This was a year of positive change for the Ogiek people of Mount Elgon in Kenya. They began a powerful community process to protect their lands, writing down their traditional bylaws, tackling illegal charcoal burners and drafting provisions for the Community Land Bill, Wildlife Bill and Forest Act. Constructive relationships with conservation bodies and politicians led to better conditions for the Ogiek communities, including government-funded primary schools.

But elsewhere in Kenya, the Sengwer people of the Cherangany Hills filed a complaint with the World Bank’s Inspection Panel for harms caused by the Bank-funded Natural Resources Management Project of the Kenya Forest Service (KFS). Tragically, despite human rights laws, affirmed by Kenya’s courts, forbidding forced displacement of indigenous peoples, the KFS burned Sengwer homes and evicted them from their lands in January 2014.

International donors must ensure that funds for forest conservation are directed towards community solutions as exemplified by the Ogiek. Continued support for top-down approaches, now wearing the new clothes of REDD+ programmes, low carbon development strategies or trade agreements for the sale of legal timber, undermines the objective of improved conservation and risks violating the fundamental human rights of those affected.

Encouragingly, recent inter-governmental agreements negotiated under the UN Framework Convention on Climate Change and climate finance, the Convention on Biological Diversity and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services now recognise the essential role of indigenous peoples and local communities, and the importance of traditional knowledge.

The challenge lies in elaborating the details of implementation and compliance. To do this, forest peoples must be at the centre of problem solving, whether to do with territorial management, community conservation, forest-monitoring, standard-setting or conflict management.

By putting on the lens of self-determination as the goal and the approach, we can take heart and join in solidarity with the many actions taken by forest peoples at community, national and global scales which are making a world of difference.

Joji Cariño, Director
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 local initiatives for the promotion of traditional knowledge and customary practices and highlight the importance and value of such knowledge and practices in international biodiversity and related processes. We also work to put forest peoples’ rights into practice in protected areas, currently through the piloting of the Whakatane Mechanism.

Wapichan community-based monitoring

In 2011 FPP supported 17 Wapichan communities to draw up a management plan and territorial map for the use and care of lands and natural resources in the Wapichan territory in Guyana. During 2013, in collaboration with Digital Democracy, we worked with our partner South Central People’s Development Association (SCPDA) to start setting up a community-based forest and land use monitoring and information system using smart phone technology and linkages to the Wapichan territorial map.

The programme will monitor changes in forest cover, water quality and land use in the territory, and inform traditional authorities about harmful environmental activities or damaging development, to be used in dialogue with relevant government authorities. The information will also support Wapichan efforts to legally secure their customary forests and savannah lands through extension applications under Section 59 of the Amerindian Act.

The land tenure work involves collecting digital photographic images and georeferenced evidence of traditional use. During 2013 two community monitoring teams were trained, including design and testing of customised community monitoring forms on Smart phones. The Wapichan mapping unit (printer, lap top and GIS software) was successfully re-activated jointly with Digital Democracy and was used to print maps to support on-going community land claims.

Wapichan villagers using smart phones to collect land use and tenure information as part of the communities’ efforts to obtain legal recognition of their customary lands. The information will also enable communities to monitor threats from mining and logging to their forests, thereby strengthening community governance and decision-making, and supporting community efforts to seek redress and corrective measures by the government. Photo: Tom Griffiths

The South Central People’s Development Association (SCPDA) started training community members for an environmental monitoring programme in Guyana. A Guna community in Panama decided to set up indigenous conservation areas and produced a draft internal law and a map to protect sites of cultural and ecological importance.

Three cooperatives of traditional resource user groups in the Sundarbans, Bangladesh, up-scaled innovative mangrove aquaculture as an adaptation to climate change.

Indigenous peoples in northern Thailand consolidated their involvement in planning, management and monitoring in two national parks.

Indigenous organisations KLIM (Suriname) and SCPDA (Guyana) shared experiences of community mapping and community-based management plans, and agreed to future mutual support and collaboration.

Our partner IMPECT obtained changes to national and local government programme documents to ensure that they meet the needs of indigenous peoples in northern Thailand.

The Ogiek people of Mt. Elgon developed a strong community process to protect their lands, arrested charcoal burners in accordance with Ogiek bylaws and spurred conservation institutions to protect forest and wildlife.

The Mt. Elgon Ogiek made inputs to the draft Community Land Bill, Wildlife Bill and review of the Forest Act to secure their community lands and sustainable conservation.

Indigenous peoples’ organisations used UNESCO procedures to protect their territories inside two World Heritage sites, Manu National Park (Peru) and Lake Bogoria (part of the Kenya Lakes System).

The Intergovernmental Platform on Biodiversity and Ecosystem Services is moving towards becoming a diverse knowledge platform giving strong weight to local and indigenous knowledge, rather than just a science platform.

The CBD’s Working Group on Article 8(j) adopted a strong Plan of Action on customary sustainable use of biodiversity by indigenous peoples and local communities.

CBD Parties supported community-based monitoring and information systems (CBMIS) as a significant contribution to the tracking of implementation of the CBD’s 2010-2020 Strategic Plan for Biodiversity.
Community conservation areas in Guna Yala, Panama

In Guna Yala, Panama, we are supporting the strengthening of territorial governance based on traditional knowledge. In 2013 the Guna community at Usdub decided to set up indigenous conservation areas in Maniyala and Yandub. Maniyala is important for biodiversity conservation and a spiritual sacred site, and Yandub is a site of historical-cultural importance. After holding a workshop with 150 community members on the importance of conservation of Maniyala, the Usdub community developed a draft internal standard or law to protect and respect the different sites of cultural and ecological importance to Usdub. A digital map of Maniyala was produced and one of Yandub is planned next year. The community is working to protect the sacred site, research and document historical-cultural information, and transmit this traditional knowledge to younger generations. The community also intends to promote traditional food production of cacao and bananas, which have special ritual and cultural value for the Guna people.

Moving IPBES towards a diverse knowledge platform

The Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) accepted FPP and some indigenous organisations as official observers.

The IPBES is becoming the leading intergovernmental body for assessing the state of the planet’s biodiversity, its ecosystems and the essential services they provide to society.

We are pressing for IPBES to become a diverse knowledge platform, rather than a science platform, so that local and indigenous knowledge will have an equal position and value, and local knowledge holders will have maximum opportunity to participate and contribute.

In 2013 we successfully advanced this position by participating in workshops on Traditional Knowledge and Science and an Expert workshop on Indigenous and Local Knowledge Systems organised by IPBES.

We also submitted views on the composition of the Multi-Disciplinary Expert Panel (MEP), the IPBES Work Plan, and the development draft Stakeholder Engagement Strategy.

Strong engagement in the CBD on customary sustainable use of biodiversity

We are closely engaged in advising and shaping the work of the Convention on Biological Diversity (CBD) on customary sustainable use of biodiversity by indigenous peoples and local communities, in line with Article 10c of the Convention on Biological Diversity.

In 2013 our team headed a submission to the CBD secretariat with detailed contributions to the development of a Plan of Action to promote and support customary sustainable practices by indigenous peoples.

Seventy indigenous peoples’ organisations, community-based organisations, networks, and NGOs signed the submission, which was based on recommendations from long-term field studies.

The final Plan of Action was agreed by the 8th meeting of the CBD’s Working Group on Article 8(j) and related provisions, at Montreal in October. The plan has been forwarded for adoption at the 2014 CBD Conference of Parties in Korea.

The first phase of the Plan focuses on three tasks: incorporating customary sustainable use of biodiversity in national CBD implementation plans, support for and collaboration with community-based initiatives on customary sustainable use of biodiversity (such as the many initiatives our partners have developed at local level), and identifying and carrying out best practices on customary sustainable use of biodiversity and protected areas, including respect for Free Prior and Informed Consent (FPIC) and establishment, governance and management of protected areas.

The actions agreed are designed to be very straightforward and intended to be implemented right away.

FPP organised a side event at the Working Group, featuring presentations from Brazil, Panama, New Zealand, Australia and Canada on community-based initiatives as well as government initiatives.

Seventy people, including many delegates, attended the meeting and gave very positive feedback. The side event fostered networking and sharing of information, and publicised case studies on national and local initiatives to promote customary sustainable use.
Sundarban communities adapt livelihoods in response to climate change

In the Sundarbans, Bangladesh, FPP and our partner Unnayan Onneshan are supporting traditional resource users to adapt their livelihoods in response to climate change. Ten workshops held over the last two years have enabled 300 households to practice mangrove aquaculture. During 2013 we helped local communities scale up an innovative type of mangrove aquaculture called ‘agro-silvo-aquaculture’ for growing food in areas affected by increased salinity due to rising sea levels. Three community co-operatives organised workshops in which 75 people, including women, were trained in how to start and manage agro-silvo-aquaculture in their fallow land. Several participants have already started applying the knowledge. The co-operatives also enable knowledge-sharing between members and provide training on traditional, sustainable harvesting of natural resources including honey and Nypa palm.

Community-based monitoring and information systems and traditional knowledge indicators

FPP actively supports the newly emerging network on community-based monitoring and information systems (CBMIS).

This network, connected to the International Indigenous Forum on Biodiversity, brings together indigenous peoples and local communities who are working to assess trends in the status of their territories and resources, traditional knowledge, biodiversity, climate change impacts and mitigation measures, as well as their communities’ well-being.

During 2013, we co-hosted three international CBMIS meetings in the Philippines, Bonn and Sumatra, the latter focusing on community mapping, and tools and information systems. The meetings shared information and approaches, and mapped out who is doing what, and how.

Reports from these meetings were included in the official documentation of the 8th meeting of the CBD’s Working Group on traditional knowledge of biodiversity, widely quoted in the CBMIS meeting reports, and promoted as information documents for the participants.

Many State Parties and other participants welcomed CBMIS as an initiative of great value for collecting information and data to track implementation of the CBD’s Strategic Plan, in particular the Target dealing with traditional knowledge (Target 18). CBMIS can fill the gaps where other bodies and organisations, or governments, are not able to collect data.

Supporting traditional knowledge, livelihoods and food security in Thailand

Our partner IMPECT promoted alternative occupations for indigenous communities, such as traditional blacksmithing and traditional weaving, and set up a booth at the Thai Environmental Fair to explain highland environment management and sell products made by the highland indigenous communities. IMPECT also participated in a project on indigenous peoples’ adaptation to climate change with the Asia Indigenous Peoples Pact. The project documented the climate change-related traditional knowledge of indigenous Karen, Hmong, Lisu and Lahu communities. It also helped set up a learning center on self-sufficiency and food security of highland communities, collected local seeds and presented an exhibition on food security, land rights and natural resources.
Indigenous peoples from Suriname and Guyana exchange land management experiences

FPP supported six members of the Organization of Kaliña and Lokono peoples in Marowijne (KLIM) from Suriname to visit the neighbouring Wapichan and Makushi people and their organisation SCPDA in the South Central and Deep South regions of Guyana. The communities shared their experiences and approaches on community resource mapping and territorial management planning. In a joint workshop, both teams explained their contexts, the work they have done, their approaches, lessons learned and next steps, and sought each other’s opinion on their work. The exchange visit continued with several field visits and trips in the Wapichan territory, during which the SCPDA team showed KLIM a variety of important sites and activities in the territory and in the villages, such as proposed community conservation sites, cultural sites, educational activities, and local income generation projects. The communities established strong friendships and close solidarity and agreed that SCPDA and KLIM will continue to support and empower each other in the future.

Indigenous rights and World Heritage

In Peru, FPP continued to monitor the planned oil and gas concessions threatening the survival of the indigenous peoples living in and around the Manu National Park (see p. 9). As a World Heritage site, Manu must be managed according to the requirements of the World Heritage Convention. We first supported our partners in 2012 to alert the World Heritage Centre to the threats that would be posed by oil and gas exploration. During 2013 we continued to engage the World Heritage Centre in direct communication with the Peruvian government.

In Kenya, we worked with the Endorois Welfare Council, the International Work Group on Indigenous Affairs and Minority Rights Group to raise serious concerns over the designation of Lake Bogoria as a World Heritage Site without obtaining the free, prior and informed consent of the Endorois, who are the rightful owners of the land in and around the site. The designation was particularly shocking given the decision by the African Commission on Human and Peoples Rights regarding the rights of the Endorois to their traditional lands around Lake Bogoria.

Promoting indigenous rights in northern Thailand

Our partner IMPECT contributed to a project initiated by the Ministry of Culture for the recognition of Special Cultural Zones, and supported community mapping and natural study mapping at Ban Morwakhee village. IMPECT also made inputs to the Thai Cabinet’s resolution on revitalising Karen peoples’ livelihoods to ensure that the Karen are the true beneficiaries of the Cabinet resolution and receive concrete support from the government. By scrutinising the local government’s draft rules and regulations on Natural Resource and Environment Management, IMPECT secured changes so that the rules and regulations address indigenous peoples’ needs.
Promoting indigenous rights in protected areas in Kenya and northern Thailand

We continued to provide support to the Ogiek community in Mt Elgon, Kenya, and to our partner IMPECT in Thailand, to implement recommendations arising from the Whakatane Assessments in the two countries. The Whakatane Mechanism is an international process that assesses the impact of protected areas on local people and seeks solutions to problems encountered. The Ogiek’s community lands around Mount Elgon were converted into a national game reserve without their consent in 2000. Their continued exclusion from ancestral lands and territories violates Kenya’s 2010 Constitution.

Following the Whakatane Assessment in 2011, the Ogiek made significant progress. They have fostered constructive relationships with ministries, conservation bodies and politicians, leading to major improvements including government-funded primary schools. The Ogiek developed a powerful internal community process to ensure the community is united for the protection of their lands, they wrote down their traditional bylaws for managing their lands, and took a leading role in arresting charcoal burners and getting the conservation institutions to take their jobs seriously to protect forest and wildlife.

We are supporting the Ogiek to intervene in the drafting of the Community Land Bill, Wildlife Bill and review of the Forest Act, to ensure adequate provisions for community lands and sustainable conservation. We are co-leading activities in preparation for the World Parks Congress in November 2014.

Following on from the 2012 Whakatane Assessment in Ob Luang National Park, we maintained support for indigenous communities’ involvement in co-management of protected areas in northern Thailand. Communities and NGOs continued land demarcation in Ob Luang to prevent land conflict among the community members, and to avoid conflict about farmland with the park. Indigenous representatives attended meetings of the Protected Areas Committee for the Doi Inthanon National Park and Ob Luang National Park to receive information about their work and approve their work plans. Committee members, national park officials and local organisations surveyed areas in the national park, especially land conflict areas, to find solutions and increase mutual understanding and trust between villagers and officials. A yearly work plan was also developed.

Representatives from all the concerned agencies, organisations and groups such as the Community Committee on Natural Resource Management, River Basin Networks, National Parks and NGOs carried out joint monitoring of actual land use practices by individuals in relation to community land ownership and use of natural resources.

Further resources:
- Time for the CBD to adopt the term ‘indigenous peoples’. http://bit.ly/1hQX9pE
- Can IPBES move from a science platform to a diverse knowledge platform? http://bit.ly/1kuujF

Coming up in 2014:
- Implement community-based monitoring and information systems with partners to strengthen territorial planning and management, community conservation and customary sustainable use of biological resources
- Use community experiences to influence policies and strategies for implementation of target 18 of the CBD at international and national levels
- Internal evaluation and partners’ planning meeting at Chiang Mai, Thailand, focusing on forest peoples, biodiversity, livelihoods and climate change, and external evaluation
- Submissions, briefing papers and indigenous support to the 12th Conference of the CBD, South Korea
- Consolidate and expand the CBMIS work and network
- Provide input into the 4th edition of the Global Biodiversity Outlook
- Support indigenous participation at 6th World Parks Congress, Sydney, Australia, November 2014
- Participate in IPBES process
Indigenous peoples secure land tenure commitments in Peru’s new Forest Investment Strategy

Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP) and other indigenous organisations in Peru, backed by legal and technical support from FPP, revealed shortcomings in the Peruvian government’s development of its ‘Forest Investment Strategy’. This initiative is supported by the World Bank’s Forest Investment Programme (FIP) for which Peru is a pilot country. The shortcomings included failure to respond to indigenous proposals and concerns despite their repeated contacts with World Bank and government officials. Peru’s draft Forest Investment Strategy also lacked cross-sectoral measures to tackle drivers of deforestation, prioritised the expansion of oil palm plantations and large-scale forestry concessions, and lacked measures to recognise pending indigenous territorial applications and support community forest management.

During the drafting process, the government made various commitments to recognise indigenous proposals and respond to their demands, but reneged on them. Indigenous organisations in the San Martin and Loreto regions eventually rejected planned regional consultations because of the government’s failure to conduct negotiations in good faith. Indigenous peoples’ organisations also denounced the proposed creation of the Shawi regional conservation area, which would overlap their customary lands whose recognition is pending. These positions, and the news that indigenous organisations intended to present a formal complaint to the World Bank, triggered intense negotiations between indigenous peoples and the Peruvian government.

Following sustained advocacy by AIDESEP the Peru government finally committed to secure tenure rights for indigenous peoples in the national forest investment plan funded under the FIP and provide FIP funds to support community-based forest management through its Dedicated Grant Mechanism for Indigenous Peoples. FPP and local partners will monitor whether these commitments are honoured in 2014.

FPP and allies’ inputs to the review and update of the World Bank’s safeguard policies advocated for reforms to ensure improved implementation.

Central American indigenous peoples’ organisations analysed the impacts of World Bank forest investments, and set up a ‘Plan of Action’ on the safeguards process.

UN bodies called for suspension of the Camisea gas project in Peru and further consultation with affected communities.

Indigenous critique of Peru’s Forest Investment Strategy resulted in government commitments to secure community land rights using funds under the World Bank-IDB Forest Investment Programme.

The Forest Carbon Partnership Fund (FCPF) requested Suriname to redraft its REDD (Reduced Emissions from Deforestation & Forest Degradation) Readiness Preparation Proposal in line with the FCPF Common Approach to Safeguards, UN standards on indigenous peoples and Suriname’s international obligations.

The Amerindian Peoples Association pioneered participatory land tenure assessments to provide baseline information for low carbon policy processes in Guyana.

UNDP, FAO and UNEP adopted strong guidelines on Free Prior and Informed Consent (FPIC) in REDD programmes.

The UN Climate Change Conference accepted that indigenous peoples’ livelihoods should not be considered as drivers of deforestation.

300 communities affected by 13 REDD pilot projects in six provinces in Democratic Republic of Congo (DRC) increased their capacity to monitor pilot REDD projects.

The World Bank’s Carbon Fund rejected DRC’s draft Emission Reductions Program Idea Note for failure to address impacts on local livelihoods.

DRC’s National REDD Strategy Framework now includes requirements to obtain FPIC.

The Montien Resolution on Human Rights and Agribusiness in Southeast Asia called on agribusiness to respect communities’ rights to land and resources, and issued a plan of action.

The UN Working Group on Business and Human Rights was urged to give better attention to the rights of indigenous peoples.

The Roundtable on Sustainable Palm Oil issued a revised standard giving greater prominence to rights and livelihoods.

Our publication Conflict or Consent? exposed the oil palm industry’s impacts on indigenous and forest-dependent peoples around the world.

Peru’s Forest Investment Plan must not negatively impact indigenous territories, regardless of whether formal titles have been issued. Photo: John Wildhagen
Indigenous rights maintained in World Bank Forest Investment Programme Results Framework

In 2012, working with Greenpeace and Global Witness, FPP helped ensure that the new Results Framework of the World Bank’s Forest Investment Program (FIP) maintained a clear focus on land tenure and indigenous rights.

FPP and LAHURNIP also pushed the Working Group on BHR at its 2nd Annual Forum on Business and Human Rights to address the specific responsibilities of multilateral public finance institutions under human rights law and in the context of the Guiding Principles in particular.

Putting rights into agribusiness in South East Asia

The National Human Rights Institutions of the Philippines, Indonesia, Thailand, Malaysia, Timor Leste and Myanmar, and supportive civil society organisations, met in Bangkok to assess developments in the agribusiness sector and human rights.

Two previous workshops on Human Rights and Agribusiness (Bali 2011 and Phnom Penh 2012), organised by FPP and partners, successfully called on the agribusiness sector to move from a ‘business to business’ voluntary approach (as represented by the Roundtable on Sustainable Palm Oil) to one based on binding international human rights standards.

Our third workshop, held in Bangkok in August and hosted by the Thai National Human Rights Commission, resulted in the Montien Resolution on Human Rights and Agribusiness in Southeast Asia. The Resolution reiterates the call for States to develop regulatory frameworks that secure communities’ rights to lands, territories and resources and must be respected by agribusinesses (domestic, foreign and trans-boundary) in line with international human rights standards.

Welcoming efforts by the private sector to eliminate the trade in destructively produced commodities such as palm oil, timber, soy, biofuels and sugar, the Resolution demands full supply chain traceability in which environmental protections are matched with comprehensive protections of human rights.

It also emphasises the urgent need to identify and encourage alternative production systems, based on secure rights and community-driven development, so that local communities, indigenous peoples and smallholders can realise their human rights and have greater local control of production activities and benefit sharing based on diversified land use.

The workshop developed a joint action plan for civil society organisations and National Human Rights Commissions and Institutions to push for legal and policy reforms that secure these rights in future land acquisition.

Engagement with the UN Working Group on Business and Human Rights

In a detailed submission to the UN Working Group on Business and Human Rights (BHR), FPP and partners from Cameroon and Indonesia (CED, YMP, JASOIL, HuMa, PUSAKA, Sawit Watch and Scale Up) argued for stronger attention to be paid to the rights of indigenous peoples in the implementation of the Guiding Principles on Business and Human Rights.

FPP and LAHURNIP also pushed the Working Group on BHR at its 2nd Annual Forum on Business and Human Rights to address the specific responsibilities of multilateral public finance institutions under human rights law and in the context of the Guiding Principles in particular.
Advocating for improved World Bank safeguards in line with international human rights

In November 2012, World Bank Group President Jim Yong Kim made a public commitment that the Bank’s forthcoming review and update of its safeguard policies would not weaken the existing safeguards, intended to prevent and mitigate adverse impacts of Bank projects on people and the environment. While welcoming this pledge, NGOs and indigenous peoples’ organisations had serious concerns about the content and scope of the review and the process for public consultation on the revised safeguard framework. During 2013, working with a range of interested organisations, FFP made detailed inputs to the drafting process for the new safeguards, both on process and on substance.

One problem was that the Bank’s consultation mechanisms side-lined indigenous peoples and their organisations. But, following sustained advocacy by FFP and indigenous peoples’ organisations, and with the appointment of a new indigenous peoples’ advisor, the Bank committed to specific, funded outreach to indigenous peoples, enabling direct consultations with them concerning the safeguards review process.

Substantive issues included a lack of serious attention to the significant implementation challenges that have caused past difficulties in meeting safeguards, and a concomitant lack of proposed reforms to address these problems. FFP led efforts to radically improve the implementation of the yet-to-be-drafted safeguard standards and system, calling for revised incentives (so that Bank personnel are motivated to implement standards properly) and sufficient financial support for the mainstreaming of new safeguards throughout the World Bank. We gained significant support for our implementation submission from the office of the Bank’s UK Executive Director, and this support is spreading to other Board members of the Bank.

The scope of the application of new safeguards was also a problem. During 2013 we worked with other organisations to push the Bank to expand the safeguard review process beyond its narrow focus on ‘investment projects’ (a shrinking proportion of the Bank’s lending portfolio) to include all investment-lending instruments, such as Development Policy Loans and Program for Results.

We supported our partner organisation Fundación para la Promoción del Conocimiento Indígena (FPCI), based in Panama to hold a regional workshop for Central American indigenous peoples’ organisations, including youth groups and women’s organisations. The workshop analysed the World Bank’s safeguards and the impacts of the Bank’s forest investments, and produced recommendations to feed into the Bank’s review process. A key outcome was a ‘Plan of Action’ for Central American indigenous peoples’ organisations regarding the World Bank review and update process. The Central American workshop, and FPP’s sustained support to other indigenous peoples’ organisations, resulted in better preparation and consolidation of key recommendations from indigenous peoples. Our coverage of the World Bank safeguard review and update process in the FFP E-newsletter was widely welcomed and kept the focus on the process.

At the World Bank’s Annual Land and Poverty Conference we gave a paper showing that voluntary industry standards to protect the rights of communities affected by agribusiness are not being applied and complaints procedures are ‘not fit for purpose’ for communities whose rights to use, access, own and otherwise utilise lands and natural resources are being violated. The paper stressed the need for legal reform and capacity-building, of both the World Bank’s Compliance Advisor/Ombudsman and the Roundtable on Sustainable Palm Oil’s grievance procedures, as well as the need for significantly strengthened land rights protections.

Challenging expansion of the Camisea project in Peru

In 2013 we continued to contest the planned expansion of the Camisea project within Peru’s Nahua/Kugapakori/ Nanti Reserve for isolated indigenous peoples, part of the Manu National Park’s buffer zone (see p. 5). We supported several direct interventions by indigenous peoples’ organisations to human rights bodies such as the UN Committee on the Elimination of Racial Discrimination (CERD) and the Inter American Commission on Human Rights, which resulted in further cautionary recommendations from CERD. Our letters, articles and press releases resulted in high profile media articles (Times, Guardian and Huffington Post) and we also participated in interventions by wider civil society coalitions.

In July the Peruvian Ministry of Culture blocked the expansion plans because of concerns it could make some of these peoples ‘extinct’. However, under immense political pressure the Ministry made a complete u-turn and withdrew its report. FPP and partners’ detailed research into the threats to the isolated peoples within the Reserve will be published in 2014.

The Sengwer in Kenya file complaint to World Bank

FFP supported the Sengwer indigenous people of the Cherangany Hills (see p. 17) to file a complaint to the Inspection Panel of the World Bank for harms caused by the World Bank-funded Natural Resources Management Project, a 6-year project involving investment and training for the Kenya Forestry Service.

We also helped the communities prepare and compile additional detailed background information for the Inspection Panel’s fact-finding mission in September, whose report is due in 2014.
Indigenous peoples lack a voice in the Green Climate Fund

The UNFCCC’s Green Climate Fund (GCF) exists to support developing countries to limit or reduce their greenhouse gas emissions and to adapt to the impacts of climate change. Its mandate allows for four active observers at the Board, two from civil society organisations and two from the private sector. FPP supported indigenous participation at various GCF meetings, including the October Board meeting, resulting in indigenous peoples’ organisations being invited to be part of the selection for Southern NGOs active observer. However, the selection process did not result in the appointment of an indigenous observer. In fact, indigenous peoples are calling for their own seat as a separate constituency, rather than as civil society organisations. The lack of opportunity for indigenous inputs to Board meetings is hindering effective advocacy.

UNREDD raises the bar on safeguard standards

FPP continues to be recognised as a key actor in the FPIC (Free Prior and Informed Consent) debate. Sustained advocacy by our Responsible Finance Programme and Legal and Human Rights Programme on standards set by the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UNREDD) resulted in genuinely useful REDD+ FPIC guidelines being developed by UNDP, FAO and UNEP. The guidelines require these REDD agencies to meet a high level of accountability to international obligations on indigenous peoples’ rights, and are accompanied by a comprehensive companion document setting out the legal underpinnings for FPIC in international law. FPP’s advocacy also helped ensure that UNREDD Social and Environmental Principles and Criteria (Version 3) contain clear principles on adherence to international obligations, respect for FPIC, prohibition of involuntary resettlements in REDD+ activities and stronger language on the need to respect land rights.

Participatory land tenure assessment in Guyana

We undertook pioneering work with the Amerindian Peoples Association (APA) in Guyana to develop and test participatory and community-driven approaches to land tenure assessment for forest policy-making and land use planning.

The aim is to construct baseline information information on the status of indigenous land tenure in Guyana, including environmental health of community forests, applications for land titles and the state of extractive industries in indigenous areas. This baseline information is intended for input into national planning processes, including the low carbon development strategy, addressing indigenous land tenure.

The field team collected survey data using smart phones, and also conducted public meetings, workshops and interviews with indigenous community members. Data was stored on a cloud database. Building on fieldwork in Guyana’s Region 2 in late 2012, FPP and APA extended fieldwork to Region 1 in 2013. FPP and APA held a workshop with the APA survey team to compile the initial results. The preliminary results and several case studies will be published in 2014.

Indigenous livelihoods not drivers of deforestation

REDD+ refers to countries’ efforts to reduce emissions from deforestation and forest degradation, and foster conservation, sustainable management of forests, and enhancement of forest carbon stocks. Efforts by indigenous peoples and civil society to get REDD+ projects to monitor the multiple benefits of forests, including poverty reduction, secure livelihoods, biodiversity conservation and equitable local benefit sharing, were thwarted by the collapse of REDD+ negotiations at the Climate Change Conference in Doha, December 2012.

At the June 2013 sessions of the UN Framework Convention on Climate Change (UNFCCC) indigenous peoples, through the Indigenous Peoples’ Forum on Climate Change, called for text issued by the UNFCCC’s Subsidiary Body for Scientific and Technological Advice to be changed, as it could have been interpreted as condemning indigenous peoples’ traditional livelihoods as drivers of deforestation. This resulted in the significant achievement that the final report of the Warsaw Climate Change Conference (November 2013) includes an interpretation note that indigenous peoples’ livelihoods should not be considered as drivers of deforestation.

The conference also adopted the Warsaw Framework for REDD+, which reaffirms intergovernmental commitments on safeguards and consolidates agreements on the need for country measurement, reporting and verification (MRV) and reporting on safeguard implementation.

Amerindian communities in Guyana participated in a community-based investigation of land tenure. Photo: Tom Griffiths
Pressing for improved safeguards and mechanisms in climate finance

The World Bank’s Forest Carbon Partnership Facility (FCPF) has a Readiness Fund and a Carbon Fund. The Readiness Fund supports countries to prepare for REDD+ by developing R-PPs (Readiness Preparation Proposals), measurement, reporting and verification (MRV) systems and environmental and social safeguards. The Carbon Fund then provides funds for countries to establish emission reduction programmes, through the preparation of (initially) Emission Reduction Program Idea Notes (ER-PINs).

FPF’s critique of Suriname’s R-PP was posted on the FCPF web site and circulated to delegates attending the FCPF 14th Participants Committee (PC14). This resulted in a highly progressive PC14 Resolution requesting that Suriname redraft its R-PP fully in line with the FCPF Common Approach to Safeguards and UN policies and standards on indigenous peoples, and in accordance with Suriname’s international obligations, including the 2007 judgment of the Inter-American Court of Human Rights in the Saramaka People case (see p. 18).

In Thailand, our partner IMPECT participated in sub-regional and national dialogues about Thailand’s draft R-PP submitted by the Department of National Parks, Wildlife and Plant Conservation (DNP). The DNP revised some parts of the R-PP to better address the needs and roles of the indigenous communities, including removing shifting cultivation as a major driver of deforestation from the R-PP.

In Cameroon, civil society organisations in the Forests and Communities Platform analysed Cameroon’s draft R-PP, with FFP support. They recommended that the final R-PP should recognise indigenous peoples’ land rights as a precondition to the proposed study to clarify carbon rights, and also recognise indigenous peoples and local communities as primary beneficiaries of potential REDD benefits.

Despite some progress at international level, the FCPF and REDD+ readiness face many challenges at local and national level. Indigenous peoples continue to question the legitimacy of the FCPF, given the lack of meaningful participation by forest peoples in the planning and implementation of readiness. For example, Guyana has still not consulted with Amerindian villages on its R-PP, although several drafts of the R-PP have been issued. Fieldwork by FFP and our indigenous partner APA confirmed that most community members have little or no understanding of REDD+, nor how it might impact on their livelihoods.

In Cameroon, we supported communities to monitor the impact of a REDD+ pilot project in part of the TRIDOM (Tri-National of Dja Odzala and Minkebe), a large lowland forest area spanning Cameroon, Republic of Congo and Gabon. This included supporting Baka forest communities to continue mapping their lands, and to dialogue with conservation authorities, mining companies and local authorities to assert their rights to their lands.

In Democratic Republic of Congo (DRC) the lack of secure community land tenure and confusion over the role of local and indigenous communities in the design, implementation and monitoring of REDD+ initiatives mean that forest communities have little ownership of the process. In most cases, communities only learn about government plans indirectly through civil society organisations and international NGOs like FFP.

To counter the lack of information reaching the communities, we are working with partners CEDEN, Réseau CREF, ADEV and CAMV in six forest provinces to support over 300 communities affected by 13 REDD pilot projects. Community training in human rights and forest and climate policies is raising communities’ capacity to defend their human rights and monitor pilot REDD projects. We are carrying out coordinated advocacy with 15 local and international NGOs to promote respect for FPIC in forest and climate policies and tackle the drivers of deforestation.

The FCPF’s Carbon Fund is pushing to obtain ER-PINs in five pilot countries, including DRC and Peru, without completing agreed readiness actions. FFP and allied NGOs highlighted the first DRC ER-PIN’s serious gaps and deeply flawed REDD+ plans for Mai Ndombe District, Bandudu Province, that would limit the local livelihoods of up to 1.8 million small farmers, charcoal producers and hunters. The 7th Meeting of the Carbon Fund Participants responded to this advocacy, alongside direct interventions by DRC civil society organisations, by rejecting the ER-PIN draft. They requested changes and more local consultation by the government.

FPF’s technical support for the development of DRC’s National REDD Strategy Framework resulted in Free Prior and Informed Consent (FPIC) being included in the National Strategy, though rules and procedures are still needed for implementation of FPIC during the REDD+ investment phase (late 2014).

The launch of our new book series Forêts Africaines - Tabernacle des Savoirs (African Forests – Fountain of Knowledge) created space for national discussions on FPIC, with the DRC government positively disposed to insert FPIC into DRC legislation and ensure its effective implementation on the ground.

A REDD+ information sharing meeting with communities of Kesenge village in Mai Ndombe District, DRC. The village is inside a conservation concession intended to produce carbon credit to be sold by the private Canadian company Ecosystem Restorations Associates. Photo: Patrick Kipalu
Pressure on palm oil companies to uphold standards on FPIC

FPP maintained pressure on palm oil companies to reform the way they deal with local communities, through our strong engagement in the Roundtable on Sustainable Palm Oil’s new Human Rights Working Group (see p. 19) and our focus on cases of unacceptable practice and use of accountability mechanisms (e.g. New Planting Procedure).

Our detailed research and intensive media work on free, prior and informed consent (FPIC) in the palm oil sector raised public awareness of human rights violations by palm oil companies (often in collusion with the State) and increased public pressure on companies and the RSPO to respect indigenous and other local communities’ rights. The 16 Asian and African case studies in our landmark publication Conflict or Consent? revealed the widespread lack of FPIC and the critical need for legal and land tenure governance reforms to complement voluntary company initiatives.

With our partners, we launched Conflict or Consent? at a conference in Medan in November, using the 16 case studies and the outcomes of our three workshops on agribusiness and human rights to generate discussion about regional-level advocacy network-building, activation of ASEAN and United Nations human rights mechanisms, and the role of international human rights in advocacy.

The Medan Conference issued a strong resolution on FPIC, which was shared with the RSPO Board, who then decided to take follow up actions. Conflict or Consent? received very extensive media coverage. It was also widely distributed at the RSPO’s 11th Roundtable, and is being extensively used by companies and civil society.

Our concerted advocacy work has strengthened the growing network of competent NGO campaigners on palm oil, and enabled FPP to contribute to an FAO Guide on FPIC, which was published at the end of 2013.

High Conservation Value and High Carbon Stock forest areas must respect community rights

Field work with our partner TUK-Indonesia in the oil palm concessions of PT Kartika Prima Cipta, showed that the parent company Golden Agri-Resources (GAR) had set aside areas of community land as part of its forest conservation policy. These areas were designated as High Conservation Value (HCV) and High Carbon Stock (HCS) without the communities’ free, prior and informed consent. Our follow up advocacy heightened GAR’s awareness of the communities’ objections to the land grab.

This work highlighted that companies must improve how they decide which lands in their concessions should be conserved, and revealed the problems that occur when HCS forests are identified using a simplified typology that ignores community livelihood systems and rights. The findings of our detailed field study have wide relevance for companies aiming to reduce their carbon emissions. FPP also produced a Monitoring and Management Protocol for HCVs 5 and 6 with Guidelines for Best Practices in Community Engagement, working with the Zoological Society of London.

The Protocol was widely disseminated via the HCV Resource Network, of which FPP is Co-Chair, as well as the 11th RSPO Roundtable.

The six types of HCV define critical social and environmental values in ecosystems and landscapes that should be conserved and enhanced in the management of natural systems. HCVs 5 and 6 are fundamental for indigenous peoples and local communities.

The Protocol implements the HCV approach in a way that fully respects community rights (rather than undermining them). It gives detailed recommendations on how to improve these practices based on PIC and community land rights. We held two multi-stakeholder workshops in Indonesia and Cameroon to refine the guidance to meet realities on the ground.
Communities in SE Asia and the Pacific press companies and government to respect their rights

With our partners PUSAKA and Scale Up, we helped form a network of peat swamp forest communities in the provinces of Riau, Jambi and South Sumatra. The communities held dialogues with companies, and agreed plans for negotiated agreements to resolve land conflicts. We supported the communities, including women, to document their own customary governance systems. We also supported local partners to prepare for initial negotiations between PT REKI and communities affected by the company’s conservation area, who are facing on-going intimidation and arrests.

In Central Kalimantan province, we worked with local partners to engage with the local government’s Local Legislation Programme on Customary Institutions and Customary Land. We succeeded in getting the National Land Agency of Kapuas District to recognise and commit to receive communities’ customary land claims and customary land maps. Our legal analysis of the Decree on Sustainable Plantations contained strong language on community rights, safeguards and FPIC, and the local government has now formally established a team to draft the final text.

In West Papua, FPP, Pusaka and local partners sent a Letter of Recommendation to the local government and the Papuan Peoples’ Assembly to support the development of the Provincial Law on recognition and protection of indigenous peoples’ rights in ways that respect and recognise customary rights and aspirations. We also made recommendations to the local government on the Spatial Planning Law, including the need for this process to be suspended pending representative and thorough consultation with local communities.

With our partners SKP KAME, YASANTO and LMA in Papua, we helped get a Draft District Law produced, to which we made numerous recommendations through the Merauke local government and Local House of Representatives. We supported local communities to ask the local government to suspend drafting of this Law pending resolution of the multiple conflicts in existing concessions, to allow community participation in this reform process, and to formally recognise their participatory maps. As a result, the local government has planned a Regency Instruction to companies to accommodate and protect sacred sites identified in community maps.

We also published findings of an investigation into PT ARN (a Wilmar sugar estate), where communities have lost access to customary lands and forests, causing severe food insecurity and malnutrition. The report received high profile coverage and resulted in Indonesia’s National Human Rights Commission visiting one of the affected villages. The report also enabled us to dialogue with Wilmar on how to remedy community grievances and ensure that the sugar plantation is developed with respect for the rights of the local Malind people. This, and other on-going investigations of oil palm and timber concessions, fed into our third submission to the UN Committee on the Elimination of Racial Discrimination on the MIFEE project, which led to strong recommendations from the Committee to the Government of Indonesia.

A community meeting with Malind women in Warau. PT ARN intends to establish a sugar cane plantation in the area. Photo: Sophia Chao

Coming up in 2014:

- Mainstream human rights concerns in new World Bank policies and processes at the country level and in project safeguards
- Regional and national training to support indigenous peoples’ organisations to engage with International Finance policies and projects
- Publish a special FPP-APA report on climate finance and policies in Guyana
- Review FCPF DRC ER+PIN process and challenges to the DRC Emission Reduction plans
- Support indigenous participation at Green Climate Fund meetings and make critical inputs to safeguard standards adopted by the Green Climate Fund
- Release a report on land and territorial rights in the Peruvian Amazon
- Review international finance, deforestation drivers and human rights at global level
- Push for rights-based and community solutions for forest and climate protection at UNFCCC COP20 in Peru
- Follow up the work of the UN Working Group on Business and Human Rights regarding protection for the rights of indigenous peoples
- Track FIP pilot programme implementation in Peru and DRC
- Press EU to tackle ‘imported deforestation’ and combat illegal land grabbing
- Press for legal and land tenure governance reforms to complement voluntary initiatives on agricultural commodities including palm oil
- Pilot the HCV 5 and 6 Protocol
- Make GAR more aware of communities’ objections to the land grab and problems with imposed HCV and High Carbon Stock set asides

Further resources:

- Isolation and Initial Contact in the Kugapakori Nahua Nanti Reserve in Peru under the UN CERD’s Urgent Action and Early Warning Procedures.
- Conflict or Consent: The oil palm sector at a crossroads.
- ‘A sweetness like unto death’: Voices of the indigenous Malind of Merauke, Papua.
- Mainstream human rights concerns in new World Bank policies and processes at the country level and in project safeguards.
- Regional and national training to support indigenous peoples’ organisations to engage with International Finance policies and projects.
- Publish a special FPP-APA report on climate finance and policies in Guyana.
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- Press for legal and land tenure governance reforms to complement voluntary initiatives on agricultural commodities including palm oil.
- Pilot the HCV 5 and 6 Protocol.
- Make GAR more aware of communities’ objections to the land grab and problems with imposed HCV and High Carbon Stock set asides.

Further resources:

- Submission to the World Bank: ‘Effective Implementation: the Key to Safeguard Reform.' http://bit.ly/1CQox7O
Batwa in Uganda petitioned the Constitutional Court for reparations for their expulsion from their traditional lands to create national parks.

The Inter American Court on Human Rights (IACHR) and UN treaty bodies increased pressure on Suriname to comply with Court orders protecting the rights of the Saramaka people.

The Inter American Commission on Human Rights (IACHR) admitted the Maho Indigenous Community v Suriname case and adopted a merits decision in the Kaliña and Lokono Indigenous Peoples case, which was subsequently transmitted to the IACHR for adjudication when Suriname failed to comply with the IACHR’s decision.

The Costa Rican government engaged formally with indigenous representatives resulting in the demarcation of two indigenous territories.

The Sengwer people of the Cherangany Hills, Kenya, obtained a High Court injunction to halt their eviction from their lands, and a World Bank Inspection Panel investigation of violations of the Bank’s safeguard standard.

The IACHR agreed to write an official report on the situation of indigenous women’s rights in the Americas.

The UN Committee on the Elimination of Discrimination against Women (CEDAW) issued strong concluding observations on indigenous women’s lands rights Colombia, DRC and Cameroon.

Indigenous women from Democratic Republic of Congo (DRC) and Liberia received on-site training, and submitted reports, at the African Commission on Human and Peoples’ Rights.

Nepal government ministries committed to continued engagement on the rights of indigenous women including implementation of CEDAW’s concluding observations.

Concluding observations by the UN Committee for Elimination of Racial Discrimination (CERD) helped suspend adoption of Cameroon’s racially discriminatory draft forest code.

The EU was informed about problems in Cameroon’s existing forest law and governance, and what needs to change.

In 2012 FPP assisted national civil society organisations to respond to the serious shortcomings of Cameroon’s draft Forest Code, which failed to protect indigenous peoples’ customary rights to own and manage their traditional land and resources. The draft code only recognised forest communities’ user rights, and even these could be limited and suspended without adequate procedural safeguards.

Following an Urgent Action/Early Warning complaint submitted by FPP and partners CED and OKANI, the UN Committee for the Elimination of Racial Discrimination (CERD) sent a strongly worded communication to the Government of Cameroon, which was forwarded to the European Union (EU). The EU and Cameroon are implementing a Voluntary Partnership Agreement (VPA) to ensure that Cameroon will only export legally harvested timber to the EU. The definition of ‘legal’ timber includes adherence to international human rights law, which protects the rights of indigenous peoples to the land, territories and resources they have traditionally owned, occupied or used.

The complaint to CERD, and the subsequent representations from the EU to Cameroon, prevented the new Forest Code from coming into effect before parliament was dissolved prior to the elections. The law has yet to be enacted, which has given civil society organisations the opportunity to exert continued pressure on the government to make the necessary changes to the law. Meanwhile, our partner CED has very effectively used examples of poor forest governance such as the Herakles Farms/SGSOG (see p. 19) forest conversion for palm oil as examples of what is wrong in Cameroon’s existing forest law and governance, and what needs to change.

FPP’s EU-funded ‘Strong Seat at the Table’ project culminated in the publication of a report entitled Securing community land and resource rights in Africa: A guide to legal reform and best practices, providing a user-friendly resource for supporting legal reform that strengthens community land and resource rights. The report’s launch in Brussels was also used to communicate a key lesson from the report for the FLEGT-VPA mechanism, namely that measures to ensure legality must recognise international as well as customary law, to ensure the FLEGT Action Plan does not risk serving as a platform for enforcing unjust existing national law and policy.

We also provided legal training and inputs to NGO platforms working on legal reforms in Liberia and the DRC, where substantial land and forest law reforms are underway. We held a one-day training at the University of Wolverhampton’s Centre for International Development and Training, on land rights, governance, international law and law reform. The training was attended mainly by African participants from countries that have signed a VPA agreement with the EU.
Defending indigenous rights via the UN system

In collaboration with our partners we submitted reports to the UN Committee on the Elimination of Racial Discrimination (CERD) on the situations of indigenous peoples in a number of countries. In response, CERD issued communications on Costa Rica (twice), Suriname (twice), Guyana, Indonesia, Peru, Cameroon, Kenya and Thailand. On Peru, CERD urged the immediate suspension of the expansion of the Camisea gas project to protect the rights of uncontacted indigenous peoples (see p. 9). Our Urgent Action/Early Warning complaint on Kenya’s draft Wildlife Law and the conservation-based evictions and rights violations of the Sengwer of Mt Elgon (see p. 9) resulted in CERD sending a strongly worded communication to the Government of Kenya, which has delayed enactment of the law and put pressure on the Government to better respect and protect indigenous peoples’ rights.

Our previous reports on Nepal proved very useful in two legal cases. Nepal’s Court of Appeal cited CERD’s 2011 communication, when it dismissed treason charges brought against the leadership of the Limbuwan people, who are now free to return to Nepal from exile in India. CERD jurisprudence also assisted a case decided by the Nepal Supreme Court, which found that Nepal had violated its international and statutory obligations by failing to provide for the participation of the freely chosen representatives of indigenous peoples in Nepal’s constitution reform process. FPP has supported the litigants in this case since 2008.

FPP supported four NGOs and two NGO networks working with indigenous peoples to produce a report on the situation of indigenous peoples in the Democratic Republic of Congo (DRC) for the UN Human Rights Council, which will receive DRC’s report in 2014. The report explains how the DRC government has failed to adopt measures to recognise and protect indigenous peoples’ rights and proposes recommendations. We submitted complaints to the UN Special Rapporteur on the Rights of Indigenous Peoples on the above-mentioned situations in Costa Rica, Guyana, Suriname, Peru and Kenya.

Rights of non-indigenous forest peoples

We completed a paper on the rights of non-indigenous forest peoples that, for the first time, seeks to elaborate their rights in accordance with extant human rights law and represents an important step forward in addressing a major conceptual gap in civil society advocacy. We will use this paper to advocate for the collective and customary tenure rights of non-indigenous forest peoples.

Indigenous participation in Guyana’s FLEGT-VPA process

Together with FPP, our partner APA and NGO allies including FERN, called for a slow down in the VPA process in Guyana to allow for meaningful participation of indigenous peoples and their communities. FPP shared information on lack of transparency in the VPA’s National Technical Working Group with the EC (including at a public meeting on illegal logging at Chatham House), following which the consultation period on the draft VPA Legality Definition was extended to the end of 2013 allowing more time for public comments. While this delay was useful, APA emphasised that the entire roadmap for finalising the VPA must be revised and extended. More time is needed so communities can understand the process and take part in a serious multi-stakeholder review of the forest governance and land tenure reforms needed for sustainable timber harvesting and trade.
Indigenous women’s rights gain recognition

During 2013 training and support for indigenous women, and joint advocacy with our partners, resulted in several communications, observations, decisions, reports, guidelines and toolkits of strategic long-term importance in setting standards on the rights of indigenous women.

In Latin America, the Inter-American Commission on Human Rights (IACHR) agreed to write an official report on the situation of indigenous women’s rights in the Americas and asked FPP to assist. At the UN Permanent Forum on Indigenous Issues (UNPFII), we supported two indigenous women to discuss the production of this report with the Inter American Commission’s special rapporteur on human rights and indigenous peoples. We supported ONIC, COAJ, SER, AJDH and Quebec Native Women to hold a dialogue with the Rapporteur on the rights of women at the Inter-American Commission, and to organise a side event at the UNPFII on how to approach the issues associated to the multiple forms of discrimination experienced by indigenous women. FPP also supported these partners to develop guidelines for the IACHR on how to deal with indigenous women’s cases. Our toolkit on the rights of indigenous women in the Inter-American system will be launched in 2014.

Our partners in Colombia, ONIC, OPIAC and Sutsuin Jiyeju Wayuu, submitted their shadow report to the UN Committee on Elimination of Discrimination against Women (CEDAW) and attended the session in September. Following this participation, the Committee issued strong Concluding Observations on the situation of indigenous women’s rights in Colombia.

In Africa we supported our partners in Cameroon and in the Democratic Republic of Congo (DRC) to submit their shadow reports on the situation of indigenous women to CEDAW. The partners contributing to these reports were CED and OKANI (Cameroon) and ACPROD-BATWA, APDMAC, ARAP, CAMV, CEDEN, CPAKI, ERND Institute, IPROFAV, LYNAPICO, OSAPY, RFDP, Réseau Créf, SIPA and UEFA (DRC). Two indigenous women from DRC also participated in the CEDAW Committee session and in a training on CEDAW and advocacy organised by the International Women’s Rights Action Watch. Following these reports CEDAW adopted strong Concluding Observations on indigenous women in both DRC and Cameroon.

Our DRC partners presented their report on the situation of indigenous women to the African Commission on Human and Peoples’ Rights (ACHPR) resulting in the Commission adopting robust Concluding Observations on indigenous peoples and indigenous women in DRC. The ACHPR’s Special Rapporteur on Women’s Rights and the Chair of the Working Group on Indigenous Populations/communities welcomed the report as a useful reference tool on indigenous women’s rights in the DRC. Our partners also met with the United Nations Independent Expert on minority issues who encouraged them to send her communications about human rights violations on the ground when they occur, so she can ask the DRC government to respond.

The importance of women’s participation in DRC’s REDD process (see p. 11) formed part of a training organised by FPP and our partners on the protection of the right to land and natural resources in the context of REDD in the DRC.

In Uganda, our partner UOBDU carried out field research on gender-related issues to produce a policy report and a publication on Batwa women in Uganda. UOBDU will submit their report to relevant human rights mechanisms in 2014.

In Asia we supported our partners AIPP and NIWF to hold workshops on indigenous women’s rights and make submissions to CEDAW and the UN Commission on the Status of Women. In collaboration with AIPP, we submitted a briefing note on violence against indigenous women and presented an oral statement at the 56th Session of the UN Commission.

In Nepal, the work led to a national dialogue involving meetings between indigenous women and government ministries, who committed to continued engagement on the rights of indigenous women, including through implementation of CEDAW’s concluding observations.
Indigenous rights at the African Commission

FPP provided our partners in DRC – CAMV, CEDEN, Réseau CREF and ADEV – and the Sustainable Development Institute (SDI) in Liberia, with intensive on-site training on the African human rights system at the African Commission on Human and Peoples’ Rights (ACHPR).

The partners engaged with the ACHPR’s Working Group on Indigenous Populations/communities and discussed cases where extractive industries violate the rights of indigenous peoples and local communities with the Chair of the Working Group on Environment, Extractive Industries and Human Rights. FPP supported SDI to gain observer status before the ACHPR.

We provided legal support to the ACHPR’s Working Group on Environment, Extractive Industries and Human Rights on the issue of human rights and palm oil in Liberia. This included organising a side event with SDI on extractive industries and human rights at the April session of the ACHPR and producing a background paper to assist the Working Group’s visit to Liberia in 2014.

A shadow report on Cameroon was submitted to the ACHPR with our partners CED, OKANI and Mbororo Social and Cultural Development Association as well as the International Working Group for Indigenous Affairs. It focussed on land reforms, agricultural and other large-scale concessions, forest law and governance as well as gender dimensions. Concluding observations will be issued in 2014.

Sengwer and Ogiek defend their land rights

FPP supported the Sengwer people of the Cherangany Hills in Kenya to litigate against their forced eviction from their lands by the Kenyan government. The Cherangany Hills were also the location of a World Bank-funded Natural Resource Management Project which ended in June 2013, and will be part of Kenya’s efforts under the REDD mechanism (Reducing Emissions from Deforestation and Forest Degradation). Kenya’s High Court issued an injunction in March, to halt a threatened eviction and to stop the unlawful burning of Sengwer homes, belongings and crops by the Kenya Forest Service, which it has done regularly over previous decades. Towards the end of 2013, threats from Local Government officials suggested that the Government of Kenya was going to pursue eviction, in contempt of the court injunction. Sadly those threats became a reality in early 2014.

The Sengwer also made a formal complaint to the World Bank’s Inspection Panel in January, alleging a failure by the Bank-funded conservation project to respect and protect the rights of the Sengwer indigenous people (including protection from forcible eviction), as required by Bank safeguard policies. After the Sengwer had submitted their complaint, the community asked for FPP support during the Inspection Panel’s complaints process, including the preliminary investigation, and admissibility stages, and the full investigation that took place in September. If the Panel finds non-compliance in their final report we expect remedial measures to be recommended, though these will only be effective if the Sengwer are in the driving seat for both the design and implementation of those measures.

Elsewhere in Kenya, the Ogiek communities of the Mau Forest are also suffering rights violations from conservation-related dispossession.

They are currently seeking legal redress at the African Court of Human and Peoples’ Rights. We are assisting Minority Rights Group with the prosecution of the case, the first ever case on indigenous issues before the African Court, and have started developing expert testimony.

We are also supporting forest peoples in Kenya to input into the Community Land Bill and Forest Act so that their rights are recognised by law.
Litigation and legal and human rights training

During 2013 FPP acted as legal counsel in two cases in the Inter American Court on Human Rights (IACtHR), six cases at the Inter American Commission on Human Rights (IACHR) and eight cases at the national level – Guyana (two cases), Peru, Uganda, Kenya, Nepal and Indonesia. We also provided legal support and trainings for partners in Mexico, Colombia, Guyana, Suriname, Brazil, Peru, Argentina, Liberia, Uganda, Cameroon, Kenya, Nepal, Indonesia and Canada.

With local partner Kus Kura S.C we carried out a substantial study on the illegal occupation of all but two of the 24 titled indigenous territories in Costa Rica and submitted a request to the IACHR on behalf of the Teribe and Bribri indigenous people for precautionary measures to halt illegal occupation and assassination attempts against their leaders. The IACHR held a hearing in March. International pressure on Costa Rica led to a formal dialogue between the government and indigenous representatives, resulting in the demarcation of two indigenous territories to date.

In 2007, FPP’s sustained legal support to the Saramaka people of Suriname resulted in a landmark ruling at the IACHR in their favour. It imposed binding obligations on Suriname to protect the rights of the Saramaka people to own and control their traditionally-owned territory. However, Suriname has failed to implement the judgement and has actively violated specific orders by granting new mining rights to the Canadian company IAMGOLD in Saramaka territory and attempting to prevent Saramaka leaders making further complaints to the IACtHR.

Following numerous submissions on these issues, the IACtHR granted an urgent compliance hearing in May and considered a request for provisional measures in favour of the Saramaka as well as additional compliance orders. At our prompting, the IACtHR also visited Suriname and issued a report on the obstacles to implementation of the judgment among other issues. CERD, the UN Special Rapporteur on Indigenous Peoples and the UN Working Group on Human Rights and Business also communicated with Suriname about this situation, particularly the grant of mining rights to IAMGOLD.

Our intensive involvement in the preparation of the new UNREDD Guidelines on FPIC (see p. 10) and support to indigenous peoples dealing with REDD processes led to an unprecedented resolution by the Forest Carbon Fund Partnership Participant’s Committee linking further development of REDD to recognition of territorial rights and requiring Suriname’s REDD process to respect the Inter American Court’s 2007 judgment (see p. 11). We are working with indigenous and tribal peoples so that UNDP’s project document on REDD preparation in Suriname emphasises compliance with the Court judgment and the delimitation and demarcation of indigenous and tribal territories before any REDD activities can take place in Suriname.

We also submitted information to the IACtHR about Suriname’s lack of compliance with the Court’s judgment in the Moiwana Village case, concerning prosecutions and reparations for the massacre of Cottika Nj’uka maroons by the Suriname military in 1986. This is particularly urgent as Suriname has amended its 1992 Amnesty Law such that prosecutions for the massacre are essentially precluded.

In March, the IACtHR admitted the Maho Indigenous Community case, concerning logging and mining concessions on indigenous lands, inhumane treatment, lack of access to information and denial of legal personality. We submitted further arguments and expert testimony by a forensic psychologist to support consideration of the merits of the case.

In June, the IACtHR adopted a merits report in the Kaliña and Lokono Indigenous Peoples case concerning logging, mining and protected areas imposed on their lands. As Suriname failed to comply with the IACtHR’s recommendations the case was transmitted to the IACTHR for adjudication. This potentially ground-breaking case concerns, among other things, how ‘environmental protection initiatives and policies, particularly the establishment of nature reserves, are compatible with the rights of indigenous peoples.’ The Court’s decision may affect conservation practice throughout the Americas and Caribbean where it is estimated that 80 per cent of existing protected areas affect indigenous peoples.

In Guyana, we submitted a petition, in collaboration with our partner APA, to the IACtHR on behalf of the indigenous community of Isseneru that may become a landmark precedent on indigenous peoples’ rights in Guyana. The petition concerns mining and pollution of indigenous lands and racial discrimination.

At the domestic level, we supported the Akawaio and Arekuna peoples of Region 7 of the Upper Mazaruni to complete their arguments against mining on their lands, in the first-ever aboriginal title case before the High Court of Guyana. The communities have concluded the presentation of their case and a schedule has been established for the presentation of the government’s arguments.

In Brazil we continued to support the Macuxi, Wapichana, Taurepang, Ingarico and Patamona peoples to make further submissions to the IACtHR in the Raposa Serra do Sol Indigenous Peoples v. Brazil case that is awaiting a decision on the merits. The case concerns the removal of non-indigenous...
tress from traditional lands, reparations for violent attacks against the communities and prejudicial limitations on indigenous title imposed by Brazil’s Supreme Court.

Following a grant of precautionary measures the IACHR opened the potentially ground-breaking case of Pueblos Indígenas Mascho Piro y Otros v. Peru concerning the rights of uncontacted and voluntary isolation indigenous peoples endangered by illegal logging in Peru. We also supported our partner AIDESEP to prepare an amparo action (remedy for the protection of constitutional rights) to the Regional Trial Court on the rights of uncontacted peoples threatened by the expansion of the Camisea natural gas project (see p. 9).

FPP held workshops in Paraguay with the national indigenous organisation and government officials on national and international laws on indigenous peoples’ rights and how they should be incorporated into national conservation and climate policies, laws and projects.

We organised training on REDD and human rights for four of our DRC partners, DRC’s REDD civil society platform and 118 community representatives who live in and near REDD project zones in Mai-Ndombe, Bandundu Province and Lac-Tumba, Equateur Province. We published a detailed toolkit on REDD and human rights.

In Uganda we assisted the Batwa to submit a petition to the Constitutional Court, concerning reparations for their expulsion from their traditional lands to create national parks. We provided training, held strategy meetings and prepared several internal legal briefings to support local lawyers in filing the case before the court. The government has given an initial response and we are awaiting a date for the Court hearing.

In Cameroon we provided legal analysis and worked with our local partner CED and Greenpeace to develop advocacy strategies for the local communities to protect their land rights against the Herakles/SG Sustainable Oils Cameroon oil palm concession granted by the Cameroon Government. We supported our partner OKANI to mobilise communities potentially affected by the planned BioPalm development in Ocean Department and provided legal advice on challenging the development and plans for land acquisition and deforestation. Communities are now better informed about the likely impacts of palm oil plantations on their lands and the Roundtable on Sustainable Palm Oil (RSPO) standards and the investment and deforestation plans appear to have been shelved.

In Liberia, we continued to provide legal support, analysis and strategy assistance to partners SDI and SESDev to progress their RSPO complaint on behalf of communities affected by Golden Veroleum Liberia (GVL) oil palm plantations on their lands in Sinoe County. This included field assessments of violations of the right to Free Prior and Informed Consent (FPIC) and coordination of advocacy work. Our findings have put pressure on GVL to improve policies and practices (though both remain poor), and more communities are now openly challenging the company’s claims about its FPIC performance, which has resulted in further complaints to the RSPO. Through this process, FPP is aiming to strengthen the RSPO complaints process, since the manner in which community complaints have been handled have fallen well short of international best practice. Despite a strong start, the complaints process has suffered from delays and a lack of responsiveness to serious community concerns. Concerns have also been raised about the RSPO Complaints Panel’s ability to maintain its authority and independence.

In Indonesia, we continued to support indigenous peoples to understand and use International Labour Organisation conventions and UN procedures on contemporary forms of slavery to address human rights violations in oil palm concessions.

Further resources:

Coming up in 2014:
- Launch toolkit on the rights of indigenous women in the Inter-American system
- Follow-up on Inter-American Commission official report on the situation of indigenous women’s rights in the Americas
- Litigate Kiliha and Lokono Indigenous Peoples case before the Inter-American Court
- Provide legal advice and representation in court to the Ugandan Batwa
- Support partners engaged in legal reform processes in Cameroon, Liberia, DRC and Kenya
- Follow up on the Sengwer peoples’ World Bank Inspection Panel report and court case
- Provide legal advice before the African Court of Human and Peoples’ Rights, on the eviction of Ogiek communities from the Mau Forest, Kenya
- Support communities faced with land loss for palm oil development without free, prior and informed consent; continue support for civil society partners
- Support partners in negotiation and implementation of FLEGT-VPA, to ensure forest governance meets international human rights obligations, and land rights information in Guyana is included in FLEGT-VPA policy development
- Follow up on visits by ACHPR Working Group on Environment, Extractive Industries and Human Rights to Cameroon, Liberia and DRC
- Support trialling of FAO’s Technical Guide to FPIC in Liberia, as part of the rolling out of the FAO’s Voluntary Guidelines on the Responsible Governance of the Tenure of Land, Fisheries.
- Support indigenous peoples in Nepal to implement the 2013 judgment of the Supreme Court upholding their participatory rights, and raise provincial awareness of reforms needed to comply with CEDAW concluding observations
- Continue supporting indigenous peoples in Indonesia to use UN procedures on contemporary forms of slavery to address rights violations in oil palm concessions
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Heartfelt thanks to our 2013 volunteers:
Kate Berry and Ines Ayari

FPP re-granting mechanism

FPP was awarded a grant from the TIDES foundation to establish an agile and responsive re-granting mechanism to support and strengthen the local, national and international work of FPP’s partner organisations. During 2013 FPP provided small grants to five partners in Asia, Africa and South America to help them pump prime innovative local initiatives and undertake emergency actions in support of forest peoples’ rights.

Funders

with grateful thanks to:

ARCUS Foundation
AW60
Both Ends
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Eden Bequest
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The Ford Foundation Eastern Africa
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Thanks also to our individual donors, with particular thanks to Simon Gershon

Finance

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Grants 98.7%
Donations 0.6%
Bank Interest 0.2%
Other Income 0.5%

Staff costs 38.0%
Field projects 48.0%
Travel/M&E 6.0%
Administration 3.4%
Documentation 2.7%
IT/Equipment 1.2%
Communications 0.5%
Exchange gains 0.2%

Report edited and designed by Dorothy Jackson