Environmental Governance

FPP’s Environmental Governance Programme supports forest peoples to regain control over land and resources through community mapping, sustainable community-based territorial management and self-determined development. We support partners to carry out research and advocate for activities that transform the principle of respect for forest peoples’ rights into practical reality on the ground.

Wapichan launch territorial maps and plan

The Wapichan people of Guyana launched their ground-breaking community-based territorial management plan Thinking Together for Those Coming Behind Us alongside a community map of their traditional lands at a public event in the capital Georgetown. The plan sets out the Wapichan’s customary laws for caring for the land and their communities’ agreements on community land rights, sustainable use of livelihood resources and conservation of important cultural heritage and wildlife sites through community-controlled reserves. The land use agreements in the plan were validated by all communities and include a proposal to create a 1.4 million hectare Wapichan Conserved Forest in the east and south of the territory as well as numerous plans to protect the sacred sites and local sites important for fish, game animals and wildlife. The plan also contains agreements made among villages on common title boundaries and proposed title extensions.

Community rules and principles for dealing with external developments affecting the lands, including rules on the collective right to free, prior and informed consent, are also included in the document.

After the launch the Wapichan held several meetings with government agencies to discuss next steps. Almost all the villages and satellite settlements have now lodged formal requests for a land title extension.

Directors’ Message

The pressure on forests and forest peoples continues relentlessly. This is despite growing global awareness that deforestation threatens us all and despite general acceptance that solutions to deforestation must respect forest peoples’ rights, so they can manage their lands sustainably and secure their livelihoods. In our close work with both indigenous and other peoples in the forests, it becomes increasingly clear that the obstacles to reform are multiple – institutional inertia, ingrained prejudice, multiple forms of discrimination, vested interests and financial and political corruption. It often seems daunting. But history teaches and inspires us not to be put off: the right to vote for all men and women was not won by giving way to realpolitik. Slavery was not defeated by accepting the status quo. Change comes from those who demand it.

As the examples summarised in this report show, with the right support but mainly through their own efforts, forest peoples are able to counter all these challenges to their future. Increasingly their rights are given prominence in climate projects and their voices heard in policy-making. International finance institutions are taking steps – too slowly to be sure – to safeguard rights. National governments are realising that forestry laws must be reformed and people given the right to say ‘no’ to imposed schemes. New procedures are being tried out to include village locations and prior land use in land use planning – and you may rightly be amazed that this is not done already. Land grabbers are being stopped in their tracks and held to account for past violations. New national norms consistent with human rights standards are being developed, aimed at securing forest peoples’ lands and lives in the face of agribusiness. While we wait for national reforms, private sector ‘voluntary standards’ are also gradually being improved – though we have a long battle ahead to get all these companies to keep their promises. Efforts are being joined too to counter the ingrained prejudices, both within and outside their own societies, that hinder indigenous women from enjoying their rights. All these achievements, piecemeal and partial though they may be, show us that change is possible.

It is the collective nature of this work that we seek to highlight by referring throughout this report to ‘we’, ‘us’ and ‘our’ efforts. We are proud of the strong spirit of companionship, friendship and shared struggle that characterises the collaborative work of our staff, forest peoples and partner NGOs. We support and celebrate the work of forest peoples to assert their rights and define their own futures.

This annual report marks the final year in which one of us, Marcus Colchester, has been directing the work of FPP and sets the stage for the other of us, Joji Cariño, to take over as Director. Marcus will stay on as Senior Policy Advisor to FPP. We are glad to report that a six week period ‘passing the baton’ has been accomplished without a break of pace in our long marathon towards social justice for forest peoples. We take this opportunity to thank all our supporters and donors for their commitment to help us make a better world.

Marcus Colchester and Joji Cariño
Supported traditional resource users in Sundarbans with facilities and training to increase their capacity to monitor and manage traditional resources and adapt to climate change.

Submitted detailed proposals to CBD for a new work plan on customary sustainable use, which was widely cited at COP11.

Produced a guide to Indigenous Peoples in the CBD to assist indigenous participation at the CBD.

Made significant inputs to COP11 Decisions including on traditional knowledge and customary sustainable use and on the strategic plan and development of national plans, targets and indicators.

Supported launch of ground-breaking Wapichan community-based territorial management plan and maps, and subsequent meetings with Guyanese officials.

Continued to support community-level networking, collaboration and empowerment in northern Thailand.

Supported traditional ceremonies to establish sacred forests in northern Thailand and promoted traditional occupations and sustainable income-generating activities.

Empowered Guna leaders in Panama to safeguard traditional knowledge through the use of a community-based protocol on access and benefit sharing of genetic resources on their lands, based on FPIC.

Supported workshops for Guna youth, students and women on traditional knowledge, biodiversity and climate change.

Supported leadership training for indigenous youth in Lower-Marowijne, Suriname and secured funding for an exchange visit to the Wapichan territory concerning community-based management planning and mapping.

Encouraged the Intergovernmental science-policy Platform on Biodiversity and Ecosystem Services (IPBES) to ensure full and effective participation of indigenous peoples in the process, and contributed inputs on the value and challenges of sharing knowledge for indigenous and local knowledge holders as well as scientists.

Participated in meetings and strategy development of the International Partnership for the Satoyama Initiative.

Assisted in a pilot assessment of the Whatakane Mechanism in Ob Luang National Park, Thailand to assess the impact of protected areas on local people and presented results at the World Conservation Congress.

In the Sundarbans mangrove forests of south-west Bangladesh, traditional resource users’ groups set up community co-operatives during the last two years, with support from FPP and our partner Unnayan Onneshan.

The co-operatives have proved a big success, providing meeting spaces for the members to hold regular discussions about natural resource management problems, and about collaborative actions and solutions. FPP’s support is helping equip the co-operatives with solar-powered lighting for evening meetings. The cooperatives also host various training workshops, for example, two trainings were held on tools and techniques for community-based biodiversity monitoring.

Unnayan Onneshan continued to research communities’ vulnerabilities to climate change, identifying 55 community climate adaptation practices so far. Unnayan Onneshan also helped set up an informal education centre at the Aibasi Munda cooperative where young and adult members are educated about traditional resource use. An indigenous teacher has been hired to teach at the centre.

The project also continues to promote local climate-change adaptive economic activities such as mangrove-aqua-silviculture, which increases communities’ sustainable incomes and reduces pressures on the resources in the Sundarbans.
Progress on indigenous peoples’ customary sustainable use of biodiversity at the Convention on Biological Diversity

The 11th Conference of the Parties to the Convention on Biological Diversity (COP11) in Hyderabad, India was a landmark meeting for FPP and our partners.

To prepare for COP11, we coordinated a joint submission by 26 indigenous and local community organisations and NGOs to the CBD Secretariat with detailed suggestions for the development of a new work plan on customary sustainable use. The submission was used as an information document for the Parties at COP11 and was frequently cited during the meeting.

We also developed a draft guide on Indigenous Peoples in the CBD, which provided a selection of main COP10 decisions that contain references to indigenous peoples and local communities, to be used as a reference and advocacy tool by indigenous peoples at COP11. This work was a collaborative activity with the International Indigenous Forum on Biodiversity (IIFB). We plan to expand and revise the guide into a full reference guide on the CBD for indigenous peoples.

Our team was closely involved in the development of the COP11 decision on Article 8(j) and 10(c), including in the selection of the initial priority tasks for the action plan on customary sustainable use. We played a significant role in the decisions on the strategic plan and the development of national plans, targets and indicators, on marine and coastal biodiversity, on protected areas and on sustainable use.

We also supported the IIFB in advocating for an update of the CBD’s terminology of ‘indigenous and local communities’ to the international standard ‘indigenous peoples and local communities’, drawing on recommendations from the United Nations Permanent Forum on Indigenous Issues to the CBD. However the Parties decided to postpone this topic to COP12.

FPP published several articles in the ECO – the civil society newsletter at CBD meetings – to raise awareness among delegates and other participants about important issues related to biodiversity and indigenous peoples.

Community resource management in Thailand

Our partner IMPECT provided trainings for community leaders on presenting and speaking in public and on developing project proposals and reports.

The project enabled and facilitated meetings of, and collaboration among, local-level networks and conservation groups in northern Thailand.

The project also supported traditional forest conservation ceremonies to establish sacred forests, continued to support community biodiversity monitoring by local knowledge holders, and to promote traditional occupations and sustainable income-generating activities such as local blacksmiths and natural textile dying for women’s groups.
Biodiversity partnerships

FPP's Environmental Governance team works with several other international organisations and networks on rights and biodiversity issues. On CBD issues FPP collaborates with and supports the International Indigenous Forum on Biodiversity (IIFB) and the CBD Alliance.

We made submissions to the Intergovernmental science-policy Platform on Biodiversity and Ecosystem Services (IPBES) on the importance of indigenous and local knowledge in its future work.

We helped organise a highly successful Dialogue workshop on knowledge for the 21st century: Indigenous knowledge, traditional knowledge, science and connecting diverse knowledge systems in Guna Yala, Panama, with our local partner FPCI, the Resilience and Development Programme (SwedBio) – in collaboration with NAPTEK at the Swedish Biodiversity Centre – and the IIFB. The workshop fostered international dialogue on connecting diverse knowledge systems, with participants from indigenous peoples and local communities, scientists, policymakers and governments. The workshop asked questions about documentation, diverse methods of validation, and conditions for successful exchanges across diverse knowledge systems for assessment of ecosystems and knowledge generation.

FPP is a Steering Committee member of International Partnership for the Satoyama Initiative (IPSI), which aims to support and revitalise sustainable local economies and landscape management for the benefit of ecosystems and human well-being. We actively contributed to IPSI’s strategy development, network building and collaborative activities through active participation in IPSI meetings.

Empowering the next generation in Suriname

FPP’s local indigenous partner KLIM organised a leadership course for 43 young people in Lower-Marowijne, Suriname. As future indigenous leaders, the youth are an important target group for KLIM. The course included school drop-outs and covered topics such as leadership, personal development, presentation, communication and conversation techniques, and indigenous rights. Two new youth organisations were set up as a result.

KLIM obtained a small grant to organise an exchange visit and community-to-community training in 2013 with the Wapichan in Guyana (see p. 1) to assist further development of the Lower-Marowijne territorial management plan. KLIM contributed to a joint submission by the National Association of Indigenous Village Leaders in Suriname (VIDS) to the Commission for the Review of the 1987 Constitution. The submission called for all mention of indigenous peoples in the constitution to be revised to bring the constitution in line with international and regional human rights standards and treaties.

Guna people assert rights to genetic resources

Our partner in Guna Yala, FPCI, continued to empower the Guna people concerning the draft community-based protocol on Access and Benefit-Sharing (ABS) which they developed when the Panama government granted access to genetic resources (though the creation of a national genetic resources unit) in the Guna territory without consultation or participation of the Guna people.

With FPP’s support, FPCI held several workshops and consultations with the communities about the protocol, which will be finalised and approved by the Guna people. FPCI is working with Guna leaders to better understand and use the protocol to demand respect for Guna rights (in particular free, prior and informed consent), and to protect the traditional knowledge and sustainable livelihoods of the Guna people, drawing on the Nagoya protocol on ABS of the Convention on Biological Diversity.

FPCI organised a seminar and field trips for youth and students, and a workshop with Guna women, to raise their awareness about traditional knowledge, conservation and sustainable use. FPCI also held a workshop on biodiversity and climate change for 33 young people from seven communities.

FPCI published two reports on management and use of the Guna people’s ecological-cultural environmental systems, forest and traditional knowledge. FPCI also organised consultations about sacred sites (Galus) in Guna Yala to document their ecological, cultural and spiritual dynamics, highlighting the importance of these sites within the socio-cultural management of the territory. The results of the consultations will be published, providing recommendations for better management, and restoration of degraded areas.

FPCI continued its weekly radio programme analysing topical events and sharing information. Subjects covered included women and biodiversity, climate change, youth and environment, Rio+20, indigenous community protocols, the problem with naval basis in the comarca Guna Yala and sustainable development. FPCI is now seeking another station to continue broadcasting, following a change in radio frequency which hampered reception in Guna Yala.
Piloting the Whakatane Mechanism in Thailand

Our sustained support to indigenous participants at the International Union for the Conservation of Nature’s (IUCN) Sharing Power conference in Whakatane (New Zealand) in 2011, helped move forward the indigenous agenda on protected areas. One outcome was the Whakatane Mechanism, which aims to assess the impact of protected areas on local people and find solutions to any problems encountered. The Mechanism also aims to identify, celebrate and support successful protected areas that recognise indigenous peoples’ role in protecting biodiversity, and are so moving towards the new paradigm of conservation.

We assisted a pilot assessment in Mt. Elgon, Kenya at the end of 2011 and, at the request of the Karen people, a second pilot assessment was carried out in the Ob Luang National Park, northern Thailand at the beginning of 2012. In Ob Luang, the park authorities, local communities and NGOs have worked together since 2004 to develop and put in place a joint management system. The pilot Whakatane Assessment was carried out by a team comprising IMPECT, FPP, Thailand’s Department of National Parks, Wildlife and Plant Conservation, IUCN Thailand, local NGOs, indigenous peoples and the local Watershed Network and Highland Nature Conservation Network. They spent several days visiting communities in the park and local government staff to hear their views and recommendations.

The team found that the joint management approach was supported by everyone due to its visibly positive effects for nature, and on the communities and park officials, including reduced tensions between the government and communities, increased protection of forests and watersheds, and improved livelihood security for indigenous peoples and local communities. Unfortunately, there are few other national parks in Thailand where joint management practices are actively promoted and allow people to live inside national parks. Due to outdated laws, the communities and indigenous peoples living in most of Thailand’s parks are deemed to be living there illegally. The assessment made recommendations for improvement and for future action, including the replication of the co-management approach in other protected areas and a review and updating of relevant national laws and policies, especially the National Parks Law.

The results of the Kenya and Thailand pilots were presented by representatives of indigenous organisations, IUCN, FPP and relevant Government agencies at the World Conservation Congress (WCC) held in Jeju, South Korea. The WCC passed a resolution noting that the Whakatane Mechanism was a key way for IUCN to help address historical injustice against indigenous peoples.

Further resources:

- Briefing on indigenous peoples and local communities in the CBD, related to the discussions on updating the terminology. http://tinyurl.com/bnuymq8
- COP12 and Customary Sustainable Use. http://tinyurl.com/cwvh66a
- Forest Peoples Programme, Thai and Kenyan partners report back on 5th IUCN World Conservation Congress. http://tinyurl.com/cuxhyjw
- Parties to the Biodiversity Convention not ready to accept ‘indigenous peoples’. http://tinyurl.com/cr8sj35
- Wapichan people in Guyana develop community plan to save tropical forests on their traditional lands. http://tinyurl.com/ccf5ga

Coming up in 2013:

- Support partners in the review and elaboration of their countries’ new National Biodiversity Strategies and Action Plans (NBSAPs) and get involved in the 5th national reports to the CBD.
- Capacity building with partners on the relationship between biodiversity, livelihoods, climate change and human rights.
- Community exchange between the Wapichan (Guyana) and Kalifa and Lokono (Suriname) on community mapping and territorial management planning.
- Support partners’ work on biodiversity monitoring and research on climate change impacts and community adaptation.
- Continue to support, strengthen and empower traditional institutions and activities on revitalization and transfer of traditional knowledge and language.
- Participate in international networking on community-based monitoring and information systems (CBMIS) including the Global Technical Workshop on CBMIS (Bonn).
- Contribute to dialogue workshop between indigenous and local knowledge holders and scientists (VILM), the International Workshop on Traditional Forest-related Knowledge and Science (Bonn) and 4th Assembly of the International Partnership for the Satoyama Initiative (Japan).
- Organise a workshop on customary sustainable use at the World Indigenous Network Conference (Darwin) and participate in meetings of the CBD Working Group on 8(j) and Related Provisions and CBD’s SBSTTA-17 (Montreal).
Organised a high-profile workshop on FPIC and REDD+ in DRC resulting in DRC government commitments on FPIC.
Exposed Kalimantan Forests and Climate Partnership’s failure to respect FPIC.
Obtained Indonesian commitments on gazettage, conflict resolution and community forestry as part of REDD+ policies.
Supported indigenous partners in Paraguay, Peru, Guyana and Suriname to propose actions on climate funding to their governments.
Compiled guide to the Green Climate Fund for use by indigenous peoples and NGOs.
Obtained World Bank promise not to dilute safeguard policies, and to address emerging issues of FPIC and climate change in its safeguards review.
Provided support and training for 120 DRC communities to engage with 13 REDD+ projects and implement their own development projects.
Exposed lack of FCPF transparency and participation in DRC and supported indigenous participation at FCPF meetings.
Co-organised Asian regional workshop on human rights and agribusiness and fed results into a workshop on oil palm and land grabbing.
Exposed failures of RSPO companies to uphold FPIC in 14 countries and used information to press for strengthened RSPO standards and procedures.
Used RSPO New Plantings Procedures to support community challenges to palm oil companies in West Kalimantan and Liberia.
Continued to press the IFC Complaints Ombudsman to require Wilmar to apply standards to all companies in its palm oil supply chain, and maintained pressure on other Wilmar complaints.
Organised workshop with six commodity round tables to exchange information on how they uphold peoples’ rights in their certification and dispute resolution processes.
Supported Kalimantan villages to map their lands and called for district level spatial plans to include customary lands.
Strengthened High Conservation Value standards and insisted pulp giant APP upheld these in its new policy.
Supported Papua communities’ campaign against the giant MIFEE agribusiness project.

Our successes

Increased respect for FPIC in climate projects

Training on FPIC and human rights helped Congolese NGOs and communities engage with REDD+ projects. Photo: Stéphanie Vig

Our sustained advocacy that forest and climate change projects must uphold forest peoples’ rights to Free Prior and Informed Consent (FPIC) continues to bear fruit. With local NGOs and indigenous organisations we organised an international workshop on FPIC and REDD+ in Kinshasa (Democratic Republic of Congo) in collaboration with The Forest Dialogue and UNREDD. This high-profile event resulted in public commitments by the DRC government to do more to respect and implement FPIC. On the ground, FPP and partners provided training and support to build the capacity of Congolese NGOs and communities on FPIC, land rights and REDD+.

In Indonesia, the Australian Government-funded Kalimantan Forests and Climate Partnership promised us that no project activities will go ahead on community lands without the communities’ prior approval. But our fieldwork with communities later in the year found little evidence of this promise being kept. We exposed the problems in an influential paper published with local partner Pusaka. More positively, our advocacy on forest tenure reforms in Indonesia as part of REDD+ policies resulted in a ministerial decree creating a working group of Ministry of Forestry and NGO representatives to work on gazettment, conflict resolution mechanisms and community forestry.

Spreading the word

FPP published nine e-news articles on forest and climate, circulated to 7000 readers worldwide in English, Spanish and French. We also compiled a widely-praised report on forest peoples’ numbers across the world, which was reported extensively on the internet and in the press, including an article in New Scientist.

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We carried out further actions with our partners to empower forest peoples by providing information on the risks and opportunities of forest and climate policies and carrying out practical work with partners on safeguards and human rights approaches. In Paraguay, this work helped the Federation for Indigenous Peoples’ Self-determination (FAPI) make practical proposals to the government on how to respect territorial rights, respect FPIC and develop an effective national Safeguards Information System in line with the Cancun Agreements under the UN Climate Convention.

Forest peoples contribute to climate policies

We carried out further actions with our partners to empower forest peoples by providing information on the risks and opportunities of forest and climate policies and carrying out practical work with partners on safeguards and human rights approaches. In Paraguay, this work helped the Federation for Indigenous Peoples’ Self-determination (FAPI) make practical proposals to the government on how to respect territorial rights, respect FPIC and develop an effective national Safeguards Information System in line with the Cancun Agreements under the UN Climate Convention.

In Peru, our partner AIDESEP made progress in compiling information on land tenure, including an inventory of landless families and communities in the Eastern Amazon region of the country. This information strengthened AIDESEP’s advocacy on the World Bank’s Forest Investment Programme and Forest Carbon Partnership Facility, (see p. 9) and the Peruvian Ministry of Environment.

Training and action research with the Amerindian Peoples Association (APA) in Guyana helped APA develop and test a practical field tool for community-based land tenure evaluation aimed at producing baseline data for low-carbon development planning. The tool is based on local information collected by Amerindian communities on land tenure and evidence of the factors driving deforestation and causing human rights abuses.

We worked with indigenous peoples in Suriname to hold a training of trainers workshop on indigenous peoples’ rights and forest and climate policies.

Green Climate Fund

Targeted support was provided to indigenous peoples’ representatives to engage with UN negotiations on the development of the Green Climate Fund, the body tasked to deliver climate funds under the UN Framework Convention on Climate Change.

On the occasion of the first Board meeting of the fund, FPP and Jaringan Orang Asal Se-Malaysia (JOAS) released Indigenous Peoples and the Green Climate Fund – A technical briefing for Indigenous Peoples, policymakers and support groups. The report was welcomed and widely circulated among NGOs and policy makers.

We supported indigenous peoples’ attendance at the Green Climate Fund and other key UN meetings on climate change, in particular the Climate Change Conference in Doha. Doha’s failure to galvanise international action on climate change was disappointing and worrying.

FIP to address land tenure in Peru

We supported our Peruvian partner AIDESEP to seek assurance from Washington-based officials of the Forest Investment Programme (FIP) and Inter-American Development Bank that indigenous peoples’ territorial rights will be protected before any investments in sustainable forest and climate projects are made. The FIP is one of the World Bank’s mechanisms for funding REDD+ projects (Reduced Emissions from Deforestation and Degradation of Forests).

With FPP’s assistance, AIDESEP pushed home this message to the FIP country mission’s teams drawing up the Forest Investment Plan in Peru. This resulted in further government pledges to address land tenure rights in the Forest Investment Plan.
Calls for consistent safeguards across international finance institutions

We played an active part in collective campaigns with international NGOs and social networks to flag up important issues at the start of the World Bank’s two-year process to review and update its environmental and social safeguard policies.

In response to the Bank’s Safeguards Approach Paper, we worked with southern and northern networks campaigning on International Financial Institutions to urge the Bank to strengthen its existing standards, improve compliance mechanisms and create new safeguard policies to address ‘emerging’ issues such as land grabbing and climate change.

With direct support from FPP, indigenous peoples’ networks advocated at a high level within the World Bank for its policies and practice to be aligned with minimum standards set out in the UN Declaration on the Rights of Indigenous Peoples, including Free Prior and Informed Consent (FPIC).

Over the year we also provided briefings and held many meetings with the UK’s Executive Director to the World Bank Group and the Department for International Development.

This intensive joint advocacy work resulted in the incoming World Bank President Jim Yong Kim stating that the safeguard review will not lead to any dilution of social and environmental policies, and commitments from the UK government to prevent any weakening of standards.

In its World Bank Safeguards Approach Paper, the Bank has now committed to address emerging issues in the safeguards review, including human rights, FPIC for indigenous peoples, land rights and natural resources, climate change and gender. A major goal for us in the coming years is to persuade the World Bank to address shortcomings in its systems for safeguard implementation and adopt new binding standards to address these vital issues, including a new standard on land acquisition.

Our work with allied NGOs on the World Bank’s Investment Lending Review persuaded the Bank’s Board to maintain a vital role for the Inspection Panel in receiving complaints from communities and the public about projects that violate social and environmental standards.

We worked with indigenous organisations in Africa and civil society groups to call for specific and effective standards for indigenous peoples. We also engaged with regional African institutions, specifically the Working Group on Indigenous Populations/Communities under the African Commission on Human and Peoples’ Rights, to bring human rights expertise to the AfDB to assist in its work (see p.19).

DRC communities engage with REDD projects

Our project in Democratic Republic of Congo with four Congolese partner organisations supports 120 communities in six provinces (Equateur, Bas Congo, Bandundu, Oriental, North Kivu, South Kivu) to engage with 13 pilot REDD projects. Through consultations, dialogue and training, communities are becoming well-organised and are building up their capacity to deal with REDD project developers, with a high degree of participation and contribution in making community plans.

The project provided training on land tenure issues, and helped communities to plan and carry out income-generating and development projects based on the communities’ identification of needs. Such projects include community land titles, road clearance and bridge repairs, clean water, livestock raising, sustainable farming, palm oil processing and soap making, and fish ponds.

These projects are activities that REDD pilots projects can support. They help reduce poverty within communities and are working models for community benefit sharing.
Protecting forest peoples’ rights in the financing of climate projects

Working with local partners, we continued to press the World Bank’s Forest Carbon Partnership Facility (FCPF, one of the World Bank’s two main funding mechanisms for REDD+ projects) to ensure that the programmes it funds implement safeguards properly and comply with international human rights obligations.

We provided assistance to civil society and indigenous organisations to contribute to the independent mid-term review for the FCPF in Democratic Republic of Congo, and make public statements to the governing body of the FCPF meeting in Colombia. These actions revealed the centralised nature of REDD+ policymaking and shortcomings of the FCPF’s systems for consultation and obtaining Free Prior and Informed Consent (FPIC). The FCPF urgently needs to improve its methods for achieving transparency and participation.

In Cameroon, we worked with local and indigenous NGOs to critique the country’s final draft Readiness Proposal, pointing out serious problems with the Forest Code and land laws (see p. 15). These must be reformed to recognise the customary rights of forest peoples, respect self-determination and transfer legal control and ownership of forests to communities.

We provided technical assistance to indigenous peoples’ organisations attending the FCPF South-East Asia Regional Dialogue with Indigenous Peoples, and the Global FCPF Indigenous Peoples Dialogue held during the UN Climate Change Conference in Doha. During these meetings, indigenous peoples reiterated their calls for a full FCPF and World Bank assessment of indigenous peoples’ tenure rights in forests in developing countries.

Rights-based approach to development at Rio+20

Our Responsible Finance Programme assisted partners from Guyana, Peru, Suriname, Panama and Kenya to take part in the indigenous peoples’ conference on Indigenous Peoples, Self Determination and Sustainable Development held in Rio de Janeiro. The Wapichan people from Guyana shared their plans for community forests over their ancestral lands, while Ogiek leaders highlighted the centralised nature of land and forest policies in Kenya.

Our partners were able to observe formal negotiations, engage in side events, participate in the indigenous peoples’ caucus and talk to the media and press about their views on low carbon development and green economic policies. A press statement issued by FPP and partners and a special E-News edition on Rio+20 in English, Portuguese, Spanish and French obtained significant international coverage.

While the formal outcomes of the Rio+20 conference were disappointingly vague, indigenous peoples managed to steer the debate away from narrow monetary concepts of green growth and get governments to recognise the value of diverse local economies and green policies.
Strengthening standards at the Round Table on Sustainable Palm Oil

We made strategic inputs to several RSPO committees, including the Smallholder Working Group, the Dispute Settlement Facility Advisory Group, the Human Rights Working Group, the Task Force on HCVs in Indonesia and the Task Force for the Revision of the Principles and Criteria.

We used the findings of the FPIC field studies from Southeast Asia and Africa (see below) to propose revisions of the Principles and Criteria on HCVs, FPIC, transparency, livelihoods, food security, human rights, elimination of corruption and prevention of misuse of security forces.

These studies also fed into a preparatory meeting of the Dispute Settlement Facility, which is reviewing its procedures. Presentations were made on land conflict resolution at a very well attended meeting on Complaints and Dispute Settlement Facility at the 10th Roundtable of the RSPO. We also presented a talk on the High Conservation Value Resources Network as part of the ‘HCV and Biodiversity Management’ Preparatory Cluster.

Assessing palm oil companies’ compliance with human rights and FPIC

Working with a consortium of Asian and African partners, we carried out 14 independent field studies in Indonesia, Malaysia, Philippines, Liberia, Cameroon and Democratic Republic of Congo (see p. 18) to assess whether RSPO member companies are respecting communities’ rights to their lands and to FPIC, in line with international law and RSPO Principles and Criteria.

The studies showed that companies are routinely failing to respect the rights of local communities to the full extent of their lands and to FPIC and this is the root cause of protracted and at times violent conflict between and within communities, with companies and with the State.

There exists a gulf between the law and the RSPO standards and the RSPO needs to press governments to carry out tenure reforms in favour of local communities. The FPIC case studies will be published in early 2013.

Complaints to the IFC’s Compliance Ombudsman

We continued to assist local civil society allies to follow-up on their complaints to the Compliance Advisory Ombudsman of the World Bank’s International Finance Corporation (IFC) over the IFC’s investments in Wilmar International, the world’s largest palm oil trading company.

We urged the CAO to require Wilmar to develop Standard Operating Procedures to resolve land disputes for all Wilmar-traded oil, i.e. oil from its own operations and producers supplying Wilmar, so that oil or fruit from areas with land conflicts and human rights abuses do not enter the Wilmar supply chain.

Our partners achieved a partial breakthrough in Jambi, Sumatra, where the Wilmar subsidiary PT Asiatic Persada is the subject of our third complaint to the CAO due to the company’s intimidation and eviction of indigenous Batin Sembilan people. The Sumatran government dropped its insistence that all the communities accept the offer of a smallholder scheme to the west of their customary lands that were taken over by PT Asiatic Persada.

The CAO is now mediating separate settlements between five different stakeholder groups with Wilmar. It will be some time before all the land claims of the affected groups are resolved, but Wilmar has already made some compensation for the destruction of properties in 2011.
Human Rights Commissions engage with agribusiness human rights norms

We continued our work with SawitWatch and the Indonesian National Human Rights Commission (KOMNASHAM) to get the Asian regional human rights commissions to require agribusiness to uphold human rights norms. Following on from our 2011 workshop in Bali, we collaborated with Sawit Watch and the Cambodian NGO Community Legal Education Centre to organise Making the Bali Declaration Effective: The Phnom Penh Workshop on Human Rights and Agribusiness. Hosted by KOMNASHAM, the workshop was attended by national human rights commissioners from Thailand, Malaysia, the Philippines, Myanmar, Singapore, South Korea and Timor-Leste, the Indonesian representative to the ASEAN Intra-governmental Commission on Human Rights (AICHR), Southeast Asian NGOs and the UN Special Rapporteurs on the Right to Food and on the Rights of Indigenous Peoples.

A field visit to a sugarcane Economic Land Concession in Koh Kong, southern Cambodia, revealed the realities of land grabbing, food and water insecurity and forced evictions by the KSL/Ve Wong Thai and Taiwanese joint venture, for which the Thai Human Rights Commission found prima facie evidence of violations of human rights including the right to life and the right to self-determination. The field visit was an important opportunity for the participants to witness the situation on the ground first hand, and appreciate better the concerns of the victims. It also set the stage for the participants to explore strategies for resolving land grabbing by agribusinesses through ASEAN mechanisms (such as the AICHR) and National Human Rights Commissions.

One outcome of the workshop was a statement encouraging resolution of the Koh Kong Economic Land Concession land conflicts with sugarcane company KSL and Ve Wong through the Cambodian government and the European Union.

Workshop participants produced an action plan including a formal request to the UN Special Rapporteurs on Right to Food and Rights of Indigenous Peoples to carry out a regional study on Human Rights and Agribusiness in Southeast Asia, for submission to the UN Human Rights council. The action plan also included involvement of the Southeast Asia National Forums with the AICHR’s study on Human Rights and Corporate Social Responsibility, a request to AICHR to set up a Regional Working Group on Agribusiness and Human Rights and engagement with the ASEAN Ministerial Forum on Agriculture and Forests.

Promoting rights and livelihoods in Commodity Roundtables

Along with The Center for People and Forests (RECOFTC), we organised a Technical Workshop to Review Commodity Roundtables Standards on Free, Prior and Informed Consent, Customary Land, Conflict Resolution and High Conservation Values in Bangkok to discuss how commodity roundtables deal with community and indigenous peoples’ rights in their certification and dispute resolution processes.

The workshop brought together representatives of six commodity roundtable standards (the Roundtable on Sustainable Palm Oil, the Forest Stewardship Council, the Roundtable on Responsible Soy, the Roundtable on Sustainable Biofuels, BonSucro and the Shrimp Aquaculture Dialogue). NGOs with long-standing experience of voluntary commodity standards (Sawit Watch, WWF, Oxfam and ProForest) also participated.

The workshop compared standards and procedures, exploring how the standards could better protect community and indigenous peoples’ rights, including promoting these issues in wider legal and policy reform.

The workshop identified the need for commodity roundtables to share information about certification standards and be more consistent in their implementation of key community protections.

The published report was chosen for presentation at the Workshop on the Governance of Sustainable Agriculture through Multi-Stakeholder Initiatives organised by CIRAD in Montpellier.
Actuating the RSPO’s ‘New Plantings Procedure’

The RSPO has an early warning mechanism called the ‘New Plantings Procedure’. Before land is cleared for planting, companies must announce their plans for expanding their operations and provide information about High Conservation Value Assessments, Social and Environmental Impact Assessments and FPIC procedures on the RSPO website, allowing a 30 day window for challenges.

We used the New Plantings Procedure to challenge companies abusing communities’ rights. In West Kalimantan local NGO Gemawan, supported by FPP and Sawit Watch submitted a complaint about PT Agro Nusa Investama (Sambas), a subsidiary of Wilmar. Following the RSPO’s freezing of the operation, Wilmar reviewed the planned new planting with Gemawan and local communities. It agreed not to plant on community farmlands, to recognise the Melayu land users, and not just descendants of the Sultan, as the land owners and to consult further with the communities so that no lands would be taken without consent. The communities were satisfied and the complaint was ‘closed off’.

In Liberia, under the New Plantings Procedure, Vai communities complained to the RSPO that the Sime Darby oil palm and rubber concession had not sought their consent, and was making them destitute by clearing their farmlands to plant oil palms (see p.18). Sime Darby reviewed the planned new planting with Gemawan and local communities. It agreed not to plant on community farmlands, to recognise the Melayu land users, and not just descendants of the Sultan, as the land owners and to consult further with the communities so that no lands would be taken without consent. The communities were satisfied and the complaint was ‘closed off’.

In Liberia, the Kru tribes complained formally to the RSPO about Golden Veroleum Liberia (GVL) which failed to announce its plans to extend its operations onto Kru lands and to carry out a High Conservation Value Assessment. At the 10th Roundtable GVL agreed to dialogues and an independent review of the situation.

Free Prior and Informed Consent in transmigration in Indonesia

FPP supported Indonesian partners HuMa, Yayasan Merah Putih and AMAN to work with the National Ministry of Transmigration to ensure its criteria for assessing proposed transmigration sites respect the rights of indigenous communities to give or withhold their free, prior and informed consent to planned developments that affect their customary territories.

The field research on two transmigration sites in Central Sulawesi found that they violated the Ministry’s policy on Clean and Clear, which requires that transmigration sites are ‘clean’ in regard to administrative regulations and responsibilities, and ‘clear’ in terms of potentially conflicting licenses, land uses and land ownership and claims, before sites are developed.

The research found that some land allocated for transmigration was still classified by the forestry department as forest lands, but as non forest lands by the district government. Government staff had also failed to identify customary areas claimed by indigenous peoples and local communities.

The Ministry of Transmigration welcomed the report, and asked HuMa, FPP and YMP to help prepare guidance for staff on applying the Clean and Clear policy properly and avoiding conflicts and negative impacts on local communities and indigenous peoples.

Customary rights and spatial planning in Indonesia

We continued supporting our partner Institut Dayakologi in policy advocacy, government lobbying, community empowerment and customary knowledge documentation in Bangkan and Segumon villages, Sanggau District, Kalimantan. This support enabled the communities to produce maps of their ancestral territories. A workshop on Spatial Planning and the Sovereignty of Indigenous Peoples in Kalimantan was attended by several local communities and government representatives. Through seminars, workshops, lobbying and partnerships with government at the village, sub-district and district levels, Institut Dayakologi and FPP continued to press for district level spatial plans to include customary lands.

The Regent of Sanggau’s representative signs the participatory map of Bangkan ancestral lands, a significant step towards the self-determined and community-led protection of land and natural resources. Photo: Institut Dayakologi
Livelihoods as ‘High Conservation Value’ – the case of paper company APP

As Co-Chair of the High Conservation Value Resource Network (HCVRN), we continued to push for improvement in the way HCVs address livelihoods and the right to food through HCV 5, which requires that adequate areas are set aside for local communities’ basic needs. The Network agreed to develop a project concept with FPP, Proforest and Solidaridad, to review the definitions and toolkits for HCV 5, the options for management and monitoring, and implementing these revised approaches through better training.

The relevance of this work was highlighted by the surprise announcement by the pulp and paper giant APP that it would apply a new policy to its operations in Indonesia, subjecting them to an HCV assessment and upholding the principle of FPIC and the norms of the HCVRN. We met with APP to clarify its commitment and FPP lawyers advised Rainforest Action Network (RAN) and civil society organisations on how to engage with APP on its proposed human rights audit.

Civil society organisations insisted that APP’s standard for its own industrial timber plantation should equally apply to the independent concessions supplying about half APP’s fibre. Jointly with RAN and local organisations we publicly warned investors not to support APP’s plans to develop another mill in south Sumatra, resulting in APP eventually indicating that it would indeed extend its policy to all suppliers. The case shows how sustained standard setting, coupled with strong demand-side advocacy can push Indonesian transnationals to change their policies. It remains to be seen how effective these new policies will be in practice.

Papua communities continue to challenge MIFEE

Malind communities in Indonesian Papua affected by the Merauke Integrated Food and Energy Estate (MIFEE), a gigantic industrial agricultural project, stepped up their advocacy efforts, including demands to sue the MIFEE companies over failures in licensing procedures, Environmental Impact Assessments and honouring the covenants made by the company. Working closely with a consortium of Indonesian CSOs, we supported meetings with affected communities and provided legal training. The Government of Merauke, the provincial planning agency and the Ministries of Forestry and Agriculture responded by offering negotiations on providing compensation for lost land, but ignored the communities that reject the company’s operations on their lands.

Defending shrimp farmers’ rights

Our partner KIARA provided legal support to the contract shrimp farmers in Dipasena (Lampung, South Sumatra) as the conflict with the company PT AWS/CP Prima intensified. The company had cut electricity supplies and reneged on agreements with the farmers, with the result that they were unable to make even a basic living.

KIARA organised a book launch for Dipasena: Partnership, Conflict and Farmers’ Resistance, written by a Lampung-based journalist to provide the public and policy-makers with a complete story of what happened in the largest aquaculture operation in Southeast Asia. KIARA also organized a press conference (with the presence of government officials) and released a report on human rights violations in Dipasena in December.

KIARA and several international networks continued their campaign exposing weaknesses of the shrimp certification system being developed by the Shrimp Aquaculture Dialogue and the Aquaculture Stewardship Council. They are now raising awareness in consuming countries about the continuing social and environmental impacts of eating farmed shrimp.

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Community control of livelihoods through Community Forestry Plantations in Indonesia

Indonesian NGOs Watala, CAPPA, HuMA and KPA continued to research local communities’ experiences with community forestry plantations (Hutan Tanaman Rakyat - HTR) in Jambi, Lampung and West Sulawesi provinces. Our joint advocacy at provincial and national levels to promote more transparent, accountable and fair HTR licensing highlighted the long, slow and complex licensing process, farmers’ difficulties in obtaining licenses without the involvement of companies or cooperatives and the problem of conflicts between HTR licences and forest users on the same site. We urged the Ministry of Forestry to revise its regulations to allow independent HTR licenses, and to make sure that sites for HTR are free of potential or existing land conflicts. A national workshop hosted by the National Forestry Council, and attended by forestry ministry policy makers, presented the findings of the research and advocacy work from the provinces. The policy makers and the National Forestry Council agreed that policy revisions in HTR regulations are needed to support community livelihoods, respect their rights and provide long term security before the HTR programme can be expanded. The research findings were also presented to the team designing the UK government’s next forestry loan, MFP3, which will start in mid-2013 and will provide more than ten million dollars in support to community forestry initiatives.

Further resources:
- Protecting Tiong Kandang: the guardian of our world (Melindungi Tiong Kandang sebagai sumbat dunia). http://tinyurl.com/cvsz8dy
- Free, Prior and Informed Consent and the RSPO: Are the companies keeping their promises? Findings and recommendations from Southeast Asia and Africa. http://tinyurl.com/bv4t8za
Legal and human rights

FPP’s Legal and Human rights Programme assists forest peoples to use legal approaches to defend their rights. The LHRP provides analysis and training, and supports our partners in national and international legal actions, including court cases and the use of mechanisms to defend human rights that are available through the UN treaty bodies.

Forest code reform in Cameroon

We assisted NGOs to respond to the serious shortcomings of Cameroon’s revised Forest Code, which was drafted without the adequate participation of indigenous peoples and local communities. On forest peoples’ rights, the draft new code is little better than the 1994 Forest Code which does not recognise the rights of indigenous peoples to the lands, territories, and resources they have traditionally owned, occupied or otherwise used. In particular, the draft new code does not recognise customary rights to land and resources that would grant meaningful control over customary property. Instead, it assumes that communities only have use rights to forest lands and resources, and even these can be limited or suspended without appropriate procedural safeguards in place to protect communities. FPP and partners prepared an urgent submission to the UN Committee on the Elimination of Racial Discrimination in view of the government’s plans to enact the new law in March 2013 regardless of its discriminatory provisions and the lack of consultation during its drafting.

We produced an analysis of the draft Code’s non-compliance with international human rights law, which our local partner, the indigenous rights organisation Centre for the Environment and Development (CED), used in their advocacy work.

Cameroon is currently implementing a Voluntary Partnership Agreement (VPA) in negotiation with the European Union, under the EU’s Forest, Law Enforcement Governance and Trade (FLEGT) Action Plan. The FLEGT process aims to ensure that participating timber-producing countries will export only legally harvested timber to the EU. The VPA sets out the conditions which must be met for timber to be licenced as legally produced. FPP and our partners are using the political space created by VPA implementation to raise awareness of the problems associated with the draft Forest Code and the process by which it has been developed, and to support other reforms including environmental laws and policy developments relating to indigenous peoples.

We provided coordination and planning support for a workshop organised by the International Union for Conservation of Nature and CED, funded by the Rights and Resources Initiative. This workshop explored the links between FLEGT VPA legal reforms and governance, resulting in a forthcoming publication on the need for coherence between the various reform processes taking place in Cameroon.

Due to our continuing support, the civil society platform in Cameroon is better equipped to push for legal reforms that ensure civil society participation and encourage good governance, transparency and accountability drawing inspiration from international human rights law and jurisprudence.

Our Successes

Analysed Cameroon’s draft Forest Code and called for delay in enactment until forest peoples’ land rights are protected.

Used Cameroon’s FLEGT & VPA process to highlight neglect of forest peoples’ rights and supported workshop on FLEGT VPA legal reforms and governance.

Raised indigenous gender awareness via workshops in Burkina Faso and Uganda.

Supported DRC partners to compile a shadow report to CEDAW.

Supported a national dialogue on indigenous women in Nepal resulting in government commitments to uphold their rights and implement CEDAW concluding observations.

Contributed to papers on Nepal’s indigenous women and on violence against indigenous women in Asia to the UN’s Commission on the Status of Women.

Provided legal assistance to Ogiek and Sengwer indigenous communities in Kenya to support their campaigns against eviction from their lands.

Continued to provide legal assistance via the courts and the IACHR to the Saramaka people, Kaliña and Lokono peoples and Maho community of Suriname.

Revealed extensive illegal occupation of indigenous lands in Costa Rica and requested the IACHR to address this subject.

Sought IACHR precautionary measures on violence against Teribe and Bribri communities in Costa Rica, and supported partners to petition the IACHR on violations of their human rights.

Supported the Batwa people to petition Uganda’s Constitutional Court for restitution and compensation for their eviction.

Analysed violations of FPIC by oil palm companies in Africa for a FAO guide on FPIC, and provided legal analysis to Liberian communities affected by oil palm plantations.

Trained over 100 people from VPA countries on land rights, forest governance, international law and legal reform.

Provided legal critiques of the African Development Bank’s Safeguards policy, following which the African human rights commission wrote to the AfDB stressing the need to comply with African and international human rights standards.

Published collaborative research on the legal obligations of the Government of Nepal on the Arun III hydroelectric dam, revealing severe violations of the affected communities’ right to FPIC.
In Nepal, building on our submission to the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) in 2011, which highlighted serious problems with the land and resource rights of indigenous women, we supported a national dialogue between various government ministries and indigenous women, including the Nepal Indigenous Women’s Federation (NIWF). Government agencies made commitments to continue active discussions and to respect the rights of indigenous women, including by implementing CEDAW’s Concluding Observations. The NIWF working group and representatives from engaged government agencies have drawn up further work plans.

We worked with two key partners to provide two submissions to the UN’s Commission on the Status of Women for its 57th Session in March 2013, on the theme of Elimination and prevention of all forms of violence against women and girls. Our contributions draw on information gathered during previous submissions to CEDAW, enabling us to analyse the national situation in Nepal and to give an Asian regional perspective on how violence against indigenous women manifests in relation to both individual and collective rights.

Following the launch in 2011 of our toolkit on indigenous women’s rights in the African human rights system, we continued working with indigenous women across central Africa. Gender workshops took place in Ouagadougou (Burkina Faso) and in Kisoro (Uganda) in collaboration with the local Batwa organisation UOBDU. Men and women from indigenous communities participated in these workshops. Many topics were covered, including gender roles, equality and discrimination, and particularly the protection of women’s rights in national and international law.

With our support, our partners in the Democratic Republic of Congo (DRC) are preparing an alternative report to DRC’s state report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), which failed to address the situation of indigenous women and peoples in the DRC.
We continued providing support to indigenous communities and partner organisations seeking justice through the courts. In Kenya, we provided legal assistance to Ogiek communities living around Mt. Elgon. As a result of the intensive work of FPP and local partners, it is hoped that the Ogiek could soon secure their land through settlement of a domestic court case which seeks to ensure that their land is recognised as community land, as it was prior to gazettment as a wildlife reserve.

In 2007, with FPP’s legal assistance, the Saramaka people of Suriname won a landmark case at the Inter-American Court of Human Rights, which imposed binding obligations on Suriname to recognise and protect the rights of the Saramaka to own and control their traditionally owned territory. However, Suriname dragged its feet, and also violated the terms of the court judgement by granting a mining concession on Saramaka lands to a Canadian company in December 2012. We continued to work with the Association of Saramaka Authorities, to ensure the court judgement is implemented by submitting urgent action requests to the UN Committee on the Elimination of Racial Discrimination (CERD) requesting an urgent hearing before the IACHR on the large-scale persistent illegal occupation of indigenous peoples’ territories.

With local partners, we requested precautionary measures at the IACHR in relation to the attempted murders of members and leaders of the Teribe and Bribri communities in Salitre, who were attacked for demanding protection of their land rights. We also provided legal and technical support to our partners to file a petition at the IACHR on the violations of the rights to property, juridical personality and traditional governance institutions of the Teribe people.

We supported the Batwa people of Uganda to prepare their petition to the Constitutional Court. They are claiming restitution of their ancestral lands and compensation for the loss they experienced as a people since they were evicted from their forests in south-west Uganda to make way for national parks.

Also in Suriname, we provided assistance at a hearing of the Inter-American Commission of Human Rights (IACHR) on the case brought by the Kalifa and Lokono peoples challenging the imposition of concessions and protected areas on their lands. We are now awaiting a merits decision and transmission to the Inter-American Court of Human Rights.

In Costa Rica, we continued to support indigenous peoples in the southern-pacific region, filing a CERD Urgent Action request on behalf of Teribe and Bribri (Salitre) Indigenous Peoples. With local partner Kus Kura S.C. and indigenous leaders, we carried out extensive research on the land ownership of the eight indigenous peoples in Costa Rica, showing that 43% of indigenous lands are illegally occupied by non-indigenous people. This research supported our request for a thematic hearing before the IACHR on the large-scale persistent illegal occupation of indigenous peoples’ territories.

FPP was asked by the UN Development Programme to provide legal advice and drafting assistance for the UN-REDD’s Programme Guidelines on Free, Prior and Informed Consent (FPIC). UN-REDD (UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries) helps developing countries carry out national REDD+ strategies within the framework of a National Joint Programme.

UN-REDD’s new FPIC Programme Guidelines will strengthen the international legal basis for the FPIC approach in UN-funded climate change programmes. The publication complements the Legal Companion to the UN-REDD FPIC Guideline: International Law and Jurisprudence Affirming the Requirement of FPIC, to which FPP also made major inputs.
We continued to support communities threatened by large agricultural projects such as palm oil and rubber plantations which are often imposed on community lands without the communities’ free, prior and informed consent (FPIC).

Based on FPP’s expertise in this area, the UN’s Food and Agriculture Organisation invited FPP to develop a Technical Guide on FPIC to assist the implementation of FAO’s Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, adopted by the Committee on World Food Security. The Guidelines provide a framework for responsible governance of tenure that States can use when developing their own policies, legislation and programmes.

As part of this project, we carried out field research in African land grab cases – oil palm concessions in Liberia, Cameroon and Democratic Republic of Congo (DRC) where FPIC was not obtained. We presented these findings at a Drafting Workshop we organised in Douala, bringing together the private sector, government agencies and civil society organisations to formulate practical actions that these sectors can undertake to ensure respect for Free, Prior and Informed Consent and customary rights, and promote good development outcomes. These outputs were incorporated into the FAO documents to be published in 2013.

Based on the field work, we produced legal reviews detailing how the land grab cases violated the national and international standards in the three countries. This work raised awareness of land grab cases, strengthening the advocacy of affected communities seeking to defend their rights.

FPP gave legal advice and other support to a complaint about the Golden Veroleum palm oil plantation in Sinoe County, submitted by Liberian communities to the Roundtable for Responsible Palm Oil (RSPO) (see p. 12). Local partners asked FPP to produce a legal and human rights analysis of two palm oil concession contracts, for use in their broader advocacy work. The analysis gives legal support to civil society’s demands for these concessions to be renegotiated.

We drafted a legal memorandum on the international law advocacy avenues available to civil society groups that are tackling the problem of land grab in Liberia. We also supported development of a community-based report documenting customary practices in Grand Cape Mount County and putting forward recommendations to improve the policies being developed by Liberia’s Land Commission. Our close work with Liberian groups has strengthened the capacity of civil society in Liberia and assisted their work to challenge threats to customary resource use rights.

The investigations by FPP and our partners exposing the lack of FPIC in Cameroon and DRC palm oil plantations are putting pressure on the governments and the companies to re-examine the concession contracts to ensure they comply with national and international law.
Human rights and law reform training

We held a training session on land rights, forest governance, international law and legal reform, for people from countries that have signed a VPA agreement with the EU (see p. 15), namely countries in the Congo basin and west Africa, Kenya, Laos and Indonesia.

Over 50 people attended the course at the University of Wolverhampton’s Centre for International Development and Training. The training was well received by the organisers and participants, who left much better informed of the connections between governance and land tenure, the rights-based approach, international law and how to use it, and the benefits of making sure that new laws contain procedural ‘hooks’ to maintain participation and ensure effective implementation.

In Democratic Republic of Congo, we organised a series of legal workshops in collaboration with three of our DRC partner organisations. The workshops reinforced our partners’ legal capacity and understanding of indigenous peoples’ and local communities’ rights to land and natural resources, as well as the mechanisms to advocate for and defend their rights in DRC’s REDD+ process.

AfDB safeguards ignore indigenous rights

We worked with organisations in Africa, both civil society and indigenous organisations, to push the African Development Bank to develop specific safeguards on indigenous peoples as part of the new Integrated Safeguard System being developed by the Bank. However the draft ISS released in late 2012 lacked an effective approach to safeguarding the rights and interests of indigenous peoples. FPP continues to stand by the original request by partners and others in Africa that a specific safeguard is required, and it is hoped that this does emerge in 2013. FPP provided legal expertise to partners across Africa to help them develop responses to the draft safeguards.

We also contributed comparative analysis to the critique of the AfDB’s draft standards, providing examples from similar institutions to guide new proposals. This work included a submission to the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples’ Rights. The Working Group responded by sending a letter of concern to the President of the AfDB stressing the need to comply with regional and international human rights standards.

Research on Nepal dam published

We published the results of a multi-year research project on the legal obligations of the Government of Nepal in relation to the Arun III hydroelectric dam. The research was carried out with the Lawyer’s Association for the Human Rights of Nepal’s Indigenous Peoples and NGO-FONIN, a federation of NGOs working in support of indigenous peoples in Nepal. The research found serious flaws in the development of this project including failure to carry out proper consultation with the affected communities, inadequate provision of information about the project, and failure to respect the right of indigenous peoples to free, prior and informed consent.

Further resources:
- Free, Prior and Informed Consent in the Palm Oil Sector - Democratic Republic of Congo: Congo Oil and Derivatives, SARL. http://tinyurl.com/d6w498j
- Democratic Republic of Congo: Legal workshops in Bukavu, Boma, and Kinshasa, on the better protection of forest communities’ rights. http://tinyurl.com/cfzp6z

Coming up in 2013:
- Produce Amicus curiae to support the Ogiek’s case before the African Commission on Human and Peoples’ Rights.
- Take part in the ACHPR session in April 2013 and organise parallel training on land rights.
- Submissions to the Special Rapporteur on women in the Inter-American system.
- Publication of toolkit on indigenous women’s rights in the Inter-American system.
- Cameroon briefings on international standards and on law reform and international law.
- Best Practice Guide for legal reforms through VPA processes in Africa.
- Legal support to debate in Liberia on land policy and concessions and launch of report on customary law system.
- Legal support to land/forest reforms in Cameroon including national parks and palm oil concessions.
- Legal support for indigenous court cases in Suriname, Costa Rica and Peru.
- Input to World Bank’s revision of OP 4.10 revision and private sector initiatives on FPIC.
- Research on slavery-like conditions in oil palm plantations.
- Support partners in Democratic Republic of Congo (DRC) in the REDD process and building legal capacity.
- Community workshops in DRC on land and resource rights, and human rights monitoring.
- Present an alternative report to the Committee on the Elimination of Discrimination Against Women in July 2013 on the situation of indigenous women in DRC.
We are committed to the training and capacity building of our staff and partners. In 2012 two members of staff completed InDesign courses to help them with preparation of training and communications materials, and one of our lawyers undertook management training. One staff member took a course in Bahasa Indonesia and another passed a Spanish exam. Our Communications Officer provided administration support and discussed publication options at a workshop hosted by our Costa Rican partner Kus Kura S.C. to develop a toolkit on indigenous women’s rights in the Inter-American system of human rights. Our Finance Manager and other members of the finance team provided on-site training in project finance management to partners in Guyana, DRC and Cameroon.

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**Finance**

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*Staff and partner capacity building*

*DRC partners discussing possible implications of poor financial management.*

*Photo: Fiona Cottrell*

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**Staff 2012**

- Marcus Colchester: Director
- Louise Henson: Managing Director
- Patrick Anderson: Policy Advisor, Indonesia
- Balla Camara: Finance and Monitoring Officer
- Sophie Chao: Assistant to the Director
- Fiona Cottrell: Finance Manager
- Valérie Couillard: Coordinator, Legal & Human Rights Programme (LHRP)
- Caroline de Jong: Project Officer, EGP
- Conrad Feather: Project Officer, RFP & EGP
- Maurizio Farhan Ferrari: Coordinator, Environmental Governance Programme (EGP)
- Emmanuel Freudenthal: Project Officer, RFP & EGP
- Tom Griffiths: Coordinator, Responsible Finance Programme (RFP)
- Gemma Humphrys: Communications and Administrative Assistant
- Vanessa Jiménez: Senior Attorney, LHRP
- Denis Juneau: Project Officer, DRC
- Justin Kenrick: Policy Advisor, Africa
- Chris Kidd: Project Officer, LHRP
- Patrick Kipalu: Project Coordinator, DRC
- Emil Kleden: Field Officer, Indonesia
- Tom Lomax: Lawyer, LHRP
- Fergus MacKay: Senior Counsel, LHRP
- Francesco Martone: Policy Advisor, RFP
- Aiancay Morales Garro: Project Officer, LHRP
- John Nelson: Africa Regional Coordinator
- Julia Overton: Logistics and Administrative Officer
- Sue Richards: Administrative Assistant
- Sarah Roberts: Institutional Finance Manager
- Annabelle Rossi: Communications Officer
- Rebecca Smith-Daniels: Administrative Assistant
- Helen Tugendhat: Policy Advisor, LHRP & RFP
- Claire Whitmore Price: Database and Technical Support Assistant
- Messe Venant: Field Officer, Cameroon
- Stéphanie Vig: Lawyer, LHRP
- Olivia Woodburn: Communications Assistant
- Penninah Zaninka: Project Officer, Uganda

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- Kate Berry, Adrian Mylne, Polly Steele and Wen Zhou

*Report edited and designed by Dorothy Jackson*