

LEARNING FROM DIFFERENT LEVELS: LESSONS ON HOW TO MAKE PROGRESS AND WHAT NEEDS TO BE DONE TO ADVANCE TENURE REFORM

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First let me pay my respects to the traditional owners of this land where we are holding this conference. I also thank the organizers for inviting me and letting me speak on this closing day of the conference. I found this to be a very significant and highly interesting conference. We heard stories and results of researches and studies of many individuals and interest groups from different countries. Some are from those who live in and depend on forests and others who have long histories of working on forest concerns. That this conference is here in Indonesia made it even more interesting. Our field trip yesterday showed us some of the realities which should be addressed as we work towards community tenure and governance.

We were met by protestors who alleged that their historic and present efforts in protecting the forest are being claimed by government and newly formed NGOs. They have been excluded in making decisions in the management of the field visit. In fact, they asked that we leave the Mejet Forest which they consider as sacred as this is the source of their water.

I am especially glad that in this conference, Indigenous Peoples have been recognised as important players. From our perspective this is as it should be. Many of us, indigenous peoples, live in and depend on forests. While estimates of past reports say there are 60 million forest dependent indigenous peoples, a recent report I did, as a special rapporteur on "Indigenous Peoples and Forests" of the UN Permanent Forum on Indigenous issues, showed that in fact the total number is more than 200 million. In India alone the estimation of tribals or indigenous peoples who live and depend on forests is around 70.8 million. In Indonesia this is estimated to be around 40 million. In the Philippines, where I come from, the estimation is around 9 million.

Our ancestors and us, the present generation, have managed our forests for millennia and we have not destroyed them in the way the modern nation-states and the dominant societies did in a very short period. We do have customary

rights to our territories, lands and resources as affirmed by international human rights law and instruments. This was reinforced by the 2010 Cancun Agreement of the UN Framework Convention on Climate Change (UNFCCC). Its decision on REDD Plus acknowledged the existence of the UN Declaration on the Rights of Indigenous peoples which was adopted by the UN General Assembly in 2007. It also clearly stated that when REDD Plus activities are undertaken the knowledge and rights of indigenous peoples and members of local communities should be respected.

I had the privilege of co-chairing the 35th Session of the Subsidiary Body on Scientific and Technological Advice (SBSTA) of the UNFCCC which met at the Bonn Climate Talks last month. The Parties to the UNFCCC adopted the draft conclusions of SBSTA which elaborated the steps in setting up the information system which will look into how the safeguards which respect the rights and knowledge of indigenous peoples' and local communities, governance of forests and biodiversity conservation will be addressed and respected. There will be an expert meeting soon to discuss this further and the monitoring of forest reference levels and forest reference emission levels.

Minister Kuntoro's presentation on Tuesday morning seems to have really taken Indonesia to an important new understanding. His speech and subsequent panels and debates have brought out some of the key issues and challenges;

- To date in Indonesia less than 0.1% forest are under community tenure so far
- Government data admit there are some 33,000 villages who are in, or overlap, forests. Others have suggested there are some 50 - 60 million people in Indonesia's forests with unrecognised rights
- There is a major problem of overlapping rights especially of logging, timber concessions and plantations which overlap indigenous lands and this has resulted in serious conflicts and human rights violations.
- Only 12% of the forests have been 'gazetted', meaning it has not been clarified legally through surveys on the ground whether these forests are in State Forest Areas, should be called as 'private forests' or classed as agricultural areas.

Similar situations and problems exist in other countries, especially in Asia and Africa. The fact is that many of problems related to forests is a result of the colonial forest and land laws which many of our countries adapted as national laws even after independence. The so-called "scientific forestry" which is the foundation of most of our forest policies and plans is another colonial legacy. One big challenge is how to get rid of the colonial vestiges of our laws and policies on forests and on natural resource management. The Minister and other speakers have recognised that a key lesson and challenge is the need for a new approach to forests based on respect for human rights, including indigenous peoples' and

women's rights. I would like to add that this new approach should also be based on the ecosystem approach and an inter-cultural and knowledge-based approach. These new approaches are needed for the following purposes;

- curbing forest loss; improving reforestation and forest restoration;
- preventing conflict; securing livelihoods;
- reducing poverty; ensuring food security;
- protecting biodiversity; stabilising and securing environmental services;
- sequestering carbon and
- last but very much not least respecting peoples human rights especially the rights of indigenous peoples in line with State obligations under human rights treaties they ratified.

There is one additional dimension which we should not forget. Securing Indigenous peoples' lands, territories and resources is also vital for us to secure our identities and affirm our cherished cultural values, which underpin our sense of worth and dignity. Participatory community mapping processes done in indigenous peoples' territories, for example, often forget this cultural dimension. Thus, sacred groves and trees or sacred waters found in forests are usually missing in maps which leads to inadequate plans on how to sustainably manage forests. The intercultural and knowledge-based approach recognizes the importance of traditional knowledge and customary governance and management of forests.

It was heartening to hear many speakers say that in Indonesia this new approach should consist of:

- First recognising, respecting and protecting peoples rights: this may also be bolstered by passing a law on Indigenous Peoples' rights
- Second, gazetting the forests in an inclusive and participatory way that recognises and secure these rights
- Third, reforming laws on forests, lands, plantations and spatial planning to affirm these rights.

It was also interesting to hear about the community forest enterprises which exist in many countries. The experiences in China, Nepal, etc. and lessons learned from these should be disseminated and shared widely. The field visit I joined also showed us how people are managing their community forest and the livelihoods, cooperative and enterprises they have establish and plan to set up so their daily needs can be met. In Tebtebba, my organization, we have partners who are indigenous peoples' organizations and networks in several countries in Asia, Africa and Latin America working at the local levels. Many of their communities still manage their forests using their own traditional knowledge and customary governance systems. They still practice their traditional livelihoods related to

forests. Some of them also developed small-scale enterprises. They are developing and using indicators which reflect their realities to measure how progress is being achieved in terms of tenure reforms and the implementation of safeguards in REDD Plus. There is a big potential to reinforce further these sustainable forest management systems especially if their tenure to their forests and forest resources is secured.

Many of the issues raised in the panels resonate with the findings of the book “Reforming Tenure” , launched by the FAO the other night. Let me highlight three of these points;

- Secure forest tenure is a fundamental element in achieving improved livelihoods and sustainable forest management.
- Forest tenure reform should be implemented as part of a holistic and integrated reform agenda and embedded within the overall development agenda of a country.
- The continuing demand for land, weak governance in many countries and emerging global problems such as climate change increase the urgency of addressing forest tenure reform.

Our experience in the Philippines teaches us that the process of doing forest tenure reform takes some time. It was in 1987 when the new Philippine Constitution included a provision which recognized our rights to our ancestral lands and domains. It took another ten years when the Philippines Indigenous Peoples’ Rights Act (1997) was passed by the Congress. After this law was passed the mining industry filed a case in the Supreme Court alleging that the IPRA is unconstitutional. It took almost 5 years before it was decided that it was constitutional. I hope that in Indonesia and other parts of the world, indigenous peoples would not face these kinds of hurdles. As we have heard in the conference some 4.6 million hectares are now covered by Certificates of Ancestral Domain Titles (CADTs) granted to various indigenous peoples in different parts of the country. This is a lot considering the much smaller size of our country. We still face a lot of problems but having the law helps, especially for indigenous communities which have been considerably weakened because of national forest policies and programmes.

I would like to conclude by saying that I see a lot of hope in terms of forest tenure reform and governance which recognizes the rights of indigenous peoples, of women and of local communities who live and depend on forests. I think there is a bigger possibility now to regard the forest in a more holistic manner and not in the reductionist way taught by “scientific forestry”. There is an increasing number of people in NGOs, in governments, in multilateral bodies like the UN and in academia and even in the private sector who are becoming strong advocates for these issues. This conference has given me a better sense of whom we can rely

on for support. Indigenous peoples' movements at the local, national, regional and global levels are becoming stronger as they get more information, constantly meet and exchange experiences with each other and gather more political, technical and financial support.

I believe that we all should create more spaces and processes where forest dependent indigenous peoples and local communities can meet and dialogue with government officials, NGOs, multilateral bodies and the private sector. Capacity building is not just for indigenous peoples. I think the capacities of representatives of governments, multilateral bodies, NGOs and the private sector, as well as donors, also needs to be built so they will understand better how indigenous peoples manage and continue to protect and sustainably use their forests. It was not through sheer accident that this happened and continues to happen. Indigenous peoples' traditional knowledge and customary management of forests are results of countless numbers of years experiences of living in forest ecosystems. Thus, supporting and reinforcing these is not just for indigenous peoples but for the whole of humanity.

Historians say that the original home of humans are the forests. They lived there for ninety percent of human evolutionary history, which means millions of years. It has only been in the last few hundred years that most of humankind separated from this evolutionary history. This was after sedentary agriculture became widespread and after the industrial revolution. The values of sharing and caring, diversity, reciprocity, harmony, collectivity, solidarity and sustainability were evolved by human beings from their long intimate relationships with forests. Thus, I believe these values still remain in the memories of most people. Recovering these should not be difficult. This is why I remain hopeful that we can still create a world which is sustainable, equitable and just.

Dakkel ay iyaman ken dakayo am-in. Thank you very much.

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