



Securing Forests Securing Rights

Report of the International
Workshop on Deforestation
and the Rights of Forest
Peoples

Held in Palangka Raya, Indonesia, March 2014

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FOREWORD

In 2012 the world lost more than 20 million hectares of forest, adding to the threats faced by hundreds of millions of tropical-forest-dependent people, including at least 350 million indigenous people, who inhabit, use, have customary rights to, and rely on forests for their identity and survival as distinct peoples.

In response to the ongoing and intensifying forest crisis, more than 60 representatives of indigenous and other forest communities from Africa, Asia and Latin America, and supportive environmental, human rights and social non-governmental organisations, came together at the International Workshop on Deforestation and the Rights of Forest Peoples, in Palangka Raya, Central Kalimantan, Indonesia, in March 2014, to share experiences and seek solutions to the unrelenting destruction of forests around the world and the risks to forest peoples' rights, well-being, forest territories and cultural heritage.

This report on the week-long meeting covers the extent of the crisis, the alarming consequences for forest communities, workshop delegates' critiques of top-down international anti-deforestation initiatives, and forest peoples' advocacy of approaches and solutions based on securing their customary land rights and other human rights and placing forest communities centre-stage in efforts to curb deforestation.

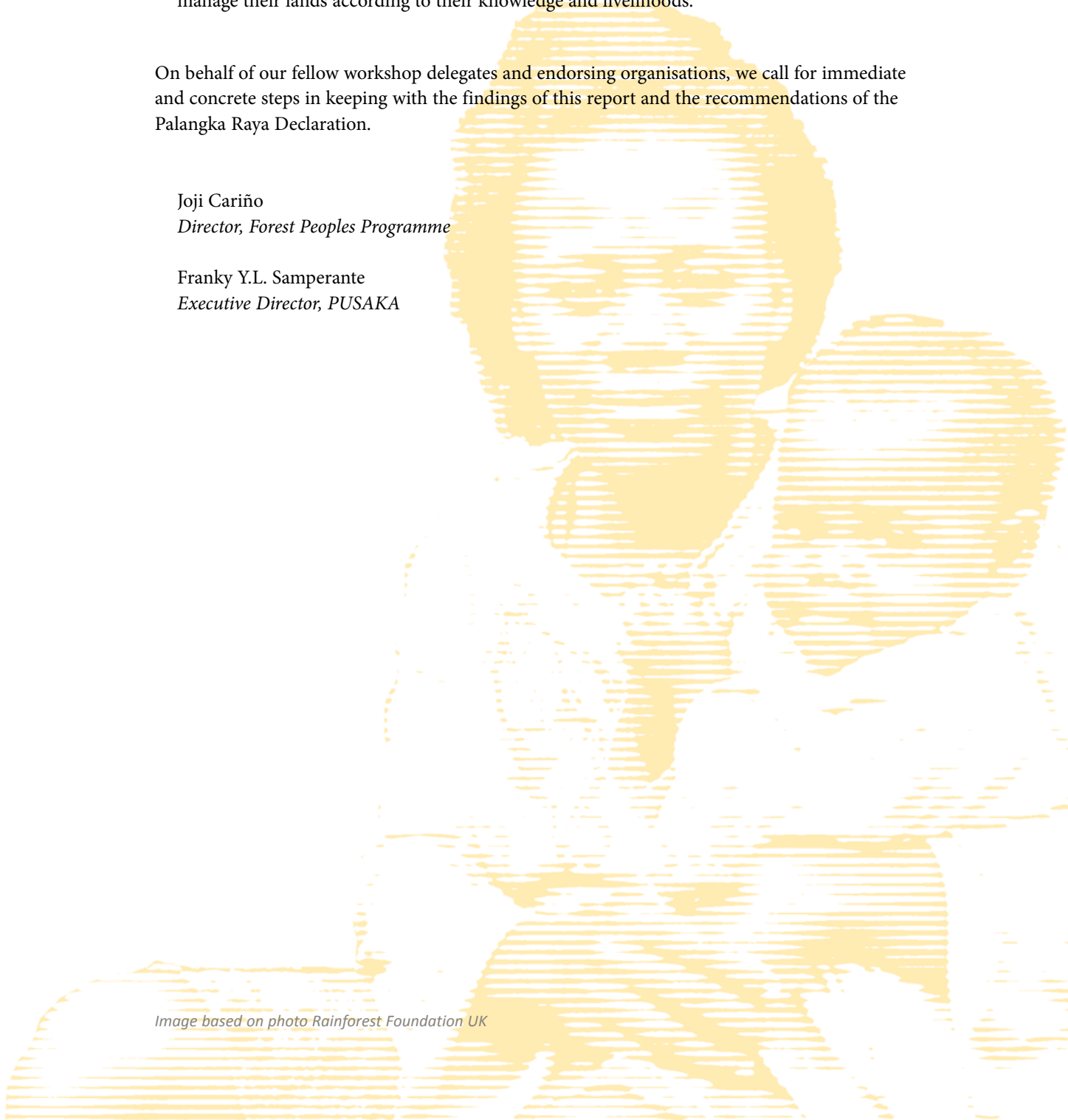
There can be no end to forest destruction without securing forest peoples' land and territorial rights in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and in accordance with State obligations under related human rights instruments ratified by forest nations. Measures must also be taken at all levels to ensure full participation of forest peoples as key rights holders at the heart of decision-making. As the Palangka Raya Declaration, issued by delegates at the close of the workshop (see pages 117-26 of this report), states: '[W]hen our peoples' rights are secured, then deforestation can be halted and even reversed. We call for a change in policy to put rights and justice at the centre of deforestation efforts.'

Workshop participants have committed to act in solidarity in a global accountability network to monitor, document, challenge and denounce forest destruction and associated human rights violations, while supporting best-practice international and country-specific approaches to prevent deforestation.

The time for change is now. Forthcoming meetings of the UN World Conference on Indigenous Peoples in September 2014, the Convention on Biological Diversity in October, 2014 and United Nations Framework Convention on Climate Change, in Lima and Paris in 2014 and 2015 respectively, and the post-2015 development agenda present key opportunities for the international community to meet the urgent challenges of deforestation and the abuse of forest peoples' rights.

We are all challenged to

- halt the production, trade and consumption of commodities derived from deforestation, land grabs and other violations of the rights of forest peoples

- 
- stop the expansion and invasion of forest peoples' lands and forests by agribusiness, extractive industries, infrastructures, energy and green economy projects that deny their fundamental rights
 - take immediate and concrete actions to uphold forest peoples' rights at all levels including the right to land, territories and resources, the right to self-determined development and to continue to manage their lands according to their knowledge and livelihoods.

On behalf of our fellow workshop delegates and endorsing organisations, we call for immediate and concrete steps in keeping with the findings of this report and the recommendations of the Palangka Raya Declaration.

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Director, Forest Peoples Programme

Franky Y.L. Samperante
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Image based on photo Rainforest Foundation UK

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We would also like to thank the authors of the deforestation case studies for Peru, DRC, Cameroon, Indonesia and Malaysia for compiling baseline information and community-led analyses of drivers of deforestation. Thanks are likewise due to FAPI (Paraguay), APA (Guyana) and DEDISE (Colombia) for presentations and background papers prepared for the workshop and this report. Thanks are also given to the international NGOs and international agencies that contributed to the workshop, namely FERN, Greenpeace South-East Asia, BIC USA, RRI, RECOFTC, RAN, WWF, WRI-Indonesia, DFID Indonesia, CIFOR, ICRAF and UNDP.

Special thanks go to the villagers of Lewu Gohong, Pulang Pisau district, Central Kalimantan province, for welcoming workshop participants so warmly in their village with a beautiful Dayak dance ceremony and for sharing their stories and experiences with us.

Our deepest gratitude lies with the community and forest peoples' representatives from Indonesia, Malaysia, Colombia, Guyana, Paraguay, Peru, Cameroon and DRC who travelled all the way to Palangka Raya to speak up and make their stories heard; and with the community representatives from Liberia, who sadly could not attend in person but joined us via Skype. This report would not have been possible without community commitment and courage to stand up and be heard.

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Terima kasih! Thank you! Gracias! Merci!

ABBREVIATIONS AND ACRONYMS

AIDSESP	Asociación Interétnica de Desarrollo de la Selva Peruana (Interethnic Development Association of the Peruvian Rainforest)
AMAN	Aliansi Masyarakat Adat Nusantara (Indigenous Peoples' Alliance of the Archipelago)
BIC	Bank Information Center
CBD	Convention on Biological Diversity
CERD	UN Committee on the Elimination of Racial Discrimination
CFA	Communauté Financière Africaine
CGIAR	Consultative Group on International Agricultural Research
CIFOR	Center for International Forestry Research
CSO	Civil society organisation
DFID	UK Department for International Development
DRC	Democratic Republic of Congo
EIA	Environmental impact assessment
ERPA	Emission Reductions Payment Agreement
ER-PIN	Emissions Reduction Programme Idea Note
EU	European Union
FAO	UN Food and Agriculture Organisation
FCPF (-CF)	Forest Carbon Partnership Facility (– Carbon Fund)
FERN	Forests and the European Union Resource Network
FIP	Forest Investment Program
FLEGT	Forest Law Enforcement, Governance and Trade
FPIC	Free, prior and informed consent
FRA	Forest Resources Assessment
GEF	Global Environment Facility
GFC	Global Climate Forum
HCS	High carbon stock
HCV	High conservation value
IACHR	Inter-American Court of Human Rights
IADB	Inter-American Development Bank
ICF	International Climate Fund
ICRAF	International Centre for Research in Agroforestry
IFC	International Finance Corporation
IIRSA	Iniciativa para la Integración de la Infraestructura Regional Suramericana (Initiative for Integration of the Regional Infrastructure of South America).
ILO	International Labour Organisation
IWGIA	International Work Group for Indigenous Affairs
JPIK	Indonesia Independent Forestry Monitoring Network
KNOWFOR	International programme to improve knowledge on forests
LCDS	Low Carbon Development Strategy
MIFEE	Merauke Integrated Food and Energy Estate
NCR	Native customary rights

NGO	Non-governmental organisation
OECD	Organisation for Economic Cooperation and Development
RAN	Rainforest Action Network
RECOFTC	Center for People and Forests
REDD	Reducing Emissions from Deforestation and Forest Degradation
RPP	Readiness Preparation Proposal
RRI	Rights and Resources Initiative
RSPO	Roundtable on Sustainable Palm Oil
SESA	Strategic environmental and social assessment
UN	United Nations
UNASUR	Union of South American Nations
UNDP	UN Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNEP	UN Environment Programme
UNFCCC	UN Framework Convention on Climate Change
UN-REDD	UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
VPA	Voluntary Partnership Agreement
WRI	World Resources Institute
WWF	World Wide Fund for Nature

INTRODUCTION AND SUMMARY

Forests cover 30% of the planet's land surface. They support more than half the world's biological diversity and play a key role in regulating the global climate system. Crucially, almost all forest areas are inhabited by people. Forests yield direct or indirect livelihood and environmental benefits for as many as 1.5 billion forest-dependent people worldwide. An estimated 350 million of them are indigenous and tribal people whose cultures, identities and physical survival as distinct peoples are sustained by their forest lands and territories, and whose livelihood strategies are premised on the need to minimise, localise and make temporary their impacts on the local environment.

The last three centuries have seen more than half the world's forests disappear and give way to agricultural and urban expansion, with most forest clearance taking place in the last 50 years. Today, forests remain under huge threat. Pressures are mounting on the remaining forests and forest peoples from industrial logging, commercial farming, pulp, paper and biofuel plantations, extractive industries, energy projects and infrastructure development.

INCREASING DEFORESTATION AND HARM TO FOREST PEOPLES

Despite a raft of intergovernmental commitments to combat forest loss under international environmental treaties such as the 1992 Convention on Biological Diversity, plus a growing number of national and other international forest and climate initiatives aimed at slowing deforestation and curbing land use emissions, the global forest crisis continues. Satellite imagery indicates that more than 30,000 hectares of forest are lost daily, and another 30,000 hectares are damaged. Over the last decade an average total of 13 million hectares of forest have been cleared each year, with the bulk of forest destruction affecting tropical forests. Global monitoring reveals that the rate of total annual forest loss is increasing by more than 200,000 hectares of forest cover (2,000 square kilometres) each year.

Although some countries, such as Brazil, have achieved notable reductions in deforestation rates when compared to the highest rates reached in the 1990s (mainly through recognition of forest peoples' lands and concerted efforts to enforce environmental laws), deforestation is increasing in many other tropical countries. And even in Brazil, forest destruction is currently on the rise again – up 28% in 2013. Accelerating deforestation worldwide is resulting in multiple and severely harmful impacts on forest peoples' lands, territories, resources and ways of life, especially in tropical countries. Land grabs and forest clearance for agribusiness, extractive industries and other investments are generating conflicts, and those responsible for forest destruction are often guilty of grave human rights violations and atrocities against forest communities (see below).

PALANGKA RAYA WORKSHOP AND DECLARATION

In the face of intensifying forest loss and growing harm affecting forest communities, more than 60 representatives of forest peoples from nine countries came together in March 2014 for an international workshop in Palangka Raya in Central Kalimantan, Indonesia, to evaluate the impacts of deforestation on their communities and to assess local, national and global trends in deforestation and efforts to address the forest crisis. At the close of the workshop, participants issued a call to action in the **Palangka Raya Declaration on Deforestation and the Rights of**

Forest Peoples. The Declaration sets out key measures and reforms needed to tackle forest loss and uphold forest peoples' rights (page 117).

This report records and summarises the workshop discussions and issues raised. Country-specific information is presented in nine country summaries based on workshop presentations and discussions, country case studies, papers prepared for the meeting and in some cases additional sources. The report also includes a brief account of workshop sessions involving dialogue with governments, international agencies and non-governmental organisations. Recommendations collectively agreed by delegates are set out in the Palangka Raya Declaration, which was whole-heartedly adopted by forest peoples and NGO participants present at the event. The Declaration has since been further endorsed by many organisations and individuals from around the world.

The purpose of this report is to capture core issues, community experiences and concerns raised at the meeting; to highlight the urgency of the challenge to halt and reverse deforestation and the erosion of forest peoples' human rights; and to illuminate where current approaches are failing and where alternative rights-based solutions offer a greater chance of success.

OVERWHELMING AND INCREASING PRESSURES ON FOREST PEOPLES

A core message from all forest peoples' delegates at the Palangka Raya Workshop is that their forests and communities are under siege from all directions. In many cases, forest peoples sense that their very survival is threatened unless effective and permanent action is taken to halt land grabs, stop deforestation and end once and for all the practice of excluding indigenous peoples and forest communities from forest conservation areas. Many community representatives, including those from Indonesia, Malaysia and Paraguay, shared deep feelings of desperation that forest damage, land theft and reduction in forest areas are confining their peoples to smaller and smaller areas of land. Shrinking forests and reduced access to resources are leading to a scarcity of livelihood materials, decreasing food security, poor nutrition, ill-health and severe hardship. Some delegates shared shocking cases of food shortage and livelihood hardship resulting from forest destruction by loggers, pulp, paper and oil palm plantations, and the construction of large dams, such as in Papua in Indonesia and Sarawak in Malaysia.

Numerous participants expressed distress that their forests are being destroyed by agribusiness and plantation companies whose actions transform diverse and mixed local land use systems into large-scale industrial monocultures. Industrial commodity production goes beyond ruining local livelihoods; it also desecrates sacred sites and cultural heritage, extinguishes basic freedoms and fundamental rights, causes displacement, and turns formerly self-reliant people into exploited smallholders, landless labourers (such as in Colombia and Indonesia) or squatters. At the same time, forest peoples protest that government, company and international NGO initiatives set up to protect forests, including climate schemes and REDD pilot projects, restrict their access to forest land through unjust exclusionary conservation policies (such as in the Democratic Republic of Congo, Indonesia and Peru).

WIDESPREAD VIOLATION OF HUMAN RIGHTS

This report highlights the severity of deforestation impacts on communities, driven by the expanding cultivation or extraction of commodities – including timber, pulp, paper, palm oil, beef, biofuels (sugar cane), soybeans, gold, minerals, oil and gas. Livelihood security is in decline and vulnerability increasing as forest communities lose lands, resources, livelihoods,

knowledge systems and culture, accompanied by impoverishment, discrimination, repression and violence. The report documents how deforestation causes systematic violation of the human right to food, to freedom from forced resettlement, to freedom of movement, to freedom from discrimination and to equality before the law, and of collective rights to land and means of subsistence, to cultural integrity and protection from racial and gender discrimination, and to self-determination and self-determined development.

These rights violations are associated with:

- Intimidation and criminalisation of community members and leaders who seek to protect community forests or even question destructive projects and investments (Cameroon, Colombia, DRC, Indonesia, Liberia, Malaysia, Peru).
- Land grabs and forced eviction of families and communities to make way for commercial ranches, industrial farms, plantations, mines, roads and infrastructure development (Cameroon, Colombia, Indonesia, Liberia, Malaysia, Paraguay).
- Contact imposed on indigenous peoples living in voluntary isolation (Paraguay, Peru).
- Beatings, maiming, murder and disappearances of community leaders and forest defenders by state police and security forces, and often by private security firms hired by companies and land grabbers (Colombia, Indonesia, Paraguay, Peru, Sarawak Malaysia).
- Rape and other sexual violence committed against women and children by workers and security guards linked to logging, mining and plantation companies (Colombia, DRC, Guyana, Malaysia).
- Forced restriction on access and loss of freedom of movement as community rights-of-way are closed, physically eliminated or redirected when land is fenced off and privatised (Colombia, Indonesia, Liberia, Malaysia, Paraguay).
- Imposition of timber, agribusiness, mining, and oil and gas concessions on community forest territories without prior consultation and in direct violation of the right to free, prior and informed consent (FPIC) (all nine countries featured in this report).
- Denial of access to justice, false imprisonment and prohibitions on freedom of association and the right to protest (Cameroon, DRC, Indonesia, Malaysia, Peru).

DIRECT CAUSES OF DEFORESTATION AND RIGHTS ABUSE

Community and civil society assessments of deforestation drivers in the nine countries confirm that agribusiness expansion and conversion of forests for pastureland (Colombia, Paraguay, Peru), oil palm plantations (Colombia, Indonesia, Malaysia), soybeans (Paraguay) and other commercial food crops are major drivers of deforestation in Asia and Latin America. Agribusiness is emerging as a growing threat in Africa, with oil palm expanding rapidly in countries such as Liberia. In Asia, pulping of natural forests for paper and cardboard and establishment of industrial tree plantations (acacia, rubber) are a major driver of forest loss, land grabs and rights abuses (Indonesia, Malaysia).

Community experiences in Africa (Cameroon, DRC), Asia (Malaysia) and South America (Guyana, Peru) show that industrial logging remains a key driver of forest damage and a forerunner of permanent forest conversion as logging roads open up remote forests areas to miners, landless farmers (often displaced by mega-projects elsewhere) and agro-industries. Access roads linked to large dams and commercial mines are likewise closely correlated with forest loss and encroachment on community forests. Besides reducing forest cover, oil and gas development and mining are responsible for serious pollution of rivers, wetlands and drinking water in forest areas, often with severe consequences for human health and well-being (Guyana, Peru).

INDIRECT DRIVERS

Underlying these direct causes are powerful indirect drivers, usually interconnected and common to virtually all countries featured in this report. Such indirect drivers, identified through the country assessments and collective analysis by workshop delegates, include:

- Insecure community tenure rights perpetuated by discriminatory and outdated land and forestry laws that fail to recognise and protect collective customary rights of forest peoples over their lands (all nine countries featured in this report).
- Flawed and unjust land acquisition and concession allocation frameworks controlled by government bodies that claim forest lands as 'state land' without respect for pre-existing customary land rights (Cameroon, Guyana, Indonesia, Malaysia).
- Unlawful leases and sales agreements to national and foreign companies made without FPIC, rendering many – and in some countries most – resource concessions and forest conversion permits illegal (DRC, Guyana, Indonesia, Liberia, Malaysia, Peru).
- Illegal land markets and land speculation (Colombia, Paraguay, Peru).
- Weak forest governance and crime, including links with money laundering from illicit crop cultivation and drug trafficking, with illegal earnings reinvested in logging and mining (Cameroon, Indonesia, Liberia, Malaysia, Paraguay).
- Corrupt political systems where income from logging, land leases and concessions is a means of elite enrichment and a source of funding for party-political campaigns (DRC, Indonesia, Malaysia, Peru).
- Company and government manipulation of community leaders, engineering 'consent' and dividing communities to remove opposition to roads, logging, mining and agribusiness developments (Indonesia, Guyana, Peru, Colombia).
- Perverse legal and economic incentives, such as legal targets for biofuel production and subsidies and tax breaks for agribusiness and agro-fuel expansion (Colombia, Peru).
- Racist attitudes and discrimination on the part of decision-makers and forest authorities that see forest peoples as 'backward' and their land use systems as 'unproductive' and in need of 'transformation' or 'modernisation' (Colombia, Guyana, DRC, Indonesia, Malaysia).
- Ineffective law enforcement and weakening of environmental regulations to facilitate forest clearance and attract foreign investment in agribusiness and extractive industries (Liberia, Paraguay, Peru).
- Economic growth policies promoted by international financial institutions such as the World Bank based on industrial concessions, liberalisation of land markets and the large-scale extraction, production and export of commodities (timber, food, fibre, minerals, hydrocarbons – Cameroon, Colombia, Liberia, Malaysia).
- International trade and 'free trade' agreements that expand commodity supply and increase trade flows at the expense of forests and forest peoples (all nine countries featured in this report).
- Unsustainable and growing global demand and consumption of 'forest risk' commodities including meat, livestock feed (soya), palm oil, minerals, oil, gas and biofuels (all nine countries featured in this report).
- Weak or absent national and local mechanisms to implement progressive laws, national and international court rulings and international conventions on human rights, environmental protection and sustainable development (Colombia, Indonesia, Malaysia, Peru).
- Lack of regulation of big business and investments, with ineffective sanctions that fail to change unsustainable and unlawful practices, such as paltry fines (all nine countries featured in this report).
- Lack of robust safeguards combined with superficial due diligence carried out by public and private banks financing agribusiness, mining, energy and infrastructure investments in forests (all nine countries featured in this report).

Country assessments presented at the workshop warn that many of these indirect drivers are set to intensify and to increase pressures on forests and forest peoples in coming years. For example, many countries have national plans and production targets to promote a major expansion in palm oil and biofuels (Colombia, Indonesia, Liberia, Malaysia, Peru). Mineral and hydrocarbon concessions cover more and more areas of forest, most of which is occupied by forest peoples (Cameroon, Colombia, DRC, Peru). At the same time, urbanisation is increasing, as is demand for meat, other foods and fibre in China and other Asian countries. These trends will almost certainly ratchet up deforestation rates as more land is converted for industrial export-oriented agriculture.

WEAKNESS OF CURRENT EFFORTS TO HALT DEFORESTATION

Workshop delegates agreed that current national and international policies and initiatives to slow or halt forest destruction are failing to address the key underlying drivers that propel deforestation and enable the invasion of forest peoples' lands. In all countries assessed, the industrial forest concession and land leasing model remains firmly in place, yet this model is so often responsible for systemic rights violations and forest destruction. Participants questioned the effectiveness of 'zero deforestation' pledges made by governments and big business and highlighted the huge disconnect between policies on biodiversity and forest conservation, on the one hand, and prevailing unsustainable development models and practices, on the other.

Business initiatives and voluntary standards intended to prevent forest loss and uphold community rights are often ineffective because they lack robust compliance and verification mechanisms. Participants identified serious shortcomings in company tools to protect 'high conservation value forest' (HCVF) and 'high carbon stocks' (HCS), as currently these approaches fail to understand and safeguard local customary systems of forest use including rotational farming and utilisation of extensive areas for hunting, gathering and regeneration of forest species.

SOLUTIONS AND ALTERNATIVES

To safeguard forests and uphold the rights of indigenous peoples and forest communities, delegates agreed that it is essential that national and global efforts address the underlying causes of forest loss, rethink industrial concession models and adopt genuine community-based development and conservation policies. Many participants also stressed that the way that forests are defined and how deforestation is measured and evaluated also require reconsideration, including changes that distinguish between unsustainable permanent forest conversion and short-term small-scale sustainable land use change and forest regrowth linked to customary land use systems.

Forest peoples everywhere are calling for a more inclusive public debate and for community participation in forest monitoring and the resolution of disputes, including through land restitution. Governments need to value local and national self-reliance and resilience, prioritise social investment, strengthen enforcement and establish effective complaint and redress mechanisms. These efforts need support from bilateral donors, multinational companies, international financial institutions and other intergovernmental bodies.

Participants emphasised that **where forest peoples' rights are secure and respected, forests are also secured, healthy and intact**. A growing body of scientific and empirical evidence demonstrates the effectiveness of community-conserved forests and indigenous peoples'

territories, including evidence from satellite information and detailed field studies (see sources and further reading, below). National and global policies and initiatives should give greater recognition to the unique ability of forest communities to live sustainably in and with forests. A core recommendation in the Palangka Raya Declaration therefore centres on the need for national forest governance, legal and tenure reforms to secure forest peoples' land and territorial rights and legally recognise and secure community conserved forest territories.

Customary rights to land, territory and forest resources must be fully protected in law and in practice. Most of all, this means the right to free, prior and informed consent (FPIC) over developments and projects that are likely to affect forest communities; this ultimately requires the right to say no, if in a community's judgment the costs of a development outweigh the benefits.

Our report highlights many rights-based alternative approaches to curbing deforestation advocated by forest peoples. Communities have shown the way by resisting expropriation of their land and territory, undertaking community mapping and forest inventories, combining modern small-scale agro-forestry with customary practices, and campaigning for governance reform. They call on governments not just to secure their collective rights within countries' formal legal frameworks, but also to tackle corruption and democratise decision-making and benefit sharing. At the same time, the Declaration underlines the importance of actions at the global, national and local levels to stop unsustainable commodity production and trade, which are driving forest destruction and rights violations. Among the proposals is the involvement of forest peoples in national reviews of land allocation, resource concession and land acquisition frameworks to highlight the changes needed to secure and protect community lands and forests.

We hope that all who read this report will join us in supporting the aims and recommendations of the Palangka Raya Declaration and work with us in the fight to save the world's forests and to safeguard rights of forest peoples everywhere.

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COUNTRY INFORMATION: INDONESIA

Land area:

181,157,000 ha

Forest area:

94,432,000 ha (52%)

Population:

244.5 million

Forest peoples:

80–95 million forest-dependent people, including 30–70 million indigenous forest people

Forest land tenure:

More than 40% owned under customary law; less than 1% owned by communities and indigenous peoples under national law; 98% state owned under national law; 1.4% owned privately (individuals and companies; business entities and institutions also hold managements rights in much public forest land); 0.2% designated for management and use by communities and indigenous peoples

Deforestation rate:

0.51% annual average 2000–10; satellite images reveal under-reporting: estimated loss of 9.3% of forest cover between 2000 and 2010; annual rate doubled from 1 million ha to 2 million ha between 2000 and 2013

Main direct drivers of deforestation:

Oil palm; pulp wood (acacia monocultures classified as 'forests' by government); logging (at least 65% illegal); open-cast mining is an emerging threat

Main indirect drivers of deforestation:

Unsustainable and inequitable development; inequitable agrarian policies; assimilationist state policies; poor regulation, patronage and corruption

■ Forest peoples in Indonesia make diversified use of their customary forests for agroforestry, rotational farming, gathering of non-timber forest products, hunting and fishing. Rubber agroforestry forms a key part of community forest management practised by Lubuk Beringin villagers of Bungo District in Jambi Province (pictured).

Photo: by Tri Saputro (CIFOR)



INDONESIA

- Between 65 and 100 million Indonesians live in customary-law forest communities.
- Rapid deforestation and forest degradation since the 1970s have resulted from logging, timber estates, mining, oil palm and other agro-industrial concessions.
- Deforestation and peat soil make Indonesia one of the world's largest greenhouse gas emitters.
- Oil palm is the leading cause of deforestation, with major sector growth planned.
- Forest destruction violates communities' collective customary rights and undermines other human rights.
- Corruption, repression and community impoverishment accompany aggressive land and resource exploitation.
- Unsustainable and inequitable development continues despite growing awareness of the need for reform.
- The government's moratorium on new forest concessions, legal gains by indigenous and forest peoples, examples of successful resistance and viable alternatives, and a well-organised indigenous peoples' movement offer hope of better protection of forests and human rights.

BACKGROUND AND SUMMARY

Indonesia's biologically diverse forests, which are thought to have once covered the whole country, are home to some 65 million to 100 million people, most of whom live in communities governed by customary law. Colonising powers and post-independence elites subordinated the customary land rights of these communities to aggressive forms of economic development and socio-political systems based largely on revenue and rent extraction, patronage and corruption. The situation of forest peoples was exacerbated during the murderous anti-communist purges of the 1960s and the disastrous transmigration programme of the 1970s, which caused a major increase in forest destruction.

Rapid deforestation and forest degradation in Indonesia since the 1970s have resulted from a wave of concessions for logging, timber estates and forest conversion to oil palm, mining and other agro-industrial sectors. Forest destruction continues to violate the collective customary rights of many communities, as well as undermining the full spectrum of individual human rights. The country has continued on this destructive path despite growing awareness of the need for reform in the forest sector, in the treatment of forest peoples, and in countering corruption, and regardless of a government moratorium on new forest concessions and some hard-won legal gains by indigenous and forest peoples.

There are nevertheless numerous examples of successful community resistance to the expropriation of land and forests, and of community-based agro-forestry. A well-organised movement of indigenous peoples and their allies is hopeful of achieving better protection of the country's forests and community rights.

DEFORESTATION: CAUSES AND CONSEQUENCES

Indonesia has lost half its forests since the early twentieth century. Forest cover decreased from 128 million hectares in 1990 to 99 million hectares in 2005, with the rate roughly doubling between 2000 and 2012. Deforestation and peat soil loss have made

Indonesia one of the world's largest greenhouse gas emitters.

Almost all Indonesia's forests are the ancestral lands of local communities and indigenous peoples, but millions of hectares have been cleared by companies supplying global commodity markets with timber, food crops, fibre, biofuels and minerals. The government has also used forests on the outlying islands to resettle migrants displaced by inequitable agrarian policies at the centre. Oil palm, currently covering approximately 10 million hectares, is now the leading cause of deforestation with more than 2,500 companies operating in the sector and an estimated 18 million hectares of additional land planned for the crop. Indonesia is the world's leading producer and consumer of palm oil, with the European Union and China each accounting for about 30% of its output.

Timber revenues have been central to Indonesia's system of patronage, including for the armed forces, with much of the wood illegally extracted. The country's pulpwood industry is replacing roughly 250,000 hectares a year of natural forests and community trees with fast-growing acacia monocultures. In the late 1990s Indonesia logged at least three times more raw timber than the most optimistic calculations indicated was sustainable. Forestry has generated hundreds of thousands of jobs, billions of dollars' worth of trade and enormous wealth for the country's few hundred tycoons, but it has also entrenched corruption and rent-seeking within the Ministry of Forests. Only a minority of logging operations fully comply with environmental and other regulations. When, with administrative decentralisation during the reform period, subnational authorities issued small-scale licences ostensibly to benefit local communities, these were captured by local elites, and illegal logging intensified.

Mining is a growing threat to Indonesia's forests. Apart from extensive direct clearance for open-cast gold, copper and coal mining, there have been severe impacts from waste disposal and repressive security forces acting with impunity to suppress community protests. Infrastructure developed to facilitate mining, oil and gas development has opened up wider areas of indigenous peoples' lands and forests



to other interests. Unregulated small- and medium-scale placer mining, mainly for gold, has also caused wide impacts on forests in some areas, with the release of hundreds of tonnes of mercury causing serious health problems. According to government figures, 10% of the more than 10,000 mining permits allocated by local authorities in the past 10 years are legally questionable.

The Indonesian government has identified 33,000 villages within the forest zone, representing a population of tens of millions of people, many of them members of customary law communities. The forestry ministry does not recognise these communities' right to use, manage or control their forests and has granted concessions without regard to impacts on local livelihoods. Manipulation, force and intimidation are common in companies' acquisition

■ **Top:** Concession area of oil palm plantation of PT Agriprima Cipta Persada in Muting, Merauke, Papua Province.

■ **Bottom:** Concession area of timber plantation company, PT Selaras Inti Semesta (SIS) in Zanegi village, Merauke, Papua Province, which was illegally converted by PT SIS to oil palm plantation.

Photos: Franky Samperante

of community lands, leading to thousands of local conflicts. Land grabs trigger resistance and repression by the army and police, accompanied by arrests, violence and killings. Assimilationist state policies towards indigenous and forest peoples and rural communities have stereotyped them as backward to justify the seizure of their lands.

‘Deforestation changes how people live in rural areas and their ties to non-timber forest products. Subsistence communities see companies expanding their activities to do whatever they want. There are transformative pressures on communities, such as to convert collective landholdings into small-scale private ownership. Many members of communities are arrested because the loss of their community property rights has forced them to adopt a different way of life.’ – Workshop delegate.

There is growing realisation that Indonesia needs urgently to control its concessions system, resolve land disputes, secure community rights, tackle corruption, provide access to justice and enforce the rule of law. The government has begun to undertake legal reforms and tackle corruption and

has declared a moratorium on new concessions in primary forests and peatlands. The private sector has also taken initiatives, with some EU companies reducing purchases of Indonesian palm oil and the development of industry standards under the multi-stakeholder Roundtable on Sustainable Palm Oil (RSPO), which requires respect for indigenous and local community rights. Asian palm oil producer companies have made individual social and environmental policy commitments, and a certification scheme for sustainable forest management has been developed with the Forest Stewardship Council. Progress on the ground has been slow, however. Officials still grant new permits to convert primary forests, and companies continue to acquire and operate on land without community consent.

MIFEE AGRO-INDUSTRIAL PROJECT

The Indonesian government’s Merauke Integrated Food and Energy Estate (MIFEE) project prioritises production of food crops, palm oil, timber and agro-fuels, primarily for export, on millions of hectares in Merauke District, Papua. By 2011, 36 companies had acquired permits to more than 2 million hectares under the project, the entire area of which is claimed by the Malind and other indigenous Papuans.

Impacts on indigenous communities have been severe. Virtually the entire forest of the Zanegi community has been destroyed, denying them access to customary food sources. Companies have used coercion and manipulation to acquire signatures from community members relinquishing interest in their lands, with police and military personnel often in a supporting role. Compensation for the loss of forests has been meagre, and promised benefits such as schools, electricity and houses largely absent. Inter-ethnic conflict, violence and killings have resulted.

MIFEE was brought to the attention of the UN Committee on the Elimination of Racial Discrimination in 2011, citing extreme harms to indigenous Papuans including violations of the right to food, restrictions on freedom of expression, impoverishment, ill-regulated grabbing of customary lands without due compensation, and disregard or co-optation of customary representatives and institutions. The UN Special Rapporteur on the Rights of Indigenous Peoples and the Special Rapporteur on the Right to Food have issued a joint statement about MIFEE and similar projects, urging Indonesia to recognise the rights of indigenous peoples and South-east Asian governments to ‘align ... their biofuels and investment policies with the need to respect land users’ rights’.*

* J. Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples, ‘South-East Asia / Agrofuel: UN rights experts raise alarm on land development mega-projects’, 2012, <http://unsr.jamesanaya.org/statements/south-east-asia-agrofuel-un-rights-experts-raise-alarm-on-land-development-mega-projects>.

NATIONAL POLICIES AND INITIATIVES FOR COMBATING DEFORESTATION

Start date	Policy/initiative	Details	Observations
2008	Ministerial Decree P68/2008	Law for guidance on REDD+ pilot projects	
2009	Government pledge to cut greenhouse gas emissions	Pledge to cut emissions by 26% unilaterally and by 41% with international support by 2020	Policy a mix of stepping up investment in renewable energy and curbing emissions from deforestation and land use changes
2009	Ministerial Decree P30/2009	Law outlining mechanisms for reducing emissions from deforestation and forest degradation	
2009	UN-REDD Programme and Forest Carbon Partnership Facility (FCPF)	Comprised of both Readiness Fund and Carbon Fund, FCPF works to prepare countries and then implement REDD+ projects	Heavily criticised for failing to comply with own safeguard mechanisms regarding participation and consultation with indigenous peoples and forest-dependent communities
2009	Readiness Preparation Proposal		No reference to FPIC and lack of specific measures on biodiversity conservation and protection of rights of indigenous peoples living in and around forest; lack of prior consultation with communities and civil society
2010	National Action Plan Addressing Climate Change	Includes rehabilitation of forests as priority in medium-term development plan (2010 –14)	
2010	Indonesian Climate Change Sectoral Roadmap		
2011	National Action Plan for Mitigation		

‘The RSPO is just theory, not practice. We should all be around the same roundtable, but we are not.’ – Community member, Central Kalimantan.

‘It’s not enough that there is a mechanism in place. What matters is that the mechanism is effective. Also, the mechanism might be accepted by our leaders, but not by the rest of the community ... In some ways this makes things easier for the company, because as long as they show they are making efforts towards resolving conflicts, genuinely or not, it is taken as a positive sign and enough to get certification.’ – Community member, Central Kalimantan.

LAND TENURE AND FOREST PEOPLES’ RIGHTS

Prior to the imposition of colonial and state laws and policies, most of Indonesia’s forests were owned and controlled by forest-dwelling peoples who managed

these areas according to *adat* (custom). Today, although the country’s constitution makes respect for *adat* central to national identity, the constitution also asserts state control over natural resources in the national economic interest. The government classes 70% of Indonesia as state controlled forests, while very few traditional landholdings are formally recognised.

Indonesia’s laws generally provide for only an insecure form of community tenure based on use rights. Customary rights holders have no legal basis to oppose large-scale forest clearance or to refuse the imposition of agribusiness developments. Local authorities often allocate lands to outsiders without visiting the areas or informing the people affected. Until recently it was almost unheard of for forestry officials to consult communities before awarding logging licences or plantation concessions, and today compensation for loss of lands may be as low as US\$20 per hectare or, more usually, about \$70 per hectare. Most forest peoples surrendering lands for



development consider themselves to be leasing their lands in conformity with tradition, whereas, in line with national law, companies insist that they are surrendering their rights in perpetuity.

'It is astounding that today we still have to remind policy-makers and the private sector that forests are inhabited.' – *Workshop delegate from Papua.*

Indonesia has yet to sign ILO Convention No. 169 of 1989 on Indigenous and Tribal Peoples and has not yet fully recognised indigenous peoples or their right to free, prior and informed consent over developments that affect them. The government has made contradictory statements on indigenous peoples. In 2012 it informed the United Nations that it 'does not recognise the application of the indigenous people concept ... in the country'.¹ However, the Ministry of the Environment has long referred to the country's indigenous peoples. UN bodies have urged Indonesia to recognise indigenous peoples and protect forest communities' land rights, and the period of *reformasi* has seen some policy changes. The constitutional court has upheld the

■ **The food security of the indigenous Malind of Merauke, Papua, and their future generations is severely threatened by large-scale conversion of their forests to agribusiness and timber concessions as part of the MIFEE project.** *Photo: Sophie Chao*

need for recognition and ruled that only gazetted forest should be classed as state forest land, thus allowing for the recognition of indigenous ownership of millions of hectares of ancestral forests under more secure tenure. Several provinces have begun to develop laws and procedures that make collective land tenure possible, and some districts have recognised forest communities' right to control their natural resources. In general, nevertheless, authorities have continued to favour the interests of companies over community rights.

In 2013 President Yudhoyono, while announcing new steps to curb deforestation in the context of the worse-than-usual annual haze from forest burning in plantations in Sumatra, referred to the issue of securing the rights of forest-dependent communities. Speaking in English, the President explicitly mentioned Indonesia's 'indigenous peoples', a term that the government has usually avoided equating with the Indonesian term *masyarakat adat* (communities governed by custom).

¹ Quoted at [Redd-monitor.org](http://redd-monitor.org), 'Indonesia treats its indigenous peoples "worse than any other country in the world"' – Survival International, 3 October 2012, <http://www.redd-monitor.org/2012/10/03/indonesia-treats-its-indigenous-peoples-worse-than-any-other-country-in-the-world-survival-international/>.

FIELD VISIT

On 12 March 2014, workshop participants visited the villages of Gohong and Buntoi in the neighbouring subdistrict of Kahayan Hilir, Pulang Pisau district, Central Kalimantan. Following a traditional welcome from Dayak elders, including a collective dance, there were speeches and discussions with community members of Gohong and Buntoi and from the neighbouring villages of Pulau Kaladan and Jabiren. The village head of Gohong, Pak Yanto, spoke about *hutan desa* (village forest) and community resilience in the face of oil palm expansion. The village head of Buntoi, Pak Tambang, spoke of villagers' experience of managing village forests and their UN Development Programme- and Norwegian government-funded climate information centre, which participants later visited. The *mantir adat* (customary leader) of Gohong explained his role and function in village decision-making and land tenure. The head of the village forest management association also spoke, as did a representative of community members whose land had been taken by oil palm company PT Graha Inti Jaya (GIJ) and are now seeking to reclaim their lands and their rights.

The representative of Aliansi Masyarakat Adat Nusantara (AMAN – Indigenous Peoples' Alliance of the Archipelago) from Pulang Pisau district described the situation of indigenous peoples in the area, the challenges they face from expansion of oil palm and how AMAN supports them in defending their rights to customary lands and resources. The local women's organisation leader of Gohong then explained how the community is seeking to enhance its traditional handicrafts production to support their local economy through forest-derived products such as rattan.

Participants shared experiences from their respective countries. A further visit was made to a traditional Dayak long house, and participants had the opportunity to see oil palm plantations owned by GIJ on the way to the villages.

The field visit allowed workshop participants to witness first-hand how forest and food-producing land in the region is becoming scarce as a result of oil palm expansion, but also how communities are innovating to continue managing the remaining forest, including through the village forest system. Participants also heard about the coercion and violence that oil palm companies use to induce communities into surrendering land and the strategies of resistance and rights restitution communities deploy. It was evident from discussions that the local government has to date failed to secure communities' land rights and in this sense contributes to deforestation in the area. The climate information centre is playing an important role as a place where communities can gather, share experience and develop strategies and actions to face these plural challenges.

'Orang-utans are fed milk by conservationists, while our children are being left to starve.'
– Village community member, Pulang Pisau, Central Kalimantan.

FOREST PEOPLES' EXPERIENCE

Indonesia's forest peoples rely on the archipelago's biodiverse ecosystems for livelihoods based on hunting, fishing and gathering, small-scale

cultivation, and artisanal production; for building materials, plant-based medicines and environmental services such as clean drinking, cooking and bathing water; and for the exercise of their social, cultural and spiritual values. For thousands of years they

have been engaged in regional and global trade in forest products and have diversified their economies including into smallholder cash crop production. They consider that land belongs collectively to the community, which may allocate parcels of land to members for long-term stewardship or to outsiders for temporary use.

‘In Papua land is like our mother, giving life and continuity to the generations. We women care for the land. Yet now we have to walk a long way to feed our families because of companies taking over the land.’ – Workshop delegate from Papua.

Communities deprived of lands and forest find it increasingly difficult to meet basic needs within more restricted areas and with fewer natural resources. Poverty, malnutrition, ill-health, cultural disorientation and social conflicts result. Shorter shifting cultivation cycles lead to loss of biodiversity and soil fertility, or small-scale farmers are forced to clear marginal lands or areas formerly set aside for other purposes. Some communities have stopped planting rice and now depend on government-subsidised rice imported from Vietnam. Hunting may intensify in areas set aside to conserve valued species or ecosystems.

‘A number of forests have been completely destroyed. According to our tradition it is women who plant and look after crops. Now because of palm oil and infrastructure a lot of forest has been cut down, it is the women who now face the difficulties. Food is only enough for one or two days, then they have to go the long way back to the forest. There is a food subsidies programme – we are totally dependent on this.’ – Workshop delegate from Papua.

Loss of access to forest and of food sovereignty impacts disproportionately on women. Where women are the primary food gatherers, they must walk further and take longer to find undamaged forests where they can gather sago, roots and vegetables. They face rising medical costs due to reduced access to medicinal plants from their home gardens and forests and earn less income from small-scale cropping. They also have to spend more time on domestic chores because of reduced access to clean water and fuel wood. All this means less time

to care for children and men. Indigenous knowledge and socio-cultural systems decline, while stresses result in increasing male domestic violence.

‘Twelve villages in Merauke are now starving due to company and government actions. Yet these communities are charged government taxes.’

– Workshop delegate from Papua.

Women’s economic circumstances also suffer when the state allocates smallholder land titles to male ‘heads of household’, whereas under customary law lands may be held by women or jointly by women and men. Marginalisation of women has been cited as a cause of increasing prostitution in oil palm areas.

Impoverishment and resentment among communities may lead to theft from estates or smallholdings, arrests, legal suits, violence and destruction of property. In a country where the judiciary is distrusted and the rule of law weak, few feel confident of a fair court hearing. Denied other remedies, forest peoples have been driven to protest against the take-over of their lands through occupations of company offices, road blockades, land reoccupations, and attacks on company machinery and buildings. Those who speak out have been intimidated, harassed, accused of being members of armed liberation movements, imprisoned, attacked and killed.

Communities are not only excluded from concessions but also denied access to protected areas. They resent efforts to co-opt them into government- and company-sponsored conservation schemes.

‘We urgently need to overcome the contradiction between government initiatives that seek to exploit the forest and take land from communities, and conservation initiatives like REDD schemes. Both are seeking land and forest but continuously exclude local communities.’ – Norhadi Karben, Mantangai, Kapuas, Central Kalimantan.

‘Our land is taken from us without our consent and without consultation, and then you ask us to help you identify which bits of it matter to us. Think about if it were your own body. Which part of your body has “high conservation value”? Would you not say all of your body had? Now



think about if I wring off your arm, singe your hair, cut off your fingers, and gouge out your eyes, and then ask you, which part of your damaged body has “high conservation value”, would you not say that it was all of great value to you, even if most of it has been destroyed? So it goes for our land and our rights.’ – Community member, Central Kalimantan.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

With the government’s growing awareness of the need for reform, Indonesia’s forest peoples are pressing for faster adoption of the Draft Law on the Recognition and Protection of the Rights of Indigenous Peoples, for greater participation in decision-making and for other steps to safeguard the forests and promote community rights. Measures and approaches they advocate include: a legal review of all major forest and land concessions; participatory mapping of community land claims and land use systems, with legal registration and recognition of customary lands; resolution of land- and forest-related disputes; implementation of

■ **Malind elders, women, and children in the forest.**

Photo: Franky Samperante

free, prior and informed consent and recognition in legal frameworks of the right to withhold such consent; respect for communities’ institutions of self-government; a greater role for communities in conservation and development, including profit sharing for local people and support for community forestry; reforms to spatial planning mechanisms and regulations to ensure rights of communities are acknowledged and respected; agrarian reform outside forests to reduce pressure from migrants; and government action in response to complaints submitted to UN bodies such as CERD with regard to large-scale land conversion impacts on communities’ basic rights (most notably the MIFEE project in Papua).

In addition, the effectiveness and accountability of forest preservation through REDD+ projects in Indonesia require deeper scrutiny, in order to assess whether and how community rights have been accommodated and secured, and whether it has potential to act as a transitional phase towards more

holistic sectoral legal and policy reform to counter deforestation. The use of the term ‘deforestation’ in itself requires critical re-evaluation, as it often fails to differentiate customary forest uses from large-scale agribusiness and other industrial operations, resulting in the categorisation of local communities as agents of deforestation (for example, through small-scale rotational farming) rather than agents of forest regeneration.

‘Governments and companies must recognise, respect and restitute the rights of communities. Governments must also terminate and suspend permits allocated to unjust development projects that violate communities’ rights and damage and destroy the forest. Only by guaranteeing and

protecting rights and recognising the communities that manage forests can deforestation truly be curbed and the well-being of forest peoples be secured.’ – Workshop delegate and co-organiser Franky Samperante, PUSAKA.

Indonesia’s leading alliance of customary peoples, Aliansi Masyarakat Adat Nusantara (AMAN – Indigenous Peoples’ Alliance of the Archipelago), is undertaking a national mapping exercise with the government that consolidates the efforts of indigenous communities and NGOs in clarifying the extent of customary rights. It is hoped that this initiative will help defend customary lands from encroachment. Under land swap proposals, abandoned or degraded land will be used to farm oil

THE ADAT MOVEMENT IN CENTRAL KALIMANTAN

The status of *adat* land can be established under provincial regulations through the issue of a ‘declaration letter of *adat* land’ (*surat keterangan tanah adat* or SKTA) by a *damang* or *adat* authority. (*Adat* authorities, known as *damang*, supervise *adat* administration units composed of several villages, comparable to a subdistrict state administration unit.) An SKTA is proof of *adat* landownership and prohibits the owners from releasing the lands for 25 years. The status of the lands is open to further legalisation under state law by being certified by the National Land Agency (Badan Pertanahan National, BPN). Having *adat* land certified under state law provides owners with a right to release the land. Owners may seek BPN certification once they have obtained an SKTA. This process is possible only for *adat* lands located outside classified production forest and protected forest.

Using opportunities provided by relevant regulations and decrees, there has been progress in the field. The *damang* of Bintang Awai subdistrict, Barito Selatan regency, Central Kalimantan, has gazetted *adat* lands covering about 2,000 hectares of *adat* forest, *ulayat* forest (allocated under custom) and sacred forest, in a claim considered to be a breakthrough for the *adat* movement.

For the past five years the Central Kalimantan government and local NGO POKKER-SHK have carried out participatory community mapping. AMAN has also carried out *adat* land mapping, in Tumbang Bahaneri, Murung Raya district. Civil society has been working with the Central Kalimantan government to facilitate the issuance of SKTA. From November 2012 to September 2013, 1,220 SKTA were issued in eight districts in Central Kalimantan: Seruyan, Kota Waringin Timur, Katingan, Pulang Pisau, Kapuas, Barito Selatan, Barito Utara and Murung Raya.

These developments have been a new phenomenon under the Indonesian legal system, particularly in terms of relations between the state and *adat* communities. Although the full economic implications for *adat* communities are not yet clear, communities have begun to exercise their *adat* claims over lands and forests more effectively under the state legal system.

palm and pulpwood, while intact forest and peatland and traditional territories will be protected.

Where communities assert their rights by resisting logging, oil palm and pulpwood industries and manage local natural resources, deforestation has been slowed and even reversed. Resin farmers defending their land rights in Sumatra have maintained their forests. Upland farmers in Java have overseen reforestation on formerly denuded hills. Models of community agroforestry include inter-planting of food crops with valued trees. Community-managed and village forests, some of them officially recognised, are highly productive in buffering households against seasonal and market fluctuations and helping build more resilient local economies. The Ministry of Forests has set ambitious targets for the expansion of village forestry.

‘Communities have proven ability to manage the forests for many generations. They have innovative knowledge to protect the forest and develop food and economic livelihoods as well as spiritual life within the forest. They also contribute to local and national development and participate in the restoration of damaged forest. Governments should empower and develop these communities’ skills and knowledge.’ – Edy Subahani, POKKER SHK.

With respect to the private sector, communities and advocates urge a tightening of voluntary standards such as the RSPO and for certification bodies to become more discerning. They seek greater transparency and traceability in supply chains and more effective complaints procedures and conflict resolution mechanisms. One proposal is for certification to focus on community forestry operations only, until concession and tenure regimes are reformed. Firmer government efforts to fight corruption are also needed, including securing a more independent judiciary and vigorously prosecuting companies involved in corruption.

‘We need people to stop buying products – palm oil, for example – that are destroying forests and livelihoods. Let us call for an international boycott of these products.’ – Workshop delegate.

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COUNTRY INFORMATION: MALAYSIA

Land area:

32,855,000 ha

Forest area:

20,456,000 ha (62%) reported to FAO; other sources report forest cover to be significantly less at 18,080,000 ha (55%)



Population:

29.3 million

Forest peoples:

8.5 million rural dwellers; 3.5 million indigenous people, many still highly forest-dependent

Forest land tenure:

The state claims it owns and controls areas known as 'state land forests', which are superimposed on community lands and curtail and extinguish forest land under local/native customary rights (NCR); ownership of these areas by local forest communities and indigenous peoples is therefore largely unrecognised by the state

Deforestation rate:

0.54%; satellite images indicate annual average tree cover loss of as much as 2%

Main direct drivers of deforestation:

Commercial logging; commercial agribusiness; mining; infrastructure; mega dams and urban developments

Main indirect drivers of deforestation:

National and state legal and policy instruments and related contradictions; governance issues (corruption, disempowerment of communities, etc.); interaction of international, national and local factors: trans-border forest crimes (e.g. global corruption, money laundering, tax evasion), powerful political and economic elites, unethical financial and investment culture, trade and consumption



MALAYSIA

- Malaysia is one of three countries in the world with the highest national deforestation rates.
- Over 10% of the country's forests and tree cover were lost from 2000 to 2012, the world's highest national rate, and three times higher than the government reported to the FAO.
- Malaysia is ninth in the world in area of forest loss and fourth for international capital flight (money theft).
- Macro-economic policies, corruption and disregard for forest peoples' rights are driving the forest crisis.
- There is scant recognition of indigenous peoples' customary land rights, but widespread human rights abuse with systematic violation of FPIC.
- Curtailed access to forests impairs forest communities' livelihoods, traditions and well-being.
- Affirmatory court judgments and forest peoples' initiatives and advocacy indicate the potential for change.

BACKGROUND AND SUMMARY

Malaysia's forests encompass mangrove, peat and freshwater swamp, beach forest, tropical lowland rainforest, and hill and montane forest. Indigenous peoples and other communities sustainably inhabited, managed and used the forests of Peninsular Malaysia, Sabah and Sarawak for centuries. But recent decades have witnessed rapid destruction of, and damage to, Malaysia's once rich forests.

After British colonisers first established an export economy largely based on tin and plantation agriculture, significant Malaysian cash crops have included timber, rubber, coffee and tobacco. Among today's direct causes of deforestation are industrial logging, oil palm and pulp and paper plantations, road construction and dam building. Underlying factors include destructive trade and investment patterns, weak governance and enforcement, and widespread political and economic corruption.

Malaysia's forest peoples' customary land rights are systematically ignored and overridden, despite court decisions that open the way for greater recognition of their rights and *adat* (custom). Forest communities' lands and territories have been continuously encroached on and expropriated by commercial enterprises without genuine community consent,

resulting in forest destruction and impairment of livelihoods, traditions and well-being. Some communities are still struggling against logging, while others face post-logging oil palm plantations, agribusiness, mining and dams.

Forest peoples have put forward a broad agenda to safeguard their communal forests and to secure their rights, including community-level initiatives and non-discriminatory action by the Malaysian government, such as forest tenure and governance reform to tackle corruption, democratise land use decision-making and secure customary land rights.

DEFORESTATION: CAUSES AND CONSEQUENCES

Malaysia is (with Cambodia and Paraguay) one of the world's three countries with highest rates of deforestation. It lost an estimated 14.4% (4.5 million hectares) of its forest and tree cover from 2000 to 2012, a rate three times greater than the government reported to the UN Food and Agriculture Organisation. Another surge in deforestation was recorded in early 2014. Most of the country's primary forests have gone, although federal and state governments insist that much remains. Four-fifths of tropical forests in Sabah and Sarawak (Malaysian Borneo) have been heavily impacted by logging and conversion to agribusiness.



■ The Sungai Selangor dam is a rock-filled embankment dam 110m high and 800m wide. The project resulted in the relocation of two Temuan Orang Asli villages, namely Kampung Gerachi and Kampung Peretak.

Photo: Carol Yong

Timber exports have been a major foreign exchange earner for Malaysia, making it the world's leading exporter of hardwood logs and processed wood in the 1980s. Concern about the uncontrolled rate of logging in Peninsular Malaysia led to the adoption of the National Forestry Policy in 1986, but land conversion for oil palm and other plantations increased, as did timber extraction in Sarawak and Sabah. Markets for Malaysian timber include China, Japan, Singapore, South Korea, Taiwan, Australia, the Netherlands and the UK. Industrial logging, legal and illegal, widely degrades forests via use of trucks and heavy machinery and construction of logging camps and access roads, which open forests to further encroachment by other companies and outsiders.

In response to domestic and international demand for vegetable oils and biofuels, Peninsular Malaysia had 8.3 million hectares under oil palm by the early 2000s. Extractive industries such as open-pit mining and quarrying, and construction of dams, highways, factories and housing, also result in large-scale deforestation. High prices and rising demand have led to more areas being opened up for extraction, including in national parks and protected areas, while most of the country's non-renewable hydrocarbon and mineral resources are found in indigenous peoples' territories. Communities experience mounting impacts such as destruction of livelihoods, ill-health from pollution, socio-cultural problems, conflict and violence, and increased vulnerability to floods, mudslides and droughts.

'The more we want to depend on our forest, the more the government tells us we are wrong. They seem to think that forest dependency is backward.' – *Workshop delegate.*

Unsustainable trade and consumption patterns underlie Malaysia's aggressive resource exploitation, as does poor forest governance: ineffective laws and policies; perverse incentives such as tax breaks for companies; and systemic corruption. Malaysia ranks fourth in the world for capital flight, including tax evasion and money laundering, after China, Russia and Mexico. The country's constitutional provisions, laws and regulations on lands, forests and biodiversity conservation, such as the National Forestry Act and supplementary Forest Rules, are reasonably adequate on paper, but implementation

and enforcement are weak. Federal and state governments equally fail to respect indigenous peoples' customary law, ignore court judgments recognising indigenous peoples' rights and neglect their environmental commitments. Lack of coordination among ministries, departments and agencies makes matters worse.

Malaysia's ruling elite has long used the allocation of rights to exploit forests and natural resources to enrich itself and maintain political control. As Sarawak's chief minister for 33 years, Taib Mahmud was personally responsible for distributing contracts and licences. Taib's family maintains interests in more than 400 companies in 25 countries and offshore financial centres, and his legacy includes a plan to build 12 dams in Sarawak's interior that will flood vast areas of forest and displace many communities (see box). Prominent international banks have partnered with companies involved in destructive logging, plantation development and agribusiness in Malaysia, often violating their own environmental and social standards such as the financial sector's global Equator Principles.

Under the Forest Law Enforcement, Governance and Trade (FLEGT) process, the European Union is negotiating bilateral Voluntary Partnership Agreements (VPAs) with timber producer countries including Malaysia. Key Malaysian indigenous peoples' organisations and social and environmental NGOs have boycotted these multi-stakeholder discussions since 2008 because of procedural inadequacies and the government's unwillingness to address customary land rights and other rights issues.

LAND TENURE AND FOREST PEOPLES' RIGHTS

Virtually all Malaysia's forests and lands are claimed by the federal and state governments, taking little account of indigenous and forest-dependent peoples' customary rights. Malaysia has continued post-independence with laws and systems of colonial origin that have steadily eroded and extinguished communities' forest tenure and access. State legislation such as the Aboriginal Peoples Act has facilitated the expropriation of Orang Asli lands.

DAMS IN SARAWAK

Dams involve the flooding of entire river basins, the resettlement of people, often by force, and loss of forests beyond the dam area because of the need to build electricity lines and maintenance roads. Malaysia already has numerous large dams, and more are planned, particularly in Sarawak.

Former chief minister Taib Mahmud has left a legacy plan to build 12 dams in Sarawak's interior as part of an industrialisation and 'modernisation' project called Sarawak Corridor of Renewable Energy (SCORE). The main beneficiaries will be companies operating energy-intensive metals and minerals processing plants, Malaysian banks that are lending to various SCORE projects, and companies from Australia, China, Germany, Sweden, Switzerland and the US involved through lending and providing high-cost personnel and technology. High-level corruption is suspected to surround Sarawak's dam plans, and three companies have withdrawn out of concern for the human rights situation, economic feasibility and reputational risks involved.

Sarawak's Bakun dam, opened in 2011 and one of the largest in Asia, was named by Transparency International a 'monument of corruption'. Bakun's reservoir is now highly acidic due to incomplete clearance of vegetation and to chemical run-off from upstream oil palm plantations, and its turbines are heavily corroded. More than ten years after being resettled, the indigenous people displaced by Bakun are struggling to survive.

Affected communities have protested against those dams through marches and blockades, for example the Penan and other native groups at the proposed Baram dam site to express growing concern about deforestation and human rights abuses and large corporations (domestic and foreign) contributing to this crisis. As to Taib, he handed over power to his former brother-in-law in February 2014 and became state governor, a post that may enable him to evade criminal prosecution,* moving with his young second wife into the governor's palace in Kuching.

* Theoretically, nobody in Malaysia is legally immune from prosecution. There is legal provision for a special court to try even sultans. So Taib as governor is not immune, though in practice trials and prosecutions can be blocked by senior politicians.

Despite being a member of the UN Human Rights Council and signatory to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Malaysia disregards many of its international human rights obligations, including to protect and respect native customary rights (NCRs) to lands and indigenous peoples' right to free, prior and informed consent (FPIC). When practised at all, consultation with communities over the appropriation of forest land to companies tends to be restricted to government-appointed community leaders and state officials. NCRs to lands and territories are often extinguished without communities' knowledge and usually without adequate compensation.

'The government doesn't want a dialogue with communities. It is not proper consent if they only negotiate with one representative – one person – which is a huge mistake. FPIC is for the community as a whole.' – *Workshop delegate.*

Sarawak's legal code recognises customary land rights, but this has been negated by regulatory amendments making it easier for domestic and foreign investors to obtain NCR lands and requiring communities seeking to protect NCRs to prove continuous occupation from before 1958. The Sarawak government recognises only farmland under NCRs and has continuously disputed rulings by the



■ Photo left: Forest communities often try to stop the loggers using their *adat* rules and peaceful means. This Penan community has set up a blockade of wooden structures tied with strings made of rattan derived from the forests, across the logging road. The Sarawak state government has ruled that such obstruction is illegal. Many local peoples mounting blockade have been subjected to threats and intimidation. *Photo: BMF*



■ Photo right: Penans meeting to discuss and share information of the threat from loggers advancing towards their communal lands in Ulu Baram. *Photo: SACCESS*

Malaysian High Court, Court of Appeal and Federal Court that NCR lands include reserved forests and communal land. Judicial decisions in cases filed by indigenous communities have confirmed that the extinguishment of NCRs in relation to reserved forests and communal land is discriminatory and contravenes human rights guarantees, common law and native law and custom. Today more than 300 cases are going through the courts relating to NCR land disputes and to charges against logging, oil palm, dam construction and other companies, and against government agencies, including for failure to establish boundaries of NCR lands within concession areas and for flawed and invalid environmental impact assessments.

‘We have acquired and claimed native customary rights over the area of land and territorial domain we Penan call Tana Pengurip. This is within the territory originally used and claimed by our ancestors, with physical boundaries clearly known to us and to neighbouring communities. Timber licences were granted for areas that encroached onto our customary lands without our permission.’
— Village headman T.K. Balan.

In Peninsular Malaysia the federal government has been reluctant to register reserves of the indigenous Orang Asli yet over-zealous in revoking the status of previously registered indigenous lands. While close to 24,000 hectares of Orang Asli land have been registered, and applications have been filed for a further 93,000 hectares, the government has pushed ahead with land privatisation despite indigenous and civil society protests. Official policy adopted in 2009, amending the Aboriginal Peoples Act, permits the government to privatise ownership of communal lands for construction of highways, airports, industrial zones, urban centres, and tourism and leisure facilities.

‘Orang Asli rights to the lands are deemed to be in designated aboriginal reserves and can be abolished at any time because they have no legal title to the land and are not recognised by the government, unlike Malay reservations.’ — *Tijah Yok Chopil, Orang Asli activist.*

The government has used a 10-point ‘development strategy’ to subjugate the Orang Asli, including to relocate and resettle them and reconstitute their

ethnicity and religion as Malay Muslims. The state can decide on matters concerning Orang Asli land without the community's FPIC, despite domestic legal provisions intended to safeguard the continuity of Orang Asli society, culture and control over traditional territories. Theoretically lands registered as Orang Asli reserve cannot be appropriated by outsiders, but Orang Asli communities do lose their customary lands through government revocation, commonly without compensation or substitute land.

FOREST PEOPLES' EXPERIENCE

'Forests are our lifeline to ensure a sustainable balance between nature and ourselves, and from one generation to the next. We have the responsibility to ensure our forests are well taken care of ... The forests are the basis for our existence, our spiritual beliefs and our identity.' – *Orang Asli community forest warden.*

Malaysia's forest peoples have lived sustainably for generations, maintaining a deep respect for the natural resources they rely on. Many today maintain customary practices such as hunting, gathering, small-scale rotational farming and their oral traditions. But these efforts are increasingly undermined by deforestation, forest damage, loss of lands and territories, and a spectrum of human rights abuses.

'Companies operating on our customary lands have robbed us of our clean water. Our trees have been cut down. What we asked for – schools, transport – we did not get. There is nowhere left for us to find food. We do not have our traditional medicine any longer.' – *Woman workshop delegate.*

Forest communities are among Malaysia's poorest people. The government has promoted logging as a potential source of developmental benefits, and timber companies offer local employment. But the logging industry has done little apart from providing short-term low-skilled jobs and piecemeal aid. Community consent for logging has been engineered by officials telling villagers that to receive benefits they must cooperate. And to break resistance, elected community leaders have been replaced with more compliant company and government appointees.

'The logging companies will often use bribes and offers, for example, a generator and fuel in exchange for no protests against logging.' – *Village headman T.K. Balan.*

Deforestation and large-scale developments have robbed Malaysia's forest peoples of access to forest lands and resources and polluted their watercourses. Land pressure has sometimes forced them to use forests unsustainably, sell land to outsiders or abandon age-old practices. Local food sovereignty, health, knowledge and traditions have suffered, while communities have experienced forced evictions, police harassment, attacks, sexual violence and denial of redress. Rules, restrictions and sanctions are relatively flexible for business interests, but the authorities inflict heavy penalties on communities for alleged misdeeds.

'Rattan was available everywhere before logging. Now it is limited to unlogged areas only. The unlogged areas are further away from the village, which makes gathering harder, and also decreasing. The same has happened with the animals – they are now harder to find. Men need to go further, and are away from the family longer, in order to hunt and bring back meat to the village' – *Older Penan handicraft maker.*

Reduced access to forest resources may undermine women's negotiating power and prevent children from learning their community's history, sacred places, hunting or medicinal practices. In some areas women and girls have become more vulnerable because of the influx of logging workers. Men and youths leave villages to seek work elsewhere. School-going children lack affordable and reliable road transport, and girls have been raped when hitching a ride between home and school.

'With the loggers around and no fish within safe vicinity, women's involvement in fishing and gathering forest products is decreasing because it is dangerous for them to venture too far away.' – *Village headman T.K. Balan.*

'Communities have lost their source of livelihood and biodiversity. Fish, frogs, amphibians are all gone. Two rivers near our community have gone and left only two streams as quarrying expands.'

Many villagers suffer skin infections and asthma, and some have even died as result of quarrying.’ – Workshop delegate.

Since the 1980s the Penan have periodically mounted peaceful road blockades when their concerns and attempts to negotiate have been rebuffed. Sometimes lasting months, and days’ walk from villagers’ homes, blockades are arduous. The state government has made communities’ blockading of roads a criminal offence.

Among some Orang Asli communities in Peninsular Malaysia, quarrying has been a particular source of hardship through noise, dust, river pollution and soil erosion. Skin and respiratory problems have increased. Healers find it more difficult to obtain herbal plants. Feelings of hopelessness and frustration, and internal disharmony, grow. Men of working age and newly married couples move away. Customary leaders fear that their roles and functions will lose relevance.

‘The developers have no respect for our *adat* and sentiments. They don’t care if their machines start operating from early morning and disturb the villagers. The blasting activities have caused a lot of damage to the rivers ... We are left with an empty life and spirit without the forests. That will be worse than being a squatter or illegal immigrant on one’s own land.’ – Orang Asli community forest guardian Zurdi bin Baharu.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

‘Indigenous peoples are among the best forest managers and guardians.’ – Workshop delegate.

Malaysia’s forest peoples acknowledge some encouraging developments, such as landmark court judgments affirming rights to NCR lands, *adat* and the principle of FPIC; growing awareness of the potential of more sustainable energy systems such

PENAN PEACE PARK

In protecting the last rainforests in Upper Baram region and challenging the state government’s logging concession to Malaysian timber giant Samling, 18 Penan communities have proclaimed a new forest reserve on their native lands. The Penan Peace Park (PPP) was proclaimed in an *adat* ceremony in 2009 at Long Ajeng, a remote Penan village. The proposed PPP comprises approximately 163,000 hectares around the Gunung Murud Kecil mountains, close to the Indonesian border, in a core settlement area for Penan Selungo (Eastern Penan) rainforest culture.

A 10-person committee was formed and authorised to represent the Penan villages and native customary rights landowners. In 2012 the committee submitted a detailed proposal to Sarawak’s government seeking recognition and support for the plan to turn customary lands and forests into a peace park where the Penan can derive social, economic, environmental and customary benefits, decided by themselves, that will also benefit Sarawak and the world at large. Wary about forest-related community activities over which it has little or no control, however, the government claims that the state owns all forests in Sarawak and that the PPP has ‘no legal basis’.

The Penan have sought help from native land rights lawyers to appeal against the government’s rejection of their initiative. The PPP is a potential model for community-managed and indigenous peoples’ protected areas consistent with decisions of the Convention on Biological Diversity Conference of Parties and the CBD’s provisions and human rights norms. But until today the Sarawak government has not recognised the Penan’s right to regulate and manage this new forest reserve according to their own laws and customs.

as solar, wind and micro-hydro; and increasing international understanding of the global forest crisis, providing new opportunities for communities and civil society to explore workable solutions with governments.

They also recognise the need to strengthen their capacity to develop solutions and to influence domestic and international decisions. Revitalisation and documentation of indigenous peoples' oral history and traditions, including detailing customary territorial boundaries, combined with community mapping and monitoring of forest areas and documentation of resources using geographic positioning systems (GPS) and other technologies, will help them testify in court cases and prove their claims to, and ability to sustainably manage, NCR lands and forests. Community-based plans for forest resource sharing and conservation, such as the Penan Peace Park (see box), will help establish an alternative development model, along with social projects supported by public donations, NGOs, churches and other sources that reduce dependency on companies and the state. Links and agreements between communities, and with national and international civil society, will strengthen forest peoples' self-reliance, claims and advocacy.

'If we keep hoping for the government to do all that is needed, then nothing will happen.' – *Workshop delegate.*

There are also steps that the Malaysian government, and the international community, must take. Forest communities urge implementation of a human-rights-based approach to land and forest management, drawing on international standards and domestic constitutional and legal provisions and court decisions that recognise indigenous and forest peoples' and local communities' rights, including the right to represent themselves through their own institutions. Policies should prioritise human security in land tenure and access to adequate food, clean water, housing, health, education and other services. Where public or private sector developments impact negatively on communities, or company-community land disputes arise, the state should facilitate access to justice and equitable resolution, including redress or compensation for illegally expropriated lands. Laws that enable large-scale developments

to override forest peoples' rights must be amended. No further permits should be issued for industrial logging, oil palm plantations, large dams and other infrastructure without comprehensive social and environmental impact assessments with full public participation and FPIC. There should be no more forced evictions or resettlement or shifts in land rights from communities to state and corporations.

Inclusive multi-stakeholder processes are needed to review Malaysia's land classification system and land use policies so as to ensure a better balance between sustaining livelihoods and generating economic growth and reverse the overexploitation of timber and the concentration of wealth among elites. Communities' view of forests as a source of livelihoods and well-being needs to be taken into account in all cost-benefit assessments. A resource extraction disclosure regime, accompanied by freedom of information legislation, should hold companies and the authorities accountable for quantities of natural resources such as timber or minerals extracted, processed and exported. The capacity of government monitoring and enforcement should be strengthened to ensure effective implementation of regulations. An end to corruption, money laundering and nepotism should have the highest priority, with prosecution and punishment of perpetrators of high-level corruption and public awareness programmes.

Internationally, forest peoples urge Malaysia and other governments to modify macro-economic and trade policies that cause land grabbing and human rights abuse. FPIC should be applied to all activities planned on customary lands and territories of indigenous peoples and farmlands of rural communities. Business certification schemes and codes of conduct should fully respect NCRs to lands and require FPIC before the start of any project, while protection of indigenous peoples' rights to lands, territories and resources should be a precondition of any state, business or bank funding. Public education is needed globally on the underlying causes of forest loss, including links with over-consumption and unethical trade. Global banks and financial institutions should be held accountable for their indirect impacts on deforestation and rights abuses.



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■ Oil palm plantation in Sarawak between Marudi and Miri. Much of forest land in Sarawak, as in other regions of Malaysia, has been cleared or replaced by large-scale oil palm and other tree plantation developments. Most of these commercial plantations are opened without the prior knowledge or agreement of indigenous and other local forest communities.

Photo: SACCESS

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COUNTRY INFORMATION: CAMEROON

Land area:

46,163,526 ha

Forest area:

19,091,044 ha (41%) dense forest (rising to 38,756,702 ha, 84%, with inclusion of non-dense woodland and forest mosaic land types)



Population:

21.5 million

Forest peoples:

Over 5 million forest-dependent people; at least 50,000 indigenous forest people

Forest land tenure:

At least 60% owned under customary law; 0% owned by communities and indigenous peoples under national law; 100% state owned under national law; 5% designated for management and use by communities and indigenous peoples; 0% of forest land owned privately (individuals and companies), though non-forest land cleared for buildings or farms may be registered to individuals

Deforestation rate:

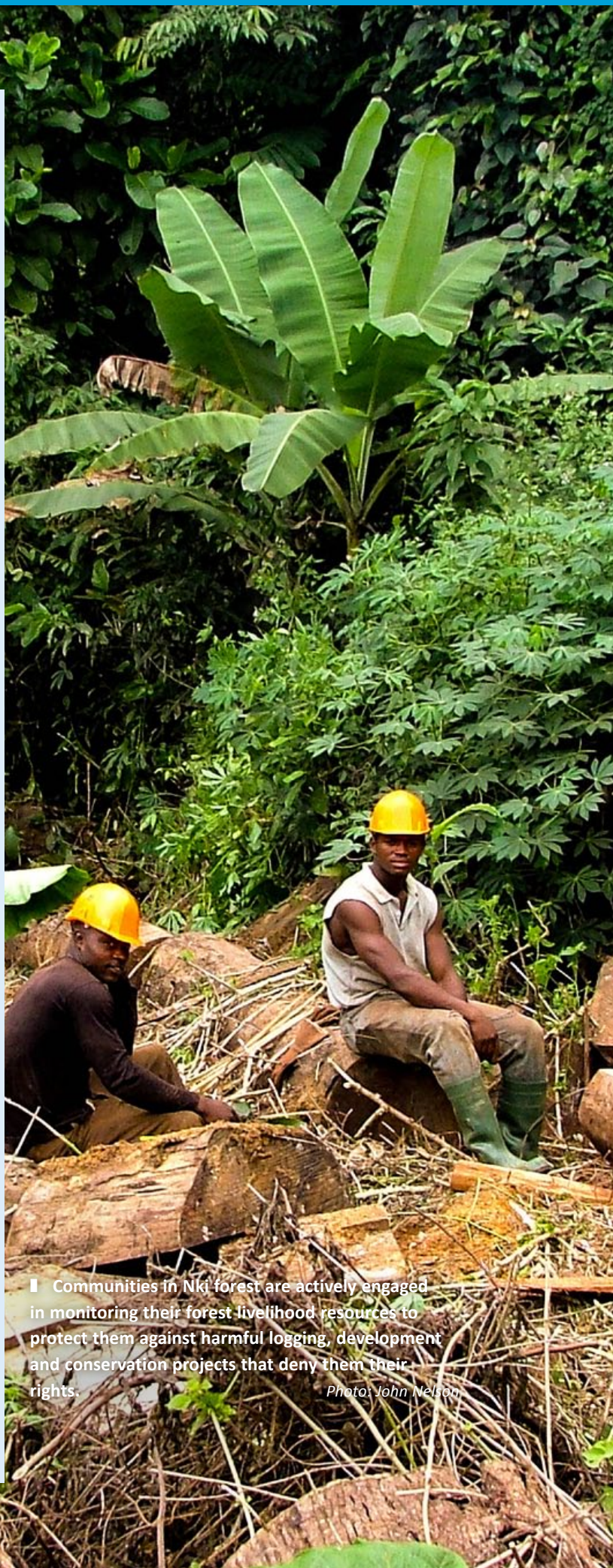
1.05% annual average 2000–10. Satellite imagery for 2001–12 suggests that deforestation and tree cover loss may be lower than the rate reported to FAO.

Main direct drivers of deforestation:

Commercial logging; agribusiness; minerals exploitation; infrastructure developments

Main indirect drivers of deforestation:

Increasing global demand for deforestation-related commodities; burgeoning commercial interest in cheap concessions and low-tax-recovery policies in Africa as land becomes scarce or more expensive in other areas (e.g. in South-East Asia); a legal framework and government practices that favour centrally controlled forest use by large-scale concessionaires serving export markets and discriminate against ownership and control by forest communities; national plans to become an 'emerging economy'; state-sanctioned intimidation of community and civil society voices opposing unsustainable development; mismanagement and corruption



■ Communities in Nki forest are actively engaged in monitoring their forest livelihood resources to protect them against harmful logging, development and conservation projects that deny them their rights.

Photo: John Nelson

CAMEROON

- One-fifth of Cameroon's forest cover was destroyed or damaged between 1990 and 2010, mainly by logging – frequently illegal.
- Government plans to become an 'emerging economy' by 2035 through export agribusiness, mining and infrastructure development pose a major threat to forests.
- Mismanagement and corruption in exploitation of natural resources harm forest peoples' livelihoods and culture and undermine efforts to protect forests.
- Indigenous peoples' and forest communities' land and consultation rights are ignored and overridden in domestic laws and government practices.
- More than 160 current mineral exploration concessions place community forests and protected areas at risk, with local communities doubly dispossessed – by the restrictions imposed by protected areas themselves, and by competing commercial forest uses
- Legal recognition of forest peoples' customary rights, equitable benefit sharing and inclusive public debate are key to safeguarding the forests' future.

BACKGROUND AND SUMMARY

Cameroon was a German colony from 1884 to 1916 and was then administered by France (eastern Cameroon) and the UK (northern and southern Cameroons) until independence in 1960. Cameroon shares borders with Nigeria, Chad, Central African Republic, Congo (Brazzaville), Gabon and Equatorial Guinea. It has a mixture of desert plains in the north, mountains in the central regions and tropical rainforest in the south and east.

Between 1990 and 2010 Cameroon lost close to a fifth of its forest cover, largely as a result of commercial logging, expansion of medium- and large-scale commercial agriculture, and construction of the Chad–Cameroon oil pipeline in the south-east. The government’s intention of becoming an ‘emerging economy’ by 2035 through major growth in export agribusiness, mining and infrastructure developments threatens far more deforestation and forest damage.

Cameroon’s laws, some of which date from colonial times, deny forest communities their right to lands

and forests, which the government frequently allocates to private interests without adequate consultation or compensation. Although some localised and temporary use and access rights have been secured in a few protected forest areas and designated ‘community forests’ in recent years, the state does not in law or in practice recognise indigenous peoples’ ownership rights over their forest lands, territories and resources.

Forests are the basis of the livelihoods and cultures of Cameroon’s forest communities and of irreplaceable value to them. Their way of life helps safeguard the forests. However, widespread mismanagement and corruption in exploitation of the country’s natural resources over the heads of forest communities are impacting negatively on forest peoples and undermining efforts to protect the forests.

Effective solutions advocated by forest communities require their customary land and forest resource ownership rights to be fully recognised within the

■ **Independent community monitors record logging sites in Nki Forest.**

Photo: John Nelson



LAND GRABBING: HERAKLES

Arguably one of the most controversial agribusiness projects in Cameroon is US venture capital company Herakles's planned conversion of forest to oil palm plantation in the country's south-west. In 2009 the company claimed to have a 99-year 73,000 hectare concession, although no presidential decree had authenticated this as required by national law. The company's claims extend over forest land linking five protected areas. Details of the deal between the company and the government remain secret, while the company is reported to have paid village chiefs to sign a blank sheet of paper as proof of 'community consent'.

Herakles has placed boundary markers on community lands and begun to fell forest for tree nurseries, where it uses chemical fertilisers that pollute waterways. After local activists took the company to court, and following a fine imposed by the Ministry of Forestry and Wildlife for illegal deforestation, in 2013 the government reduced the company's concession area by almost three-quarters, though it did agree to provide the company with a formal lease despite the local opposition and well-documented legal irregularities.

Peaceful local protesters against Herakles have been criminalised by the state, and NGOs have asked UN rapporteurs and experts to intercede. The UN Special Rapporteur on the Right to Food has criticised the oil palm project and reminded the Cameroonian government of its duty to protect human rights defenders.

'I am very concerned about the location of the proposed plantations within protected forest, community lands and watershed areas. Herakles has started to cut down forest without showing respect for Cameroon's laws, because no proper environmental impact assessment has been published, and there has been no genuine consultation with local people.' – Nasako Besingi, *Struggle to Economise the Future Environment*.

formal legal framework so that they are of equal strength and validity to private landownership, and guaranteeing their right to free, prior and informed consent over developments that affect them. Equitable benefit sharing and inclusive public debate about the future and use of the country's forests are also necessary.

DEFORESTATION: CAUSES AND CONSEQUENCES

Commercial forestry, agribusiness, mineral exploration and infrastructure development are directly driving deforestation in Cameroon, facilitated by the country's Forest Law enacted in 1994 at the behest of the World Bank. This law encourages economic exploitation of natural resources through commercial concessions and

overrides the customary rights of indigenous and other forest communities. In the face of external economic demand for commodities whose large-scale exploitation is commonly associated with deforestation, and a development agenda to match, governance of forests has been weakened by corruption, mismanagement and centralised control, including a lack of coordination between government departments. This has led to the opening up of Cameroon's forests to large-scale unsustainable development projects, often involving opaque deals with foreign companies.

Cameroon is a major timber producer and Africa's leading exporter of tropical wood to the world's foremost consumer of tropical forest products: the European Union. Logging – both legal and illegal – is often the precursor of additional forest destruction and has led to conflict in and around concession

sites. Deforestation threatens to increase markedly as a result of the government's strategy, adopted in 2009, to achieve 'emerging economy' status by 2035. Official plans, which favour domestic elites and foreign investors over the rights and needs of local communities, centre on expanding the export-oriented commercial exploitation of forest timber, plantation oil palm and rubber, other agribusiness, mining of iron ore, cobalt, nickel and manganese, and major infrastructure developments such as hydroelectric plants, the Kribi deep-sea port and a railway linking Kribi to mining sites in the south-east.

Resulting from the 2001 Mining Law, and intended to make Cameroon more attractive to investors, more than 160 mineral exploration permits have been issued in the south and east that cover almost a fifth of the country. Most of these concessions overlap with forests; almost half coincide with the 'permanent forest estate' designated for logging or as protected areas; and nine overlie national parks. Mineral discoveries will lead to clear-felling and bring access roads, railways, and an influx of internal migrant workers, as well as disease, poaching and additional (often authorised) forest clearance for housing and subsistence needs.

'Baka lands are bought by outsiders for agribusiness and taken over for other large-scale developments. This reduces the forest available to us and is destroying our knowledge and our language. The Baka have less and less deep forest to practise our hunting and gathering and to maintain and educate our young people.'

– *Indigenous activist and municipal councillor Venant Messe.*

The expansion of large-scale oil palm and other agricultural cash crop concessions directly results in forest clearance; elsewhere, small-scale subsistence farmers are displaced to make way for plantations and forced to clear additional areas of forest for their own subsistence farming. Ecological costs of forestry, agribusiness, extractive operations and infrastructure projects include biodiversity loss, soil erosion, rising temperatures and declining humidity. Communities bear costs in terms of impaired fulfilment of their social, economic and cultural rights, as livelihood resources are taken from them without their

consultation, free, prior and informed consent, or adequate benefit sharing. Their civil and political rights are also compromised when state and business interests oppress and harass those they depict as 'opposing progress' but who are in fact seeking inclusive and sustainable development.

LAND TENURE AND FOREST PEOPLES' RIGHTS

Customary community land tenure over forest land has no legal recognition in Cameroon. Lands not privately registered are considered state land. The 1994 Forest Law also designated many traditional lands and territories of the Baka and other indigenous forest peoples as part of the country's 'permanent forest estate', a category of forest which provides the state with full ownership rights. This legal dispossession took place with little or no consultation with those communities. The Forest Law grants forest user rights to neighbouring communities, but these can be limited without community consent.

To establish full ownership over forest lands, communities must be able to demonstrate that they have 'added value' to the land (in practice this means clearing the forest and constructing housing and farms). Since this does not accord with most indigenous peoples' way of using and living in forests, they are prevented from being able to acquire legal title to their lands and territories; the legal framework is therefore discriminatory against them. Even for forest communities who have made farms and permanent houses, the technical survey and financial hurdles to formalising their land title are prohibitive (except for educated and wealthy local elites), and the forest lands and wetlands they use for hunting and gathering to complement subsistence farming will still remain out of scope on grounds of being 'undeveloped'.

Under the Forest Law, communities may manage areas of up to 5,000 hectares of forest land, but only in areas designated by the state (without communities' consultation or consent) as part of the 'non-permanent forest estate'. Community forests are limited to a maximum of 25 years' duration and give community ownership rights over forest *products*, but ownership of the *land* remains with



the state. A community seeking to exercise such rights must submit management plans and surveys and formally register a forest management team. These requirements (as with registering legal title) exclude most subsistence-based communities by being technically and financially inaccessible. Even in cases where communities have managed to legally establish designated community forests, these areas have sometimes been subject to illegal logging by outsiders. In summary, decentralised and participatory forest management by communities is highly limited and unsupported by Cameroon's legal framework.

In withholding legal recognition of customary rights, the government can in practice prevent communities

■ **Indigenous Baka community lands are threatened by mining, conservation and logging.** *Photo: John Nelson*

from using forest land and preferentially allocate land to foreign nationals and foreign companies as private logging concessions, plantations, mines or protected areas. In such cases, environmental impact studies and consultation with affected communities are required by law but usually overlooked or poorly implemented in practice.

According to the constitution, the international human rights treaties to which Cameroon is a party are legally binding on the state and take precedence over domestic law. As such, the various laws relevant to forests (e.g. the land, forest, mining and

environmental laws) should respect community land and forest ownership rights, but as detailed above this is far from the case. Cameroonian law therefore currently conflicts with the country's constitution and with customary and international law. Despite being a signatory to the UN Declaration on the Rights of Indigenous Peoples, for example, the state does not officially recognise indigenous peoples and instead categorises them as 'marginalised groups'.

Cameroon has also ratified a Voluntary Partnership Agreement (VPA) with the EU in accordance with the EU's Forest Law Enforcement Governance and Trade (FLEGT) mechanism, which commits Cameroon (with EU support) to a programme of legal, governance and institutional reforms to ensure that licensed timber exports are legal and promote good forest governance. Despite the VPA's legally binding commitment to good governance reform, which contains a requirement that Cameroon's legal reforms integrate the country's commitments under international human rights and environmental law, fears are that ongoing reforms of the forest, land and mining laws will perpetuate, and even exacerbate, current drivers of deforestation and related human rights violations and environmental harm. The draft Forest Code, for example, seeks to weaken legal hurdles preventing forest conversion in the permanent forest estate, signifying a clear public policy intention to make it easier for deforestation-causing commercial exploitation, particularly industrial-scale agriculture. Without a demonstrable change in the direction of political will, the VPA is unlikely to achieve its policy goals.

FOREST PEOPLES' EXPERIENCE

Cameroon's forest communities depend on the forest remaining intact to provide them with food, water, shelter, and medicinal and other useful plants. For indigenous peoples, forests are also the basis of their social and cultural identity and their spirituality. The traditional way of life of the indigenous Baka, Bakola or Bagyéli, and Bedzang is based on low-impact hunting, gathering, freshwater fishing, honey collecting and small-scale cultivation, which have served for generations without harming the forest. Indigenous women (and sometimes men) practise rotational farming for subsistence and as a source

of income, involving only small-scale, localised and temporary forest clearance. Communities use only dead wood for cooking and smoking meat. They experience the forest as a source of calmness and purity and as the place where they can teach their young people language, life skills and traditions.

'The forest feeds and takes care of us. Our people know how to protect the forest. But the state is taking away the forest by force. We no longer have access to forest land, and without our forest livelihoods, it is far harder to educate our children.' – Workshop delegate Marceline Louanga.

'The forest is our pharmacy, school and market.' – Baka activist and municipal councillor Venant Messe.

Large-scale deforestation is undermining forest peoples' livelihoods and culture. Industrial-scale cocoa, coffee and oil palm plantations are encroaching on communities, along with commercial logging, mineral prospecting and infrastructure developments. The ecological scars left by large-scale business operations are increasingly apparent. Hunting and gathering now require longer journeys into the forest, away from areas that have been intruded on or damaged. Prey animals are becoming more scarce. Visits from one group to another take longer and require travel by road or detours around areas that are now barred to them. Promised compensation for affected communities and other benefits flowing from the 10% of the national logging tax supposedly allocated for local development rarely materialise.

'We were promised 3 million CFA francs as compensation for our land but so far we have received nothing ... They told us this is development, yet we have no schools, no hospital and no transportation ... The government did not respect its promise.' – Bagyéli man.

While recognising only too well that their survival is bound up with forest protection, communities also resent the 'repressive conservation' practised by the state and by international conservation organisations that excludes them from protected areas. They consider such reserves 'deforested' and 'the forest of

others' – forest alienated from them that they are no longer able to care for.

Conflicts between communities are more likely when there is competition for limited areas of remaining forest, or after resettlement. Communities are increasingly being displaced from their traditional villages and lands, and resettled at the roadside with insufficient access to forest. After resettlement there are reduced opportunities to hunt, gather, farm and generate income, and people's physical and spiritual health suffers. Water is usually more polluted after resettlement, and, deprived of access to traditional forest medicines, people have to rely on hospitals when they are sick, which involves transportation costs that they often cannot afford. Communities that have been 'temporarily' resettled to make way for the port development at Kribi complain that the Chinese construction company dumps waste in front of and around their houses.

'The forest where we usually hunt and collect medicinal plants and non-timber forest products is disappearing, especially as the deep sea port, gas plant and roads are being constructed. The government has shown us a resettlement area, which has no forest, not even where you could find a tree to scratch the bark for medicine or hunt even a rat. We shall now be in the centre of the town; the railway line will be passing by us; roads are there; there is a gas plant. The calmness of the forest has been replaced by noise of vehicles and machines ... Please tell the government to reserve us a place to go and collect medicines to heal our sick children ... No one allows us to decide if we want to be resettled or not, and where. Everything is being imposed on us.' – *Bagyéli man*.

The Oroko of coastal south-west Cameroon have seen their forest lands encroached upon by oil palm company Herakles (see box). Herakles's proposed plantations, which local communities oppose, could deprive up to 14,000 people of their homes and livelihoods. Those who have led opposition to the Herakles project have been subject to threats, legal harassment and violent intimidation, while some communities have deliberately cut down forest to assert their landownership after being told by officials that all untouched forest is government land unless it is 'developed'.



■ Marceline Louanga in her community.



■ Agent of deforestation and rights abuse – Herakles Farms oil palm development.



■ The Kribi port development has resulted in deforestation and displacement of indigenous Bagyéli communities.

Photos: Samuel Nnah

MAPPING FOR RIGHTS IN CAMPO MA'AN

The IFC Loan Agreement of the World Bank supporting the Chad Cameroon oil pipeline project stipulated that it established Campo Ma'an National Park in Cameroon's Ocean Department. Indigenous Bagyéli were not consulted first, and communities' customary territories were overlapped by the park boundaries, resulting in severe restrictions against their entry and use. With assistance from solidarity organisations, some Bagyéli communities made their own maps of their customary lands to secure formal recognition for specific entry and use rights in the park management plan, which was then approved by the government. Although this was not full rights recognition, this progressive move started to address communities' concerns, reduced conflict and led to improved forest and wildlife protection in Ocean Department. This positive outcome is now threatened by the construction of the Kribi deep sea port and railroad workings linked to the Mballam iron ore mine 450 kilometres through the eastern forest zone reaching the Republic of Congo. This is leading to increased urbanisation, expansion of industrial and commercial land uses, and negative impacts on indigenous peoples and their forests.

Great uncertainty grips Cameroon's forest communities. Many are deeply pessimistic about the future of the forests and their peoples' survival.

'Most of our cash crops are disappearing ... Everything is changing. We don't know how we will feed our families as the years pass by.'
– Indigenous woman.

'At the present rate of destruction, our children will not enjoy the forest ... In the days of our parents and grandparents the forest was very intact and had everything we needed from it. But now there is nothing.' – Woman village chief.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

Cameroon's indigenous and forest communities and civil society campaigners advocate rights-based approaches to safeguard the country's forests and their livelihoods. They see recognition of customary land rights and multi-stakeholder dialogue as essential to slow and halt deforestation.

'Baka need to be represented in decision-making. There should be dialogue at local, subnational and national levels involving government, companies, conservationists and the forest peoples to agree plans of action. We need information to engage

in advocacy with those whose actions affect the forest, and we demand the right to participate in decisions that affect our lives.' – Indigenous activist and municipal councillor Venant Messe.

Cameroon's lawmakers should elevate existing customary community land claims into the formal legal framework and make traditional collective land title equal in weight and validity to documented private land ownership. This will meet the country's obligations under the 2007 UNDRIP and other international standards, which confirm indigenous and other forest peoples' rights to the sustainable use of their traditional lands, territories and resources; to participate with free, prior and informed consent in decisions over how their lands and resources are developed; not to be forcibly displaced; and to share fully and equitably in benefits derived from their lands and resources.

'I am a practising lawyer ... The problem of human rights is the implementation. If you want to be recognised and respected, you have to fight. My recommendation is to strengthen local organisations to ensure the full respect of national and international laws. The task is not easy. Most often the involved multinational companies are corrupting our governments.' – Workshop delegate Malle Adolf Nganya, *Struggle to Economise the Future Environment*.

Alongside legal reform and civil society strengthening, Cameroon needs to build a political culture of transparency and accountability and to develop participatory sustainable forest management that recognises communities as forest landowners. Forest communities should accordingly be treated with the respect that this implies, including via fair and equitable benefit sharing agreements that they have voluntarily agreed to, which can sustain and renew their low-impact livelihood practices. They need state provision of education and health services, water and electricity, as well as greater respect for their cultural values and their longstanding capacity to coexist with the forest without destroying it. Communities should be entitled to own, enter and use the protected areas created on communities' customary lands, to maintain traditional indigenous practices, with the support of government and/or conservation NGOs, recognising that (as evidence increasingly shows) such lands are best protected by those who have sustained them for generations.

'Financial institutions and other international actors should publicly oppose land grabbing and the felling of virgin forests. Instead forest communities should be helped to develop better farming techniques and to gain access to markets so that they can maintain and develop sustainable livelihoods and strengthen domestic food security.' – Nasako Besingi, *Struggle to Economise the Future Environment*.

'Three key steps will help defend Cameroon's forest peoples and prevent deforestation. First, the state should recognise community property rights and resource ownership on forest land. Second, the government should develop a national land use plan that takes account of all needs but prioritises community rights over investors' demands, because development should be for the people. Third, Cameroon needs an inclusive public debate about what form of development will benefit the country and its people, with forest communities encouraged to express their vision. These steps are likely to lead to greater emphasis on small-scale, localised and more sustainable forms of development that help us protect our forests.' – Lawyer and civil society campaigner Samuel Nguiffo, *Centre for Environment and Development*.

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COUNTRY INFORMATION: DEMOCRATIC REPUBLIC OF CONGO

Land area:

226,705,000 ha

Forest area:

154,135,000 ha (68%)

Population:

74.7 million

Forest peoples:

Up to 40 million forest-dependent people; estimated 2 million indigenous forest people

Forest land tenure:

As much as 70% owned under customary law; 0% owned by communities and indigenous peoples under national law; 100% state owned under national law; 0% owned privately (individuals and companies); 0% designated for management and use by communities and indigenous peoples

Deforestation rate:

0.20% annual average 2000–10

Main direct drivers of deforestation:

Logging (mainly illegal); mining; oil palm; urban demand for charcoal and fuel wood

Main indirect drivers of deforestation:

Contradictory legislation; insecure community tenure rights with legal loopholes; lack of enforcement; corruption; strong international demand and high prices for natural resources



■ Forest communities in DRC are eager to legally secure their community forests and to learn more about their rights.

Photo: John Nelson

DEMOCRATIC REPUBLIC OF CONGO

- Between 0.3 and 0.5 million hectares of forest are lost or damaged in DRC each year, mainly through illegal logging and mining.
- The EU and China each import approximately 40% of the country's timber, most of it illegal.
- More than 40% of China's estimated US\$7 billion of mineral imports from Africa in 2009 came from the DRC.
- Commercial operations on forest lands involve land grabbing and the eviction, forced labour, arbitrary arrest, rape, torture and murder of community members.
- Community consultation and compensation are rarely implemented.
- The DRC's existing deficient legal framework does not recognise indigenous peoples or their customary land and territory rights.
- Forest peoples' rights require full legal protection, and their participation in decision-making is essential, to protect the country's forests.

BACKGROUND AND SUMMARY

Gatherer-hunter peoples – Bacwa, Bambuti and Batwa – were the first known occupants of what is now the Democratic Republic of Congo (DRC), followed later by migrating peoples such as the Bantu, Nilotes and Sudanese. Gatherer-hunter groups became a minority, confined to the equatorial forests, where they have lived sustainably for millennia.

The country's forest lands are increasingly leased to foreign and domestic logging and mining interests, often illegally and with the connivance of state officials. Where loggers and miners operate, forest is disappearing, biodiversity is declining, and communities are losing access to customary areas and livelihood resources.

Existing DRC national law does not explicitly recognise indigenous peoples, safeguard their customary land rights or provide for their consultation or compensation for the exploitation of their lands. Indigenous communities have experienced a spectrum of human rights abuses linked to extractive industries and internal conflict,

including forced eviction, violent attacks, torture, rape and murder. Effective legal recognition and protection of indigenous identity and customary land rights, and the participation of forest communities in policy- and decision-making over forest lands, along with complementary international actions, will help uphold community rights, prevent deforestation and biodiversity loss, and enable the DRC to meet its obligations under international law.

DEFORESTATION: CAUSES AND CONSEQUENCES

Forest covers half the DRC's land area but is diminishing faster than in any other Congo Basin country as a consequence of timber extraction, mining, industrial-scale agriculture and urban demand for charcoal and fuel wood. Most commercial logging breaches DRC law and fails

■ It is estimated that as much as 90 % of logging in DRC is illegal. A large proportion of logging operations overlap community lands and land conflicts between loggers and forest communities are common.

Photo: Patrick Kipalu



THE GRAND INGA DAM

The DRC's US\$80 billion Grand Inga hydropower project on the Congo River includes two planned new dams in addition to existing dams Inga I and II. Supported by the World Bank and the African Development Bank, Grand Inga is potentially the world's largest hydropower scheme, forecast to produce more than twice the output of China's Three Gorges. Half the electricity will go to South Africa, the other half to mining companies and to the general population. However, with only 10% of households connected to the grid, electricity for the public is clearly not a priority.

Construction of Grand Inga is expected to start in 2015. In the absence of adequate environmental assessments or consultations, communities and NGOs have called for a moratorium on the project, which will flood 22,000 hectares of the Bundi Valley, cut through surrounding forest for access roads and transmission lines, and have major effects on livelihoods in thousands of local villages.

'The World Bank and some international organisations fund programmes that impact on forests and the rights of communities but often do not ensure strict monitoring of environmental and social management plans to mitigate negative effects.' – *Cyrille Adebu Liginda, Organisation Congolaise des Ecologistes et Amis de la Nature (OCEAN).*

to meet international standards of community consultation and prior consent. Logging often takes place under cancelled concessions in violation of the 2002 Forest Code or without the required management plan, or exceeds permitted volumes, or takes out under-diameter trees or unauthorised species. Operators may fail to mark logs, to pay surface taxes or to implement obligatory social agreements with communities. Widespread illegal acquisition of artisanal permits, intended for citizens' small-scale tree felling for domestic consumption, enables foreign companies to avoid the current moratorium on new commercial concessions and to disregard social and environmental requirements. The DRC exports an estimated 25,000 cubic metres of illegal timber each year, mainly to the EU and China.

Endowed with gold, diamonds, copper and cobalt, the DRC also has most of the world's coltan, a component of cell phones, computers and missiles. Growing global demand for metals and minerals has increasingly attracted mining companies to the DRC from OECD countries, South Asia and China. Much mining takes place illegally within classified forests or without the required compensation for affected

communities. In the Basse Kando forest reserve in Katanga province, the government illegally granted mining concessions in 2006 to several companies including Bazano (DRC), Tenke Fungurume (US/Canada/DRC), Samex (Canada) and Somika (DRC). When civil society protested, the government declassified the reserve. Chinese mining companies are active in the Katanga copper belt, including via a US\$6 billion Chinese government investment in the Sicomines concession.

Impacts of logging and mining include forest clearance to access and process resources, construct workers' camps and provide food, along with water contamination and other natural resources degradation. Operators' roads open access to remote areas and fragment the forest, while they fail to repair damage caused by their trucks to roads used by communities. Commercial operations on forest peoples' lands have led to forced eviction of communities, blocked access to livelihood and cultural resources, threats, forced labour, arbitrary arrests and violence. Loggers are meant to negotiate compensatory social agreements with affected communities to provide infrastructure such as schools, hospitals and roads, but in practice they

often obtain leases without social guarantees or renege on their commitments.

‘We rely on the rainforest for our food and other means of subsistence. Companies urge our communities to sign agreements with promises of benefits, but then they cut the trees and leave us nothing – not enough clean water, no electricity, no schools. There are many instances of women being raped.’ – *Workshop delegate Marie-Dorothée Lisenga Bafalikike, Réseau des Populations Autochtones et Locales pour la Gestion Durable des Ecosystèmes Forestiers (REPALEF).*

Oil palm is an emerging threat to DRC’s forests and forest peoples, with agribusiness companies such as Biopalm and Olam (both Singapore based) attracted by the country’s vast forest lands, low taxes and cheap labour. DRC company Congo Oil & Derivatives has a 10,000 hectare concession in Bas-Congo province for a refinery and palm and soya cultivation that illegally overlaps protected forest and allegedly violates the law with regard to community consultation, infrastructure commitments and forest management plans. Oil palm cultivation is expected to expand significantly if the EU does not modify its controversial 2020 biofuels target.

‘Some clans no longer have forests because these have been entirely converted into plantations.’ – *Joseph Ekimeno, Centre des Technologies Innovatrices et le Développement Durable (CTIDD), Equateur province.*

Contradictory legislation, legal loopholes, lack of enforcement and corruption enable illegal logging and mining and abuses of forest peoples’ rights to continue unchecked. The DRC does not have a forest policy and has not completed national land zoning, although the Forest Code requires both. Overlaps between concessions and community lands often result in conflict. Law enforcement, weakly coordinated between central and provincial authorities, lacks sufficient financial and human resources, especially in rural locations. Penalties are too low to deter company law-breaking. Reinforcing these factors are strong international demand and high prices for natural resources and a global trading system that routinely disregards environmental sustainability and human rights.

The DRC’s conservation measures are based on a forest classification system and the designation of national parks and protected areas, but here too the government consistently neglects to consult with affected forest peoples and evicts communities without compensation. At the international level, the EU Timber Regulation requiring suppliers to screen out illegal timber has been ineffective. The DRC’s progress towards a Voluntary Partnership Agreement under the EU Forest Law Enforcement Governance and Trade (FLEGT) Action Plan has been undermined by a lack of government control over timber flows and limited civil society participation. Under the REDD+ process forest peoples’ subsistence rotational farming has been mis-identified as the prime cause of deforestation.

LAND TENURE AND FOREST PEOPLES’ RIGHTS

According to the DRC’s constitution and current legal framework, the state is the owner of all land and subsoil, including mineral deposits, water resources and forests as its exclusive, inalienable and imprescriptible property. Public ownership of land and natural resources is accompanied by some recognition of the customary rights of local communities over the lands they occupy. Individuals and communities have rights to use state lands, with indigenous peoples able in principle to use their customary lands and territories unless otherwise determined. The 2002 Forest Code prohibits user rights in national parks and natural reserves, including those where forest communities live, and restricts traditional gatherer-hunter practices in other classified forests. No legal route exists for indigenous peoples to contest government decisions on forest classification or the award of concessions.

A draft proposed law on indigenous peoples is under discussion in the National Assembly of DRC. Although the text refers to indigenous peoples in the National Assembly of DRC as ‘Pygmies’, its scope sets out fundamental principles for the promotion and protection of the rights of all indigenous and local communities. The proposed legislation defines indigenous peoples as people who identify themselves as such and distinguish themselves from other people by their cultural identity, lifestyle, commitment to and close relationship with nature, and indigenous knowledge.

NATIONAL POLICIES AND INITIATIVES FOR COMBATING DEFORESTATION

Start date	Policy/initiative	Details	Observations
2002	Forest Code – Ministry of Environment, Nature Conservation and Tourism (MECNT) Partner: World Bank	Defines national regime for forest conservation, exploitation and development Aims to promote 'rational' and sustainable forest management to increase contribution to economic, social and cultural development while preserving ecosystems and biodiversity for future generations Lays down main lines of national legal framework including objectives for logging, nature conservation and community use	Some civil society organisations and communities claim not to have been consulted in developing code Implementation suffers from violations: concessions without community consultation; logging permits signed during moratorium; some companies not respecting social responsibilities towards communities; forest exploitation without proper management plans Article 22 of the Forest Code provided for a Community Forestry Decree, which was finally signed on the 2nd of August 2014. The Decree establishes the modalities for the allocation of forest concessions to local communities. It offers some increased protection for customary use rights over traditional forest lands, but the State is still the owner of the land and it regulates land tenure and forest management through a set of bureaucratic procedures that may prove onerous for forest communities. Illegal logging still increasing
2008	REDD Readiness Preparation Proposal – MECNT Partners: World Bank FCPF, UN-REDD	Decree instituting REDD piloting organs; completion of study on deforestation drivers; capacity building for state agencies; establishment of national coordination (CN-REDD) and provincial focal points; ministerial approval of procedures for authorisation of projects; completion of SESA and development of national framework strategy	Unknown to some stakeholders, especially communities Study on deforestation drivers lacks national consensus; traditional practices depicted as deforestation drivers Necessary forest and legal reforms still not in place Does not refer to impact of allocating logging or mining titles, and/or designating protected areas, without communities' FPIC None of eight pilot projects fully completed to inform REDD implementation as planned Procedures for authorisation of projects contested by stakeholders and challenged in Supreme Court by civil society
2010	FLEGT VPA process –MECNT	Aims to tackle illegal logging and ensure timber exported to EU is legal	Current multi-stakeholder arrangements ineffective and lack transparency The VPA Technical Negotiation Committee stopped its proceedings in January 2013 due to the exhaustion of the FAO funding provided for this purpose. The civil society has been constantly calling upon the Government to resume the negotiations. Legality definition under discussion lacks adequate protections for indigenous peoples' rights
2011	Forest Investment Plan (FIP) – MECNT Partners: World Bank Climate Fund FIP, African Development Bank	Based in CN-REDD Aims to address underlying causes of deforestation and forest degradation and to overcome barriers to effective forest management Part of FIP funds the Integrated REDD Project in Plateau district, Kinshasa, with goal to reduce emissions while improving living conditions; another part funds an 'integrated approach' addressing all major deforestation and forest degradation drivers in two key ecosystems: degraded savanna (Kasai provinces) and closed forest (Orientale province)	Unknown to several communities to be impacted by activities; suffers from lack of genuine consultation with local and indigenous communities in design of projects; enabling conditions for successful implementation are still absent; there are few concrete plans to deal with conflicts and insecure community tenure Emphasis on private sector intervention without adequate or equivalent support given to community participation/involvement and/or capacity to influence the process
2012	National REDD Framework Strategy and National REDD Fund – MECNT/ CN-REDD Partners: FCPF, UN-REDD	Presents main forest, environmental and climate strategy, cross-referenced with sectors such as agriculture, energy and land REDD implementation cannot be dissociated from need to improve living conditions by contributing to economic development and eradicating poverty	National outreach efforts to share information about strategy and process; first provincial 'REDD university' in Bandundu, May 2014 First version of national REDD register published online but no plan for finalisation or operationalisation REDD+ criteria integrated in government's 2013 economic governance matrix but challenged by lack of capacity and delayed forest and legal reforms FPIC principle requested for application, but scope and procedures unclear No benefit sharing mechanisms or strategies included No discussion of status of carbon; no legal provisions to clarify this
2013	Mai-Ndombe REDD ER-PIN document for FCPF Carbon Fund -- MECNT/ CN-REDD Partners: WWF, Wildlife Works	Will be integrated into REDD+ implementation plan for future Mai-Ndombe province; aims to contribute to sustainable development policy taking account of climate change and need to mitigate effects Despite limited life of Emission Reductions Payment Agreement (until late 2020), to be implemented to 2050 with objective of economic value (carbon and other assets) extending beyond ERPA with FCPF-CF	Outreach started with first provincial 'REDD university' in Bandundu, May 2014, to share information about national process and Mai-Ndombe ER-PIN Does not address overlapping rights to forest (especially in terms of customary claims) Implementation could have serious impacts on communities; recognises bush meat as critical food resource for communities but proposes 'law enforcement' to prevent hunting Forest zoning process has not yet reached Bandundu or Mai-Ndombe, although implementation will require zoning within project area; legislation does not currently provide clear structure for how various formal and customary rights to forest relate to forest carbon 'ownership', nor how overlaps would be treated in terms of income from REDD projects Does not describe how FPIC will be implemented

Current DRC law requires prior consultation with communities, without consent, over decisions affecting their customary lands. The customary land tenure of sedentary non-indigenous Bantu communities is recognised in this regard, but the state usually considers the land of semi-nomadic gather-hunter peoples to be ‘empty’. As a result, indigenous peoples become aware of decisions affecting them only when their access to lands and forests is prohibited, trees are felled, or they are evicted. The draft law on indigenous peoples includes the right to FPIC; if adopted, the law is likely to enable indigenous peoples to contest government decisions on forest classification or the award of concessions, or eventually to withhold consent regarding projects that may impact on land and natural resources they have traditionally occupied or used.

‘If the state does not take urgent measures to stop the exploitation of forests in our region, there will be no more trees for our children’s generation.’

– *Members of Ngazula family, Mambasa region, Orientale province.*

While state law applies to all land and is meant to prevail over customary law, traditional authorities continue to administer customary land on behalf of communities. These two parallel and sometimes contradictory land regimes often result in overlapping land claims. However, indigenous communities are not represented on the provincial and national committees that consider decisions related to classification of forests, logging concessions, forest management and the conversion of titles, or in the national land zoning process.

It is almost impossible for indigenous communities to obtain secure land title under DRC law. Their customary landholding is mainly collective, which the law does not recognise, and their livelihoods do not usually result in permanent ‘development’ of land, which the law requires for title to be granted. Complicated registration procedures involving written administrative forms and travel to urban centres are further barriers to forest-based communities’ land claims.

The 2002 Forest Code, reinforced by a draft community forestry decree (finally signed and

adopted in August 2014), provides that a community could transform part of or all its customarily occupied forests into a community-controlled and -managed concession. According to the draft decree, communities will be able to safely access forest resources in their region and participate in forest-management-related activities. Forest concessions would be instrumental in assigning to indigenous peoples and local communities user rights over forest resources, extended in the decree. Such concessions would entitle indigenous and local communities to exploit the forest in all its forms, subject to sustainable management practices. However, the decree did not mention traditional ways of forest resources management; it may require establishment of a not-for-profit association, cooperative or local development committee; and forest concessions could only be granted on a portion of protected forests, signifying the alienation of customary rights over other categories of forests.

Indigenous communities’ customary rights over community forests are strictly enclosed by the prior granting of a forest concession. Thus, in the absence of a decision granting a forest concession, a local community could not claim the enjoyment of customary land rights. Under current and proposed legal frameworks, concessions are therefore the only legal way to secure and guarantee indigenous and local communities’ rights to use and sustainably maintain their forests. In practice, as the modalities for the exercise of these rights are still under discussion, communities are constantly denied the rights granted them in the Forest Code.

With regard to access to justice, the draft indigenous peoples law would give indigenous and local communities the right to point out their land claims, taking into account their customs and traditional practices, as long as they comply with the legislation. And according to the draft community forestry decree, decisions of the provincial governor in granting a forest concession may be challenged by appeal through the formal justice system – although this is a missed opportunity to establish a specialised institution for the settlement of disputes relating to forest concessions, such as a customary law court.

‘We have been working since 2005 on customary rights. The community forests decree has not yet



been signed because there are many who say that if local communities own the forest, there will be less forest for timber exploitation. We are still fighting for this decree to be passed.' – Workshop delegate Joseph Bobia Bonkaw, Réseau National des Ressources Naturelles (RRN)².

International human rights bodies have called on the DRC to respect indigenous peoples' and forest communities' rights. In 2007 the UN Committee on the Elimination of Racial Discrimination (CERD) requested the government to 'intensify its efforts to improve the indigenous populations' enjoyment of economic, social and cultural rights' and to act urgently 'to protect the rights of the Pygmies to land'.³ In 2009 the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that the DRC 'ensure that future forest concessions

■ Forests yield a diverse set of livelihood and cultural resources for use by forest communities, including bush foods, medicines, fuel wood and craft materials.

Photo: John Nelson

do not deprive the indigenous peoples of the full enjoyment of their rights' and adopt legislation and measures to recognise the status of the Pygmies and other indigenous peoples and protect their ancestral lands and cultural identity.⁴ The African Commission on Human and Peoples' Rights urged the government to accelerate effective recognition of the rights of indigenous peoples, guarantee forest peoples' rights, restore or compensate for all lands confiscated and ensure indigenous peoples' participation in decisions that affect them.

FOREST PEOPLES' EXPERIENCE

Indigenous peoples in the DRC depend on forests for food, water, cooking fuel (using dead wood), artisanal and building materials and medicinal

² The Decree was finally signed on 2 August 2014. Though community use rights can be registered under the Decree, the challenge of getting the fundamental shift from Government ownership to full community customary ownership over their forest lands remains. Stronger and permanent ownership rights are needed to ensure full protection from dispossession and eviction.

³ CERD, 'Concluding observations of the Committee on the Elimination of Racial Discrimination: Democratic Republic of the Congo', 17 August 2007, CERD/C/COD/CO/15, para 19.

⁴ CESCR, 'Committee on Economic, Social and Cultural Rights: Democratic Republic of Congo', 20 November 2009, UN Document E/C.12/COD/CO/4 para 14.



plants, and as the basis of their social, cultural and spiritual life. Many practise small-scale rotational farming, with long fallow periods to ensure a low environmental impact, and sell forest products on a small scale to generate income. Their fundamental rights to food, health, a livelihood, personal security, cultural life and self-determination are violated by deforestation, biodiversity loss, polluted watercourses and blocked access to land. Forest exploitation and destruction have pushed many indigenous communities into a downward spiral of poverty, ill-health, population decline and social disintegration. Some have been forced into unpaid labour by logging and mining operators. Others have been evicted, threatened, arbitrarily arrested, violently attacked, raped, tortured and murdered.

‘Kilo Goldmines [a Canadian company] and the Chinese have forbidden us to enter our forests, where their helicopters land to collect minerals. They cut down our medicinal plants. We no longer have honey or mushrooms. Our traditional fishponds are ruined. We can no longer access our hunting grounds, which mining companies now occupy, or our sacred sites. We are forced to work for the Bantu in order to have food,

■ Industrial logging is a major driver of forest loss and degradation in DRC. Logging companies and lumber workers are responsible for rights violations and cause widespread damage to community forest resources.

Photo: John Nelson

salt and clothes. The Chinese have work camps everywhere. Four families in our village were tortured by loggers for refusing to carry hundreds of sawn planks on their backs. We gain nothing from these activities. The companies won’t negotiate, and the local authorities are complicit. Our culture is disintegrating, and we may be forced off our lands forever.’ – Members of Ngazula family, Mambasa region, Orientale province.

Evicted communities have been forced to settle in places where they cannot obtain or grow sufficient food or practise their culture, such as in eight camps in Matumbi surrounded by a major logging concession operated by the Belgian company ENRA. Thugs in the pay of DRC logging company ITB, which controls half a million hectares of forest, are alleged to have violently destroyed indigenous camps.

‘It takes a week’s walk in the forest now to find game, which was previously abundant. Prices of meat and fish have risen. Soexforco [a DRC company] has not respected its social agreements with us to build schools and health centres or mend the roads. It built just one school in this area during 10 years of forest exploitation.’ – Mardochée Bokonga, Association des Peuples Autochtones Eleveurs, Equateur province.

Many Baka and other indigenous people have been arrested and tortured for opposing deforestation, and several have died in police custody. In 2010 during a community conflict with the logging company Sodefor (a subsidiary of Nordsudtimber of Liechtenstein), 27 community members were arrested and two died. In 2011 when local people protested over the failure of Siforco (a subsidiary of the US Blattner Group) to fulfil its social commitments, armed police allegedly attacked and raped villagers, killing one. Police responded to community protests against Compagnie du Bois (Belgium) in 2013 with arrests, rapes and looting.

‘There is enormous repression of those who fight for forest communities’ rights.’ – Workshop delegate Joseph Bobia Bonkaw, Réseau National des Ressources Naturelles (RRN).

Forest communities have brought court cases against logging and mining companies. Residents of Batito village have claimed US\$1.5 million in damages against Sodefor for operating without a valid contract and for destroying forest land in Isiko in 2004. However, the DRC’s inadequate legal system, the remoteness of rural areas, language barriers, poverty, illiteracy and discrimination obstruct indigenous communities’ access to justice.

‘We have lost half our territories to a protected area nature reserve, and now the concessions are expanding over more than half of what remains. Few large trees are left, and we have problems finding water during the dry season. Our young women are raped by the mine workers. We have appealed to the authorities, but nothing is done, because they collude with the companies in looting our forests.’ – Village residents, Mambasa region, Orientale province.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

The DRC’s indigenous peoples know best how to coexist sustainably with the forest. If their control of their customary lands is safeguarded legally and in practice, environmental destruction from commercial activities will be limited, communities’ rights and livelihoods will be protected, and the DRC will meet its international obligations. Indigenous peoples urge the government to legislate to secure their rights to own, use and control customary lands and for their effective participation in national land zoning, forest classification, the award of timber and mineral rights, and provincial and local forest management plans. They call on the state to recognise and support their community mapping of customary lands and territories and to include such maps in the forest governance framework.

‘We are providing recommendations as to how timber is cut down and which species need to be blocked and which can be exploited. There is an alternative that is different from exploitation. The government needs to consult with local communities to ask them about other activities that could be carried out.’ – Workshop delegate Joseph Bobia Bonkaw, Réseau National des Ressources Naturelles (RRN).

State policy and governance must be strengthened to apply and enforce the law. Forest communities’ right to FPIC must be guaranteed for all decisions that affect them, including via amendments to the land tenure law and the forest and mining codes. The government must clarify the status of customary law to avoid land conflicts, provide adequate compensation to those who have been evicted or deprived of forest resources, and guarantee effective access to justice before the courts. The conversion of old land titles needs to be effectively implemented. Logging contracts that do not include a management plan and social agreements should be annulled. Logging, mining and agricultural contracts and revenues should be published, along with an inventory of concession holders and a comprehensive online database of rights violations associated with land conflicts.

Priorities also include better resourcing of enforcement structures and internal anti-corruption measures; improved training for monitoring and enforcement officers; and prosecution of commercial operators in breach of laws and regulations – including for failure to negotiate or implement social agreements – and of all perpetrators of human rights abuses against community members.

The DRC and EU should continue negotiations on the FLEGT VPA with forest peoples' and civil society's full participation. Extractive and importing companies and countries must increase efforts to ensure that no illegal timber from the DRC enters home markets. OECD and Asian countries must ensure the minerals they import from the DRC are produced in a sustainable way without human rights violations. International financial institutions should suspend their funding of the Grand Inga dam until meaningful environmental and social assessments are completed and the protection of community land and resource rights are guaranteed. The DRC and international environmental programmes such as REDD+ must recognise illegal logging and unsustainable mining as the main direct drivers of deforestation.



■ Forest peoples and civil society organisations in DRC question official studies of deforestation that identify communities as the main driver of forest loss. Forest farmers highlight that much shifting cultivation for subsistence and small-scale cash cropping does not harm the forest over the medium and long term. They urge that that national land use planning and forest conservation policies must respect sustainable farming and agroforestry systems.

Photo: John Nelson

BAKANO COMMUNITIES SEEK SECURE LAND RIGHTS AND PROMOTE COMMUNITY-BASED FOREST MANAGEMENT

Reacting to the challenges of unjust and top-down forest classifications and exploitation by the government, four communities of the Bakano secteur in the territory of Walikale in North Kivu province gathered in 2010 to ensure community management of forest resources through community forestry in an area covering 186,815 hectares of forest. They later gained support from the local civil society organisation Réseau pour la Conservation et la Rehabilitation des Ecosystemes Forestiers (Réseau-CREF) in launching a series of preparatory activities: information-sharing meetings and sensitisation workshops, community structuring, participatory mapping of usage and customary rights, multi-resources inventories, social and economic studies, and lastly the development and implementation of a management plan.

With completion of all these steps, the four community groups contacted the national government through the Ministry of Environment, Nature Conservation and Tourism (MECNT) to formally request community tenure of the piece of forest concerned. An official field mission from the MECNT is expected starting in August 2014. The mission will assess the context and the realisations, and make recommendations to the government and all other parties involved on the way forward concerning the instauration and securing of this community forestry initiative.

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■ Indigenous People in the forests of Lokuku village, Equateur province.

Photo: Patrick Kipalu

COUNTRY INFORMATION: LIBERIA

Land area:

9,632,000 ha

Forest area:

4,329,000 ha (45%)

Population:

4 million

Forest peoples:

Over 1 million

Forest land tenure:

Most if not all Liberia's forest is owned by communities under customary law, which has constitutional force; at least 2.5 million ha (26%) of Liberia's total land area are collectively held by communities under formal title deed and located in forested areas; under the Community Rights Law with respect to Forest Lands 2009, forest communities own 100% of forest resources located on land traditionally owned or used by communities. Under Liberia's dated land tenure laws, however, community land ownership rights are uncertain at best. Government practice has tended to assume all unregistered land is available for allocation as public land concessions, leading to 2,546,406 ha (approximately 25%) of Liberia's total land area being subject to logging and agro-industrial (oil palm and rubber) concessions, with additional areas allocated for mining, infrastructure and protected areas. However, Liberia's land tenure laws are currently undergoing reform and it is expected that Liberia's new land law (currently being drafted) will follow the 2013 Land Policy in recognising customary land rights as community property

Deforestation rate:

0.67% annual average 2000–10

Main direct drivers of deforestation:

Logging (much of it illegal); large-scale agriculture (mainly oil palm and rubber); mining

Main indirect drivers of deforestation:

Short-sighted government policies that promote large-scale foreign direct investment and land and resource use projects, undermining local communities' livelihoods, food security and customary land and natural resource use and ownership; corresponding lack of government policies promoting community-driven development; poor natural resource governance; corruption; lack of implementation of FPIC and respect for customary law



■ A group of men work a surface gold mine deep in the forest in Gbarpolu County, northwest Liberia. Shot not too far outside Henry Town, Liberia.

Photo Travis Lupick (Flickr)

LIBERIA

- Deforestation is on the increase in Liberia, currently driven by industrial-scale agriculture (for palm oil and rubber), logging (much of it illegal) as well as mining.
- Over a quarter of the country's land area has been placed under commercial forestry and agro-industrial concessions, with significant areas also subject to mining concessions.
- The government does not in practice respect or implement its legal commitment to the principle of FPIC.
- Communities have suffered loss of livelihoods, price rises and multiple human rights abuses.
- The proposed new land rights law currently under development proposes to radically shift the land tenure laws in Liberia towards recognising customary land as community owned. This would bring Liberia's land tenure law more in line with its progressive forest laws. It remains to be seen how customary land ownership rights will be respected in practice if the new law maintains that pre-existing concessions granted by the government can continue on those lands without community approval.
- Communities demand policies that support and build on (rather than simply replace) existing customary livelihood practices which prioritise local self-reliance and food security (such as smallholder agriculture balanced with sustainable use of forests and wet-lands), full legal recognition of customary land and resource ownership rights, and effective implementation of FPIC, rather than promoting large-scale agribusiness and mining etc. at the expense of community rights and customary food and cash crop systems.

BACKGROUND AND SUMMARY

Communities from 16 ethnic peoples constitute 95% of Liberia's 3.5 million people, living alongside the descendants of early settlers and the Americo-Liberian descendants of former US slaves. The predecessors of Liberia's present-day ethnic groups are believed to have migrated from the north and east between the 12th and 16th centuries AD and settled in and around the country's forests. The three main linguistic groups are the Mande in the north and far west, the Kru and Krahn in the east and south-east, and the Mel in the north-west.

Liberia's extensive forests cover half the country's total land area of 9.6 million hectares and are the largest remaining block of the Upper Guinean forest ecosystem and a global biodiversity hotspot. The country's forests make up more than half the rainforest remaining in West Africa. Today vast areas of Liberia's lands and forests have been signed away as concessions to logging and mining interests and to African, Asian and European oil palm companies without community consultation, let alone consent. Deprived of lands and livelihoods, communities find that instead of their rights as citizens being protected by the government, they are subject to harassment and intimidation (including oppressive use of state security and the criminal justice system) when they protest against these impositions.

Forest peoples and civil society organisations in Liberia maintain that the government's priority should be to promote local self-reliance rather than large-scale agribusiness. At a minimum, government should guarantee that large-scale business enterprises

only use community land and resources with the free, prior and informed consent (FPIC) of communities whose customary rights to their lands and resources date back many generations.

DEFORESTATION: CAUSES AND CONSEQUENCES

Deforestation in Liberia, which according to the FAO has been at an annual rate of between 0.6% and 0.7% since the 1990s, is increasing as a result of commercial logging, mining and agribusiness operations. Large companies now control more than 5 million hectares of Liberia's total land area through government leases. The country's logging industry is notorious for its corruption and mismanagement, despite Liberia having concluded a Voluntary Partnership Agreement with the EU in accordance with the EU's Forest Law Enforcement Governance and Trade (FLEGT) mechanism in 2011. Mining activity has increased in recent years, particularly through an expansion of iron ore production.

Palm oil companies are now a major driver of deforestation and control under concessions an estimated 19% of Liberia's land area. The major palm oil companies operating in the country are Sime Darby Plantation (Malaysia), Golden Veroleum (controlled by Golden Agri-Resources, Singapore), Equatorial Palm Oil/KLK (UK/Malaysia) and Maryland Oil Palm Plantation/SIFCA (Singapore [Wilmar/Olam] and Côte d'Ivoire). The government issued leases to these companies without obtaining the FPIC of communities who customarily own and use the land, in violation of these communities' right to their land and resources. Company operations



COMMUNITY AND LAND / RESOURCE RIGHTS ENSHRINED IN NATIONAL LAW

<i>Legal source</i>	<i>Provisions</i>
Constitution of Liberia 1986	In management of natural resources, the Republic 'shall ensure the maximum feasible participation of Liberian citizens' – constitutional support for community participation and FPIC (Art. 7); right to non-discrimination (Art. 11(b)); rights to property and to not be dispossessed of property (Arts. 11, 20 and 21); customary law to be applied by the courts (Art. 65)
Minerals and Mining Law 2000	'The legal owner or lawful occupant of property on which minerals are discovered shall be entitled to a right of first refusal in any application for obtaining class A or Class B mining licenses as against any third party or parties' (Sect. 11-4)
Environmental Protection and Management Law 2002	Provides for public participation in matters related to any project likely to have environmental and social effects or impacts
National Forestry Reform Law 2006	Requires local communities to be fully engaged in sustainable management of forests, and mechanisms to promote informed community participation in forest-related decisions to be established to ensure communities can equitably participate in and benefit from sustainable management of forests
Forestry Development Authority (FDA), Ten Core Regulations 2007	Regulations require FDA to obtain FPIC in writing from community forestry development committees representing all affected communities, to negotiate a social agreement with a winning bidder of a logging concession, and to hold public meetings with affected communities to discuss negotiation process and community benefits
Community Rights Law 2009	Enshrines right to FPIC over any 'decision, agreement, or activity affecting the status or use of community forest resources' (Sect. 2.2.(c)); customary land includes 'forest land, owned by individuals, groups, families or communities through longstanding rules recognised by the community ... it is not necessary for the land to have been registered under statutory entitlements' (Sect. 1.3)
Public Procurement and Concessions Act 2005, 2010	Requires public stakeholder consultations prior to contract allocation
Land Rights Policy 2013	Recognises customary landownership and provides legal protections rendering customary land rights equal to private land rights; customary land, whether or not a community has been issued a deed, is defined as land owned by a community and used or managed in accordance with customary practices and norms; but recognition of customary rights does not preclude continuation of established concessions

■ Community land in Sinoe County, including grave sites and sacred forest areas, have been cleared and planted by Golden Veroleum, without the communities' free, prior and informed consent. Golden Veroleum is affiliated to Golden Agri-Resources (GAR), a large Indonesian palm oil company. Several outstanding community complaints have been made to the RSPO Complaints Panel, but to date Golden Veroleum continues to clear and plant community land without resolution of those complaints and has begun expanding operations into neighbouring Grand Kru county.

Photo: Justin Kenrick





■ **Local civil society activist shows community land in Grand Cape Mount county that was cleared and planted by Malaysian palm oil giant, Sime Darby, without the communities' free, prior and informed consent. Ironically, among the crops, forest and fruiting trees destroyed by the company are the native palm trees that communities' have traditionally used for food and oil. Food security is a huge concern when such large areas of productive community land are cleared.**

Photo: Tom Lomax

have been characterised by human rights violations and conflict with communities. Communities have filed complaints against Sime Darby, Golden Veroleum and Equatorial Palm Oil with the Roundtable on Sustainable Palm Oil (RSPO), which requires companies to respect communities' customary property rights and the principle of FPIC.

In 2009 the government signed a contract with Sime Darby for 63 years' land use for large-scale agricultural activities in four counties: Bomi, Cape Mount, Gbarpolu and Bong. There was no provision to local communities of information on the contract terms and conditions, and no FPIC process was implemented. Sime Darby has begun operations in Bomi and Cape Mount, where communities have lost access to customary lands and forests and have experienced disruption to livelihood activities such as farming, hunting, fishing, and production and sale of charcoal and locally made building

materials. Evidence shows that communities living near concessions in Liberia are more indebted and spend more of their income on food, compared to communities living further from concessions who spend more of their income on self-development, including education and health. Local prices of staple foods have increased rapidly in concession areas; employment opportunities are over-estimated; and internal migrants benefit disproportionately from employment, while local communities stand to lose most from loss of land, resources and associated livelihoods.

Even from the perspective of government revenue generation, Liberia's agro-industrial concessions are generally bad deals. They create value mainly for foreign investors, in the form of money that leaves the country via parent companies located in tax havens. The country's concession agreements are riddled with government-approved tax breaks, exemptions, deductions and astonishingly low land rental fees.

After two years of community opposition to Equatorial Palm Oil's operations in Grand Bassa county, in 2014 President Ellen Johnson Sirleaf committed to protecting customary land from further expansion by the company. This encouraged communities to believe that they may be able to reclaim their land from concession holders. However, subsequently the company has been preparing to clear more land, apparently with the blessing of key government figures, and has increased the presence of its security patrols in local villages.

LAND TENURE AND FOREST PEOPLES' RIGHTS

FPIC is a key principle of Liberia's 2009 Community Rights Law, in theory providing communities with the right to give or withhold their consent to activities planned on their forest lands or that may impact on that land or the community. FPIC is also an established legal principle supported by numerous regional and international legal instruments to which Liberia is legally bound, including the African Charter on Human and Peoples' Rights.

Despite important legal protections and international obligations to uphold community land rights, an



■ Amita from a village in Grand Cape Mount county says: “I had my own village in the forest. We had everything there to eat ... They [Sime Darby] broke the house down. They destroyed everything.” Amita describes how she used to grow all the food her family needed, but was left reliant on hand-outs from her daughter (sitting to her right) who lives in the capital, Monrovia.

Photo: Tom Lomax

uncertain, contradictory and anachronistic legal and policy framework for land administration in Liberia has prevented a clear and equitable approach to land tenure. This has left communities vulnerable to land grabbing by the government and companies without their consent or compensation, as the government has increasingly treated unregistered land as available for government allocation to private-sector investors. Customary owners and users of land have not to date been informed of or consulted on, and have not benefited from, concessions negotiated between the government and commercial interests involving their land.

‘In theory Liberia has a land policy that gives the people of Gbarpolu our customary rights. But our fear is that our land has already gone. How can it be that we own the land yet somebody has given out the land?’ – Boimah Coleman, Gbarpolu county resident, workshop video presentation.

Liberia’s Land Commission has drafted a Land Rights Law with the stated aim of improving the daily lives of Liberians by eliminating anxiety and uncertainty over land rights. The draft law identifies four main categories of land – public, government, customary and private – and a cross-cutting subcategory of protected areas that must be conserved for the benefit for all Liberians. The draft law recognises community land rights over customary land, that is, land owned by a community and used or managed

in accordance with customary practices and norms, whether or not the community has an established legal identity or been issued with legal land title. However, the law contains a non-retroactivity clause, meaning that although customary rights will be recognised, where customary land is the location of a previously awarded concession, that concession will continue whether the community want it or not. Communities are therefore concerned that much of their forest land and wetlands will be cleared and drained, and used for the remainder of the concession without their consent.

Although communities under the current draft land law have a right to recover customary land at the expiry of those concessions, and a right to refuse extensions, the impact of the concession on forest and water resources after over 60 or so years of commercial use is likely to be severe, by which time communities and customary lands and resources may no longer be intact. The expectation that communities may meaningfully assume customary control and management of these areas at that point appears unrealistic.

FOREST PEOPLES’ EXPERIENCE

Most indigenous Liberians are, or were originally, forest people, having settled and established their communities in and close to the country’s forests.

About a third of the population depend on forests for food (fruits, plants, nuts, meat, honey), building and furniture materials (poles, thatching, rattan), traditional medicines, healthy watersheds and soil stabilisation. Major sources of livelihood are still land- and forest-based, including often a mixture of subsistence farming, hunting, fishing, food gathering, charcoal production, small-scale trading and artisanal mining of diamonds and gold.

Affected communities are resisting the palm oil companies' expansion on to their land because this threatens their ability to manage their land and resources, their livelihoods and their means of survival. In Gbarpolu county, for example, where forest covers more than 90% of the land area, including the Gola, Kpelleh and the Belleh national forests, communities consider that their rights to their land and traditional way of life have already been violated under palm oil company Sime Darby's agreement with the government, which may enable the company to take control of up to 51% of the county's entire land area.

Gbarpolu's inhabitants are aware of the negative impacts of Sime Darby's current operations on communities in Bomi and Grand Cape Mount counties. Local people have lost their backyard gardens and can no longer produce food or charcoal. This has resulted in rising local commodity prices and conflict with the government and the company.

'The Bomi communities are suffering. They have lost their forests. Everything is planted with oil palm. The end result is migration, out of hardship. People move to other counties in search of land so that they can survive.' – Boimah Coleman, Gbarpolu county resident, workshop video presentation.

Fearing that their land will be taken away and their forests damaged by Sime Darby under its agreement with the government, many in Gbarpolu are urging collective rejection of the concession, mobilising women, youth and local leaders to have a united position and seeking dialogue with their local representatives, the government and the company to have their land removed from the concession area. A former member of the Liberian Senate has communicated support to communities striving

to ensure that Gbarpolu's forests and lands are preserved.

In May 2014 Liberian communities from Gbarpolu, Grand Bassa, Grand Kru, Maryland and Sinoe counties affected by all four major palm oil companies operating in Liberia came together at the workshop Dialogue for Development: Where Next for Liberia's Agriculture Sector? for the first time to discuss agriculture concessions as a national issue. Creating a space for these diverse communities to share their experiences also laid the foundations for connecting their separate struggles.

'Land is life. It is too valuable to lose.' – Jogbahn Clan Chief Elder Joseph Chio Johnson, urging communities to stay united in the face of companies' divide-and-rule tactics.

'We are in Africa. We live by our crops. Palm plantations can't help us. If we lose our land, how will we live?' – Solomon Gbargee, youth representative of Jogbahn Clan.

Exchanges at the May 2014 workshop led to the development of a solidarity network and platform for communities to work together and support one another in their resistance. The communities also developed a declaration asserting their customary rights to land; demanding respect and recognition as landowners; demanding that concession agreements violating community land rights be amended; asserting that as indigenous people and landowners they be involved in all decisions about their land; stating that customary land planted and cleared without their FPIC be returned; seeking just reparation for communities whose land and properties have been damaged or destroyed; and requiring that memoranda of understanding that do not adequately benefit communities or respect community rights be renegotiated, while further expansion by oil palm and rubber plantation companies be halted until these issues are resolved.

'Because I stood up to the company, people accused me of being a man, but I carry the spirit of a thousand women. For those of us under struggle with a palm company, we must remain strong. My land is my land. Your land is your land. Your forest and bushes are your bank. Don't get tired. We

cannot agree to leave our land.’ – Deyeatee Kardor, Jogbahn Clan Chairwoman.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

Liberian communities demand that their customary rights to their lands, forests and livelihoods are protected and respected in law and in practice. Liberia is already a food-insecure country heavily reliant on food imports and with many people living in poverty. The government’s priority should be to support land-dependent communities in preserving their land and becoming more self-reliant in terms of local food production and meeting other needs. It should promote family farming rather than large-scale agribusiness that results in more harm than benefits for local people and provides little public revenue.

Where large-scale commercial developments are planned, the principle of FPIC must be respected, with communities empowered either to give their consent or to say no to developments on their land or that affect their livelihoods. Negotiations between the government, companies and communities must be transparent and respect communities’ formal rights, with communities able to access all relevant information, including independent technical and legal advice, and civil society recognised as an independent third-party monitor.

Existing oil palm contracts should be revised to adhere to international human rights law, ensuring FPIC and fair and appropriate profit-sharing mechanisms, and guaranteeing that they do not result in people being deprived of their land against their will. The government needs to address land tenure issues by implementing policies that adhere to the FAO’s Voluntary Guidelines on the Responsible Governance of Tenure.

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COUNTRY INFORMATION: COLOMBIA

Land area:

114,174,800 ha

Forest area:

58.64 million ha of natural forest (51.4%): 67.3% in the Amazon, 17.1% in the Andean region, 9.4% in the Pacific-Choco region, 3.5% in the Orinoco and 2.7% in the Caribbean (2011)



Population:

46.6 million

Forest peoples:

6.63 million, including 1.38 million indigenous people and over 4 million Afro-descendants

Forest land tenure:

Most forest land is owned and occupied under customary law, half of this is collectively owned under legal title by communities (some *resguardos** are overlapped by protected areas and forest reserves); under national law, the state claims ownership over 50% of forest land and ownership of subsoil resources

Deforestation rate:

0.17% annual average 2000–10

Main direct drivers of deforestation:

Expansion of agricultural frontier; road building for economic penetration; mining and energy exploitation; illicit crops; logging

Main indirect drivers of deforestation:

National 'engines of growth' policies promoting extractive and agro-industrial expansion; national agro-fuel policies; foreign direct investment and trade; land speculation, land grabbing and land concentration; internal armed conflict; internal forced displacement and resettlement policies; incoherent legal framework; institutional weaknesses and poor application of environmental and social regulations

* Semi-autonomous indigenous reserves.

Colombian forests are home to more than 80 distinct indigenous peoples as well as Afro-Colombians and migrant communities.

Photo: Viola Belahrad

COLOMBIA

- Colombia's deforestation rate has decreased from high rates of 0.6% in the 1980s but is again rising in some parts of the country.
- Forest is destroyed by commercial agro-industry, including oil palm development, logging, mining, infrastructure projects and illicit crop cultivation.
- About 51% of the country's land is under mining concessions and/or permit applications.
- Roads and highways are accelerating forest loss.
- Despite constitutional protections, communities are under threat from forest destruction and encroachment on their lands.
- Indigenous and other forest peoples seek respect for their rights and full participation in decision-making over the future of their customary forest lands, including through national and local measures to uphold FPIC and effective and agile mechanisms for land restitution.

BACKGROUND AND SUMMARY

Colombia contains large areas of high-biodiversity forest. Much of the forest area is inhabited by indigenous peoples, Afro-descendants and other rural communities. Though deforestation rates are no longer as high as rates in the 1970s–90s, deforestation is now accelerating as a result of agricultural expansion, illicit crops, logging, mining, oil extraction and infrastructure development. Deforestation is being driven by national economic policies, forces of economic globalisation, weak forest governance, militarisation in some areas and absence of the rule of law – including lack of respect for communities’ land rights. Important protections for the rights of forest peoples enshrined in the constitution are often not implemented in practice. Government claims over subsoil resources infringe the property rights of indigenous reserves (*resguardos*).

DEFORESTATION: CAUSES AND CONSEQUENCES

Colombia’s deforestation rate is among the world’s highest and is accelerating, especially in the Amazonian foothills and the Colombian Pacific region. The main direct drivers of forest loss are expansion of the agricultural frontier, including for cattle ranching, oil palm, agro-fuels and illicit crops, often by economic migrants and internally displaced people; logging, mining and oil extraction; and the building of roads and other infrastructure. The country’s severely inequitable land distribution is reflected in deforestation patterns. With huge areas given over to commercial livestock raising, more than half the land use changes recorded between 2005 and 2010 were to create cattle pasture. Internal migrants, displaced by the armed conflict, land grabbing, lack of economic opportunities and limited access to land, have been encouraged under national policies to settle in the Amazon foothills.

The government promotes large-scale oil palm and sugar cane cultivation for biofuels through lucrative subsidies for producer companies. Land given over to oil palm is projected to increase tenfold from about 320,000 hectares in 2007 to 3.5 million hectares by 2020. Colombia is one of the world’s largest palm oil producers, and the EU is its main

buyer. Agro-industry requires clear-felling of forest and depletes and degrades biodiversity, freshwater and soils. It imposes extensive monocultures on forest peoples’ lands, displacing communities, destroying their food sovereignty and economic self-reliance, and causing local staple food shortages and price speculation. Despite denials, agro-industry companies are known to be linked to paramilitary groups responsible for violent land grabbing, forced evictions and gross human rights violations. Agribusiness transforms smallholders into low-paid labourers, while trade union membership is discouraged and trade union leaders are persecuted.

Large-scale coca leaf production for the narcotics trade, concentrated in areas of high forest cover, has driven localised deforestation in Colombia for more than 30 years. Government aerial spraying with glyphosate to eradicate the narcotics trade degrades partially cleared forest lands and has harmful health impacts on forest communities.

‘In the Putumayo there is much fumigation with herbicides to control illegal coca plantations. This damages the forest and biodiversity. The herbicides are so strong and resistant that there is a lot of forest food that we cannot consume any longer.’ – Indigenous leader and workshop delegate Carmenza Tez Juogibioy, Resguardo Indígena Camentsá del Putumayo.

According to the World Bank, 42% of Colombia’s timber production is illegal, resulting in unregulated forest clearance and degradation. This is likely to be an underestimate because of the weak distinction between legal and illegal logging and the inefficiency of government monitoring and safeguards.

Mining concessions and permit applications cover 51% of the country’s land area, and will potentially affect an estimated 34% of national park lands. Many concessions are located in forest reserves and the territories of indigenous peoples and Afro-descendant communities, often resulting in conflicts between mining companies and local forest-dependent people. Foreign direct investment by multinational companies in mining exceeded US\$3 billion in 2009 and accounted for 43% of total mining investment. The energy sector is also responsible for negative impacts on forests from gas



and oil generation projects and the construction of a trans-border electricity grid.

The government has major plans for road building, railways, river transport, ports, urban development and airports. The controversial multilateral Initiative for Integration of the Regional Infrastructure of South America (IIRSA), developed by UNASUR (Union of South American Nations) and co-funded by multilateral development banks, includes road corridors linking areas of high biodiversity with commercial centres in Colombia and Brazil, intended to reduce transport costs between the Atlantic and Pacific oceans.

Much of this road infrastructure is already completed, but part of the project, the Variante San Francisco–Mocoa, not yet built, will transverse important areas of the Amazon, including indigenous peoples' territories in Putumayo and the densely forested and biodiverse Cuenca Alta del Río Mocoa forest reserve. This region contains considerable mineral wealth, and the government has identified areas for gold, copper and molybdenum mining, as well as considering building hydropower dams and reservoirs. Indigenous peoples who inhabit

■ **Expansion of oil palm and biofuel plantations is a key driver of human rights violations and deforestation in Colombia.**

Photo: Paula Álvarez

and depend on the Putumayo forests are greatly concerned about the risks to their forest and livelihoods and their collective survival if the road is constructed.

'Implementation of IIRSA in Latin America will lead to the extermination of indigenous peoples and accelerate deforestation as it opens up forests to mining and logging. In Putumayo, one of the country's major oil production areas, the fuel is the most expensive in the world.' – *Indigenous leader and workshop delegate Carmenza Tez Juogibioy, Resguardo Indígena Camentsá del Putumayo.*

Underlying these direct drivers are political, economic and social forces that impact negatively on forests and communities. Colombia's prevailing development model is based on promoting 'engines of growth' linked to agribusiness expansion (especially oil palm), mining development, roads, infrastructure and energy projects. National

NATIONAL POLICIES AND INITIATIVES FOR COMBATING DEFORESTATION

Several national initiatives are under way to address deforestation and land use emissions in Colombia. In 2011 a REDD Readiness Preparation Proposal was approved by the World Bank Forest Carbon Partnership Facility (FCPF). The plan aims to prepare the policy and legal framework for REDD and is being implemented by the Environment and Sustainable Development Ministry. The process has so far been mainly centralised in the capital, while participation of forest peoples in FCPF and REDD+ policy processes has been inadequate. At the same time, the Readiness plan does not propose sufficient reform of legal and regulatory frameworks with respect to forest and collective territories, and does not incorporate the right to FPIC. Solid plans to regulate the forest carbon projects are also lacking, risking violation of community rights.

Other initiatives include: a UN-REDD National Joint Programme; a GEF project for Sustainable Forest Management and REDD+; a Silva-Carbon Program; a pilot REDD project to stem deforestation over 418,000 hectares in Guaviare, funded by the Dutch government; a national forests and carbon monitoring programme, partly funded by the Moore Foundation; a national protected areas programme, funded by the German government; and a 'Heart of the Amazon Programme' aimed at expanding protected areas in the Colombian Amazon, with potential funding from the UK, Germany and Norway.

Most of these national and sub-national initiatives remain at the planning stage. The majority have not involved much direct participation by indigenous and other forest peoples, while information on their status and progress is lacking or not readily available. Indigenous peoples' organisations like OPIAC (Organización de los Pueblos Indígenas de la Amazonia Colombiana) question the current focus on government-run protected areas and maintain that expansion of collective territories is a more just, cost-effective and efficient way to sustain forests and combat deforestation, with major social and poverty reduction benefits.

economic policy, aligned with aggressive global demand and high world commodity prices, requires the unrelenting pursuit of economic growth through natural resources exploitation and associated infrastructure development. Biofuels are seen by the government as a solution to climate change, yet cultivation of agro-fuels in Colombia is responsible for forest loss and rights violations. The national economy externalises and discounts negative environmental and social impacts, which fall disproportionately on forests and forest-dependent communities.

'States and companies carry out deforestation despite this violating the rights of forest communities. Governments mostly disregard our just demands. Some of our elected politicians are corrupt and not concerned about the physical

and cultural extinction of indigenous peoples that they are driving our society towards.' – *Indigenous leader and workshop delegate Carmenza Tez Juogibioy, Resguardo Indígena Camentsá del Putumayo.*

When the state seeks to protect forests, its approach is piecemeal and undermines communities' autonomy and rights. Seven national parks in the Colombian Amazon overrun indigenous peoples' *resguardos* (reservations), and new protected areas on indigenous territories are proposed (see box above).

LAND TENURE AND FOREST PEOPLES' RIGHTS

Colombia's 1991 constitution recognises the right to ethnic and cultural diversity and has enabled

indigenous peoples and rural Afro-descendant communities to achieve legal recognition of ownership of more than 30 million hectares, containing much of the country's forests. Under the constitution the concept of *resguardos* (reserves) acknowledges the collective land title of indigenous peoples, and each *resguardo* enjoys a degree of autonomy. Indigenous peoples have 710 such reserves, extending over almost 30% of national territory, although existing titles cover less than the full extent of their ancestral territories. Similarly, a 1993 law establishes the collective territories of Afro-descendant communities (about 10% of the population) as inalienable and autonomously governed, and Afro-descendants have achieved 149 collective titles in the Pacific region. The *mestizo* (ethnically mixed) *campesino* (peasant) population also has some reserve zones in forest areas, intended to protect the environment and community rights.

Protection of forest peoples' land rights is far weaker in practice than on paper, however, and there are many communities without legal recognition of their territories. Violent land theft is commonplace throughout rural Colombia. Brutal methods employed by agribusiness companies and neo-*latifundistas* to force people to sell up or move off the land include poisoning of community water sources, mass slaughter of livestock and horses, trampling of victims by water buffalo, kidnappings, death threats, sexual violence and 'disappearances' of community leaders (including disposal of bodies in caiman lakes). Machinery is increasingly used by land grabbers to transform the landscape and establish ranches or monocultures and to physically erase traces of prior community land use and occupation, rights of way and settlements (elimination of evidence to thwart future efforts at land restitution). Aggressive land grabbing and forced evictions have resulted in more than 4 million internally displaced persons and the murder of no less than 71 community leaders driving the land restitution movement between 2006 and 2011.

It is not only land grabbers and official agricultural and development policies that threaten forest peoples' land rights. Where reserves and collective territories are overlapped by state protected areas, government management programmes restrict livelihoods and cultural practices, despite the establishment of

special management regimes intended to reconcile differences.

'Land rights are not only about having land title, but also about having the guarantee that the community can continue to live in the same place.' – *Workshop delegate Mayra Johanna Tenjo Hurtado, Instituto Latinoamericano para una Sociedad y un Derecho Alternativos.*

According to national and international law (ILO Convention No. 169, Inter-American Convention on Human Rights, UNCERD, etc.), indigenous peoples have the right to FPIC with regard to decisions and actions that may affect them, especially concerning their lands and territories. Yet this right has been routinely abused through the imposition of mining and hydrocarbon concessions and other destructive development projects that reduce and fragment communities' customary forests, often accompanied by claims that such lands are 'empty'. Progressive constitutional court rulings on FPIC, including acknowledgment that some of the country's indigenous peoples are in danger of extinction, have not been implemented. Communities have brought cases to the constitutional court but regard the measures so far taken to safeguard their land and territorial rights as inadequate.

Land tenure security is also undermined by contradictory laws and land use policies. Legal and economic incentives for agro-fuels (such as Laws 693 of 2001, 788 of 2002 and 939 of 2004) have driven the expansion of large-scale oil palm and sugar cane cultivation at the expense of indigenous, peasant and Afro-Colombian lands and forests. New laws are also opening more areas to oil and gas extraction and development, for example in the Putumayo. At the same time, land title demarcation and cadastral services are weak or non-existent. Afro-descendant titles have been overlapped with indigenous peoples' lands, resulting in numerous disputes. Land tenure rights of third parties are also often unclear in many locations, creating further conflicts. Nationally, as many as 48% of rural landowners do not possess legal land titles, and the national land cadastre is not fit for purpose.

While victims' movements have been successful in securing a new law in 2011 for land restitution (Law



■ Conversion of forest for cattle pasture remains a key cause of forest loss in Colombia, including in the departments of Caquetá and Guaviare.

Photo: T. Griffiths

1448), its implementation has been painfully slow. More than 30,000 cases are still pending in 2014, and many analysts consider that the complexity of the law makes it largely unworkable.

FOREST PEOPLES' EXPERIENCE

Colombia's forest peoples – indigenous, Afro-descendant and other rural communities – are highly dependent on forest resources for their livelihoods. For indigenous peoples, this close relationship with nature, which Afro-descendant communities share, also has powerful social, cultural and spiritual dimensions as the basis of their generations-old collective identity, cultural heritage, spirituality, language, customs and daily practices.

For the Uitoto, Muinane, Andoke and Bora peoples of the Amazonian lowlands, their forest territory is a sacred life-giving space (*nag+ma*) that filters and purifies the air and provides vital sustenance for humans, birds, animals and insects. The forest is seen as a vast and vital *n+iriya* 'store' that provides present and future generations with water, soil, materials and food for communities and forest wildlife. The land, forest and all its resources are seen as a gift from the

ancestors. Humans are entrusted with their care and protection.

'From the beginning of the origins of life, all things were created by the father creator (moo p+nora buinaima). All things were placed in order by the son (aiñ+raima) and reproduced and harmonised by our mother creator. The son of the creator handed the Word of Life to humanity on how to care for, administer and make sensible use of the forest and all of creation to avoid imbalance.'

– *Hernando Castro, Resguardo Indígena de Aduche, Comunidad Indígena el Guacamayo-Araracuara.*

Other indigenous forest peoples in Colombia attach similar meanings and importance to the forest and to community relations with the environment. The Camentsá people of Putumayo, for example, who inhabit high-biodiversity lands between the Andes mountains and the Colombian Amazon, cultivate maize and red beans, hunt tapir, deer, wild turkey and minor species, collect forest timber, fibres, latex, dyes and wax, and trade food and other products between communities. Camentsá elders consider the territory sacred because it is a major watershed area for the Amazon, the place where the winds from the Pacific and the Atlantic meet and where they have lived in equilibrium with nature for generations. Customary spiritual and sacred sites remind communities of their links with the Earth and their ancestors. Every river and many plants, birds and animals have their own name, history, myths and legends. All merit protection.

'For us our territory is our mother that gives us life. Our territory gives us traditional medicine that enables the spiritual guidance of the people.' – *Indigenous leader and workshop delegate Carmenza Tez Juogibioy, Resguardo Indígena Camentsá del Putumayo.*

Communities have experienced the damage that results from invasion of their lands and territories by road building and other forms of imposed development. They fear that further penetration will undermine their cultural integrity, identity, autonomy and collective survival by introducing a way of life based on the consumption of goods, taking people away from the true meaning of their lives.



‘Whenever a forest is destroyed, a way of life, a language and a culture are lost. It is a form of genocide that is committed.’ – Yudy Jacanamejoy, young person from the Camentsá community.

‘Other people do not know about indigenous peoples. They say we do not exist. There is no monetary recompense for environmental destruction. We are already suffering from the consequences of road building in our territories. They clear-cut forest, increasing the number of landslides. The water that we receive via the river is only 10% of what it used to be.’ – Indigenous leader and workshop delegate Carmenza Tez Juogibioy, Resguardo Indígena Camentsá del Putumayo.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

Colombia’s indigenous forest peoples seek respect for their collective territorial rights, environmental knowledge and unique way of life, and full participation in decision-making that affects them.

‘We must ensure that communities can continue to live as they wish to, and it is important to involve them in legal processes to secure their rights. In particular, women should be involved.’ – Workshop delegate Mayra Johanna Tenjo Hurtado, Instituto Latinoamericano para una Sociedad y un Derecho Alternativos.

■ Forests yield vital subsistence and spiritual resources for indigenous peoples and other forest dependent communities. In the Colombian Amazon, for example, the Uitoto people of the Middle Caquetá region utilise more than 80 species of forest plants to prepare different vegetable salts used in the preparation of ceremonial tobacco ‘honey’.

Photos: Juan Alvaro Echeverri

Social movements and grassroots organisations stress that effective protection of human rights and the natural environment must be based on an end to the armed conflict. Victims of rural violence have formed multiple associations calling for justice. They demand the construction of a peaceful society where social leaders and communities can freely exercise and claim their rights without risking their lives. In all cases, they underline the need for action to stop land grabbing and ensure fair and transparent resolution of land conflicts, coupled with the direct participation of indigenous, peasant and Afro-Colombian organisations in the peace process.

Faced with declining land and food security, intimidation by armed groups and ever increasing pressures from extractive, agribusiness, mining and energy companies, social movements have mobilised to demand action by the Colombian state. In October 2013 indigenous, peasant and Afro-descendant communities and organisations throughout the country made public protests through a collective action for ‘Life, Territory, Autonomy and

Sovereignty', calling on the state to address five core points:

1. Human rights and peace: measures to secure an end to the armed conflict, full application of the UNDRIP and demilitarisation of indigenous territories.
2. Territory: guarantees for the protection of resguardos, including extension of existing boundaries and territorial ordering (resolution of land conflicts, etc.).
3. FPIC and prior consultation for mining, energy and hydrocarbon developments; annulment of concessions imposed on collective territories in violation of the constitution.
4. Self-government and autonomy: action to ensure genuine self-governing bodies for indigenous and ethnic territories.
5. Free trade and agrarian policy: annulment or renegotiation of free trade agreements that undermine community food security and violate customary rights.

This action has created a joint campaign involving diverse social organisations joined in common cause under the national Cumbre Agraria (Agrarian Summit). The joint campaign is urging the government to abandon its harmful and unjust 'engines of growth' policy. The movement is pressing for a change in national development and land use policies away from support for extractivist and agro-industrial monocultures, towards decentralised and diverse rural economies based on indigenous and Afro-Colombian territories, peasant reserves, local land use systems, small-scale agro-forestry and smallholder production. Indigenous and other social organisations maintain that much more targeted government and international support is needed to foster alternative sustainable community enterprises using local knowledge and resources. For this reason, social movements are demanding greater recognition for community Planes de Vida (Life Plans) and more resources for their implementation.

At the local and territorial level, forest-dependent communities are also mobilising for change and demanding justice. Communities threatened by the Variante San Francisco–Mocoa road in the Putumayo continue to build a movement of resistance to the unsustainable exploitation and destruction of forest lands. Indigenous communities are engaging with

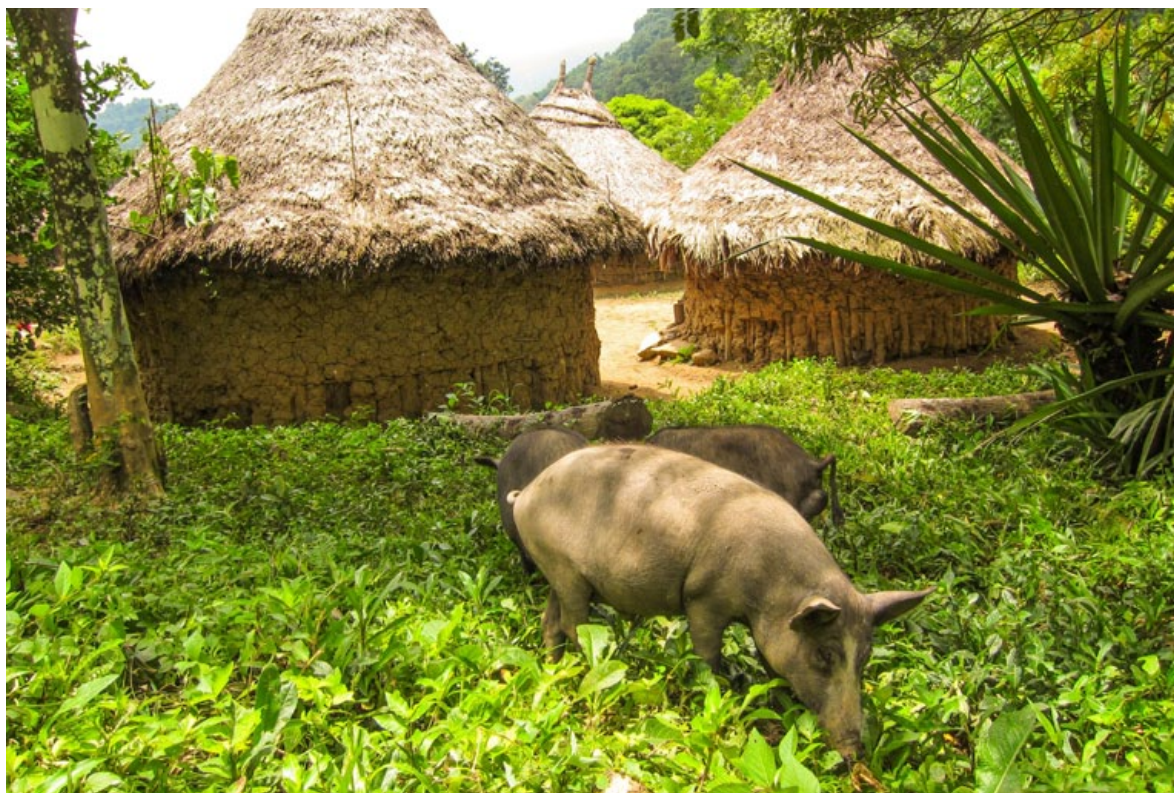
the government at local, regional and national levels, and organising roundtables to discuss issues such as the invasion of forest territories by multinational companies. They seek collaboration with Afro-descendant and other communities and social movements and with national and international civil society to achieve rights-based solutions to deforestation. They are undertaking community mapping to capture traditional collective knowledge of their lands and territories and are working to raise awareness and develop capacity among themselves to assert their rights and to influence public policy decisions.

'We will continue to fight for respect for our lands and territories and respect for human rights, which are the source of life for our peoples.' – *Indigenous leader and workshop delegate Carmenza Tez Juogibioy, Resguardo Indígena Camentsá del Putumayo.*

Key goals for indigenous, peasant and Afro-descendant movements are to achieve full implementation of Constitutional Court rulings upholding land and territorial rights and the right to FPIC (including judgments T-382 of 2006, T-769 of 2009, T-1045A of 2010, C-366 of 2011, and T-129 of 2011). Social and community organisations seek legal, governance and regulatory reforms to ensure government and companies' compliance with FPIC; recognition of indigenous peoples as environmental authorities; extension of *resguardos* to include a greater proportion of customary lands; and forest communities' full participation in public policy-making and the monitoring of policy implementation. At the same time, organisations like ONIC (Organización Nacional Indígena de Colombia) are putting pressure on government ministries to fulfil pledges made in a pact signed with social organisations following the national agrarian protest in 2013, including government commitments to give greater protection to customary land rights.

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Photo: Viola Belohrad

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COUNTRY INFORMATION: GUYANA

Land area:

19,685,000 ha

Forest area:

15,205,000 ha to
18,500,000 ha (data
and estimates vary)

Population:

0.8 million

Forest peoples:

About 80,000 indigenous people (10% of
national population)

Forest land tenure:

More than 80% of forest land designated as
'state land'; state lands are often superimposed
on untitled customary lands of indigenous
peoples, which cover at least half the forest
area; Amerindian villages hold legal title to 14%
of the national land area.' Not all Amerindian
titled land is secure under national law,
which allows large-scale mining concessions
to be imposed on villages without their prior
agreement. Preexisting mining concessions
may also remain within the village boundary,
leaving communities with insecure and
fragmented title areas.

Deforestation rate:

Less than 0.1%; 0.08% in 2012; one of world's
lowest rates but increasing

Main direct drivers of deforestation:

Mining (93% of deforestation 2011–12);
logging; future and growing threats include
road building and infrastructure mega-projects
(dams), rice and soybean agribusiness

Main indirect drivers of deforestation:

Flawed land laws and insecure tenure;
defective legal frameworks for logging, mining
and infrastructure development; lack of
transparency; corruption; lack of consultation
with communities and flawed FPIC frameworks;
international trade and high commodity prices
for precious metals and minerals



■ Aggressive expansion of the mining sector is resulting in extensive and permanent deforestation and serious violations of indigenous peoples' human rights in the interior of Guyana.

Photo: T. Griffiths

GUYANA

- Forest loss is accelerating in Guyana, disproportionately affecting indigenous peoples.
- Mining is the main direct cause of deforestation.
- Much of the country's remaining community forests and diverse forest ecosystems are already covered in large-, medium- and small-scale mining concessions and permits.
- Logging by Asian companies is expanding, much of it illegal on community lands.
- Large dams represent a new threat to forests and communities.
- Discriminatory laws, outdated legal frameworks, contradictory policies and lack of recognition of indigenous peoples' rights are driving forest loss and rights abuses.
- Current rules for titling indigenous peoples' lands are unfair, lack transparency and violate applicable international standards.
- Mechanisms for community participation in national forest and climate policy-making are defective, while FPIC protections on untitled customary forests are weak or non-existent.
- Forest peoples' alternative plans are key to safeguarding the forests, yet existing community proposals are often not acknowledged by the state (e.g. Wapichan Conserved Forest).

BACKGROUND AND SUMMARY

Tropical forests cover up to 80% of Guyana's land area, the vast majority on lands traditionally occupied and used by indigenous Amerindian communities. Guyana's indigenous peoples include the Arawak, Akawaio, Arekuna, Carib, Makushi, Patamona, Wapichan, Warrau and Wai Wa and total about 80,000 people. They are dispersed in more than 160 communities and thousands of scattered homesteads in the interior, while most Guyanese live in the coastal towns.

Guyana has been a low-deforestation country. Today, however, despite several internationally supported initiatives, deforestation is accelerating. Mining and logging are increasingly permitted, including on titled community lands and without community consent. Indigenous rights over extensive customary territories are unrecognised. Communities experience loss of access to forests, degradation of their resource base, and impairment of their well-being and way of life. Extractive industries are responsible for gross human rights abuses, extending to sexual violence and abuse of women and children, including gang rape.

Although some community initiatives like the Konashen Community Owned Conservation Area have received legal recognition, the government has tended to ignore alternative proposals of indigenous peoples for their lands and forests, such as the Wapichan Conserved Forest. Instead, Guyana has established government-run protected areas without adequate consultation and without genuine FPIC (for example, Shell Beach Protected Area). The Guyana Geology and Mines Commission (GGMC) and Guyana Forestry Commission (GFC) have continued to issue mining and logging concessions over community lands to outsiders and foreign companies (such as Bai Shan Lin logging concessions affecting community forests in the North Rupununi/Reewa river basin).

DEFORESTATION: CAUSES AND CONSEQUENCES

Guyana has historically had relatively little deforestation. But 2012 saw a marked rise, albeit from a low base, to an annual rate just below 0.1%.

Mining, accounting for 93% of Guyana's deforestation in 2011–12, impacted an area of 13,516 hectares, up from 9,000 hectares in the previous two years. Brazilian and other foreign companies are acquiring mining concessions for gold, diamonds, bauxite and uranium. Poorly regulated gold mining is expanding, with cumulative effects on forests and communities from the use of excavators, open-pit methods and polluting chemicals. Health impacts include rising incidences of malaria from increased breeding places for mosquitoes, and of sexually transmitted diseases from contacts between miners and local women.

'Nowadays we get a lot of malaria and sickness. Now the bush is full of mosquitoes and we cannot walk there easy no more. There is too much of sickness now. We see that the miners damage all our forest, and we poor people are getting nothing. Now there are no animals and we have to go far away to hunt.' – Amerindian villager, Region 1, north-west Guyana.

Logging is also a cause of extensive forest degradation in Guyana, resulting in soil erosion, blocked creeks, damaged habitats and reduced availability of non-timber products. The government has awarded timber concessions to Malaysian, Chinese, Indian and domestic companies over hundreds of thousands of hectares, often encroaching on indigenous peoples' customary lands without their prior knowledge or consent. Unauthorised illegal logging takes place on titled community lands outside concession boundaries, sometimes with links to money laundering. Land conflicts between forest communities and loggers and miners are frequent.

'The international companies and governments seem to be in collaboration to destroy our forests. Major logging companies in Guyana are from India, Malaysia and China. Is it because Malaysia is so deforested that they are now moving to Latin America? Why are agencies such as the World Bank and the international community not supporting us to stop this destruction of the forests, our way of life and the ecosystems? Is this "blood timber"? Our communities benefit very little from this mining and logging, but the long-term effects are huge and permanent.' – Workshop delegate Sharon Atkinson, Amerindian Peoples Association.

NATIONAL POLICIES AND INITIATIVES FOR COMBATING DEFORESTATION

Start date	Policy/initiative	Details	Observations
2008	REDD Readiness Preparation Plan (RPP) – led by GFC Partners: World Bank FCPF, IADB	Development of benefit-sharing mechanism, capacity building for state agencies, strategic environmental and social assessment and national REDD+ strategy	Has not been consulted upon at community level (though sporadic GFC outreach has taken place) Applies FPIC principle, but scope and application remain unclear Treatment of rotational farming ambiguous Titling Amerindian lands a priority action, but proposals do not address serious shortcomings in national legal framework
2009	Bilateral agreement with Norway: Low Carbon Development Strategy (LCDS) led by Office of Climate Change	Aim to reduce forest loss, avoid future deforestation, lessen dependence on fossil fuels and reduce poverty in return for international performance-based payments	Though LCDS outreach to communities occurred in 2009, the strategy has never been consulted upon with indigenous communities in the interior Dams supported under LCDS have so far failed to uphold FPIC and do not safeguard land and territorial rights Non-compliance with safeguard requirements for indigenous peoples' rights confirmed by independent audit in 2012
2010	Guyana REDD Investment Fund (GRIF). Partners: UNDP, IADB, World Bank		GRIF project for titling Amerindian lands fails to address problems in land titling rules and regulations Concerns about the project communicated to the GRIF and UNDP by indigenous peoples' organisations and NGOs have been disregarded.
2012	FLEGT VPA process led by GFC	Aims to tackle illegal logging and ensure timber exported to EU is legal	Current multi-stakeholder arrangements not effective and lack transparency Problems with Amerindian Act and related laws being sidestepped 2013 draft legality definition lacked adequate protections for indigenous peoples' rights

New roads are opening up Guyana's remote and fragile forests, often built by foreign mining and logging companies on indigenous peoples' lands. These roads are often enabled by senior government officials and the Prime Minister's office. Affected Amerindian communities are not consulted, and no FPIC process is followed. Dams, intended to generate electricity for coastal urban areas, as well as agribusiness and 'green' land grabs, constitute further threats. In the Upper Mazaruni basin, northern Guyana, aggressive mining expansion, uncontrolled road development and plans for a dam likely to flood large expanses of forest endanger the survival of the Akawaio and Arekuna peoples. Road construction nearing completion for the proposed Amaila dam risks opening up forests to mining and logging.

'Right now we do not have freedom. We do not know what is going on in the backlands. It

is all [logging] roads, but we don't know what is happening. We do not want other people to occupy we [our] land. We want to be free to come and go.' – Village elder, Wakapao village, Region 2, north-west Guyana.

Deep contradictions underlie Guyana's national policies on forests, climate protection and economic development. The government advocates 'green growth' whereby international finance can enable Southern countries to avoid deforestation and invest in low carbon development. Guyana's bilateral agreement with Norway provides for forest and climate protection as part of its Low Carbon Development Strategy (LCDS). Yet national economic and land use policies respond to international demand and high prices for minerals by promoting rapid growth of mining and large-scale infrastructure projects such as hydroelectric dam



■ Forests provide Amerindian communities with useful resources used for craft, house construction and medicinal purposes.

Photo: T. Griffiths

building without regard for the environment or indigenous peoples' rights.

'We do not understand how the government says it wants to save the forests, while it allows massive forest destruction by big Chinese and Malaysian companies, yet it punishes small people like us under the LCDS. Why do the authorities pick on us Amerindian people?' – Villager, Kwebana, Region 1, north-west Guyana.

Guyana participates in the European Union's Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) initiative. But the VPA process has so far lacked effective multi-stakeholder participation, transparency and recognition of customary land tenure and indigenous peoples' rights. So far, the VPA process has not satisfactorily addressed the need to tackle forestry sector corruption and flaws in national legal frameworks on land rights, and the government

remains highly resistant to discussions on land rights and international standards.

LAND TENURE AND FOREST PEOPLES' RIGHTS

Guyana's constitution and Amerindian Act recognise indigenous peoples' right to maintain their way of life and cultural heritage, but this is not respected in practice. The state claims ownership over 80% of forest land, and the legal framework vests all untitled lands in the state regardless of indigenous peoples' customary landownership. The national biodiversity action plan, under the Convention on Biological Diversity, is silent on the Convention requirement to protect and encourage customary use of biological resources in accordance with traditional cultural practices where this is compatible with conservation.

Amerindians have legal title to 14% of Guyana's land, but indigenous tenure is incomplete and insecure. The state does not properly recognise extensive patterns of customary occupation and use, so that title areas exclude the full extent of communities' traditional lands, leading to cases of villagers being

fined for alleged ‘illegal logging’ inside their own territories. In addition, subsoil resources remain state property. Mining concessions may be imposed on indigenous title areas, and logging concessions issued on untitled customary land without the knowledge and consent of communities. Title deeds can also exclude from communal land title lands that were previously legally held by private owners even if these are located within the title boundary. Many forest peoples’ settlements and family homesteads have no land title. And while Guyana’s agreement with Norway allows for the extension of indigenous title, many communities already surrounded by commercial concessions have been told by the Minister of Amerindian Affairs that title extensions are not possible where lands are already occupied by

■ The government continues to issue mining permits on indigenous customary forest lands without informing Amerindian Villages in violation of national laws and international standards, such as those set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and related human rights instruments ratified by Guyana.

Photo: T. Griffiths

miners or loggers. Many villages consider that the government is failing to respect their legitimate land and territorial rights.

‘The village title is just three square miles, just a little piece of what our fore-parents requested from the Amerindian Lands Commission. The village council sent an application for extension of its land title in 2006 but did not receive any reply from the ministry. The *toshao* [village council head] reminded ministers on several occasions, and a letter was sent to the Indigenous Peoples Commission. The village also made complaint to the local government minister in 2011 about the lack of progress on the extension issue, but nothing has been done. The villagers are upset that the government has been so slow to respond to our application.’ – Villager, Hobodia, Region 1, north-west Guyana.

Frequent boundary errors mean that government land use plans and maps contain conflicting information on indigenous title areas, and in some case ‘disappear’ whole village lands. There are no effective mechanisms for land restitution or land





■ Indigenous peoples are closely attached to their territories that hold deep historical and spiritual meanings for their communities. Customary laws, such as those of the Wapichan people in Southern Guyana, often require special respect for fragile forest habitats and certain trees, animals, plants and sacred sites (salt licks, springs, montane forests etc).

Photo: T. Griffiths

conflict resolution, or for communities to appeal against government decisions. Community challenges to mining and forestry companies' occupation of their lands have resulted in court rulings in favour of the lease holders at communities' expense.

'Some of our village leaders were taken to the courts by miners after the communities decided to block the rivers from the miners. Those rivers are the communities' source of clean water for drinking, fishing and other daily livelihood purposes. The decision of the courts in Guyana was in favour of the miners. The courts have not upheld our rights as indigenous peoples.' – *Workshop delegate Sharon Atkinson, Amerindian Peoples Association.*

Guyana implements a weak version of free, prior and informed consent (FPIC) where titled communities are concerned. However, untitled communities and customary lands suffer weak or absent protection from commercial take-over or from 'green' land grabs under international conservation initiatives such as REDD+. Other internationally backed initiatives such as the UNDP Amerindian Land Titling project and the World Bank Forest Carbon Partnership Facility have so far failed to improve matters, and the government has not recognised community maps, plans and proposals for forest and climate protection.

'Villagers only find out about concessions when they go out hunting or fishing and see the companies' activities. The communities are not informed by the government. The government does not respect or recognise us as people living there from time immemorial.' – *Workshop delegate David Wilson, Amerindian Peoples Association.*

FOREST PEOPLES' EXPERIENCE

Nine-tenths of Guyana's population occupy the rich fertile coast belt. The other 10%, predominantly members of nine distinct indigenous Amerindian peoples, live in the interior and are highly dependent on forest lands. These communities value their lands for the fresh air and clean water, the plants they gather and cultivate, the animals they hunt, the fish they catch, and the other resources they rely on for

crafts, construction, medicines and cultural activities. Forests contain their cultural sacred sites and the endangered species they have helped protect for generations.

Sustainability is at the heart of the customary land tenure regime of the Wapichan of southern Guyana, for example, embracing access to extensive areas and diverse resources, continuity of dispersed settlements and traditional low-impact rotational farming. Land and resources are shared collectively, and each family occupies several separate dwellings: in the main village, on family farming grounds and in distant hunting and fishing areas. Overharvesting and wasteful activities are disallowed; cultural norms promote selective resource use to enable regrowth and regeneration, underpinned by shared responsibility to future generations and a belief that all life must be respected. The Wapichan now see their livelihoods and customs under threat from incursions by miners, loggers and hunters from coastal Guyana and Brazil, and from land invasion linked to international road and infrastructure projects.

'One of the national forest programmes stated that indigenous peoples are a threat to biodiversity ... We say that our rights are not fully respected because the President has the full power to take decisions regarding our lands without our consent.' – *Wapichan community leader and workshop delegate Nicholas Fredericks, South Central Peoples Development Association.*

For affected indigenous communities, mining in Guyana has brought loss of forest access, land degradation, damage to orchards and fields, declining game and fish, diverted watercourses and contaminated drinking water. Weakening of the subsistence economy means greater dependence on store-bought foods. Rising levels of malaria and sexually transmitted diseases are accompanied by human trafficking and prostitution of women and children, sexual violence, alcohol abuse, social conflict, loss of cultural heritage, racial discrimination and exploitation of Amerindian workers.

‘In this last ten years especially there has been a huge influx of miners. The people are being torn apart. Carib women live in fear and there are savage rapes and terrible violations. A lot of people are dying from HIV/AIDS. Carib people are killing themselves in despair as well. Just the last two months there have been four suicides.’

– Villager, Baramita, northern Guyana.

Logging has destroyed wildlife and game habitats, damaged craft materials, eroded soils, blocked creeks, damaged medicinal plants, violated sacred sites, and been accompanied by loggers’ sexual abuse of Amerindian women and girls, exploitation of Amerindian labour, encroachment on customary land and land conflicts. Mining and logging, imposed without indigenous peoples’ prior knowledge or their FPIC, in time destroy everything of value to these communities.

‘State forest permit holders fight us down and stop us accessing the forest to cut materials we need to make a living. When we asked for extension of our title the minister told us we cannot apply as the area is needed for loggers.’ – *Villager, St Monica, northern Guyana.*

While Guyana’s forest peoples have received some benefits like solar panels and electric lighting under ongoing national and international forest protection initiatives, effective consultations and protections for land and livelihoods rights are still lacking.

‘Under the World Bank Forest Carbon Partnership Facility and LCDS there is a drive to opt-in communities, but the draft opt-in procedure is not fully in line with FPIC, and pressure is put on community leaders to accept the government proposals. There is a lot of negative feeling among communities in Guyana regarding the FCPF and REDD.’ – *Wapichan community leader and workshop delegate Nicholas Fredericks, South Central Peoples Development Association.*

‘At the village level we have never had consultations on the LCDS. There has only been one information sharing session in my village, which we do not see as consultation. When it comes to the Amerindian Land Titling Project under the LCDS we were shocked to find out at

the National Tshaos Conference in 2013 that the project had been signed. If consultations were carried out on this, who did they speak to? Did they get people’s consent?’ – *Workshop delegate Sharon Atkinson, Amerindian Peoples Association.*

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

Guyana’s forest peoples propose a range of measures to safeguard the forests and their rights to inhabit and use their customary lands and territories. Legal reform is needed to bring the Amerindian Act into line with Guyana’s constitution and with its international obligations to protect indigenous peoples’ rights according to the UNDRIP. Implementation of FPIC should be extended to untitled customary lands, with independent verification of FPIC for mining and logging concessions and for conservation and land titling initiatives, and effective grievance mechanisms. Fair and transparent processes are required to resolve land conflicts, such as regional multi-stakeholder land summits. Commercial concession holders occupying Amerindian lands without consent should be removed.

Full public disclosure of the government’s national land use planning database, including information on mining and logging concessions affecting customary lands and territories, is needed. Government information on Amerindian villages’ land title extension applications should be updated, with faster and more transparent procedures for processing applications. Errors in government maps of title areas should be corrected through recognition of forest peoples’ local geographical knowledge and community land use and occupation maps.

Guyanese indigenous and civil society organisations have highlighted the importance under the LCDS of special attention to indigenous peoples’ rights to ensure sustainability, legality and equitable benefit sharing. Communities urge the government to acknowledge the country’s problems with illegal logging and weak governance and to extend the FLEGT VPA timeline to ensure meaningful multi-stakeholder and community participation and compliance with international and customary law relating to legality, land rights and FPIC.

Forest peoples' own initiatives to protect lands and territories for future generations should be fully recognised and supported. The Wapichan, for example, are consolidating their customary laws and traditional practices and developing rules to address emerging resource issues. They have completed a digital map of traditional use and occupation of Wapichan territory based on thousands of waypoints geo-referenced with satellite imagery and validated through multiple meetings in Wapichan and neighbouring communities. Launched in 2012, the Wapichan land use plan includes proposals to establish a 1.4 million hectare conserved forest and dozens of inter-community agreements on actions to secure land rights, promote sustainable resource use and enable self-determined community development.

The Wapichan have established an inter-community district council to reinforce traditional jurisdiction over shared farming, hunting, fishing and gathering grounds, to coordinate decisions and to enable joint dialogue with the government over land tenure, development, resource use and conservation issues. The South Rupununi District Toshao Council (made up of elected village representatives) is working both to obtain title to traditionally owned lands, territory and resources and to set up an inter-community body to oversee care and development of Wapichan territory.

'The Wapichan have been advocating for the right to decide how forestry should happen in our forests. Community mapping and monitoring can showcase traditional knowledge to the government, and community empowerment will help us achieve sustainable forest management and alleviate poverty.' – *Workshop delegate and Wapichan community leader Nicholas Fredericks, South Central Peoples Development Association.*

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COUNTRY INFORMATION: PARAGUAY

Land area:

39,730,000 ha

Forest area:

16.6 million ha (2011), with 13.96 million ha in the Chaco and 2.26 million ha in the eastern region (INFONA)



Population:

6.6 million

Forest peoples:

At least 112,848 (1.7%) indigenous forest people

Forest land tenure:

More than a third of indigenous communities have no legal land security; most forest lands are owned privately; legality of private land titles is often doubtful

Deforestation rate:

0.97% annual average 2000–10; satellite images confirm 9.6% forest lost 2000–12 (world's second highest % rate)

Main direct drivers of deforestation:

Cattle ranching in the western Chaco region; industrial soybean/other monocultures in the east; logging, commercial charcoal production, roads and mega-dams/hydroelectric development

Main indirect drivers of deforestation:

Corruption, discrimination and impunity; political and economic elites heavily involved in economic exploitation of land and forests; insecure tenure rights for forest peoples; land speculation and illegal land grabs; weak implementation of laws and policies and of national and international human rights obligations



PARAGUAY

- More than 2 million hectares of Paraguay's forest have been lost in the last decade.
- In the east, little of the Atlantic forest remains after more than 30 years of soybean farming.
- Western Paraguay has the world's highest local deforestation rate in the Chaco region, mainly driven by beef production for export.
- Amid much corruption and impunity, land grabbing is aggressive; isolated indigenous peoples and forest communities are under siege.
- Deforestation has resulted in displacement, landlessness and impoverishment of indigenous peoples and rural communities, who are forced to migrate to urban centres.
- More progressive national and international legal decisions have encouraged indigenous peoples to continue to seek restitution of their lands and press for legal recognition of their ancestral territories.

BACKGROUND AND SUMMARY

Paraguay's indigenous peoples, numbering approximately 113,000 (about 1.7% of the national total of 6.6 million) and belonging to 19 different peoples and five ethno-linguistic groups, have experienced invasion of their lands and unprecedented deforestation in the east and, in recent decades, in the Chaco region in the west, which has the world's highest rate of forest loss. Soybean farming and beef ranching have been the main direct drivers. Frontier areas have been opened up by logging and road construction (much of it funded by the World Bank and Inter-American Development Bank), while indigenous forest territories have also been lost to dam construction. Deforestation is exacerbated by weak community land rights and an inadequate and weakly applied legal framework, unsustainable and unjust rural development policies, corruption and discrimination on the part of elites and an influx of foreign business interests.

With their customary rights poorly recognised or implemented, forest peoples experience displacement, insecurity regarding their lands and

territories, and poverty as a result of deforestation and forest degradation. Indigenous communities are seeking legal title to their traditional territories and customary lands. They are using community mobilisation and legal actions to press for restitution of their lands taken without consent. In many cases, peaceful direct action by indigenous peoples, including protests that close public highways, is the only way to obtain attention from the authorities.

DEFORESTATION: CAUSES AND CONSEQUENCES

Paraguay has lost more than 2 million hectares of forest in the last decade, and 4.9 million hectares of forest in the eastern region between 1945 and 1985. In the east, little of the country's Atlantic coastal forest remains after decades of logging (especially

■ **Vast expanses of natural forest have been replaced by soybean monocultures in Eastern Paraguay causing massive land use emissions, destruction of biodiversity and the systematic violation of the rights of indigenous peoples and rural communities.**

Photo: T. Griffiths



NATIONAL POLICIES AND INITIATIVES TO COMBAT DEFORESTATION

Initiative/programme	Objectives/activities	Status/observations
UN-REDD Joint National Programme with SEAM and INFONA	<p>Support Paraguay in efforts to tackle causes of deforestation</p> <p>Assist the government in establishing a national REDD programme taking into account relevant policies and safeguards of UN-REDD and FAPI</p> <p>Pilot community-REDD project with UNDP</p>	<p>After initial exclusion of indigenous peoples, the joint national planning process involved FAPI (Federación por la Autodeterminación de los Pueblos Indígenas) from 2009; as a result, the national programme document contains important commitments on FPIC and land rights, and includes FAPI guidelines for REDD projects affecting indigenous peoples' territories</p> <p>The UN-REDD Programme and SEAM have undertaken important work on safeguards</p> <p>There is still a lack of implementation of plans to design a programme to secure indigenous peoples' lands and territories</p> <p>Consultation at the community level has been weak so far</p> <p>High levels of deforestation continue in Paraguay</p>
REDD Readiness Preparation Proposal (RPP), 2014–16	RPP not yet approved	<p>The first R-PIN note submitted to the FCPF in 2008 was fully rejected by indigenous peoples due to the lack of any consultation</p> <p>A draft RPP has been developed in 2014, acknowledging the work done under the UN-REDD Programme, though integration of FPIC is weak in the draft document</p>

from 1950 to 1970), hydroelectric dam building and land conversion to industrial-scale soybean and other export agriculture since the 1960s. Soya cultivation has more than doubled in land area from 1.35 million hectares in 2000 to almost 3 million hectares in 2012, concentrated in the south-eastern departments of Canindeyú and Alto Paraná, across the border from Paraná and Mato Grosso do Sul in Brazil, and in Itapúa, Caaguazú and San Pedro, all departments previously affected by the construction of hydroelectric dams.

'Brasiguayos' (Brazilian farmers and their Paraguayan-born descendants) and other non-Paraguayans dominate the soya sector, cultivating the crop with little respect for environmental standards. A 'zero deforestation law' in the east prohibiting changes in land use came into force in 2004, and the parliament has extended its application to 2018. But large-scale soya farming continues to spread and has put Paraguay's indigenous and forest peoples under huge pressure through land encroachment. Communities complain that they are being pressed to rent their lands to soya farmers. Efforts are made to corrupt community leaders, resulting in illegitimate leasing of land and forest clearance made without the agreement of the communities.

In western Paraguay, known as the Chaco, extensive cattle rearing, involving an influx of migrant ranchers from the east and from Brazil and Uruguay, has caused severe damage to the region's fragile forest ecosystems. Paraguay ranks eighth out of the world's ten largest meat exporters, ahead of the European Union and Argentina, selling beef – its second most profitable income earner after soya – to Russia, Brazil, Chile and Israel. The Chaco has the world's highest current rate of deforestation. Between 232,000 hectares and 286,700 hectares of forest have been lost annually in recent years, according to unofficial estimates, with up to 2,000 hectares lost daily.

Drivers of deforestation and the violation of forest peoples' rights in Paraguay include the majority population's prevailing view of forests as unproductive, and rural development policies focused on the privatisation and conversion of forests for large-scale economic development. A 'devil's triangle' of corruption, discrimination and impunity exists in the country, with political and economic elites heavily involved in economic exploitation of the country's lands and forests, often in association with migrant and foreign business people and with little regard for the rights or interests of forest communities.

‘In Paraguay the government is run by companies, and that is seen as normal. Companies have a lot of money and can do what they want with impunity. We need international agreements that force our government to be held accountable for its actions.’ – Workshop delegate Alberto Vazquez Ayala, Federación por la Autodeterminación de los Pueblos Indígenas (FAPI).

Weak application of national and international legal and human rights standards and policies, including the ‘zero deforestation law’, and a lack of democratic accountability exacerbate the situation. Indigenous people’s customary rights to lands and to consultation are largely unrecognised in national laws, and where rights are recognised implementation is very poor; forest communities are excluded from decision-making and from benefit sharing; and numerous violent conflicts over land have occurred. Paraguay’s laws and regulations relating to environmental impacts, in themselves inadequate, have been violated by successive governments and by the judicial system, and there is a possibility of environmental protection being further weakened through legal and regulatory liberalisation.

‘The UN-REDD programme is carried out with indigenous participation in Paraguay, but only because the indigenous movement made great efforts to obtain transparency and participation, and not because of the government, World Bank or United Nations. UN agencies and governments must be more transparent and comply with their international obligations.’ – Workshop delegate Mirta Pereira, Federación por la Autodeterminación de los Pueblos Indígenas (FAPI).

LAND TENURE AND FOREST PEOPLES’ RIGHTS

Land distribution in Paraguay is the most unequal in Latin America, with just 2.5% of the population holding 85% of the land. The majority of land in Paraguay is held by private families and companies. Most land privatisation took place during the military dictatorship of Alfredo Stroessner (1953–2008), which handed out huge areas of land to military leaders, foreign corporations and Colorado Party officials and loyalists. Land acquisitions often involved forced evictions of peasants and indigenous

communities. At the same time, corrupt patronage in the land titling system resulted in rural properties having multiple titles belonging to different owners, a problem that continues today.

Centuries of dispossession and land theft have left the land and territorial rights of Paraguay’s indigenous peoples and forest communities highly insecure. Many community land titles are limited in size and only cover a fraction of the customary lands of indigenous peoples. Current procedures for demarcation do not respect customary tenure systems and lack transparency. The official processes for registering, titling and demarcating indigenous peoples’ lands are onerous for communities, while land restitution procedures are seriously defective. Some communities have waited decades to recuperate lands taken from them without their consent.

‘The government often knows that we lack land titles, but they do not pay attention to our communities. The problem is that the procedures for titling lands are complex and slow. Officials and lawyers do not process the cases. Our requests just stay stuck in the official filing system. We feel that the government and authorities are really with the ranchers and landowners; they do not wish to provide us with land titles.’ – Leader of indigenous Pa’i Tavyterä people.

As noted above, a major problem in Paraguay is that there are no national laws and regulations for effective application of the principle of free, prior and informed consent (FPIC). State agencies show scant respect for the need for FPIC and prior consultation with communities.

‘The cattle ranchers are clearing forests without even letting the communities know about it. SEAM issues licences to the ranchers to deforest without giving us any say. We have never experienced any participation in the environmental licensing process.’ – Leader of indigenous Northern Enlhet people.

Despite some progressive rulings on indigenous peoples’ land tenure and on FPIC rights in the national courts and internationally – such as the Inter-American Court of Human Rights case of



■ Rapid expansion of commercial cattle ranches has been driven by land speculation in the Paraguayan Chaco causing extensive deforestation and displacement of indigenous communities.

Photos: T. Griffiths

the indigenous community *Yakye Axa vs Paraguay* (see below), violation of community rights remains commonplace.

‘There is no effective recognition of indigenous peoples’ customary rights in Paraguay. At an international level, our country has ratified laws regarding indigenous peoples’ rights, and many non-indigenous people in Paraguay speak Guaraní [an indigenous language], although our population is small. We have to struggle for the rights of indigenous peoples. We have no other way except to pressure every day so that the government respects our rights, using international mechanisms so that Paraguay can be held accountable at an international level.’ – Workshop delegate Alberto Vazquez Ayala, *Federación por la Autodeterminación de los Pueblos Indígenas (FAPI)*.

FOREST PEOPLES’ EXPERIENCE

Expansion of industrial agriculture in eastern Paraguay has resulted in devastating impacts on indigenous peoples as vast areas of forest have been cleared with the privatisation, enclosure and degradation of customary lands and subsistence



resources. Agro-industrial contamination of air and water is causing widespread health problems in indigenous and rural communities, while shortage of game and fish is leading to malnutrition.

Land appropriation for logging, dam building and agribusiness and associated deforestation have confined Paraguay’s forest peoples to smaller and smaller areas. They have been displaced, impoverished and made landless, their lives and livelihoods negatively transformed. In the east, the Mbya Guaraní people live surrounded by, and under pressure from, soya plantations.

‘Our lands are now like small islands of forest surrounded by deforested land. The soybean farmers spray pesticides and herbicides from aircraft. The poison falls on our lands and fields and damages our crops. We sometimes suffer hunger. We suffer a lot from the pesticides! It pains us to see our land and water sources inside the private properties of Brazilians. These places are sacred to us, yet we have no access. Our forests are being destroyed and our waters are being polluted.’ – Celina Arce, *Organización Pai Reko Pave*.

Still seeking redress from the Paraguayan state for impacts on their way of life from the construction of the controversial Yacyretá hydroelectric dam in the 1990s, the Mbya Guaraní are claiming 50,000 to 70,000 hectares as customary lands.

In the western Chaco, aggressive cattle ranching development has confined indigenous peoples to small land areas, and many have become landless labourers working on the ranches of the land grabbers who have expropriated their lands. Rights of access and freedom of movement are highly restricted in violation of the human rights of the indigenous communities.

‘We have been left with smaller and smaller areas of land, and some of us are now landless. There is no longer freedom as there was before. The Mennonites forbid any access on their properties, while other colonists charge us for collecting firewood on their land. If we try to enter our traditional lands, the landowners menace us with death threats. There are often conflicts when we try to use our traditional hunting and gathering paths. All this land belonged to our forefathers, yet now we have no freedom to move outside our small titled areas.’ – Abel Gómez, *Organización del Pueblo Enlhet Norte (OPEN)*.

In the northern Chaco, record rates of deforestation have been especially severe in and around lands and territories occupied and used by the Ayoreo-Totobiesode people, several hundred of whom have chosen to live in isolation.

‘We lived much better before. There were no white people and no illnesses. Now there are many problems, sickness and forest destruction all around us. Our territory is surrounded by private properties, and our access to water is restricted. Our diet is suffering too. The big cattle ranches are getting closer. Our relations in voluntary isolation are in danger. They are human beings and they must be respected!’ – Víctor Picanerai, *Organización Payipie Ichadie Totobiesode (OPIT)*.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

Indigenous peoples and forest communities in Paraguay continue to advocate for legal title to their customary lands and territories and to press for changes in government policy to make this possible. They seek ways to save the remaining forests and to rehabilitate degraded forest lands, mindful of the fact



■ Many indigenous communities have been forced off their land by large cattle ranchers. A growing number of indigenous families now live as landless squatters alongside public highways or in Mennonite towns, excluded from their own lands that have been fenced off and privatized.

Photo: T. Griffiths

that some of their communities still depend entirely on the forests for their survival, such as groups living in voluntary isolation in the Chaco and in the east. Some communities are strengthening their culture and traditions, consolidating their close relationship with forests.

There are some positive dynamics at work. Indigenous peoples such as the Mbya Guaraní have produced maps and plans for the future sustainable use of their customary lands. Ayoreo organisations have been highly active in defence of their lands and forests through national and international campaigns undertaken in solidarity with social justice organisations. In response, some government plans and resolutions recognise indigenous peoples' traditional territories.

The national environment agency SEAM, for example, has signed cooperation agreements with the Unión de Nativos Ayoreos del Paraguay (UNAP) and the Organización Payipie Ichadie Totobiesode (OPIT) in support of protection of their forest territories in the Chaco (although other government

agencies continue to take decisions that violate Ayoreo rights and threaten their territories). In eastern Paraguay, SEAM has agreements with the Asociación de Comunidades Indígenas de Itapúa (ACIDI) and the Asociación Teko Yma Jehe'a Pavee de Caazapá to help secure and reconstitute the remaining forest territory of the Mbya Guaraní people. This territory is overlapped by San Rafael national park and threatened by agro-industrial development and by encroachment by peasant farmers. In 2013 some progress was made in reconstituting private lands to the Mbya Guaraní, while gradual recuperation of lands in San Rafael continues with the assistance of government authorities.

Indigenous peoples' organisations and NGOs are working with the Supreme Court's Human Rights Division in training judges and other officials, and legal actions in national and international courts have brought important rulings in support of indigenous peoples' rights to land and natural resources. Three judgments of the Inter-American Court of Human Rights in relation to Enlhet communities in the Chaco have reaffirmed the legal obligation of the Paraguayan state to return lands to indigenous peoples that have been taken from them by third parties without their prior agreement. These rulings – *comunidad indígena Yakye Axa vs Paraguay*, 17 June 2005 / *comunidad Indígena Sawhoyamaya vs Paraguay*, 29 March 2006 / *comunidad Indígena Xákmok Kásek vs Paraguay*, 24 August 2010 – have opened important legal and political space for indigenous peoples. In some cases, friendly settlements have resulted in restitution and titling of lands, such as for the Lamexay and Kaylephapopyet communities.

In other instances, however, land restitution has been painfully slow, and the Sawhoyamaya and Yakye communities still await formal return of their lands. Further progress to safeguard indigenous peoples' rights and to ensure effective protection and restoration of their forests will require a major overhaul of legal norms and policies to speed up the land restitution process.

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COUNTRY INFORMATION: PERU

Land area:

128,000,000 ha

Forest area:

67,992,000 ha (53%)

Population:

30.5 million

Forest peoples:

At least 330,000 indigenous forest peoples and 300,000 mixed-race riverine people, plus 3 million people in and around rainforest towns and cities

Forest land tenure:

As much as 50% owned under customary law; only 20% legally titled to indigenous peoples under national law, over which legal property rights mostly relate to limited areas (settlements and fallows); most community forest is possessed under long-term lease (*cesión en uso*); a further 2% of national forest designated for management and use by communities and indigenous peoples (communal reserves, etc.) under title held by the state; 67% of forest is state owned under national law (much of it overlapping untitled indigenous customary lands); 9% owned privately (individuals and companies)

Deforestation rate:

0.18% annual average 2000–10

Main direct drivers of deforestation:

Logging; commercial farming and cattle ranching; oil and gas extraction; mining; road building, infrastructure mega-projects (dams); emerging threats include oil palm and biofuels

Main indirect drivers of deforestation:

Perverse and contradictory laws and policies, including economic incentives for plantation development and agribusiness; weak planning and poor implementation; non-recognition of forest peoples' rights; systemic corruption; global demand for oil and gas, timber and minerals; international finance for large-scale infrastructure development



■ Indigenous peoples like the Nahua are closely attuned to their forest environment and often spend weeks trekking deep in the forest on hunting and gathering trips.

Photo: Johan Wildhagen

PERU

- High rates of deforestation in Peru are driven by commercial farming and mining.
- Deforestation is strongly correlated with road routes.
- Agribusiness expansion is generating land conflicts and violence against indigenous peoples.
- Up to 80% of the Peruvian Amazon is covered by oil, gas and mining concessions, mostly overlapping forest peoples' lands.
- Most of Peru's exported timber is felled illegally.
- Legal frameworks and concession systems fail to uphold indigenous peoples' rights.
- Initiatives to protect forests and climate are disconnected from economic development policies.
- Indigenous peoples' territories, isolated peoples and remote old-growth forests are at risk from road and dam building plans, oil palm and biofuels development.
- Indigenous and other forest peoples call for recognition of territorial rights and community forests as a key strategy to tackle deforestation and promote sustainable development.

BACKGROUND AND SUMMARY

The Peruvian Amazon is one of the world's largest expanses of tropical forest. Much of the forest is still undisturbed but under increasing threat from expansion of large-scale economic development projects. Peru's approximately 68 million hectares of rainforest cover roughly half the country's land area and are home to at least 333,000 indigenous peoples and over 300,000 forest-dependent mixed-race *ribereños* (river people).

Logging, hydrocarbons and minerals extraction, commercial agriculture, road building and infrastructure development are the main direct drivers of deforestation in Peru, with the highest rates of deforestation closely correlated with road expansion (such as the Bioceanic Corridor in Madre de Dios). Despite official pledges to curb forest loss and achieve zero deforestation by 2020, forest destruction is likely to increase if poor regulation, corruption and contradictory economic and land use policies promoting oil and gas extraction, mining, large-scale hydroelectric schemes and agribusiness development continue unchecked.

The rights and traditional practices of Peru's indigenous and other forest peoples lack effective protection. Partial legal recognition of indigenous landownership or management covers about 15 million hectares of forest, but this represents only part of indigenous peoples' traditional lands, of which approximately a further 20 million hectares are pending legal recognition. Free, prior and informed consent (FPIC) as enshrined in human rights treaties ratified by Peru is routinely violated by top-down government plans and centralised allocation of timber and mineral rights. Large-scale projects are implemented without adequate compensation, and affected communities who question or challenge development projects often face intimidation or criminalisation.

Forest communities seek full legal recognition of their customary lands and territories and respect for their collective right to FPIC over projects that affect them. They call on the government to demarcate and title their territories and implement and support participatory forest planning, community forest management and social investment in community

development. They also advocate strengthened environmental regulations, monitoring and forest protection; anti-corruption measures; effective complaint and redress mechanisms; and national and international action to implement global environmental and human rights standards.

DEFORESTATION: CAUSES AND CONSEQUENCES

The main direct drivers of deforestation in Peru are commercial forestry, oil and gas extraction, mining, commercial agriculture, road building and infrastructure development. Historically the principal cause of this deforestation has been construction of major roads to the Amazon region, along with provision of agricultural credit to encourage settlement of the Amazon, leading to waves of agricultural colonisation. Forest destruction is accelerating and likely to increase with expansion of dam and road building, extractive industries and oil palm.

Most logging in Peru is illegal, with much timber exported to the US, Europe and Asia felled on indigenous peoples' land and in protected areas. The current concession system has perversely exacerbated illegal logging, because verification is easily abused to falsify the origin and identity of traded lumber. More than half the concessions supervised by the government operate outside permit areas. The Amazon's vastness hampers government efforts to control logging, and many officials take bribes. Military planes have been seen transporting felled timber, indicating the illicit involvement of Peru's military.

'Many agribusiness, logging and oil concessions overlap with indigenous communities' lands. Loggers are meant to reforest after cutting timber, but they do not. Nobody supervises. How will the forest recover? Loggers not only cut wood but take fish and hunt birds and mammals, our traditional community food sources.' – *Alfonso López, ACODECOSPAT.*

Oil, gas and mining concessions cover an estimated 80% of the Peruvian Amazon. Decades of oil drilling in northern Peru have reduced tree cover, overlaid the land with oil platforms, wellheads, rusting

THE CAMISEA GAS PROJECT

Camisea is the largest and most controversial hydrocarbons project in the Peruvian Amazon. It has been part-financed by the Inter-American Development Bank and is being implemented by a consortium led by Argentine company Pluspetrol. The Camisea gas fields, also known as Lot 88, in Ayacucho region, produce gas for Mexico, the US and Europe. Three-quarters of the fields overlap with a protective reserve for the isolated Kugapakori, Nahua, Nanti and other indigenous peoples.

When oil multinational Shell first explored the area in the 1980s, followed by loggers, many of the recently contacted Nahua died from introduced diseases. Reports have documented sightings and encounters, some hostile, with isolated people since the start of Camisea operations in 2002, and at least one instance of a community's forced relocation. The consortium plans expansion deeper into the forest, including seismic testing with underground explosives, new wells and pipelines, plants and roads. These will further encroach on the indigenous peoples' reserve and on a buffer zone of the Manu National Park UNESCO World Heritage Site.

Peru's Ministry of Culture warned in 2013 that enlarging Camisea could lead to the devastation or extinction of affected peoples within the reserve. Indigenous and civil society organisations and the UN Committee on the Elimination of Racial Discrimination urged the government to suspend the project. However, following several senior resignations at the ministry, in 2014 the government approved the expansion plans.



■ The Camisea gas field development is opening up old growth forests and threatening the way of life and very survival of isolated Kugapakori, Nahua, Nanti and other indigenous peoples.

Photo: A. Goldstein

pipelines, roads and work camps, and contaminated watercourses. Consequences for local communities, including health impacts on children from heavy metals pollution, are 'devastating', according to UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya. The government has declared a state of emergency in the Pastaza, Tigre and Corrientes river basins due to dangerous oil industry pollution, but no remediation has begun.

'There are now more than 500 km of oil pipelines and many roads in areas where our people have traditionally hunted for food. This has changed the way of life of our communities, who have to go further to hunt. The government has acknowledged that our territories are contaminated, but little action has been taken.' – Aurelio Chino Dagua, FEDIQUEP.

Peru's efforts to formalise the gold-mining sector have failed, and most mining in the Amazon remains illegal. Rising international metal prices, rural poverty and increasing road access have led thousands of migrants to take up unregulated small-scale mining, including on indigenous lands and in protected areas. Informal and illegal mining has destroyed more than 40,000 hectares of forest, with a sixfold rise in deforestation since 2003 in the Madre de Dios region. Mining results in permanent deforestation, stripped soils, sedimented rivers and lakes, damaged fisheries, and mercury-contaminated land and water. A senior official in the Ministry of Energy and Mines has been revealed as the owner of a company buying illegal gold from Madre de Dios.

'In the Setapo sector the area that has been exposed is all rocks. Nothing can grow except lianas and small bushes. Even in the communities where there is no mining, there are extremely high levels of mercury poisoning, which shows how deeply it has got into the food chain.' – Indigenous leader, Madre de Dios.

'In the La Pampa sector there are 30,000 miners, who control the colonels, the police and the judges. The police earn meagre salaries but now have big houses and fancy four-wheel-drive cars. Officials pretend that the state is intervening but actually do nothing.' – Indigenous leader, Madre de Dios.

Agribusiness in Peru includes cattle ranching, oil palm, coffee, rice, cacao and papaya cultivation. Oil palm plantations are expanding, often in areas of primary forest. The government has declared palm oil production for biodiesel a priority and uses tax breaks to encourage plantation developers, some of whom act without permits or force small farmers to sell land. Unauthorised forest clearance for oil palm is occurring, protected by armed security guards, with more than 13,000 hectares of forest converted cleared for plantations in Ucayali and Loreto regions during the second half of 2013. The Loreto authorities are considering approving conversion of over 100,000 hectares of forest for plantations. Malaysian companies are thought likely to become major oil palm players.

'Why is the world so quiet about oil palm companies moving from Asia into South America?' – Workshop delegate.

Peru is now the world's largest producer of coca leaf, the raw material for cocaine, mainly for export to Europe and the US. Substantial deforestation results from commercial coca growing and associated land clearance, and coca production leaches dangerous chemicals into soils and rivers. Laundered narcotics trade money adds to forest destruction by funding mining and commercial farming.

Most deforestation in Peru occurs along major roads, and many new highway projects are planned as part of IIRSA, the \$70 billion economic development programme aiming to integrate roads, rivers, hydroelectric dams, energy infrastructure and telecommunications across the Amazon region. Financed by the Inter-American Development Bank (IADB) and the Brazilian Development Bank, IIRSA appears to benefit Brazil substantially more than Peru and will bring further threats to forests and communities.

'The dream of integrating the Amazon countries will accelerate deforestation. IIRSA projects are moving forward with few environmental or social safeguards and without consulting communities.' – Workshop delegate Robert Guimaraes Vásquez, FECONAU.

NATIONAL POLICIES AND INITIATIVES FOR COMBATING DEFORESTATION

Start date	Policy/initiative	Details	Observations
2008	National Forest Conservation Programme	Aims to reduce net deforestation to zero by 2020	Does not distinguish between plantations and primary forest; likely to fail as deforestation has increased and is set to increase further
2011	REDD+ Readiness Preparation Plan: to prepare the country for a national emissions reduction programme Partners: World Bank, FCPF	Commitments reached to reform national laws to respect indigenous peoples' land rights	Plan remains unimplemented; no measures taken to initiate legal reforms, meanwhile contradictory land titling programmes financed by the IADB threaten to undermine collective land rights
2013	Forest Investment Plan Partners: World Bank FIP	Agreements with indigenous communities to prioritise funding for recognition of indigenous lands, support for community forest management and forest monitoring	Design phase of projects in three regions under way; will commitments be implemented and meet best practice standards on indigenous peoples' rights?
2014	ER-PIN Partner: World Bank Carbon Fund	Outline plan for offer of 10 Mt CO ₂ reductions deriving from activities in three regions	Plan so far not subject to effective consultation with indigenous organisations; fails to address core problems, including pending indigenous land applications and main direct deforestation drivers such as infrastructure and extractive projects

The government plans a major expansion of hydroelectric power as part of an agreement to supply at least 6,000 MW of hydroelectricity from Amazonian dams to Brazil over 30 years. At least 70 dams are planned in Peru, many of them projected to flood entire indigenous community territories.

'The massive dams are a direct threat to our way of life. The flooding of the territories near the river will mean death for indigenous peoples. We are totally opposed to the construction of these dams.' – H. Kinin, Awajun leader, ORPIAN.

Benefits of Peru's large-scale exploitation of natural resources and plantation commodities are appropriated by foreign investors and the elite, while indigenous peoples and other rural populations remain poor and experience negative impacts. In 2014 the Peruvian state has announced highly controversial proposals to weaken existing environmental regulations to expedite extractive industry developments. Contradictions in the state's legal framework, weak planning, poorly implemented environmental regulations and decentralisation processes, non-recognition of forest community rights, the criminalisation of legitimate protest and institutional corruption all undermine forest

protection. Without adequate reforms and measures to uphold indigenous peoples' land rights and apply FPIC, state policies for reducing deforestation and promoting 'green growth' will increase the likelihood of land grabs, fail to tackle underlying drivers of forest destruction and risk further violations of forest peoples' rights.

LAND TENURE AND FOREST PEOPLES' RIGHTS

Despite Peru being subject to international human rights law that requires recognition of indigenous peoples' territories, according to the country's national laws forest land belongs to the state. Forest communities are recognised as owners of their immediate village lands but not of wider customary territories.

'The big problem for us is the government titles. Here, the state title is inadequate because our territory is very much bigger than the title. We fish, hunt and gather much further than the title because the animals live far beyond this boundary, so this line has little meaning for us.' – Achuar leader, Huitoyacu river, Loreto region.

Although indigenous peoples have gained some legal recognition of their collective land rights, national indigenous organisation AIDESEP (Asociación Interétnica de Desarrollo de la Selva Peruana – Interethnic Development Association of the Peruvian Rainforest) has established that approximately 20 million hectares of customary indigenous territories in the Peruvian Amazon remain unrecognised. Hundreds of communities lack land title or official recognition. Formal registration of landownership is possible only through a slow and bureaucratic process, which government officials and other vested interests may deliberately block. The state favours individual titling and land claims based on acts of deforestation, whereas indigenous communities practise collective landownership and retain forests intact.

‘There is a logging concession that goes from the mouth of the Tigre stream to the Nahuapa watershed and which overlaps various communities who for this reason have not secured their land title. Some have been titled [by the regional authority] but with reduced boundaries so that they share a boundary with the concession. In other words, they not only cut timber but also cut the territory of our communities.’ – Alfonso López, ACODECOSPAT.

Peru’s forestry law prohibits overlaps of forestry and conservation concessions with community land titles, but this is no safeguard for community lands that lack formal recognition. Failure to provide secure legal title for indigenous peoples’ lands has encouraged violent land conflict, especially in high-deforestation areas, where indigenous leaders opposing land grabs have been killed by thugs working for land ‘smugglers’ (*traficantes de tierras*).

‘We indigenous leaders find ourselves defenceless and faced with repeated death threats from groups of land traffickers, organised mafia and corporate entities opposed to the recognition and titling of our communities.’ – Declaration by FERISHAM, April 2014.

Processes of land concentration are taking place, with larger commercial farmers paying smallholders to clear land and register the property and then pressuring them to sell up for miserly prices, often

with threats and violence. By contrast, communities that conserve the forest cannot gain property rights and face legal intimidation, such as when in 2010 members of the Nuevo Lamas community in northern Peru were charged with ‘illegally’ practising low-impact agriculture within a conservation area, or more recently when forest villagers in San Martín were told by officials that they could not improve an access route because this would involve cutting trees in a protected area.

Peru has ratified ILO Convention No. 169 and numerous other international human rights treaties, including the American Convention on Human Rights. Its obligation under international law is to consult with potentially affected indigenous peoples and obtain their free, prior and informed consent ahead of agreeing or implementing large-scale developments. However, principles of FPIC are rarely if ever followed in Peru. Consultation generally occurs only after the government has given companies the go-ahead, leaving communities unable to influence outcomes on their lands and territories.

‘There are people in the government who do not wish to conduct consultations but want only to continue pumping oil.’ – Aurelio Chino Dagua, FEDIQUEP.

Indigenous organisations have been highly critical of a new Peruvian law that purports to safeguard their rights yet fails to uphold the right to FPIC. They have called for amendments to bring the law into line with international standards. Meanwhile implementation remains on hold awaiting completion of a controversial official database of indigenous peoples.

‘The law does not capture the spirit of ILO Convention 169 nor of the UN Declaration on the Rights of Indigenous Peoples. If it is implemented as it is, then it will negatively affect our communities.’ – Ruth Buendía Mestoquiari, Asháninka leader.

FOREST PEOPLES’ EXPERIENCE

‘All of this space is the territory of the Achuar. From these lands, forests and waters we obtain the food we need to live and the materials we

need to construct, weave and make our houses, products and crafts. In the remote areas the animals that we hunt live and grow. We depend on them and respect their spaces. We get every kind of forest resource that allows us to feed our children and grandchildren. From the waters we get fish to eat and with the crystal clear water from the springs and waterfalls we wash and clean ourselves. Here is where our ancestors lived and relied on the same resources and the same land. They looked after it and they left it for us as a reserve which we use today. Because of this we can live, and because of this we have life.' – Achuar leader, Huitoyacu river, Loreto region.

Indigenous and forest peoples are largely self-reliant, deriving their livelihoods, culture and identity from the forests they inhabit. They have a historic and spiritual attachment to their collective spaces and fully understand the need to limit environmental impacts.

'A typical family clears at most 1 hectare each year, often less, for its subsistence needs. After this the area is left for four years to recuperate before it is cultivated again. Each family will have about 5 hectares of land under management, some with agricultural produce and other areas regenerating. We don't use primary forest, only secondary areas where our great-grandparents farmed, and our children will continue to cultivate the same areas.' – Alfonso López, ACODECOSPAT.

Today, resulting from large-scale extractive, agribusiness and infrastructure projects, forest communities' health and well-being suffer, even among those who are not evicted or displaced. Some communities cannot drink local water or fish because of river pollution. A 2006–7 study of Achuar children and young people in northern Peru found more than half with dangerous blood levels of lead and cadmium from oil industry contamination. Access to game animals and forest materials and medicines diminishes. Food security and the subsistence economy decline, increasing dependence on store-bought foods and the cash economy, and sometimes causing communities to fell and sell timber to get the cash they need.

'The river Puquiri was a place where we used to fish, but it's no longer a river – it's mud due to

all the tailings and sediment. There were four streams in the community where we used to fish. Now the miners work there, and there are no fish any more. It's all mud.' – Indigenous leader, Madre de Dios.

Communities face intimidation, criminalisation and violence when they oppose deforestation. A recent law allows the police and military to use weapons to control social protests, such as by indigenous communities seeking to defend their territory. In 2013 an indigenous leader was killed by coca growers who entered communal territory, and in 2014 the headman of Santa Rosa village in San Martín was murdered while working to secure the titling of community lands. Countless others have received death threats after speaking out against illegal logging.

'Political elites in our countries help companies grab huge areas of forest land without consulting forest peoples. The same elites control the legal system and the police and use these to threaten our communities.' – Workshop delegate Robert Guimaraes Vásquez, FECONAU.

ALTERNATIVE APPROACHES AND PROPOSED SOLUTIONS

The successful efforts of indigenous peoples to protect their lands contribute to the growing body of evidence that indigenous territories constitute an effective barrier to deforestation in the Amazon. Satellite data confirms that deforestation is very low and temporary in the vast majority of titled indigenous lands, while Peru's remaining intact forests lie principally in indigenous peoples' traditional territories, in addition to protected areas set aside by the state.

To consolidate and support these efforts Peru's indigenous peoples seek the full and effective demarcation and legal recognition of their lands and territories. AIDSEP has prepared a comprehensive overview of the status of pending land applications, including more than 800 instances of applications for legal recognition of communities (a process prior to delimitation of land title), land titles and extensions, multiple overlaps between communities

THE ACHUAR: DETERMINED TO KEEP THE OIL INDUSTRY OUT OF THEIR FOREST TERRITORY*

The Achuar people of the Pastaza river basin are determined to keep the oil industry off their forest lands on both sides of the border between Peru and Ecuador. Historically the Achuar lived in family groups from hunting, fishing, gathering and the plants grown in their gardens. Over the last two generations they have established settlements, but they maintain their traditional land use activities across a highly diverse forest territory. In Peru, the Achuar (about 8,000 people) occupy an area of about 10,000 square kilometres (1 million hectares) in the watersheds of the Huitoyacu, Huasaga, Manchari and Pastaza rivers. They still lack legal security for this territory because the state has recognised only part of it in the form of localised titled native communities and does not recognise community ownership rights over their forest land.

During the last 15 years the Achuar of the Pastaza have had to defend their territory against the incursion of various oil companies in an oil concession (Lot or Block 64) that overlays their lands. Their strong resistance, with the support of partner organisations, has forced foreign companies including Arco, Burlington, Occidental Petroleum and Talisman to withdraw from the concession. However, now Lot 64 is under the control of Petroperu, the state oil company, which aims to initiate exploration against the Achuar's will.

The Achuar have not been consulted and have not consented to resource extraction on their territory. They fear that if the company starts to extract oil this will destroy both the forest and their livelihoods, as has occurred in other parts of northern Peru over the course of 40 years of oil extraction. On hearing that Petroperu plans to enter their territory, Achuar men, women and children from more than 20 communities launched a protest against oil exploitation.

* Sources: FENAP; Rainforest Foundation Norway; Amazon Watch, 'The Achuar of Peru', <http://amazonwatch.org/work/achuar>; Earth First!, 'Indigenous Peruvians protest state oil company taking over their land', <http://earthfirst.org.uk/actionreports/content/indigenous-peruvians-protest-state-oil-company-taking-over-their-land>. The Achuar of the Pastaza are organised in the Federation of the Achuar Nationality of Peru (FENAP) and their bases, ATI, ORACH and AIM.

and commercial concessions and protected areas that need resolving, and proposals for recognition of traditional lands as part of an integrated territory.

AIDSESP's current eight-point plan to 'stop the destruction of the Amazon ... aggravated by colonisation, monoculture plantations, biofuels, oil spills, pollution from mines and coca production and major dams and roads' also includes state support for community forest management and community alternatives to deforestation; reform of flawed forestry and consultation laws to align them with international obligations; and indigenous peoples' participation in strategic cross-sectoral evaluations of public policies affecting the forest.

Indigenous peoples demand respect for their way of life, customary law, environmental knowledge and right to collective FPIC over projects that affect them, which includes the right sometimes to say no to imposed proposals. They seek compensation and a share of revenues locally generated by the oil sector; stricter environmental standards; a halt to large-scale concessions on indigenous and protected lands; social investment in rural and indigenous communities; repeal of the law that allows the use of arms to control protests; and inclusion of indigenous teams in the design of conservation projects. Externally, they demand governments of home countries of multinational companies to do more to regulate businesses' actions abroad, and international



■ Oil palm expansion is a growing threat to forests and the lands of indigenous peoples and forest communities in Peru. This Google Earth image taken in September 2013 shows illegal deforestation for an oil palm plantation near Tamshiyacu, Loreto region.

financial institutions to meet the environmental and human rights standards they have signed up to.

Despite state repression and intimidation, evidence in Peru demonstrates that, with strong community institutions, legal support and sustained social mobilisation, forest peoples can be highly effective in preventing destructive developments. In 2010, for example, the Asháninka people of the Ene river valley successfully secured a legal injunction against dam building on their territories as the proposed development threatened community forests and had failed to ensure adequate safeguards and prior consultation.

The Achuar experience in the Upper Amazon shows that solidarity across forest communities and joint campaigns with international allies can be effective in expelling companies and investors who fail to respect community rights (see box).

Peru's ambitious target of zero net deforestation by 2020 will require forest tenure and governance reforms to strengthen legal recognition and support for community forest territories, well-resourced decentralised administration, effective environmental monitoring, strong enforcement of forest protection laws and anti-corruption measures, and an oversight role in forest governance for forest peoples themselves.

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DIALOGUES

The workshop organisers invited several governmental, intergovernmental and non-governmental organisations to make presentations that would inform and enrich discussions. Workshop sessions took place in conjunction with (in agenda order): the Indonesia Independent Forestry Monitoring Network (JPIK), FERN (Forests and the European Union Resource Network), the Bank Information Centre (BIC), RECOFTC (Center for People and Forests), the Indonesian Government's Environment Ministry, the Center for International Forestry Research (CIFOR), the UK Government's Department for International Development (DFID) and the UN-REDD Programme. In place of a planned presentation by Greenpeace, Forest Peoples Programme led a discussion on the role of private sector initiatives. All these sessions are summarised here.

ILLEGALITY AND CORRUPTION IN THE INDONESIAN TIMBER SECTOR – INDONESIA INDEPENDENT FORESTRY MONITORING NETWORK (JPIK)

PRESENTATION

JPIK is a network of more than 60 NGOs and 300 individuals in Indonesia working to end illegal logging, timber trafficking and associated corruption and violence. Among those implicated in illegal logging and timber smuggling are Indonesia's President, government ministries and officials, the military and police, political parties, elite families, logging companies, and international and national criminal networks. Illegally obtained permits, illicit timber harvesting and trading, especially for sale on international markets, and evasion of tax payments generate high profits for those criminally involved.

Indonesia has passed anti-corruption laws and established systems and mechanisms to regulate and control logging since 1999. These have led to some reduction in illegal activity from earlier rampant levels. However, the country's legal and judicial systems are still failing to prevent criminality, hold

wrong-doers to account or protect whistle-blowers. JPIK has exposed several people involved in the illegal timber trade. One was a low ranking police officer who had the equivalent of US\$127 million in his bank account and diverse business interests. On conviction, he received a light prison sentence and a low fine, and he has since resumed his police job.

JPIK coordinates with government anti-corruption agencies, with other civil society networks and with the media to raise public awareness. It believes that Indonesia needs comprehensive legal and judicial reform to stamp out illegal logging. It takes security measures to protect its staff and their families from surveillance and intimidation.

DISCUSSION

The importance of sharing information and experiences between countries facing similar crime and corruption problems was highlighted. Political patronage networks protect those involved, and government bodies and officials provide illegal permits. People confronting them need courage. JPIK works closely with local communities as the people most harmed by corruption. It plans to extend its remit beyond the timber sector to mining and oil

palm. NGOs should encourage communities to see through the promises that some companies make of material improvements while taking away their customary lands. Citizens must continue to demand better governance if the situation in Indonesia is to improve.

REDUCING THE ROLE OF THE EUROPEAN UNION IN DRIVING DEFORESTATION – FERN (FORESTS AND THE EUROPEAN UNION RESOURCE NETWORK)

PRESENTATION

FERN is an NGO that tracks the European Union's involvement in forests and coordinates NGO activities at European level. The EU is the global trading bloc with by far the greatest impact on deforestation worldwide. It consumes 10% of all the world's products that embody deforestation, including 36% of the deforestation embedded in livestock and in crops such as soybean from South America, cocoa from West Africa and palm oil from Indonesia. Between 1990 and 2008 the EU was responsible for 9 million hectares of deforestation abroad, compared with China and Japan's 4.5 million hectares and the USA's 1.9 million hectares.

Voluntary company commitments, certification schemes, REDD+ and biodiversity offsetting are false solutions or insufficient to address the problem. The EU has committed to develop an action plan on deforestation. This should focus on binding supply- and demand-side measures, recognise planetary boundaries and strengthen community control over forests. EU demand reduction requires more resource efficiency, less food waste, the removal of agricultural subsidies and of targets and subsidies for food-crop-based transport biofuels (a major driver of palm oil and soy imports), reform of policies on biomass use (a major driver of wood pellet production and imports), improved greenhouse gas calculation methodologies, and tariff and public procurement reform.

The EU needs to ensure that FLEGT instruments deny market access to illegal conversion timber, strengthen implementation of the Timber Regulation

and ensure that legality assurance schemes under VPAs are clear on conversion. EU regulation of forest-endangering commodities requires a risk-based approach focused on legality, particularly land tenure, with responsibility clearly placed on operators, and complementary supply-side measures. Bilateral and regional trade and investment agreements should address threats to forests through support for sustainable development investment, domestic regulation and compliance with Committee on World Food Security guidelines.

DISCUSSION

Delegates agreed on the need for greater clarity in defining legality and sustainability of timber and deforestation-embodied commodities, including the importance of land rights, and strengthening appreciation of this at EU level. Better collaboration between the EU and supplier countries is required, to accelerate EU consumer countries' reduction of their impacts on forests abroad. Community-focused case studies can usefully be fed into the EU's review of the Timber Regulation. There is leverage in making business clear about its legal obligations and in fully enforcing such liabilities.

THE WORLD BANK, FOREST PEOPLES AND DEFORESTATION – BANK INFORMATION CENTER (BIC)

PRESENTATION

BIC is an NGO that monitors the policies of international and regional financial institutions such as the World Bank. The World Bank is the largest source of multilateral finance for forests in developing countries. It has completed 331 forestry sector projects and has 106 current such projects plus 22 more in preparation, as well as forest-related elements in other projects. Annual World Bank investments in the forest sector have increased from about US\$100 million in 2002 to more than \$500 million in 2013. The largest commitments are in Latin America, with substantial investments also in Africa, South and East Asia, and Europe.

Many Bank projects are categorised under climate change, biodiversity, or environmental policies and institutions. Most of the 22 projects in preparation are small. Seven are FCPF or FIP components. Other Bank initiatives include PROFOR (Program on Forests), the Biocarbon Fund and WAVES (Wealth Accounting and the Valuation of Ecosystem Services). The Bank's 2014 forestry strategy focuses on poverty reduction, sustainable economic development and protection of local and global environmental services and values.

A 2013 Independent Evaluation Group (IEG) assessment of the Bank's forest sector work recommended more meaningful community participation, a review of the outcomes of its support for industrial tropical timber concession reform, use of sustainable forest management outcome indicators, targeting of the International Finance Corporation's (IFC) investments and Multilateral Investment Guarantee Agency (MIGA) support to generate greater demand for sustainable forest products, and alignment of Bank, IFC and MIGA forest support. Bank management agreed with most recommendations but refused to review impacts of its engagement in timber concessions. It drafted a Forests and Trees in Sustainable Landscapes action plan for 2014-16 'to tackle development challenges ... in a way that is better integrated with the overall landscape'.

The Bank's finance for REDD+ is channelled via the FCPF (about US\$300 million for REDD+ Readiness in 42 countries and \$400 million for piloting performance-based payments for REDD+) and FIP (about \$600 million for eight pilot countries, including a grant mechanism for indigenous peoples). In Indonesia the forestry portfolio includes structural adjustment loans for oil palm, regional development, urban renewal and biodiversity conservation. Direct investment loans still have the largest share, while Bank-administered trust funds like FIP and GEF are intended to have transformative, innovative effects on forest governance. Non-forest-focused Bank-supported projects in Indonesia such as mining exploration and coal extraction involve significant deforestation.

Civil society and indigenous peoples' demands around rights, governance and land tenure are

now part of the REDD debate. Advances have been achieved in UNFCCC safeguards and in rules for FIP, FCPF and UN-REDD, including progressive FCPF transparency and disclosure requirements, guidelines on stakeholder engagement, national-level grievance mechanisms, and requirements for participatory strategic environmental and social assessments (SESAs). To help implement gains at national level there are civil society and indigenous peoples' networks, a growing body of analysis, training materials and participatory tools, and civil society and indigenous observers to exert pressure at FCPF, UN-REDD and FIP.

DISCUSSION

South American delegates expressed dissatisfaction with FIP in relation to communities' FPIC and indigenous peoples' land rights, and a view that the Bank does not have a settled concept of SESA. Similar concerns were voiced by delegates from Indonesia, where the Bank's programme does not permit much community participation. There was general scepticism about whether the Bank can contribute to improving national-level forest governance.

DEFORESTATION, COMMUNITY RIGHTS AND GRASSROOTS ALTERNATIVES IN SOUTH-EAST ASIA – RECOFTC (CENTER FOR PEOPLE AND FORESTS)

PRESENTATION

RECOFTC is a regional capacity-building organisation with a vision of local communities actively managing forests in Asia and the Pacific to ensure optimal social, economic and environmental benefits. Asia and the Pacific contain 740 million hectares of forest, 18% of the world's total, and 450 million people who rely on forests for their livelihoods. Annual deforestation rates are high in most of South-east Asia (absolute highest forest loss in Indonesia; relative highest in Cambodia), while Vietnam and China show a positive trend of reforestation.

Community forestry benefits forests and people by improving livelihoods, reducing deforestation, enhancing forest quality and strengthening governance. It puts people at the centre and, when community rights are established, exercised and protected, can make sustainable forest management a reality. Comparison between community and state forestry in Cambodia shows that community forests have less damage, greater biomass and better protection. In Vietnam community forestry has helped reduce illegal logging to zero and achieve forest enrichment planting, establishment of new forest plantations and improvements in water supply. Community forestry can help alleviate poverty when it includes secure tenure rights in forest areas that can provide income, rather than in degraded lands where income earning is limited, and where regulations ensure that communities can make a living from their forests.

DISCUSSION

It was noted that direct drivers of Cambodia's rapid deforestation include logging, infrastructure development, land conversion and commercial concessions for oil palm, rubber and other commodities. RECOFTC introduced capacity-building activities in Cambodia aimed at supporting the identification, development and formalisation of community forestry, mainly to secure the rights of the local people. This work in Cambodia has helped change attitudes, improve knowledge, enhance skills and influence policy-making.

Some delegates saw in RECOFTC's approach the kind of sustainable community forest management that they advocate, and agreed that poverty alleviation is enhanced when people are empowered. Others asked about potential conflicts between governments and communities regarding how community forestry is implemented. Community forestry as practised by governments may fail to acknowledge that forest lands belonged to local and indigenous communities before the state began to issue concessions. Therefore genuine community forestry may be more a matter of asserting rights and practising customary livelihoods than of governments implementing new programmes.

'In my village there is a REDD demonstration funded by Australia. Also in my village there is an oil palm estate on a large concession given by the government. So there is a tug of war of interests. Oil palm is going to destroy our communities' lands, but at the same time REDD asks us to restore degraded lands. The project in my village has no sustainability from our point of view. These projects are pushing us up against the wall and giving us less and less space. The government has issued a decree designating a protected area overlapping customary lands. So in Indonesia there is still no recognition of community forestry. These regulations prohibit us from entering our own forests. We want our forest to be under our own jurisdiction, to belong to us, as it has been handed down from generation to generation. Indigenous peoples need to be able to fully occupy their lands and be free of colonisation.' – *Indonesian workshop delegate.*

A concluding view was that there appear to be deep contradictions in state forest policies. Governments claim to want to protect forests, such as under REDD, but they hand out large commercial concessions for activities that result in deforestation. Communities are squeezed between the two approaches, and when they put forward solutions governments often ignore them.

CUSTOMARY LAW COMMUNITIES AND FORESTS – GOVERNMENT OF INDONESIA

PRESENTATION

Panel speakers from the Government of Indonesia's Ministry of the Environment – members of the Community Empowerment Unit in the MoE – spoke about the importance that the government attaches to the existence of customary law communities and the sustainability of the country's forests. The Community Empowerment Unit works on recognition of indigenous peoples. District-level administrations, with training from the ministry, are making an inventory of indigenous peoples and customary communities, including details of the different ethno-linguistic groups, the land areas they occupy and use, and their history, traditional

knowledge and customary laws and institutions. The aim is to create an online database that communities will endorse, which the government hopes will help avoid conflicts by allowing verification of overlapping land claims.

A number of customary communities have obtained official legal recognition at different government levels. However, there is a lack of data and of clarity about the recognition process. Division of authority between government levels complicates matters, because each region has its own legislation. Yet the government is clear that communities' traditional environmental knowledge needs to be protected for future generations and as a source of prosperity.

DISCUSSION

Delegates asked how this progressive approach from the government could be scaled up and implemented more widely to help communities facing negative impacts of oil palm and other commercial activities. It was noted that the government seems to have two conflicting approaches: one supporting communities, the other harming them. It was observed that the progress reported by the government was mainly a response to the work of the Aliansi Masyarakat Adat Nusantara (AMAN – Indigenous Peoples' Alliance of the Archipelago). How was the ministry addressing the threat to communities from new concessions, including the flawed implementation of environmental impact assessments (EIAs) without community participation or consent? What was the ministry doing to secure indigenous peoples' rights?

Questions were also raised about how the ministry sanctions companies that violate forests or human rights, and about the accountability of the Ministry of Forests for preventing such abuses. Would district administrations endorse community land use maps created at village level, and if so what would the procedure be?

The officials responded that the law clearly requires communities to be involved in EIA processes. One difficulty was that the Ministry of Environment has to work with other ministries, and there is at times a lack of coordination, or in some cases ministries do not comply with the law. There are also problems of

overlapping permits and of certain companies not taking a responsible approach to the environment.

Delegates from eastern Indonesia observed that communities there find it hard to get the government's attention. They asked about the treatment of communities in Merauke, Papua, affected by the Merauke Integrated Food and Energy Estate (MIFEE) project, which many Indonesian delegates considered should be closed down.

'Laws are fine, but in 1972 the government committed genocide in Merauke against its own people. There is land grabbing in 16 different locations. We were scared off by bulldozers, and next the military came to shoot us, saying we are separatists. Who is the law for and who does it favour? Our forests have been expropriated by force, and 12 villages in Merauke are now starving due to company and government actions, yet these communities are still required to pay taxes. The government and parliament must involve us in developing laws favourable to indigenous peoples so that we can preserve what is left of our lives.' – *Workshop delegate from Papua.*

There was criticism that government policies, not communities, are responsible for the forest fires in Riau, Sumatra. The ministry needed to create an inventory of peatlands and to stop land grabbers' illegal deep planting on peatland. Too many laws had been developed and implemented without involving local people, who suffer most when the law is broken.

The officials replied that the government plans to set up regional assistance centres where lawyers will work with indigenous communities to resolve land, forest and resource conflicts. The government is aware of issues in Papua and taking measures to improve its administration. Sometimes the Ministry of Environment cannot influence other government departments or how companies operate, and central government cannot always influence the provinces.

Closing observations from delegates included that communities lack access to the courts as a source of remedy, and that favourable court decisions are often not implemented. There is a need to stop the trade in commodities responsible for deforestation

and an equal need for transparency and improved government coordination and law enforcement. Internationally human rights have to become more central to the debate about tackling climate change.

The chair of the session warmly thanked the government officials for engaging in this robust discussion, noting that many of the challenges raised by participants were indeed also the responsibility of other levels of government and line ministries.

DEFORESTATION, LAND TENURE AND COMMUNITY RIGHTS – CENTER FOR INTERNATIONAL FORESTRY RESEARCH (CIFOR)

PRESENTATION

CIFOR is a non-profit, scientific facility that researches on challenges of forest and landscapes management around the world. As tropical forest countries develop policies and initiatives to reduce carbon emissions from deforestation and forest degradation (REDD+), CIFOR and partner organisations have been monitoring and evaluating countries' implementation of REDD+ in terms of the goals of equity, carbon effectiveness and cost efficiency. Focus countries are Brazil, Peru, Cameroon, Tanzania, Indonesia and Vietnam.

Pressure on forest communities' rights, tenure and livelihoods is increasing as a result of economic and population growth, expansion of commercial concessions, infrastructure development, rising consumer demand for commodities, state appropriation of forest lands, and patterns of discrimination and internal colonisation. At the same time, recent decades have witnessed a partial restoration of rights resulting from the failure of centralised state ownership and control of forests, decentralisation, reduced timber rents, human rights and solidarity advocacy and campaigns, democratisation, and political space for collective action. However, vast areas of forest are under state control; there is contestation between statutory and customary tenure claims; external claims on lands and resources are growing; and local peoples' rights and tenure are insecure.

REDD+ initiatives should address tenure because it is such a contested area, also for ethical and human rights reasons, for compliance reasons and because REDD+ requires clarity and security. Initiatives should clarify rights and responsibilities and protect community tenure and livelihoods. CIFOR's research on tenure focuses on the viewpoint of villagers, the actions that REDD+ proponents have taken, and national factors affecting tenure security and how these are addressed. Many villages experience tenure insecurity over at least some of their lands and have external users of their lands, despite this sometimes breaching customary rules or statutory law; some have unsuccessfully attempted to exclude external users; and there can be a lack of village compliance with customary rules. Capability to address tenure issues is strong in Brazil and Vietnam, moderate in Cameroon and Tanzania, and weak if changing in Indonesia.

External claims on local forests and communities' lack of rights or capacity to exclude outsiders are a fundamental problem with too little government support to address it. For REDD to be effective it needs to generate significant economic benefits for all stakeholders without exacerbating land conflicts. CIFOR's recommendations are to clarify REDD+ policy at international level and to address tenure at national level by improving national consultations, resolving statutory and customary claims, incorporating participatory mapping, enforcing pro-poor laws, clarifying forest carbon ownership, integrating national and local efforts and ensuring that grievance mechanisms are in place to resolve land rights conflicts.

DISCUSSION

Questions and discussion centred on the relation between ethical, legal and instrumental considerations, the next steps in CIFOR's research and how local land titling might be addressed at national level through REDD. CIFOR believes that most REDD proponents are motivated by ethical considerations. By publicising its research it has engaged actors such as USAID and Norad, and the 2014 Conference of the Parties of the UNFCCC being held in Lima will be a good opportunity to focus attention on social safeguards.

UK INITIATIVES ON DEFORESTATION, TENURE AND GOVERNANCE – UK DEPARTMENT FOR INTERNATIONAL DEVELOPMENT

PRESENTATION

The DRC, Indonesia and Peru are among the world's 10 countries with the largest forest area (countries with most trees are Russia, Brazil and Canada). Deforestation is most rapid in Central and South America, West Africa and South-east Asia. The UK Department for International Development (DFID) considers the main direct drivers of deforestation and forest degradation to be commercial agriculture in most developing countries, timber extraction in Latin America and (sub)tropical Asia and fuel wood collection and charcoal production in Africa. Pressures on forests are expected to intensify with rising populations, commodity-export-based economic growth and high global consumption of food, biofuels, wood products and minerals.

In Indonesia deforestation is driven by forest clearance for oil palm and pulpwood plantations, smallholder agriculture, corruption, weak governance and unresolved land and forest designation issues. Positive factors in Indonesia include the big four companies' (GAR, APP, Wilmar, APRIL) zero-deforestation policies, the 'one map' initiative, agreement to fight forest crime, constitutional rulings recognising indigenous peoples' land rights, the national REDD+ agency, the FLEGT VPA with the EU, and implementation of the timber legality assurances scheme.

DFID is a major supporter of FLEGT and recognises that stopping deforestation is a cost-effective way to tackle climate change. DFID's programmes include Forest Governance Markets and Climate (supporting NGOs working on forest issues), the World Bank Forest Investment Programme, research with CIFOR and ICRAF, and bilateral programmes in Asia. Activities in Indonesia include the Multi-Stakeholder Forestry Programme, work on spatial planning and low-carbon growth in Papua and collaborations with the Asia Foundation, World Resources Institute, Agence Française de Développement and International Climate Change Trust Fund.

Future forest sector challenges include scaling up initiatives for greater impact; extending from timber to palm oil, rubber, livestock and soya; reforming justice systems; improving conflict resolution; strengthening and using evidence that communities manage forests better than governments and big business do; and persuading governments and businesses to change, not least proving the benefits of tackling corruption and conflict.

DISCUSSION

In response to a question about the World Bank's approach to indigenous peoples' rights, civil society was invited to alert DFID to concerns, to help inform DFID's influencing of the Bank's review of its safeguard policies. Issues were raised about how DFID could influence bilateral agreements, concerns about REDD in Indonesia, and the UK Government's balance of priorities between human rights and biodiversity conservation. DFID welcomes dialogue with civil society about its future work, including advocacy letters from NGOs, and is aware of concerns regarding World Bank lending to Indonesia.

Delegates mentioned the need to make land tenure rights central to work in timber and other sectors and to raise issues of international human rights in the context of bilateral aid programmes, as well as difficulties in Indonesia of achieving implementation of favourable court decisions on land rights. For DFID there are prospects of including tenure in forest legality standards. As one government to another DFID cannot formally intervene in internal legal issues in aid recipient countries or preach about international law, which the EU does not always comply very well with itself. But DFID uses its influence where possible, will support NGOs that voice relevant concerns and can help bring about change in international markets, as has been achieved with timber.

Delegates noted that while support for civil society efforts to promote land rights and accountability is necessary and welcome, governments and donors like DFID also have a role and obligation to promote human rights more broadly and directly. Donor governments and agencies need to ensure that their projects and bilateral agreements uphold human

rights. Several delegates stressed that arguments by the governments of some forest nations that human rights somehow infringe state sovereignty do not stand up, since most countries have ratified at least some human rights treaties. In this regard, these forest nations have already agreed to abide by human rights standards, and so requiring this in forest programmes cannot be seen as an imposition. It is simply about upholding commitments and fulfilling obligations already made by nation states.

UN-REDD PROGRAMME AND STAKEHOLDER ENGAGEMENT – UN-REDD PROGRAMME

PRESENTATION

The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme), established in 2008 by the FAO, UNDP and UNEP, aims to help countries develop necessary capacities and institutions to implement REDD+ at the national level (Phase 1: REDD+ Readiness); field-test practical measures and strategies (Phase 2: Demonstration and Piloting of Policies and Measures); and develop a national performance-based system of resource distribution (Phase 3: Implementation of REDD+). The Programme supports countries in the areas of measurement, reporting and verification (MRV) and monitoring systems; REDD+ governance; transparent, equitable and accountable management of REDD+ payments; stakeholder engagement; multiple benefits of forests; and catalysing the green economy.

The UN-REDD Programme is committed to a rights-based approach and to supporting states in meeting their commitments under the UNDRIP. Indigenous peoples are often the most marginalised groups and require special attention. The UNFCCC Cancun Agreement (COP 16, 2010) requires full and effective participation of indigenous peoples and local communities. A large proportion of the world's remaining forests are on communities' ancestral and customary lands; millions of such people depend on forests for their livelihoods; and they can make a key contribution with their traditional knowledge and special relationship with forests. Key priorities for the

Programme's stakeholder engagement are to support and build indigenous peoples' and communities' capacity to participate in REDD+ Readiness activities; to support countries in determining whether and how to apply FPIC during REDD+ implementation; and to develop in-country grievance mechanisms related to REDD+.

The Programme has developed joint UN-REDD Programme/FCPF guidelines for stakeholder engagement, FPIC and grievances, and worked on building participatory platforms while providing support and guidance to countries in FPIC and grievance mechanisms. The Programme has helped change the dynamics of REDD+ by bringing indigenous peoples and civil society to the table, opening space for dialogue on issues such as rights and tenure, and helping make governments more accountable. Effective participation by communities and civil society requires investment of time and money, including stakeholder engagement before formal national processes begin. REDD implementation should reflect the needs of each country. Appropriate technical support, clarity on participation, consultation and consent, and better dissemination of good practice will help ensure that national REDD strategies are beneficial to all.

DISCUSSION

Delegates mentioned problems with REDD+ implementation in Guyana, where they considered that community consultations were flawed, indigenous peoples' consent had not always been genuinely sought, and there was a lack of clarity about grievance procedures. The risk of potential disagreements between the REDD+ developers and forest communities regarding the nature of land tenure and the value of forest use was raised, along with the possibility that communities may oppose REDD+ projects on their lands or territories.

'Do the safeguards applied by the UN-REDD Programme secure the existence of communities' rights, or is it going to force communities off their lands? I have not seen that the safeguards applied in line with these projects can guarantee the continuity of the community and their day-to-day life. The principles of FPIC are more than just

a formality. It is not simply about engaging communities and going ahead with the process.’ – Workshop delegate.

Concerns were raised regarding how far REDD+ implementation enables community participation, and about the risk of social conflict. It was observed that, although REDD+ documents emphasise community rights, when tensions arise international agencies have allowed governments’ more restricted interpretation of rights to prevail over community perspectives. Could indigenous peoples’ and forest communities’ environmental expertise and ability to coexist sustainably with the forest be taken more into account?

‘Existing intact forests are customary forests that indigenous peoples have fought for. All around us there are concessions. There is no intact forest except for community forests. REDD+ should not be rewarding companies. If REDD+ uses companies, they are going to grab community land again. This will lead to conflict. If there is any compensation it should go to communities. Will REDD+ come to indigenous and forest communities to learn?’ – Workshop delegate from Katingan, Central Kalimantan.

In response, it was clarified that the UN-REDD Programme is assisting countries to develop and subsequently implement a national REDD+ strategy or action (national approach) and not projects. It was pointed out that on one occasion when a community in Central Sulawesi, a pilot province for demonstration activities under the Programme in Indonesia, opposed a proposed consultation on REDD+ as part of its FPIC pilot, the decision was respected and no further consultation took place. Considerable learning is also going on among the Programme’s partner countries, for example, to better understand land tenure issues at country level. Regarding grievance mechanisms, the Programme undertook a scoping mission in Cambodia, where there is a need to strengthen institutional arrangements between the national and subnational levels. It was agreed that the Programme can learn more from communities, incorporate relevant lessons into national REDD+ strategies and apply this learning globally.

PRIVATE SECTOR INITIATIVES – FOREST PEOPLES PROGRAMME

PRESENTATION

Forest governance has failed. Global intergovernmental institutions, such as the International Tropical Timber Organisation, Convention on Biological Diversity, Intergovernmental Panel on Forests, Intergovernmental Forum on Forests and UN Forum on Forests, have not effectively addressed deforestation or secured forest peoples’ rights. Private sector initiatives are a response to community and civil society advocacy and consumer pressure. They include the Forest Stewardship Council, RSPO, Palm Oil Innovation Group, Tropical Forest Alliance and adoption of forest conservation, zero deforestation and no exploitation policies, and high carbon stock (HCS) / high conservation value (HCV) approaches, by companies such as GAR, Wilmar, Nestlé, Unilever, APP and APRIL.

On paper, some private sector standards on land acquisition and customary rights are impressive, but they have not stopped forests being destroyed or community land being grabbed. FPIC is not properly implemented. RSPO members continue to be complicit in land grabs. Accountability and enforcement need to be far stronger. Few current private sector approaches include independent verification or complaint procedures, and none provide restitution for past violations.

Private sector initiatives should recognise the evidence that traditional rotational farming is a form of sustainable forest use that prevents deforestation and sequesters carbon and therefore allow forest communities to maintain their livelihoods. Where communities have opposed oil palm, this has kept the forest intact. In West Kalimantan, GAR has made a public commitment to set aside HCV lands and return these to local Dayak communities to manage. If this happens, it could be one of the first examples of FPIC working in practice.

DISCUSSION

Noting the importance of independent review and continuous monitoring to help ensure that companies meet their commitments, it was proposed that indigenous and forest communities and NGOs become active monitors of how companies operate. This could extend to monitoring banks to see if the companies they finance violate rights. Creation of forest monitoring forums can also influence national and international policy.

Some delegates observed that governments and companies work closely together but exclude communities, undermining indigenous peoples' forest management structures. RSPO agreements are not implemented on the ground. Government policies are violated. Where such problems occur, how can forest peoples work together to influence practice and to ensure that their local environmental wisdom prevails?

'There is a political conspiracy between the government and companies that is difficult to penetrate with community rights. The Indonesian government and the companies want the people of Merauke to die. This forum can take a stance to save the people of Papua, because we are on the threshold of destruction.' – *Workshop delegate from Papua.*

It was argued that governments routinely ignore their commitments on indigenous peoples' rights and on environmental management and hand out concessions corruptly. Community consent is neither prior nor informed and is sought only after concessions are agreed; this is 'manufactured consent'. However, most countries have environmental and social impact procedures that communities and civil society can influence, especially with better sharing of information about the companies involved and strengthening of local NGOs.

'In Kapuas a lot of forest destruction happened after regional autonomy when the role of local governments was more prominent and they invited companies to their regions. With regional autonomy the local governments invite as many investors as they can.' – *Workshop delegate.*

The potential for forest communities and social movements to work more closely with international environmental NGOs was emphasised. Large NGOs can provide support and solidarity to human rights defenders, and many are increasingly aware of the importance of social issues. Moving towards the UN Climate Summit in December 2014, where governments and the private sector are likely to claim that the private sector is looking after the planet well, communities and civil society cannot leave environmental issues to the private sector. Social and environmental organisations need to work in tandem.

CONCLUDING DISCUSSION

Following the dialogue sessions, delegates shared reflections. A 'devil's triangle' of corruption, discrimination and impunity was agreed to underlie the destruction of half the world's forests and the human rights abuses that forest peoples have experienced in the process. Carbon markets and set-asides have so far proved false solutions. Restitution and restoration of forest lands are the goal.

Strategies for change centre on strengthening forest peoples and solidarity organisations and networks; affirming rights to self-determination and non-discrimination; changing state laws and policies; exposing corruption and collusion; insisting that international financial institutions and UN agencies respect rights in practice; and halting trade in destructively produced goods. Several delegates emphasised the importance of rethinking national macro-economic and development policies. They pointed out a need to shift away from national policies promoting industrial monocultures and extractive investments towards national plans for more decentralised, community-driven models of development. Ongoing challenges include overcoming sovereignty arguments by establishing that international human rights treaties are binding obligations on states; engaging with markets without legitimising the concession model; and reshaping forest governance. There is a need to avoid fragmentation of efforts by continuing to bring together work on deforestation with progress on forest peoples' rights.

Crucially, forest nations should undertake forest governance and legal reforms to respect forest peoples' land rights and secure and protect community forests. Where progressive decisions and judgments have been made by national and international courts, practical and timely measures require support to implement these progressive rulings in favour of forest peoples' rights, such as in relation to Indonesia's Constitutional Court's 2013 decision on customary rights.

Delegates further explored strategies for change during the workshop's final strategy session and formulated recommendations to governments and national legislatures, consumer countries, international financial institutions, the private sector, and other civil society actors in the Palangka Raya Declaration on Deforestation and the Rights of Forest Peoples (see page 117).

SOURCES

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N. Hadad (Bank Information Center), 'World Bank forest portfolio and strategy', presentation, International Workshop on Deforestation and the Rights of Forest Peoples, Palangka Raya, Indonesia, March 2014.

A. Meridian (Indonesia Independent Forestry Monitoring Network – JPIK), 'Challenging illegality and corruption: lessons from Indonesia', presentation, International Workshop on Deforestation and the Rights of Forest Peoples, Palangka Raya, Indonesia, March 2014.

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THE PALANGKA RAYA DECLARATION ON DEFORESTATION AND THE RIGHTS OF FOREST PEOPLES

We, representatives of forest peoples, indigenous peoples, local communities, farmers, rubber tappers, rattan collectors, peatland dwellers, women, men and youth from Asia, Africa and Latin America, and supportive environmental, human rights and social non-governmental organisations, gathered in Palangka Raya in Central Kalimantan, Indonesia, make this call to the international community, our own governments and international organisations seeking to secure the global environment. We have met between 9th – 14th March 2014 to review and share our experiences and assess the progress being made locally, nationally and globally to curb deforestation and secure our rights and livelihoods.

Global efforts to curb deforestation are failing as forests are cleared faster than ever for agribusiness, timber and other land development schemes. We, forest peoples, are being pushed to the limits of our endurance just to survive. Checking deforestation requires respect for our basic rights, which are the rights of all peoples and all human beings. Deforestation is unleashed when our rights are not protected and our lands and forests are taken over by industrial interests without our consent. The evidence is compelling that when our peoples' rights are secured then deforestation can be halted and even reversed. We call for a change in policy to put rights and justice at the centre of deforestation efforts. The world cannot afford further delays.

We therefore urge governments, international agencies and the international community to:

- halt the production, trade and consumption of commodities derived from deforestation, land grabs and other violations of the rights of forest peoples
- stop the invasion of forest peoples' lands and forests by agribusiness, extractive industries, infrastructures, energy and green economy projects that deny our fundamental rights
- take immediate and concrete actions to uphold forest peoples' rights at all levels including the

right to land, territories and resources, the right to self-determined development and to continue to own, control and manage our lands according to our knowledge and livelihoods.

We will work in solidarity together to form a global grassroots accountability network to independently monitor, document, challenge and denounce forest destruction and associated violations of forest peoples' rights.

The situation facing us and the planet is dire. The global deforestation crisis continues and recent scientific reviews show that forest loss is even accelerating, especially in tropical forest countries. This destruction does not just imperil the planet through climate change, loss of biodiversity and loss of ecosystem functions, it undermines our daily lives, our cultures, our own livelihoods and economies and sets in jeopardy all our futures.

Global efforts promoted by agencies like the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation (UNREDD) and the World Bank to address deforestation through

market mechanisms are failing, not just because viable markets have not emerged, but because these efforts fail to take account of the multiple values of forests and, despite standards to the contrary, in practice are failing to respect our internationally recognised human rights. Contradictorily, many of these same agencies are promoting the take-over of our peoples' land and territories through their support for imposed development schemes, thereby further undermining national and global initiatives aimed at protecting forests.

IN INDONESIA, deforestation is accelerating despite government promises to reduce green house gas emissions, while the national laws on lands and forests fail to secure our peoples' rights and many rural communities are being rendered landless. Despite a moratorium on new concessions in forests, clearance for oil palm, timber estates, energy crops and mining is intensifying. Hard fought-for legal gains are not being followed up on by the executive.

IN MALAYSIA, the same process of deforestation also continues with much oil palm expansion in Sabah and Sarawak. Mines and hydropower in various States are taking over our forests and lands. Despite numerous high court rulings affirming our peoples' customary rights, State governments continue to deny our peoples' rights to our lands and forests.

IN THE DEMOCRATIC REPUBLIC OF CONGO, our rights as forest peoples to our lands are not secured in law. We look after these forests as our source of livelihoods and our legacy for our future generations, but find our government is leasing out these areas to foreign-owned logging and mining companies through unclear and collusive processes, and when we challenge these permits or seek to continue our livelihoods we suffer violence and abuse.

IN CAMEROON, logging, oil palm plantations and new infrastructure schemes are causing galloping deforestation, aided by colonial laws which deny our rights to our lands and forests and corrupt government officials who allocate our lands to other interests without regard for our welfare. Evictions are common and impoverishment results. Even protected areas set aside to compensate for forest loss restrict our livelihoods and deny our rights.

IN LIBERIA, we indigenous peoples, who make up the majority population in the interior, find that huge parts of our lands have been handed out by the government to loggers and Asian palm oil companies without consultation, let alone our consent. Deprived of livelihoods, our people find that, instead of our rights as citizens being affirmed by government, these same officials harass us when we protest these impositions.

IN GUYANA, despite a Memorandum of Understanding between our Government and the Kingdom of Norway to curb forest loss, deforestation is increasing with more logging and mining being permitted, even on our titled lands. The Amerindian Act fails to secure our rights over our territories, giving arbitrary power to the Minister to overrule our own authorities. When we present detailed alternative development plans for our lands and forests, these are ignored.

IN COLOMBIA, despite constitutional and legal protections of our rights, oil palm expansion on the Pacific coast has generated armed conflict and evictions of our peoples from their ancestral territories. Infrastructure developments, that are part of the IIRSA including those funded by the IDB, threaten the very cultural and physical survival of some thirty two indigenous peoples and many other rural communities. Most of our lands have been handed out as mining, oil and gas concessions without our consent.

IN PERU, where current laws only title our immediate village lands, not our wider territories, road building, including as part of the IIRSA project, is a major cause of deforestation and threatens the future of indigenous peoples in voluntary isolation. With some 80% of our lands now overlaid by industrial concessions, and with logging and illegal mining causing major problems, new repressive laws have been passed to suppress our protests. Oil palm expansion now poses a new threat to our lands and forests.

IN PARAGUAY, although there is a regional 'zero deforestation' law in the East of the country, forest loss continues nationally, while in the Chaco region the rate of deforestation is the highest in the world, as soya growers and ranchers take over our

peoples' ancestral lands in order to export beef and soy products, creating a particularly serious threat to those indigenous peoples living in voluntary isolation. Many of those involved are politicians, who enjoy impunity. Rural people are increasingly marginalised, while foreign migrants are encouraged by government to take over our lands and forests.

This combination of unfair laws, industrialisation of our landscapes, corruption and false solutions has become unbearable and is pushing our societies to their very limits, threatening both our own survival and that of the forests we depend on.

What these local and national reviews show is that, despite global efforts to stem deforestation, an export-led, extractivist model of development continues to be imposed on our forests and wider territories by ignoring our human rights. These trades are driven both by global demand, notably from developed countries especially in Europe, for deforestation-derived products and by trans-national investment.

Our lands are being taken over and our forests are being cleared to produce timber, palm oil, soya, minerals, oil and gas for global and domestic markets and for infrastructure and hydro-power. Often these impositions are part of large-scale development programmes elaborated by governments and corporations without our involvement and funded by international development agencies.

In the process our rights to our lands and ways of life are being violated and our very survival is threatened. We are being forcibly evicted from our lands and forests and our protests suppressed, often by paramilitary, military and police forces, sometimes paid for by the companies. Land conflicts are proliferating, leading to further violence and even killings on the forest frontier, even between communities.

Many of these industries and land grabs are being imposed without due process, against our will, without respect for our free, prior and informed consent, contrary to the law and through corrupt and collusive practices. Too often bribery and manipulation of those appointed to represent us

facilitate these expropriations. Frequently these abuses are justified by our governments as being in the national interest, when they actually undermine good governance and the rule of law as well as global agreements on sustainable development and human rights.

Our efforts to seek justice and remedy through the courts are too often frustrated, there is impunity for those who perpetrate these abuses, while many of our people who protest are persecuted. New laws are being passed which place further limitations on our fundamental freedoms and access to justice. The voices of forest peoples are not being heard and are now being suppressed, while our community leaders are being encouraged, pressured and co-opted by companies and government authorities to accept unjust and unsustainable national development plans, thereby further facilitating the destruction of our land base and forest-dependent ways of life.

We also note that even international, government and private sector efforts to protect forests from destruction as parks, protected areas, 'ecosystem restoration concessions', 'no go zones' and 'set asides' tend to ignore our rights, deny our livelihoods and thus create further conflicts and instability. Enough is enough! 'Green grabs' are not the solution to land grabs.

Underlying all this destruction and these abuses, lies the fundamental problem of a lack of respect for our rights to our lands and territories, our self-governance, our own institutions, customary laws and distinctive ways of life based on our long familiarity with forests and how to make a living from them without destroying them. Too often our ways of life and knowledge systems are considered backward and we find we are discriminated against in all our dealings with national and international society.

By denying our rights and by failing to protect them, it is our forests, the forests of the world, that are being made vulnerable to these destructive forces.

We note, with approval, that the international community has affirmed the importance of these rights. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) upholds our rights

to our lands, territories and natural resources and for us to manage them through our own institutions. International human rights treaties enshrine our civil, political, economic, social and cultural rights, to non-discrimination, to food security and to traditional occupations and insist on the equal rights of women and the need to protect children.⁵

International environmental treaties and agreements have also affirmed our rights to customary sustainable use and to have a decisive voice about what happens in our forests. Our internationally recognised rights are invoked in, among others, the 'safeguards' for REDD+ agreed by the UNFCCC, the UNREDD standards and the Guiding Principles of the World Bank's Forest Carbon Partnership Facility (FCPF), although these are not being adequately observed. Nevertheless, these potentially positive standards risk being undermined by the lack of robust national, legal and governance reforms to ensure respect for forest peoples' rights.

The *UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (UNVGGT) endorsed two years ago by 194 countries stress the importance of ensuring land security for local communities and indigenous peoples, affirm the right of indigenous peoples to free, prior and informed consent, and stress adherence to international obligations and respect for customary rights.

We recognise that in some countries advances have been made to revise Constitutions and adopt new laws that respect the rights of indigenous peoples, reform forest tenures and encourage community based forest management and while many obstacles

remain in terms of implementation these cases point the way for other countries to follow.

We note the recent pledges by leading private sector companies to reform the way they do business, in order to halt their involvement in deforestation and to respect our rights in accordance with the UN Guiding Principles on Business and Human Rights. However, much less progress is being made on the ground to realise these pledges. These promises will only be made effective when there is genuinely independent verification and if credible procedures are established to hold those who make such promises to account and provide remedy for violations.

The solidarity of NGOs of North and South to partner our peoples in our struggles for justice is heartening and important to us. We appeal to them to ensure better communication and coordination between their efforts and ours and that they pay more attention to securing our rights and livelihoods in their campaigns to curb forest loss.

These experiences also show us how important independent forest monitoring is and how such monitoring is strengthened with our direct involvement. We, who live in the forests know them best, know immediately what is going wrong. We need to be linked to other concerned parties to ensure transparency.

All these positive developments are long overdue but much more must be done to reset the way we deal with forests and to assess the progress made in the actual implementation of company and government commitments.

The evidence is already compelling that forests are better protected and conserved and even restored where our rights are respected and there is room for our own alternatives, based on our rights and our own knowledge and forest wisdom, informed by our own beliefs and spirituality. Although progress has been made globally to promote community-based forest management, these schemes must be adjusted so that all the rights of forest peoples are secured and our own knowledge, beliefs, institutions, and customary laws are used to guide forest management.

5 These include International Covenant on Civil & Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; International Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Covenant on Economic, Social and Cultural Rights; International Labor Organization (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries; European (Aarhus) Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters; The African Charter on Human and Peoples Rights and the Latin American, European, and American regional Charters, associated with their own processes and mechanisms; and Conservation on Biological Diversity (CBD) Article 8(j), Article 10 c.

For such approaches to flourish we need changes in national laws, policies and programmes so that our rights are secured.

We therefore make the following recommendations:

GOVERNMENTS AND NATIONAL LEGISLATURES MUST:

- Stop the issuance of all industry titles, permits and concessions that overlap our forests and lands without consultation and free, prior and informed consent
- Halt all industrial expansion on peatlands
- Resolve land conflicts between communities and companies and governments, in accordance with our internationally recognised rights to lands and forests and to restitution for lands taken without consent
- Develop or revise national laws and implementing regulations relating to lands and forests with the full knowledge and understanding of forest peoples and then effectively apply them, in order to secure our customary rights to our forests, lands, territories and natural resources, in conformity with international law and ratified international treaties
- Support and collaborate with forest peoples' initiatives in developing maps and databases which document their lands, territories and systems of land use
- Ensure that all land use planning and zoning of lands and forests take full account of the rights and systems of land use of forest peoples, ensuring consideration of the needs of our future generations
- Adopt and enforce revised laws and procedures to secure our peoples' right to give or withhold our free, prior and informed consent to all operations proposed for our lands and territories and forests
- Adopt and enforce laws which secure the legal personality of our self-chosen institutions and ensure the application of customary laws and systems of land use and management based on our own systems of knowledge and belief
- Scale up community based forest management systems and revise forest tenures so they secure forest peoples' full right
- Secure the land rights of communities and farmers

outside forests, so they are not driven into forests by their poverty and landlessness

- Guarantee our peoples the freedoms and democratic space we are entitled to to express ourselves without intimidation and coercion
- Ensure equality for women and men in all these laws and programmes
- Provide effective access to justice for our communities so we can challenge and get redress for abuses of our rights
- Protect the rights, fundamental freedoms, welfare and security of forest monitors, whistleblowers, activist protectors and protestors
- Ensure free access to journalists and the media to provide information and transparency
- Ensure full transparency and legality in the issuance of all permits and plans for forests and natural resources
- Strengthen anti-corruption efforts to prevent illegality and human rights abuse
- Promote education systems that encourage our younger generations to feel secure in their identities and respectful of the wisdom, beliefs and spirituality of their elders and ancestors.

DEVELOPED COUNTRIES, NOTABLY THE EUROPEAN UNION (EU), AND OTHER TRADERS MUST:

- Halt the trade in products derived from deforestation and land grabs
- Condition further aid to tropical forest countries on measures to protect our rights and curb deforestation
- Ensure that legality definitions and legality assurance systems for commodity supply chains, including for timber, incorporate and uphold countries' international human rights obligations.

INTERNATIONAL FINANCIAL INSTITUTIONS MUST:

- Ensure that revised and updated safeguards are adopted fully aligned with international standards on human rights, including the UN Declaration on the Rights of Indigenous Peoples and recognition of the right to free, prior and informed consent
- Strengthen environmental safeguards to prohibit direct and indirect financing of conversion or

degradation of critical natural habitats and high conservation value areas

- Strengthen due diligence mechanisms and staff incentives to ensure they implement these safeguards effectively
- Adopt stronger and more independent grievance mechanisms that provide remedy to affected peoples in cases of non-compliance.

THE PRIVATE SECTOR MUST:

- Fully respect our rights to our customary forests and lands and our right to represent ourselves through our own self-chosen representatives
- Ensure that no operations are undertaken on our lands and forests without our free, prior and informed consent
- Renegotiate with our freely chosen representatives all operations implanted on our lands without our consent
- Provide remedy for past abuses and resolve land conflicts in full respect for our rights
- Establish credible mechanisms to verify compliance with certification standards and their new 'no deforestation, no exploitation' policies and to complaint and redress in the case of non-compliance
- End investment in businesses involved in deforestation and abuse of our rights.

FROM NGOS WE ASK THAT THEY:

- Promote independent monitoring, in close collaboration with forest peoples on the ground, to ensure company and government compliance in rule of law and respect for our rights
- Ensure that conservation areas, off-sets, set asides, conditional management regimes and 'no go' zones are never established on our lands without respect for our rights and livelihoods and without our free, prior and informed consent
- Instead, build conservation initiatives based on respect for our rights to manage and control our lands and territories
- Promote community based economic alternatives based on our traditional knowledge and systems of land use
- Provide solidarity, capacity building and support for our peoples and communities.

Looking ahead we note that upcoming international events provide significant opportunities to adopt a revised approach to the crisis facing forests and forest peoples worldwide based on respect for our rights. In anticipation of these events we address the following recommendations to intergovernmental institutions:

CLIMATE CHANGE NEGOTIATIONS:

- We call on governments that will negotiate climate change in Lima in 2014 and Paris in 2015 to take full account of these recommendations and to address the drivers of deforestation delineated herein, reminding them of the importance of customary knowledge and practices of indigenous peoples and local communities as enshrined in the Cancun safeguards
- We urge that any new international climate change regime must acknowledge the historical damage done by climate change to forest peoples, the violation of our rights and our livelihoods, and our key role in conservation of forests and adaptation and mitigation action
- Any adaptation or mitigation actions proposed on our lands and forests must be subject to the free, prior, informed consent and full and effective participation of indigenous peoples
- The Green Climate Fund and climate finance activities and programmes must be conditional on stringent rules and safeguards protecting forest peoples' rights.

UN WORLD CONFERENCE ON INDIGENOUS PEOPLES (UNWCIP) (SEPTEMBER 2014)

- Ensure that the UNWCIP Action Plan recognises that indigenous peoples are facing unprecedented threats from land grabbing and the rapid expansion of agribusiness, extractive and infrastructure developments on their forest, lands and territories
- Express concerns that deforestation and land use change are associated with gross and systematic violation of the human rights of indigenous peoples
- Agree actions to stop human rights abuses related to forest destruction
- Call on States to ensure that no further incursions are allowed on our ancestral lands and domains
- Call on the Special Rapporteur on Indigenous

Peoples to investigate the problem of the militarization of indigenous peoples' lands and territories and the use of intimidation, violence and unjust laws to suppress those who defend their rights.

POST-2015 SUSTAINABLE DEVELOPMENT GOALS

- Secure Indigenous Peoples' and forest peoples' collective rights to our lands, territories, forests and resources
- Protect forest peoples' forest-based economies and livelihoods, traditional subsistence activities and food sovereignty
- Recognize our peoples' right to self-determination and self-government, including customary systems of forest governance
- Ensure that free, prior and informed consent and the full and effective participation of forest peoples is implemented in all decisions that affect them
- Ensure that the traditional forest knowledge and practices of our peoples with regard to environmental and biodiversity protection are recognized, respected and duly incorporated into sustainable development plans at international, national and local level
- All these measures require close and engaged monitoring in which the use of relevant indicators and disaggregated data is essential if we are to make progress in addressing the human rights and well-being of indigenous and forest peoples in the post-2015 development framework.

ORIGINAL SIGNATORIES PALANGKA RAYA DECLARATION

ASIA

Aliansi Masyarakat Adat Nusantara (AMAN)
Katingan, Central Kalimantan, Indonesia

Aliansi Masyarakat Adat Nusantara (AMAN)
Kalteng, Central Kalimantan, Indonesia

Community of Bibikem village, Merauke, Papua, Indonesia

Community of Gohong village, Kahayan Hilir, Pulang Pisau, Indonesia

Community of Okaba village, Merauke, Papua, Indonesia

Community of Penyangat village, Riau, Indonesia

Community of Pulau Kaladan village, Mantangai, Kapuas, Indonesia

Community of Sei Ahas village, Mantangai, Kapuas, Indonesia

Community of the Kuri tribe, Teluk Wondama, West Papua, Indonesia

Community of Wasior village, Papua, Indonesia

Community of Wendu village, Merauke, Papua, Indonesia

Community of Zanegi village, Merauke, Papua, Indonesia

Epistema, Jakarta, Indonesia

Foker LSM Papua, Jayapura, Indonesia

Greenpeace, Jakarta, Indonesia

IndonesiaYayasan Petak Danum, Kapuas, Indonesia

Jaringan Masyarakat Gambut (Peatland Community Network), Jambi, Indonesia

Jaringan Masyarakat Gambut (Peatland Community Network), Riau, Indonesia

JASOIL, Manokwari, West Papua, Indonesia

JPIK, Bogor, Indonesia

Kemitraan Indonesia, Central Kalimantan, Indonesia

Perkumpulan HUMA, Jakarta, Indonesia

Pokker SHK, Central Kalimantan, Indonesia

PUSAKA, Jakarta, Indonesia

SACCESS, Malaysia

Save Our Borneo, Central Kalimantan, Indonesia

Sawit Watch, Bogor, Indonesia

Scale Up, Riau, Indonesia

Serikat Tani Magantang Tarung (Farmers' Union of Magantang Tarung), Mantangai, Kapuas, Indonesia

SLPP Kalteng, Central Kalimantan, Indonesia
Transformasi untuk Keadilan Indonesia, Jakarta, Indonesia

WALHI Kalteng, Central Kalimantan, Indonesia

YASANTO, Merauke, Papua, Indonesia

Yayasan Betang Borneo, Central Kalimantan, Indonesia

Yayasan Petak Danum, Kapuas, Indonesia

YMPP, Central Sulawesi, Indonesia

AFRICA

Community of Gbarpolu, Liberia

Community of Nkolo village, Cameroon

Forestiers de la RDC (REPALEF), Democratic Republic of Congo

Green Development Advocates (GDA), Cameroon

Réseau des Populations Autochtones et Locales pour la Gestion Durable des Écosystèmes, Democratic Republic of Congo

Réseau Ressources Naturelles (RRN), Democratic Republic of Congo

Struggle to Economise Future Environment (SEFE), Cameroon

SOUTH AMERICA

Amerindian Peoples' Association, Guyana

Asociación Interétnica de Desarrollo de la Selva Peruana (AIDSEP), Peru

Centro para la Sostenibilidad Ambiental Universidad Peruana Cayetano Heredia, Peru

Derechos, Diversidad y Selvas (DEDISE), Colombia.

Escuela Amazónica de Derechos Humanos, Peru

Federación por la Autodeterminación de los Pueblos Indígenas (FAPI), Paraguay

Federacion Shawi del Rio Armanayacu, Peru

Instituto Latinoamericano para una Sociedad y un Derecho Alternativos, (ILSA) Colombia

Organización Zonal Indígena del Putumayo (OZIP), Colombia

INTERNATIONAL

Bank Information Centre (BIC), United States

FERN, United Kingdom

Forest Peoples Programme, United Kingdom

Life Mosaic, Scotland

Rainforest Action Network, United States

ADDITIONAL ENDORSEMENTS (MARCH-JULY 2014)

ASIA

Aliansi Masyarakat Adat Nusantara (AMAN), Indonesia

Association for Social and Humanize Action (ASHA), India

Bandowaen-Monobo Talaandig Tribal Council Inc., Philippines

Barisan Pemuda Adat Nusantara (BPAN)/The Archipelago Indigenous Youth Front, Indonesia

Borneo Resources Institute, Malaysia (BRIMAS), Malaysia

Debt Watch Indonesia, Indonesia

Friends of the Siberian Forests, Russia

Gujarat Forum On CDM, India

Indigenous Knowledge and Peoples (IKAP), Chiang Mai, Thailand

Jaringan Komunitas Masyarakat Adat (JKMA) Aceh, Indonesia

Jharkhand Save the Forest Movement (JJPBA), India
Justice, Peace and Integrity of Creation (JPIC), Indonesia

National Adivasi Alliance, India

Non-Timber Forest Products Exchange Programme (NTFP-EP), Philippines

Partners of Community Organisations (PACOS) Trust, Malaysia

Perempuan AMAN, Indonesia

Samata, India

Silingang Dapit sa Habagatang Sidlakang Mindanao Inc., Philippines

Taiwan Environmental Protection Union, Taiwan

Yayasan Merah Putih, Palu, Central Sulawesi, Indonesia

AFRICA

Alternatives Durables pour le Développement (ADD), Cameroon

Association for Law and Advocacy for Pastoralists (ALAPA), Tanzania

Brainforest, Gabon

Cameroon Indigenous Women Forum, Cameroon

Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables (CAMV), DRC

Chepkitale Indigenous People Development Project (CIPDP), Kenya

Collectif pour les peuples Autochtones au Kivu (CPAKI), DRC

Dignité Pygmée – DIPY, DRC

Domestic Lumber Trade Association of Ghana, Ghana

Katchito Community Development Center (KCODEC), Ghana

Maison de l'Enfant et de la Femme Pygmées (MEFP), CAR

Mount Elgon Benet Indigenous Ogik Group, Uganda

Ngamiland Council of Non-Governmental Organizations (NCONGO), Botswana

Ogik Cultural Initiative, Kenya

Ogik Peoples Development Program (OPDP), Kenya

Sengwer Indigenous Peoples Programme, Kenya

Union pour l'Emancipation de la Femme Autochtone (UEFA), DRC

SOUTH AND CENTRAL AMERICA

Asociación Ambiente y Sociedad, Colombia

Asociación de Organismos No Gubernamentales (ASONOG), Honduras

Asociación de Pescadores Artesanales del Golfo de Fonseca (APAGOLF), Honduras

Association of Indigenous Village Leaders in Suriname (VIDS), Suriname

Asociación Q'anil, Guatemala

Centro de Antropología, Instituto Venezolano de Investigaciones Científicas (IVIC), Venezuela

Centro de Investigaciones Antropológicas de Guayana, Universidad Nacional Experimental de Guayana, Venezuela

Centro para la Autonomía y Desarrollo de los Pueblos Indígenas CADPI, Nicaragua

CIMA, Panama

Chirapaq, Center of Indigenous Cultures of Perú, Peru

Circoria. Artes Circenses, Colombia

Coletivo Barriga Verde, Brazil

Confederación Indígena Tayrona, Colombia

Eidos - Espaços de (Re) Integração com as Descendências Originárias do Ser, Brazil

Escuela de Antropología Universidad Central de Venezuela, Venezuela

Fundación para la Promoción del Conocimiento Indígena (FPCI), Panama

Fundación Vida y Liderazgo, Colombia

Grupo de Trabajo sobre Asuntos Indígenas (GTAI) de la Universidad de Los Andes, de Mérida, Venezuela

Guyanese Organisation of Indigenous Peoples (GOIP), Guyana

Hoktek T'oi community of the Wichí peoples, Argentina

Kus Kura S.C., Costa Rica

Lab Ecologia Humana IVIC, Venezuela

Movimento Brasil pelas Florestas, Brazil

Organisation of Kalin'a and Lokono Peoples in Marowijne (KLIM), Suriname

Red Indígena de Turismo de México. A.C. (RITA), Mexico

Red de Coordinación en Biodiversidad, Costa Rica

Universidad Nacional Experimental Indígena del Taucá, Venezuela

EUROPE

Biodiversity Conservation Center, Russia

The Sámi Parliament of Norway, Norway

NORTH AMERICA

American Indian Movement Colorado, USA

Dogwood Alliance, USA

Environmental Investigation Agency (U.S.) (EIA US), USA

Métis Nation, Canada

Tetuwán Lakota Grand Mothers, USA

INTERNATIONAL

Amazon Watch, USA

ARA, Germany

Asian Indigenous Women's Network, Multinational

Carbon Market Watch, Belgium

Center for International Environmental Law (CIEL), USA

Continental Network of Indigenous Women of the Americas-ECMIA, Multinational

Cultural Survival, USA

Denkhausbremen, Germany

Digital Democracy, USA

Down to Earth, International Campaign for Ecological Justice in Indonesia, UK

European Environmental Paper Network (EPPN), Germany

Global Diversity Foundation, UK

Indigenous Peoples Links (PIPLinks), UK
IWGIA, Denmark
Maryknoll, USA
Natural Justice, South Africa
Rainforest Foundation US (RF-US), USA
REDD-Monitor, Germany
Society for New Initiatives and Activities for a Just
New World (SONIA), Italy
Society for Threatened Peoples – Switzerland,
Switzerland
Tebtebba Foundation, Philippines
Urgewald, Germany

Professor Felix Padel, India
Raquel Martens Ramírez, Venezuela
Rowena Hill, Venezuela
Students CEC- IVIC, Venezuela
Tatjana Good, Australia
Theo van den Broek, Indonesia

**This Declaration will be open for sign-ons until
31 December 2014.**

Further endorsements may be sent to info@forestpeoples.org

**Please mark the subject header in your Email
message as “Palangka Raya Declaration.”**

INDIVIDUALS

Bill Ritchie, UK
Cristóbal Wallis, Argentina
Miguel Ángel González, Venezuela



WORKSHOP PROGRAMME AND PARTICIPANTS

PROGRAMME, 9-14 MARCH 2014

SUNDAY 9 MARCH

Opening ceremony – PUSAKA, Forest Peoples

Programme, POKKER SHK

Self-introductions

Review of objectives and agenda of meeting

Clarifications and questions

Parallel preparatory meetings:

- Indonesia preparatory meeting – Indonesian participants
- Preparatory meeting – international participants

MONDAY 10 MARCH

Welcome

Feedback from previous day

Review and agreement of day's agenda

Clarifications and questions

Review of country case studies and presentations:

- Indonesia
- Malaysia
- Cameroon
- Democratic Republic of Congo
- Liberia
- Colombia
- Guyana
- Paraguay
- Peru

Summing up and looking ahead to Day 3

TUESDAY 11 MARCH

Welcome

Summing up of previous day

Review and agreement of day's agenda

Challenging illegality and corruption: experiences in Indonesia – Indonesia Independent Forestry Monitoring Network (JPIK)

Private sector initiatives – Forest Peoples Programme

Reducing the role of the European Union in driving deforestation – FERN

The World Bank, forest peoples and deforestation – Bank Information Center

Deforestation, community rights and grassroots alternatives in South-east Asia – RECOFTC

Open discussion

PRESS CONFERENCE – country delegates and spokespersons (midday)

Breakout group strategy discussions:

- Group 1: South America (Colombia, Guyana, Paraguay and Peru)

- Group 2: Africa (Cameroon, DRC and Liberia)
- Group 3: South-east Asia (Indonesia and Malaysia)
- Group 4: International drivers and global policy processes

Breakout group presentations

Open discussion

Field visit briefing

Drafting of Declaration

WEDNESDAY 12 MARCH: FIELD VISIT

Journey to and arrival in Gohong

Community meeting

Village of oil palm plantation, Handil, PLG and village forest

Visit of PSKI Buntoi and dialogue with local citizens

Return to Palangka Raya

THURSDAY 13 MARCH: MEETING WITH GOVERNMENT, AGENCIES AND DONORS

Welcoming statements

Country and regional presentations – key findings and recommendations:

- Indonesia and Malaysia
- Colombia, Guyana, Paraguay and Peru
- Cameroon, DRC and Liberia

Government of Indonesia: responses and updates –

Government of Indonesia representatives

Deforestation, land tenure and community rights – CIFOR

UK initiatives on deforestation, tenure and governance – DFID

UN-REDD Programme and stakeholder engagement

– UN-REDD

Open discussion

Drafting of Declaration

FRIDAY 14 MARCH

Welcome

Summary of previous day

Public reading of Palangka Raya Declaration

Summing up

Closing ceremony

Follow up strategy discussions and agreement on next steps

PARTICIPANTS

COMMUNITY REPRESENTATIVES AND CIVIL SOCIETY ORGANISATIONS

Nsen Kah Geh Kanadei	Cameroon	Case study student
Malle Adolf Nganya	Cameroon	Legal counsel, Struggle to Economise the Future Environment
Marceline Loaunga	Cameroon	Community member, Nkolo village
Mayra Johanna Tenjo Hurtado	Colombia	Instituto Latinoamericano para una Sociedad y un Derecho Alternativos
Carmenza Tez Juogibioy	Colombia	Resguardo Indígena Camentsá del Putumayo
Marie-Dorothée Lisenga Bafalikike	DRC	Réseau des Populations Autochtones et Locales pour la Gestion Durable des Ecosystèmes Forestiers
Joseph Bobia Bonkaw	DRC	Réseau National des Ressources Naturelles
Nicholas Fredericks	Guyana	South Central Peoples Development Association
David Wilson	Guyana	Amerindian Peoples Association
Jeanne Sharon Amelia Atkinson	Guyana	Amerindian Peoples Association
Simpson D.C.L. Snoh*	Liberia	Kulu United Development Association
Coleman Boimah Jadeyor**	Liberia	Community of Gbarpolu
Carol Yong	Malaysia	Freelance consultant
Asmidar Vira Binti Les	Malaysia	Network of Orang Asli Villages, Peninsular Malaysia (Jaringan Kampung Orang Asli Semenanjung Malaysia/ JKOASM).
Robin Ley b Achin	Malaysia	JKOASM
Two other Malaysian delegates	Malaysia	
Mirta Pereira	Paraguay	Federación por la Autodeterminación de los Pueblos Indígenas
Alberto Vázquez Ayala	Paraguay	Federación por la Autodeterminación de los Pueblos Indígenas
Michael Holger Valqui Haase	Peru	Centro para la Sostenibilidad Ambiental Universidad Peruana Cayetano Heredia
Luis Huanzi Pizango	Peru	AIDSEP-Federación Shawi del Río Armana
Robert Guimaraes Vásquez	Peru	Armanayacu FECONAU

Riza Harizajuddin	Bogor	Sawit Watch
Mr Rudiansyah	Jambi	Jaringan Masyarakat Gambut Jambi
Erni Lusia	Jayapura	FOKER LSM Papua
Moeliadi	Kapuas	Yayasan Petak Danum
Ms Herlina	Mantangai	Dayak Ngaju Peoples, Desa Sei Ahas
Norhadi Karben	Mantangai	Serikat Tani Magantang Tarung
Tanduk	Mantangai	Dayak Ngaju Peoples, Desa Pulau Kaladan
Domo	Mantangai	Dayak Ngaju Peoples, Desa Pulau Kaladan
Yanto	Pulang Pisau	Dayak Ngaju Peoples, Desa Gohong
Pietsaw Amafnini	Manokwari	JASOIL – West Papua
Septer Koke	Teluk Wondama	Kuri Peoples, West Papua
Steve Marani	Teluk Wondama	Wondama Peoples, Papua Barat
Leonardus Moyuend	Merauke	Marind Peoples, Papua
Christian Basikbasik	Merauke	Marind Peoples, Papua
Gerardus Kaize	Merauke	Marind Peoples, Papua
Zakarias Kelyaum	Merauke	YASANTO, Papua
Ernez Kaize	Merauke	Marind Peoples, Papua
Andi Kiki	Palangka Raya	Kemitraan Indonesia
Mairaji	Palangka Raya	SLPP Kalteng
Edy Subahani	Palangka Raya	POKKER SHK
Rio Rompas	Palangka Raya	
Aryo Nugroho	Palangka Raya	WALHI Kalteng
Bandi	Palangka Raya	AMAN Kalteng
Simpun Sampurna	Palangka Raya	
Supardi Lasaming	Palu	YMPP
Desi	Pekanbaru	Scale Up
Harry Oktavian	Pekanbaru	Scale Up
Ibu Apo	Pekanbaru	Community Kampung Penyangat
Mr Isnadi	Pekanbaru	Jaringan Masyarakat Gambut Riau
Abu Meridian	Bogor	JPIK
Dimas Hartono	Palangka Raya	Yayasan Betang Borneo
Arkilaus Kladi	Sorong Selatan	Kanasaimos Peoples, West Papua
Arul	Palangka Raya	Save Our Borneo
Nordin	Palangka Raya	
Sarwipin	Katingan	AMAN Katingan
Sarianto	Mantangai	Dayak Ngaju Peoples, Desa Mantangai Hulu
Ramai Mantangai	Mantangai	Serikat Tani Magantang Tarung
Dirman Nidji	Mantangai	Serikat Tani Magantang Tarung
Nobi Karben	Mantangai	Dayak Ngaju Peoples, Desa Mantangai Hulu
Dewi	Kapuas	Yayasan Petak Danum

* Contributed presentation; unable to travel due to visa delays.

** Participated via web link; unable to travel because of visa difficulties.

INDONESIAN ORGANISATIONS AND COMMUNITY MEMBERS

Andiko and Erwin	Jakarta	Perkumpulan HUMA
Norman Jiwan	Jakarta	Transformasi untuk Keadilan Indonesia
April Perlindungan	Jakarta	PUSAKA
Mumu Muhajir	Jakarta	Epistema Institute
Y.L. Franky	Jakarta	PUSAKA
Achmad Saleh Suhada	Jakarta	Greenpeace

INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

Lindsay Duffield	FERN
Hannah Mowat	FERN
Chad Dobson	Bank Information Center USA
Janis Alcorn	Rights and Resources Initiative
Reymondo Caraan	RECOFTC
Fitri Sukardi	Rainforest Action Network
Minnie Degawan	WWF
Julius Lawalata	World Resources Institute Indonesia
Nadia Hadad	Bank Information Center Indonesia

INTERNATIONAL AGENCIES

Andy Roby	DFID Indonesia
Abi Ismarrahman	DFID Indonesia
Pak Muru	DFID Indonesia
William Sunderlin	CIFOR
Martua Sirait	ICRAF
Celina Kin Yii Yong	UN-REDD

MEDIA

Fahmia Badib	Jakarta	Interpreter
Mouna Suyati Mansjur	Jakarta	Interpreter
Made Adreai Rai	Jakarta	Interpreter
Michel Mercado	Jakarta	Interpreter
Susan Tonassi	USA	Burness Communications
Dana MacLean	Singapore	Journalist

FOREST PEOPLES PROGRAMME

Joji Cariño	Sophie Chao
Tom Griffiths	Beata Delcourt
Marcus Colchester	Viola Belohrad
Francesco Martone	Nadia Mbanzidi
Patrick Anderson	Miles Litvinoff
Emil Kleden	Fiona Cottrell

MEDIA COVERAGE

The workshop generated substantial media interest. The organisers issued press releases on 11 March and 19 March 2014, available online at <http://www.forestpeoples.org/tags/palangka-raja-declaration-deforestation-and-rights-forest-peoples-1>.

Media and online coverage obtained included:

Antaranews.com, 'Indigenous peoples the world to discuss deforestation in Palangkaraya', 6 March 2014, <http://m.antaranews.com/berita/422635/masyarakat-adat-dunia-bahas-deforestasi-di-palangkaraya>

Straits Times, 'Fire in Indonesia casts doubt on Riau firms' resolve', 15 March 2014, <http://www.stasiareport.com/the-big-story/asia-report/indonesia/story/fires-indonesia-cast-doubts-riau-firms-resolve-20140315>

Business & Human Rights Resource Centre, 'Forest peoples demand their rights be made central to global efforts to curb deforestation', 19 March 2014, <http://www.business-humanrights.org/Links/Repository/1025896>

Global Forest Information Service, 'Forest peoples demand their rights be made central to global efforts to curb deforestation', 19 March 2014, <http://www.gfis.net/gfis/en/en/search/all/1/%22forest%20loss%22>

OneWorld, 'Forest peoples demand international action on customary rights', 19 March 2014, <http://oneworld.org/2014/03/19/forest-peoples-demand-international-action-on-customary-rights/>

REDD-monitor.org, 'Global efforts to curb deforestation are failing: the Palangka Raya Declaration on Deforestation and the Rights of Forest Peoples', 19 March 2014, <http://www.redd-monitor.org/2014/03/19/global-efforts-to-curb-deforestation-are-failing-the-palangka-raja-declaration-on-deforestation-and-the-rights-of-forest-peoples/>

IPS, 'Carbon-cutting initiative may harm indigenous communities', 20 March 2014, <http://www.ipsnews.net/2014/03/carbon-cutting-initiative-may-harm-indigenous-communities/>

Voice of America, 'Les peuples des forêts réclament leurs droits', 20 March 2014, <http://www.lavoixdelamerique.com/content/les-peuples-des-forets-reclament-leurs-droits/1875576.html>

GOXI, 'Forest peoples demand their rights be made central to global efforts to curb deforestation', 21 March 2014, <http://goxi.org/forum/topics/forest-peoples-demand-their-rights-be-made-central-to-global>

Freenewspos.com, 'Indigenous communities demand forest rights, blame land grabs for failure to curb deforestation', 25 March 2014, <http://www.freenewspos.com/news/article-indonesia/b/1100669/oggi/indigenous-communities-demand-forest-rights-blame-land-grabs-for-failure-to-curb-deforestation>

Mongabay.com, 'Indigenous communities demand forest rights, blame land grabs for failure to curb deforestation', 25 March 2014, <http://news.mongabay.com/2014/0325-dparker-palangkaraya-declaration.html>

South Africa Broadcast Corporation, Interview with Joji Carino and Malle Adolf Nganya, 25 March 2014

UN IRIN, 'Conflict in Indonesia's Papua region', 28 March 2014, <http://www.irinnews.org/report/99856/conflict-in-indonesia-s-papua-region>

The Diplomat, 'The fight to save Indonesia's forests', 2 April 2014, <http://thediplomat.com/2014/04/the-fight-to-save-indonesias-forests/>

Al Jazeera, 'Palm oil fuels Indonesia deforestation', 4 April 2014, <http://www.aljazeera.com/indepth/features/2014/04/palm-oil-fuels-indonesia-deforestation-indigenous-displa-201443145636809366.html>

Sustainable Palm Oil, 'Defending forests against palm in Central Kalimantan', 8 May 2014, <http://betterpalmoildebate.org/features/post.php?s=2014-05-08-defending-forests-against-palm-in-central-kalimantan>

NOTES ON SOURCES AND STATISTICAL AND DEFINITIONAL ISSUES

Information, human testimony, data and analysis in this report are drawn from workshop presentations, specially commissioned case studies, transcripts of workshop sessions and supplementary sources. Country sections and the Dialogues section provide a thematic and illustrative exploration of key issues raised during the workshop, including quotations from interventions and discussions among delegates and presenters. Quotations from named workshop participants are included with permission. Other quotations are from case studies, workshops held by partner organisations and supplementary sources, also with permission. Where necessary, presentations and quotations have been translated into English. All online sources were accessed between April and August 2014.

COUNTRY DATA

Each country section and the Dialogues include a list of sources of information and, for countries, further reading. Most statistics about forests, indigenous and forest peoples, land tenure and deforestation are estimates, subject to considerable uncertainty and sometimes controversial. Country information boxes at the start of country sections present available data and estimates derived from a variety of sources. Unless otherwise indicated, forest cover and deforestation data are drawn from country reports to the FAO Forest Resources Assessment (FRA).⁶ Problems with the reliability of FAO data are well-documented (see below). The FAO figures are thus used only for indicative and comparative purposes and do not purport to provide accurate or exhaustive information on forests in the countries featured in this report. **Use of FAO data does not imply endorsement by Forest Peoples Programme (FPP) and its partners of the FAO definition of forests.**

6 UN Food and Agriculture Organisation (FAO), *Global Forest Resources Assessment 2010: Main Report*, 2010, <http://www.fao.org/docrep/013/i1757e/i1757e.pdf>; land area excludes inland water bodies.

Population figures are mainly taken from the country presentations by workshop delegates, based on information from national statistical agencies, while total population data for each country is mostly sourced from official figures reported to the International Monetary Fund (IMF).⁷

LAND TENURE INFORMATION

Figures and estimates relating to customary and statutory land tenure are derived from a variety of sources, including workshop presentations, information from indigenous peoples' organisations,⁸ data compiled by the Rights and Resources Initiative (RRI)⁹ and other published literature.¹⁰ Customary landownership figures are estimates based on FPP and partner assessments (e.g. AIDSESP territorial study in Peru).¹¹ Figures on customary tenure in this report do not purport to be accurate nor exhaustive and are included for indicative purposes. Reliable information on customary tenure regimes requires participatory and community mapping alongside robust systems of local verification and validation. This information is still lacking in many countries or is not yet in the public domain.

7 IMF, *World Economic Outlook Database*, 2012 figures, <http://www.imf.org/external/pubs/ft/weo/2014/01/weodata/index.aspx>.

8 E.g. AMAN, 'Indigenous people fight for rights online', 2013, <http://www.aman.or.id/en/2013/11/19/indigenous-people-fight-for-rights-online/#.U57w3E0U9t8>.

9 W.D. Sunderlin, J. Hatcher, and M. Liddle, *From Exclusion to Ownership? Challenges and Opportunities in Advancing Forest Tenure Reform*, RRI, 2008, http://www.rightsandresources.org/documents/files/doc_736.pdf; F. Almeida and J. Hatcher, 'What rights? Measuring the depth of indigenous peoples and community forest tenure: preliminary findings from a legal analysis of 33 forest tenure regimes in 15 countries', RRI, 2011, http://www.rightsandresources.org/documents/files/doc_2493.pdf.

10 L. Alden Wiley, *Customary Land Tenure in the Modern World – Rights to Resources in Crisis: Reviewing the Fate of Customary Tenure in Africa*, RRI, 2012, http://www.rightsandresources.org/documents/files/doc_4699.pdf.

11 AIDSESP, *La Demanda Territorial de los Pueblos Indígenas de la Amazonia Peruana* (The Land Claims of Indigenous Peoples of the Peruvian Amazon), in press, 2014.

Country	NET FOREST LOSS as reported to FAO (2000–10)			NET TREE COVER* LOSS derived from satellite images (2001–12) (source: Hansen et al., 2013)**		
	Annual average In ha/year	Annual average In % of forest area in 2000	Total forest loss	Annual average In ha/year	Annual average in % of tree cover in 2001	Total tree cover loss
Cameroon	-220,000	-1.05%	9.95%	-34,708	-0.10%	0.82%
DRC	-311,000	-0.20%	1.98%	-375,311	-0.18%	2.36%
Liberia	-30,000	-0.67%	6.48%	-23,920	-0.25%	3.79%
Colombia	-101,000	-0.17%	1.64%	-163,975	-0.20%	2.03%
Guyana	-	-	-	-6,671	-0.04%	0.41%
Paraguay	-179,000	-0.97%	9.22%	-312,068	-1.26%	8.86%
Peru	-122,000	-0.18%	1.76%	-111,484	-0.14%	1.12%
Indonesia	-497,500	-0.51%	5.01%	-734,575	-0.45%	8.22%
Malaysia	-113,500	-0.54%	5.26%	-179,004	-0.61%	13.29%

* Tree cover is defined by Hansen et al. as canopy closure for all vegetation taller than 5 metres. 'Forest' refers to tree cover and not land use unless explicitly stated. Forest loss is defined as a stand-replacement disturbance, or a change from a forest to non-forest state at the Landsat pixel scale. 'Forest gain' is defined as the inverse of loss, or a non-forest to forest change, entirely within the study period.

** M.C. Hansen, P.V. Potapov, R. Moore, M. Hancher, S.A. Turubanova, A. Tyukavina, D. Thau, S.V. Stehman, S.J. Goetz, T.R. Loveland, A. Kommareddy, A. Egorov, L. Chini, C.O. Justice and J.R.G. Townshend, 'High-resolution global maps of 21st-century forest cover change', *Science*, 342, 6160, 2013, <http://www.sciencemag.org/content/342/6160/850>; data available at <http://earthenginepartners.appspot.com/science-2013-global-forest>.

FOREST-DEPENDENT PEOPLES

As with data on forests, information on 'forest peoples' or 'forest-dependent communities' varies according to the definitional criteria used. Given the different understandings of forest and forest-dependency, there is no single definition of forest-dependent peoples. Most population figures for forest peoples are estimates, often presented as broad minimum and maximum numbers. Population estimates in this report are underpinned by a relatively broad understanding of forest-dependency and either taken from workshop presentations or derived from FPP's 2012 publication on forest peoples' numbers.¹²

types. The identification and measurement of forest land use and forest loss generate a large body of data that reflects how governments and civil society use variable definitions and divergent criteria at the local, national and global scales to assess trends in forest cover and land use change, including deforestation rates. Differing definitions can result in very different measurements and estimates. A prime example is that of Indonesia, where government figures classify industrial pulpwood plantations as 'forest' cover, thus reducing net forest loss statistics (see page 16). Measures of forest cover change and tree cover change will likewise generate substantially different figures and estimates (see table).

DEFINITIONS AND DISCREPANCIES

Land use and deforestation measurements and statistics may differ markedly according to the definitions and criteria used to identify and distinguish between different land use and vegetation

CONTESTED FOREST DEFINITIONS

Many civil society and forest peoples' organisations reject the current FAO reductionist and aggregate definition of forests as 'Land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ. It does not include land that is predominantly under agricultural or urban land use.' Critics point out that this FAO definition may include industrial tree plantations that

12 S. Chao, *Forest Peoples: Numbers Across the World*, FPP, 2012, <http://www.forestpeoples.org/sites/fpp/files/publication/2012/05/forest-peoples-numbers-across-world-final.pdf>.

have been established at the expense of natural forest and communities.

Using this general approach, FAO FRA data has the potential to distort national forest cover figures. It distorts measures of net deforestation based on forest cover loss and gain, generating a tendency to *underestimate* deforestation rates and overestimate national forest cover, without providing adequate information on the net loss of natural forest ecosystems.

Given these problems, social and environmental organisations have been calling on the FAO for more than a decade to revise its definition.¹³ Scientists also stress that lumping together of natural forest land use cover with industrial plantations can provide misleading and unhelpful figures on net deforestation, which may undermine any objective assessment of progress towards the so-called 'zero net deforestation' pledged by several tropical forest countries (see, for example, Peru country section).¹⁴ Scientists and civil society organisations alike thus recommend that global and national forest monitoring programmes develop, adopt and use more specific definitions that properly disaggregate information on the extent of natural forests from other general measurements of tree cover and plantations.

PERMANENT VERSUS TEMPORARY FOREST LOSS

Statistics used in this report quantifying 'deforestation' are based on published sources that do not usually distinguish between long-term permanent forest conversion and short-term temporary forest clearance for traditional rotational farming. In many instances, indigenous peoples and subsistence farmers have fully sustainable land use systems where the forest is able to regenerate

with ample fallow periods in a rotational system of swidden farming. Scientific studies demonstrate that swidden farming and agroforestry practices often enrich forest ecosystem diversity over time and can also be associated with afforestation and gains in forest cover.¹⁵ Unfortunately, existing satellite images using a 10-year time lapse to assess forest loss do not accommodate the longer fallow periods used by most swidden farmers in the tropics (15 to 40 years, depending on soil types and population density).

Inclusion of statistics or maps in this report quantifying or showing deforestation therefore does not imply that FPP and its partners classify, or endorse any system that categorises, customary rotational farming as 'forest conversion' or 'deforestation'.

To gain a more objective assessment of forest loss and changes in forest carbon stocks, there is a pressing need for forest monitoring maps and data to distinguish between permanent land use change to alternative land use, on the one hand, from localised and temporary forest clearance within agroforestry systems in customary land use systems of fields, fallows and secondary forest, on the other. Unless such changes are made in the way deforestation is measured, monitored and reported, there are serious risks that sub-national, national and global schemes to tackle forest loss will unjustly target local forest farmer groups without adequate scientific basis and possibly in contravention of international standards and agreements signed by most forest nations, such as Article 10c of the Convention on Biological Diversity.

13 See especially 'Open letter to FAO on the occasion of March 21st 2014: Defining Forests by their true meaning!', Via Campesina, World Rainforest Movement, Friends of the Earth International and Focus on the Global South, <http://wrm.org.uy/all-campaigns/open-letter-to-fao-on-the-occasion-of-the-international-day-of-forests-2014/>.

14 S. Brown and D. Zarin, 'What does zero deforestation mean?', *Science*, 342, 6160, 2013, <http://www.sciencemag.org/content/342/6160/805>.

15 J. Fairhead and M. Leach, *Misreading the African Landscape: Society and Ecology in a Forest-Savanna Mosaic*, Cambridge University Press, 1996.

