Acknowledgements

Forest peoples and indigenous organisations in Asia, Africa, and South and Central America have made considerable progress over the last year in their work to secure their rights. Forest Peoples Programme (FPP) has continued to support forest peoples’ efforts to gain ownership of their lands, aiming to ensure that their voices are heard across the complex political and social global landscape as they assert their human rights. The continued work, challenges and achievements of forest peoples are highlighted throughout this annual review and we would like to acknowledge and thank all who have made the significant progress achieved in 2015 possible.

Acknowledging our funders

Forest Peoples Programme (FPP) acknowledges and expresses our grateful thanks to:

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Christensen Fund
Climate and Land Use Alliance
Ecology Trust
Ecosystem Alliance
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About Us

Nearly all forests across the globe are inhabited. The peoples who live there have customary rights and have developed ways of life and traditional knowledge that are attuned to their forest environments, yet forest policies commonly treat forests as empty lands controlled by the state and available for development, colonisation, logging, plantations, dams, mines, oil wells, gas pipelines and agribusinesses.

These encroachments often force peoples out of their forest homes. Many conservation schemes to establish wilderness reserves also deny forest peoples their rights. FPP supports forest peoples and indigenous organisations to promote an alternative vision of how forests should be managed and controlled, based on respect for the rights of the peoples who know them best.

Vision
- Forests are owned and controlled by forest peoples in ways that ensure sustainable livelihoods, equity and well-being based on respect for their rights, knowledge, cultures and identities.

Mission
- Forest Peoples Programme supports the rights of peoples who live in forests and depend on them for their livelihoods. We work to create political space for forest peoples to secure their rights, control their lands and decide their own futures.

Goals
- Get the rights and interests of forest peoples recognised in laws, policies and programmes
- Support forest peoples to build their own capacities to claim and exercise their human rights
- Counter top-down policies and projects that threaten the rights of forest peoples
- Promote community-based sustainable forest management
- Ensure equitable, transparent and consensual decision-making in the management of natural resources
- Inform NGO actions in forests in line with forest peoples’ visions
- Link up indigenous and forest peoples’ movements at the regional and international levels.

Director’s Message

2015 marked 25 years since the establishment of Forest Peoples Programme, and a review of key events and challenges faced during the past year provides some measure of where gains are being made in the advancement of forest peoples’ rights and where setbacks or problems continue to persist.

The year was dominated by high profile UN political summits on sustainable development and climate change, resulting in significant global agreements, which nonetheless continued to emphasise the pre-eminent role of governments in determining national implementation and delivery on these universal goals and targets. Future outcomes will hinge on mustering political will at national and local levels where most of the needed actions and changes will take place.

The mainstream sustainable development agenda leaves unchanged the powers of states and markets to decide on economic development. The agenda for social and ecological justice, democratisation and greater accountability will be borne by social movements, grassroots and civil society organisations to catalyse alternative futures and structural change, anchored on full respect for human rights.

On the occasion of the climate summit held in Paris, the Wapichan people from Guyana were among the indigenous peoples and local communities recognised by the Equator Prize for their outstanding contributions in protecting their lands, conserving their forests, and building their own future.

Other significant events in 2015, marking the growing strength of indigenous and forest peoples, include the establishment by the Wampis of their autonomous territorial government in Peru, and the launch of the first Position Paper on land tenure completely developed by indigenous communities in Cameroon. In Bangladesh, the cooperatives of traditional resource users organised the first Forest Peoples Convention in the Sundarbans. In the context of the peace process in Colombia, communities of the Resguardado Indigena Carayamanga, a community of indigenous forest-dwelling Kamentsa, and Afro-descendant communities of the Palenque Alto Cauca embarked on actions to strengthen self-governance, territorial defence and autonomy. Community-based monitoring of territories and resources, including the impacts of illegal settlers, mining, logging, and REDD+ developments have been strengthened in Costa Rica, Cameroon, Guyana, and Peru. Participatory action research on the state of traditional knowledge was carried out by the Guina in Panama, towards programmes of cultural revitalisation.

Given these gains towards self-determination, noticeably absent from the UN outcome documents is the commitment to uphold prior and informed consent (FPIC) of indigenous peoples, as a necessary safeguard in the development process. This critical weakness also persists in the revised environmental and social safeguards of the World Bank and the new Asian Infrastructure Investment Bank.

In contrast, the application of FPIC has gained traction in many countries as a tool for direct empowerment of indigenous and forest peoples in their engagements with palm oil, agribusiness, energy and mining corporations. Community training resources on FPIC have proved very popular and effective in Liberia. Voluntary FPIC guidelines adopted by different business sectors have improved the application of social and environmental standards in their operations and have opened important political spaces for forest peoples affected by those sectors. Weaknesses in the complaints and accountability systems of voluntary standards, however, undermine the need to move from voluntary standards to legally enforceable government regulation.

Holding governments and businesses accountable for their human rights and legal obligations is a continuous struggle, whether in reforming supply chains, ensuring legality of the timber trade, protecting forest peoples in the plantations sector or raising the bar on compliance with environmental and social standards.

2015 underlined that solutions do not emerge from political summits. They are won in the day-to-day struggles for self-determination, legal and judicial reform, and resistance and transformation of mainstream economic and other practices.

2015 has also been a year of change within FPP (see across for details) and I look forward to continuing to work in solidarity with these struggles as part of our new Senior Strategy Group.

Joji Cariño

During 2015 FPP underwent an organisational review resulting in a change in our management structure. This was prompted by a period of growth during which we recognised the need to affirm our strategies and update our operational systems in order to maximise our effectiveness, whilst maintaining our uniquely potent and grounded contributions to the struggles of indigenous and forest peoples.

During 2016 we will be implementing the recommendations from the organisational review to enable each of us in FPP to play to our strengths, and use our expertise to greatest advantage. A small Coordination and Management Team (CMT) has been formed, answerable to FPP’s Board of Trustees and taking the place of the Director. The CMT is responsible for the operational health of the organisation and includes Louise Henson (Managing Director), Tom Lomax (Strategy Lead), Fiona Cottrell (Finance Lead) and Helen Tugendhat (Projects and Operations Lead).

This has allowed our previous Director, Joji Cariño whose message for 2015 is seen across, to become a Senior Policy Advisor on the team. We have also formed a Senior Strategy Group (SSG), with the primary role of supporting the development and renewal of FPP’s strategy, learning from past and present work, and enhancing our effectiveness to face complex challenges.

Joji now joins other senior staff as a member of the SSG and in this capacity will use her experience and leadership to help steer FPP’s work in various policy arenas and to devote more time using her expertise on Indigenous Peoples rights, governance and knowledge systems to shape and develop the projects and programmes in which she works.

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Our Global Reach

We support forest peoples in South and Central America, Africa, and Asia to secure their rights, build up their own organisations and negotiate with governments and companies to uphold free, prior and informed consent (FPIC).

In addition to grassroots projects and actions to enable community engagement in national policy dialogues, FPP works with forest peoples to enable them to bring their local issues and search for redress to global policy processes on human rights, the environment and development.
Research on traditional occupations gives new insights into trends on the ground

In April, FPP joined a unique collaborative project with the International Indigenous Forum on Biodiversity (IIFB), titled Outlooks on Biodiversity: Indigenous Peoples and Local Communities’ contributions to the implementation of the Strategic Plan for Biodiversity 2011-2020. The Strategic Plan for Biodiversity is the global plan which leads the work of the Convention on Biological Diversity (CBD), and defines 20 targets to tackle the global biodiversity crisis. The main progress report on the state of the planet and its ecosystems.

Outlooks on biodiversity
Publication highlights pivotal role of indigenous peoples in conserving biodiversity and achieving the Aichi biodiversity targets

In November, representatives of the South Central and South Rupununi District Toshaos Council (DTC) and the South Central Peoples Development Association (SCPDA) travelled to the UN Climate Summit to receive the prestigious UNDP Equator Prize on behalf of the winners. SCPDA and the DTC were among 20 other winners and received their prize in the ‘forests’ group for work to secure their territorial rights and safeguard forests, grasslands and wetlands for present and future generations.

Wapichan people receive prestigious UN Equator Prize

In November, representatives of the South Central and South Rupununi District Toshaos Council (DTC) and the South Central Peoples Development Association (SCPDA) travelled to the UN Climate Summit to receive the prestigious UNDP Equator Prize for their innovative and sustained work to secure their territorial rights and safeguard forests, grasslands and wetlands for present and future generations.

SCPDA and the DTC were among 20 other winners and received the prize on behalf of the winners. SCPDA and the DTC were among 20 other winners and received the prize in the ‘forests’ group for work involving participatory community land use mapping, action research on customary tenure and resource use, and recent development of a community-based forest and land use monitoring system seeking to protect Wapichan territory from illegal encroachment and harmful development.

The work by indigenous peoples and local communities on the Outlooks on Biodiversity will complement the GBO by highlighting their views and experiences concerning the reality on the ground, and showcase relevant activities and initiatives that contribute to achieving the targets.

A high number of indigenous contributors have produced and delivered case studies on their work demonstrating the sophisticated nature of traditional occupations, and community actions, such as biodiversity monitoring. They are also proposing key recommended actions to enhance implementation of the biodiversity targets. In addition to a tangible publication, a complementary online tool is also under development where longer cases and narratives will be posted – also in other formats such as video – as well as relevant supplementary materials and further reading.

Last November at the 9th meeting of the Ad Hoc Open Ended Working Group on Article 8(j) and Related Provisions of the CBD in Montreal, FPP and partners hosted a side-event on the Outlooks on Biodiversity publication. Contributors to the publication from IIFB gave a series of vivid and engaging presentations on their case studies, which included examples of community mapping and descriptions of the use of traditional knowledge in addressing various Aichi Biodiversity Targets, including invasive alien species, ecosystem restoration, and provision of benefits to local livelihoods.

This work is financially supported by the Secretariat of the CBD (SCBD) and Swedbio.

FPP has produced a new report Status and Trends in Traditional Occupations. The study is based on data provided by 17 experts from indigenous peoples and communities from 13 different countries and it gives an overview of key occupations that were categorised in clusters, such as hunting, fishing, agriculture, traditional medicine, preparing traditional foods and crafts, art, drama, and music.

The gender dimension of traditional occupations was also included in the report. In terms of the degree of current practice, a majority of the contributors (50%) reported that traditional occupations are in decline, while 31% stated that there has been a recent increase in the practice of traditional occupations in their communities.

Almost 70% of the survey’s respondents confirmed that many government laws and regulations were still aimed at preventing traditional occupations from continuing or actively put traditional occupations under pressure. In general, valuation, respect, and understanding of traditional occupations by mainstream society was low, respects the full range of benefits to local livelihoods.

At the same time, however, the research shows a clear revival of interest in traditional occupations. In nearly all of the communities there are formal or informal educational activities to promote and enhance traditional knowledge and skills, particularly among youth. Other key opportunities for improving the status of traditional occupations are special national measures, such as sustainable economic incentives for traditional occupations, and support for indigenous values and traditions in formal education system.

This publication was developed in response to a request for information by the Conference of the Parties to the Convention on Biological Diversity (CBD). Traditional occupations are one of the elements of the CBD’s Programme of Work for Article 8(j) and related provisions that deal with traditional knowledge of indigenous peoples and local communities. FPP has submitted the report as input for the planned review of progress in implementation of this work programme.

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SCPDA and the DTC were among 20 other winners and received the prize in the ‘forests’ group for work involving participatory community land use mapping, action research on customary tenure and resource use, and recent development of a community-based forest and land use monitoring system seeking to protect Wapichan territory from illegal encroachment and harmful development.

Mr Nicholas Fredericks, Toshaos (elected leader) of Shulinab Village, was ecstatic to read the statement on behalf of the winners. Through a much acclaimed statement, he advised the 3,000 strong audience of senior government officials, international organisations and conference delegates that: “We are the guardians of the forest. She is our mother and we will always defend her. We are committed to securing the collective rights of our peoples to our lands and territories and call on international organisations and government to ensure full recognition of our land and forests. We will not give up and we look to national governments to take action on our land rights…”

During public talks in Paris and through a press release, SCPDA thanked FPP for its technical assistance on land rights and land management work over the years. SCPDA and DTC also expressed gratitude to multiple donors, including the Size of Wales, European Commission, Swedbio, and UK Aid for their funding support to their work over the past fifteen years.

It has been agreed among all Wapichan villages in Guyana that the EQ Prize of US $10,000 awarded to SCPDA will be used to improve the satellite internet connections in the villages. Since the award was given, the Wapichan have received a written agreement from the President of Guyana that the state is willing to enter into formal talks on their land and territorial claim.

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Putting rights and livelihoods into zero deforestation pledges

Global concern about deforestation and its implications for climate change poses risks and opportunities to forest peoples. There is growing evidence that securing forest peoples’ rights, and assuring them the right support and incentives, is the best way not only to halt forest loss but also to restore shattered landscapes. Most environmental NGOs, however, have been pressing the main consumer-facing brands to make zero Deforestation pledges, meaning they remove none of their products’ “embodied deforestation.” This should imply a massive effort to transform the way timber, palm oil, sugar, paper and pulp, soy, beef, cocoa and other commodities are produced, but it could just mean that these brands scoop up a niche market supplied by a few more progressive producers, while the majority of companies continue business as usual.

With local partners in Liberia, Cameroon and Indonesia, FPP has engaged with several efforts to reform these supply chains such as the Palm Oil Innovation Group (POIG), High Carbon Stocks Approach (HCS) and RSPO Next+, with the aim of ensuring that these methods respect the rights and livelihoods of forest peoples. Encouragingly, all these approaches have been receptive to these inputs but it remains unclear whether plantation companies and concessionaires are willing and able to take these management frameworks. As an input into the Science Study Stewardship Initiative Performance Assessment (SSSA) and resulted in a commitment by the ASI to establish an Indigenous Peoples Expert Meeting to review the ASI to establish an Indigenous Peoples Expert Meeting to review the implementation of the standard. The ASI has also developed a complaints process accessible to indigenous peoples impacted by companies who have failed to meet this standard. Also looking at pushing for global standards for accountability, and working with the European Network for Indigenous Peoples’ Rights (ENIP), which FPP is a founding member, FPP co-ordinated a global training of indigenous leaders prior to the UN Forum on Business and Human Rights in Geneva. This training builds on the experiences that FPP and other key organisations have in pushing for corporate accountability for respecting the rights of indigenous peoples, and focused in on access to redress through the use of grievance mechanisms.

Human rights and business, the pitfalls and opportunities for progress

In addition to the specific work in Asia and Africa on improving the human rights situation of communities affected by agribusiness, FPP has also engaged with the business community in a range of ways in order to push for greater human rights accountability in key sectors. As part of this, FPP agreed to work with key partners to negotiate an emerging safeguard standard for the aluminium industry, the Aluminium Stewardship Initiative Performance Standard.” This standard, finalised in 2015, recognises the need for companies in the aluminium supply chain, including bauxite mining and processing companies, to respect the rights of indigenous peoples. This includes a specific criterion on requiring that companies seek and obtain the free, prior and informed consent (FPIC) of indigenous peoples prior to any new mines or other major developments.

Working with the Asia Indigenous Peoples Pact (AIPP) and the International Union for the Conservation on Nature (IUCN), FPP convened an international Indigenous Peoples Expert Meeting to review the ASI Performance Standard, the means by which it will be monitored and assessed and the governance of the standard in the future. Detailed recommendations were provided by indigenous peoples’ representatives from Cambodia, India, Australia, Sunnai, Philippines and Thailand, and resulted in a commitment by the ASI to establish an Indigenous Peoples Advisory Forum for the implementation of the standard. The ASI has also developed a complaints process accessible to indigenous peoples impacted by companies who have failed to meet this standard.

Taking one step forward and two steps back? Are international financial institutions safeguarding the rights of peoples?

Indigenous peoples’ organisations and civil society have strengthened their work into the on-going review and update of the World Bank Safeguard Framework. As a leading and influential body in international development finance, any change of the World Bank’s own environmental and social standards signals the direction in which other public and private finance institutions might travel.

The Asia Indigenous Peoples Pact (AIPP) and FPP submitted a joint exhaustive critique of the weaknesses of the proposed draft Environmental and Social Safeguards Framework (ESF) in February; a critique endorsed by 44 indigenous peoples’ organisations from around the world and 42 support organisations. FPP also provided detailed input into the submission from the International Land Coalition (ILC), where FPP is an active member, to highlight threats to collective tenure contained in the proposed ESF. These submissions highlighted the critical importance of safeguarding the rights and interests of indigenous peoples in the development process, and in particular in effective implementation of agreed standards – a perennial problem for the Bank.

A focus for FPP and partners was fighting the Bank’s proposed alternative approach that would have allowed governments to opt out of protections for indigenous peoples. This offensive opt out clause remained in the Bank’s draft ESF and FPP and partners continued advocacy to push back against this potentially devastating outcome. Working with indigenous peoples’ organisations in Africa, FPP supported specific workshops for indigenous peoples prior to the formal Bank consultations, holding such workshops in Johannesburg (for the South African regional consultation), in Yaoundé (for the Francophone sub-regional consultation) and in Nairobi (for the Anglophone sub-regional consultation). These preparatory meetings, led and managed by regional and national indigenous peoples’ organisations, resulted in strong inputs and engagement with African governments.

The Working Group on Indigenous Populations under the African Commission on Human and Peoples’ Rights continued to work with the World Bank to address weaknesses with the Bank’s approach to safeguarding indigenous peoples’ rights in Africa. In this they were joined by the critical voices of 28 of the UN Special Rapporteurs (special mandate holders appointed by the Human Rights Council), in September, the criticism of the human rights community was repeated again in a strongly worded condemnation of the Bank’s proposed approach issued by the UN Special Rapporteur on Extreme Poverty.

A new draft of the World Bank ESF was released in August where the opt-out clause had been removed and the draft included a requirement for borrowers to seek and obtain the FPIC of indigenous peoples for the most risky projects with potential impact on indigenous peoples. Unfortunately, this gain is far from secure.

The newly conceived Asia Infrastructure Investment Bank (AIIB) has hastily begun to draw up its own Environmental and Social Management System. Despite early indications that the AIIB would meet the existing international standards regarding protections for the rights of indigenous peoples, the policy as it was adopted dropped earlier requirements for FPIC and instead returned to the vague, seemingly impossible to implement and repeatedly rejected alternative standard of ‘broad community support’. FPP and partners are now tracking the emerging AIIB portfolio and will insist on robust safeguard compliance in projects affecting forest peoples and their lands.
Indigenous peoples and the 2030 Sustainable Development Agenda

Indigenous peoples have actively engaged in the intergovernmental negotiations on the post-2015 development agenda, which led to a UN Summit adoption of the document Transforming our World: the 2030 Agenda for Sustainable Development. The Indigenous Peoples Major Group (IPMG) produced a series of position papers and policy briefs throughout the process, coordinated by its designated organising partners – Tebtebba and the International Indian Treaty Council (IITC) – and working alongside support organisations including the International Work Group on Indigenous Affairs (IWGIA) and FPP.

Shortly after its adoption, a roundtable conference on Indigenous Peoples and the new Post 2015 Development Agenda was convened in Copenhagen by the Norwegian Forum for Development Cooperation and IWGIA to take stock of the Rio + 20 process and outcomes for indigenous peoples in the new SDGs. There was agreement among the conference participants that the SDGs were an improvement from the Millennium Development Goals (MDGs) and offered a lot of potential for indigenous peoples. The 2030 Agenda mentions indigenous peoples six times (preambular paragraphs 4, 23, 35) and in Goals 2 and 4 and in follow-up and review (paragraph 79). Many of the goals reflect indigenous peoples’ aspirations even if the targets do not specifically mention indigenous peoples. It is positive that the SDGs are truly global (whereas the MDGs were targeted at developing countries), making these relevant for indigenous peoples in developed countries. The Agenda’s references to human rights, human dignity, the rule of law, justice, equality and non-discrimination, respect for ethnicity and cultural diversity, access to justice, and participatory decision-making are potentially useful for indigenous peoples towards ensuring that the pledge ‘no one will be left behind’ will be monitored and reported on through the use of disaggregated data for groups facing discrimination.

A major weakness of the SDGs is the absence of explicit recognition for the collective rights of indigenous peoples to their lands, territories and resources, and to FPIC. In the negotiations on SDGs monitoring, FPP, together with civil society organisations, directed advocacy efforts towards the adoption of a global indicator on collective land rights to measure Goal 1, Target 1.4 which commits to ensuring that by 2030 “… all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance.” The global indicator finally adopted by the UN Statistical Commission under this target does not mention indigenous peoples, thus requiring further work to ensure that collective land rights will be monitored: “1.4.2 Proportion of total adult population with secure tenure rights to land, with legally recognised documentation and who perceive their rights to land as secure, by sex and by type of tenure.”

FPP calls for new initiatives to tackle EU tropical forest footprint

Human rights must be upheld in EU forest policies

The European Union has launched a review of its Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan (2003) and the EU Timber Trade Regulation (EUTR) to assess the effectiveness of its approach and practices. FPP attended meetings with the evaluation team at Chatham House in July and made a detailed written submission in August that was well received by the evaluators.

The submission detailed positive FLEGT impacts with regard to civil society participation in forest governance in some countries, such as Liberia. At the same time, FPP highlighted significant unresolved issues, such as the degree to which international human rights laws and standards related to FPIC and land rights were taken into account in defining whether or not it was legal for supply chains of timber to enter the EU.

FPP set forth robust arguments on why a future upgraded FLEGT Action Plan should explicitly recognise and protect the rights of indigenous peoples and local communities and ensure coherence with EU commitments on human rights, the environment and sustainable development, including alignment with EU commitments under the Sustainable Development Goals (SDGs).

FPP has also stressed how critical it is for the proper definition of legality in supply chains to encompass both applicable national legislation and international obligations on human rights.

This is important particularly for the elaboration of any future EU Action Plan on Deforestation and Forest Degradation aiming to address forest risk commodities, such as palm oil. At the end of the year, partly as a result of concerted advocacy by FPP and other allied European NGOs, the European Commission confirmed its intention to develop such a plan.

Indigenous women’s global workshop

In February, indigenous women from all over the world came together in Chiang Mai, Thailand, to share their experiences in defending the land rights of their peoples and communities. The workshop was designed as an opportunity to reflect on the past four years of work on gender and land rights, and the significant efforts that FPP and partners have put into developing international jurisprudence on the rights of indigenous women. The participants shared challenging and inspiring stories and reflected on the forthcoming work: getting national governments and international human rights mechanisms to approach indigenous women’s rights in the context of indigenous peoples’ collective rights and to implement both standards in a complementary way.
Forest peoples’ rights in Asia are chronically insecure. They face sustained press from loggers, plantations and extractive industries and cannot get justice through the courts. FPP supports them to secure their rights and get redress for violations.

Working to Secure Forest Peoples’ Rights in Asia

Forest resource users from Bangladesh celebrate the success of their community cooperatives

The cooperatives of three groups of traditional resource users in the Sundarbans wetland region in Bangladesh (Koyra Forest Dependent Peoples’ Cooperative, Hornnagar Forest Dependent Peoples’ Cooperative, and the Indigenous Munda Cooperative) held their first Forest Peoples Convention in July, attended by the cooperative members, local officials and journalists. The event highlighted the importance and success of their community cooperatives.

The cooperatives have advanced socio-economic development in the forest communities. This has included the creation of common funds through subscription, and utilisation of the funds for individual and collective needs, such as helping a member in need or buying boats for the cooperative. Members of the communities have increased their alternative sources of income through vegetable gardening, crab farming, small-scale poultry farming, and short-term migration to urban areas. The members have also started to sell their collected honey at a shop in the local market. As a result, the number of members of each of the cooperative societies has considerably increased. Social cohesion has also intensified among the communities and women are now actively engaging in income generating activities and earning livelihoods for their families.

The cooperatives have also initiated participatory or collaborative monitoring of biodiversity and climate change (particularly through monitoring of weather and harvests). They have organised trainings on traditional knowledge and customary sustainable use of natural resources for young members. For example, Khalilur Rahman, the Secretary of the Koyra Bonojibi Bohumukhi Cooperative office, said at the convention that 13 new young entrants to his cooperative were trained on sustainable use of natural resources for young members. For example, Khalilur Rahman, the Secretary of the Koyra Bonojibi Bohumukhi Cooperative office, said at the convention that 13 new young entrants to his cooperative were trained on sustainable use of natural resources for young members. For example, Khalilur Rahman, the Secretary of the Koyra Bonojibi Bohumukhi Cooperative office, said at the convention that 13 new young entrants to his cooperative were trained on sustainable use of natural resources for young members. For example, Khalilur Rahman, the Secretary of the Koyra Bonojibi Bohumukhi Cooperative office, said at the convention that 13 new young entrants to his cooperative were trained on sustainable use of natural resources for young members.

Holding palm oil companies to account

The case of Golden Agri Resources

In March and again in May, Indonesia’s largest palm oil company, Golden Agri Resources (GAR), which trades under the name Sinar Mas, was found to have violated the standards of the Roundtable on Sustainable Palm Oil (RSPO). The RSPO’s Complaints Panel upheld a complaint, filed by FPP in 2014, that the company had been taking land without consent and contrary to several other RSPO requirements. The panel ruled that the company should not acquire or clear any new lands until it had remedied these problems and noted that this ruling applied to all of the 18 concessions which were the subject of FPP’s complaint. The ruling sent a shock through the market and put the company under heavy scrutiny by investors, while some major buyers suspended purchase of the company’s palm oil. GAR has actively responded to both the complaint and the ruling. This has included mapping community lands, re-engaging with the communities from which lands had been taken, and agreeing to excise the lands of those communities that had refused palm from its permit. Although some important precedents could potentially be set, progress has been slow and it is likely to be some time before the backlog of problems in GAR are solved.

In the first area where GAR is seeking to make remedy, its subsidiary PT Kartika Prima Cipta is consulting with the local Malay and Dayak communities, who – after understanding the legal implications of the imposed concessions – have rejected the imposition of a long-term company permit over their lands and are currently seeking alternatives. They are also demanding a rethink of the smallholder scheme they had been offered. Meanwhile, local NGOs partners have been reaching out to communities in the other concessions to inform them of the situation and ensure the obligations that the company must recognise their rights and give them a say over what happens on their lands.
Getting practical about human rights and agribusiness

Working with a new indigenous peoples’ coalition in the Philippines, the Coalition Against Land Grabbing (CALG), and the Commission on Human Rights of the Philippines, FPP coordinated the 5th South East Asian Regional Conference on Human Rights and Agribusiness, in Palawan. CALG has been formed to halt the takeover of indigenous peoples’ lands by oil palm plantations and other similar ventures. With some financial support from FPP and others, CALG has been carrying out detailed field surveys exposing the illegal takeover of indigenous peoples’ lands and clearance of their forests by palm oil companies financed from Singapore and Malaysia. It has managed to expose these abuses in the media and get local government agencies to commit to look into them.

In a two day fact-finding meeting prior to the regional conference, human rights commissioners interviewed the leaders of the Tagbanua and Palawan indigenous peoples, whose lands were being taken over without due process. They found out that, in some cases, indigenous lands were being taken through fraudulent land sales with the connivance of local government officials.

The meeting, which followed recent developments in the rest of the region, issued the strongly worded resolution calling for action to ensure that agribusinesses in South East Asia are obliged to observe human rights standards. There is growing inequity in the region both in terms of income and access to lands and forests. South East Asia lags behind other regions in terms of forest areas allocated to plantation businesses.

Indigenous Peoples and the Commission on Human Rights of the Philippines have deepened their investigation of the case and also set up new regional offices designed to strengthen their presence in the area. Meanwhile, CALG has begun expanding its coverage to address the same problems in other parts of Palawan.

Supporting communities in confronting corporate activity in their lands

Holding companies to account requires significant preparation and resources to push companies to both accept and redress harms suffered. FPP provided technical support to Equitable Cambodia and other organisations in Cambodia to run sessions for communities affected by corporate investment on what experiences indigenous peoples have had with mediated settlements with companies. These sessions were tailored for 14 communities directly impacted by the expansion of rubber plantations in northern Cambodia and the huge number of Economic Land Concessions being granted in the country.

Tightening legal frameworks to protect forest peoples in the plantations sector

There are hundreds of millions of forest peoples in South East Asia. Most of them live in areas that are officially designated as state forests in which their rights are either weakly recognised or completely denied. Yet, while the gazettment of land as ‘forests’ has often the effect of extinguishing communities’ proprietary land rights, governments all too readily hand out these areas to logging and timber companies or even de-gazette these areas turning them into state lands, which can be allocated to plantation businesses. Contradictorily, countries have often ratified international human rights treaties, recognise customary laws in their constitution as a source of rights and have national laws and policies all meant to uphold indigenous peoples’ rights.

In Indonesia, where the laws are famously inconsistent and contradictory, FPP and local partners have been holding a series of national workshops and meetings to take stock of the legal options open to forest peoples to challenge the allocation of their lands. These are usually allocated as either timber estates (for pulpwood plantations) or as business leases for agricultural monocrops. The workshops included indigenous peoples, environmental NGOs and human rights groups, government officials, the national human rights commission, the national forest council, academics, lawyers, agrarian reform advocates, smallholders and company representatives.

Building on recent rulings of the Constitutional Court and changes in forestry and lands policies, FPP worked with Indonesia’s National Forestry Council to analyse the new policies for industrial pulpwood plantations. The Forestry Council, which includes representatives of indigenous peoples, NGOs, academics, industry and the government, discussed the analysis and produced recommendations on how to accelerate efforts to resolve conflicts with communities.

The studies and the workshop review of agricultural concessions found a startling absence of legality across the whole range of commodity crop production. Over 90% of concessions are not legal, yet tens of millions of hectares of customarily owned lands have been taken over by investors without recognising communities’ prior rights. A complete overhaul of both the forestry and agricultural concession systems is long overdue. A step towards this comes from a novel tenure decree by the Agrarian Ministry which allows any customary land communities and those who have been within a forest or a concession for over 10 years to secure communal titles to their lands.
“Surrounded”
Self-determination of Bagyeli and Bantu Communities in Ocean, Cameroon

FPP and its local partner Okani have been working in the Ocean area with four Bagyeli and four Bantu communities, whose customary lands are threatened by a variety of projects (forestry, agribusiness and mining) which the government has approved (or is seeking to approve) in the area. The Bagyeli, who are among the peoples commonly known as “pygmies”, are a recognised indigenous people in Cameroon, and live side by side with the (dominant) Bantu communities in the area.

Under Cameroonian law, communities do not have recognised rights to their customary lands, which remain in the custodianship of the state (and can be allocated for other purposes). Communities are often deprived of information about projects that are proposed in their zone, often only finding out that a project has been approved when the company arrives to demarcate land which has been granted to them.

FPP and Okani have been working with these communities to provide information on project proposals, and their legal rights under national and international laws, with a view to facilitating community participation in the decision-making that affects them. We are equally focusing on improving the quality of local governance in relation to decision making, including by encouraging more inclusive and equitable participation, in particular by women and Bagyeli members of the community, and improving the sharing of information within the community itself.

Through regular consultation meetings held in each of the villages, we have supported communities to discuss and take a position in relation to various projects, present their views (and, in some cases, opposition) to the administration, and consider impacts on different parts of the community. The meetings have also focused on how to enter into informed dialogue and negotiations with companies, and how to commence a process of seeking a community forest, with the aim of securing parts of their customary territories against further intrusions. We have also supported communities to visit local authorities, with a view to being able to seek information and interact with the government more effectively.

REDD+, logging and mining: impacts on Baka communities in Ngoyla-Mintom, Cameroon

FPP has worked with Okani and four indigenous Baka associations Abawoni, Abagueni, Adebaka and Asbak in south east Cameroon to monitor and document the impact of external projects on Baka livelihoods and rights. The Ngoyla-Mintom region is in a vast expanse of lowland rainforest that extends into neighbouring Congo, Central African Republic and Gabon. FPP had previously supported the Baka inhabitants these forests to negotiate the impacts of new protected areas that infringed their customary rights to hunt and access the forest for their livelihood.

Now the Ngoyla-Mintom region is the target of a much more damaging phase of externally imposed projects, this time driven by the government’s economic objective of becoming an emergent nation by 2035. The forests that Baka hunter-gather communities have customarily used for their livelihood and culture are now divided into a patchwork of vast logging concessions, overlapping mining research permits, and REDD+ carbon set aside. Even in the narrow corridor of unallocated land along the main dirt roads where most Baka now live, conservation NGOs are dividing the land into community forests (which mainly benefit Bantu farmers and local elites), without the full involvement or consent of the Baka who live there.

As well as raising awareness of the impacts of these externally driven projects, our work on the ground was able to challenge the process of community forest attribution around the Mballam iron mine by demonstrating the overlap with customary territories and the need to gain the FPIC of Baka and Bantu communities before proceeding.
Cameroon

Forest Indigenous Peoples’ Landmark Position Paper on Land Tenure

In the context of the multiple challenges caused by a rapid allocation of lands on a large scale, and as part of the development of a legitimate and effective representation system for indigenous peoples inhabiting the forests of Cameroon, a position paper on land tenure was developed by 30 representatives of Baka and Bagyeli communities, with the facilitation of six indigenous associations.

At the National Seminar on Legality, organised by FPP in February 2015 in Yaoundé, Cameroon, community representatives defended this note in the presence of the highest national authorities and stakeholders. The document clearly sets out indigenous peoples’ vision on land and forest management, and presents a series of specific proposals, including with regard to the management of their ancestral territories and the rights of the communities concerned.

This is the first time in Cameroon that this kind of rights claiming process is being led by indigenous peoples themselves, from the first stages of preparation and development in the field to the media exposure phase at a national level.

This advocacy document marks the beginning of a much larger process aiming to develop thematic agendas (land, territories and natural resources, economy, education, health, gender, participation in public life, justice, etc.), which, according to Baka and Bagyeli Indigenous Associations, will help to create a common vision for the future of indigenous peoples inhabiting the forests.

As a result, a dramatic change in the relations between national authorities and indigenous peoples could be seen, creating direct channels of communication between institutions and populations, as well as an increase in the negotiation power of indigenous peoples to improve their living conditions.

Forest Peoples in Kenya

Why should flourishing communities have to struggle to survive?

Forest dwellers communities in Kenya have clearly demonstrated their capacity and commitment to protect their forest lands while establishing excellent collaboration with state agencies. The Ogiek community, for instance, have been acting on their community generated sustainability bylaws, arresting charcoal burners and elephant poachers who destroy their forests and fauna. The Ogiek have also managed to raise enough funding to pay for Kenya Wildlife Service (KWS) staff to train some of their scouts, so they are better placed to know national laws and how to enforce them. Thanks to the work done, elephants spend 80% of their time on the Ogiek community land at Chepkitale, rather than in the neighboring Mt Elgon National Park run by KWS, or in the forest reserves run by the Kenya Forest Service (KFS). Elephants exist harmoniously alongside Ogiek cattle, and under the protection of the whole community, including Ogiek community scouts.

A key KWS staff member even said: “If you evict the Ogiek from Mt Elgon, you may as well try and take all the animals away too” (acknowledging that the animals are only surviving and flourishing there because of the presence of the Ogiek community at Chepkitale).

In this context, and in a context where the county government acknowledged that Ogiek land at Chepkitale was wrongly gazetted by the government in 2000, the Ogiek community has been seeking an out of court settlement that recognises their land rights.

Throughout 2015, the Forest Indigenous Peoples Network, the communities’ representative body, has worked with FPP and legal experts to engage in national dialogues in order to change policies and legislation to bring them in line with a progressive constitution and with the communities’ commitment to conservation.

At the same time, however, elites have appeared to act on the basis that there is money to be made from taking over communities’ lands and no short-term gain for them in recognising such communities as custodians of their forests. In forest dwellers communities in Kenya, this has led to bouts of intimidation, evictions, house burnings and related human rights abuses.

The resistance of state agencies to community forest owner-conservation was amply evident in the few days running up to the March 2015 World Bank/ Ministry of Environment Colloquium when KFS burnt Sengwer homes, presumably to intimidate them from claiming their lands, and to provoke them into walking out of the colloquium.

Although the Sengwer refused such intimidation and remained in the colloquium to continue the dialogue, it was a salutary lesson for the Sengwer that some of those in state institutions appeared to only be interested in seeking control of their territories by burning them off their lands.

We are also aware, however, that political dynamics can change in a matter of weeks and the situation could improve dramatically if the constitutionally mandated bodies, such as the National Land Commission, are able to act.

For this reason, persistence and commitment continue to be the communities’ watchword: ‘Vumilia’ is the Swahili word meaning ‘to endure, to bear, to persevere’.
Sengwer of Embobut Forest and Glades, Kenya

Being burnt from the forest, but burning to remain

Since January 2014, the Sengwer of Embobut Forest in the Cherangany Hills, Western Kenya, have experienced the full force of the state, as KFS armed guards have forced them off their lands and burnt their homes to the ground. This has continued throughout 2015 despite an injunctive order in place in the High Court.

The government has justified the evictions of these communities claiming that their forested hills provide vital watersheds that need to be protected and regenerated for the nation as a whole. However, the best way to secure indigenous forests is through securing indigenous forest peoples’ rights to their lands²⁶, and the 2010 constitution provides a legal pathway to recognise this in practice.

The current rights-based policies of the pre-eminent global conservation bodies, such as IUCN and WWF, are the result of years of pressure by indigenous peoples and their allies to reverse centuries of dispossession and displacement. In March, the Sengwer and other forest communities together with KFS and its parent ministry, attended a World Bank convened colloquium in Eldoret to address the forest issue. At the colloquium, all the IUCN global forestry experts brought in by the World Bank addressed the forest issue. When we complained about them to the assistant chief’s office, they told us: ‘Be the first people to move out to set an example, and then we’ll move everyone out’.

We might well ask whether the assistant chief’s interest in moving the Sengwer out of the forest they have protected for centuries is linked to the desire to ensure that the forest is at the mercy of those who see it as a resource to be exploited.

Evicting forest peoples and imposing paramilitary control has the opposite effect, alienating those whose culture depends on the forests and leaving the forests in the hands of organisations and individuals who have no long-term commitment and whose main motive is to generate their own profits.

Despite the ongoing harassment, the Sengwer of Embobut continue to return to their lands where they live in completely inadequate temporary shelters, and are abused by armed KFS guards who demand bribes and burn their homes and possessions.

The Sengwer livelihood, health system, and culture have always depended on the natural resources found in the forests. Their traditional economies are based on herbal medicine, bee keeping, and hunting and gathering (and now includes keeping of cattle and family gardens). The forests support their cultural practices and provide spiritual anchorage.

However, forced evictions and displacements of the Sengwer from their ancestral land – coupled with forced assimilations into dominant tribes and failure to recognise the rights of Sengwer to live in their ancestral homes – has led to a dramatic loss of forest cover and to the destruction of large forest ecosystems.

Thomas Kirotich, representative of the Sengwer community, said:

“We were scrambling with the other tribes for [our] land. They were clearing our forest, setting fire to bamboo groves, and making big areas into cultivation. When we complained about them to the assistant chief’s office, they told us: ‘Be the first people to move out to set an example, and then we’ll move everyone out’.”

Fred Kibelio, of the Ogiek indigenous people, speaking at NLC meeting with Community at Chepkitale November 2015

Democratic Republic of Congo

Pursuing a rights-based approach to conservation in the Parc National de Kahuzi Biega and learning from a community forestry pilot in Walikale

After the initial Whakatane assessment of the situation of the Batwa forest peoples in relation to the Parc National de Kahuzi Biega (PNKB), from which they were evicted when the park was created, FPP has been working with the Batwa in order to show conservation authorities that the surest route to the long-term conservation of the forests is securing the rights of forest peoples to their lands.

For the past 10 years, our local partner Réseau CREF has been helping communities to develop community forestry pilots in 20 sites in Walikale. These pilots have been undertaken in anticipation of the decree (signed in 2014) establishing community forestry as a legal and significant option for communities. The 2014 decree has raised great hopes and expectations and most of the communities see this as an opportunity to secure and get control over their ancestral lands.

Over the last five years, with support from RF Norway, Réseau CREF and FPP have helped the communities undertake participatory mapping of rights and uses, socioeconomic studies, management plan and land use, and training on sustainable farming. However, communities are concerned with the lack of clear delimitation and the increasing extension of the PNKB which constitutes three-quarters of the sector.

Meanwhile the remaining part may be threatened by the ecological corridor, a project designed by the Jane Goodall Institute and WWF. The boundaries of PNKB overlap three community forests, including Banisamasi, Basengele and Banasingha. Communities believe that one of the ways of stopping the PNKB extension taking their lands is to accelerate the process of obtaining forest concessions by local communities.

The work in DRC is supported financially by SIDA and the EU.
Communities in the driving seat
Delivering FPIC training materials for communities facing agro-industrial oil palm expansion

Forest communities in Liberia have good reasons to believe that community land rights have never had such a bright future, while, at the same time, being so comprehensively threatened.

Under Liberian law, communities own their forest lands and have the right to give or withhold their FPIC to decisions affecting their forest lands. The new 2013 Land Policy and the draft Land Rights Bill are on the verge of extending recognition of community ownership to all customary lands.

The detail of the draft Land Rights Bill, however, means that enjoying the fruits of ownership may be denied for communities whose customary lands are occupied by concessions pre-exist the enactment of the Bill. Such concessions, amounting to some 50% of Liberia’s surface area, will therefore be allowed to continue.

FFP and its partners – the Sustainable Development Institute (SDI) and the Social Entrepreneurs for Sustainable Development (SESDev) – were able to resume work supporting forest communities affected by oil palm concessions after the end of the devastating Ebola outbreak.

In a series of three reports, concessions belonging to Golden Veroleum (with investment from Golden Agri-Resources)10, Equatorial Palm Oil/Kuala Lumpur Kepong11, and SFCA (with investment from Olam and Wilmar)12 were assessed for their compliance with community rights as protected under domestic and international law, the standard of the Roundtable on Sustainable Palm Oil (RSPO), and company policies. Evidence found that the operations of all three companies remain inconsistent with the legal, RSPO and company policy obligations of those companies, including the obligation to only use or acquire community lands with the FPIC of those communities.

Building on this research and on years of community meeting and events, FFP SESDev and SDI developed and road-tested a community training package13 to meet the urgent need for communities living in concessions to have the tools to understand and protect their rights, especially FPIC.

This package is centred on three large and eye-catching waterproof posters as well as training manuals and two slide-shows for civil society trainers covering the basics of FPIC in principle and a FPIC-compliant community/company engagement process. The materials also set out clear advice on how communities could achieve a fair deal with companies if they chose to, including the need for a legally binding community land lease agreement where communities are prepared to let companies use their lands.

The training package, which has been rolled out across the country, is already beginning to yield remarkable impacts that have far exceeded expectations and have validated the crucial role for community information materials, backed up by civil society training and ongoing legal and technical support. Communities have been visibly galvanised by the relevance and accessibility of the information, and since multiple copies of the materials are being left with communities, FFP and partners have observed that communities are continuing to absorb the information after the trainings have taken place and – crucially – are taking key steps to protect their rights even when civil society support organisations are not around and able to lend their direct support.

Funding for this work came principally from the United Nations Food and Agriculture Organisation, the Waterloo Foundation, the Rights and Resources Initiative, and the European Union.

North Kivu
An example of the community grounded work in the Democratic Republic of Congo

In August, FFP’s community-grounded work focused mainly on North Kivu where we supported communities from Pinga to challenge the RPKI nature reserve, advanced justice in conservation in the Parc National de Kahuzi Biega; learnt from community forestry experiences in Walikale; worked with many partners from across North Kivu to further develop our paralegal guide; and worked with different stakeholders, including the government, to develop national FPIC guidelines.

A planned trip to visit communities in Pinga had to be dropped due to security reasons so, instead, a consultation meeting was held with them in Goma. The meeting was well attended by community members, including traditional chiefs, notables, youths and women.

Communities in Pinga are currently challenging a Ministerial Arrêté signed in April 2006 by the Ministry of Environment, Nature Conservation, Waters and Forests that established a nature reserve referred to as ‘Reserve des Primates de Kinsimbiloko (RPPK)’. Communities were not consulted during the process, and the implications of creating a nature reserve and the potential impacts on their livelihoods were not properly explained.

Communities have been proactive and very effective in objecting to the ministerial decision and have been able to exercise their rights on the forest. The April 2006 Ministerial Arrêté, however, is still seen as a threat and communities are attempting to get it cancelled. Once the Arrêté is cancelled they want to engage in community forestry and undertake their own conservation activities and ecotourism. The communities have sent petitions and letters to the provincial authorities, written to the Governor of North Kivu, and requested support to push for their requests to be recognised at the national level in Kinshasa.

In this context the FPP DRC team has helped inform communities about their customary rights to land and natural resources under national, regional, and international law, and is helping to work with them to secure those rights.

In collaboration with Réseau CREF, FFP has also drafted a guide to enable paralegals to support communities in North Kivu. As part of a process of extending this work to other partners and communities in other territories and provinces, we held a validation workshop in Goma with a group of 32 paralegals from six territories in North Kivu. The workshop was attended by the Administrator of Walikale, and the representative of the Provincial Minister in charge of Environment and Tourism. Participants were able to reflect on the challenges they faced in their reporting and monitoring of activities, discuss the road ahead, and identify the major land issues. In the process they discussed the paralegal guide and made substantive additions and inputs. This enabled FFP to amend it, incorporating all the comments and producing a useful and practical training guide for community facilitators.

In addition to the North Kivu processes outlined above, FFP and local partners have also supported the “Coordination Nationale REDD+” (CN-REDD+), the government agency in charge of REDD+, to consult all stakeholders, develop terms of references, and recruit two independent consultants for the development of the country’s harmonised guidelines on FPIC. The FFP team provided a technical review alongside all other stakeholders. The first draft of the document was made available in July, has received comments from all stakeholders, and is now in the process of being tested on the ground.

At the completion of the testing period, the harmonised guide will be enriched, if necessary, altered, validated and then signed into law as a “Ministerial Arrêté” by the Minister of Environment, Nature Conservation and Sustainable Development for mandatory implementation by all REDD+ project developers. This will be followed by large diffusion of the disposition among all stakeholders, especially communities, as well as proper monitoring to ensure effective implementation.

The work in DRC is supported financially by SIDA, DFID and the EU.
Working to Secure Forest Peoples’ Rights in Central and South America

The lands and forests of forest peoples in Central and South America continue to suffer immense and growing pressure from agribusiness expansion, extractive industries and infrastructure development. Despite progressive laws and legal frameworks on indigenous peoples’ rights, there is a crisis of non-implementation. Throughout 2015, FPP continued to focus on national and international initiatives to implement progressive court rulings in the region.

The Wampis establish the first autonomous territorial government in Peru

FPP, with help from the Size of Herefordshire programme, supported a grass roots initiative by the Wampis indigenous people in northern Peru to establish their own autonomous government of their 1.4 million hectare territory. The process involved multiple community meetings and assemblies with representatives of the Wampis’ 80 villages and culminated in an unprecedented and historic summit meeting of the Wampis in November, which convened almost 300 Wampis delegates and marked the formal launch of the Wampis GTA (Gobierno Territorial Autónomo /Autonomous Territorial Government). They drafted their own constitution, which establishes a common governance framework for all Wampis communities and their territory. The summit ratified community opposition to the planned Manseriche dam, a 7,550 MW project and the largest of its kind in Peru, and marked the formal launch of the Wampis GTA which convened almost 300 Wampis delegates and historic summit meeting of the Wampis in November, 2015.

Although the Wampis’ constitution does not depart from Peruvian legal frameworks it breaks new ground by formally incorporating a frequently overlooked legal obligation in Peru which requires that all development programmes and projects that affect Wampis territory, including the Manseriche dam, are invalid if they do not obtain the FPIC of all villages. Now this process must be mediated by the new government according to its own procedures. The right to FPIC derives from international human rights laws which are obligatory in Peru but not implemented.

FPP’s technical support was provided throughout this lengthy process including most notably in the Wampis’ innovative efforts to communicate the conclusions of their summit and the resolutions of the Wampis’ GTA, and has been subjected to rigorous legal review to ensure that it is based strictly on the obligations of the Peruvian state to respect the rights and autonomy of indigenous peoples and nations.

Andres Noningo Sesen, one of the Waimakus, or Wampis visionaries, explained the thinking behind their innovative approach:

“We have taken this decision partly as a strategy of territorial defence; in response to the efforts to divide us into communities. We will still be Peruvian citizens but this unity will give us the political strength we need to explain our vision to the world and to those companies and governments who only see the gold and oil in our rivers and forests, much less the spirit beings of Nunkui and Tsunki, who look after our earth and water. It will also enable us to promote our own vision for the future that we want, a future that is healthy and in harmony with the natural world.”

Peru’s national indigenous Amazonian organisation, AIDESEP (Asociación Interétnica de Desarrollo de la Selva Peruana / Interethnic Association for the Development of the Peruvian Rainforest) submitted a formal complaint to the Independent Consultation and Investigation Mechanism (ICIM) of the Inter-American Development Bank (IDB) about the PTRT3 project, a proposed land-titling programme in the Peruvian Amazon. Peru’s Ministry of Agriculture and the IDB had made continual promises to reform the project, but no action was taken. On 3 August, AIDESEP filed a formal complaint, which was drafted with FPP’s legal and technical support.

The central point of AIDESEP’s formal complaint was that the USD $80 million land titling project would further undermine indigenous peoples’ land rights by engaging in a massive titling programme of more than 700,000 individual small holders while failing to address the unresolved titling demands of more than 1,200 indigenous communities, which extend to approximately 20 million hectares. Getting it right at this stage is critical as the programme will set standards for a widespread land tenure reform in the Peruvian Amazon, to which the government committed as part of its long-term project to protect its forests and through a $300 million agreement with the government of Norway.

AIDESEP made clear on numerous occasions that rather than securing and protecting indigenous land rights, the project in its current form was likely to undermine the peoples further. Untitled indigenous territories in the Peruvian Amazon frequently overlap individual land titles, many of which are associated with land trafficking linked to large-scale agribusiness interests operating in Peru. The complaint highlights that the failure to prioritise the titling of indigenous lands not only disregards the lessons learnt in formal evaluations of land titling investments commissioned by the IDB, but also violates Peru’s legal obligations to protect indigenous peoples’ territories. This includes the state obligation to abstain from issuing concessions or “any actions that might […] affect the existence, value, use or enjoyment of the property” until the delimitation, demarcation, and titling of indigenous peoples’ territories have been completed.

After an initial process of bilateral dialogue in which the IDB and the government failed to respond to AIDESEP’s concerns, the complaint is now entering a formal process of consultation with all parties and the ICIM. FPP continues to support the engagement of indigenous leaders in Peru with ICIM and IDP representatives.
Today only 25 hectares, or 0.3% of the forest land formally protected in the Ucayali region of the Peruvian Amazon, is supposed to be expressly reserved for the community. Moreover, all conversion of primary forest, an estimated 30% of the forest land, has occurred without the required permits, irregular land allocation processes, and harassment of local residents opposing the projects.

The Shipibo community of Santa Clara won a historic victory on 2 September, when Peru’s Ministry of Agriculture ordered the immediate suspension of the operations of Plantaciones de Pucallpa, a palm oil developer that had been preparing land for a large-scale plantation in the Ucayali region of the Peruvian Amazon. The judgment of the Ministry of Agriculture determined that more than 5,000 hectares of forest had been cleared by Plantaciones de Pucallpa without any of the environmental permits required for forest clearance. Moreover, all conversion of primary forest, an estimated 80% of the affected area, is supposed to be expressly forbidden in Peru.

Today only 25 hectares, or 0.3% of the forest land formally acquired by Plantaciones de Pucallpa since 2012, remains. In three years, more than 5,200 hectares of Santa Clara’s ancestral forests have been destroyed.

The communities’ achievement was a result of determined resistance which began soon after they registered the community over their traditional territory. Their representative organisation FEDONAI (Federación de Comunidades Indígenas del Ucayali y Afluentes) and the Institute of Indigenous Village Leaders in Suriname (VIDS), who first submitted the case to the Inter-American Commission on Human Rights in January 2007, FPP supported them throughout the process.

The judgment marked a historic victory for indigenous peoples in Suriname and throughout the Americas. The Court found Suriname responsible for multiple violations of the American Convention on Human Rights due to its failure to recognise and guarantee the legal personality and territorial rights of the Kaliña and Lokono, particularly in the context of bauxite mining. Suriname was also found responsible for granting individual titles to non-indigenous persons and for both the existence of and restrictions imposed in two nature reserves.

The Court adopted a series of orders with associated deadlines to remedy these violations: the territory of the Kaliña and Lokono peoples, for instance, is required to be delimited, demarcated and titled within three years. This includes the completion of any formal process to decide on restitution of nature reserves and lands affected by third parties. Additionally, the Court ordered Suriname to rehabilitate the “serious damage” caused by the bauxite mining to ensure the access, use and participation and benefit-sharing for the Kaliña and Lokono in nature reserves in their territory, and to support indigenous peoples’ knowledge, institutions, practices, strategies and management plans related to conservation. The proceeding defines the recognition and respect of indigenous peoples’ rights as compatible with nature conservation and as required in relation to protected areas and other environmental measures, including climate mitigation initiatives.

The Shipibo community’s victory, however, is a matter of great concern. The Kaliña and Lokono’s case is not the only one. The largest palm oil developers in Peru with formal applications for more than 100,000 hectares of land, the group is currently in the spotlight due to several highly controversial plantation developments in Ucayali and Loreto.

To reinforce their efforts, the community is filing a lawsuit which challenges the unlawful issue of indigenous peoples’ traditional lands to third parties by the regional government of Ucayali, and the failure to issue legal titles to the community over their traditional territory. Their representative organisation FEDONAI and the Institute of Legal Defence have supported the lawsuit. If successful, the appeal will set a vital precedent to safeguard more than 20 million hectares of untitled indigenous lands in the Peruvian Amazon and address, particularly, the growing threat of the palm oil industry in Peru which, facilitated by obscure and irregular land allocation processes, is fast becoming the largest single cause of deforestation.

In November the Inter-American Court of Human Rights delivered a judgment in the case of the Kaliña and Lokono peoples v. Suriname. After nearly 10 years of legal procedures, the Court ruled in favour of the rights of the Kaliña and Lokono peoples v. Suriname, and the failure to issue legal titles to the community over their traditional territory. Their representative organisation FEDONAI, who first submitted the case to the Inter-American Commission on Human Rights in January 2007, FPP supported them throughout the process.

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Pushing for peace in Colombia

Indigenous and Afro-descendant peoples join forces to uphold their rights and address mining-related conflict

FPP has supported indigenous and Afro-descendant communities in Colombia since 2009, when they joined forces to uphold their rights in the face of increasing pressures from outside actors interested in mining their ancestral territories.

“We have serious conflicts with the state about their mining vision,” says Carlos Eduardo Gómez Restrepo, Chief Governor of the Resguardo Indígena Cañamomo Lomaprieta. “They say that the subsoil is theirs. We say that the land is one with the subsoil; you cannot separate it from a spiritual point of view. We are very far from the state’s vision. The ‘locomotora minera’ [mining engine] runs roughshod over us; it tramples us. This is the war we are waging... to have the air, the land, the subsoil, together.”

Territorial pressures, however, don’t come only from government policies paving the way for mining investment as a key pillar of economic growth for the country. They also come from outlawed actors engaged in Colombia’s armed conflict who are turning to gold mining as a means to launder money from narco-trafficking, and to reap profits to fuel their activities. With peace accords about to be finalised putting an end to five decades of armed conflict, indigenous and Afro-descendant communities across Colombia are bracing themselves for an onslaught of companies interested in mining the vast riches of one of South America’s largest unexplored frontiers.

In this context, the 32 Emberá Chami communities of the RICL (Resguardo Indígena Cañamomo Lomaprieta) of Caldas, and Afro-descendent communities of the PAC (Palenke Alto Cauca), embarked on the first year of a two-year project funded by the Embassy of Norway in Colombia and the Kingdom of the Netherlands to enable further strengthening of self-governance, territorial defence and autonomy.

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Both RICL and PAC live in gold-rich ancestral territories where they have mined gold for centuries, yet ancestral mining – mining that is based on cultural and spiritual ties to the land, that is self-governed, and that uses technologies that avoid mercury and cyanide – is being actively criminalised by the state.

To address these complex conflicts, the RICL-PAC-FPP project undertook a range of activities. These included a workshop that brought together more than 180 participants from Cauca and Caldas to discuss the impacts of mining and develop joint strategies (with funding from Swiss Cooperation-COSUDE), as well as visits to the capital to meet with senators in an attempt to influence Colombia’s National Development Plan. Ongoing work is being done at the community level to raise awareness of rights and to strengthen internal regulations and management of ancestral mining, environmental protection, and community FPIC protocols. FPP also provided legal support in proceedings before the Constitutional Court decided to annul mining concessions issued without FPIC, and to obtain stronger territorial rights recognition from the state.

“This project is a very important field reference for the peace negotiations”, says Afro-descendent leader Gabino Hernandez Palomino. “Here, in this project, we are committing firmly to a proposal of unity [between peoples], not only to a project.”

Colombia

Indigenous peoples in the Upper Putumayo pressurise UK mining company to withdraw from their territory

FPP’s partner in Colombia DEDKSE (Derechos, Diversidad y Selvas) has worked tirelessly to support the Kamentsa and Inga communities in the Upper Putumayo whose territories cover parts of the forested upland watershed of Colombia’s eastern Amazon region. The communities have been impacted by large-scale mining concessions imposed on their ancestral lands and forest river sources without their consent. Work involved a detailed four-day field excursion to document community territorial boundaries and mining impacts, and included participation of the Public Ombudsman Office, the United Nations Development Programme (UNDP), and the Ministry of Home Affairs. Repeated complaints and protests by the Inga and Kamentsa communities led Anglo American plc to communicate with the Colombian government in November that they had no intention of expanding their mining operations in the area. At the close of the year, however, the corporation still owned the concessions and indigenous organisations were appealing to the government to annul the mining rights entirely and ensure full legal recognition of their territorial rights in line with the constitution of Colombia and with international law.

Guyana

Non-written community training materials on forest governance piloted in 70 communities

Innovative training DVDs on FLEGT and forest governance were distributed by the APA to more than 70 interior villages in Guyana in their respective native languages (Patamona, Akawaio, Makushi, Wapichan).

The training materials were very well received in the villages. A month later, in November, APA and FPP launched two reports capturing the views of indigenous communities on Guyana’s FLEGT VPA process. The reports highlighted that the current concession allocation system was unjust, severely flawed and facilitated by a national legal framework that did not fully respect the internationally protected rights of indigenous peoples to their customary lands, territories and resources. The indigenous representatives present at the launch event in Georgetown called for the proposed VPA to include robust protections for customary collective land rights and to apply the core standard before issuing logging concessions over forest areas that they have traditionally used and occupied. By the end of the year, the VPA had not addressed indigenous peoples’ fundamental concerns and dialogue was ongoing.
Guna people in Panama strengthen and revitalise traditional knowledge for self-determined development and environmental management

The Guna people, who inhabit the traditional territory of Guna Yala, have carried out a research project to explore the reasons behind the deterioration of their traditional knowledge system and culture during the past century. The project has helped the community in the process of self-governance and self-determination by reviving traditional knowledge and cultural identity.

FFCI (The Fundación para la Promoción del Conocimiento Indígena / Foundation for the Promotion of Indigenous Knowledge) coordinated the three-year research project using a multi-evidence based approach, with some seed funding to explore the application of the methodology10. The approach has since been recognised and promoted within international processes such as the CBD and the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES).

The project worked with Guna ‘wise people’ (knowledge holders) and other Guna community members to better understand the causes of indigenous knowledge loss and its implications for sustainable development and management of natural resources. The research highlighted that indigenous knowledge began to deteriorate in the early 20th century with the introduction of western education and the prohibition of the use of Guna language. This process continued in the 1960s with emigration to cities, and became entrenched from the 1970s onwards through the increasing presence of strong external market forces and the promotion of natural resource management projects based on external concepts, such as alternative livelihoods. As a result, traditional knowledge became alienated in everyday life.

The research project and the following community consultations concluded that future intervention to address environmental and social challenges should be based on Guna cosmopolitanism, spirituality and participatory governance and management of the territory as a fundamental unit for their wellbeing. The Guna incorporate other knowledge systems and are open to new technologies if they can use them. Tools such as maps, aerial photos and videos can support their traditional knowledge system to address current challenges and to devise future sustainable development trajectories. Adaptation is intrinsic to Guna people and as reality changes, adaptive self-development is the way forward.

Language of Guna ‘wise people’

*Endotes*

1. http://poig.org/
8. http://www.forestpeoples.org/topics/land-use/
10. http://www.forestpeoples.org/topics/apartheid/policies-actuates/2015/1hrimientos-tipo-assistent-golden-
11. http://www.forestpeoples.org/topics/apartheid/policies-actuates/2015/1hrimientos-tipo-assistent-golden-
12. http://www.forestpeoples.org/topics/apartheid/policies-actuates/2015/1hrimientos-tipo-assistent-golden-
13. http://www.forestpeoples.org/topics/apartheid/policies-actuates/2015/1hrimientos-tipo-assistent-golden-
14. http://www.forestpeoples.org/topics/apartheid/policies-actuates/2015/1hrimientos-tipo-assistent-golden-
Financial Summary

Multi-year grants, mainly from larger foundations and government agencies, provided much needed stability to our larger and longer term projects. This was particularly noticeable in 2015 with the renewal of a substantial three-year grant from the Swedish International Development Cooperation Agency providing support for further work in the Democratic Republic of Congo after a very successful initial three years of project implementation. However the comparatively smaller grants we receive are also very important; without them we could not undertake many of the more targeted projects that can make a huge difference to specific peoples in defined areas.

Fluctuations in the currency markets have again affected our expenditure, particularly with the decrease in value of the Euro during the year. However, the US dollar remained strong throughout the year and any increase in value in contributions towards overheads compensated for the reduction in contribution to overhead and organisational costs from the Euro grants.

It has become increasingly difficult to source funding for our institutional costs and find unrestricted funding. We are indebted to our regular supporter Mr Simon Gershon for his generosity but as we grow in size, the amount that is required to fulfill the requirements of being a good employer, carrying out best practice and good governance and supporting the projects administratively has inevitably increased too. We are very reliant on contributions towards administration from many of the projects but we are actively looking for separate unrestricted funding.

During the year we have carried out several training workshops in countries where we work closely with our partners on the ground. In particular, we carried out a large MRV (Measuring, Reporting and Verification) workshop in Cameroon with many of our partners from Africa. This also included an element of finance training with the partners who attended this workshop. During the year we have visited partners in Cameroon and the Democratic Republic of Congo to carry out finance training, building on visits in earlier years.

If you would like to see our financial statements, please go to: www.forestpeoples.org/tags/annual-reports

Expenditure in £

<table>
<thead>
<tr>
<th>Item</th>
<th>Expended in £</th>
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<tbody>
<tr>
<td>Salaries and Fees</td>
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<td>Consultants</td>
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<td>Travel and Project Monitoring</td>
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<td>Partner work in the field</td>
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<td>Publications and Translations</td>
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<td>Audit and Legal costs</td>
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<td>Bank Charges</td>
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<td>Total</td>
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Board of Trustees and Staff in 2015

FPP Board of Trustees

- Chad Dobson: Silas Siakor
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- Helen Tugendhat: Policy Advisor, Responsible Finance, Legal & Human Rights
- Messe Venant: Project Officer, Cameroon
- Halkano Waeq: Finance Officer
- Clare Whitmore: Database/Technical Assistant
- Peter Willis: Projects Finance Officer
- Jake Willis: Project Manager, Africa

Thank you to all our volunteers, including Athene Dilke and María Gracia Campos for their dedication and support in 2015.