

FPP E-Newsletter: February 2013



Forest
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Programme

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Cover photo: Baka community members in Cameroon documenting where they fish using GPS, to include on maps of forest resource use © John Nelson

Dear Friends,

Whenever someone remarks that a solution is being frustrated by 'lack of political will', I automatically ask myself: whose is the political will and what are the interests pushing for the opposite?

New field research from Costa Rica shows that the government has for decades sat back and allowed the wholesale takeover of indigenous peoples' lands and is now failing to intervene when indigenous leaders are being threatened and killed. Is this happening just because of 'lack of political will' or rather because successive governments have over-close links to land-owning elites and so prefer to turn a blind eye to the discrimination, violence and hatred on the resource frontier, rather than confront these illegal land grabs?

When the Peruvian Government now allows new roads and other infrastructures to be hacked through indigenous lands and forests to connect up with Brazil, so threatening the very survival of the isolated Isconahua people whose lands the very same government earlier set aside for their protection, this is a conscious decision to sacrifice their rights and instead support the business interests pressing to open up the Amazon to their kind of development. Likewise, it is prioritisation of mining and lack of legal protection of indigenous rights, that is encouraging egregious decisions in the courts of Guyana.

This same domination of political processes by the short term priorities of narrow sectoral interests, is stalling any progress at the international negotiations to curb climate change. The latest meeting in Doha shows that this 'lack of political will' (domination by vested interests seeking to do the opposite) has led to virtual paralysis. All our futures, not just those of forest peoples, are set in jeopardy by this lack of action.

So when the British Government announces a new aid policy to address the drivers of deforestation by working direct with corporations, it is not surprising we have visions of them putting the fox among the chickens. Yes, changes in corporate behaviour have to be part of any solution, but to achieve this we also need a vigilant civil society and the mobilisation of forest peoples to hold these 'reformed' businesses to account. After all, that is how democracy is meant to work.

As a human rights organisation it is our task to champion solutions that respect rights, but as analysts and advocates, it is also our duty to expose the political and economic interests that are behind abuses. We do this by helping to create transparency and accountability. So, in the Democratic Republic of the Congo, where corporate interests are now seeking to profit from new voluntary markets in forest carbon, we expose their lack of compliance in order to oblige them to recognise and respect the rights of forest peoples. In the same spirit, we are working with the Baka people in Cameroon to ensure that their voice is heard in decisions about the future of their forests. While at the international level we work with indigenous peoples who are insisting that their traditional knowledge must also be respected and applied to defend the ecology of our precious planet.

Last but very much not least it is my honour and pleasure to welcome Joji Cariño as the new Director of Forest Peoples Programme. Joji, who has dedicated her life to the struggle for indigenous peoples' rights, will be taking up her post in April and I look forward to serving under her leadership.

Marcus Colchester, Director

Announcement of New Director

FPP is very happy to announce, that Joji Cariño will be taking up the position of Director of the Forest Peoples Programme from 15th May 2013, in coordination with FPP's Executive Committee and Board members. Joji, well known to many of you, is a highly regarded indigenous woman from the Philippines with extensive experience on indigenous peoples' human rights at community, national and international levels, having been an active policy advocate and practitioner for the past 30 years. Joji is internationally recognised as an expert on cultural and biological diversity, traditional knowledge and indigenous peoples' rights, and international standards on water and energy, large dams and their alternatives, forestry, extractive industries and corporate accountability. She is the coordinator of the International Indigenous Forum on Biodiversity (IIFB) Working Group on Indicators and an organising partner for the Indigenous Peoples Major Group in the UN Commission on Sustainable Development. We are thrilled that she will be joining the FPP team.

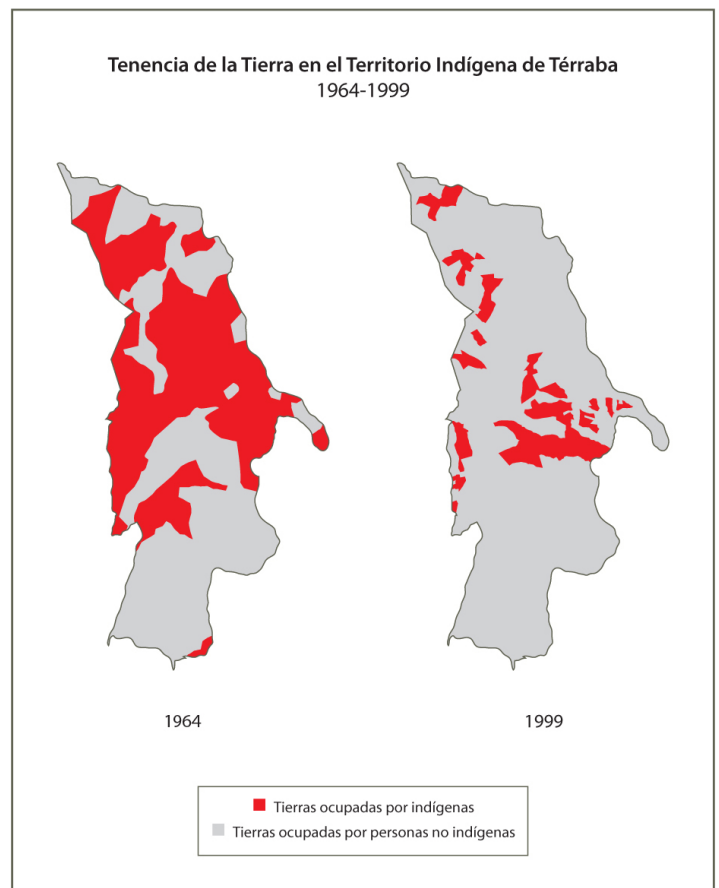
Marcus Colchester, the founding Director of FPP is not leaving the FPP team. After more than 20 years as director, Marcus will be stepping down from the directorship, in order to focus on his FPP fieldwork and international advocacy. He will remain on the team as a Senior Policy Advisor. Under Marcus's directorship, guidance and insight, FPP has grown from a small team of dedicated human rights activists into a globally respected international human rights organisation with 32 staff supporting grassroots work with more than 30 local partners in 20 countries across Africa, Asia, and South and Central America.



Joji presenting key messages for indigenous peoples for Rio+20 at the Third Intersessional Meeting of the UN Conference on Sustainable Development, March 2012 © IISD

1. Costa Rica: Indigenous peoples suffer violent attacks for demanding recognition of their land rights

There are 8 indigenous peoples in Costa Rica with a total population of 104,143 people, comprising approximately 2.4 percent of the national population. Many live in 24 legally-recognised and titled indigenous territories, as well as on lands traditionally occupied, but not presently recognised or titled. The majority of indigenous peoples' territories have been massively and illegally occupied by non-indigenous people, including some extreme cases where 98 percent of the land is held by non-indigenous people.



Land ownership in the Térraba Indigenous Territory 1964-1999 (Red parts indicate lands occupied by indigenous peoples and the grey parts indicate land occupied by non-indigenous people). © FPP

The recognition of indigenous territories began in the late 1930s and illegal occupation on these territories has been documented since at least the 1960s, when official State reports acknowledged it as a grave and urgent situation. Sadly, however, no concrete actions

have been taken to tackle the problem. In 1977, Costa Rica adopted the *Indigenous Law* which provided that these territories are “inalienable and imprescriptible, non-transferable and exclusive for the indigenous communities...”. Nevertheless, Costa Rica’s actions and omissions contravene its own domestic legislation and international obligations as it implicitly approves of this illegal occupation. These actions and omissions have resulted in serious consequences for indigenous peoples, who cannot fully exercise and enjoy their property rights as well as other interrelated rights.

Studies¹ show that this is a nation-wide problem where some 6,087 non-indigenous people illegally occupy 43 percent (142,386.77 hectares) of the area that has been legally titled to indigenous peoples. In only two of the 24 indigenous territories are indigenous peoples in possession of 100 percent of their titled lands; in five (20.75%) they possess between 75 and 90 percent; in four (16.66%) they possess between 58 and 60 percent; and in six (25%) they possess between 32 and 50 percent. The remaining seven territories (29.16%) possess less than one-quarter of their titled lands, and three of these possess less than 10 percent.

Over the past year indigenous peoples and their leaders have been attacked just for demanding the protection of their land rights. Since February 2012, racial hatred and tension against indigenous peoples has resulted in the attempted murder of two indigenous leaders (Pablo Sibas Sibas of the Teribe people and Sergio Rojas, leader of the Bribri of Salitre) and severe injury to over twenty people. The attempt on Sergio Rojas’ life was partly instigated by the Municipal Council of Buenos Aires who declared him *persona non grata*. As recently as 6 January 2013, three unarmed and peaceful Bribri members of Salitre, who participated in the recovery of illegally occupied lands within their territory, were attacked at midnight by armed non-indigenous assailants. Wilbert Ortiz was shot in the leg, Marcos Obando Delgado was stabbed with a machete leaving him with deep lacerations and two severed fingers and Mainor Ortiz Delgado was also stabbed with a machete and tortured with a hot iron rod, permanently scarring his chest. Undoubtedly, these attacks have caused severe physical and psychological trauma.

As a result of this incident, the Costa Rican State’s Ombudsman and the United Nations country office issued a [joint press release](#)² condemning these acts of violence and urging the state to take all necessary measures to ensure the life and physical integrity of all people involved in the conflict. They called for “these situations to be solved by peaceful means, within the legal

framework and guaranteeing the rights of indigenous persons to their territory.”

These violent and atrocious actions against indigenous people and their leaders are unprecedented in Costa Rican recent history and are symptomatic of the negligence of the State to adequately address the land rights situation, despite demands by indigenous peoples and the recommendations of international human rights bodies, such as UN CERD and the Special Rapporteur on the Rights of Indigenous Peoples.

2. The Ngoyla-Mintom forest in Cameroon: The perspective of the Baka

Ngoyla-Mintom is a forested mountainous region which derives its name from two districts in two regions of Cameroon: Ngoyla in the Eastern Region and Mintom in the Southern Region. This rainforest has gained fame through being targeted for various purposes by different actors, including the Cameroon government, private companies and the international community. In recent months, Ngoyla-Mintom has gained the reputation of being a previously unexploited forest bloc, which has very rapidly aroused the interest of Cameroon’s Ministry of Forestry who are interested in selling parts of the forest at auction to private logging companies.

However, this forest has also aroused great hopes for conservation due to its strategic value as a biological corridor for the animals of the TRIDOM (Tri-National of Dja Odzala and Minkebe), a large lowland forest area spanning Cameroon, the Republic of Congo and Gabon. Over the last five years it has also been considered for carbon sequestration projects.

This forest faces wide-ranging challenges and is a potential source of many conflicts: the indigenous peoples, such as the Baka and other forest communities, have very frequently been left out of discussions relating to the forest, which they have so effectively and sustainably preserved for millennia.

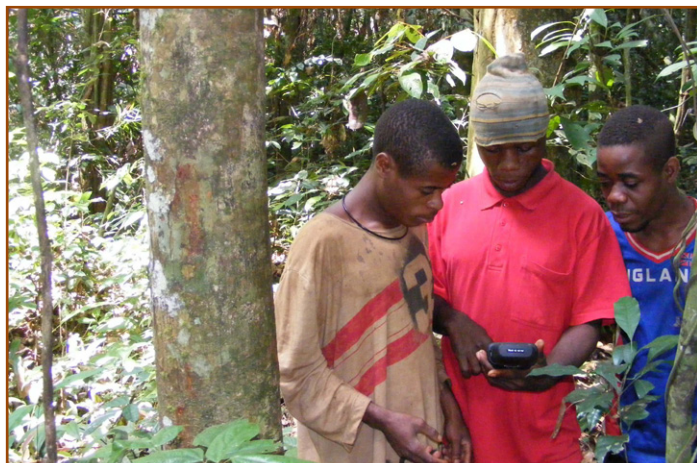
In order to help the Baka and Bantu communities living in this zone, Forest Peoples Programme, [OKANI](#) and [CED](#) organised a series of consultations on a number of issues, such as on mapping forest resource use within the Ngoyla-Mintom forest.

To this end, two round table events were organised in Mintom and Lomié, to bring together the principal

¹ To see detailed graphs and figures of land ownership in Costa Rica, please visit: http://www.forestpeoples.org/sites/fpp/files/news/2013/02/Land%20Tenure%20in%20Costa%20Rica_English.pdf

² http://www.pnud.or.cr/index.php?option=com_content&view=article&id=1510:preocupacion-por-los-hechos-de-violencia-ocurridos-en-el-territorio-indigena-de-salitre&catid=49:reduccion-la-pobreza-desigualdad-y-exclusi&Itemid=101 (in Spanish only)

actors with interests in the Ngoyla-Mintom forest. It should be noted that the local administrative officials were highly appreciative of these opportunities for open exchanges, which attracted a high-level and substantial turn-out at Mintom, where the Sub-Divisional Officer and the Mayor came in person, and in Lomié with the presence of the Deputy District Manager on behalf of the Sub-Divisional Officer who was unable to attend, and the Mayor of Ngoyla.



Baka community members documenting logging concession boundaries using GPS, to include on map of forest resource use © John Nelson

The perspective of the Baka:

The Baka who attended the two meetings in Mintom and Lomié were appreciative of the authorities' attentiveness and the quality of their contributions. The Baka sought the administrative officers' participation in each stage of processes relating to activities taking place in the forest, such as at presentations of their maps and during forest mapping. This would allow the different actors to appreciate the extent to which these people and their living environment, the forest, are connected. As expressed by Ndoyi, a Baka from the village of Lelen: **'All things should begin at home; if you need healing, start doing it at home. A leader should make himself heard by all the parties involved to find a compromise, give advice, educate and raise awareness'**.

The Baka also requested that the maps they have produced be presented in Yaounde since that is where the important, high-level decisions are taken about the forests.

In addition, they sought the capacity building of their local elected leaders (such as town councillors and *députés*) on questions affecting the Baka.

Furthermore, the Baka sought the institutionalisation of a mechanism for dialogue between the institutions specific to the issues affecting them, and the relevant local authorities.

Potential next steps for the Baka:

- Inform the administrative offices and local authorities about the REDD process and indigenous peoples, and equip them to deal with these issues
- Disseminate the maps produced
- Map the communities living next to the project zone
- Continue the dialogue about the Ngoyla-Mintom forest with regard to the challenges that it typifies: e.g. mining and the development of transport infrastructures (such as the Mbalam-Kribi railway)
- Make large-scale copies of the local maps that have been produced and give them prominence in the various upcoming discussions about the forest.



The Baka want to protect the Moabi trees in their forests, which are targeted by loggers © John Nelson

3. Indigenous peoples' rights violated and traditional lands in Guyana threatened by mining

At the beginning of 2013, indigenous peoples in Guyana are becoming increasingly alarmed over continuing and growing disregard for their legitimate rights by miners and government agencies and gross rights violations which have been endorsed by the judiciary in two recent cases. In 2012, the mining lobby publicly attacked indigenous peoples' land rights in the Guyanese press and pledged to oppose recognition of customary lands. Meanwhile, the government agency responsible for regulating the mining sector appears to be accelerating the issuance of mining permits and concessions on Amerindian customary lands, despite the fact that these same lands are the subject of legal actions in the courts seeking recognition of traditional ownership rights and/or unresolved village applications for land title and title extensions.

Akawaio lands desecrated and rights trampled

Recent events and court rulings on mining conflicts on Akawaio Village lands in the Middle and Upper Mazaruni are tragic examples of this blatant violation of indigenous peoples' rights by the mining sector. In response, Akawaio leaders and communities are standing up for their rights and challenging mining encroachment on their traditional lands and waters. For the past year, Kako Village in the Upper Mazaruni District has been forced into a court battle brought against them by a miner when they refused her entry to the Kako River to start a mining operation. The Village leader (Toshao) has also been cited for contempt of court and now faces possible imprisonment after his people took peaceful direct action to prevent the miner from entering their land in contravention of a court issued injunction that the miner be allowed to proceed unhindered.

"It is known that we are the protectors of these lands and we depend on these lands. Our land is our life!" declared Toshao Mario Hastings as he spoke of the importance of his community's land to his people.

In July 2011, the Village Council and residents of Kako first learned that the regulating agency, Guyana Geology and Mines Commission (GGMC), had issued a 'prospecting permit' to this miner. During a first interaction the residents strongly objected to any mining activity taking place upriver or on their traditional lands

since this would result in their water source becoming polluted and their traditional lands being degraded. They were adamant that these would affect their livelihoods since these areas are where they fish, hunt and farm. There are also homesteads in this location that have been in existence for many generations and many years prior to Guyanese independence from Britain.



The Mazaruni and the Kako rivers meet: the Mazaruni river is brown and polluted from mining whilst the Kako river is, for now, still clean. The residents of Kako are determined to prevent mining concessions in their area, to keep the Kako river clean so they can continue drinking it and fishing in it © Oda Almas

On two occasions in July and August 2012, the miner tried to pass through but the villagers were persistent in opposing the entry. In the meantime, the Toshao tried to meet with relevant agencies to highlight their concerns but to no avail. On 18 September 2012, the miner filed an injunction which was granted and then served on the Toshao. On the 5 October 2012, while the Toshao was in another community attending a district council meeting, he was suddenly called to intervene in what appeared to be a 'face-off' with this miner whom the residents had stopped again from passing through the river. The miner has since filed a notice of motion of contempt of the order that was granted and is demanding that "The Toshao of Kako Village be committed to the Georgetown Prison for his willful and brazen disobedience" and is insisting that he is the "initiator and organizer" of the resistance of the Akawaio of Kako Village.

As is the case for many Amerindian Villages in Guyana, Kako's existing titled land does not correspond to the full extent of its customary lands that are traditionally used and occupied; including lands extending westwards up the Kako river valley. These customary lands make up the traditional resource areas used by Kako villagers and are shared under customary law with the neighbouring

Akawaio villages of Kamarang, Jawalla and Phillipai, who use these lands in common with Kako residents for hunting, fishing and gathering. In November 2012, the Toshao acquired a copy of a mining concessions map and shockingly discovered that most of their traditional lands are now extensively covered by prospecting and mining blocks, in some cases multiple blocks issued to one miner.



If mining is allowed to start in Kako river the residents of Kako will become fully dependent on rainwater collected in tanks for their drinking water, as the river water will become contaminated
© Oda Almas

Recently, in what may be seen as another blow to the struggle of the people of Kako, a judge in the High Court has [ruled](#) that the Isseneru Village Council in the Middle Mazaruni has no authority to give directions to miners on their titled lands on the basis that the miner was the concession holder before Isseneru Village received title to their lands and also because the Amerindian Act could not support the powers since the law was enacted after the concession was granted.

Meanwhile, on 26 January 2013 the miner at the centre of the land conflict in Kako moved her equipment up river and on 3 February another miner went up river to put up mining claim notices. Once again, neither miner informed the community and did not seek their prior agreement.

The court case against the Kako Village leader continues with a possible judgement expected this month: will the interpretation of the laws uphold the rights of indigenous peoples? At a recent press conference held in collaboration with Isseneru Village Council, the Toshao of Kako has frankly stated that: "This is proof that the Amerindian Act, which the government has been telling us is the best Act in the world, is a blatant lie. I demand that this law is revised immediately so that our rights are guaranteed."

Further information:

- FPP and APA Urgent communication on the situations of the Akawaio indigenous communities of Isseneru and Kako in Guyana to United Nations Special Rapporteur on the Rights of Indigenous Peoples (in English only): <http://www.forestpeoples.org/topics/un-human-rights-system/publication/2013/urgent-communication-situations-akawaio-indigenous-co>
- Joint FPP and Rainforest Foundation US Press Release *Guyana court ruling violates indigenous peoples' rights*, 28 January 2013: http://www.forestpeoples.org/sites/fpp/files/news/2013/01/International_pressrelease_Isseneruvillage_courtruling_Jan%202013.pdf

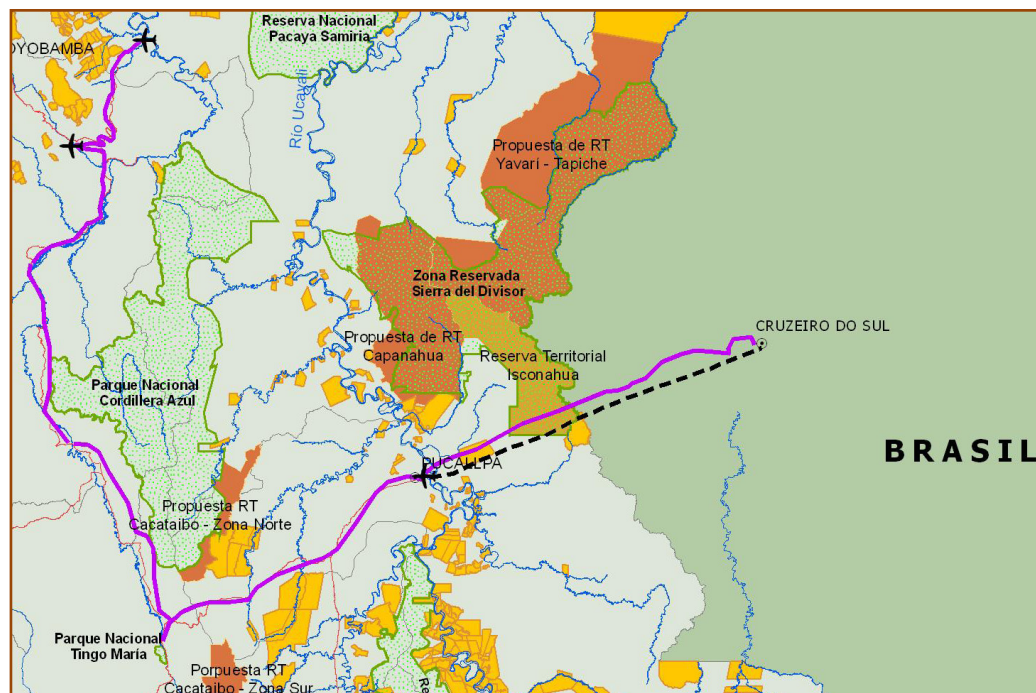


A family on their way home on the Kako river. They live very close to the mining concessions © Oda Almas

4. GUEST ARTICLE: Peruvian government highway project threatens Isconahua indigenous people's survival

By Robert Guimaraes Vásquez
(Regional Group for Monitoring
Megaprojects in Ucayali, Peru,
GRMMU)

A proposed Peruvian government highway project to join the Peruvian Amazon town of Pucallpa (Ucayali region) with the Brazilian town of Cruzeiro do Sul (in Acre State) is threatening the survival of the Isconahua indigenous people who live in "voluntary isolation". In November 2012, the government of Peru, through *PROVIAS NACIONAL* (an agency of the Ministry of Transport and Communications), gave the go-ahead for the implementation of the project, *IIRSA Centro*, which thus far has advanced as far as the second stage feasibility study.



Proposed route of *IIRSA Centro* Highway ©Instituto del Bien Común

This area is characterised by its high levels of biodiversity and is home to more than 13,000 indigenous people, including Shipibos, Ashanincas, *rivereños* (communities

who live on the river) and a population that lives in "voluntary isolation" called the ISCONAHUA. The Isconahua are highly vulnerable because their immune systems are not capable of protecting them from diseases that they are likely to contract if they came into contact with outsiders.³



A traditional Shipibo-Konibo family living in the Abujao river basin (Ucayali) © Robert Guimaraes Vásquez

Currently, roads and highway borders are non-existent on the Isconahua's traditional lands, so any such connection with the 'outside world' would be totally new. The proposed *IIRSA* project will therefore put the Isconahuas' lives at risk and threatens to increase the illegal logging, colonisation, drug dealing and illegal mining that already exist in the area.⁴

Peruvian government's international obligations

Under the legislation and case law of the Inter-American system, Nation States, including Peru, have a duty to obtain the free, prior and informed consent (FPIC) of indigenous peoples affected by any decision or action that may affect their rights and territories, including decisions on infrastructure projects. Obviously, as the Isconahuas are not in contact with the outside world, they cannot give their consent to the highway project. Given their extremely vulnerable status, the Peruvian state enacted a

³ <http://www.inforegion.pe/medio-ambiente/145640/habria-indigenas-en-aislamiento-en-cercanias-de-carretera-propuesta-pucallpa-cruzeiro-do-sul/>

⁴ <http://www.americatv.com.pe/portal/programas/prensa/investigaci-n/cuarto-poder/multimedia/cuarto-poder-181112-sepa-por-qu-sierra-del-di>

law (Law 28736, 2006⁵) establishing the reserves where isolated peoples live as 'off-limits'. The fact that the Peruvian government is even considering a route for the highway through lands designated as a reserve for isolated peoples raises serious questions about their commitment to fulfil legal duties in domestic and international law.

Any highway interconnection project would compromise the integrity of the Isconahua Territorial Reserve, and the Sierra del Divisor Nature Reserve, a protected area established by the Government of Peru, and risk the serious violation of indigenous peoples' rights and threaten the very survival of the Isconahua. This situation is exacerbated further by the fact that another government agency, *PROINVERSIÓN*, is promoting the Atlantic-Pacific Transcontinental Railroad (Peru-Brazil) project (FETAB), which coincides with the highway route. This project will also have highly negative impacts on the lives of local communities and those in voluntary isolation if it goes ahead.

In October 2012, the [Regional Group for Monitoring Megaprojects in Ucayali](#)⁶, a coalition of civil society organisations, indigenous leaders and organisations and representatives of native communities, issued a [statement](#)⁷ rejecting this project.



120 *Kóshibo* (traditional leaders) of the Shipibo-Konibo communities from Ucayali, during an event organised by the Federation of Native Communities of the Ucayali (FECONU), 15-16 November, which has expressed rejection of the project, declaring that in 2013 it will initiate demonstrations against the national government © Robert Guimaraes Vásquez

Also last year, several indigenous organisations

⁵ Article 5, Law 28736, Law for the Protection of Indigenous or original peoples in the state of voluntary isolation or initial contact

⁶ <http://megaprojectosucayali.blogspot.com/>

⁷ http://megaprojectosucayali.blogspot.co.uk/2012/10/mariano-castro-sm-normal_31.html

collectively urged the national government, through a series of [letters](#)⁸ to the Presidential Office, to adopt administrative and legal measures, at all levels, on issues that affect the rights of indigenous peoples, such as impacts on indigenous territories, in accordance with the laws and case law of the Inter-American system of human rights, the International Labour Organization (ILO) Convention 169, the Constitution and Law No. 29785: Law of the Right to Prior Consultation with Indigenous or Tribal Peoples, recognised in Convention 169 of the International Labour Organization. Any activity carried out by the Peruvian government must obtain the free, prior and informed consent of the concerned peoples.



Abujao river basin (Ucayali). Informal mining activity is causing accelerated deforestation and pollution of water that communities drink from © Robert Guimaraes Vásquez

Call for Action

We call for international solidarity to put pressure on BNDES (Brazilian Development Bank), CAF (Latin American Development Bank) and IDB (Inter-American Development Bank), the main promoters of the IIRSA project, to request the suspension of the project and measures to protect and ensure the collective rights of the indigenous peoples affected by infrastructure megaprojects in the Peruvian Amazon.

To do this, write to the Office of the President of BNDES, Luciano Coutinho: presidencia@bndes.gov.br

For more information on the subject, visit: <http://www.forestpeoples.org/topics/responsible-finance>

You can also visit the Regional Group for Monitoring Megaprojects in Ucayali's [blog](#) in order to join the campaign

⁸ http://www.forestpeoples.org/sites/fpp/files/news/2013/02/Carta_Ollanta_Julio2012.pdf

and show solidarity: <http://megaproyectosucayali.blogspot.com>

**If you want to cooperate in other ways, please contact:
Robert Guimaraes Vásquez**

Coordinator of the Regional Group for Monitoring
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We thank the author(s) for contributing this article to the FPP E-Newsletter. The views expressed in this article may not necessarily reflect the views of Forest Peoples Programme.

5. From logging concessions to carbon concessions: What difference for communities in the Democratic Republic of Congo?

In 2011, the private Canadian company Ecosystem Restorations Associates (ERA) signed a management contract with the government of the DRC for a former logging concession of almost 300,000 hectares that adjoins the western reaches of Lac Mai Ndombe in Bandundu Province⁹. The aim of this agreement was to prepare the concession for sales of carbon on the international market. Up to 50% of this concession overlaps the customary lands of local and indigenous communities. ERA is now in partnership with Wildlife Works, a large REDD+ project development and management company.

A year prior to that another private company, Jadora International LLC, signed a partnership contract with the logging company SAFBOIS to implement a REDD project in the Isangi Territory in Oriental Province. This

project covers 239,728 hectares of primary forest located on the 348,000 hectare SAFBOIS logging concession just south of the Congo River. The concession overlaps the customary territories of 33 villages, and thousands of indigenous people, and aims to generate carbon credits through forest preservation and enhancement.

In both places over the past year Forest Peoples Programme (FPP) and our local partner [CEDEN](http://www.forestpeoples.org/partners/cercle-pour-la-defense-de-l-environnement-ceden)¹⁰ have been consulting with communities to assess the potential impacts of these projects on them, to provide information on DRC's REDD programme and the institutional and contractual arrangements of the REDD projects on their lands, and to support community engagement with these carbon projects. Our findings from recent visits to both concessions reveal that in both cases many communities remain uninformed about the objectives of these initiatives, and their timetables and plans.



Community meeting to assess the potential impacts of REDD projects in the village of Yabongengo, which is located within the Jadora/SAFBOIS concession © Patrick Kipalu

Through our direct engagement on the ground we have determined that the great majority of local and indigenous peoples have been marginalised from discussions about the design and implementation of both carbon projects. Most communities were uninformed of the benefits they are entitled to as part of the management contracts of Jadora and ERA because they do not know the exact contents. While Project Design Documents for both projects suggest that they would provide benefits to communities in exchange for restrictions over their use of their traditional lands, the ideas about how this would be achieved have been brought in from the outside, rather than on the basis of communities' free, prior and informed consent (FPIC).

⁹ For more information see: <http://www.forestpeoples.org/topics/redd-and-related-initiatives/news/2012/04/carbon-concessions-democratic-republic-congo-drc-ne>

¹⁰ For more information about CEDEN, visit: <http://www.forestpeoples.org/partners/cercle-pour-la-defense-de-l-environnement-ceden>

There are therefore information gaps for communities that need to be remedied in order to comply with the DRC government's clear policy to respect the right to FPIC as [set out](#)¹¹ by the Secretary General of Environment, personal representative of the Minister of the Environment, in the high profile [Forest Dialogue](#)¹² organised by FPP with the government in May 2012.

During recent visits to the region, FPP and CEDEN raised these concerns with the managers of both carbon projects. Jadora project managers acknowledge that much work still needs to be done to improve the design and implementation of their project, and have asked to collaborate with FPP and our partners working on the ground to achieve this goal. During a recent meeting by FPP with ERA project managers, agreement was reached to collaborate on the ground to ensure communities have access to all the information they need to engage effectively and to maximise the benefits they will receive.



Left to Right: Jacques Bolamba (CEDEN Field Assistant), Noah Herland (Director of Jadora in DRC), Patrick Kipalu (Project Coordinator, FPP) and Jose Mokaria (CEDEN Field Assistant)
©FPP

The findings about information gaps raise some questions about the the CCBA certification process completed in both concessions. In order to comply with international standards, both projects need to engage communities on the basis of their FPIC. We are positive that both projects will continue to improve.

We welcome the openness of the Jadora and ERA projects to address these issues, and are looking forward

to constructive engagement with project managers on the basis of mutual respect to improve collaboration among stakeholders. We will support both projects to engage with communities on a fair basis. FPP and CEDEN will continue to work with both project managers and affected communities to help them resolve these problems, and in the meantime will continue to share information about both projects publicly to ensure that DRC's REDD programme stays on track.



Villagers in Isangi Territory © Patrick Kipalu

11 See Opening remarks by the Minister for the Environment, Nature Conservation and Tourism: <http://www.forestpeoples.org/sites/fpp/files/news/2012/07/Secretary%20General%27s%20Speech%20-%20English.pdf>

12 For more information, see: <http://www.forestpeoples.org/topics/redd-and-related-initiatives/news/2012/07/drc-reaffirms-its-commitment-free-prior-and-informe>

6. UK government seeks public comments on proposals to tackle deforestation

The UK government is inviting public comments on government proposals to address deforestation and land use emissions in developing countries under the UK International Climate Fund (ICF), which is co-administered by DECC¹³, DFID¹⁴ and DEFRA¹⁵. The paper, entitled “Forests and climate change: Discussion paper on a proposed new set of UK interventions to tackle deforestation” is available (in English only) here:

<http://webarchive.nationalarchives.gov.uk/20130109092117/http://decc.gov.uk/assets/decc/11/tackling-climate-change/international-climate-change/7050-discussion-paper-deforestation-event.pdf>

Proposals encourage private sector involvement in combatting deforestation

The official paper argues that land use conversion decisions are increasingly driven by market and private sector operations in the developing world, so engaging companies and the market is seen as vital to global efforts to stem forest loss. Under the UK business model, interventions would seek to support activities aimed at “levering and partnering with private investment to reduce deforestation.” UK government ministries propose to use ICF funding to promote demand-side and supply-side market reforms to tackle deforestation. Under this setup, the UK would assist agribusiness companies and national governments to enable sustainable investments and developments on “brownfield sites”. The logic is to shift agribusiness expansion away from “greenfield” natural forest sites to land that is already deforested and considered to be “idle” and unproductive. The UK notes that British bilateral efforts might be extended to other deforestation drivers, including mining and infrastructure developments.

ICF resources and “catalytic finance” for forests would support developing country governments to “improve the business environment” and amend “jurisdictional architectures” to enable private sector investment in activities that “reduce emissions from deforestation”. At the same time, UK interventions would seek to increase the value of standing forests on greenfield sites

by supporting “community-based forest management, agroforestry, sustainable harvest regimes, biomass energy, forest restoration and best practice plantations.”

Funds for tackling deforestation and land use emissions would be channelled through a proposed “Facility” that would enable demand-side reforms and provide “technical assistance” to the governments of forest nations that wish to work with the UK in “mobilising the private sector” in combatting deforestation.

Initial response of civil society organisations

NGOs have so far broadly welcomed the UK’s commitment to tackling the drivers of deforestation, and encourage the UK government to maintain its leadership role in global efforts to combat forest loss and address climate change. At the same time, they note that the UK proposal is too narrowly focused on the private sector and does not pay adequate attention to key indirect drivers of deforestation linked to insecure tenure and weak forest governance (though a need to clarify tenure is briefly noted in the UK document, rights-based and livelihood analyses are notably lacking). NGOs highlight the need for the UK strategy to be widened to go beyond engagement with the private sector, in order to enable much needed and essential work with forest peoples and civil society to address deforestation within an inclusive, transparent and balanced framework that involves government, business and civil society.

NGOs are therefore recommending that to be effective and deliver sustainable outcomes any UK forest Facility would need to ensure targeted resources for securing community land tenure and promoting cross-sectoral reforms alongside better regulation of land acquisition frameworks in order to fully uphold human rights and environmental norms.

For further official information on UK policy on forests, sustainable development and climate change, see:

<http://www.dfid.gov.uk/What-we-do/Key-Issues/Climate-and-environment/Forests/>

<http://www.dfid.gov.uk/News/Latest-news/2012/Forests-Britain-teams-up-with-business-to-tackle-deforestation/>

<http://www.dfid.gov.uk/Documents/publications1/Multi-stake-forestry-prog-ann-rev-2012-1.pdf>

<http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/Global-issues/Emerging-policy/Climate-environment/?tab=4>

¹³ The Department of Energy & Climate Change

¹⁴ The Department for International Development

¹⁵ The Department for Environment, Food & Rural Affairs

<http://www.dfid.gov.uk/Documents/UK%20Fast%20Start%20Finance%20Commitments%20by%20Country%20%202010-11.pdf>

<http://www.colombianembassy.co.uk/en/news/159-the-uk-joins-colombias-efforts-to-tackle-deforestation-and-forest-degradation>

7. UNFCCC COP 18 makes no concrete decisions on REDD+ in Doha and delays further discussions until mid-2013

The 18th Conference of the Parties of the UN Framework Convention on Climate Change took place in Doha in December 2012, with the aim of laying the roadmap for a global binding agreement on emissions reduction, due to be finalised in 2015.

Issues and opportunities for indigenous peoples in Doha were highlighted in a briefing prepared by the Forest Peoples Programme that can be accessed here: <http://www.forestpeoples.org/topics/un-framework-convention-climate-change-unfccc/publication/2012/redd-and-indigenous-peoples-an>.

Negotiations on forests and climate change mitigation, dealt with under REDD+, took place in two tracks: The Ad Hoc Working Group on Long Term Cooperative Action (AWG-LCA), that mostly deals with the issues of REDD+ and results-based financing, and the Subsidiary Body on Scientific and Technological Advice (SBSTA) that deals with methodological aspects related to REDD+, most notably; providing guidance on key matters such as Safeguard Information Systems, Reference Emission Levels, Forest Monitoring Systems, and drivers of deforestation.

Negotiations in Doha were expected to tackle the following topics:

- Rights-based safeguards in information systems,
- The valorisation of traditional knowledge,
- Support for indigenous monitoring systems for REDD+,
- Key threats to indigenous peoples' rights with reference to drivers of deforestation,
- The need to take into account non-carbon

values of forests in REDD+ financing.

However, no decisions on these topics were made during the talks. In fact, REDD+ negotiations met unexpected stumbling blocks in most areas, especially on issues related to verification and financing.

Furthermore, the SBSTA negotiations ended without adopting any decisions. Discussions will therefore continue throughout 2013, most notably on:

- Modalities for a national forest monitoring system
- Monitoring, Reporting and Verification
- Provision of information on how safeguards are addressed and respected
- Issues related to drivers of deforestation
- Issues related to non-carbon benefits¹⁶

The AWG-LCA, however, agreed to launch a one-year work programme on REDD+ financing. Draft decisions on improving the effectiveness of REDD+ finance and on methodological issues of non-carbon benefits are to be developed through a series of workshops, for adoption at COP 19 in Poland.

All in all the outcomes of COP18 were disappointing for indigenous peoples as no decisions on the future of REDD+ (and the subsequent impacts from REDD+ on indigenous peoples' lands and livelihoods) were taken.

Forest Peoples Programme will continue to monitor UNFCCC negotiations in 2013 and provide strategic advice and support to indigenous partners, with a view to contributing to the consolidation of commitments on indigenous peoples' rights in climate-related activities in forests.

¹⁶ Non carbon benefits include biodiversity conservation, protection of livelihoods, governance reforms, land tenure reform and respect of indigenous peoples' rights.

8. Can IPBES move from a science platform to a diverse knowledge platform?

A small delegation of indigenous peoples and local communities attended the first meeting of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), held last month in Bonn, Germany. The delegation drew attention to the value and importance of indigenous and local knowledge and the need for a true partnership between diverse knowledge holders (who are just as 'expert' on biodiversity issues as scientists) and the IPBES.

IPBES, established in Panama City in April 2012, is intended to serve as an independent intergovernmental body for assessing the state of the planet's biodiversity, its ecosystems and the services they provide to society. Indigenous peoples and local communities have been involved from the beginning. In Bonn, governments and stakeholders discussed an initial work plan for IPBES and its rules and procedures, including participation by non-governmental organisations

Indigenous peoples and local communities stress that IPBES can only be successful if it becomes a truly diverse knowledge platform, transcending sciences and embracing multiple expertise and knowledge holders on an equal basis. Furthermore, indigenous peoples and other stakeholders must be enabled to fully and effectively participate in the process. Read the full statement by indigenous peoples and local communities to the IPBES here: [http://www.forestpeoples.org/sites/fpp/files/news/2013/02/Statement%20IPLCs%20to%20IPBES1%20Agenda%204\(b\).pdf](http://www.forestpeoples.org/sites/fpp/files/news/2013/02/Statement%20IPLCs%20to%20IPBES1%20Agenda%204(b).pdf)

To read the closing statement by indigenous peoples and local communities to the IPBES, see: <http://www.forestpeoples.org/sites/fpp/files/news/2013/02/CLOSING%20STATEMENT%20BY%20INDIGENOUS%20PEOPLES%20AND%20LOCAL%20COMMUNITIES.pdf>

For more information on the IPBES please visit: <http://www.ipbes.net/about-ipbes.html>

For more information about connecting diverse knowledge systems, see: http://www.dialogueseminars.net/resources/Panama/Reports/Panama-report_English_small.pdf

9. Upcoming publication: Special Edition FPP E-Newsletter on Safeguards

The next E-Newsletter from FPP will be a special edition on safeguards, investigating both the [current update and review process ongoing in the World Bank](#) and wider safeguard issues tied to climate finance, private sector standards and regional development bank investments.

Look out for the Special Edition which will be published in English, French, Spanish and Bahasa Indonesia in April 2013.

For more information on the World Bank's update and consolidation of its safeguards, please visit: <http://www.forestpeoples.org/tags/update-and-consolidation-world-bank-safeguard-policies-2010-13>
