

## Director's Message

Forests remain prominent in global debates about climate change and the Forest Peoples Programme has been actively helping forest peoples remind policy-makers that their rights must be heeded in decision-making. Long-term scientific studies now substantiate with statistics our oft-made assertion that forests are best protected by respecting peoples' rights: community-controlled forests slow deforestation even more than State-protected areas. However, while wider talks about lowering carbon emissions stall because parties are unable to forego short-term economic gains, the new 'carbocrats' are belatedly realising what we have long demonstrated, that slowing deforestation involves unpicking complex webs of vested interests that allocate control of forests to political cronies and deny them to people.

Paradoxically, just as the mirage of a market in forest carbon recedes, we at last have policy-makers accepting that curbing deforestation requires 'good governance' (tackling corruption) and 'forest tenure reform' (recognising peoples' rights). This is important progress and, as this report shows, actual reforms on the ground are increasingly evident but resistance from loggers and land grabbers remains potent. Rights-based approaches to slowing deforestation are going to become more and more important as market-based options fade, and will require sustained support of all kinds.

Our annual report highlights the four themes in our work on legality and human rights, climate and forests, advocating responsibility by companies, and promoting community control of forests. The themes are integral to, not separate aspects of, the same challenge. Increasingly our rights work focuses on the discrimination being suffered by indigenous women in forests, advocating security for them not only by championing collective rights to lands and forests but also by helping them tackle the unjust forces that exclude them from having control of their lives. Gender justice, respect for rights and local control are keys to sustainability.

We thank you for your support for our work.

Marcus Colchester, Director

## Legality and human rights

Supporting forest peoples to use legal mechanisms to defend their rights is one of the four themes in FPP's work. Our Legal and Human Rights Programme provides legal analysis, training and capacity building and assists our partners to communicate with national governments and international human rights mechanisms. LHRP also provides legal support for our partners to defend their rights in domestic and international courts, and has developed ground-breaking jurisprudence on the rights of indigenous peoples. During 2011 LHRP's work had a strong focus on the rights of indigenous women.

## Resolution on rights of indigenous women in Africa

The African Commission on Human and Peoples' Rights has adopted a Resolution on the Protection of the Rights of Indigenous Women in Africa. This followed intense advocacy by FPP and our partners, calling on the African Commission to look closely at the situation of indigenous women in Africa, who face multiple layers of discrimination, and to develop and implement standards responsive to the specific violations they experience, including to their rights to land and resources.

The resolution notes the persistence of violence and various forms of discrimination and marginalisation faced by indigenous women in all areas of society. The Commission expressed concerns about the expropriation of indigenous populations' ancestral lands and the prohibition of their access to the natural resources on these lands, which has a particularly serious impact on the lives of indigenous women. It urged member states to collect disaggregated data on the situation of indigenous women, to pay special attention to the status of women in their countries and to adopt laws, policies, and specific programmes to promote and protect all their human rights.



*Samburu representatives from Kenya and a Batwa representative from Democratic Republic of Congo, at the 49th Session of the African Commission on Human and Peoples' Rights. Photo: Stéphanie Vig*

## Highlights of 2011

The African Human Rights Commission adopted a Resolution on the Protection of the Rights of Indigenous Women in Africa.

FPP published a toolkit to help indigenous women in Africa use the African human rights system.

Ugandan Batwa made a 3-D model of their ancestral lands to support their advocacy work.

The Ugandan government said evicted Batwa people would be compensated.

Women from indigenous and local communities in Africa were trained on women's rights to land and resources, and means of redress.

Malind people in PNG appealed to the UN's committee against racial discrimination (CERD) against the Merauke Integrated Food and Energy Estate threatening their lands and livelihoods.

The UN's women's rights committee (CEDAW) recommended that Nepal improve political participation of indigenous women and tackle bonded labour of indigenous people.

Suriname complied with the Inter-American Human Rights Commission's precautionary measures for protection of Maho indigenous people.

The UN Human Rights Council adopted a report by the UN Special Rapporteur on the Teribe people of Costa Rica threatened by the Diquís Dam and invasion of their lands.

CERD requested discussions with Indonesia on violation of indigenous peoples' rights by oil palm concessions.

Following CERD decisions, PNG amended laws denying indigenous peoples the right to challenge concessions.

FPP and partners began legal support to West and Central African partners to engage with FLEGT'S Voluntary Partnership Agreements.

An African workshop on community forest rights concluded that national laws should protect forest peoples' customary land and resource rights as property rights.

FPP submitted jurisprudence to help the new Equator Principles incorporate the right to Free, Prior and Informed Consent.



*The Special Rapporteur on the Rights of Women in Africa and indigenous representatives launching the toolkit for indigenous women at the African Commission. Photo: Stéphanie Vig*

## A toolkit for indigenous women in Africa

FPP and partners launched a manual on *Indigenous women's rights and the African human rights system: a toolkit on mechanisms* at the African Commission on Human and Peoples' Rights in Banjul, The Gambia. The launch was officiated by Commissioner Soyata Maïga, Special Rapporteur on the Rights of Women in Africa, who also contributed to the toolkit.

The toolkit, compiled in consultation with local, regional and international partners, contains information sheets explaining human rights standards pertaining to indigenous women in Africa and the different mechanisms available to promote and ensure the protection of these rights. It is a helpful resource for indigenous women's organisations and NGOs in Africa to guide their human rights work. A similar toolkit is being developed for Latin America.

## Endorois decision on indigenous peoples' rights informs regional meeting in Africa

The first East Africa Regional Dialogue on Minority Community Rights focused on international standards on the rights of indigenous peoples, and the rights of minority communities.

The Dialogue was informed by the 2010 landmark decision of the African Commission on Human and Peoples' Rights which concluded that, by evicting the Endorois people from its ancestral land, the Kenyan government had violated the Endorois' rights to land, resources, and development. This decision sends a strong message about governments' obligations towards indigenous peoples and minorities in Africa, many of whom continue to live under extreme conditions and poverty.

The Dialogue was organised in Kampala, Uganda, by FPP's partner Batwa organisation, UOBDU, in collaboration with several national and international organisations. Representatives from indigenous peoples and minority communities in East Africa, and government and civil society in Uganda and Kenya, attended the meeting.

The Batwa representatives from Uganda raised the issue of their land rights with the Uganda Wildlife Authority and the Ugandan Minister of State for Gender and Culture, who assured the Dialogue that the Ugandan Government would compensate Batwa for their evictions from their ancestral homes.

The Dialogue closed with the agreement to continue to develop regional approaches to link indigenous peoples and minorities with governmental apparatus in an effort to work towards increased respect for the rights of indigenous peoples and minorities across the East African Region.

## Ugandan Batwa map their ancestral forest

Inspired by Okiek communities who used Participatory 3-Dimensional Modeling to engage with Kenyan agencies on their rights to their ancestral territory, the Batwa of Uganda used this technique to make their own 3-Dimensional model of their ancestral lands in the Bwindi Impenetrable and Mgahinga Gorilla National Parks.

More than 100 Batwa youth, elders, women and men constructed their model over a three-week period.

The wealth of information the model contains will help communities participate in the future management of their ancestral lands.

The model is an important tool in the Batwa's advocacy to secure their rights and provides a common platform for protected area managers and communities to work together in the long-term conservation of the Bwindi and Mgahinga forests.



*Batwa community members adding information to their model of their ancestral lands. Photo: Chris Kidd*

## Indigenous women speak out in Nepal

With support from FPP, the National Indigenous Women's Federation (NIWF), a coalition of women's groups from 31 different indigenous peoples' organisations, presented a report to the Committee on the Elimination of Discrimination Against Women (CEDAW) highlighting serious problems of land

and resource rights faced by indigenous women in Nepal. This was the first time indigenous women had spoken up in this way in Nepal, and the first opportunity to reflect on the impact on indigenous women of the sweeping political changes since 2007, when Nepal became a republic.

The report also looked at access to education and justice, and violence against indigenous women and girls, noting the disproportionate number of indigenous persons in the statistics for trafficked women and girls.

The Committee responded pro-actively, recommending that the Government of Nepal focus on improving levels of political participation of indigenous women and access to education for indigenous girls, and address the ethnically-specific problem of bonded labour of indigenous peoples. The Committee also developed a recommendation on how the Government of Nepal needs to address the situation of women facing multiple discrimination.

This final recommendation applies also to the situation of indigenous women in other countries, who can face discrimination because of their indigenous status, including ethnic and racial discrimination, discrimination in wider society for their gender, culturally specific gender-related discrimination and in many countries also, discrimination based on their economic status.

The challenge for international human rights bodies like CEDAW is how to address situations where these forms of discrimination are inter-related and complex, and need to be addressed in a holistic manner.



*Nepal Indigenous Women's Federation presenting their report to CEDAW. Photo: © NIWF*

## Malind people in Papua protest against Merauke Integrated Food and Energy Estate

The proposed Merauke Integrated Food and Energy Estate (MIFEE) in Indonesian Papua has slated some 2 million hectares of indigenous lands for industrial agricultural production, threatening irreparable harm to the Malind peoples of Merauke District.

A coalition of FPP partners and collaborators provided urgent legal assistance to the Malind peoples. We carried out research, disseminated information and provided human rights training, an international legal workshop, capacity-building and support for social mobilisation activities with the communities and local NGOs. This was complemented by international advocacy for the rights of the Malind peoples.

We made a submission to the UN Committee on the Elimination of Racial Discrimination's (CERD) Urgent Action Procedure, highlighting the risks of human rights abuses from MIFEE. This elicited a response from CERD direct to the Indonesian Government.

We also sent detailed submissions to the UN Special Rapporteur on the Right to Food and to the UN Human Rights Treaty Division's Committee on Economic, Social and Cultural Rights, alerting them to the risks posed by the MIFEE project.

Our submissions stressed that the Indonesian Government has yet to submit its Initial Report on its compliance with its international obligations under

the main UN Human Rights Treaties.

Our work with the affected communities strengthened their understanding of their situation and their rights. Local NGOs and indigenous peoples increased their capacity and forged stronger connections with national and international NGOs. District, provincial and national institutions were alerted to the concerns of the local communities.

International concern about the MIFEE scheme has grown. Our actions helped to change the district and provincial governments' views about the project and highlighted the need for tenure reforms in favour of local communities.

Although some project permits were cancelled as a result of these interventions, so far the central government's policy is unchanged.

Our support for the Malind people will continue in 2012.

## Land rights and gender in Africa: first regional workshop

Women from indigenous and local communities in Africa participated in the first *Regional Workshop on Gender and Land rights in Africa* held in Edea, Cameroon. The workshop was organised by the Rights and Resources Initiative, the Réseau des Femmes Africaines pour la Gestion Communautaire des Forêts and Forest Peoples Programme to provide

a forum to discuss questions on gender and rights to land and resources in Africa.

The workshop focussed on the specific challenges African women face in accessing land and resources. Participants took part in a training session on the legal framework protecting women's rights to land and resources and looked

at the different human rights mechanisms available for advocating protection of their rights and seeking redress when rights are violated.

Several women expressed concern that they hadn't known of their rights under national and international law, or the mechanisms available for defending those rights.

They asked for further support to pass on the information about these to their communities and to assist them in appealing to human rights mechanisms.



African women increased awareness of their rights at the first Regional Workshop on Gender and Land Rights in Africa. Photo: Stéphanie Vig

## Equator Principles urged to include Free, Prior and Informed Consent

The 75 Equator Banks have adopted the International Finance Corporation's standards as their own 'Equator Principles' committing them to lend only to environmentally sound projects. In 2011 the Equator Banks revised their Principles in the light of the adoption of new safeguard policies by the IFC (see page 11).

To encourage the inclusion of the right of free, prior and informed consent in the revised Equator Principles, FPP submitted a document containing relevant jurisprudence and proposed textual changes to the Principles. This document was cited several times in discussions among the banks.

## Defending forest peoples' rights using the international human rights system

FPP continued to provide intensive legal support to partners seeking justice through international courts and the UN human rights system.

The Kaliña and Lokono Peoples of **Suriname** are challenging the imposition of mining and logging concessions and protected areas on their lands. A hearing was held in the *Kaliña and Lokono Peoples Case* pending before the Inter-American Commission on Human Rights. We expect a merits decision in 2012 prior to submitting the case to the Inter-American Court of Human Rights. This case deals with human rights concerns currently not well developed in jurisprudence, such as protected areas within indigenous territories and off-shore areas of indigenous territories. We submitted additional evidence and legal arguments to the Commission and held a series of meetings with its Secretariat.

While the *Kaliña and Lokono Peoples* case progressed well, government intransigence caused setbacks in the implementation of the *Saramaka People* decision of the Inter-American Court of Human Rights. The Court's landmark decision of 2007 ruled that Suriname's imposition of mining and logging concessions on Saramaka lands without their consent, reasonable benefit-sharing or proper socio-environmental studies violated their human rights. The ruling required Suriname to pay compensation, give the Saramaka people title to their lands and pass laws to protect their rights. The government's obduracy was documented in additional orders adopted by the Court, which also ordered that a further hearing be held in 2012.

On request of FPP, the UN Special Rapporteur on the Rights of Indigenous Peoples travelled to Suriname and met with the state and indigenous and tribal peoples to discuss technical cooperation in the implementation of the *Saramaka People* decision. The Special Rapporteur wrote a report with detailed recommendations on what was required to give effect to the Court's judgment, and offered technical support to achieve this. Suriname did not respond to the offer and failed to implement the recommendations.

In the *Maho Indigenous Community Case*, concerning government-backed ag-



Crossing point for the Brunka people at the Térraba River, Costa Rica. Photo: Alancay Morales

riculture, logging and sand mining on traditional Maho lands, the Inter-American Commission issued precautionary measures to secure immediate protection for the community's rights. Suriname largely complied with these, including providing the community with electricity and potable, piped water. We are now pressing the Commission to adopt an admissibility report, which will allow for consideration of the merits of the case.

In **Brazil** we submitted further arguments to the Inter-American Commission on the case of the *Indigenous Peoples of Raposa Serra do Sol*, which concerns the government's failure to prevent indigenous lands from non-indigenous trespassers and violent attacks on the communities.

In **Ecuador** we drafted and submitted an *amicus curiae* brief to the Inter-American Court in the *Sarayaku Indigenous Community v. Ecuador* case, which is awaiting a decision from the Court. The case concerns the State's failure to consult with the community before allowing a foreign oil company to prospect on their lands.

Our work with the Teribe people in **Costa Rica** who are threatened by the Diquís dam, massive illegal occupation of their lands and state-imposed governance institutions, included various domestic and international actions. Following a report by FPP and our Teribe partners, the UN Special Rapporteur on the Rights of Indigenous Peoples visited

Costa Rica. The UN Human Rights Council adopted the Special Rapporteur's observations and recommendations, leading to a process, coordinated by the Special Rapporteur, aimed at obtaining the free, prior and informed consent of the Teribe and other indigenous peoples affected by the Diquís Dam.

With our Teribe partners we filed a petition with the Inter-American Commission to address the Teribes' land situation and to open the possibility of further formalising the engagement of the Special Rapporteur through a friendly settlement procedure. We held meetings with the Teribe community throughout the year and provided intensive capacity-building support.

We obtained important decisions from the UN Committee on the Elimination of Racial Discrimination (CERD) on **Costa Rica** (twice), **Suriname**, **Indonesia**, **Thailand**, **Brazil**, **India**, and **Papua New Guinea**.

In the case of **Indonesia**, CERD challenged the issuing of oil palm concessions and agribusiness programmes for conflicting with the rights of indigenous peoples and requested a meeting with the government to discuss this and previously raised concerns.

In response to CERD's decision on **Papua New Guinea**, the government amended laws that deny indigenous peoples their right to pursue judicial remedies challenging grants of concessions and environmental permits.

## FLEGT: A strong seat at the table

FPP began a 3-year project supporting forest communities and civil society to promote forest peoples' rights through the EU's FLEGT mechanism.

In collaboration with Centre pour l'Environnement et le Développement (CED) from Cameroon, FERN and ClientEarth, we started providing legal support to local partners in Cameroon, Democratic Republic of Congo, Liberia, Ghana, Gabon and the Republic of Congo for their participation in the negotiation and implementation of FLEGT'S Voluntary Partnership Agreements (VPAs).

In the project's first year local partners identified obstacles and opportunities for reform of laws and policies affecting forest peoples. These insights and analysis of national laws and relevant international legal standards will contribute to a report documenting best practices in existing national laws to be drafted in 2012.

With CED and other partners from Cameroon, FPP helped civil society develop proposals for reform of Cameroon's 1994 Forest Law. These included stronger protection for indigenous peoples' rights to forest lands and improved procedures to ensure their meaningful participation in decision-making about forests. FPP will continue this support in 2012 and 2013, during which time the new law is expected to be finalised.

CED hosted a regional four-day workshop in Douala, Cameroon, on how

### What are FLEGT Voluntary Partnership Agreements?

The EU's FLEGT (Forest, Law Enforcement Governance & Trade) Action Plan aims to ensure that only legally harvested timber is imported into the EU from countries agreeing to take part.

Bilateral 'Voluntary Partnership Agreements' (VPAs), agreed between the EU and timber-exporting countries, set out the conditions which must be met for timber to be licenced as legally produced.

The conditions include legal reforms on issues such as land tenure and harmonisation of national laws with international human rights norms. Forest communities and civil society must be fully involved throughout this process.

community land and livelihood rights can be protected in national forest policies, including through processes linked to REDD+ and FLEGT initiatives. More than 50 representatives of forest communities and civil society from Cameroon, Central African Republic, Democratic Republic of Congo, Republic of Congo, Gabon, Ghana and Liberia, together with Cameroon government officials, discussed problems with outdated national legislation and threats to community land security posed by the rapid expansion of industrial agriculture and plantation development across the region. The *Douala Statement of the African Community Rights Network* called for reform of national forest and land laws to properly recognise customary land rights and enable increased community control over forest lands.

### Further resources:

- *African Commission on Human and Peoples' Rights Resolution on the Protection of the Rights of Indigenous Women in Africa.* <http://tinyurl.com/bvc5utr>
- *Indigenous women's rights and the African human rights system: A toolkit on mechanisms.* <http://tinyurl.com/cr9kprm>
- *CEDAW, Concluding observations of the Committee on the Elimination of Discrimination against Women. Nepal. 11 August 2011, CEDAW/C/NPL/CO/4-5.* <http://tinyurl.com/bppnl44>
- *Minority groups want recognition. Daily Monitor Uganda.* <http://tinyurl.com/4goqspp>
- *Video: Participatory 3D Modelling - Bwindi Impenetrable and Mgahinga Gorilla National Parks, Uganda.* <http://tinyurl.com/dxve9nk>
- *UN CERD formal communication to the Permanent Mission of Indonesia regarding allegations of threatening and imminent irreparable harm for indigenous peoples in Merauke District related to the MIFEE project.* <http://tinyurl.com/d63k5vw>
- *Douala Statement of the African Community Rights Network.* <http://tinyurl.com/cwr58ag>; <http://tinyurl.com/dyk5thp>

### Coming up in 2012:

- Further dissemination of the Toolkit on the rights of indigenous women in Africa
- Second regional workshop on gender and land rights in Africa
- Gender workshop with Batwa organisation in south-west Uganda
- Follow up work on indigenous women's rights with African Commission, CEDAW and CERD, and publish training guide on CEDAW and UN Declaration on the Rights of Indigenous Peoples
- Support partners in Indonesia to develop and present an alternative report to CEDAW
- National workshop in Nepal to follow up the CEDAW recommendations
- Produce guide on indigenous women's rights in the Inter-American system
- Training workshop on the human rights mechanisms of the United Nations and the Inter-American systems
- Legal support to partners and forest communities in Cameroon and Kenya on protected areas and in DRC to partners and communities impacted by REDD
- 2nd regional workshop, national seminar in Cameroon and legal support to promote African forest peoples' rights in EU's FLEGT VPA mechanism
- Further urgent action on MIFEE with CERD and UN Special Rapporteur on the Right to Food



Participants of the Douala workshop on securing community rights to forest lands, Cameroon, September 2011 © Beko Image

## Highlights of 2011

Indigenous peoples stepped up their actions for a strong safeguard system to inform reporting on, and financing of, REDD activities under the UN Climate Convention.

FPP's *Smoke and Mirrors* report exposed the World Bank's Forest Carbon Partnership Fund's (FCPF) inadequate safeguard standards for REDD activities.

Indigenous peoples presented their Action Plan urging the FCPF to align its safeguards with the UN Declaration on the Rights of Indigenous Peoples.

The World Bank's Forest Investment Programme adopted rights-based indicators and agreed, in principle, that FIP projects should respect forest peoples' rights and be consistent with relevant international instruments.

UN-REDD strengthened its Social and Environmental Principles and Criteria and agreed to an independent policy paper on forest tenure reform.

FPP partner FAPI's own protocol on Free, Prior and Informed Consent forms part of Paraguay's national joint programme with UN-REDD.

In Panama, Guyana, Peru, Cameroon and Democratic Republic of Congo, FPP partners pressed for FPIC, land reform and community capacity to be put in place *before* REDD investments are made.

*The Reality of REDD in Peru* revealed that 10 voluntary REDD projects in five Amazon departments consistently violated FPIC and other rights of forest communities.

Critical analysis of lessons learned from Indonesia's REDD policies and projects revealed the need for more effective government and project actions to respect FPIC and uphold human rights.

Following testimony from indigenous peoples in two *RRI Dialogues on Forests, Governance and Climate Change* the UK government affirmed that secure land tenure rights for forest peoples must be a precondition for sustainable forest and climate policies.

## Peoples' rights and climate change

FPP works with local partners to press for climate change policies and projects to respect forest peoples' rights in line with international human rights standards, including the rights of indigenous peoples. We create space for forest peoples to communicate with national and international policy makers and support their work through analytical reports and our widely-distributed e-bulletin. These carry the urgent message that for lasting progress on climate and forest issues, the financiers and managers of climate change initiatives must be accountable, adopt proper standards protecting forest peoples' land tenure and rights to free, prior and informed consent, and improve the governance of their own institutions to uphold these standards.



*A member of the indigenous caucus campaigning on safeguards and REDD at the UN Climate Conference in Durban. Photo: Conrad Feather*

## Consolidating gains in the UN Climate Convention

FPP supported indigenous partners to step up their campaign for UN Climate Convention (UNFCCC) policies and programmes to respect human rights. This intensive work throughout the year built on the important safeguards in forest and climate policies agreed by the 16<sup>th</sup> Climate Change Conference in Cancun, 2010, and an action plan adopted in a global meeting of indigenous peoples in Oaxaca, Mexico.

At the 17<sup>th</sup> Climate Change Conference in Durban, indigenous peoples called for a robust system of implementation of safeguards to guide the Convention's reporting and financing of REDD activities (Reduced Emissions from Deforestation and Degradation of Forests). They pressed for programmes for mitigating or adapting to climate

change to be based on respect for human rights, free prior and informed consent (FPIC) and traditional knowledge, and called for systems to be set up to allow indigenous peoples' participation and direct access to UN financing.

“ Forests are most successfully conserved and managed with indigenous forest governance and recognition, demarcation and titling of Indigenous Peoples' collective land and territories.”

International Indigenous Peoples' Forum on Climate Change, Durban, December 2011

FPP's advocacy materials, compiled with NGO and indigenous partners, were praised by activists working within the climate negotiations. FPP was invited to compile further briefings on rights and benefit sharing within the UNFCCC process.

## World Bank climate fund standards still too weak

During 2011 FPP repeatedly highlighted problems with the social standards applied by the World Bank's Forest Carbon Partnership Facility (FCPF), a key funder of REDD+ projects. We also published critical studies of REDD+ pilot projects in Cameroon and Peru, and with FERN and local partners, we exposed the FCPF's lack of attention to safeguard issues in national REDD+ readiness proposals in *Smoke and Mirrors*, a hard-hitting and influential report.

With indigenous leaders, activists and social justice NGOs, FPP helped establish the principle that where FCPF implementing agencies have rules that are more stringent than the World Bank, then the highest safeguard standards will apply. The Bank claims that its procedural safeguards are equivalent to UN agencies', but the draft guidelines issued at the end of 2011 still proposed a two-tiered approach with the Bank refusing to adopt FPIC as a core safeguard for the FCPF. FPP continues to press for FCPF-funded projects to meet the highest existing international or national social and environmental safeguards.

In response to ongoing complaints by indigenous peoples about FCPF operations, the Bank convened a consultation with indigenous peoples from Asia, Africa and Latin America in the territory of the Guna people, Panama. FPP supported the indigenous caucus to present a clear Action Plan to the FCPF urging better consultation and full alignment of FCPF safeguards with the UN Declaration

on the Rights of Indigenous Peoples. The Action Plan called on the Bank to review safeguard issues, including a global study on indigenous peoples' forest land tenure to recommend measures for strengthening land tenure reforms and forest governance in FCPF countries. The FCPF responded by agreeing to finance regional consultations and capacity building, but did not make any solid commitments on rights and tenure issues.

“Dialogue must be based on the framework of the recognition and respect of Indigenous Peoples rights as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, the ILO Convention 169 and other international instruments relating to indigenous peoples as a minimum standard”

Indigenous Peoples Action Plan on the FCPF, Guna Yala, Panama, September, 2011

Following our partner AIDSESP's strong submission to the 8<sup>th</sup> FCPF Participants Committee Meeting, the FCPF's governing body issued a resolution calling on the Peruvian government to consult with indigenous peoples on the readiness actions required to respect their rights before entering into a Readiness Preparation grant agreement between the Inter-American



At the FCPF's Participants Committee Meeting, Daysi Zapata, AIDSESP Vice-President, called for the Peruvian government's Priority Readiness actions to respect human rights.

Photo: Conrad Feather

Development Bank and Peru.

FPP's continued advocacy on the World Bank's Forest Investment Programme (FIP) – the other main funder of REDD projects – resulted in the FIP adopting rights-based indicators, and a commitment that FIP projects should respect forest peoples' rights and be '... consistent with relevant international instruments, obligations and domestic laws.'

The FIP Results Framework goals now aim to increase the area of forest in developing countries directly controlled and managed by indigenous peoples and forest communities and to promote legal reforms to respect forest peoples' rights, including land rights.

## Improved standards in UN-REDD

FPP is a key member of UN-REDD's Independent Advisory Group on Rights, Forests and Climate Change (IAG). With IAG partners and allies we succeeded in getting UN-REDD's Social and Environmental Principles and Criteria to adopt clear principles on international obligations, respect for FPIC, prohibition of involuntary resettlement in REDD+ activities, and stronger language on land rights.

In an IAG presentation to the UN-REDD Policy Board, we called for more UNREDD action on land tenure reform as a core part of REDD readiness activities. The Board responded by supporting an independent policy paper on land tenure reform.

### What is UN-REDD?

The UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) helps developing countries carry out national REDD+ strategies within the framework of a National Joint Programme. UN-REDD deals with measuring, reporting and verification, stakeholder engagement and indigenous participation.

We made inputs to UN-REDD country programmes in Indonesia, DRC, Panama and Paraguay. In Paraguay, with local partner FAPI, we got the national programme plan to include rights-based indicators and carry out a social and environmental risk assessment of potential

REDD impacts on indigenous peoples' lands and livelihoods. The UN office in Paraguay thanked FPP for its technical legal input to FAPI's own FPIC protocol, which the government agreed to include in the final national joint programme with UN-REDD.



FAPI President Hipólito Acevei presenting his organisation's FPIC guidelines to the UN-REDD country programme in Paraguay. Photo: Tom Griffiths

## Indigenous peoples press for rights-based REDD

During 2011, indigenous peoples stepped up their calls for a phased approach to REDD+ actions, in which respect for FPIC, reforms to land tenure and institutional governance, and the building of community capacity are put in place *before* REDD investments are made.

In **Guyana**, the Amerindian Peoples Organisation (APA) challenged the *Amerindian Land Demarcation and Titling Project* proposed by the Guyana government and UNDP under the Guyana REDD Investment Fund (GRIF), part of the bilateral agreement between Guyana and Norway on low carbon development and REDD. The proposal did not consult with indigenous peoples and ignored current land demarcation and titling problems.

APA and FPP asked UNDP how the proposed project would comply with UN-REDD Guidelines on Indigenous Peoples, the Norway Guyana-MoU and the UNDP Policy of Engagement with Indigenous Peoples. In response, the UNDP pledged that the project will be redesigned and indigenous peoples will be consulted. Advocacy around this important GRIF project generated intense discussions within REDD+ finance agencies about the need for safeguards on land tenure issues in REDD+ programmes.

In **Peru** FPP, AIDSESP, CARE and FENAMAD published *The Reality of REDD in Peru*. This revealed that ten voluntary REDD projects in five Amazon departments consistently violated the right to FPIC and abused other rights of indigenous forest communities. The report's powerful findings, launched by AIDSESP and FPP at the UN Climate Conference in Durban, were covered by the international and UK press. The Peruvian government also pledged to improve the regulation of private sector REDD projects (a promise that has yet to be fulfilled).

“ We cannot continue talking about REDD until the question of land tenure reform is included in the discussion. NGOs are in a hurry to have their projects approved, but we need to keep calm and deal with the issues carefully.”

Spokesperson for the Federation of Native Communities of Madre de Dios, Peru, June 2011

Matse communities in the Peruvian Amazon sought FPP's help to translate a carbon contract offered by foreign interests. After a community assembly to review the translated contract, the Matses decided to reject the unjust REDD project outright. Media work by FPP and AIDSESP exposing the growing risks of carbon piracy in the Amazon was picked up on the internet and carried in newspapers worldwide.

In **Panama**, FPP and Rainforest Foundation-US supported our indigenous partner FPCI to hold a national workshop on REDD and rights in Panama attended by Kuna, Naso, Ngabe-Bugle, Emberá, Wounaan and Bri Bri peoples. Community leaders informed the national environment authority, UN-REDD and the World Bank FCPF that government and international agencies promoting REDD+ must prioritise measures to resolve land conflicts and secure territorial rights.

In **Cameroon** FPP, and partners Okani and CED, supported communities to become aware of the risks and opportunities of REDD projects. FPP and CED's report *REDD and Rights in Cameroon* exposed the lack of meaningful prior consultation and participation of forest peoples in REDD initiatives. A *Nature* editorial picked up these findings, and generated on-line comments from the

World Bank, WWF and the public. The public consensus was that respect for rights must be a top priority for forest and climate initiatives in Cameroon and elsewhere.

In **Democratic Republic of Congo**, 42 indigenous and local communities are affected by REDD pilot projects in the remote forests of Equateur Province. FPP and local partner CEDEN provided forest communities with information on human rights in national and international laws, the national REDD framework and its potential impacts upon community rights and management of customary forests. Community meetings discussed the right to free, prior and informed consent (FPIC) and measures for equitable local sharing of potential benefits from forest and climate policies and initiatives.

## UK discussions on rights and finance for climate change

FPP and partners in the Rights and Resources Initiative (RRI) held the 9<sup>th</sup> and 11<sup>th</sup> *RRI Dialogues on Forests, Governance and Climate Change* in London. At the 9<sup>th</sup> dialogue, organised with Tebtebba and Forest Trends, over 100 participants from NGOs, academia, the civil service, parliament and government heard indigenous representatives from Panama, Kenya and the Philippines argue for more effective global safeguards and obligations in international finance for forests and climate change. Live video links to senior World Bank lawyers enabled lively debate on the need to upgrade World Bank social standards, drawing on findings of critical studies compiled by FPP and FERN.

At the 11<sup>th</sup> Dialogue 80 participants, including British officials, MPs and forest policy experts, discussed rights and governance issues in international forest finance. FPP partners from DRC, Paraguay and Malaysia were panellists and speakers. Testimony via video link from indigenous peoples in Peru stressed that the World Bank and the UK's bilateral climate programmes must back reforms to secure indigenous peoples' land and territorial rights if forest and climate interventions in developing countries are to be sustainable.

The UK government issued a statement to the Dialogue affirming that securing land tenure rights must be a precondition for sustainable forest and climate policies.



A community in Bandudu (Democratic Republic of Congo) discuss how REDD could affect forest management. Photo: John Nelson

## Putting rights and tenure into REDD activities in Indonesia



A community in Central Sulawesi discusses UNREDD+ plans. Photo: Y L Franky

FPP and partners produced critical briefings on Indonesia's REDD policies and the lessons learned from REDD+ pilot projects. The briefings urged government and REDD project proposers to take positive actions to respect FPIC and uphold human rights, and were praised by policy makers, government agencies, donors and forest peoples' organisations for their exposure of the problems and recommendations for sustainable forest and climate activities.

Working with our partners, we used existing REDD+ projects and pilots to advance discussions and actions on forest peoples' rights in six Indonesian provinces.

In Kalimantan, the national REDD+ Task Force and the Kalimantan Forest Carbon Partnership are increasingly committed to recognising indigenous peoples' rights. Using participatory community maps, communities sought recognition of their customary lands by the village and district governments, as a step towards provincial recognition of their collective rights in land.

Our activities helped community members affected by the Ulu Masen project in Aceh to understand the need to press for their rights. The Governor of Aceh issued a decree recognising several *Mukim* (customary inter-village institutions) and their right to manage coastal waters. Based on this legal recognition of community rights, negotiations began between the government and the commu-

nities over the planned REDD+ project.

In the UN-REDD pilot programme in Central Sulawesi, the provincial REDD network (created following a workshop co-organised by FPP in 2010) used the discussion on FPIC to engage with village and district governments, and develop draft village and district legislative acts on FPIC. The Governor of the Province promised to issue a decree on FPIC in REDD+.

FPP partner Scale Up continued to tackle the APRIL consortium about the expansion of its pulpwood plantations and peatlands conservation programme in the Kampar Peninsula and neighbouring islands of Riau Province. Intensive community advocacy persuaded the Minister for Forestry to suspend PT RAPP's (a subsidiary of APRIL) licence to develop *Acacia* and peat dome conservation on Pulau Padang, and agree that the 12 villages on the island can have their customary areas excised from the Industrial Forest Concession license area. FPP and Scale Up advised local NGOs and communities on the impending negotiations with the Ministry of Forestry and PT RAPP.

In West Papua and Waropen, Papua, local advocacy focused on community mapping as preparation for land claims, which the government officials seemed prepared to accept. FPP continued to liaise with the REDD+ and low carbon development task forces in the two provinces to make sure that their planning respects community rights in forests.

### Further resources:

- *Smoke and Mirrors. A critical assessment of the Forest Carbon Partnership Facility.* <http://tinyurl.com/cjse97t>
- *FPP Series on Rights, Forests and Climate – REDD+ in Indonesia.* <http://tinyurl.com/bojnvqg>
- *The reality of REDD+ in Peru: Between theory and practice - Indigenous Amazonian Peoples' analyses and alternatives.* <http://tinyurl.com/c3jd65s>
- *REDD+ systems on providing information on safeguards (SIS): Inclusion of data relevant for indigenous peoples.* <http://tinyurl.com/c5go2ed>
- *REDD and Rights In Cameroon: A review of the treatment of Indigenous Peoples and local communities in policies and projects.* <http://tinyurl.com/cltmpy8>

### Coming up in 2012:

- Support partners' work to improve rights and safeguards under the UN Climate Convention
- Support indigenous participation at UN Rio+20 Conference, focusing on land rights and self-determined development as key for green economies and climate actions
- RRI dialogue on climate finance in Africa
- Press World Bank FCPF to address the Guna Yala Action Plan's rights and tenure demands
- Support partners to attend FCPF Participants Committee meetings and monitor compliance with FIP rules
- Contribute to UN-REDD policy paper on land tenure and operational guidelines on Free, Prior and informed consent (FPIC)
- Report on UN-REDD activities in Paraguay, Panama, Democratic Republic of Congo and Indonesia
- Support Cameroon forest peoples to participate in national and international policy-making on forest conservation, REDD+, land rights and FPIC
- New SIDA-funded project to assist African forest communities affected by REDD projects to map customary lands
- Civil society and community strategy workshop on getting forest and climate policies to work for forest peoples in DRC
- Publish briefing on DRC forest and land policies, with critical analysis of World Bank's FIP and FCPF, and UN-REDD engagement in REDD+ policy-making and pilot projects
- International conference on FPIC and REDD+ policies in collaboration with The Forests Dialogue and UN-REDD Programme
- Expand DRC rights and REDD awareness project to six more forest provinces

## Highlights of 2011

The International Finance Corporation adopted strong standards on free, prior and informed consent (FPIC).

The UK committed to 'effective social and environmental safeguards at the World Bank ... [and]...support [for] inclusion of FPIC' in the Bank's updated safeguard framework.

Trials of the World Bank's controversial *Program for Results* (PforR) excluded high risk projects and will be subject to independent evaluation.

The GEF finally adopted basic social and environmental standards, but these fall far short of current international standards.

FPP's advocacy stopped expansion of the Camisea oil and gas project onto the Nahua people's lands in Peru.

The Bali *Human Rights & Business* workshop developed a regional human rights standard for agricultural expansion in South East Asia.

Small-scale shrimp farmers re-started activities following mediation with Indonesian authorities.

FPP exposed oil palm companies' violations of communities' rights to free, prior and informed consent in DRC.

FPP asked the Compliance Advisory Ombudsman to investigate violations of IFC Performance Standards following evictions of indigenous communities by a Wilmar subsidiary in Sumatra.

The Sime Darby palm oil company froze operations in Liberia, following community appeals to the Round Table on Sustainable Palm Oil.

Palm oil company PT AgroWiratama returned 1000 hectares of its plantation lands to local communities.

FPP and partners advanced understanding and reforms of land tenure in Indonesia at local and national level.

## Ensuring that finance and industry don't harm forest peoples

FPP's Responsible Finance Programme continued to advocate for binding social and environmental standards, in line with international human rights norms, for all international financial institutions and agencies whose policies and programmes affect forests and forest peoples. The RFP also pressed for private sector plantation and forestry companies and initiatives to adopt social and environmental standards and comply with them.

### Strengthened standards for international forest finance

A decade of FPP's campaigning in collaboration with indigenous peoples finally resulted in the International Finance Corporation (IFC, the private sector loan window of the World Bank) agreeing to a Free, Prior and Informed Consent (FPIC) safeguard for all projects affecting indigenous peoples. FPP's intense advocacy helped to close loopholes, and the IFC's new Performance Standard 7 now requires FPIC for all loan operations that may have impacts on the customary lands, or significantly impact the cultural heritage, of indigenous peoples, including through any commercial use of cultural heritage. Crucially, the IFC may not finance any relocation of indigenous peoples and communities without their free, prior and informed consent.

FPP used the World Bank's ongoing safeguard update and consolidation process to ask the UK government's delegation to the World Bank to oppose any dilution of safeguards and get the World Bank to align its safeguard policies more closely with international standards, including FPIC for indigenous peoples. The UK Executive Director of the World Bank responded that the UK government is committed to 'effective social and environmental safeguards at the World Bank ... [and]...would support inclusion of FPIC' in the updated safeguard framework. FPP's follow-up on these important governmental commitments aims to convince Bank lawyers and policy makers that the time has come to follow the lead of the IFC and adopt FPIC.

Controversial World Bank plans for a new programmatic lending instrument called *Program for Results* (PforR) threatened to remove safeguards altogether for programmatic loans. Questioned by

UK Members of Parliament working with FPP, the UK Minister for International Development affirmed that the UK government takes 'social and environmental risks seriously' in relation to the PforR pilot.

Though advocacy with our NGO partners worldwide failed to slow down the PforR trial, we did succeed in getting it to disclose more information and promise that loan operations in the pilot phase would not include high-risk investments (so-called Category A projects). The Bank also agreed that the Independent Evaluation Group (IEG) will conduct a live evaluation of the PforR pilot to assess social and environmental risks as they emerge. Acknowledging the risks of this lending instrument, the Bank's Board will limit PforR lending to 5% of the World Bank's total annual loans until 2014.

Despite these gains, we still have real concerns that the Bank will use PforR to sidestep the normal safeguard framework to compete with Chinese and developing country banks. We will continue to press the Bank to link the PforR and Development Policy Loans (DPLs) safeguard issues to the wider Bank safeguard update process that will be ongoing in 2012-13.

Our longstanding campaign to get the Global Environment Facility (GEF) to adopt specific safeguards had some success in that the GEF finally adopted basic standards on social and environmental assessment, involuntary resettlement, natural habitats and indigenous peoples. But these standards are largely based on outdated World Bank policies, instead of the international standards we had pressed for, and a GEF commitment to respect FPIC is limited only to those countries that have ratified ILO Convention 169. Our indigenous partners strongly criticised the new GEF standards, and urged the GEF to honour its commitments to develop a specific policy on indigenous peoples.

## Camisea plans threaten isolated forest peoples



*The Camisea gas project (Peru) planned to expand onto the headwaters of the Serjali River in the territory of the Nahua people. Photo: Conrad Feather*

In mid-2011 FPP uncovered plans by the controversial Camisea oil and gas project in Peru to expand into the Nahua people's territory within the Nahua/Kugapakori Reserve for isolated indigenous peoples. FPP documented Nahua testimonies on video and raised their concerns and the implication of the expansion plans for the Reserve's other inhabitants (including isolated peoples) with the Camisea consortium leader and the Peruvian government. As these organisations failed to guarantee the rights of the Reserve's inhabitants, FPP went public to make Peruvian authorities aware of the issues.

In a public hearing convened by the Parliamentary Commission for Indigenous Peoples, the national indigenous affairs agency INDEPA admitted that any permissions granted to the Camisea consortium to expand operations within the Reserve had no legal basis and INDEPA later issued a legal resolution making the same ruling. The expansion plans were shelved, but ongoing political pressure to extending the Camisea project means that the future of the Nahua/Kugapakori Reserve remains uncertain.

## Bali Declaration on Human Rights and Agribusiness

A landmark workshop on *Human Rights and Business: Plural Legal Approaches to Conflict Resolution, Institutional Strengthening and Legal Reform* developed a regional human rights standard for agricultural expansion in South East Asia: the *Bali Declaration on Human Rights and Agribusiness in South East Asia*. The Declaration reminds companies of their legal obligation to respect human rights, even in countries where the State does not fully respect human rights and laws are weak and loosely enforced.

The workshop's 60 participants included academics, indigenous representatives, NGOs and the National Human Rights institutions of Indonesia, Malaysia, Thailand, Philippines and Cambodia. Together, they examined how to protect the rights of indigenous peoples and rural communities exposed to rapidly-expanding agribusiness (notably the palm oil sector) as well recognising their right to development and improving their welfare.

The Bali Declaration calls on States to fulfil their legal obligations to protect the rights of their citizens, including indigenous peoples, in the face of pressure by agribusiness, notably their rights to own and control their traditional lands and territories and their right to free, prior and informed consent to activities planned on those lands.



*The Human Rights and Business workshop benefited from the active participation of National Human Rights Commissioners, NGOs, indigenous organisations and academics. Photo: Sophie Chao*

## Mediation assists shrimp farmers

FPP and partner KIARA supported a process of mediation between the small-scale shrimp farmers of Bumi Dipasena and the Indonesian Marine and Fishery Ministry and National Land Agency to restore small scale shrimp farmers' rights, help re-start production in the hands of the farmers, and to reclaim their land. The Marine and Fishery Ministry provided funds for shrimp seeds and the State Electricity Company reactivated power supplies shut down by PT Dipasena after refusing to accept the shrimp farmers' demands.

KIARA and several international networks asked the Aquaculture Stewardship Council (ASC) to reform the certification process which has marginalised coastal communities. KIARA is also preventing the Indonesia government from applying the ASC shrimp standard as it will interfere with the government's responsibility to protect the rights of coastal communities, shrimp farming cooperatives and the coastal ecosystem.

## Oil palm neglects right to free, prior and informed consent in DRC and Cameroon

FPP's investigations in oil palm concessions in Democratic Republic of Congo and Cameroon, operated by Congo Oil & Derivatives and BioPalm, revealed blatant violation of indigenous peoples' and local communities' right to FPIC, in contravention of international human rights standards and the RSPO Principles & Criteria.

**“We are forced to accept because we have not got the information to have a meaningful discussion.”**

Village chief, Cameroon

Local communities were not fully informed (if at all) of the nature and impact of the oil palm projects on their customary lands before permits were issued and had no opportunity to give or withhold their consent. The studies highlighted the urgent need to align national laws with international human rights standards and encourage companies to comply with voluntary standards such as the RSPO.

## Wilmar subsidiary PT Asiatic Persada abuses human rights in Sumatra

“There is no one size fits all solution to our conflicts. Each community is an open wound; each wound needs to be dealt with separately.”

SAD 113 community leader Pak Nurman

An investigation led by FPP in the Wilmar subsidiary PT Asiatic Persada oil palm plantation in Jambi, Sumatra, exposed serious human rights abuses, intimidation and eviction of the indigenous Batin Sembilan people. In mid-August, mobile police brigades contracted by Wilmar entered the communities without warning, fired guns and evicted some 83 families. PT Asiatic Persada staff, under the directions of estate managers, bulldozed their houses.

These conflicts are due to unresolved land disputes, the company having acquired its 20,000 hectare concession over the Batin Sembilan’s customary lands without their consent. The community members allege that the company created its oil palm estates without paying compensation for lands and other



The Batin Sembilan community discusses what action to take following violence by PT Asiatic Persada. Photo: Sophie Chao

properties taken.

The investigation revealed that land insecurity and very limited access to justice mean that local communities on their own have few means of redress against these systematic abuses, but when they are assisted by international organisations some kind of accountability can be achieved.

Wilmar International, the world’s largest oil palm trading company, has

enjoyed many years of financial support from the World Bank’s International Finance Corporation (IFC).

Following FPP’s third complaint to the IFC’s complaints body, the Compliance Advisory Ombudsman is now looking into mediating the conflict between communities and PT Asiatic Persada to resolve the land disputes and to assess whether IFC staff are adhering to IFC Performance Standards.

## Sime Darby freezes palm oil operations in Liberia

Communities affected by the Sime Darby oil palm and rubber concession in Grand Cape Mount county, Liberia, submitted a complaint under the Round Table on Sustainable Palm Oil (RSPO) New Plantings Procedure. The complaint stated that the company did not seek the communities’ free, prior and informed

consent (FPIC) and that the clearance of their farmlands to plant palm oil was leaving them destitute.

Community appeals to the RSPO, through FPP and local partner Green Advocates, led to Sime Darby freezing its operations across Liberia pending discussions of these serious issues. During the

meeting with the communities, Sime Darby officials agreed to resolve the land conflict in line with RSPO Principles & Criteria. It will also carry out an independent audit of the extent to which FPIC was respected and recognise the communities’ own freely chosen representatives as interlocutors for resolving the dispute. The parties agreed further actions for concrete steps towards compliance with RSPO standards, as well as emergency measures to mitigate the negative impacts of the concession so far.

Despite persistent government pressure on the communities and Green Advocates to repeal the complaint and to deal directly with the government rather than the company, senior Sime Darby staff showed their commitment to comply with the RSPO standards and accepted Terms Of Reference provided by FPP for contracting an independent assessor who will assess FPIC, make an audit of compensation, and recommend revisions of Sime Darby’s Standard Operating Procedure in line with RSPO FPIC requirements.



Cleared land and road cut through a women’s sacred forest for oil palm development in Liberia. Photo: Justin Kenrick

## Round Table on Sustainable Palm Oil

FPP continued to closely monitor the Round Table on Sustainable Palm Oil's mechanisms to protect human rights. By activating the RSPO New Plantings procedure, FPP set an important precedent in getting palm oil company PT AgroWiratama to give 1000 hectares of its plantation lands back to local communities. In response to FPP and partner complaints, the RSPO set up a new Working Group on Human Rights to review the RSPO standard in line with human rights norms. FPP produced a paper for the RSPO summarising progress so far with the Task Force on

Smallholders and outlining the remaining challenges. FPP continued to co-lead the RSPO Ad Hoc Working Group on High Conservation Values in Indonesia, carrying out a collaborative investigation on the failures of companies and local government to secure High Conservation Values, especially livelihoods, in Kota Waringin Timur in Central Kalimantan. FPP presented its findings at the RSPO 9<sup>th</sup> Roundtable to over 1,000 high level persons from the palm oil sector, and provided information to the Governor of Central Kalimantan who is preparing a regulation on sustainable plantations.

## Progress in understanding and reforming land tenure in Indonesia

FPP played a key role in drafting the recommendations of an international conference on *Forest Tenure, Governance and Enterprise: Experiences and Opportunities for Asia in a Changing Context*, organised by RRI, International Tropical Timber Organization and the Indonesian Government. The Ministry of Forestry agreed to a dialogue with Indonesian civil society on forest tenure reform based on respect for human rights and indigenous and local community participation, and started planning a programme for tenure reform.

Studies by FPP and partners in two Sumatran provinces on community leaseholds in Indonesian State forest areas through HTR (People's Forest Plantations) showed that the licensing process for HTR allows corrupt practices, and disadvantages communities seeking licenses. A major problem is that HTRs were issued over lands that were already burdened with rights, creating conflict between farmers and communities.

FPP partner HuMa made further advances on the law decree, *TAP MPR IX/2001*, which calls for recognition of customary rights, resolution of land conflicts and legal reforms to ensure sound natural resource management. The project obtained support from the Regional Representatives' Council to hold hearings into the implementation of reforms.

Research by FPP and partner Epistema with four communities in Central Java and West Kalimantan revealed that customary law remains vigorous, not only among Dayaks and other indigenous

peoples, but also in Central Java, the heartland of Javanese civilization. Where not interfered with by imposed legal doctrines and blocked by the administration, people define their relations to their lands through custom, but the unfavourable national legal framework hampers the use of custom as an accepted normative tool.

Institut Dayakologi, our partner in Kalimantan, worked with community organisations and local government to get communities' land use taken into account in spatial planning. They mapped the customary territories of three villages and lobbied Sanggau District administration to legalise a customary forest. The District's Deputy Head agreed to recognise community rights, both in spatial planning and also through a decree, although it remains to be seen how this will be implemented.

The National Ministry of Transmigration agreed to revise its criteria for assessing proposed transmigration sites, so that they respect the rights of indigenous communities to give or withhold their free, prior and informed consent to planned developments affecting their customary territories.

FPP provided an *Amicus Curiae* brief, in English and Bahasa Indonesia, to the Constitutional Court, to support local partners' appeal for a review of the legality of certain provisions of the Plantations Act which criminalise their presence and livelihoods within plantations. The Court ruled in favour of the appellants and struck down two clauses of the Act as unconstitutional.

### Further resources:

- *Final comments and recommendations to the International Finance Corporation's review of the Sustainability Policy, Performance Standards and Access to Information Policy.* <http://tinyurl.com/c7hjm72>
- *Bali Declaration on Human Rights and Agribusiness in Southeast Asia.* <http://tinyurl.com/ck8mto3>
- *Diverse Paths to Justice: Legal Pluralism and the Rights of Indigenous Peoples in Southeast Asia.* <http://tinyurl.com/crb18mh>
- *Oil Palm Expansion in South East Asia: Trends and Implications for Local Communities and Indigenous Peoples.* <http://tinyurl.com/d52hr9d>
- *Human rights abuses and land conflicts in the PT Asiatic Persada concession in Jambi: Report of an independent investigation into land disputes and forced evictions in a palm oil estate.* <http://tinyurl.com/cyyyo4>
- *Palm oil and indigenous peoples in South East Asia.* <http://tinyurl.com/bn9yahf>
- *Ensuring respect for 'Free, Prior and Informed Consent' in Indonesia.* <http://tinyurl.com/ct7lckh>
- *Forest Peoples Programme's and allies' letter to International Finance Corporation Compliance Advisory Ombudsman - 3rd Wilmar Complaint.* <http://tinyurl.com/bqtdc9z>

### Coming up in 2012:

- Advocate for the World Bank's safeguard update and consolidation process to adopt FPIC as a core standard for all World Bank loan operations
- Dialogue with the UK delegation to the World Bank on safeguard and accountability issues
- Press for a specific GEF policy on indigenous peoples
- Proceedings of Bali workshop on Human Rights and Standards for Agribusiness in Southeast Asia
- FPIC studies in RSPO-certified/RSPO member oil palm plantations across South-east Asia
- Workshop on Commodity Roundtable standards
- Workshop and publication of FAO Implementation Guide on Land Acquisition, Free, Prior and Informed Consent, Indigenous Peoples and Other Local Communities
- Workshop targeting Asean Intergovernmental Commission on Human Rights, CERD and UN Special Rapporteur on the Right to Food to build regulatory capacity and standards on the agribusiness sector in South East Asia

## Highlights of 2011

Traditional Sundarban resource users collected and shared biodiversity information to improve their management of resources.

Three Sundarban communities started trialling 'mangrove aqua-silvi-culture' as an adaption to salination caused by climate change.

The Wapichan people of Guyana finalised their community land use map and territorial plan for sustainable resource management and self-determined development.

Wapichan communities confirmed their plan for a large Wapichan Conserved Forest in their territory.

A three-year capacity building programme in Lower Marowijne, Suriname, strengthened indigenous leadership and governance.

Lower Marowijne communities researched local climate change impacts.

Indigenous communities in northern Thailand deepened their sustainable resource management and biodiversity research.

Indigenous lands in and around Doi Inthanon National Park were further demarcated and mapped.

Participatory video and radio supported Guna people in Panama to discuss climate change, biodiversity and sustainable self-development.

Bayaka people in CAR created a new organisation to defend their rights in the Dzanga-Sangha Reserve, and started discussing plans for action.

FPP and partners contributed substantial inputs on traditional knowledge, innovations and practices to CBD's new major component on customary sustainable use.

At IUCN's *Sharing Power* conference, FPP and partners helped establish the Whakatane Mechanism to assess how well protected areas are meeting the 'new paradigm' of conservation.

The first Whakatane pilot assessment found serious rights violations against the Ogiek people by managers of Mt. Elgon National Reserve, Kenya.

FPP maintained partnerships with international organisations and networks working on rights and biodiversity.

## Supporting forest peoples to regain control over natural resources

FPP's Environmental Governance Programme advocates for protected areas to respect forest peoples' land rights and right to free, prior and informed consent. The EGP supports forest peoples to map and document their traditional knowledge and resources and strengthen their traditional governance institutions, so they can regain control over their lands and resources through sustainable community-based territorial management and self-determined development.

### Traditional resource users of the Sundarbans unite in community co-operatives

During 2011 traditional resource users of the Sundarbans, Bangladesh, launched three community cooperatives. Supported by our partner Unnayan Onneshan, the cooperatives are a place for sharing information and ideas and enhancing cooperation among the members. In regular meetings, the groups discussed communal natural resource management challenges and worked out solutions. Monthly membership fees helped the cooperatives build up financial capital, with the aim of becoming self-sufficient and buying a boat and fishing net for each member. Training enabled the cooperatives themselves.

Experienced fishers and forest resource users continually monitor the status of biodiversity and keep digital records of biodiversity changes through the cooperatives. This helps the communities to take better-informed actions to conserve valuable areas and species. The cooperatives also held workshops with older and younger resource users to produce maps of vulnerable areas, including those likely to be affected by disasters and insecure livelihoods caused by climate change.

Current indications are that climate change will cause more frequent and severe floods and cyclones in the Sundarbans, and outside of their normal seasons. The communities and Unnayan Onneshan documented 47 ways in which communities are adapting to insufficient livelihoods, water and infrastructure resulting from tropical cyclones, storm surges and salinity intrusion.

One community-based adaptation tool is 'community mangrove aqua-silvi-culture', a new alternative to conventional shrimp cultivation. Communities affected by natural disasters in coastal areas in Khulna, Satkhira and Bagerhat districts started growing mangrove in swampy lands where increased salinity has halted food crop production. They are now trialling cultivating fish stocks together with mangrove species. Our project is the first to make an in-depth study of this practice in Bangladesh, and aims to scale-up and promote community mangrove aqua-silvi-culture as a way to supplement traditional resource users' income and reduce dependency on the Sundarbans' resources.



Traditional resource users carried out vulnerability mapping, assessing which areas are most at risk of climate change-related disasters. Photo Unnayan Onneshan



Community members reviewed and corrected their draft collective plan for caring for Wapichan territory at a week-long assembly in Shorinab. Photo: Tom Griffiths

## Wapichan people complete their community land use map and territorial plan

The Wapichan people, of the South Rupununi District of Guyana, held two assemblies to finalise their community land use map, territorial plan, and inter-community agreements on sustainable land use and self-determined development.

The meetings, organised by the South and South Central Districts Toshiacs Councils (DTCs) with technical support from the South Central Peoples Development Association and FPP, were the latest stage in the Wapichan’s 10-year campaign to have the full extent of their traditional lands in Guyana legally recognised.

Between 100 and 150 elders, women, youths and village council members discussed and ratified agreements on common land title boundaries. They carefully reviewed the final drafts of their land use map and territorial plan (orally translated into the Wapichan and Makushi languages) and, through consensus, they made changes to text, photographs, quotes and maps where necessary.



Wapichan community members checked and approved their final land use map. Photo: Tom Griffiths

“Now I see the final draft of our map up on the wall, it brings tears of joy to my eyes. Our people have worked for years to come up with this map, which shows very well how we use and occupy our traditional land. Sometimes we thought we would never see the end result. Now we have it almost finished, we are proud with what we have achieved.”

Kokoï, Wapichan elder, Validation Meeting, Karaodaz Village, October 2011

Among many land use agreements, communities validated a proposal to establish a large Wapichan Conserved Forest in the eastern and southern parts of the territory, as well as numerous plans to protect the sacred sites and local sites important for fish, game animals and wildlife.

At the end of the meetings, community leaders and villagers voiced satisfaction with their final document and called on FPP and other allies to continue providing support to help them implement their plan for securing and sustainably managing Wapichan traditional lands.

## Suriname indigenous peoples empower themselves

Indigenous village councils from Lower Marowijne, Suriname, completed the last phase of a three-year capacity building programme initiated by the councils in 2008 to strengthen their leadership and governance. Many villages are now governed more transparently and effectively; for example, the village regulation was used to replace a village leader who had been malfunctioning for a long time. When evaluating the impact of the training, most people felt that a lot had improved, but there was still more work to do to apply the capacity, awareness, and skills gained.

KLIM, the organisation representing the councils, held workshops in the eight villages to discuss the Marowijne territorial management plan and analyse the strengths and weaknesses, opportunities and threats related to the area and the communities, in preparation for further work on the plan in 2012. The communities and KLIM researched climate change impacts in two villages, interviewing 36 people including elders, shamans and people with specialist knowledge. Many were concerned about changing patterns of dry and rainy seasons, which is affecting food production. The research will expand to the whole territory in 2012.

A national conference on land rights, organised by the government, came to an abrupt halt when VIDS, FPP’s indigenous partner organisation, presented a plan compiled by Maroon organisations and indigenous people, calling on Suriname to respect its international obligations and the Saramaka judgement (see page 5). The president ended the conference, claiming that the indigenous and Maroon demands and the government’s own proposal for a ‘Surinamese solution to the land rights issue’ were too far apart and discussion would be a waste of time.



Capacity building for indigenous councils in Suriname. Photo: Caroline de Jong

## Indigenous community resource management in Thailand

Our partner organisation Inter Mountain Peoples Education and Culture in Thailand (IMPECT) supported indigenous communities in northern Thailand who continue to face threats to their lands and livelihoods. Karen communities were evicted by National Park wardens and military forces from their ancestral lands in the Kaeng Krachan National Park, and officials of Doi Inthanon National Park shot one villager carrying pine wood to sell in town.

IMPECT supported communities to challenge these abuses, and worked with them to deepen their activities on sustainable resource management, including mapping and monitoring of biodiversity, and research in the community-based aquatic biodiversity conservation areas in Khun Pae and Huoy Puu Ling. IMPECT also supported an in-depth study of indigenous resource management in the Mae Ya-Mae Pon watershed and further demarcation and mapping of agricultural



*The Karen people's traditional conservation rituals connect their spiritual beliefs and sustainable resource use. Photo: IMPECT*

land and community forest boundaries around and within Doi Inthanon National Park. The project promoted the use of alternative energy in the communities as well as community enterprises and sustainable livelihood initiatives, to generate alternative incomes. The women's network facilitated trainings on new craft

and woven products.

IMPECT provided training for indigenous peoples and community leaders on the Convention on Biological Diversity (CBD) and climate change issues, and facilitated training for non-indigenous peoples on the rights of indigenous peoples and the CBD.

## Video and radio build community capacity on climate change in Panama



*Participatory video and radio supported discussions within Guna communities about climate change, biodiversity and sustainable self-development. Photo: Tom Griffiths*

FPP's local partner in Panama, Fundación para la Promoción del Conocimiento Indígena (FPCI), is using participatory video to share information with indigenous Guna communities on climate change and biodiversity issues and strengthen community understanding of sustainable and equitable self-development, based on their traditional knowledge and customary practices. The videos, produced

in the Guna language, are proving a good way of explaining abstract concepts and are also collecting valuable information by interviewing local experts.

In the video about climate change in Guna Yala, elders talk about the ancestors' legacy, respect for mother earth, the threats the territory is faced with and the changes they are observing, such as sea pollution, increasing heat, heavy

winds, floods, and rain. The video on *Nabire Gudi Guede* (The Guna Worldview and way of interacting with Mother Nature) deals with the importance of cultural knowledge in the management of the land and natural resources.

The project team is documenting impacts of climate change on water systems, forest areas and cultivated areas and FPCI published an inventory of the flora and fauna of the coastal marine systems in Guna Yala, with pictures of the most common species and simple explanations of their customary use.

FPCI also organised two training workshops for Guna women on women's rights, Article 10(c) of the Convention on Biological Diversity (CBD), climate change, indigenous peoples and community-conserved areas, and biodiversity in general.

FPCI broadcasts information on the project in 'Paths of Biodiversity', a regular Sunday morning radio programme for indigenous peoples and the general public in Panama. The radio hosts are receiving increasing numbers of calls from listeners asking about indigenous peoples, climate change and protected areas.

## Bayaka dialogue with conservationists in Central African Republic



Bayaka people have created a new organisation to defend their rights in the Dzanga Sangha Reserve.  
Photo: Emmanuel Freudenthal

FPP worked closely with the Union des Communautés Bayaka (UCB) who represent the Bayaka people living in the Dzanga-Sangha Reserve in the Central African Republic. The UCB assembly, consisting of four representatives from each Bayaka community, proposed activities that UCB should undertake which were discussed by the communities in two meetings in March and October, aided by the purchase of a motorbike which enabled UCB coordinators to reach all the communities.

UCB invited WWF (who currently manage the park) and the government to the second meeting, and formally asked them to hand back the customary territories of the Bayaka. Although the conservationists have not responded, the meeting opened a discussion with the protected area managers on sharing tourism revenues – which the Bayaka see very little of – and on joint management.

## International partnerships on biodiversity

In addition to our long-standing partnership on CBD issues with the International Indigenous Forum on Biodiversity, FPP collaborates with several international organisations and networks on rights and biodiversity issues. We work with SRC/Swedbio and Naptek from Sweden to promote exchange between diverse knowledge systems, involving dialogue between scientists, policymakers and traditional and other knowledge holders. We provide input on this subject to the Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES) advocating that the IPBES should be a knowledge platform rather than a science platform; it should establish processes to involve diverse types of knowledge and knowledge holders in an equal manner.

FPP is on the Steering Committee of the International Partnership for the Satoyama Initiative. We participate in the Indigenous and Community Conserved Areas (ICCA) Consortium and the CBD Alliance, contributing to development of CBD Alliance strategies and submitting articles to ECO, the newsletter of civil society at CBD sessions.

## CBD: new focus on customary sustainable use

The 'new major component on customary sustainable use' in the CBD Programme of Work on Article 8(j) provided an invaluable opportunity for FPP and partners to provide substantial inputs on traditional knowledge, innovations and practices via official submissions, participation in an international expert meeting on customary use, and the 7<sup>th</sup> meeting of the Working Group on Article 8(j) and Related Provisions.

The Working Group acknowledged the importance of customary sustainable use and traditional knowledge in conserving and upholding biodiversity, land- and sea-scapes, including protected areas, and invited Parties to address and incorporate customary sustainable use in their national biodiversity strategies and action plans.

To allow more time for discussion and reflection, the Working Group agreed to produce a *Plan of Action on Customary Sustainable Use* and proposed a set of



FPP partners' comprehensive documentation of their traditional knowledge and practices is contributing to increased international recognition of the role of customary sustainable use in biodiversity conservation. Photo: Tom Griffiths

'indicative tasks' for developing the plan. This included some promising tasks on community-based resource management, governance and respect for customary laws and rules, and traditional authorities. However, tasks dealing with legislation and rights in relation to indigenous peoples' lands, waters, and resources remained controversial and unresolved.

The CBD Secretariat selected four FPP partners to the panel of the plenary In-

depth dialogue on ecosystems management, services and protected areas, to present their local experiences, which were very well received.

At the 15<sup>th</sup> meeting of the CBD's scientific advisory body FPP participated, with the International Indigenous Forum on Biodiversity and Tebtebba, in negotiations on the rationale and indicators related to the targets of the CBD 2011-2020 Strategic Plan.



The Whakatane mechanism assessed the management of Kenya's Mt. Elgon National Reserve, which has repeatedly evicted indigenous Ogiek communities. Photo: Louise Henson

## Whakatane Mechanism examines human rights issues in conservation

FPP supported indigenous peoples to hold a high-level dialogue with the IUCN Committee on Environmental, Economic and Social Policy at IUCN's *Sharing Power* conference held in Whakatane (New Zealand), in January 2011. The aim was to identify concrete means by which the IUCN would implement the various resolutions and recommendations adopted by the 2004 and 2008 World Conservation Congresses in favour of indigenous peoples.

This dialogue was successful in producing the Whakatane Mechanism, which aims to assess how protected areas are affecting local people, and propose and implement solutions where there is negative impact. The Mechanism also aims to identify, celebrate and support successful protected areas that recognise the role of indigenous peoples' sustainable management in safeguarding biodiversity and are thus moving towards the 'new paradigm' of conservation.

The Mechanism is jointly implemented in each protected area by the responsible government institutions, IUCN, FPP, local indigenous peoples' organisations and local community organisations.

The Whakatane Mechanism held its first pilot assessment at the end of 2011 in the Mt. Elgon National Reserve, Kenya, after several preparatory visits by FPP and with strong support from IUCN's Eastern and Southern African Regional Office. The assessment consisted of an initial roundtable with the different institutions involved in the protected area, to explain the concept of the Whakatane Mechanism and plan ahead. This was followed by a scoping study in the field to meet with communities and local officials, and a second roundtable to present and agree on the findings and recommendations of the assessment.

The assessment found serious problems with the government's management practices, including repeated evictions of Ogiek indigenous peoples from their ancestral lands, burning of their houses and stealing of their cattle. While numerous events during the assessment showed how some institutions marginalise the Ogiek, the Ogiek were able to have fresh dialogues with the government and other organisations, allowing all to recognise that the Ogieks' sustainable livelihood practices and presence in the area have most likely been key to protecting the forests, fauna and water catchment areas.

At the end of the Assessment, a programme of work was validated by all participants who agreed on steps to establish evidence-based co-management structures to ensure respect of the Ogieks' sustainable management of their land.

### Further resources:

- *Gender dimensions in indigenous peoples' customary use of biodiversity.* <http://tinyurl.com/c2nelew>
- *Upcoming Convention on Biological Diversity meetings with issues of relevance to Indigenous Peoples.* <http://tinyurl.com/d3t3p58>
- *President of Suriname shuts down land rights conference following clear demands from indigenous and tribal peoples.* <http://tinyurl.com/bplhtfw>
- *Climate change in Guna Yala.* <http://tinyurl.com/bv4awbe>
- *CBD Working Group agrees on development of new Plan of Action on Customary Sustainable Use of biological resources.* <http://tinyurl.com/cwnydfm>
- *Customary sustainable use of biodiversity by indigenous peoples and local communities: Examples, challenges, community initiatives and recommendations relating to CBD Article 10(c) (updated).* <http://tinyurl.com/d4lm8ev>
- *CBD: new focus on customary sustainable use.* In: [www.cbd.int/ngo/square-brackets/square-brackets-2011-06-en.pdf](http://www.cbd.int/ngo/square-brackets/square-brackets-2011-06-en.pdf)
- *Concept note for the Pilot Whakatane Assessments.* <http://tinyurl.com/bo8n668>

### Coming up in 2012:

- Support partners to review their countries' new National Biodiversity Strategies and Action Plans and make inputs to 5<sup>th</sup> national reports to the CBD
- Participate and support partners in the Whakatane Assessment of Ob Luang National Park, Thailand
- Support partners at national conference on Forests and People in the Sundarbans (Bangladesh)
- National launch of Wapichan maps and territorial management plan
- Second Global Conference of the International Partnership for the Satoyama Initiative (IPSI-2), Nairobi, Kenya
- Expert workshop in Guna Yala on 'exchange between knowledge systems'
- Support indigenous inputs to CBD on climate change and biodiversity (at 16th SBSTTA), review of implementation of the convention (at Ad Hoc Open-ended Working Group) and on the new work component on customary sustainable use (at 11th Conference of Parties)
- IUCN World Conservation Congress (WCC-5)
- Support partners to continue work on community management plans, biodiversity monitoring, climate change impacts and community adaptation

## Staff news



Dr Justin Kenrick left the Board to join the staff as Policy Advisor with strategic oversight of FPP's expanding work in Africa. We thank him for his invaluable support and advice over the last decade. We also welcomed five new staff members. Gemma Humphrys joined as Communications Assistant, working with Annabelle Rossi. Anthropologist Sophie Chao, after a very productive internship, became Assistant to the Director, supporting his work in Asia. The Legal and Human Rights Programme gained human rights lawyers Tom Lomax and Stéphanie Vig, working mainly in East and Central Africa, and Alancay Morales, an indigenous advocate from Costa Rica, strengthening our engagement with forest peoples in Central America and the Caribbean.

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<b>Opening balance</b>	<b>£543,487</b>	<b>Expenditure</b>	<b>£2,179,878</b>
<b>Income</b>	<b>£2,502,881</b>		
Grants	98.7%	Staff costs	38.2%
Donations	0.7%	Field projects	45.9%
Bank Interest	0.1%	Travel/M&E	8.0%
Other Income	0.5%	Administration	3.8%
		Documentation	3.2%
		IT/Equipment	0.8%
		Communications	0.4%
		Exchange gains	-0.3%

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