



# Forest Peoples Programme

supporting forest peoples' rights



# ANNUAL REPORT 2006

**FPP was founded to support the peoples who live in forests and depend on them for their livelihoods.**

***we aim to create political space for them to secure their rights, control their lands and decide their own futures***

**we focus on**

- getting the rights and interests of forest peoples recognised in policies and programmes
- supporting forest peoples to build their capacity to claim and exercise their human rights
- countering top-down policies and projects that affect forest peoples
- promoting community-based, sustainable forest management
- coordinating NGO actions on forests in line with forest peoples' visions
- linking up indigenous and forest peoples' movements at the regional and international level

**FPP began in 1990**

as a project of the World Rainforest Movement. In 1997 we became an independent NGO registered in the Netherlands. We retain our links with WRM as its northern secretariat. In 1999 we set up our charitable arm, the Forest Peoples Project, registered in the UK ([www.forestpeoples.org/project.shtml](http://www.forestpeoples.org/project.shtml)).



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# Director's

# Message

**A**s the following pages describe, the work of Forest Peoples Programme involves us in assisting forest peoples at all levels and in a great variety of ways. Forestry laws, which give governments control of forests, combined with widespread prejudices against indigenous peoples, put the futures of the 800 million people who live from forests at risk. Deprived of rights and respect, they can't resist the powerful forces pressing for access to their lands. Pressure on forests is intensifying, despite increasingly high level calls for a halt.

The fast expanding economies in Asia have created a voracious demand for timber, paper pulp and metals sending mineral prices booming and encouraging a huge trade in illegal forest produce. Global demand for edible oils is set to double by 2015 and a new craze for biofuels – most of which actually release far more greenhouse gases than they capture – is creating further incentives to clear forests for oil palm plantations. Indonesia alone is now clearing over 2.5 million hectares of forests a year, soya farms are expanding into the Amazon and logging and mining frontiers are opening up the Congo Basin.

The main problems may be in the tropical forests of the 'South' but the investors, end markets and processing industries are often in the 'North'. It is estimated that 70% of the raw timber entering China is re-exported as processed products – like garden furniture, floors and door frames that end up in North American and European homes.

Forest Peoples Programme helps communities confront these pressures on their lands and lives in diverse ways. Our Legal and Human Rights Programme helps communities use national and international laws to challenge the denial of their rights. This year we have pushed ahead with four cases in the international human rights courts where we act as legal counsel for indigenous peoples who are suing governments for their failure to protect their rights. We successfully got the Government of Suriname to comply with most of the court orders in the case we won in 2005. Our legal team trains communities in human rights and laws, helps mount legal challenges in national courts and assists groups to use the human rights tribunals to put pressure on governments to reform their practice. In Central Africa, where the rule of law is weak and human rights processes not much used, we have embarked on a special EC-funded programme in collaboration with our charitable arm, Forest Peoples Project, to raise awareness about indigenous rights at both community and pan-African levels.

**“Campaigners at the World Social Forum cry ‘Another World is Possible!’ We agree but add ‘other worlds already exist’.**



States may have ultimate responsibility for the rule of law and the protection of rights, but in this age of globalization and foreign direct investment, forest peoples find they have to deal directly with companies without the mediation of State agencies. The main response of the private sector to public outcry about their poor social and environmental performance has been to adopt voluntary policies of 'Corporate Social Responsibility'. FPP's Responsible Finance Programme advocates the alternative approach of 'Corporate Accountability' through mandatory controls, rule of law and improved state capacity to regulate the private sector. But recognising that this may be long in coming we are meanwhile working to strengthen voluntary approaches – which imply companies adopting voluntary standards and codes of conduct applied through self-regulation, peer review and third party verification. With some trepidation, FPP has got involved in these processes to ensure that the rights of forest peoples are respected and to open up political space so communities can negotiate with companies on more equal terms. This involves direct work with forest communities to advise them on negotiation tactics as well as policy debates with companies in regional capitals.

Over the years, FPP has also helped establish a set of standards which private and multilateral banks and investors should be using to check that the companies and projects they finance do no harm. Our work now focuses on helping affected peoples insist on the application of these standards and to claim redress when they don't.

Rectifying abuses is uphill work. Through our Environmental Governance Programme we work with communities to promote alternatives so that abuses are less likely to happen in the first place. We do this at the local level so communities can sustain and manage the lands and forests they have long cared for using traditional cultural practices, and also at the national level so policies, attitudes and legal frameworks secure and promote these alternatives. Campaigners at the World Social Forum cry 'Another World is Possible!' We agree but add 'other worlds already exist'. Our thanks to our supporters and donors, our partners and allies for helping make a better world.

Marcus Colchester

# Laws & Rights



This book documents the story of ten years of FPP's legal work which have finally resulted in reparations by the Suriname government for the massacre of the Moiwana community in 1986, and government commitments to recognise indigenous and tribal peoples' land rights. Photo: Fergus MacKay

FPP's Legal and Human Rights Programme (LHRP) supports forest peoples around the world to know about national and international laws and human rights commitments, and to use them to secure their rights. The LHRP provides legal and human rights training and capacity building and offers legal advice and litigation support for forest peoples pursuing complaints and cases through national courts and/or the international human rights system. It produces detailed research and analysis to strengthen international human rights standards for indigenous peoples and uses international human rights procedures to bring about changes in laws and policies affecting forest peoples. The LHRP also contributes legal and human rights training, analysis and advocacy to FPP's programmes on Responsible Finance (page 7) and Environmental Governance (page 12).

Our legal and human rights work in 2006 was funded by Arbeitsgemeinschaft Regenwald und Artenschutz, Cordaid, North South Institute, Novib and Wallace Global Fund. Collaborative work with our charitable arm, Forest Peoples Project, was funded by grants from the Sigrid Rausing Trust, European Commission and Law Society to the charity.

## International Legal Cases

FPP's lawyers are acting as legal counsel in four cases in the Inter-American human rights system. The cases against Suriname, Brazil and Peru all address indigenous and tribal peoples' rights to own and control their traditional lands, territories and resources. The cases aim to obtain States' recognition of indigenous rights in law, and also to give practical effect to this recognition. The Brazil case, for example, deals with the issue that legal land titles are not worth the paper they are written on, if the State does not also enact measures to prevent hostile intruders from over-running indigenous lands.

### Inter-American Court of Human Rights

#### Case of Moiwana Village v. Suriname ►

On 15 June 2005, the Inter-American Court of Human Rights issued its judgment in the Case of Moiwana Village v. Suriname, a case that the LHRP has supported since 1997. The case concerns the massacre of more than 50 Cottika N'djuka maroons (descendants of escaped slaves) by the Surinamese military in 1986.

The Court unanimously ruled that, under the American Convention on Human Rights, Suriname had violated the human rights of 130 named members of the N'djuka Maroon village of Moiwana, in particular: article 5 (the right to humane treatment), article 22 (the right to freedom of movement and residence), article 21 (the right to property), and articles 8, 25

and 1 (the right to judicial guarantees and protection). It further ordered that Suriname repair these violations. Reparations included recognition and restoration of the community's land rights, a formal apology by the state, the establishment of a US\$1.2 million community development fund and payment of compensation to each of the 130 victims.

In 2006, our efforts were devoted to assisting the Moiwana community members with implementation of the Court's judgment. Suriname has now complied with six out of the ten reparation orders and did so within the one year-long period specified by the Court. For instance, in July 2006, the community members received their compensation payments, one month later the President of Suriname publicly apologized for violating their rights, and the community development fund was established shortly thereafter.

While Suriname has yet to regularize the community's land rights, in January 2006 it established a Presidential Commission on Indigenous and Maroon Land Rights that is due to make recommendations to the government for a nationwide resolution of land and resource rights issues in March 2007. As part of this process, FPP helped indigenous and maroon leaders to draft a law recognizing the rights of indigenous and tribal peoples in Suriname. This law was formally endorsed by all indigenous and maroon leaders in a 'Great Gathering' held in November 2006.

In August 2006, FPP submitted a formal brief to the Inter-American Court, as part of its monitoring of compliance with its judgments, explaining what Suriname had done so far and highlighting the areas where it had failed to comply. The Court will issue a formal statement on compliance in February 2007.

“Legal land titles are not worth the paper they are written on, if the State does not act to prevent hostile intruders over-running indigenous lands.”

Implementation of the judgment of the Court in Moiwana Village will continue into 2007.

As requested by the Moiwana community, FPP had the Court judgement professionally translated into Dutch. This was published with other materials related to the case by the Royal Tropical Institute in the Netherlands under the title: *Moiwana Seeks Justice: The Struggle of a Maroon Village against the State of Suriname*.

### **Inter-American Commission on Human Rights**

**Twelve Saramaka Clans v. Suriname** ► In October 2000, FPP assisted the Saramaka maroon people to submit a petition against Suriname to the Inter-American Commission on Human Rights. This petition complained that Suriname had failed to legally recognize their territorial rights and that these rights were being actively violated by logging and mining concessions issued by the government.

In March 2006, the Commission found Suriname in violation of article 21 (the right to property) and articles 8, 25 and 1 (the right to judicial guarantees and protection) and gave Suriname 90 days to comply with the recommended remedial measures. Suriname failed to comply and, in June 2006, the Commission submitted the case to the Inter-American Court for a binding judgment.

FPP submitted pleadings and evidence on behalf of the Saramaka in November and will act as counsel of record before the Court. We expect a hearing before the Court in mid-late 2007, and a judgment within one year of the date of the hearing.

### **Indigenous Peoples of the Lower Marowijne (Suriname)** ►

In addition to these cases, FPP drafted a petition to the Commission on behalf of the Kaliña and Lokono indigenous peoples of the Lower Marowijne River region of Suriname. The petition seeks the Commission's assistance to reverse violations of the Kaliña and Lokono's land and resource rights caused by logging, mining and protected areas, and to secure their ownership rights over their traditional lands.

The draft petition was extensively discussed with village leaders in late 2006 and will be submitted in early 2007.

### **Indigenous Peoples of Raposa Serra do Sol (Brazil)** ►

FPP is assisting the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona indigenous peoples of the Raposa Serra do Sol with their petition before the Commission alleging that Brazil has violated their territorial rights as well as their right to life, physical integrity and judicial guarantees. In violation of national and international law, the State failed to finalize the demarcation and titling of their lands by removing the non-indigenous settlers and by failing to protect the indigenous communities from increasingly violent attacks on their person, property, and institutions.

FPP supported the petitioners to submit three separate communications to the Commission detailing the State's failure to take adequate and timely measures and renewing their request for admission of the case, precautionary measures, and an audience before the Commission. The Commission is currently considering these requests and we expect a response in early 2007.

### **Mashco Piro, Yora and Amahuaca Indigenous Peoples living in Isolation (Peru)**

► The Mashco Piro, Yora and Amahuaca are isolated indigenous peoples living in the Madre de Dios region of Peru. Their lands, resources, culture and very lives are severely threatened by the continued incursion of illegal loggers and the failure of the State to take actions to terminate these activities. In July 2005, the Federación Nativa del Río Madre de Dios y Afluentes (FENAMAD) filed a request before the Commission for precautionary measures to address the urgency and gravity of the situation. The State however failed to respond to the Commission's requests for information and the Commission did not grant the precautionary measures.

In 2006, FENAMAD requested FPP's help in submitting an initial request for a hearing. In December, FPP met with the Commission lawyer handling the case, submitted a detailed report about events on the ground, and renewed the Petitioner's request for urgent measures.

At the end of the year, the Government finally responded, admitting the presence and threat of illegal loggers, but offering no evidence of concrete measures being implemented to address these violations. The Commission is expected to take action on the case in February 2007.



*When the Surumú indigenous community, in Raposa Serra do Sol, Brazil announced festivities to mark the ratification of their lands, in September 2005, 150 armed and hooded intruders set fire to the community's Education and Cultural Centre, including this mission. FPP is supporting Raposa Serra do Sol indigenous peoples' case against the Brazilian government for failing to protect their land titles. Photo: Conselho Indígena de Roraima*



Diaguita lawyer Dr. Eduardo Nieva, with FPP's lawyer Vanessa Jimenez, standing in front of the construction of his new office in Tecuman Province, Argentina. FPP helped construct this office to provide legal services and meeting facilities for indigenous peoples of Tecuman, Salta, Formosa and Chaco provinces. Photo: Vanessa Jimenez

## National Legal Support & Capacity Building

### South America

**Suriname** ► FPP helped the Association of Indigenous Village Leaders in Suriname and Trio and Lokono indigenous communities of west Suriname deal with proposals for massive bauxite mining in their territory. This included drafting complaints, drafting protocols to control interactions between the companies and the government, and drafting letters to the companies and industry bodies. We will step up this support in 2007.

**Upper Mazaruni, Guyana** ► The Akawaio and Arecuna indigenous peoples of the Upper Mazaruni river basin filed a potentially landmark aboriginal land title case against the Guyanese government in 1998. We continued to support them to pursue this case, but progress was frustrated by the court repeatedly delaying the scheduling of hearings and depositions.

**Peru** ► FPP's Legal & Human Rights and Responsible Finance programmes held a joint training session with the Asociación Interétnica de Desarrollo de la Selva Peruana and the Organización Regional de AIDSESP de Ucayali on international human rights complaints mechanisms and on the World Bank, Inter-American Development Bank, Global Environment Facility and the Convention on Biological Diversity.

**Argentina** ► FPP provided technical advice to the Diaguita and Toba indigenous communities of northern Argentina to secure reforms to the constitutions and laws of the Chaco and Tecuman provinces related to the rights of indigenous peoples to their lands, culture and juridical personality. We also helped with the drafting of an agreement between the Toba Meguesoxochi Association and the Chaco provincial government to secure indigenous management of their traditional forests.

We will continue this assistance during 2007 including supporting an outstanding Diaguita lawyer who has taken the lead on these matters and initiated several indigenous land claims in the Chaco, Formosa, Salta and Tecuman provinces.

**Paraguay** ► We held meetings with the

Totobiegosode indigenous peoples of Paraguay to help them strengthen their newly formed organization, OPIT, to advocate for the rights of their people – including those that remain uncontacted in the Chaco.

We also supported indigenous organizations in Paraguay through negotiations with the Inter-American Development Bank and the national indigenous institution about the design and implementation of a project aimed at increasing the voice of indigenous peoples in the formulation of national policies and laws.

### Africa

Legal and human rights norms and mechanisms are not well known and are severely underutilised in Africa. Through FPP's work, indigenous forest peoples of Central Africa and the civil society organisations working on their behalf are gaining a much greater awareness of existing international standards for the protection and promotion of human rights and indigenous rights, and are gaining skills in using human rights mechanisms to defend those rights.

Many groups are, for the first time, beginning to see that the national legal contexts in which they are working are themselves flawed and that advocacy to promote changes to laws and policies that currently discriminate against indigenous peoples and women is a fundamental element of their global strategy. In Cameroon, for example, land laws which recognize customary interests are fundamentally discriminatory since Bagyeli and Baka customary rights were effectively extinguished with the creation of permanent forest zones on their traditional lands, and thus only Bantu customary rights outside of those zones are capable of being realized in practice. Similar legal obstacles exist in other countries in the region as well.

**Uganda** ► FPP supported two in-depth community consultations on land rights issues, coordinated by the United Organisation for Batwa Development in Uganda (UOBDU) representing the 3000 Batwa in southwest Uganda. The consultations, carried out in collaboration with CARE and Uganda Land Alliance, established the wishes of Batwa communities with regard to compensation, restitution and other actions to redress the expropriation of their traditional lands by the creation of the Bwindi

A meeting of Totobiegosode indigenous members in the community of Chaidi, Paraguay. FPP is helping to strengthen the legal capacity of their representative organisation. Photo: Lucas Bessire





Left: Children of a landless Batwa family in Uganda. FPP is supporting the Batwa to seek measures to redress the loss of their traditional lands caused by the creation of national parks for gorilla conservation. Photo: Dorothy Jackson

## International Human Rights Mechanisms

and Mgahinga national parks. The loss of land has severely impoverished the Batwa and undermined their culture and society.

We provided training on national and international law and mechanisms for UOBDU, and helped UOBDU set up meetings with the Minister of Justice and the Uganda Wildlife Authority to start negotiations on Batwa issues. We found private donor funds and facilitated the initial steps for the purchase of a tract of partially forested land, and retained local counsel to create a legal entity that will own this land in the name of the Batwa.

**Rwanda** ► We continued to provide technical advice to the Batwa NGO CAURWA (Community of Indigenous Peoples in Rwanda). FPP's support concerned the ongoing Rwanda land reforms as well as the refusal of the Rwandan government to grant permanent legal registration to CAURWA, unless it removed references to Batwa and indigenous from its name and statutes, on the grounds that these references are against Rwanda's law against ethnic divisionism. We helped CAURWA in preliminary meetings with the Ministry of Justice and the National Human Rights Commission to discuss Batwa issues and CAURWA's legal registration.

**South Africa** ► We gave technical advice to the Nama people who live on the border between South Africa and Namibia with regard to negotiating a settlement to their land and resource rights issues. This settlement followed the landmark decision of the South African Constitutional Court in *Alexcor & Ors. V. Richtersveld*, which held for the first time that aboriginal title existed and was enforceable under South African common law. We also held a training session on human rights and international law with San and Khoi San indigenous peoples from South Africa, Namibia, Botswana and Mozambique.

The quasi-judicial mechanisms of the international human rights system allow indigenous peoples to submit information to the treaty monitoring bodies that monitor States' implementation of the UN and other human rights treaties they have signed up to. FPP helps indigenous organisations to prepare independent reports about their situation, which the treaty monitoring bodies take into account in their examination of the reports submitted by States. The ensuing decisions and recommendations put pressure on States to improve the way they treat indigenous peoples. They also build up a body of evidence and international opinion that supports indigenous peoples' advocacy at other forums. During 2006 FPP obtained several important decisions and recommendations from the UN treaty bodies.

**CERD** ► In February 2006, we obtained extensive concluding observations from the UN Committee on the Elimination of Racial Discrimination (CERD) concerning indigenous peoples' rights in Guyana. In addition to finding that Guyana's new law on indigenous peoples contravened international standards, CERD required Guyana to report back within one year on the measures taken to give effect to its recommendations on a range of issues including land and resource rights, dealing with mercury and malaria in mining areas, legislative reform and Constitutional changes. We supported our partners in filing a follow up report on this situation in December 2006.

In August 2006, we obtained an urgent action decision from CERD on the situation of indigenous and tribal peoples in Suriname. This reiterated past decisions that Suriname must develop legislation to recognize and protect indigenous and tribal rights and drew the attention of the Human Rights Council to the 'alarming situation' in Suriname.

A July 2006 request to CERD alleging racial discrimination and violence associated with the demarcation and titling of indigenous lands in Raposa Serra do Sol, Brazil, also resulted in CERD sending a urgent action letter to Brazil expressing concern and requesting information.

As a result of FPP's reports the UN Committee for the Elimination of Racial Discrimination (CERD) has asked the Guyanese government to report on what it is doing to implement CERD's recommendations to protect indigenous peoples' rights, including dealing with mercury contamination in mining areas. Photo: Tom Griffiths





Members of the Ugandan Batwa community-based organisation UOBDU at their 2006 Annual General Meeting. FPP is helping UOBDU on land rights issues and supported one of its representatives to raise the urgent situation of the Batwa at the African Commission on Human and Peoples Rights. Photo: Téa Braun

We provided training for indigenous organisations from DRC and Rwanda on CERD and its Urgent Action procedure, prior to drafting an Urgent Action request on the situation of indigenous peoples in DRC with six indigenous organisations and support groups. The request focused on the 2002 DRC Forest Code's violations of indigenous peoples' rights. As a result, CERD requested DRC to provide information about indigenous peoples' rights and moved forward the date for examination of DRC's State party report to February 2007.

We held a training session with indigenous peoples from northeast India, to help them draft and submit a request for urgent action to CERD in October 2006. This report requests that the Committee find that India's Armed Forces (Special Powers) Act contravenes its international obligations and discriminates against indigenous peoples. The Committee will consider this request in February 2007.

**HRC** ► Following the UN Human Rights Committee's announcement that it would be delivering a list of issues to the Rwandan government in the absence of an overdue State report, we submitted a report on the human rights situation of the Batwa to the HRC in October. Our report resulted in specific questions on the Batwa, including on compensation for their land dispossession, being directed to the State in the list of issues. The HRC will examine Rwanda in March 2007.

**UN Special Rapporteur on Indigenous Peoples** ► We submitted a report on the situation of indigenous peoples in DRC to the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples.

The Special Rapporteur gathers information from governments, indigenous peoples and NGOs about human rights violations perpetrated against indigenous peoples. He can make recommenda-

tions and develop mechanisms to prevent and remedy these violations. By conducting research and on-site country visits he can raise awareness of critical situations, and he can communicate directly to Governments about his findings and concerns.

**ACHPR** ► In November, we held a regional training workshop on the African Commission on Human and Peoples' Rights (ACHPR) and its Working Group on Indigenous Populations for indigenous organisations from Rwanda, Burundi, DRC and Uganda. This training underpinned on-site training that we provided subsequently for Ugandan representatives at the ACHPR's 40th session in The Gambia.

At the 40th session, a female Mutwa member of UOBDU made an oral intervention on land and education issues affecting the Batwa in Uganda which received a rare round of applause at the Commission's plenary session. She also addressed a private meeting of the Commission's Working Group on its 2006 Uganda country visit, which contributed significantly to the Working Group's report on the situation of indigenous peoples in Uganda. This participation at the private meetings of the Working Group was the first of its kind, and may encourage the Working Group to promote similar involvement in future.

The Commission used FPP and UOBDU's report to the ACHPR during its examination of the Uganda State report. The Commission expressed concern to the State delegation about Uganda's non-recognition of indigenous peoples and inquired as to compensatory measures for the Batwa land dispossession and other poverty reduction measures. Our report was also used by the Commission's Working Group in the preparation of its Research Visit Report on Uganda, due in 2007.

FPP's oral intervention at the ACHPR 40th session focused on urgent issues facing indigenous peoples in DRC and Rwanda including the implementation of DRC's 2002 Forest Code, the systematic rape of indigenous and other women during the civil war in DRC and the resulting health issues they face, and the continued refusal by Rwanda to permanently register CAURWA.

We also submitted detailed reports on the situation of indigenous peoples in DRC and Rwanda to the ACHPR and its Working Group.

DRC's Forest Code fails to secure indigenous peoples' rights to their traditional lands and resources. With FPP support, local organisations are using international human rights processes to put pressure on the government to address these issues. Photo: Dorothy Jackson



# Responsible Finance

FPP's Responsible Finance programme tackles the way publicly and privately financed projects are imposed on indigenous and tribal peoples' communities without their consent, ignore their rights and undermine their livelihoods, making them poorer, not better off. During 2006, our work to get protection of indigenous and tribal peoples' rights mainstreamed in binding rules adopted by International Financial Institutions (IFIs) resulted in some positive change in standards. Significant change was also confirmed in a revised 2006 World Bank legal opinion on human rights, in which the Bank's former General Counsel clarified that its Articles of Agreement are not a barrier to consideration of human rights issues. This has opened space for civil society and rights holders to further push for objective human rights standards for the World Bank Group.

Our Responsible Finance programme is funded by the the Body Shop Foundation, Charles Stewart Mott Foundation, Ford Foundation, Moriah Fund, Novib, Stichting Doen, Swedish Society for Nature Conservation and Wallace Gobar Fund.

## Safeguard Issues

**IFC and Equator Banks** ► We achieved significant changes to the safeguard policies of the International Finance Corporation (IFC, the World Bank's private lending arm). This work built on our previous years of sustained campaigning on the IFC's review of its Performance Standards and our substantial body of research and analysis on indigenous peoples' right to Free Prior and Informed Consent. During 2006 we also continued advocacy with the Equator Banks – 41 banks that have adopted the IFC's standards as their own 'Equator Principles' committing them to lending only to environmentally sound projects.

Following adoption of the IFC's new Performance Standards in May 2006 the IFC now requires companies to show that they have successfully concluded good faith negotiations with indigenous peoples and reached some form of agreement with them for the majority of projects that affect indigenous peoples' territories or livelihoods. Obtaining agreement is a precondition for IFC project financing. Impact assessments for proposed projects must be carried out with indigenous peoples' informed participation.

We continued to push for changes in the IFC's non-binding Guidance Notes. These now acknowledge that private sector companies are increasingly expected to conduct their affairs in a way that would uphold human rights.

**IDB** ► FPP's work to get the Inter-American Development Bank (IDB) to strengthen its new safeguard policy on Indigenous Peoples resulted in important last minute changes. The policy now

clarifies that that the rights it safeguards are partly defined by international standards on the rights of indigenous peoples, which include norms flowing from international conventions ratified by the borrower country and the relevant jurisprudence of the Inter-American Court of Human Rights. This means that the operations of the IDB are now tied (at least indirectly) to Inter-American human rights standards on Free Prior and Informed Consent and on land and territorial rights. This is a significant breakthrough (at least on paper) in IFI standards on indigenous peoples.

The policy requires the prior agreement of affected indigenous peoples in cases involving significant impact, commercial development of indigenous culture and knowledge resources or displacement of indigenous peoples. Additionally, the wording of new internal IDB country briefs on indigenous peoples for the use of IDB staff in Guyana, Suriname and Venezuela suggests strongly that FPP advocacy has shaped these country guides, particularly in relation to the land rights issues and unresolved land claims in these countries that may impinge on IDB investments and due diligence under the new indigenous policy.

**Monitoring IDB programmes** ► In 2006, Kuna organisations asked for FPP's help in dealing with an energy project supported under the controversial IDB-assisted Plan Puebla Panamá (PPP) programme for regional integration in Central America. Meetings with the national coordinator of the PPP revealed that the proposed ease-

“*Private sector companies are increasingly expected to conduct their affairs in a way that would uphold human rights.*”

ment of the PPP's Colombia-Panama Electrical Interconnection Project will cross Kuna territory. The FPP's local Kuna partner, the Foundation for the Promotion of Indigenous Knowledge (FPCI), is in direct communication with the PPP office in Panama and is seeking further information about the project in an effort to provide information for the Kuna General Congress and communities in Kuna Yala Comarca. Further follow up to this work is planned in 2007

In Peru, the Amazonian indigenous umbrella organisation AIDESEP and FPP requested government officials in Pucallpa to provide information about the IDB's other controversial regional integration programme known as 'IIRSA' which will promote roads, dams, airports and electricity grids that threaten to affect forests and indigenous territories throughout South America. In March FPP supported the Vice-President of AIDESEP to travel to the IDB's annual meetings in Brazil where he was able to raise concerns about IIRSA directly with the IDB's President and senior management.

During fieldwork in Peru in June 2006, FPP obtained maps confirming that the proposed route of the Carretera Tingo Maria-Pucallpa y Puerto de Pucallpa (part of the Central Amazon Axis of IIRSA) cuts across the territory of uncontacted Isconahua indigenous people in the Sierra Divisor Reserved Zone. These maps were passed to indigenous leaders working with AIDESEP's programme for the protection of indigenous peoples in voluntary isolation. The local federation ORAU has raised its concerns with the regional and national government.

There are now informal indications that Brazilian partners in the road scheme are adopting a more cautious approach and reportedly the 'no-road' option has now at least been put on the table.

**Monitoring the World Bank's Indigenous Peoples Policy** ▶ Since the adoption of the World Bank's revised Indigenous Peoples Policy (OP/BP 4.10) in July 2005, FPP has monitored how the policy is being implemented. This will feed into the Bank's review of implementation, planned for 2008.

**Papua New Guinea: Smallholder Agriculture Development Project.** This project would establish oil palm plantations on indigenous peoples' for-

est land. FPP informed the Bank that the revised policy applies to this project, whereupon the Bank agreed to delay loan approval until it had determined whether the project had Broad Community Support. We shared these developments with social and indigenous networks in PNG, which are now preparing for the new phase of Bank consultations on the project.

**Panama: Consolidation of the Meso-American Biological Corridor of the Panamanian Atlantic Region.** During meetings with indigenous leaders and Panamanian officials FPP verified that the revised policy is being applied to this World Bank and GEF-funded project, but that compliance with the requirement to obtain Broad Community Support prior to project approval has been perfunctory. The World Bank had simply got several Kuna leaders to sign a general 'letter of facilitation' expressing support for a Phase II project. We discussed the problems of poor Bank compliance with the indigenous policy with Kuna communities in workshops on IFI standards in June 2006. Kuna leaders asked FPP for further training on the Bank's policies (planned for 2007).

**India: Andhra Pradesh Community Forest Management Project.** Indian NGO Samata and local activists requested FPP to help them carry out a rapid independent assessment of the implementation of the Resettlement Action Plan (RAP) under this World Bank-funded project.

Field visits to seven Adivasi villages in three Districts, and interviews with NGOs and officials, showed that in a few areas best efforts had been made to implement the RAP, but in others the Bank's policies on Indigenous Peoples and on Involuntary Resettlement had been violated. None of the villages visited had received proper social assessment, compensation rates were not tailored to actual impacts on affected families, and villagers were not properly informed about the objectives of the RAP and their rights and entitlements under the project. In some cases, indigenous villagers were asked to sign consent agreements that they do not understand and grievances have been ignored. In the worst case, villagers who lost land under the previous Bank-assisted Joint Forest Management project reported they were excluded from benefits under the RAP – in direct contravention of the loan agreement.

*Kuna women play a strong role in decision-making, holding their menfolk to account during evening discussions between bouts of political debate in the councils of elders. FPP is supporting the Kuna to deal with imposed and accelerated projects to develop new infrastructure and biological corridors in Panama, which will undermine customary indigenous systems of accountability and shared power.*

Photo: Tom Griffiths



With our local partners we will continue follow-up work and publish a monitoring report in 2007. Meanwhile in late 2006 we submitted articles for publication in the Hindi editions of Indigenous Affairs and in the WRM Bulletin.

During our field work in India, we distributed copies of our previous analyses of World Bank projects and our NGO guide to the World Bank Policy on Indigenous Peoples. These were much appreciated by local activists and NGOs, who had already translated our 2004 briefings into Hindi and distributed them widely to villages in Chhattisgarh and Madhya Pradesh. Working with local partners we have thus spread awareness among indigenous communities about their rights, which has helped them to mount widespread organised opposition to controversial World Bank Forestry projects planned for Madhya Pradesh and Jharkhand. The Bank has now shelved these projects.

**Cameroon: Chad-Cameroon Pipeline Indigenous Peoples Plan.** In 2006 FPP continued to track the problematic implementation of the IFC-financed Chad-Cameroon Pipeline (CCP) Indigenous Peoples Plan (IPP), which is supposed to be implemented by the Foundation for Environment and Development in Cameroon (FEDEC). FPP's site visits showed that FEDEC's failure to implement the IPP in a timely manner is putting at high risk the effectiveness of compensation measures for affected communities.

By contrast, FPP's own work with Bagyeli communities in the pipeline zone has resulted in 14 Bagyeli communities having their land rights recognised by Bantu traditional authorities. Other FPP work has ensured protection of Bagyeli community rights in the management plan for Campo Ma'an National Park, one of the environmental offset projects linked to CCP. Thanks in large part to FPP advocacy, the March 2006 World Bank's International Advisory Group report urged the government of Cameroon and FEDEC to 'solidify the historic progress made in terms of respecting the Bakola/Bagyeli peoples' rights of access to Campo Ma'an National Park.'

### Using UN Processes to press IFIs on rights

► Our Responsible Finance programme seeks to make strategic connections between IFI campaigns and UN and intergovernmental processes.



In May 2006, in collaboration with indigenous organisations including the Saami Council and Tebtebba Foundation, we presented a detailed statement to the Fifth Session of the United Nations Permanent Forum for Indigenous Issues (UNPFII) on *Redefining the Millennium Development Goals: indigenous peoples and international financial institutions*. The statement called for greater attention to indigenous peoples' rights to free, prior informed consent as part of sectoral, adjustment and technical assistance loans, World Bank guarantees for indigenous participation in the forthcoming reviews of implementation of the IBRD/IDA and IFC's new policies on indigenous peoples, and more consideration of IFI policies and practices by international regional human rights bodies. We distributed FPP's guides on the IFC, Equator Banks, IDB and World Bank policy revisions at the UNPFII session.

In December, FPP compiled a detailed report on indigenous peoples' rights, extractive industries and the private sector for submission to UN General Secretary's Special Representative on Human Rights and Transnational and other Business Enterprises. Discussions with the Special Representative will continue in 2007.

We used information compiled during our monitoring of IFI-funded projects to support FPP's Urgent Action requests to the UN Committee on the Elimination of Racial Discrimination (CERD) (see page 5) regarding Guyana, Democratic Republic of Congo (DRC) and northeast India. The

*Villagers in Shrikakulam District, Andhra Pradesh, explain how they have uncovered proof of corrupt use of project funds by implementing agencies, in the World Bank's controversial Andhra Pradesh Community Forest Management Project. Photo: Tom Griffiths*

Urgent Action request on DRC highlighted the role of the World Bank in promoting the top-down 2002 DRC Forest Code and reiterated the critical findings of the World Bank's Inspection Panel that the World Bank did not properly implement its safeguard policies as part of its loans for economic recovery and emergency economic support in DRC.

### **Building indigenous capacity to monitor IFIs**

▶ During 2006 we produced seven guides and briefings on IFIs for indigenous communities and NGO support organisations, in English and Spanish. We used these, and other FPP reports on human rights, the ILO and CBD, in training workshops to build indigenous capacity to monitor IFI-funded projects.

One such workshop, with the Fundación para la Protección de Conocimiento Indígena (FPCI) in Panama, trained women, youth and elected leaders of the Kuna General Congress in international standards for financing conservation and development. We carried out similar capacity-building work in Peru with the Asociación interétnica de desarrollo de la selva peruana (AIDSESP) and the Organización Regional de AIDSESP de Ucayali (ORAU).

## **The Private Sector**

Efforts to introduce mandatory standards protecting indigenous peoples' rights still meet with fierce resistance from companies and government officials. Our focus is to expose the shortcomings of

voluntary standards and continue to press for the need for mandatory regulations.

**Forests** ▶ FPP played a key role in the establishment of the High Conservation Value Resource Network (HCVRN) which includes World Bank, business and key certification and conservation organisations. The Network aims to consolidate and refine the way High Conservation Values (HCV) in timber concessions, plantations and other proposed developments are identified and protected, including 'areas fundamental to meeting the basic needs of local communities' and 'areas critical to local communities' cultural integrity'.

FPP's Director was elected as co-chairman of the HCVRN Steering Group and continued to highlight the need for effective safeguards to ensure the HCV concept does not become a top-down and technocratic planning initiative to carve up the world's forests. This could happen for example if the World Bank Group follows through with its plans to use the HCV concept to safeguard 'critical forests' without an adequate framework protecting forest peoples' rights. The network adopted a Charter which explicitly notes the need to strengthen safeguards and thus avoid the HCV approach being used to legitimise conversion and land grabbing.

**Illegal logging** ▶ In the context of the European Union's Forest Law Enforcement, Governance and Trade (FLEGT) process, FPP presented a paper to a VERIFOR Expert meeting in Palma de Mallorca in April 2006 on the social considerations required in any verification of the legality of timber. The paper was well received and posted on the VERIFOR web site as a useful summary of issues too often sidelined in the illegal logging debate.

At the Asia FLEGT in Manila, coordinated by the World Bank and the Philippine Department for Environment and Natural Resources, FPP succeeded in getting a social chamber established within the Advisory Group. However, overall, progress with the Asia FLEGT process is still disappointing.

**Timber certification** ▶ During 2006 we continued to assess the effectiveness of voluntary timber certification. We reviewed the quality of Forest Stewardship Council certifications of logging

*Mbendjele people on a newly built road inside the Congolais Industrie de Bois (CIB) logging concessions at Ibamba, northern Republic of Congo. FPP advised CIB on measures needed to protect the rights of the Mbendjele. Photo: John Nelson*



operations in Guyana (Barama Co. Ltd.), Cameroon (Wijima) and Indonesian Borneo (Sumalindo Lestari Jaya II), and sent letters to the logging companies and certifiers seeking clarification of contentious issues. We published several articles about the dubious certification of Barama Co. Ltd. in the WRM Bulletin, which were taken up by the Stabroek News in Guyana. The Forest Stewardship Council (FSC) suspended the Barama certificate. It is currently reviewing the Wijima certificate and has reprimanded the certifying body.

FPP is a steering committee member of a joint project between Congolais Industrielle du Bois (CIB), a logging company in northern Republic of Congo, and the Tropical Forest Trust. In this capacity we advised CIB on its proposed measures designed to protect the rights of the indigenous Mbendjele population, including a new community-based radio station.

**Timber plantations** ► Through our membership of The Forest Dialogue (TFD) – a high-level industry-led inter-agency consortium on sustainable forest management and trade – FPP submitted a critique of the draft FAO Code of Best Practice for Planted Forests against other international norms and followed up with a detailed letter explaining how the Code should be improved. FAO expressed appreciation of these inputs and the redrafted FAO Code includes better protections of forest peoples' and local communities' rights and interests.

**Palm oil plantations** ► Our advocacy efforts in the Roundtable on Sustainable Palm Oil (RSPO) continued to achieve important successes. This collaborative standard-setting work with local organisations has secured rights-based international best practice standards for sustainable palm oil that incorporate criteria on social justice, equity and human rights. These include provisions on customary rights to land, Free Prior and Informed Consent, respect for ratified international law, workers' rights, non-discrimination and minimal and safe use of pesticides.

In November, FPP and the Indonesian NGO Sawit Watch supported community, indigenous peoples, worker and civil society inputs to the 4th Roundtable on Sustainable Palm Oil. We drafted a joint NGO sign-on letter about the lack of progress in establish-



ing an effective RSPO verification protocol. The letter called for community participation in the verification procedure, clear public benchmarks for identifying non-compliance and guarantees that non-conformity will result in the withdrawal or withholding of the RSPO certificate to prevent green wash.

Also with Sawit Watch FPP launched the RSPO Task Force on Smallholders to get RSPO to pay attention to smallholders, and was appointed to lead the Task Force. We also jointly launched two books in English and Bahasa on the impacts of the oil palm industry on indigenous peoples, small holders and communities in Indonesia. The books assess the potential of the RSPO process to promote positive reforms, and are now being widely used as resource documents in Indonesia.

**Shrimp certification** ► At a meeting in Bangkok on shrimp certification we worked with partners from Bangladesh, Thailand, Malaysia, Indonesia, Honduras and Ecuador to help draft the "Declaration of Concern on Shrimp Aquaculture Certification", a statement calling for a moratorium on current certification schemes and the establishment of a good faith consultation processes with affected communities to evaluate the different shrimp certification schemes and devise possible ways to address the continuing social and environmental impacts caused by the shrimp industry.

*Paser Dayaks in Indonesian Borneo ask forgiveness from their ancestors for allowing their lands to be destroyed by oil palm plantations, logging and oil exploration. Deprived of secure land rights, the Dayaks' traditions of stewardship face being overwhelmed by imposed developments.*

Photo: Marcus Colchester

# Environmental Governance

Most of the planet's high biodiversity areas lie in the territories of indigenous peoples, where they have carried out their traditional livelihoods and cultural practices for generations. Yet in the name of environmental protection, indigenous peoples in every continent have been evicted from their lands causing impoverishment and collapse of indigenous cultures. FPP's work on environmental governance promotes justice, equity and respect for rights in conservation policies and projects, through direct support to help forest peoples document and claim their rights and promote alternative community-based forms of conservation, as well by influencing international conservation and environmental policy.

In 2006, our Environmental Governance work was funded by AMAN, DGIS, Ford Foundation, Novib, Sacharuna Foundation, Stichting Doen, SwedBio, Tebtebba Foundation and Wallace Global Fund.

## Customary use of biological resources

Article 10(c) of the Convention on Biological Diversity (CBD) requires States to: *Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.*

Starting in 2002, FPP partnered indigenous organizations and communities in Cameroon, Guyana, Suriname, Thailand and Venezuela to map their natural resources, document their systems of customary use and analyse their traditional cultural practices and how these contribute to sustainable use and biodiversity conservation. These indigenous-led case studies also assessed whether national laws and government policies and practices

protect and encourage such activities, as required by Article 10(c).

By mid-2006, we had published all the case studies. During the year we supported a national workshop on 10(c) in Suriname, started a new case study in Bangladesh, and hosted a workshop to share lessons learned from the case studies.

The findings of the project were summarised in a paper presented to the 11th Biennial Congress of the International Association for the Study of Common Property in June 2006.

**Bangladesh 10(c) case study** ► In July, in collaboration with two national NGOs, Nijera Kori and Unnayan Onneshan, we held a workshop on CBD and Article 10(c) for traditional resource users of the Sundarbans mangrove forest. We provided training for local researchers selected by the resource users – collectors of wood and *golpata* (Nipa palm fronds), honey harvesters, artisanal fishers and Munda indigenous communities – and a local NGO. Field work was completed by November 2006 and the first draft of the case study is expected in January 2007.

**10(c) Workshop** ► We held a workshop in September in the UK, to share outcomes and lessons learned between all the partners involved in the 10(c) project.

All five studies documented the remarkable sophistication and variety of customary resource use, much of which is invisible to the local administration, forestry and environment ministries and conservation agencies. Indigenous peoples practise long-established and subtle forms of environment use which are rooted in their cultures and their long associations

*Harvesting golpata (Nipa palm fronds) in Fakirabad, in the Sundarbans mangrove forests, Bangladesh. FPP is supporting traditional resource users to document their traditional cultural practices and how these contribute to biodiversity sustainable use. Photo: Dewan M. Humayun Kabir and Mehedi Hasan*



with particular ecosystems and locales.

Contrary to outsiders' perceptions, their customary use areas are not open access zones which urgently require the imposition of prescriptive laws and land use plans to prevent unsustainable exploitation, but are already regulated commons, subject to customary laws and controlled by indigenous institutions with their own locally recognized jurisdictions and authority.

These observations reinforce the argument of many indigenous peoples that their 'traditional forest related knowledge' is not a discrete body of lore that exists apart from their social life but, on the contrary, is embedded in the way they relate to their locales through the skills and practices of their daily livelihoods. These in turn depend on indigenous peoples retaining their rights to manage, control, access and use their traditional territories.

One of the main limitations faced in this work so far is the lack of definite 'scientific' conclusions about the 'sustainability' of traditional practices. This is mainly due to the fact that independent base line data are lacking about most of the species and resources being used by the peoples concerned. The 10(c) studies have been able to document an impressive range of customary uses and traditional practices considered to be compatible with conservation and sustainable use, and have shown that all the social groups are taking active steps to promote sound resource management in the face of both imposed and community-driven change.

Demonstrating empirically that such practices actually ensure sustainable resource use requires the collection of a body of data over a long-term period. Partly to address this limitation, FPP's 10(c) indigenous partner in Venezuela, Kuyujani, has been training indigenous youths as para-biologists and carrying out field monitoring of faunal levels in defined hunting zones. This work is being done in collaboration with the Centro de Investigaciones Antropológicas at the Universidad Nacional Experimental de la Guayana, Ciudad Bolívar.

The main finding of the 10(c) studies is that the most serious threats to the sustainability of these ecosystems come not from community resource use but from outside interventions such as imposed infrastructure, logging, mines, tourism and market demands for bushmeat. Likewise the studies show



Indigenous researchers in Suriname look at the reports of FPP's study on the implementation of Article 10(c) of the Convention on Biological Diversity. Photo: Ellen-Rose Kambel

that, in a number of instances, where community resource use systems have begun to put pressure on their environments, this tends to be where their land base has been restricted, traditional knowledge has been discounted or eroded, or customary uses made illegal. By contrast, the studies also show that communities have much greater incentives to use biodiversity sustainably when they have secure rights over their territories and resources. In this regard, further work on the application and implementation of the principle of Free Prior and Informed Consent to protect biodiversity and community livelihoods from external threats becomes very timely.

All five case studies also note that protected area laws, policies and practices have interfered with community livelihoods and severely restricted customary use or made it illegal. In most of these cases the peoples concerned are seeking respect for rights in protected areas, through arrangements such as co-management or community management.

As the study was in large part triggered by the call from the Secretariat of the CBD to carry out case studies on the application of Article 10(c) of the Convention, the following common recommendations emerged from the studies:

- national laws, policies and practices need to be revised to recognize the rights of indigenous peoples to their territories and the natural resources on them, the exercise of their customary laws and to represent themselves through their own institutions

**“Indigenous peoples' 'traditional forest-related knowledge' is not a discrete body of lore that exists apart from their social life, but is embedded in the way they relate to their locales through the skills and practices of their daily livelihoods.”**

- consonant with these legal changes, national conservation, forestry and environmental policies need to be revised so that they recognise, protect and support indigenous peoples' community-based natural resource management and their contribution to the maintenance of biological resources
- such revisions should take account of countries' obligations under international human rights and environmental laws and be consistent with national constitutions
- educational systems should be revised to imbue indigenous youth with greater respect for the peoples' own languages, beliefs and ways of life
- imposed logging and mining concessions and inappropriate land zonation should be revoked
- governments should provide additional resources to encourage community based natural resource management.

The 10(c) teams confirmed that the project had been highly valued by the participating local communities. They recommended a follow-up phase to combine the expertise developed on community mapping, participatory research on customary use, Free Prior and Informed Consent and protected areas into a comprehensive project focused on biodiversity conservation and sustainable use through respect for community rights.

Representatives of Inter Mountain Peoples' Education and Culture in Thailand presenting their 10(c) case study at a workshop to share experiences between all FPP's 10(c) partners. Photo: Marcus Colchester



### Indicators Relevant to Indigenous Peoples and the CBD

► The CBD is developing a suite of indicators to assess the implementation of the Convention and the achievement of the CBD's Target 2010 which is: *to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth.* One of the areas for which indicators are being developed is sustainable use.

In this context the International Indigenous Forum on Biodiversity (IIFB) Working Group on Indicators has asked the 10(c) team to help with developing indicators on **customary** sustainable use. At the CBD's 8th Conference of the Parties (COP8) in March the 10(c) teams from Guyana, Suriname, Thailand and Venezuela gave presentations on their findings on indicators in four side events. The IIFB asked four 10(c) members to join the IIFB Working Group on Indicators.

With support from the IIFB Working Group on Indicators FPP and the 10(c) teams held a three-day workshop on customary sustainable use indicators in conjunction with the 10(c) Workshop in September. The indigenous participants identified a series of key indicators that have been fed into the process set in place by the IIFB Working Group on Indicators, which will culminate with submissions to the 5th Meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions (October 2007) and COP9 (May 2008).

### Local and national level impact

► The 10(c) work has helped build the capacity of local partners in community resource mapping, research on customary use and government policy, as well as general administration and project reporting and presentation. It has generated much interest within indigenous communities about revitalization of traditional knowledge and customary use, and the inter-generational aspects of knowledge transmission.

A lot of the data collected is considered critical in the discussion of future natural resources use and management. The project has also stimulated constructive dialogue with government agencies and conservation NGOs in most countries, especially Cameroon, Thailand and Venezuela.

In the case of Cameroon, the project has led to a critique of top-down conservation policy and practice and the opening up of options for a restructuring of protected areas management in the Western Dja Wildlife Reserve and in the country in general.

In Thailand too, the project has resulted in the local partner IMPECT becoming involved in a co-management project of the Ob Luang National Park and a re-assessment of the park boundaries that infringe on indigenous communities' land and resources.

In Venezuela, the government has come very close to granting full territorial rights over the project area to the Ye'kwana and Sanema peoples.

## International Conservation Policy

### Free Prior Informed Consent (FPIC) ►

Since 2002, FPP has carried out a project on FPIC working with partner organisations in Indonesia, Philippines, Peru and Suriname. The project includes case studies, field work and workshops to help communities review their experiences dealing with corporations, demand respect for their rights – including the right to say 'yes' or 'no' to proposed development schemes – and fit decision-making to their own customs and preferences. Often this means reappraising and strengthening traditional institutions so decisions are more broadly shared and agreed by the whole community.

We continued writing a literature review providing a summary of existing knowledge on FPIC and a descriptive analysis of existing experience with FPIC in the laws and policies of countries that have recognized this right in domestic legislation. The literature review, along with the case studies being carried out, and workshops in Canada (where consent-based negotiations with mining companies have become the norm) were used to draft guides to FPIC in Bahasa Indonesia and English for the FPIC community work in Indonesia and Guyana. These guides have been highly appreciated and are now widely used at the community level. The work has been particularly successful in Indonesia, where the idea of FPIC has spread like wildfire and is now a



regular part of policy discussions about customary rights, land use planning and development.

A final workshop/seminar to draw together the various sub-components of our work on FPIC will be held in April 2007 in Indonesia. Project partners will present and share their findings and experiences with other project partners to evaluate the project, to identify project lessons and conclusions applicable to CBD and other local, national and international processes and to identify any follow up measures that may be needed.

**CBD ►** FPP participated in the COP8 negotiations and in side meetings with different indigenous peoples' organisations and agencies. The 10(c) work was well disseminated with eight public presentations of the work over the two weeks in different venues. Indigenous participants at COP8 were particularly fascinated by the studies. Although few government delegates attended the presentations there is no doubt that the project has been successful in raising the profile and importance of article 10(c) within the Convention at the international level. For example, the IIFB Working Group, with support from FPP, secured a CBD decision plus government and donor backing for an indigenous peoples' international workshop on indicators relevant to indigenous peoples and the Convention, including indicators on customary sustainable use. The lessons from the '10(c) project' have thus been very widely used to show whether

*After training in fair procedures for negotiations based on Free, Prior and Informed Consent, Paser Dayaks in East Kalimantan review the process whereby their lands were taken over for logging, mining and plantations. Photo: Marcus Colchester*

governments are effectively protecting and encouraging sustainable use' by indigenous peoples.

FPP also provided technical support to the IIFB in dealing with the content of the CBD's newly adopted Programme of Work on Island Biological Diversity. Text ensuring respect for the recognition of rights and full and effective participation of indigenous and local communities is present in the decision of COP8 and in the introduction of the Programme of Work (though language on Free Prior Informed Consent was not accepted).

Another important achievement was a COP decision concerning the Global Environment Facility (GEF), building on FPP's work at the first meeting of the CBD Working Group on Protected Areas in 2005. Under the Protected Area agenda item, the COP invited the GEF to: support indigenous and local community conserved areas, and to review and revise, as appropriate, its protected area policies as they relate to indigenous and local communities.

*Indigenous participants from the Brazilian Amazon at the 8th Conference of the Parties of the Convention on Biological Diversity (CBD). FPP's '10(c)' studies and development of indicators for sustainable customary use will contribute to the CBD's work.*

Photo: Tom Griffiths



## Global Environment Facility (GEF)

### GEF case studies ►

In pushing the GEF to take more account of indigenous rights and ensure that it brings real benefits to local communities, FPP worked with indigenous organisations in Bangladesh, Mexico and Guyana to assess current projects and propose improvements.

**Mexico:** FPP carried out a rapid evaluation of projects under the GEF-UNDP Small Grants Programme targeting indigenous peoples in Quintana Roo in the Yucatán Peninsula. This field work was in response to an invitation from the SGP to conduct an independent assessment of some of its best practice projects, and was carried out in collaboration with members of the Asamblea Nacional Indígena por la Autonomía – ANIPA (national indigenous peoples' organisation). The fieldwork involved visits to four Mayan communities who had completed environmental management and sustainable livelihood projects with SGP support under the much acclaimed UNDP-GEF COMPACT programme.

The study found that, in contrast to problems still encountered in many large GEF projects affecting indigenous peoples (as documented previously by FPP), the small-scale projects visited had delivered benefits and were highly praised by beneficiary communities. Though the GEF programme could do more to respect and protect traditional knowledge and related traditional practices, overall the projects were considered to be participatory. GEF had made substantial efforts to conduct community development work and project activities in the Mayan language. The success of the conservation and development projects in Quintana Roo, compared with other GEF projects, is due to their culturally appropriate consultation and participatory project design, secure community land tenure, legally recognised customary resource rights and the absence of any existing resource conflicts with adjacent protected areas.

**Bangladesh:** The study on the GEF and Asian Development Bank (ADB)-funded Sundarban Biodiversity Conservation Project highlighted the main causes behind the failure of the project. These were

the flawed, top-down design, lack of peoples' effective involvement and failure to adhere to GEF and ADB policies. The study provided impetus to both ADB and GEF to start seeking alternative, pro-people options.

**Guyana:** Meanwhile FPP continues to monitor the moribund Guyana Protected Areas System project which was redesigned to take better account of indigenous peoples and required the government to adopt an improved law setting out a rights-based process for securing indigenous lands. The World Bank had to withdraw from the project when the Guyana Government ignored the legal advice of the World Bank and Inter-American Development Bank's consultant and adopted a retrograde law later criticised by CERD (see page 5).

**Indigenous rights and the GEF** ► In December 2006, FPP carried out a detailed desk review of a sample of 25 active and pipeline medium-sized and full-size GEF biodiversity projects (approved in 2005-2006) to examine how rights and equity issues are being addressed in project design. This survey of GEF-assisted biodiversity interventions pinpoints projects potentially affecting indigenous peoples in 11 countries (Mexico, Panama, Venezuela, Guyana, Suriname, Peru, Cameroon, DRC, Uganda, India and Bangladesh).

The critical analysis found that while a few projects have substantive components to address land tenure and rights issues, most give superficial treatment to indigenous peoples' rights. Instead of rights-based approaches, most projects continue to apply mitigation and benefit-sharing approaches, while a significant proportion propose to support economic displacement.

In the worst case, in India, the Biodiversity Conservation and Rural Livelihoods Improvement Project plans to convert indigenous hunter-gather communities who traditionally occupy the Askote region (Uttaranchal) into settled waged labourers (trekking guides). Reform in the GEF's larger conservation projects is still often superficial and the pace of change remains slow. FPP will publish the results of this portfolio review and analysis in 2007.

At the Third GEF Assembly in Cape Town, FPP provided technical support to the IIFB to draft a declaration calling on the GEF to ensure that its policies and practice uphold principles and standards

in the UN Declaration on the Rights of Indigenous Peoples. FPP's paper stressing the need for the GEF to act on the CBD's invitation to the GEF to revise its policies on protected areas and indigenous and local communities was widely circulated at the meeting.

## International Forest Policy

### United Nations Forum on Forests (UNFF) ►

FPP attended a UK government consultation on the UNFF and International Arrangement on Forests (IAF) in July 2006. We reiterated criticisms of the IAF and again underlined civil society views that the UNFF is a comparatively conservative UN body that has so far failed to take forest policy forward at the international level. FPP again informed the UK government that we will not engage in the UNFF until there are clear signs that it will take rights issues seriously, and will facilitate more frank and open international dialogue on forest issues.

## Conservation NGOs

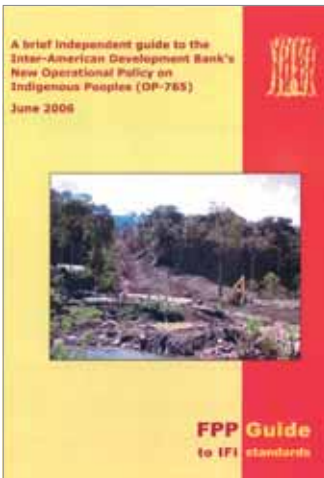
We continued interaction and participation in the core group of the World Conservation Union Theme on Indigenous and Local Communities, Equity and Protected Areas (TILCEPA) and Theme on Governance, Equity and Rights (TGER). We became more involved in the Indigenous Peoples and Protected Areas: Collaborative Management Learning Network by participating at its Second Regional Workshop, held in Viet Nam in December 2006.

In Cameroon and the Central African Republic, FPP worked closely with Bagyeli, Baka and Ba'Aka ('Pygmy') communities to help them deal with conservation projects that had marginalised them and treated them as illegal poachers in their own forests. In consultation with the national and international offices of the World Wide Fund for Nature (WWF), processes were agreed to map customary land use, survey community institutions and aspirations and retrain local rangers to be more respectful of forest peoples. The aim is to halt the harassment of hunters by 'eco-guards' and revise management plans to accommodate traditional livelihoods. The long term goal is to develop landscape level security for both indigenous rights and conservation.



*The GEF-UNDP Small Grants Programme in Quintana Roo, Mexico aimed to train communities in the sustainable harvest of forest species, including birds for sale to the pet trade. FPP's evaluation of four SGP projects in the Maya territory found that the projects were highly participatory, but could do more to integrate traditional knowledge in sustainable land use planning. Photo: Tom Griffiths*

# Publications



*A brief and preliminary assessment of the IFC's new safeguard policy framework*, by T Griffiths. FPP Briefing (May 2006)

*A brief independent guide to the Inter-American Development Bank's new Operational Policy on Indigenous Peoples (OP-765)*, by V Jiménez and T Griffiths. FPP Guide to IFI standards (June 2006)

*Una breve guía independiente de la nueva Política Operativa sobre Pueblos Indígenas (OP-765) del Banco Interamericano de Desarrollo*

*Breve guia independente para a Nova Política Operacional sobre Povos Indígenas do Banco Interamericano de Desenvolvimento (OP-765)*

*A brief independent Guide to the World Bank's Operational Policy on Indigenous Peoples (OP/IP 4.10) for use by indigenous peoples and activists (Version 1.1)*, by T Griffiths. FPP Guide to IFI standards, (September 2006)

*Una guía breve de la Política Operativa del Banco Mundial (BIRF/AIF) sobre Pueblos Indígenas (PO/IPB 4.10) para el uso de los pueblos indígenas y activistas (Versión 1.1)*

'Advances in legislation recognising indigenous peoples' rights in Central Africa: a collision course with industrial logging concessions', by D Jackson. In: *Concessions to Poverty: The environmental, social and economic impacts of industrial logging concessions in Africa's rainforests*. Rainforest Foundation UK and Forests Monitor (forthcoming)

*Algunos Proyectos de las Instituciones Financieras Internacionales en Panamá que afectan o podrían afectar a los pueblos indígenas*, by T Griffiths. FPP briefing (May 2006)

'An Overview of the International Finance Corporation's Performance Standard 7 on Indigenous Peoples' by F MacKay. In: F King-Reilly (ed.), *One Step Forward, One Step Back. An Analysis of the International Finance Corporation's Sustainability Policy, Performance Standards and Disclosure Policy*. Halifax Initiative Coalition: Ottawa (2006)

*Analysis of the Inter-American Development Bank's Recently Approved 'Operational Policy on Indigenous Peoples'*, by V Jimenez. FPP briefing (April 2006)

*Un análisis de la recientemente aprobada 'Política Operativa sobre Pueblos Indígenas' del Banco Interamericano de Desarrollo*.

*Best Practice Standards on Planted Forests: social considerations*. Presentation to the Forests Dialogue, Beihai, 5 April 2006, by M Colchester

*Briefing on Indigenous peoples and private sector project financing: the International Finance Corporation, The Equator Principles Banks and Export Credit Agencies*, by F MacKay. FPP briefing (August 2006)

'Case Study: The Upper Suriname River', by S H Jabini and F MacKay. In: I. Roerhorst (ed.), *Legal Forest Destruction: The Wide Gap between Legality and Sustainability*. IUCN, Greenpeace, WWF, NCIV, ICCO: Amsterdam: 30-34 (2006)

'Ensuring a Fair Deal for Smallholders', by M Colchester. *Forest Conversion News* 10 (April 2006)

*Forest Peoples, Customary Use and State Forests: the case for reform*. Draft paper presented to the 11th Biennial Congress of the International Association for the Study of Common Property, Bali, Indonesia, 19-23 June 2006 by M Colchester et al.

*Pueblos del bosque, utilización consuetudinaria y bosques estatales: argumentos para una reforma*.

*Free, Prior and Informed Consent: a field guide for activists*, by M Colchester. Working Draft (March 2006)

'FSC Dilemmas in the heart of Borneo: step-wise sand bag or sell out?' by M Colchester. *WRM Bulletin* 105 (April 2006)

*Further information on World Bank Forest 'Strategy' Implementation Review*, by M Colchester. Email briefing (June 2006)

*Ghosts on our own land: oil palm smallholders in Indonesia and the Roundtable on Sustainable Palm Oil*, by M Colchester and N Jiwan. Forest Peoples Programme: Moreton-in-Marsh and SawitWatch: Bogor (2006)

'Going from Bad to Worse: World Bank forestry project in Andhra Pradesh still failing Adivasi communities,' by T Griffiths. *Indigenous Affairs* (Hindi version) (forthcoming)

'Guyana: controversial Barama certificate further tarnishes FSC's reputation,' by M Colchester. *WRM Bulletin* 105 (April 2006)

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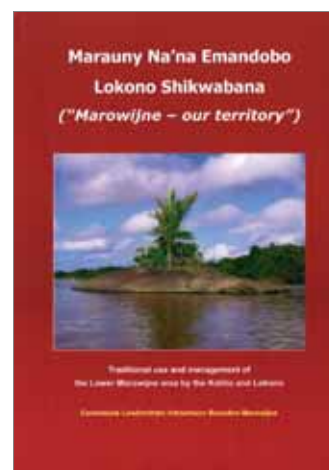
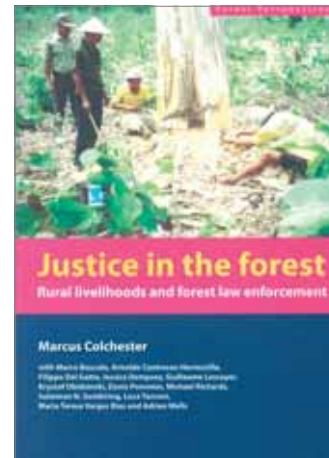
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## Finance

<b>Income</b>	<b>£592,405</b>	<b>Expenditure</b>	<b>£494,351</b>
Grants	95.8%	Field projects	38.4 %
Overheads	2.7%	Staff costs	38.5 %
Donations	1.2%	Administration	8.4 %
Bank Interest	0.2%	Travel/M&E	7.6 %
Publications	0.1%	Publications	5.8 %
		Computers/IT	1.3 %



Front cover : A Minang forest product collector explaining his objections to the conversion of his forest area to oil palm by PT PHP, West Sumatra. (Photo: Marcus Colchester)

Page 1: The Minangkabau of Kapar in West Sumatra describing to FPP how they have lost much of their land to oil palm plantations but are now demanding it back or seeking better terms from the companies. (Photo: Marcus Colchester)

Report edited, designed and produced by Dorothy Jackson

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March 2007



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