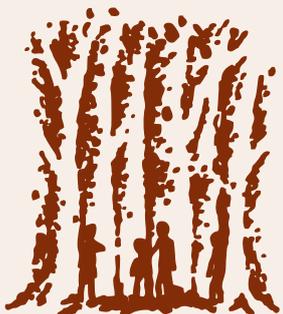


# FPP E-Newsletter: October 2011



Forest  
Peoples  
Programme

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Cover photo: Hosted by 'Le Centre pour l'Environnement et le Développement' (CED), and co-organised by FPP with partners CED, FERN and ClientEarth, the African Community Rights Network (ACRN) regional four-day workshop on securing community rights to forest lands took place from 12-16 September in Douala, Cameroon © Beko Image

Dear Friends,

In Africa, Asia and Latin America alike, forest peoples are speaking out against the continuing violations of their rights imposed by development and conservation plans that ignore their interests and deny them a voice. They go beyond resistance, insisting on their own ways of managing their lives, lands and forests.

In this newsletter, we recount how conflicts over imposed palm and pulpwood plantations in Riau Province, Sumatra, Indonesia have led to brutal killings by security forces. This same pattern of land-grabbing without peoples' consent is now repeating itself in Africa, where the Bagyeli people of the Cameroon now find themselves one of many forest peoples losing land to palm oil developers. Further east in Cameroon, Baka 'pygmies' are speaking out against the way conservation and REDD schemes are taking control of their forests without their participation. At a major meeting in Manaus in the Brazilian Amazon, indigenous peoples have just issued a Declaration denouncing the way politicians claiming environmental, populist, left wing or indigenous credentials are nevertheless spurring the development of oil and gas, mines and dams on indigenous peoples' lands without their consent. On the other side of the globe, Nepali indigenous lawyers appeal to the UN Committee on the Elimination of Discrimination Against Women to censure the way State policies deny effective indigenous participation and disadvantage indigenous women. A workshop of NGOs and indigenous activists in Cameroon notes that legal reforms securing peoples' rights, especially to control of their territories, are needed to halt these continuing abuses.

These calls are not unheeded. Two separate new studies by the World Bank and the Centre for International Forestry Research demonstrate that community-controlled areas are more effective for conservation than conventional exclusionary protected areas, while indigenous peoples' territories are most effective of all. Responding to the pressure and this kind of evidence, the Global Environment Facility, belatedly developing its own policy on indigenous peoples, now needs to adopt measures that ensure its projects effectively secure indigenous peoples' rights under international law. Such studies should also energise the work of the Convention on Biological Diversity, which is holding two significant meetings to review how it can best ensure countries meet their commitments regarding sustainable use and indigenous knowledge. Meanwhile the World Bank is again revising its 'safeguard' policies, though the emphasis needs to be as much on implementation as the standards themselves, as new internal studies shamefully reveal once again that World Bank staff routinely fail to apply the policies and procedures they already have designed to protect indigenous rights.

We dedicate this issue of our newsletter to our dear departed colleague, Ricardo Carrere, who led the World Rainforest Movement for so many years. Himself a forester who had worked in plantations in his own country, Uruguay, Ricardo then dedicated this life to the defence of people's livelihoods against the sweeping tide of mono-cultural plantations engulfing the developing world. Ricardo's tireless campaigning has helped inspire the work of many, including ours, in support of alternative development and conservation initiatives based on respect for forest peoples' rights.

Marcus Colchester, Director

# 1. Conflict and the Importance of Tenure Reform in Indonesia

Ahmad Zazali (Scale Up, Indonesia)

Scale Up, an Indonesian partner of Forest Peoples Programme, has been monitoring the evolution of social conflict in Indonesian oil palm plantations over recent years. Studies on conflict over natural resources in Riau province conducted by this partner over the last four years have shown a trend towards an increase in frequency and extent of disputed land each year, with a slight decline in 2010. Based on Scale Up's annual report of 2007, 111,745 hectares of land in the Riau area were subject to conflicting claims to natural resources, an area which increased to 200,586 hectares in 2008 and to 345,619 hectares in 2009. In 2010, the disputed land area decreased slightly to 342,571 hectares, compared to 2009. This was largely due to the fact that a large number of disputed areas and ensuing conflicts in that year were not identified or documented.

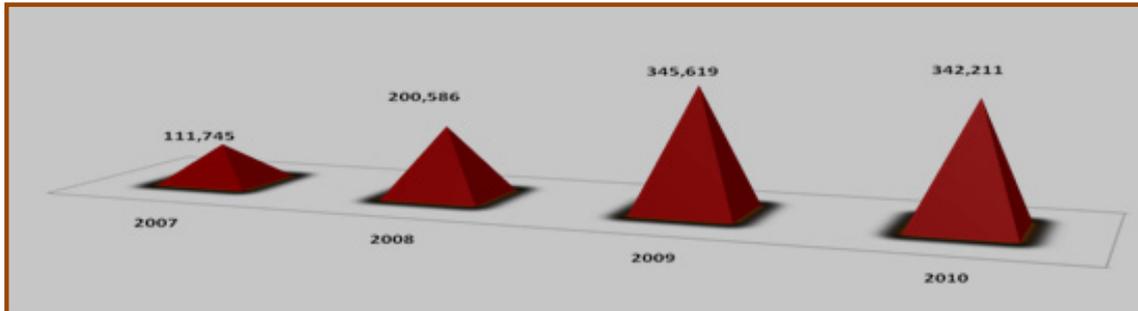


Diagram 1: Agri-business related conflicts 2007-2010 © Scale Up

It is important to note that this study also found that the land conflicts that occurred in 2010 were not new, but rather had already erupted in previous years and effectively re-surfaced in 2010 because they had not been successfully resolved. Scale Up's 2009 study identified that at least 170,049 hectares (approximately nearly 50%) of land were the object of ongoing and unresolved dispute over several years.

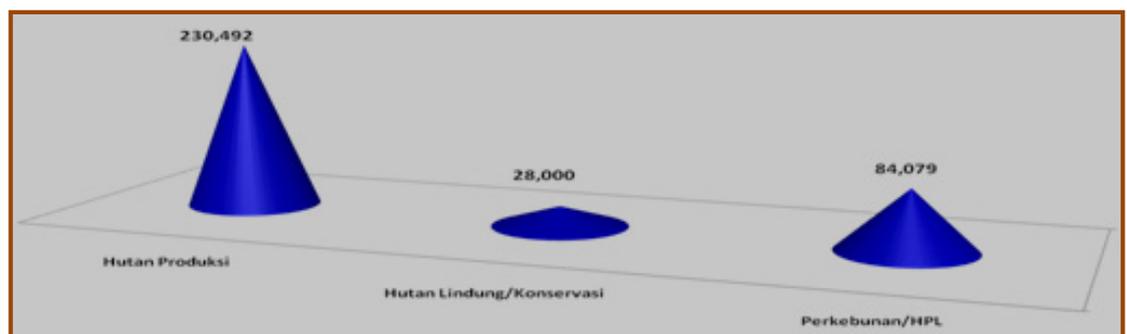


Diagram 2: Distribution of conflict based on land classification © Scale Up

Some cases of conflict documented in 2010 are reported to have spanned nearly two decades. This was the case for 844 hectares of land disputed by PT Surya Bratasena Plantation (PT SBP) and four villages in Pangkalan Kuras District (Batang Kulim, Dundangan, Sorek Sorek 1 and 2). What this reveals is that conflicts and violence witnessed and experienced by local communities in today's oil palm plantations are the fruit of a long history of disputes, grievances and unresolved injustices.

Few conflicts were successfully resolved in 2010. Scale Up identified only one such case, this being the conflict between the villagers of Penyaguhan Gangsal Trunk Subdistrict, Inhil and company PT Duta Palma. This conflict had been ongoing since 2000 and was only resolved ten years later, when the company finally agreed to the demands of the citizens for an enclave of land of 3,000 hectares out of the 14,000 hectares of land which the company had obtained licenses for. Such protracted processes of negotiation and conflict resolution raise considerable concern over the power dynamics involved between companies and local communities, as well as the lack of redress mechanisms available to Indonesian oil palm workers and smallholders in Riau province. Radical action at the local, regional and national levels are vital to secure their rights, protect their livelihoods and prevent the outbreak of further violence.

## What kind of land is being disputed?

Of the 342,571 hectares of disputed land identified by Scale Up in 2010, 67.28% were areas classified as production forests,

8.18% were in conservation/protected forests and 24.54% were in plantation areas. This means that the land disputes in 2010 were more prevalent in the area of production forests (see diagram 2).



Forced eviction of residents of Suluk Bungkal by the Riau Police, based on the request of PT Arara Abadi (APP) on December 18, 2008. This conflict remains unresolved. © Scale Up

This confirms the findings of FKPMR (Riau Community Leaders Forum) which listed at least 77% of the 66 land conflicts as having occurred in production forest areas from 2003-2007 (Litbangdata FKPMR 2007). Similarly, studies by Scale Up in 2009 reported that 75.9% of the conflicts in Riau occurred in the forestry sector (Scale Up 2009).

As for the relation of these conflicts with the business and enterprise sector, the location points of land conflicts with the community during 2010 were dominated by the plantation sector. During 2010, as many as 23 conflicts occurred in the plantation sector, 17 conflicts in the forestry sector, and four remaining conflicts in the mining sector. Although instances of conflict in the forestry sector were less than in the plantation sector, the extent of conflict areas in the forestry sector was recorded as three times larger than the extent of conflicts that occurred in the plantation sector.

The conflicts currently occurring in Riau province have caused serious loss of life and limb and property to local inhabitants who are protesting against the loss of their lands and resources. As Scale Up's study discovered, corruption and power imbalances have allowed for horrific crimes to go unpunished and to be hushed up.

In 2009, severe clashes occurred resulting from a land dispute between company PT. Sumatra Sylva Lestari (a

supplier of APRIL) and a village community of RAPP (Huta) Tangun, Bangun Purba district Rokan Hulu on May 28 2009. This conflict led to the deaths of three people while another sixteen people were severely injured. This conflict has been handled by the National Commission on Human Rights, which has concluded that serious human rights abuses have been committed. Despite this, to date, the perpetrators of the violence have not been dealt with by the police or the judiciary even though there have been numerous complaints from the families of the victims. The crimes remain unchallenged.

The Government of Indonesia needs to address the root causes of the serious conflicts plaguing Indonesia's forest-dependent people. These include:

1. The fact that conflicts are often triggered or exacerbated by the government (central and local) granting permission to companies to access and use land without the Free, Prior and Informed Consent (FPIC) of local communities. Spatial planning policies that do not accommodate the livelihoods of these local communities or respect their basic human rights are the main causes of conflict.
2. There is ambiguity in the allocation of tenure rights between local communities (with customary systems of tenure) and areas that are classified either as state forests (production, protection and conservation forests) or non-forest lands that are entrusted to the private sector and intended for the development of plantations. This includes lack of due process for land acquisition when access will be restricted, limiting the sources of livelihood of surrounding communities.
3. The flaws in law enforcement which allow government officials to engage in illegal land leasing or certification, and to distribute licenses to companies without community consultation.
4. The lack of existing policy, institutional and grievance redress mechanisms, resulting in local authorities failing to anticipate and efficiently resolve latent or ongoing conflicts.

To resolve ongoing land-related conflicts, immediate steps must be undertaken to achieve tenure reform, with an emphasis on the following dimensions:

1. Restitution of areas through a robust legal process to local communities and indigenous peoples.
2. The recognition of the rights of indigenous peoples and local communities through the establishment of regions specially managed by them.

3. The establishment of forest areas through the integration of indigenous territories in land use maps and maps produced by the National Land Agency

4. The full and immediate resolution of land disputes, backed by strong and institutionalised policies and grievance redress mechanisms, applicable and accessible respectively to local communities and indigenous peoples.

For the original Indonesian sources of this article, please visit (**NOTE: The first link contains graphic images - viewer discretion is strongly advised**):

[www.scaleup.or.id/publikasi-akhirthn/Laporan%20Tahunan%20Konflik%20Konflik%20Sumber%20Daya%20Alam%202009\\_ind.pdf](http://www.scaleup.or.id/publikasi-akhirthn/Laporan%20Tahunan%20Konflik%20Konflik%20Sumber%20Daya%20Alam%202009_ind.pdf)

[www.scaleup.or.id/publikasi-akhirthn/Catatan%20Akhir%20Tahun%202008\\_Scale%20Up.pdf](http://www.scaleup.or.id/publikasi-akhirthn/Catatan%20Akhir%20Tahun%202008_Scale%20Up.pdf)

For further information on Scale Up's work on conflict and land tenure, please visit:

[www.scaleup.or.id/publikasi-kolom/Merubah%20Konflik%20menjadi%20kemitraan%20sejajar\\_artikel\\_IND.pdf](http://www.scaleup.or.id/publikasi-kolom/Merubah%20Konflik%20menjadi%20kemitraan%20sejajar_artikel_IND.pdf)

[www.scaleup.or.id/publikasi-akhirthn/Laporan%20Tahunan%20Scale%20Up\\_2010\\_Final.pdf](http://www.scaleup.or.id/publikasi-akhirthn/Laporan%20Tahunan%20Scale%20Up_2010_Final.pdf)

*About the author:* Ahmad Zazali is Executive Director of Sustainable Social Development Partnership (Scale Up), an Indonesian NGO that promotes equitable and accountable development through partnerships with civil society, the government and the private sector. In particular, they research social conflict resulting from industrial oil palm plantations, and promote participatory research at the grassroots level, as well as training and capacity-building of local communities. For further information, please visit: [www.scaleup.or.id](http://www.scaleup.or.id) (in Bahasa Indonesia only)

## 2. The indigenous peoples of Cameroon: from Ngoyla-Mintom to national recognition

### In dialogue with parliament and the government

Compared to the 1990s and the start of the 21st century, the question of giving recognition to the indigenous peoples of Cameroon has, in recent years, become a central issue, if still in a somewhat tentative way.

Indeed, on the 1st and 2nd of September 2011 in Yaounde, Cameroon, parliament and the government held a dialogue on indigenous peoples. The meeting brought together members of the National Assembly (under the umbrella of the Parliamentarians' Network, REPAR), representatives of ministries with projects affecting indigenous peoples, development partners, UN special representatives and a substantial delegation of indigenous peoples: Baka, Bakola, Bagyeli and Bororo. A new phenomenon was the willingness to consider what is involved in giving recognition to indigenous communities, as was demonstrated by the extensive question and answer sessions between the members of the National Assembly and the indigenous peoples.



The dialogue on indigenous peoples held by parliament and the government in Yaounde, Cameroon © Messe Venant

Through their active participation, as much at the organisational level and in areas of protocol as in the working groups, the indigenous representatives expressed the desire that issues relating to land tenure and access to basic social services be resolved positively as soon as possible. Needless to say, others were concerned at the prospect of further meetings on indigenous peoples.

The support of organisations campaigning for the rights of indigenous peoples in Africa in general and for those in Cameroon in particular is to be appreciated. They, and we all, need to closely monitor whether the recommendations from this meeting are acted on.

### Ngoyla-Mintom: Baka concerns

FPP, CED and OKANI have just concluded a series of consultations with Baka communities living in the Ngoyla-Mintom corridor. This involved over 300 people. These RRI funded consultations culminated in two workshops held locally in Mintom and Ngoyla respectively.

One purpose of the consultations was to make the

communities aware that project developers and the state have obligations to consult the communities when a project is likely to affect them. Another purpose was to provide information on the issues facing their forest, specifically preparations being made under the REDD initiatives by WWF, GEF, etc.

What became very clear was that the Baka living here are completely unaware of all the negotiations and discussions taking place about their forests. By the end of the discussions, WWF and its partners undertook to bridge the gaps and to bring their own practice in relation to indigenous peoples and conservation in line with the WWF principles for engagement with indigenous peoples as presented to the communities by the facilitator from the Centre for Environment and Development (CED).

In conclusion, the Baka stipulated that (i) if their right to free, prior and informed consent is not implemented, (ii) if their rights over their forests are not recognised, and (iii) if no clear mechanisms are put in place to ensure their equitable sharing of the profits and advantages expected to accrue from the REDD projects, then they will not accept REDD.

Finally, the Baka pointed out that their lifestyle and their activities have not caused damage to the forest but have protected it, and that they will welcome a form of REDD that supports them to continue these activities but not those that promote the destruction of their forest and that perpetuate their marginalisation.



Consultation workshop on REDD in Mintom © Messe Venant

### 3. BioPalm plantation will lead to destruction of Bagyeli communities in Cameroon

The government of Cameroon has signed a MoU for the creation of a 200,000 ha palm oil plantation by BioPalm Energy Ltd (a subsidiary of the Singapore-based SIVA Group) in Ocean province, Cameroon. This project was launched on Wednesday 24th August 2011 – despite the indigenous Bagyeli people opposing the decision to allocate their customary lands to the BioPalm plantation.

Recent fieldwork by Forest Peoples Programme (FPP) has found that neither the project nor the state has secured the Free, Prior and Informed Consent (FPIC) of the Bagyeli, as required by the United Nations Declaration on Indigenous Peoples Rights, which Cameroon has ratified.

To establish the plantation, native trees will be cut down and replaced with a monoculture of oil palms, making hunting and fishing in these areas impossible. The Bagyeli mostly depend on hunting, fishing and collecting forest products for their livelihoods, regularly going for several days deep into the forest. They also use the forest for traditional medicine. It is clear that the plantation will be the end of their way of life.

The Bagyeli communities that FPP visited said that “the plantation is a way to make the Bagyeli disappear”. As well as making their traditional livelihoods impossible the plantation will also lead to the erosion and loss of their culture by preventing transmission of their forest knowledge. They asked, “How will we survive?” as several of their villages are even located within the planned plantation – it is unclear how the project plans to deal with them.

The project does not plan to provide any compensation for indigenous peoples and other local communities (Bagyeli and others). Communities have merely been informed that a 4km-wide strip along the road will be left to them for all their activities. Some of the other local communities are divided, as some are attracted to the project by the promise of “development”, such as schools, health centres and a good road that the government has failed to provide so far. They are also hoping to benefit from employment in the company.

Nevertheless, many of these promised benefits are unlikely to materialise or to be short-lived as such

concessions tend to employ people from much further afield, and any services that they establish need sustained investment in human resources. Moreover, the Bagyeli are already marginalized by dominant local communities, thus they are unlikely to see even short-term benefit from social schemes, employment or secure land for farming.

The felling of timber in the forest and the planting of palm trees has not yet begun. There is still an opportunity for the government to fulfil its role towards communities and respect its international obligations.

## 4. Indigenous leaders propose alternative approaches to forests and climate change, and discuss Rio+20

Indigenous leaders gathered in Manaus in mid-August for a conference organized by COICA (Confederation of the Indigenous Peoples' Organizations of the Amazon Basin) to discuss traditional knowledge, forests and climate change, as well as the Rio+20 conference. Their final statement called for the recognition of Indigenous Peoples' rights to their territories, respect for the principle of the 'full life'<sup>1</sup> (*vida plena*) and support for Indigenous approaches to climate mitigation in forests, (referred to in the statement as "Indigenous REDD+"). Communities were also advised to be alert to the bad practices of "carbon cowboys" and avoid entering into any contracts until international obligations on rights are fully implemented.

The Conference voiced its support for Bolivian indigenous peoples' struggle against state plans for a highway project in the Tipnis indigenous territory. Brazilian Indigenous leader Raoni Kayapo denounced the impact of the Belo Monte dam on the Xingù River that would cause the forced resettlement of tens of thousands of indigenous peoples and local communities.

A number of governments in Latin America are facing an impasse caused by the social and environmental costs of their infrastructure development policies, the urgency of increasing public expenditure and the fact that this is mostly being covered by the export of oil and minerals from the subsoil of indigenous peoples' territories. There will be no way out of this impasse if the basic assumptions behind national development policies continue to rest on unlimited quantitative growth,

1. A concept similar to 'good living' - 'buen vivir' or 'sumac kawsay'

together with government drives to accelerate production and contribute to the global trade of raw materials. In short, states are failing to develop long-term sustainable solutions aimed at generating financial resources outside of an extractivist monoculture.

Therefore, indigenous peoples are proposing alternative approaches based on their livelihoods, traditional knowledge and human rights as the keystones for the responsible transformation of current economic and production models. Please see the Manaus Declaration and other statements at: <http://coica.org.ec/cumbre2011/index.php/using-joomla/extensions/components/content-component/article-categories/218-resoluciones>

## 5. Indigenous women raise their voices at CEDAW

In July, the 49th Session of the Committee on the Elimination of Discrimination Against Women (CEDAW) met in New York. Indigenous women in Nepal, under the umbrella of the Nepal Indigenous Women's Federation (NIWF), attended the session for the first time to defend and explain the findings that they had presented to the Committee in their Shadow Report.

The report was supported also by the Lawyer's Association for the Human Rights of Nepal's Indigenous Peoples (LAHURNIP) and by the Forest Peoples Programme, and represented the first national level, self-researched and written, report on the status of indigenous women in the newly emerging Nepalese republic.



Nepal government delegates during the session © NIWF

The report highlighted some serious concerns that indigenous women have in the newly emerging polity, including restrictive rules against self-representation of indigenous peoples in the Constituent Assembly,

and long-term concerns like bonded labour among the Tharu people, and a disproportionately high number of indigenous women and girls being trapped into human trafficking.



Ms Yasso Kanti Bhattachan making her presentation © NIWF

Ms Yasso Kanti Bhattachan and Ms Sangeeta Lama attended the session for NIWF. Yasso said, “For we indigenous women of Nepal, the submission of shadow report on the rights of indigenous women of Nepal and 3-minute presentation to the CEDAW Committee members during informal meeting between NGOs and CEDAW committee members were indeed a ground-breaking historical event.” Yasso also attended a pre-session training event by the International Women’s Rights Action Watch – Asia Pacific (IWRAP-AP). She said, “I learned much from the IWRAP training “From Global to Local” and I already benefitted by applying the learned ideas and techniques during the sessions, and these ideas and techniques would be useful in our future endeavor including lobbying to protect and promote rights of indigenous women of Nepal.”



Members of NIWF at the session © NIWF

The Committee responded well to the discussions that the delegation had with them over the course of the session, and recommendations were provided to the Nepal State responding to three key demands in the shadow report, namely equitable political participation through quotas for indigenous women, the need to address access to education by indigenous girls and the need to more effectively respond to the on-going challenges of bonded labour among the Tharu. Although some areas of the Shadow Report were not picked up, including land and resource access complaints, the experience of the Session was effective in highlighting the specific and multiple discriminatory issues that indigenous women face.

NIWF is now planning a national workshop to translate and disseminate the CEDAW recommendations, both those related to indigenous women and the general recommendations. The workshop will involve the women and communities who contributed to the original report and aims to strengthen their capacity to monitor national level implementation of the recommendations.

## 6. Peer-reviewed CIFOR and World Bank studies find that community-managed forests are better for conservation than strict protected areas

Two peer-reviewed studies published recently show that strict conservation is less effective in reducing deforestation than community forests that are managed and controlled by Indigenous Peoples and forest-dependent communities within multiple use systems (e.g. IUCN categories V and VI).

One study, [by Porter-Bolland et al. from CIFOR](#), is a statistical analysis of annual deforestation rates as reported in 73 case studies conducted in the tropics. They find that deforestation is significantly lower in community-managed forests than in strict protected forests.

The other [study on forest loss undertaken by the World Bank Independent Evaluation Group](#) (authored by Nelson and Chomitz) finds that some community-managed forests are located in areas with higher deforestation pressures than strict protected areas. Taking this into account, they find that community-managed forests are much more effective in reducing deforestation than strict protected areas (cf. summary table, p9). Where there is data, they find that forest areas managed and controlled by Indigenous Peoples are even more effective.

This is additional evidence that effective actions to conserve forests should be based on supporting secure land tenure for peoples and communities who live in and around forests, and the recognition of community forests and Indigenous Peoples' territories. This approach is at once more effective and cheaper than conventional protected area options, provides opportunities to improve local livelihoods and ensures respect for human rights. So why are protected areas still multiplying rapidly and receiving the vast majority of conservation funding? And why is it that these areas are now in line to benefit from possible finance under global and national REDD policies and funding mechanisms?

These questions need to be examined in public and in policy debates at the national and international levels. There is an urgent need to rethink forest conservation policies and adopt approaches that redirect conservation and climate finance to actions that are more effective and just for forest peoples.

For further information: Andrew Nelson and Kenneth M. Chomitz, "Effectiveness of Strict vs. Multiple Use Protected Areas in Reducing Tropical Forest Fires: A Global Analysis Using Matching Methods," *PLoS ONE* 6, no. 8 (2011): e22722. <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0022722>

Luciana Porter-Bolland et al., "Community managed forests and forest protected areas: An assessment of their conservation effectiveness across the tropics," *Forest Ecology and Management* (June 2011), <http://www.cifor.org/nc/online-library/browse/view-publication/publication/3461.html>

## 7. Back on the merry-go-round: the World Bank reviews its Safeguard Standards

Towards the end of 2010 the World Bank announced that it was launching a review process of eight of its so-called 'safeguard policies', those policies which are intended to establish minimum requirements to minimize or remove the risk of social and environmental harms being directly caused by World Bank financed activities (see box below) and its policy on the use of country systems. The review encompasses the policies that are binding on the International Bank for Reconstruction and Development (IBRD) and the International Development Agency (IDA), the two institutions that make up the public

lending arms of the 'World Bank'<sup>2</sup>. Over the years, the Bank's safeguard policies have been successively reviewed and updated. While these revision processes have resulted in some useful safeguard standards, civil society organizations and indigenous peoples point to serious remaining gaps and weaknesses in the Bank's safeguard framework. They highlight, for example, that the Bank's standards and commitments are beginning to lag considerably behind other financial institutions in areas like resettlement and indigenous people's rights, and lack an overall framework for social risk assessment.

### World Bank (IBRD/IDA) Safeguard Policies

4.01 Environmental Assessment (1999)

4.04 Natural Habitats (2001)

4.36 Forests (2002)

4.09 Pest Management (1998)

4.11 Physical Cultural Resources (2006)

4.37 Safety of Dams (2001)

4.12 Involuntary Resettlement (2001)

4.10 Indigenous Peoples (2005)

4.00 Piloting the Use of Country Systems (not a safeguard policy, but also in the review)

The review announced is intended to be a comprehensive and complete look at the safeguards as a whole and may well result in a completely new system where individual policies as we currently recognise them could disappear entirely or be merged with other policies in a new format. Such possible radical changes have attracted a high level of attention from civil society and social justice organizations around the world who are concerned that the process could result in a dilution of existing standards. At the same time, the review process could open possibilities for additional new safeguards. In this context, it is noteworthy that in launching the review, the World Bank acknowledged that key issues such as labour rights and gender considerations are not addressed in existing safeguards implying that new policies might need to be developed.

### Will the Bank learn lessons from its own implementation evaluations?

The review comes at a timely moment for the Bank. In 2011 the Independent Evaluations Group of the Bank released a detailed review of all the Bank's safeguards, reviewing both the IBRD/IDA policies and the commensurate standards used by the IFC and MIGA. In this review, *Safeguards and Sustainability Policies in a Changing World: An Independent Evaluation of World*

2. The Safeguard Review does not cover the policies and procedures of the International Finance Corporation (IFC), which has recently concluded a review of its own performance standards, nor does it address standards applying to the Multilateral Investment Guarantee Agency (MIGA).

*Bank Group Experience*, extensive recommendations were provided to both IBRD/IDA and to IFC/MIGA which should form a significant input into this current review. More targeted, the World Bank also recently released a long-awaited review into the implementation of the World Bank's policies on indigenous peoples, *Implementation of the World Bank's Indigenous Peoples Policy: A Learning Review* (FY2006-2008). Among many other stark findings, this latter report details a systematic failure to appropriately address land and resource rights in Bank projects impacting on indigenous peoples, raises serious questions about the manner in which the policy has been triggered, reveals extensive failures to appropriately document consent, agreement or support processes from indigenous peoples for these projects and a widespread lack of appropriate disclosure or conflict resolution mechanisms at the local level. With such new and detailed information, the current review can be appropriately informed as to past implementation weaknesses, and work to address them in whatever new system emerges.

However since the announcement of the review last year, very little has concretely happened in terms of developing the review process. It is expected that an 'approach paper' will be revealed soon (September 2011) and opportunities for public comment will commence. In the absence of clear information or plans from the World Bank, civil society organizations, indigenous peoples' organizations and others have submitted a formal letter to the President of the Bank detailing the key requirements in the new system that must be incorporated to ensure that the Bank is able to deal with emerging social and environmental risks.

Part of the letter addresses an area of current and significant concern relating to the emergence of new lending processes that would not require the application of the safeguard policies. This refers to the so-called 'Programme for Results' initiative, or P4R operational policy (OP 9.00) which is currently under fast-track development and expected to be finalized prior to the end of 2011. This lending instrument would allow funds to be loaned without the safeguard policies attached, relying instead on recipient country governments to use their own existing laws and regulations. In the case of indigenous peoples, this policy instrument could undermine decades of work in achieving recognition that the rights of indigenous peoples require protection, *especially* where the national laws are insufficient or where indigenous peoples are completely unrecognized. FPP supports the call for this new proposed form of lending to be brought into the safeguard review processes, under the core principle that effective safeguards must be universally applied across Bank lending and grant-giving operations.

The NGO letter also addresses the need to develop safeguards, which ensure compliance and consistency with existing international standards and instruments on *both* the environment and on human rights. The World Bank has long required consistency with major environmental conventions and treaties but human rights standards and laws have been consistently disregarded. This must change, and the safeguard review provides the opportunity to ensure that the World Bank adopts robust standards and safeguards on human rights..

The World Bank has decades of experience in using its safeguard policies, from the earliest days in the 1980s through until today, and that experience – as recorded in the two reports already cited – must inform the actions the Bank takes now as it embarks on the design of its new approach. The involvement of indigenous peoples and civil society in such a process will be key if it is to result in an effective, equitable and rights-based system that will deliver real and sustained development results.

The full text of the NGO letter, endorsed by FPP, is provided here:

<http://www.forestpeoples.org/sites/fpp/files/publication/2011/09/csoletteronworldbanksafeguardsreview.pdf>

## **8. Douala ACRN regional workshop strengthens common vision for securing community property rights to lands and resources**

Hosted by 'Le Centre pour l'Environnement et le Développement' (CED), and co-organised by FPP with partners CED, FERN and ClientEarth, the African Community Rights Network (ACRN) regional four-day workshop on securing community rights to forest lands took place from 12-16 September in Douala, Cameroon. The workshop brought together around 50 representatives from civil society organisations (CSOs) and communities from seven countries in the Congo basin, Ghana and Liberia, as well as land tenure expert, Liz Alden Wily. The workshop was funded by the European Union and the Rights and Resources Initiative (RRI).

The workshop culminated in position statements to government, and to civil society and communities. The statements expressed the conclusions of participants that the central and urgent issue to be addressed was

how community rights to customary lands and resources could be secured as property rights in national laws. The statements also set out the means for securing this formal protection and supporting community governance. This common vision was presented to officials from Cameroon's government on the final morning of the workshop by Silas Siakor, director of the Liberian 'Sustainable Development Institute' (SDI), on behalf of the workshop.



Participants at the workshop in Douala © Beko Image

Read the *Douala Conference Statements* (available in French and English) here:

- Statement to Governments from the African Community Rights Network Douala Conference on Community Rights Cameroon, 13-16 September 2011: <http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2011/statement-governments-african-community-rights>
- Statement to Communities and Civil Society NGOs from the African Community Rights Network Douala Conference on Community Rights Cameroon, 13-16 September 2011: <http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2011/statement-communities-and-civil-society-ngos-a>
- Address to the African Community Rights Network conference on community rights, by Silas Siakor (only available in English): <http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2011/address-african-community-rights-network-confe>

For further information on the FLEGT and REDD international mechanisms discussed at this workshop, see the following links:

#### FLEGT

LoggingOff website: <http://www.loggingoff.info>

*Lessons Learned from FLEGT for REDD summary* (FERN): <http://www.fern.org/node/4963>

Illegal-Logging website: <http://www.illegal-logging.info>

#### REDD

*Smoke and Mirrors: A critical assessment of the Forest Carbon Partnership Facility*: <http://www.forestpeoples.org/topics/forest-carbon-partnership-facility-fcpf/publication/2011/smoke-and-mirrors-critical-assessmen>

*REDD and Rights in Cameroon*: <http://www.forestpeoples.org/topics/forest-carbon-partnership-facility/publication/2011/redd-and-rights-cameroon-review-treatment>

*Securing Community Rights in Climate and Forest Protection Programmes in the Central African Republic*: <http://www.forestpeoples.org/tags/publication/2010/securing-community-rights-climate-and-forest-protection-programmes-central-afr>

## 9. Swedish International Development Agency supports Forest Peoples Programme to help forest communities impacted by REDD in the Democratic Republic of Congo

In terms of natural resource endowment, the Democratic Republic of Congo (DRC) is one of the wealthiest countries in Africa. However its citizenry are amongst the poorest in the world. Some of the most impoverished and politically marginalized people – indigenous and local forest communities - live here. They mostly rely upon forests and other natural resources to secure their basic livelihoods through subsistence forest hunting and gathering, and small-scale agriculture. These forest peoples currently have little or no influence over national and provincial decisions about how their customary lands will be used by commercial or conservation groups, whose interests are often in conflict with forest communities' needs, priorities and basic human rights.

The DRC has abundant natural resource wealth and extremely high forest biodiversity. Since the colonial period its forests have come under numerous pressures

from commercial enterprises including logging, mining, petrol exploration and agro-industry. Many millions of hectares of DRC forests have already been logged and mined, and many more developments are planned. These include a massive infrastructure project to link together a country the size of Western Europe, and behemoth plantations of palm oil and other goods.

These extractive and development pressures on forests have led to the introduction by the government, with the support of numerous donors, of many conservation initiatives to combat this trend. For a decade the largest such regional scheme, the Congo Basin Forest Partnership, has been targeting the establishment of large-scale forest conservation plans in conservation landscapes accounting for many more millions of hectares of conservation forests. Most of these Congo Basin conservation initiatives are concentrated upon areas that overlap rural communities' customary areas – and they mostly aim to reduce communities' forest access and use. The progressive expansion of conservation initiatives in the DRC is thus further increasing competition for communities' customary lands.

These competing commercial and conservation actors are both putting enormous pressures on local and indigenous forest communities' forest access and rights, and their overall economic welfare, as they are increasingly squeezed into smaller and smaller areas. It is ironic that forest peoples are becoming poorer as their forests become more valuable.

New finance and forest conservation initiatives falling under the title of 'Reducing Emissions from Deforestation and Forest Degradation (REDD)', which aim to produce the global commodity of carbon sequestration to combat global climate change, are being developed now for the DRC in Bas Congo, Bandundu, Equateur, Oriental, North Kivu and South Kivu Provinces. The potential benefits to rural forest communities from such REDD initiatives in DRC are considerable, given that they are the main users and custodians of the forests targeted by those proposals, and the (potential) large sums of money involved. Proposed benefit sharing arrangements deriving from new REDD schemes could bring much needed resources into rural areas to support long-term development efforts to address prevalent and extreme rural poverty.

However the current arrangements for enabling such profit sharing or compensatory investment towards rural areas from REDD or carbon trading schemes continue to be hampered by the almost total lack of participation by communities in the development of the plans, and the complete absence of information at local levels about what is being proposed. It is a fact that right now the

macro-management of Congo Basin forests is changing rapidly without the knowledge and input of its primary stakeholders. These forest communities' rights are already under serious threat, and despite the good intentions, climate change mitigation efforts such as REDD threaten to make things worse.

For the next 3 years the Swedish International Development Agency (SIDA) is funding the Forest Peoples Programme (FPP) to implement a project in the DRC to enable forest communities – especially women and indigenous peoples - to protect their human rights in REDD pilot areas. The project will also invest in economic development activities with forest communities on the basis of their free, prior and informed consent (FPIC). The project is a collaboration between FPP and around 6 national NGOs working on forest issues in Bas Congo, Equateur, Oriental, Bandundu, North Kivu and South Kivu provinces. It aims to ensure that the hundreds of rural forest communities who will be most affected by REDD pilot initiatives on the ground across the DRC will be able to protect their rights and maximize the benefits they receive from these schemes, while helping to create an enabling environment for long-term rural economic development in their areas. i.e. *making REDD work for local people*.

This project is aiming to support local level training for communities and their support organisations wherever REDD pilot projects are being undertaken within the target provinces. The work will include human rights trainings for civil society by FPP lawyers. Our intention for this project will be to work with forest communities and REDD project promoters to ensure that forest communities' rights become protected in the plans, and that communities become more aware of the decisions being taken about their forests and the potential ways they might benefit. We aim to build constructive links with all the key private, conservation and government stakeholders involved in such projects on the ground in the DRC. Please email us at [info@forestpeoples.org](mailto:info@forestpeoples.org)

## 10. GEF Council to adopt revised Environmental and Social Safeguards in November

The Global Environment Facility (GEF) secretariat will propose to the next GEF Council meeting a revised set of Environmental and Social Safeguard Standards and accountability mechanisms that will accompany such standards.

With the GEF's increasing engagement in REDD+ related activities and a long history of involvement in protected area establishment and management, these standards will be essential to ensuring that the expansion of GEF delivery partners does not result in a lowering of standards in GEF-financed projects.

The GEF Secretariat released their earlier proposed draft for civil society consultation (see related documentation provided [here](#).) Substantial concerns remain with the draft in relation to key areas of indigenous peoples' rights (the safeguards allow forced relocation, for example). Other concerns are connected with complaints and compliance mechanisms. It is expected that a final agreement on safeguards by the Council will be reached during the up-coming 41st GEF Council Meeting, November 8-10 2011. Any concerns over the proposed draft should be communicated to Council members ahead of the November meeting.

For further information:

Earlier Proposed GEF Policies on Environmental and Social Safeguards and gender mainstreaming:  
<http://www.forestpeoples.org/topics/global-environment-facility-gef/publication/2011/proposed-gef-policies-environmental-and-soci>

FPP submission to the GEF: <http://www.forestpeoples.org/topics/global-environment-facility-gef/publication/2011/fpp-submission-global-environment-facility-s>

## 11. Upcoming Convention on Biological Diversity meetings with issues of relevance to Indigenous Peoples

Two meetings of the Convention on Biological Diversity (CBD) which will deal with issues of relevance for indigenous peoples are scheduled in Montreal, Canada, in the first two weeks of November:

- **The Seventh meeting of the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions, 31 October - 4 November 2011, (WG8(j)-7), and**
- **The Fifteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, 7 - 11 November 2011 (SBSTTA 15).**

WG8(j)-7 will reflect on several tasks of the programme of work on article 8(j), which is going to be revised. A key issue will be the discussion on how Article 10(c), which deals with customary sustainable use of biodiversity, will become a major new component in the revised programme. The meeting will also address the development of indicators relevant for traditional knowledge and customary sustainable use. Meeting documents and more information are available here:

<http://www.cbd.int/doc/?meeting=WG8J-07>

One of the issues SBSTTA-15 will reflect on is the recently adopted new Strategic Plan of the Convention, including indicators for measuring progress. It is also tasked to discuss the outcomes of a recent expert group on bush meat, which has for several years been a point of debate between indigenous peoples and conservation organisations. Meeting documents and more information are available here:

<http://www.cbd.int/doc/?meeting=SBSTTA-15>

FPP and partners will attend both meetings and provide news and updates through our website and in our next E-Newsletter.

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