.

The IDB has now informed FPP that it will cancel this transnational conservation project. The IDB plans to pursue another conservation project in the area. We and our partners will monitor the Bank's steps to ensure that the problems are not repeated in a newly approved initiative.

IDB informed of problems with infrastructure projects

Roads, dams, airports and electricity grids threatening indigenous territories across South America are being planned under the *Initiative for the Integration of Regional Infrastructure in South America* (IIRSA) funded by the Inter-American Development Bank. Indigenous peoples attending an Amazonian regional meeting on Infrastructure, Mining and Climate Change, supported by FPP, recommended measures to improve transparency and accountability of IDB projects, including IIRSA.

FPP also supported indigenous and tribal leaders from Guyana and Suriname to meet IDB staff in Washington responsible for IIRSA-related planning and the *Support for Sustainable Development of the Interior* (SSDI) project. This project was originally intended to enable community consultations on development planning in the interior of Suriname, including necessary measures to respect land rights. Indigenous and tribal leaders told the IDB that information is not reaching communities and that land demarcation work in Suriname is not progressing as previously agreed with the Saramaka people. In response to these criticisms, the IDB has committed to a mid-term review of the SSDI but, on IIRSA issues, has merely advised indigenous leaders contact IIRSA specialists in the Bank.

Supporting forest peoples to regain control over natural resources

Over nearly 20 years FPP has provided training and support for forest peoples to gain control over their lands and resources through community-based sustainable resource management. Much of this has involved communities mapping their traditional resource and strengthening their traditional governance institutions through which they can better assert their rights and negotiate agreements with government, conservation agencies and commercial companies seeking access to community lands.

CBD supports traditional, sustainable-use practices



Udom Charoeniyomphrai, a Karen representing the Inter-Mountain Peoples' Education and Culture in Thailand Association making a presentation on customary sustainable use of biodiversity in Northern Thailand at the CBD Working Group on Article 8(j) and Related Provisions.

Photo: Maurizio Farhan Ferrari

After years of work by FPP and partners, governments have now committed to do more to support the customary sustainable use of biodiversity, in line with their obligations under Article 10 (c) of the Convention on Biological Diversity (CBD).

CBD Article 10. Sustainable Use of Components of Biological Diversity
Each Contracting Party shall, as far as possible and as appropriate:
(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

Indigenous and local community partners from Bangladesh, Guyana, Suriname, Cameroon and Thailand submitted case studies prepared between 2004 and 2008 to the sixth meeting of the CBD Working Group

on Article 8(j) and Related Provisions in Montreal in November 2009. They also participated in an on-line forum to provide information about the customary practices and customary laws that guide sustainable use of natural resources in their communities.

Through their submissions, and a side event organised with Tebtebba at the Working Group meeting, our partners stressed that for Article 10 (c) to work in practice, indigenous and local communities need secure rights to land and resources, their customary laws and institutions must be respected and they must be involved in decision-making and in the management of these resources.

The partners were very pleased that this message was taken on board by the state parties to the CBD, who acknowledged the importance of customary sustainable use of biological resources by indigenous peoples and local communities and agreed that this should receive more attention in the implementation of the whole Convention.

The Working Group requested the Conference of the Parties to hold an international meeting after COP-10 to advise on the content and implementation of a major new component on Article 10 in the Programme of Work on 8(j) and Related Provisions. In 2011-12 it is intended that the Working Group will develop a strategy to integrate Article 10 (c) as a cross-cutting issue into the Convention's programmes of work, beginning with the Programme of Work on Protected Areas.

Mapping in Liberia



Liberian community members learn how to take GPS readings. Photo: John Nelson

FPP provided training to partners in Liberia on how to make maps of customary lands. As well as training up mappers and piloting community engagement, the project installed the technology in Monrovia.

Preliminary surveys suggest that the great majority of the forested interior of the country is subject to customary rights. These areas have yet to be formally recognised by the Government which also has plans to issue logging permits to timber companies for the same areas.

Cameroon conservation plans agree to recognise Baka rights

Baka communities in south east Cameroon completed their mapping of the Boumba Beka and Nki national parks, with the support of our partners CED, CEFAID, PERAD, AFFEBEN and ORADER. The maps show that almost the entire area of both parks – more than 600,000 hectares – comprises Baka customary lands.

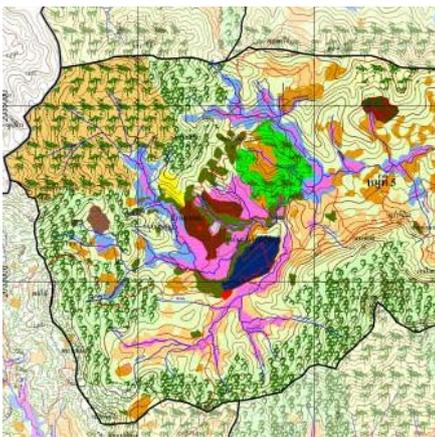
Based on this information, the Baka have obtained the World Wildlife Fund's commitment to protect community rights in management plans for the parks. The Cameroon government is also engaged in the process.

“We have all been documenting customary sustainable practices in our communities and we knew there was some relation to CBD Article 10(c), but after this meeting we really understand the relevance and power of this part of the Convention. Now we know much better how to use these international agreements at our national level and point out the linkages with our local work. It was interesting to see discussions on 10(c) play out in front of us at the international level, and it was good to notice that among all these policy-makers, we are the true experts on customary sustainable use!”

Indigenous '10(c) team' (FPP partners) during their evaluation of the Montreal meeting

Empowered communities safeguard traditional knowledge and resources

Karen and Hmong community networks and organisations in northern Thailand have established cultural centres to provide community services, with support of our partner IMPECT. The cultural centres together with community-developed indigenous curricula are helping young people learn about traditional culture and acquire traditional knowledge about biodiversity. Some communities have researched traditional herbal medicine and set up herbal gardens as a learning resource. Others have surveyed forest and river biodiversity. The indigenous communities in and around the Ob Luang National Park in Northern Thailand continue to be involved in collaborative management of the Park. They are using community land use maps produced in 2005-2008 to negotiate with local and Park authorities to demarcate agricultural lands and to recognise community forests and other land uses.



Detail of map showing Karen community land use in Khun Tae village, Mae Tae watershed. © Highland Mapping Development and Biological Diversity Management Project, IMPECT (Inter-Mountain Peoples' Education and Culture in Thailand Association)



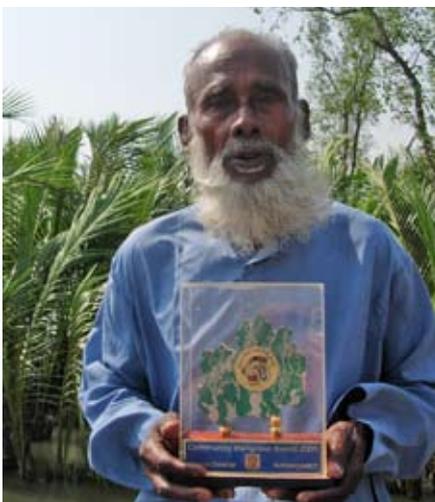
Village leader Romeo Pierre and George Awankaroe (Coordinator of KLIM) sketching options for different use zones in the Lower Marowijne indigenous territory – a possible outline for the management plan.
Photo: Caroline de Jong

Strengthened community institutions in Suriname

Indigenous leaders from Lower Marowijne are strengthening their knowledge and skills through an ongoing capacity-building programme supported by FPP. In 2009, this included discussions about land use in preparation for a land management plan, trainings on indigenous rights in relation to protected areas and projects to reduce carbon emissions through deforestation and degradation (REDD), and updates from legal cases on land rights of other indigenous and tribal peoples in Suriname. The village councils of eight indigenous villages meet every month to exchange news and solve problems. The communities produced a *Model Village Regulation* which regulates the powers and tasks of the village council. It is the first time indigenous peoples of Suriname have ever

written down and adapted their customary rules relating to governance. The use of this new 'constitution' was evaluated this year and all councils said it had been hugely helpful. The programme is also increasing practical skills through training in media and lobbying, how to develop annual plans and increase village funds.

“I have gained self confidence that I can do my work as a village assistant and I am able to replace the captain when he is not present.” // Community member's feedback on the benefits of the capacity building programme



Khaibar Sardar, a 79 year old *bawali*, in front of the Nipah palm plot he established, for which he was awarded a Community Mangrove Award.
Photo: Maurizio Farhan Ferrari

Communities gain a stronger voice on traditional resource use in the Sundarbans

FPP's work to support community users of the mangrove forests of the Sundarbans in Bangladesh is beginning to bear fruit, despite the problems caused by the prolonged flooding due to tropical cyclone Aila in May. Several resource user groups, such as *bawali* (wood cutters and Nipah palm harvesters) and *jele* (fisher folk), have mapped their resources and land use patterns in collaboration with our partners Unnayan Onneshan, Nijera Kori and Humanity Watch. Our partners are identifying the forest peoples (*bonojibis*) and local groups dependent on the Sundarbans through model survey methods. A cooperative of 20 *moual* (honey harvesters) started a savings scheme, and intends to become a community based organisation. Two *bawali* groups received a Community Mangrove Forestry Award. Many villagers now want to establish Nipah palm plots near their villages, to provide a sustainable supply of the palm and for protection from storms and high tides.

Dialogues with local government officials resulted in commitments to improve local livelihoods. A National Conference on Participatory Management of the Sundarbans agreed that participatory approaches are needed in the governance and management of the Sundarbans, although many challenges need to be overcome, such as the need to strengthen local communities and community organisations. Over 120 people attended the conference, including 30 representatives of traditional resource users, and regional and local government officials.

Digital maps support Wapichan land rights in southern Guyana

The Wapichan people of southern Guyana have finalised a community map of their whole territory, revealing that existing land titles don't recognise and protect the traditional Wapichan systems of land tenure, settlement and land-use.

It took the Wapichan people many years to develop their community map, supported by FPP. Local mappers, trained in GPS technology, mapped the Wapichan territory and, with the help of elders and resource users, documented all indigenous place names and activities particular to certain areas. Once the data was processed, the community map was created with different symbols for each of the resources, showing where they are located and what they are used for. The digital version allows viewers to browse around and zoom in to learn about the Wapichan's customary use of the land and resources.

The map is proving invaluable for challenging conservation areas and mining, oil, logging and agri-business projects threatening Wapichan lands. It also provides a framework for discussions and agreements between communities on how to manage their lands and resources. During 2009 all the Wapichan communities contributed information for a territorial management plan, which will begin to be developed in 2010.

FPP is also supporting regular meetings of the *Toshaos* (leaders) which enable them to share information about issues affecting Wapichan territory, such as droughts, mining and government carbon projects, and make



Amerindian villages in the south of Guyana, including the village of Aishara Toon, are seeking extensions to their existing limited land titles in a long-standing effort to secure legal recognition over the full extent of their traditional lands.

Photo: Tom Griffiths

collective decisions on behalf of their people.

The final map has been geo-referenced using satellite imagery and has proved to be highly accurate in the field. The community mapping work and participatory research on customary use of biological resources so impressed local and international environmental organisations that they have recommended that the Wapichan lands are established as a community-conserved territory as a valid measure to address land tenure rights and mitigate carbon emissions.

Batwa threatened by forest exploitation in DRC

Thousands of square kilometres of forest in Equateur province of Democratic Republic of Congo are slated for logging, agri-business and oil prospecting, and much larger areas are destined for conversion to oil palm plantations. The indigenous Batwa communities living in the swamp forests of Bikoro are unaware of these initiatives, and are highly discriminated against by dominant local communities. With local NGO Circle for the Defence of the Environment FPP held discussions with Batwa and local authorities and NGOs – who also know little about the proposed plans – about the potential impacts on indigenous and traditional communities and forests, and to develop strategies to start addressing them.



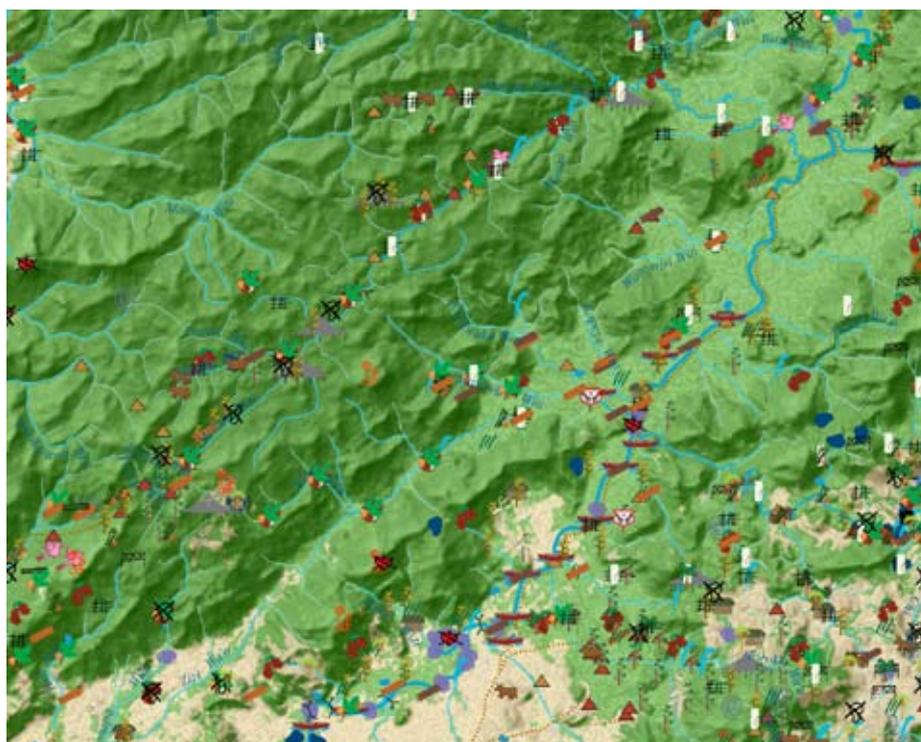
The Batwa in Bikoro have little contact with forest policy makers, receive few public services and gain no benefits from commercial exploitation of their forest. Photo: John Nelson

Further reading:

- *Achieving effective implementation of CBD Article 10(c): Challenges and recommendations from indigenous peoples' case studies.* <http://tinyurl.com/y6ggbd0>
- *Securing Indigenous Peoples' Rights in Conservation in Suriname: A review.* <http://tinyurl.com/y5hvgmr>
- *Securing Indigenous Peoples' Rights in Conservation: Reviewing and promoting progress in Cameroon.* <http://tinyurl.com/y3lvc0r>
- *Securing indigenous peoples' rights in conservation: Review of policy and implementation in the Dzanga-Sangha Protected Area Complex.* <http://tinyurl.com/y6ww835>

Coming up in 2010:

- Community mapping and documentation of resource use and traditional knowledge with the Kuna people of Panama
- Work with Dayak peoples in West Kalimantan to protect customary rights and 'high conservation value' forests
- Community-based research on climate change impacts and customary practices that can mitigate climate change
- Promotion of the importance of customary sustainable use at CBD COP-10 and forest peoples' rights and participation in the Convention's new strategic plan
- Mapping with Bagyeli communities affected by forest re-classification in south-west Cameroon



The Wapichan territorial map shows traditional land use and occupation, including hunting and fishing grounds, farming grounds, sacred sites and other important community resources. © South Central and South Rupununi District Toshaos Councils (Guyana)

Evaluation

An evaluation of FPP's work by our core donors, Oxfam Novib and HIVOS, found that FPP is considered to be a 'unique' organisation in its way of working through long-term, very local partnering with specific peoples and jointly taking practical lessons and demands to national and international policy makers. FPP is praised for its efforts to make itself accountable to the communities it works with and for the quality and depth of its publications. Equally importantly, the evaluation concluded that FPP's work has been effective, has improved peoples' lives, and has been good value for money. The evaluation also encouraged FPP to invest more in participatory monitoring and evaluation of projects and advocacy efforts, to ensure lessons are learned and shared, and to put more effort into addressing gender justice. We plan more work along these lines in the years ahead.

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Heartfelt thanks to our volunteers:

Julie Boynton, Sue Richards and Lucy Scott

Report written, designed and produced by Dorothy Jackson

Staff capacity building

FPP is committed to the training and capacity building of its staff. We supported one of our Finance Officers to complete her final accountancy exams, and become a member of the Chartered Institute of Management Accountants. Finance staff also undertook training in cost recovery, fraud prevention and employment law. Two Project Coordinators were trained in participatory video techniques and one took part in training at the Graduate Institute in Geneva on monitoring economic, social and cultural rights. In addition, FPP funded our Director to undertake a language course in Bahasa Indonesia while on his sabbatical, to enhance his language skills when in the field.

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Finance

O/B Income	£667,630 £1,533,248	Expenditure	£1,464,758
Grants	97.6%	Staff costs	44.9%
Donations	1.0%	Field projects	32.4%
Bank Interest	0.1%	Travel/M&E	8.6%
Other Income	1.3%	Administration	5.2%
		Documentation	3.2%
		IT/Equipment	1.4%
		Communications	1.3%
		Exchange Differences	3.1%



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