

# FPP E-Newsletter: December 2013



Forest  
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Programme

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**Photo on front cover:** Wilmar International, the world's largest palm oil trading company, was the target of widespread protests held by plantation labourers and local communities at the Roundtable on Sustainable Palm Oil (RSPO)'s Annual Meeting in Medan in November. Protesters called out against Wilmar for environmental destruction, paraquat use, the exploitation of children and women labourers and the violation of the rights of indigenous peoples - see Article 9 on page 12 for more details © Sawit Watch

Dear Friends,

What are the prospects for securing the land rights of indigenous peoples, local communities, and women in the foreseeable future?

Significantly, the [report](#) of the United Nations Secretary-General's High Level Panel of Eminent Persons on the Post-2015 Development Agenda<sup>1</sup>, under Goal 1 to "End Poverty", sets a target to **"Increase by x%<sup>2</sup> the share of women and men, communities, and businesses with secure rights to land, property, and other assets"**.

The importance of land in achieving socially inclusive economic growth, environmental sustainability, peace and security, food security and sustainable rural and urban development is gaining prominence in the political agenda, not just at the United Nations, but across the broad spectrum of society.

At the recent World Conference of Indigenous Women held in Lima, Peru, this October, over 200 participants stated: *"Today, at this time of compounded crises of climate change and impending irreversible loss of biological diversity, Indigenous Women underscore the duty of States to protect the territories of Indigenous Peoples, as critical areas for the social, cultural and ecological recovery and resilience of humankind and the natural world."* Another [global conference](#) on Community Land Rights held in Interlaken, Switzerland, set the target of doubling the area of secure community land rights in 5 years (by 2018).<sup>3</sup>

Reaching these ambitious targets on community land rights will require strengthened land governance actions by multiple actors. As highlighted in articles in this newsletter, failures in land governance become manifest in heightened land and natural resource conflicts, this time exemplified by conflicts in the palm oil sector.

Private sector initiatives such as the Roundtable on Sustainable Palm Oil (RSPO) can and should play a key role in terms of pushing for legal reform and better land governance in the countries where member companies are operating, such that companies are better able to implement their operations in a sustainable manner.

Land governance matters for all of society with governments, international financial institutions, civil society, indigenous peoples and local communities, and business each making contributions.

In Kenya, the Chepkitala Ogiek community have documented their customary bylaws for the first time to ensure the continued conservation of their ancestral lands and natural resources, stating that "We have never conserved. It is the way we live that conserves". This act of community governance was immediately followed by informing the various authorities of the bylaws governing their lands, and to seek their support for the Ogiek implementing them.

Recent meetings of the Convention on Biological Diversity, and the UN Framework Convention on Climate Change have also included negotiations and draft decisions pertaining to the role of indigenous peoples and local communities in ecosystem management, restoration and climate change mitigation and adaptation.

I hope you enjoy reading more about these issues in this edition of our newsletter.

Joji Cariño, Director

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1 <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>

2 Appropriate indicator yet to be agreed

3 <http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2013/10/global-conference-community-land-and-resource-righ>



# 1. Kenya: Chepkitale Ogiek community document their customary bylaws for the first time in order to ensure the continued conservation of their ancestral lands and natural resources

**“We have never conserved. It is the way we live that conserves. These customary bylaws we have had forever, but we have not written them down until now.”**

As a result of an intense community process of mapping and dialogue, the Ogiek of Mount Elgon, Kenya, have finalised their bylaws in a document which opens with these words:

“The Ogiek have lived in their ancestral lands, Chepkitale, governed and bound by their traditions being the unwritten law. This is what is captured in this document in the simplest language possible. This is a product of the community, by the community. It has been written with all input coming from the community and agreed on and endorsed by the community. It brings a governance structure relevant to the community today as it has been for centuries.”

The process has involved much passionate debate. In a sense, the Ogiek are simply writing down how they have organised themselves and how they have managed their forest and moorlands since time immemorial, but as one community member pointed out: “When you write things to say this is what we should do then you get community members who disagree and you have to decide what to do”.

At a huge meeting in Laboot in April 2013 the Ogiek community adopted its bylaws but only after major debate. Then finally, on 8 July 2013, the Laboot Declaration included the following key bylaws:

- The written community’s bylaws form the customary laws of the Ogiek community of Chepkitale and are binding to each and every member of the community
- Charcoal burning is totally prohibited
- Illegal brews are burned
- Poaching is strictly prohibited



Women participants at the Ogiek’s customary bylaws meeting, April 2013 © Justin Kenrick

- Commercial farming is prohibited
- The community’s governing council is installed
- The struggles to reclaim all our territories continues

The immediate next step has been to inform the various authorities of the bylaws that are governing their lands, and to seek their support for the Ogiek implementing them. The District Commissioner applauded the community for being stronger on conservation matters than any authority. The Ogiek explained to the Kenya Forest Service (KFS) that they were determined to stop the charcoal burning that is destroying the indigenous forests despite those forests being in an area KFS is supposed to control. KFS has always objected to the Ogiek remaining on their ancestral lands since it was gazetted (without their consent), but following the Ogiek’s community scouts arresting charcoal burners and handing them over to KFS, KFS itself has started arresting charcoal burners too. The Ogiek community scouts started by arresting the most threatening charcoal burners which “meant our community members now don’t fear speaking out.” KFS undertook an aerial review and acknowledge that charcoal burning has reduced dramatically.

Although the ancestral lands of the Ogiek community at Chepkitale, Mount Elgon, were converted into a national game reserve without their consent in 2000 (making their presence there illegal), they clearly have the right to their ancestral lands under Kenya's 2010 Constitution, which recognises ancestral lands, and lands traditionally occupied by hunter gatherers such as the Ogiek, as community lands. The Ogiek have themselves been very involved in influencing Kenya's draft Community Land Bill that should recognise this right in law. However, the overriding approach to conservation in Kenya is still one that forbids human occupation of areas gazetted as national parks and forest reserves.



The ancestral lands of the Ogiek community, Mount Elgon, Chepkitale, Kenya © Louise Henson

The Ogiek were forced out of the forest areas of Mount Elgon by the British, and restricted to the Chepkitale moorland that the British saw as useless and categorised as an untitled 'Tribal reserve' in 1938 (becoming a 'Trust land' in 1942). The Ogiek were then evicted from Mount Elgon National Park when it was created in 1968 on the eastern slopes of Mount Elgon. Chepkitale itself was held as Trust land by Mount Elgon County Council until – without consulting the Ogiek - it asked the Government to gazette the land in 2000, making the Ogiek living there 'illegal trespassers'.

Despite being violently and forcefully evicted from Chepkitale many times, the latest being in 2006, the Ogiek continually returned. In early 2011 - when eviction was again being threatened – Forest Peoples Programme began working with the Ogiek organisation Chepkitale Indigenous Peoples' Development Project (CIPDP), and the International Union for Conservation of Nature (IUCN) to pilot the [Whakatane Mechanism](http://www.whakatane-mechanism.org/)<sup>1</sup>, an IUCN initiative to address just such situations of injustice towards communities by conservation.

In late 2011, the world's first Whakatane Assessment [took place](http://www.whakatane-mechanism.org/kenya)<sup>2</sup> at Mount Elgon – bringing conservation

bodies and local government to see for themselves that the Ogiek's presence helps protect rather than threaten the wildlife and forests. The Assessment also kick-started a dialogue between the community and Mount Elgon County Council, which finally led to a unanimous resolution being passed by the Council acknowledging that they had been wrong to ask for the gazettelement of Chepkitale, and asking for the Government to revoke the gazettelement.

Due to the relentless work of CIPDP, there has subsequently been a change of attitude by many players. No longer are cars blocked from transporting ill people to hospital, no longer are schools and clinics burnt to the ground. Instead the government is half funding the new Ogiek primary schools that have sprung up, and voting booths arrived for the 2013 elections, after which the new County Governor came and visited the community and applauded their work.

Ultimately, unless the Government degazettes their land, the Ogiek still live in fear of eviction, but they have hope (based on hard work) that the Government will recognise the sense in avoiding a long battle in the courts which – according to the new constitution – the Government can only lose, and instead choose to work hand in hand with the community to demonstrate that human rights based conservation is the new way of explaining an age old system which recognises that if you look after the land then it will look after you: "We have never conserved. It is the way we live that conserves".

To view a video about the Ogiek's customary bylaws, please see: <http://www.forestpeoples.org/topics/rights-based-conservation/video/2013/12/video-customary-bylaws-chepkitale-ogiek-mount-elgon>

FPP and CIPDP would like to acknowledge the support of the WF Southall Trust, Paul K. Feyerabend Foundation, Ford East Africa, TIDES and Synchronicity Earth.



The Ogiek's bylaws will ensure the continued conservation of the Ogiek's ancestral lands, which will secure the futures of all generations of the community © Louise Henson

1 <http://www.whakatane-mechanism.org/>

2 <http://www.whakatane-mechanism.org/kenya>



## 2. Wapichan people and Guyanese Human rights organisation call for road plans to be halted in Southern Guyana

Guyana Human Rights Association (GHRA) and Wapichan Communities in the Rupununi are raising major concerns over road building plans affecting pristine forest in the south of the country on lands within Wapichan territory. The planned road being built from Brazil would cut through the village of Parabara in the South Rupununi and open up old growth rainforest along a route to the Essequibo River and beyond as far as Suriname. Affected Wapichan villages in Guyana have expressed alarm on hearing this news. The South Rupununi Districts Toshias Council met at the end of November and have sent a letter to the government of Guyana to demand more information and to communicate solid opposition to any road building plans that may threaten their forests and risk the destruction of their traditional lands that are still pending legal recognition more than 45 years after independence from Britain.

More information can be found here: <http://guyaneseonline.wordpress.com/2013/11/18/guyanas-last-frontier-breached-by-road-from-brazil-ghra/>



The proposed road would cut through pristine forest in the Wapichan territory © Tom Griffiths

## 3. Indigenous women call on the Committee on the Elimination of Discrimination Against Women to recognise indigenous peoples' collective rights

**“To address the specific situations faced by indigenous women, the collective rights of indigenous peoples must be recognized as part of protecting the individual rights of indigenous persons. Interpretation and application of human rights treaties concerned with individual rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), should happen with reference to the UN Declaration on the Rights of Indigenous Peoples”**

**Recommendation made to the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) by AIPP, NIWF and FPP**

Indigenous women face a multitude of forms of discrimination, as highlighted recently in a [submission](#)<sup>3</sup> to the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) by the Asia Indigenous Peoples Pact Foundation (AIPP), the National Federation of Indigenous Women (NIWF) and the Forest Peoples Programme. The submission focused on the need to specifically and appropriately consider the rights of indigenous women in the application of law to protect the rights of women – to address both issues related to indigenous status as well as issues related to gender.

The reason for this submission was to influence the development of specific jurisprudence on how international law is applied to the circumstances of indigenous women. The CEDAW Committee is currently developing a ‘General Recommendation’ – a guiding piece of legal interpretation that explains how the Committee expects to see the Convention applied by States. The Committee makes recommendations on any issue affecting women to which it believes the States parties should devote more attention. The Committee has already developed thirty General Recommendations

<sup>3</sup> <http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2013/submission-committee-elimination-discrimination>

(which can be viewed here: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>) addressing various aspects of the Convention, but none have yet dealt with the intersection of ethnic or racial discrimination and gender discrimination.

The current General Recommendation is specifically intended to deal with the application of Article 14 of the Convention, an Article that deals with the rights of women in rural areas. Given the fact that the customary lands and resources of indigenous peoples are often remote from urban centres, there is a clear overlap between rural women and indigenous women. Perhaps unsurprisingly then, the areas dealt with in Article 14 mirror in part those areas dealt with under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 14 highlights particular rights that need to be carefully considered and protected for rural women including the right to participate in agrarian reform and land resettlement schemes;<sup>4</sup> to education and training programmes;<sup>5</sup> to participate in development planning;<sup>6</sup> to participate in community life;<sup>7</sup> to access health services<sup>8</sup> and more. All of these rights are also referred to and protected in the UN Declaration on the Rights of Indigenous Peoples in the context of the collective rights of indigenous peoples. However, the emphasis placed on how these rights are to be best protected and even the full content of these rights does differ between the two international instruments and coherence between them must be found. In the end, effective protection against the multiple forms of discrimination that indigenous women face requires, indeed demands, application of the multiple laws designed to protect them.

Indigenous women from various corners of the world have consistently sent this same message to the CEDAW Committee as well as other human rights mechanisms. Alternative reports from indigenous women's organisations in [Uganda](#)<sup>9</sup>, [Nepal](#)<sup>10</sup>, the

4 Article 14(g) "(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in *land and agrarian reform as well as in land resettlement schemes*", CEDAW (emphasis added).

5 Article 14(d) "To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency", CEDAW

6 Article 14(a), "To participate in the elaboration and implementation of development planning at all levels", CEDAW

7 Article 14(f), "To participate in all community activities", CEDAW

8 Article 14 (b), "To have access to adequate health care facilities, including information, counseling and services in family planning", CEDAW

9 <http://www.forestpeoples.org/topics/un-human-rights-system/publication/2010/batwa-women-uganda-disproportionate-human-rights-viol>

10 <http://www.forestpeoples.org/topics/gender-issues/publication/2012/violence-against-indigenous-women-nepal-national-submission-57>



Internally displaced indigenous women in Chittagong Hill Tracts, Bangladesh. In order to effectively protect the rights of indigenous women their collective rights as indigenous peoples must be recognised and respected © Christian Erni

[Democratic Republic of Congo](#)<sup>11</sup> and [Colombia](#)<sup>12</sup> have also substantially influenced the CEDAW Committee's jurisprudence. Also, indigenous women in Latin America are currently preparing a document that aims at guiding the Inter-American Commission on Human Rights in relation to dealing with cases involving indigenous women's rights violations. They presented an overview of the information at a hearing held by the Commission in March 2012.

#### Further information:

- Submission to the Committee on the Elimination of Discrimination against Women (CEDAW): *The Land Rights of Rural Women*. 31 October 2013: <http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2013/submission-committee-elimination-discrimination>
- *Colombian indigenous women inform the Committee on the Elimination of Discrimination against Women (CEDAW) of the multiple forms of discrimination they face*: <http://www.forestpeoples.org/topics/un-human-rights-system/news/2013/10/colombian-indigenous-women-inform-committee-elimination-d>
- *The Committee on the Elimination of Discrimination against Women must pay special attention to the vulnerable situation of indigenous women in the DRC*: <http://www.forestpeoples.org/topics/gender-issues/news/2013/07/committee-elimination-discrimination-against-women-must-pay-specia>
- NIWF, LAHURNIP and FPP Submission to the

11 [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsubmission\\_DRCForTheSession55\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/JointNGOsubmission_DRCForTheSession55_en.pdf)

12 <http://www.forestpeoples.org/topics/un-human-rights-system/news/2013/10/colombian-indigenous-women-inform-committee-elimination-d>



Commission on the Status of Women (CSW) regarding the Rights of Indigenous Women in Nepal, January 2012: <http://www.forestpeoples.org/topics/gender-issues/publication/2012/violence-against-indigenous-women-nepal-national-submission-57>

- Batwa women in Uganda: Disproportionate human rights violations. Alternative report to the Combined 4th to 7th periodic reports of Uganda (CEDAW/C/UGA/7), September 2010: <http://www.forestpeoples.org/topics/un-human-rights-system/publication/2010/batwa-women-uganda-disproportionate-human-rights-viol>

## 4. Indonesia: IFC CAO withdraws from mediation process in PT Asiatic Persada oil palm concession

The International Finance Corporation Compliance Advisor/Ombudsman (IFC CAO) has formally announced its withdrawal from the case of PT Asiatic Persada, following the [sale of the concession by Wilmar in April 2013](#)<sup>13</sup>, and the new management's decision to continue mediation through a government team instead. This is despite the fact that the affected Batin Sembilan communities and complaint signatory NGOs have repeatedly called on the IFC CAO to continue its role as mediator and to encourage the company to pursue this avenue towards conflict resolution. The first of a series of closure meetings took place in Jambi on 26 October 2013 and was marked by a collective walk-out by the complaint signatory NGOs FPP, Sawit Watch, CAPP and SETARA Jambi, following a [Joint Statement](#)<sup>14</sup> to the IFC CAO summarising a range of grievances and highlighting serious systemic and procedural weaknesses in the IFC CAO's own engagement, that have in part contributed to the failure of the mediation process in PT Asiatic Persada.

In their [Statement](#), the NGOs questioned the absence of key parties in the meeting, including affected communities, other signatory NGOs and PT Asiatic Persada, as well as Wilmar, who had in writing and on two occasions affirmed its commitment towards encouraging the new management to continue the

IFC CAO mediation. They also noted the sustained incapacity of the current IFC CAO mediators in Indonesia to communicate adequately, transparently and in a timely manner with all parties throughout the IFC CAO's mediation, which has been a significant factor in the breakdown of the process.

The new management of PT Asiatic Persada says it has chosen to continue mediation through an Integrated Team (Tim Terpadu) of Batang Hari district, in line with Presidential Instruction No. 2 of 2013 on Handling Disturbances to National Security. This team will include government representatives, the military and the police. None of the communities involved in the IFC CAO mediation were consulted on this decision. This suggested mediation option is also technically flawed, given that PT Asiatic Persada is located in two districts, and that therefore according to the law, it is the Provincial Government who should take on the responsibility to continue the conflict resolution process, not the district government of Batang Hari. Furthermore, the mediation



30 years after the imposed conversion of their customary lands for oil palm, the Batin Sembilan people are still denied justice and remedy © Sophie Chao

<sup>13</sup> <http://www.forestpeoples.org/topics/palm-oil-rspo/news/2013/07/indonesia-oil-palm-giant-wilmar-lets-down-local-communities-yet-ag>

<sup>14</sup> <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2013/joint-ngo-statement-ifc-cao-summarising-grievances-and-highlig>



process underway since 2011 by the IFC CAO will not be taken into account by the new mediation structure as evidence towards follow-up, and mediation will now have to be reinitiated from the start.

The end of the CAO's involvement is a huge disappointment for the affected Batin Sembilan communities, who have invested massive energy and resources in this mediation process, and who continue to be denied justice and redress for the grabbing of their customary lands for oil palm development. The Batin Sembilan are now calling on the Jambi government to revoke the company's Business Use Permit (HGU), and have submitted a [petition](#)<sup>15</sup> to the Roundtable on Sustainable Palm Oil (RSPO) demanding the expulsion of Wilmar from the RSPO, the suspension of all of Wilmar's operations pending conflict resolution and the revision of the RSPO standard to specify requirements from companies where sales of concessions are projected, particularly where conflict and conflict resolution are ongoing. Protests were ongoing throughout the month of October at the Office of the Governor of Jambi, and community representatives of the Batin Sembilan also participated in a protest on the first day of the RSPO's Annual Meeting held in Medan, North Sumatra, at the venue of the meeting, where they met with RSPO representatives and submitted their joint statement and petition. At the time of writing this article, the communities had written twice to the IFC CAO to inquire as to when a follow-up meeting will be held following the 26 October meeting, but no response had been received.

#### Further information:

- The CAO story: Contesting procedural irregularities and standards violations by Wilmar and the IFC through the Compliance/Advisor Ombudsman: <http://www.forestpeoples.org/tags/cao-story-contesting-procedural-irregularities-and-standards-violations-wilmar-and-ifc-through>
- *Indonesia: Oil palm giant Wilmar lets down local communities yet again and jeopardises their futures:* <http://www.forestpeoples.org/topics/palm-oil-rspo/news/2013/07/indonesia-oil-palm-giant-wilmar-lets-down-local-communities-yet-ag>
- Joint Statement of complaint signatory NGOs: <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2013/joint-ngo-statement-ifc-cao-summarising-grievances-and-highlig>
- Batin Sembilan community petition to the RSPO <http://www.forestpeoples.org/topics/palm-oil-rspo/>

<sup>15</sup> <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2013/joint-petition-indigenous-suku-anak-dalam-batin-sembilan-rspo->

- [publication/2013/joint-petition-indigenous-suku-anak-dalam-batin-sembilan-rspo-](#)
- *Human rights abuses and land conflicts in the PT Asiatic Persada concession in Jambi: Report of an independent investigation into land disputes and forced evictions in a palm oil estate:* <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2011/human-rights-abuses-and-land-conflicts-pt-asiatic-persada-conc>
- *Mediation: Strategy or Objective? Reflections on the conflict mediation process between PT Asiatic Persada and the Suku Anak Dalam (Batin Sembilan) communities of Jambi, Indonesia,* Rukaiyah Rofiq and Rian Hidayat (Setara): <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2013/mediation-strategy-or-objective-reflections-conflict-mediation>

## 5. New Protocol developed on Monitoring and Management of High Conservation Values 5 and 6

Recognition of the social and environmental impacts of large-scale land conversion to monoculture plantations such as oil palm has led to numerous voluntary sustainability standards, including the Roundtable on Sustainable Palm Oil (RSPO), to adopt the concept of High Conservation Values (HCVs). These are defined as the critical social and environmental values in ecosystems and landscapes that long-term multi-stakeholder processes have collectively identified as the key values to be conserved and enhanced in the management of natural systems. There are 6 types of HCVs in total and a description of each HCV can be found here: <http://www.hcvnetwork.org/about-hcvf/the-six-high-conservation-values>.

Member companies of voluntary standards such as the RSPO are required to identify, manage and monitor HCVs, which include both social and environmental values, to protect and enhance them. HCVs 5 and 6 are designed to secure communities' basic needs and cultural values respectively.

In collaboration with the Zoological Society of London (ZSL), Forest Peoples Programme has developed a [Monitoring and Management Protocol for High Conservation Values 5 and 6 with Guidelines for Best Practices in Community Engagement](#). This Protocol will complement the existing [HCV Threat Monitoring System](#) produced by ZSL which focuses largely on HCVs

1 to 4 (values relating to biodiversity). The HCV 5 and 6 Protocol was revised based on the outcomes of two multi-stakeholder consultations held in Indonesia and Cameroon, attended by community members, local and national NGOs, palm oil companies, auditing bodies and researchers. The document was shared for wider public consultation through the High Conservation Resource Network, the RSPO Biodiversity and HCV Working Group, and the RSPO Roundtable in Medan, North Sumatra in November 2013.



Multi-stakeholder consultation on HCVs 5 and 6 in Bogor, Indonesia © Sophie Chao

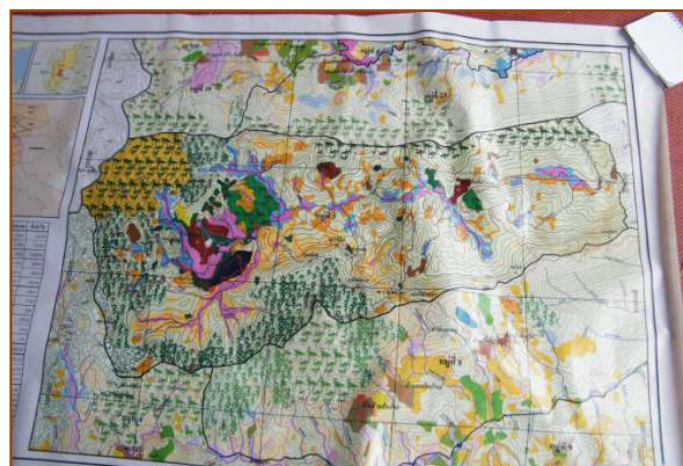
Where large areas of customary lands, traditional use or local subsistence are converted into oil palm estates, and then substantial parts of the remaining areas are set aside for conservation of biodiversity and other environmental values, then local peoples' economies are inevitably put under considerable pressure. Often, such lands have been owned, used, managed and passed on for generations in line with customary norms and practices, and hold a central place in the social and cultural identities, as well as historical attachments, of these communities. The adequate identification, monitoring and management (IMM) of HCVs 5 and 6 is thus critical to ensure that these communities' basic needs can continue to be met, and that their traditional cultural identities and practices can be sustained, while ensuring the continued protection and / or enhancement of other High Conservation Values. The Protocol thus makes clear that HCV IMM needs to be anchored in recognition that local communities have customary rights over land, regardless of whether these are formally recognised or not under national laws. Furthermore, such processes need to be anchored in respect for the right of communities to give or withhold their Free, Prior and Informed Consent (FPIC) to the land acquisition by companies in the first place.

Guidance on the monitoring and management of

HCVs 5 and 6 provided in the new Protocol is a welcome and much overdue step towards providing comprehensive data and guidance on best practices in this regard, with the full participation and engagement of local communities who depend on these areas for their livelihoods and cultures. In practice, community participation, consultation and active engagement, where consented to by the communities, in HCV 5 and 6 management and monitoring is not yet widely practised in the palm oil sector. This is despite a growing body of evidence suggesting that consultation with and participation of communities in all three stages of the HCV IMM process can engender positive outcomes for the protection and enhancement of all 6 types of HCVs. Pilot-testing of the Protocol is expected to take place in oil palm concessions in Indonesia and Cameroon in the course of 2014.

#### Further information:

- High Conservation Resource Network website: <http://www.hcvnetwork.org/>
- *Monitoring Protocol for High Conservation Values 5 and 6 with Guidelines on Best Practices in Community Engagement* (FPP and ZSL), November 2013: <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2013/monitoring-protocol-high-conservation-values-5-and-6-guideline>. *This document will undergo further formatting revisions in the coming weeks, but the text is fixed until further revisions emerge from pilot testing in 2014.*



Participatory map developed by Karen communities in Chom Thong District, Thailand, with the support of IMPECT, showing pattern of land occupation and use © Marcus Colchester



## 6. Indigenous organisations petition Peruvian government to protect the rights of isolated peoples before the Inter American Commission on Human Rights

On 1 November 2013 indigenous and civil society organisations from Peru including FENAMAD, AIDSESEP, Derecho Ambiente y Recursos Naturales (DAR), and the National Human Rights Coordinator presented evidence in a hearing before the Inter-American Commission.

The petitioners documented the failure of the Peruvian government to provide effective protection for isolated indigenous peoples in Peru.

A subsequent [press release](#)<sup>16</sup> issued by AIDSESEP noted that “it was unfortunate that the State evaded the denunciations and responded with an indolent and monotonous list of their laws and regulations, in full knowledge that these are not complied with.... The IACHR itself replied that it is not enough to list these laws but the State must demonstrate that they are complied with and that they protect the lives of these peoples which are under threat”.

The evidence presented included the state’s failure to implement measures to protect isolated peoples in Reserves that have been officially created and the continued violation of their territories (many of which are overlapped by oil, gas and logging concessions).

This is despite the fact that in 2007 a specific law requiring implementation of policies and plans to protect isolated peoples was passed by Peru’s Congress.

The petition focused specifically on the case of the Kugapakori-Nahua-Nanti Territorial Reserve (KNNR) which is threatened by the massive expansion plans of the [Camisea gas project](#)<sup>17</sup> within Lot 88.

These plans include the construction of 21 exploration



AIDSESEP, FENAMAD, DAR and the National Human Rights Coordinator at the Inter-American Commission hearing © Amazon Watch

wells, the construction of a 10km flowline and hundreds of kilometres of seismic testing all within a Reserve which is supposed to be off limits to such activities.

The [presentation](#)<sup>18</sup> emphasized that the formal observations issued by the Vice Ministry of Intercultural Affairs (VMI) in May 2012 concluded that the health, traditional economic activities and ways of life of the indigenous peoples in ‘initial contact’ and ‘voluntary isolation’ (‘isolated peoples’) in the region will be severely impacted by the expansion plans and two of them, the Nanti and the Kirineri, could be made ‘extinct.’

However, in an embarrassing u-turn the report was [withdrawn shortly afterwards](#)<sup>19</sup> in suspicious circumstances, while 3 senior figures at the VMI resigned.

Approval for the expansion plans is still pending the decision of the VMI, which remains imminent.

The petitioners requested that the Peruvian government modify the law for the protection of isolated peoples in accordance with international human rights law and the principle that the territories of isolated peoples must remain off limits to economic activities.

They further demanded the annulment of all concessions which overlap the territories of isolated peoples, and in the case of the KNNR they demanded measures to protect isolated peoples in the face of the operations within Lot 88.

<sup>16</sup> <http://www.aidesep.org.pe/cidh-peligra-la-vida-de-los-pueblos-autonomos-y-el-estado-responde-con-leyes-de-papel/>

<sup>17</sup> <http://www.forestpeoples.org/tags/expansion-camisea-gas-project-peruvian-amazon>

<sup>18</sup> [http://www.forestpeoples.org/sites/fpp/files/news/2013/11/Presentation\\_Audiencia\\_CIDH\\_01\\_11\\_13\\_FINAL\\_\(3\).pdf](http://www.forestpeoples.org/sites/fpp/files/news/2013/11/Presentation_Audiencia_CIDH_01_11_13_FINAL_(3).pdf)

<sup>19</sup> <http://www.forestpeoples.org/topics/extractive-industries/news/2013/09/peruvian-government-u-turn-paves-way-illegal-expansion-cam>

Daysi Zapata, Vice President of AIDESEP, concluded the presentation with the following:

“There are laws, protocols and plans but these are simply decorative while the reality is one of abandonment and threat. We would make the state responsible if an isolated brother were to die and we request the IACHR to take urgent action in defense of life.”

#### Further information:

- AIDESEP Press release (only available in Spanish); <http://www.aidesep.org.pe/cidh-peligra-la-vida-de-los-pueblos-autonomos-y-el-estado-responde-con-leyes-de-papel/>
- AIDESEP, FENAMAD, DAR and National Human Rights Coordinator presentation to the Inter-American Commission: [http://www.forestpeoples.org/sites/fpp/files/news/2013/11/Presentacion%20Audiencia%20CIDH%2001%2011%2013%20FINAL%20\(3\).pdf](http://www.forestpeoples.org/sites/fpp/files/news/2013/11/Presentacion%20Audiencia%20CIDH%2001%2011%2013%20FINAL%20(3).pdf)
- *Peruvian government u-turn paves way for illegal expansion of Camisea gas project:* <http://www.forestpeoples.org/topics/extractive-industries/news/2013/09/peruvian-government-u-turn-paves-way-illegal-expansion-cam>
- Expansion of the Camisea gas project in the Peruvian Amazon: <http://www.forestpeoples.org/tags/expansion-camisea-gas-project-peruvian-amazon>



Daysi Zapata, Vice President of AIDESEP, during the presentation  
© Amazon Watch

## 7. Palm Oil development, ‘Forest Carbon’ conservation and community rights

The production of palm oil has come under sustained criticism for its destruction of forests, biodiversity and wider environmental values. More lately, the industry has also been targeted to prevent the massive greenhouse gas emissions from its forest clearance and from drainage and planting on peatlands. Under pressure from local and international campaigning groups, the palm oil giant Golden Agri Resources has adopted a new Forest Carbon Policy that promises no clearance of tall forests and no planting on peat. What are the implications of this new policy for forest peoples?

Golden Agri Resources (GAR) is a large natural resource development conglomerate based in Singapore. The Group, which is owned by the wealthy Indonesian Widjaya family, includes Sinar Mas Banking, Sinar Mas Forestry, and Asia Pulp and Paper. The majority of the conglomerate’s extensive palm oil holdings in Indonesia are grouped together as PT SMART.

In 2009, the group came under scrutiny from the NGO, Greenpeace, which had found from detailed field assessments and satellite images that PT SMART subsidiaries were clearing forests and draining deep peat in violation of the RSPO standard and thereby making a significant contribution to greenhouse gas emissions. Itself under heavy pressure from Greenpeace for buying PT SMART’s palm oil, Unilever announced it was to suspend purchase of PT SMART’s oil pending a halt to forest and peatland conversion by the company.

In 2010, PT SMART / Sinar Mas announced its adoption of a Forest Carbon Policy, by which it undertook to develop a method for avoiding forest and peatland clearance in its operations. Unilever recommenced its purchases of palm oil produced by PT SMART. During 2011, PT SMART, working with The Forests Trust and Greenpeace, developed a methodology for assessing High Carbon Stocks in its concessions by which in future only areas bearing ‘young scrub’ and ‘cleared lands’ should be planted. Of course these are precisely the areas that are closest to communities, being their farmlands and areas of forest fallow in their rotational farming. In other words, the policy has the perverse incentive of putting added pressure on communities to give up their lands to oil palm development.

GAR is currently piloting its Forest Carbon Policy in one





Palm oil companies must respect local communities' land rights and right to FPIC © Sophie Chao

of its concessions, PT Kartika Prima Cipta (PT KPC), in Kapuas Hulu in West Kalimantan and in Liberia in the concession of its wholly owned holding, Golden Veroleum Limited.

Given the serious problems with land acquisition that have been identified in Liberia, in discussions with Greenpeace, it was agreed that it would be useful for Forest Peoples Programme to also carry out a review the situation in Kapuas Hulu, independently of the other parties, to see how the pilot is addressing social issues there. The aim of the work is to ensure that the pilot projects adhere to the principle of FPIC and respect community rights, in line with the RSPO standard.

FPP, working with the national NGO TUK-Indonesia, helped by local NGO Kaban, has now carried out two surveys in the PT KPC concession, in July and September. The first survey in July, which included interviews with local company officials, but focused on the views of the affected communities, revealed some serious shortcomings in the way the company was dealing with land rights, obtaining consent and providing smallholdings for affected Dayak Mayan people and noted widespread complaints about the impact of palm oil development on fishing and fish-farming which are mainstays of the Malay folk who live along the main waterways in the area.

We immediately raised the communities' concerns with senior staff in GAR which promised to look into them and seek to remedy any deficiencies. When we returned in September as we had said we would to check on progress, we were extremely disappointed to find that neither GAR nor its consultants had even visited the field to check out the situation, let alone provide solutions.

GAR is still promising to take action and the consultancy,

The Forests Trust, is now mobilising to make a response. We will be issuing a detailed report shortly that sets out the issues in much more detail.

## 8. UN establishes Scientific Advisory Board to strengthen connection between science and policy

The UN Secretary-General, Ban Ki-moon, has announced the establishment of a new Scientific Advisory Board that will provide advice on science, technology and innovation (STI) for sustainable development to him and Executive Heads of UN organisations.

The Board consists of 26 eminent scientists representing natural, social and human sciences and includes Joji Cariño, Director of Forest Peoples Programme.

The aim of the Scientific Advisory Board is to improve links between science and public policies and influence and shape action by the international community to advance sustainable development and eradicate poverty.

Joji has expertise on the role of indigenous and local knowledge in biodiversity management and local livelihoods, and in building knowledge platforms of diverse and complementary knowledge systems.

To find out more about the Scientific Advisory Board please visit: [http://www.unesco.org/new/en/media-services/single-view/news/un\\_secretary\\_generals\\_scientific\\_advisory\\_board\\_to\\_strengthen\\_connection\\_between\\_science\\_and\\_policy/back/9597/#.Uo4ByeK0Ppx](http://www.unesco.org/new/en/media-services/single-view/news/un_secretary_generals_scientific_advisory_board_to_strengthen_connection_between_science_and_policy/back/9597/#.Uo4ByeK0Ppx)

### Relevant information:

- *Indicators Relevant for Indigenous Peoples: A Resource Book*, Tebtebba, 2008: <http://www.tebtebba.org/index.php/content/123-indicators-relevant-for-indigenous-peoples-a-resource-book>

## 9. Rampant conflict in the palm oil sector addressed in international civil society organisation strategy meeting

Following the widely publicised [launch](#)<sup>20</sup> on 7 November of a landmark [study](#)<sup>21</sup> on Free, Prior and Informed Consent in 16 oil palm operations in Southeast Asia and Africa titled ‘Conflict or Consent? The Oil Palm Sector at a Crossroads’, over 40 civil society organisations from Indonesia, Malaysia, Thailand, the Philippines, Cameroon, the United Kingdom, the United States and South Africa congregated in Medan, North Sumatra (Indonesia) in a three-day workshop organised by Forest Peoples Programme, Transformasi Untuk Keadilan INDONESIA, ELSAKA and BothENDS on 8 – 10 November. The objective of the workshop was to take stock of the lessons learned from the various conflict resolution mechanisms used to date in relation to the palm oil sector by affected local communities, and to develop a joint advocacy action plan based on what is working and what isn’t to get justice and redress for communities.

Presentations by the authors of the different case studies featured in ‘Conflict of Consent?’ were followed by lively and critical discussion and debate over the strengths and weaknesses of various conflict resolution avenues deployed by NGOs in support of local communities at the grassroots, national and international levels. These included inter-alia the Roundtable on Sustainable Palm Oil (RSPO)’s Complaints Panel and Dispute Settlement Facility, the International Finance Corporation Compliance Advisor/Ombudsman (IFC CAO), local and national courts, National Human Rights Commissions, companies’ own complaint mechanisms and Standard Operational Procedures, as well as land reclaiming, protest and community mobilisation. Particular concern was voiced over the rapid and ill-regulated expansion of oil palm plantations in West Africa, including in Liberia, Cameroon and Nigeria, by the same RSPO member companies that are neglecting the right of communities to give or withhold their free, prior and informed consent in Southeast Asia. A growing recognition of the need for South-South joint advocacy and networking was also



Participants of the Conflict or Consent workshop, Medan, North Sumatra © Holly Shrumm

identified as crucial towards lesson-sharing, strategy-devising and collaborative appeals for redress and justice for affected communities.

In-depth breakout group discussions led to the elaboration of specific action points on identified needs such as community empowerment, alternative community livelihoods, national and regional advocacy, the RSPO, international human rights mechanisms, legal and governance reform, and use of the media to raise public awareness of the consequences of oil palm expansion where carried out without respect for the rights, livelihoods and self-determined futures of indigenous peoples and local communities. Whilst the importance of voluntary commodity standards was acknowledged where existing national legal frameworks fail to protect rights and recognise the land claims of indigenous peoples and other local communities, it was also agreed by all that such initiatives in no way lessen the obligation of States to protect and respect the rights of their citizens. Instead, private sector initiatives such as the RSPO can and should play a key role in terms of pushing for legal reform and better land governance in the countries where member companies are operating, such that companies are better able to implement their operations in a sustainable manner.

The workshop led to the development of an action plan and actor mapping exercise to support future advocacy in relation to the palm oil sector, as well as a [letter](#)<sup>22</sup> to the European National Task Forces working towards certified palm oil, requesting them to review the new report and formulate actions which help ensure that all palm oil entering the market is indeed “free of conflict”.

<sup>20</sup> [http://www.forestpeoples.org/sites/fpp/files/news/2013/11/Conflict or Consent press release\\_FINAL\\_7nOV\\_Eng.pdf](http://www.forestpeoples.org/sites/fpp/files/news/2013/11/Conflict%20or%20Consent%20press%20release%20FINAL%207nOV%20Eng.pdf)

<sup>21</sup> <http://www.forestpeoples.org/sites/fpp/files/publication/2013/11/conflict-or-consentenglishlowres.pdf>

<sup>22</sup> [http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/131109-statement-CoC-European\\_TF.pdf](http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/131109-statement-CoC-European_TF.pdf)



Another [letter](#)<sup>23</sup> was also produced addressing the RSPO, urging it to:

- Join the CSOs' efforts to uphold the RSPO standard and its implementation, notably by harnessing its remedial instruments such as its complaints mechanism and the RSPO Dispute Settlement Facility;
- Act with urgency to remedy the violations highlighted in 'Conflict or Consent? The Palm Oil Palm Sector at a Crossroads';
- Commission a genuinely independent review of the quality of audits to assess compliance with social considerations;
- Call on governments to improve the legal-institutional framework guiding the palm oil sector.

Both letters request verification by the National Task Forces and the RSPO in the field and in consultation with the communities of the conditions under which palm oil is being produced, and help to co-design and implement measures to bring the RSPO standard into practice.

The newly launched book was widely disseminated at the RSPO's 11th Annual Roundtable Meeting (known as 'RT11') on 11 - 14 November also in Medan. Over the course of RT11, Forest Peoples Programme co-led three Open Space Discussions on the [HCV 5 and 6 Monitoring and Management Protocol](#),<sup>24</sup> FPIC and Conflict, and the newly formed RSPO Human Rights Working Group, in multi-stakeholder dialogues involving NGOs, auditors, companies, traders and smallholder oil palm farmers. This year's RT was also the scene of a joint protest by around 2,500 oil palm plantation labourers and affected local communities. They called in particular on the RSPO to sanction RSPO member company Wilmar International for its systemic violation of indigenous peoples', local communities' and labourers' rights in its concessions across Indonesia. A meeting was granted to representatives of the communities with RSPO representatives, in which a joint statement and petition were submitted, reiterating the protesters' demands and demanding immediate and concrete action and remedy for land grabbing and exploitation.



Wilmar International was the target of widespread protests held by plantation labourers and local communities at the RSPO Annual Meeting in Medan. Protesters called out against Wilmar for environmental destruction, paraquat use, the exploitation of children and women labourers and the violation of the rights of indigenous peoples. © Sawit Watch



Protests started in Merdeka Square and spread to the RT11 venue and then the Office of the Governor of North Sumatra Province © Sawit Watch

#### Further information:

- Colchester M & S Chao (eds) 2013 *Conflict or consent? The palm oil sector at a crossroads*. Forest Peoples Programme, Sawit Watch and Transformasi Untuk Keadilan INDONESIA: <http://www.forestpeoples.org/sites/fpp/files/publication/2013/11/conflict-or-consentenglishlowres.pdf>. Also available in Bahasa Indonesia at <http://www.forestpeoples.org/sites/fpp/files/publication/2013/11/conflict-or-consentbahasa-indonesiaversion2lowres.pdf>
- Forest Peoples Programme, Pusaka & Sawit Watch 2013 *'A sweetness like unto death': voices of the indigenous Malind of Merauke, Papua*: <http://www.forestpeoples.org/sites/fpp/files/publication/2013/10/asweetnessundodeathmifeindonesiaenglish2.pdf>. Also available in Bahasa Indonesia at <http://www.forestpeoples.org/sites/fpp/files/publication/2013/10/>
- CSO letter to European National Task Forces, November 2013: <http://www.forestpeoples.org/sites/>

<sup>23</sup> [http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/CoC\\_statement\\_to\\_RSPO.pdf](http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/CoC_statement_to_RSPO.pdf)

<sup>24</sup> <http://www.forestpeoples.org/topics/environmental-governance/news/2013/11/new-protocol-developed-monitoring-and-management-high-c>

[fpp/files/private/news/2013/11/131109-statement-CoC-European\\_TF.pdf](http://fpp/files/private/news/2013/11/131109-statement-CoC-European_TF.pdf)

- CSO letter to RSPO, November 2013: <http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/CoC%20statement%20to%20RSPO.pdf>

## 10. The “Forests COP”? - Highlights on forests and indigenous peoples from the UNFCCC 19th Conference of the Parties

*Key decisions on REDD+ adopted at the 19th Conference of the Parties (COP19) of the UN Framework Convention on Climate Change (UNFCCC) in Warsaw, and future UNFCCC climate negotiations and financing commitments by donors, such as the United Kingdom, will pose further significant challenges for indigenous peoples' rights and its advocates.*

The Warsaw UNFCCC COP19 (which took place from 11-22 November 2013) has been dubbed the “Forests COP”. Pending solutions for critical issues such as climate finance, emission reduction commitments and compensation for loss and damage, Parties adopted a “package” of decisions on REDD+, including Monitoring, Reporting and Verification, Reference Emission Levels and Forest Reference Levels. Other REDD+ decisions adopted at COP19 commit governments to provide safeguard information systems (SIS), which demonstrate how safeguards are being addressed and respected throughout the implementation of REDD+ activities. These safeguard information systems must be provided before results-based payments can be received.

The COP also adopted a decision on drivers of deforestation. While it fell short of acknowledging the role and impact of “external” drivers, such as trade and consumption of forest and agricultural products (mostly due to the pressure of Brazil and Indonesia) the document indeed encourages “Parties, organizations, private sector to take action to reduce the drivers of deforestation and forest degradation”. As expected, the key contentious issue for Indigenous Peoples was the ambiguous language that had been adopted at the SBSTA meeting in June 2013 (“*Noting that livelihoods may be dependent on activities related to drivers of deforestation*

*and forest degradation and that addressing these drivers may have an economic cost and implications for domestic resources”). Indigenous Peoples were concerned that this ambiguous language could consider their livelihoods as drivers of deforestation, so raised the matter to Parties in an attempt to reformulate the sentence so it is clear that indigenous peoples' livelihoods are not to be considered as deforestation drivers but rather as contributors to forest conservation. Parties finally agreed to include a note in the COP report, clarifying that the text was not meant to stigmatise indigenous peoples' livelihoods.*



The International Indigenous Peoples Forum on Climate Change (IIPFCC) in Warsaw © Francesco Martone

Other COP decisions dealt with coordination of financial support for REDD+, and the request to the UNFCCC's [Standing Committee on Finance](#)<sup>25</sup> to consider the issue of financing for forests. Indigenous peoples also focused on the [ADP \(Durban Platform for Enhanced Action\)](#)<sup>26</sup>, since REDD+ is likely to be brought into the wider land-based adaptation and mitigation negotiations with the risk that previously agreed language on indigenous peoples' rights and instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) might be lost in translation. The concept of land-based mitigation and adaptation opens the path towards new approaches to forest management and conservation for climate-related purposes. One of these, notably “the landscape approach”, was discussed by participants of the Global Landscapes Forum held in parallel to the COP. The World Bank BioCarbon Fund also launched the “[Initiative for Sustainable Forest Landscapes](#)”<sup>27</sup> (ISFL), funded by Norway (135 million USD), the UK (120 million USD), and the US (25 million USD). Additionally, the UK will further contribute to the Forest Carbon Partnership Facility's

25 [http://unfccc.int/cooperation\\_and\\_support/financial\\_mechanism/standing\\_committee/items/6877.php](http://unfccc.int/cooperation_and_support/financial_mechanism/standing_committee/items/6877.php)

26 <http://unfccc.int/bodies/body/6645.php>

27 <http://www.worldbank.org/en/news/feature/2013/11/20/biocarbon-fund-initiative-promote-sustainable-forest-landscapes>



Carbon Fund and Germany will scale up its REDD+ Early Movers programme (12 million Euros). Norway, who have allocated a further [40 million USD for UNREDD](#)<sup>28</sup>, and Germany will increase their support for results-based payments in Colombia and Ecuador. A joint statement by Colombia, Norway, Germany and the United Kingdom was also made public, supporting the Colombian government's goal to reach zero deforestation in the Amazon by 2020.

The outcomes of COP19 pose significant challenges given this new push from the top down to facilitate REDD+ when implementation and readiness activities in most forest nations remain at a very early stage and few actions have been taken to secure forest peoples' tenure rights. Major focus must be given to implementation of robust application of safeguards at the country level and this must be a priority for all Parties involved. Advocacy efforts will need to ensure that international climate commitments are based on international human rights instruments and standards such as the UNDRIP and that these are applied in practice on the ground. If not, concerns over the problems with REDD+ and lack of attention to deforestation drivers will continue and deforestation rates are unlikely to fall.

For more detailed information on the outcomes of COP19 and their impacts on forests and indigenous peoples, please see Forest Peoples Programme's latest briefing: <http://www.forestpeoples.org/sites/fpp/files/publication/2013/12/cop19unfcccbriefingnovember2013.pdf>

#### Further information:

- Statements of the International Indigenous Peoples Forum on Climate Change (IIPFCC) at COP 19: [http://www.ccm.in.aippnet.org/index.php?option=com\\_content&view=article&id=1164:statements-of-international-indigenous-peoples-forum-on-climate-change-iipfcc-at-cop-19ge&catid=1:news](http://www.ccm.in.aippnet.org/index.php?option=com_content&view=article&id=1164:statements-of-international-indigenous-peoples-forum-on-climate-change-iipfcc-at-cop-19ge&catid=1:news)
- Relevant UNFCCC COP19 documents:
  - [http://unfccc.int/documentation/documents/advanced\\_search/items/6911.php?preref=600007715](http://unfccc.int/documentation/documents/advanced_search/items/6911.php?preref=600007715)
  - [http://unfccc.int/files/adaptation/cancun\\_adaptation\\_framework/adaptation\\_committee/application/pdf/work\\_plan\\_final.pdf](http://unfccc.int/files/adaptation/cancun_adaptation_framework/adaptation_committee/application/pdf/work_plan_final.pdf)
  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_drivers\\_deforestation.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_drivers_deforestation.pdf)
  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_mitigationactions\\_forest.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_mitigationactions_forest.pdf)
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  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_redd\\_finance.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_redd_finance.pdf)
  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_fms.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_fms.pdf)
  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_safeguards\\_1cp16a1.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_safeguards_1cp16a1.pdf)
  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_mrv.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_mrv.pdf)
  - [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_frl.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_frl.pdf)

- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_mitigationactions\\_forest.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_mitigationactions_forest.pdf)
- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_scf.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_scf.pdf)
- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_redd\\_finance.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_redd_finance.pdf)
- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_fms.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_fms.pdf)
- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_safeguards\\_1cp16a1.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_safeguards_1cp16a1.pdf)
- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_mrv.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_mrv.pdf)
- [http://unfccc.int/files/meetings/warsaw\\_nov\\_2013/decisions/application/pdf/cop19\\_frl.pdf](http://unfccc.int/files/meetings/warsaw_nov_2013/decisions/application/pdf/cop19_frl.pdf)

- Global Landscapes Forum: [www.landscapes.org](http://www.landscapes.org)
- World Bank: *BioCarbon Fund Launches \$280 Million Initiative for Sustainable Forest Landscapes*: <http://www.worldbank.org/en/news/feature/2013/11/20/biocarbon-fund-initiative-promote-sustainable-forest-landscapes>
- BioCarbon Fund Initiative for Sustainable Forest Landscapes: [http://www.worldbank.org/content/dam/Worldbank/document/SDN/BioCF\\_ISFL\\_Flyer.pdf](http://www.worldbank.org/content/dam/Worldbank/document/SDN/BioCF_ISFL_Flyer.pdf)
- Joint Statement of the United Kingdom, Norway, United States, Germany and Australia on Tackling Deforestation and Forest Degradation: <http://web.archive.nationalarchives.gov.uk/20130109092117/http://decc.gov.uk/assets/decc/11/tackling-climate-change/international-climate-change/7126-joint-statement-tackling-deforestation.pdf>
- UNDP: *UN-REDD Programme receives US\$40 million pledge from Norway to help 48 developing countries halt deforestation*: <http://www.undp.org/content/undp/en/home/presscenter/pressreleases/2013/11/22/the-un-redd-programme-receives-us-40-million-pledge-from-norway-to-help-48-developing-countries-halt-deforestation.html>

<sup>28</sup> <http://www.undp.org/content/undp/en/home/presscenter/pressreleases/2013/11/22/the-un-redd-programme-receives-us-40-million-pledge-from-norway-to-help-48-developing-countries-halt-deforestation.html>

## 11. Convention on Biological Diversity (CBD) Update: Outcomes of recent meetings

Following up on our [previous E-news article](#)<sup>29</sup> that looked ahead to the 8th meeting of the CBD Working Group on Article 8(j) and Related Provisions (WG8(j)-8) and the 17th meeting of the CBD's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-17) held in October 2013 in Montreal, Canada, we now provide a brief update on some main outcomes of relevance and importance to indigenous peoples.

The full outcomes of WG8(j)-8 can be read in the final meeting report, UNEP/CBD/COP/12/5, which contains six recommendations to the 12th meeting of the Conference of the Parties to the CBD (COP12), here: <http://www.cbd.int/doc/?meeting=WG8J-08>.

All SBSTTA-17 (outcome) documents, statements and presentations are temporarily available as in-session documents, here: <http://www.cbd.int/sbstta-17/in-session/#tab=0>

### **Indigenous participants pleased with the good progress made in agreeing on first phase of a draft action plan on customary sustainable use of biodiversity**

WG8(j)-8 agreed on the first phase of a plan of action to promote and support customary practices of indigenous peoples that are relevant for sustainable use and conservation of biodiversity. This first phase focuses on three tasks: incorporation of this issue in national CBD implementation plans; support for and collaboration with community-based initiatives that focus on customary sustainable use; and to identify and operationalise best practices on customary sustainable use and protected areas (related to Free, Prior and Informed Consent and establishment, governance and management of protected areas). The agreed actions are designed to be very straightforward and indigenous participants at the meeting called on the Parties to start implementing these actions right away. They also agreed to be fully committed to carrying out the first phase of this plan in good collaboration and partnership with Parties and others.

Read more in the final meeting report, UNEP/CBD/

COP/12/5, Recommendation 8/2: <http://www.cbd.int/doc/meetings/cop/cop-12/official/cop-12-05-en.doc>

### **Parties reach compromise agreement to do more research before deciding whether or not to start using the term 'indigenous peoples' in the future work of the Convention**

In our [previous edition](#) of the E-Newsletter we announced that WG8(j)-8 was going to discuss the potential update of the CBD terminology from 'indigenous and local communities' to 'indigenous peoples and local communities'. While 98% of the Parties at the meeting were in favour of using 'peoples', in line with the Rio+20 outcome document and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (amongst others), a small number of countries still expressed reservations. As the Convention still works on a consensus basis, a compromise had to be reached, which was the decision to commission a study on the legal and practical implications of the use of 'peoples' in the convention, based on which a final decision will be made by COP12. Obviously indigenous participants to the meeting felt discouraged about this compromise, a sentiment which was shared by the many Parties in favour of updating the terminology right away.

Read more in UNEP/CBD/COP/12/5, Recommendation 8/6.

### **Parties warmly welcome initiatives on community-based monitoring**

There was a lot of appreciation and support from Parties at WG8(j)-8 for the work done by the newly emerging network of indigenous peoples and local communities who are generating relevant local-level data and information about ecosystems and community well-being through community-based monitoring and information systems (CBMIS). This information complements data and global statistics about the state of biodiversity and the progress in implementation of the CBD Strategic Plan at (sub)national levels being generated by Parties, agencies and others. This was an important acknowledgement and support for indigenous peoples and local communities involved in this work, and generally for the increased acceptance and valuation of traditional knowledge in global assessments on biodiversity, climate change and human well-being.

Read more in UNEP/CBD/COP/12/5, Recommendation 8/1.

<sup>29</sup> <http://www.forestpeoples.org/topics/convention-biological-diversity-cbd/news/2013/10/convention-biological-diversity-no-more-excu>



## Indigenous peoples disappointed with experiences at SBSTTA-17

For the 17th meeting of the SBSTTA the CBD Secretariat experimented with a new format, composed of panel discussions during the first three days, in a plenary setting, without any draft recommendations. These were developed at a later stage in 'friends of the chair' evening meetings. The final, general recommendations were discussed during the last two days. Because of this unusual set-up, indigenous and local community participants had problems fully engaging in discussions and providing meaningful input. In their [closing statement](#)<sup>30</sup>, the [International Indigenous Forum on Biodiversity \(IIFB\)](#)<sup>31</sup> said that "this SBSTTA has left us having to present at the end of the session with a one minute intervention, being advised that our longer intervention would be posted on the website rather than considered in session, and being excluded from other discussions. (...) Much has been accomplished over the past several years for the more equitable inclusion of indigenous peoples and local communities in biodiversity work. We do not want to see this undone or dismissed. (...) Unless improved, this process is not the definition of full and effective participation of indigenous peoples and local communities, and we are not convinced that this format will assist in successfully achieving the Aichi Biodiversity Targets".

Read the full closing statement of the IIFB here: <http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/IIFB-SBSTTA17-Closing-Final.pdf>



Indigenous peoples during the 8th meeting of the CBD Working Group on Article 8(j) and Related Provisions (WG8(j)-8) © Julia Overton

## 12. Lima Declaration of the World Conference of Indigenous Women, 30 October 2013

From October 28-30 2013 over 250 indigenous women congregated at the World Conference of Indigenous Women in Lima, Peru. The following Declaration was published on the final day of the conference:

### **Indigenous Women Towards Inclusion and Visibility!**

We, Indigenous women from the seven sociocultural regions of the world, met at the World Conference of Indigenous Women, 'Progress and Challenges Regarding the Future We Want' in Lima, Peru, from October 28th to the 30th of 2013. Our gathering included elders and youth, urban and rural, knowledge holders and healers, activists and artists.

We were honoured by the participation of our allies and supporters, including UN agencies, UN mechanisms on Indigenous Peoples, Global Coordinating Group-World Conference of Indigenous Peoples (GCG-WCIP), contributors, governments, and organizations in solidarity. We shared our stories, struggles, victories, challenges and proposals to move us forward, building upon what we have already achieved.

We have based our discussions on the contributions of those women who came before us, as well as our aspirations for future generations. We celebrated the strength, beauty and expertise of Indigenous women at this gathering and around the world.

We, Indigenous women, assert our right to self-determination, which encompasses the direct, full and effective participation of Indigenous Peoples; including the vital role of Indigenous women in all matters related to our human rights, political status, and wellbeing. We endorse the principle: "Nothing about us, without us", and further declare "Everything about us, with us."

We, Indigenous women, affirm our responsibility to protect the Earth, our Mother. Indigenous women experience the same pain and impacts from the physical abuse and excessive exploitation of the natural world, of which we are an integral part. We will defend our lands, waters, territories and resources, which are the source of our survival, with our lives.

<sup>30</sup> <http://www.forestpeoples.org/sites/fpp/files/private/news/2013/11/IIFB-SBSTTA17-Closing-Final.pdf>

<sup>31</sup> <http://iifb.indigenportal.com/>

Protection of Mother Earth is a historic, sacred and continuing responsibility of the world's Indigenous Peoples, as the ancestral guardians of the Earth's lands, waters, oceans, ice, mountains and forests. These have sustained our distinct cultures, spirituality, traditional economies, social structures, institutions, and political relations from immemorial times. Indigenous women play a primary role in safeguarding and sustaining Mother Earth and her cycles.

Today, at this time of compounded crises of climate change and impending irreversible loss of biological diversity, we, Indigenous women, underscore the duty of States to protect the territories of Indigenous Peoples, as critical areas for the social, cultural and ecological recovery and resilience of humankind and the natural world.

For Indigenous Peoples, our lands and territories comprise not only the geographical and physical areas of our lands, waters, oceans, ice, mountains and forests, but also the profound cultural, social and spiritual relationships, values and responsibilities, that connect us to our ancestral homelands.

Indigenous peoples' sovereign jurisdiction over our lands, territories and resources is the foundation of our rights to self-determination, self-governance and free, prior and informed consent. State violations and failure to uphold these rights are a primary source of conflicts and overlapping claims by extractive industries, forest concessions, energy programmes, and other harmful projects arising from a failed and exploitative model of economic growth and development.

Indigenous women call upon states to recognize and respect our rights to lands, territories and resources as enshrined in Indigenous customary law, the UN Declaration on the Rights of Indigenous Peoples, and other international human rights instruments. This includes our right to freely pursue our own economic, social, and cultural development.

There is an urgent need to implement the rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. Indigenous women are active human rights defenders of all individual and collective human rights of our peoples. We often bear the burden of social and environmental harms arising from the consistent denial and violation of our human rights and the lack of implementation and accountability of States.

Indigenous women and girls experience multiple forms of discrimination, lack of access to education and health care, high rates of poverty, maternal and child mortality.



World Conference of Indigenous Women © Danielle DeLuca, Cultural Survival

We are subject to all forms of violence, such as domestic violence and sexual abuse, including in the contexts of trafficking, armed conflict, environmental violence and extractive industries.

As Indigenous women, we recognize the importance of sexual and reproductive health and education for all ages. This includes our associated rights to culturally appropriate health and education services in our communities, and the right to exercise, maintain and control our own health knowledge and practices.

We call for zero tolerance for all forms of discrimination, and all forms of violence against Indigenous women and girls, which are among the worst and most pervasive forms of human rights violations perpetrated against Indigenous Peoples.

Finally, we affirm that Indigenous women have knowledge, wisdom, and practical experience, which has sustained human societies over generations. We, as mothers, life givers, culture bearers, and economic providers, nurture the linkages across generations and are the active sources of continuity and positive change.

#### **In regard to forthcoming global events:**

1. We call upon the WCIP to include the proposals in the Alta Outcome Document for the establishment of effective mechanisms to hold States accountable to their human rights and other obligations.
2. We call upon the WCIP to prioritize the issues and concerns of Indigenous Women in all the themes, organizational arrangements, outcome documents, and to ensure the full and effective participation of Indigenous women, including elders and youth, as



well as to prioritize the effective implementation of the Action Plan and recommendations arising from the Global Conference of Indigenous Women.

3. We call upon States, the UN system, and all relevant actors to ensure the effective implementation of the Plan of Action and Recommendations arising from the World Conference of Indigenous Women, including through the provision of sufficient financial resources and other support within the frameworks and processes of Beijing+20, Cairo+20 and the Post 2015 Development Agenda, processes in which States, the UN system, and all relevant actors should also ensure the full and effective participation of Indigenous women, including elders and youth.
4. We, Indigenous women, ratify the Beijing Declaration of Indigenous Women subscribed in Huairou, China, 1995. We do so because the recommendations of this Declaration, written 18 years ago, are still valid. Thus, we call upon States, the UN system, and all relevant actors to ensure the effective implementation of these recommendations.

We thank our hosts, the Indigenous Peoples and the Government of Peru, in particular CHIRAPAQ, Centre for Indigenous Cultures of Peru, and the International Indigenous Women's Forum, Continental Network of Indigenous Women of the Americas, Asia Indigenous Peoples' Pact, The African Indigenous Women's Organization, Alianza de Mujeres Indígenas de Centroamérica y México, Asian Indigenous Women's Network, Indigenous Women's Human Rights Council of the Pacific Region, and Indigenous Information Network.

Also, we thank all our supporters, UNPFII, UN Women, FAO, UNFPA, UNDP, Ministerio de Cultura Peru, The Christensen Fund, Tamalpais Trust, Fondo Indígena, AECID, Global Fund for Women, IWGIA, Channel Foundation, Mama Cash, and Ford Foundation. Together, we will continue the construction of our movement in favor of our rights.

Lima, October 30th, 2013.

To view signatories of this Declaration, see: [http://www.forestpeoples.org/sites/fpp/files/news/2013/11/182171104-Lima-Declaration\\_web.pdf](http://www.forestpeoples.org/sites/fpp/files/news/2013/11/182171104-Lima-Declaration_web.pdf)

## 13. Partner Spotlight: The United Organisation for Batwa Development in Uganda (UOBDU)

The United Organisation for Batwa Development in Uganda (UOBDU) is based in Kisora in Uganda. Forest Peoples Programme has been working with UOBDU since the organisation was formed in 2000.

### Background

In 2000 the Batwa organised themselves and formed their own organisation, the United Organisation for Batwa Development in Uganda (UOBDU). Its aim is to support Batwa in south west Uganda to address their land problems and help them develop sustainable alternative livelihoods. Through its Batwa members, UOBDU has identified four key areas it hopes to address including:

- Land and Housing;
- Education and Adult Literacy;
- Income Generation including Agriculture; and
- Forest Access and Benefit-Sharing.

Among these priority areas, securing their rights to land and forest resources are an integral part of the Batwa's own strategy to build more secure livelihoods, since their landlessness and restricted access to forests have contributed so significantly to their persistent social and economic marginalisation in Southwest Uganda.

FPP has supported UOBDU since its creation in 2000. In the early years of the organisation UOBDU spent a great deal of time lobbying government, NGOs and donors in the region to include Batwa communities within their programmes. As a result, today there have been significant changes to NGO and donor programmes, with most now accepting the need to design and implement special measures to help Batwa overcome their poverty, landlessness and socio-economic marginalisation.

UOBDU is now working hard to ensure that Batwa communities across the region are able to participate fully in the design, planning, implementation and evaluation of new initiatives targeting them. This work is in addition to its continued work to help Batwa overcome the negative impacts from existing projects,

including conservation projects such as Mgahinga and Bwindi National Parks, which overlay traditional forests upon which Batwa livelihoods have relied.

### Activities

FPP continues to support UOBDU and the Batwa of south west Uganda primarily through its human and legal rights programme. Since 2006, UOBDU has focused on securing the Batwa's rights to lands, both those they currently live on outside the forest and those lands which make up their ancestral territories and which are currently protected through conservation projects. The aim of this work is to support the Batwa communities to be the leaders of their own rights based struggles through the provision of training and information sharing as well as through the creation of opportunities for the Batwa to take their struggle directly to the policy makers at the local, national, regional and international level.

#### Local Level

FPP is supporting UOBDU to lobby local governments to respond to the landlessness of the Batwa by providing parcels of land upon which the Batwa can live and farm. UOBDU is also providing support to the Batwa communities so that they are aware of their rights and able to present their situation to locally elected individuals at the village or parish level.

#### National Level

UOBDU is continuing to lobby key government departments and Ministries in the hope that a specific and direct response will be offered by the government. This lobbying includes high level meetings with government officials as well as media work to inform the wider public about the situation of the Batwa.

#### Regional Level

UOBDU has attended the African Commission on Human and Peoples Rights on a number of occasions and in partnership with FPP has submitted two alternative reports on the occasion of the submission of the Uganda States scheduled submissions to the commission.

#### International Level

At the international level UOBDU has been able to represent the situation of its members regularly in forums that includes the CBD, IUCN and UN amongst others.

It is hoped that by opening spaces in policy, and supporting Batwa communities to utilize those spaces,



Batwa Representatives sign their declaration before delivery to the government, Kisoro, Uganda, Feb 2009 © FPP

the Batwa will have a greater chance to sustainably manage and freely determine their lands and livelihoods.

To find out more about UOBDU's work, visit their website: <http://uobdu.wordpress.com/> or their Partner page on the FPP website: <http://www.forestpeoples.org/partners/united-organisation-batwa-development-uganda-uobdu>



## 14. Latest publications

### 1. Conflict or Consent? The oil palm sector at a crossroads

Growing global demand for palm oil is fuelling the large-scale expansion of oil palm plantations across Southeast Asia and Africa. Concerns about the environmental and social impacts of the conversion of vast tracts of land to monocrop plantations led in 2004 to the establishment of the Roundtable on Sustainable Palm Oil (RSPO), which encourages oil palm expansion in ways that do not destroy high conservation values or cause social conflict. Numerous international agencies have also called for reforms of national frameworks to secure communities' rights and to develop sound land governance.



In line with international law, the RSPO's Principles and Criteria require member companies to respect the collective right of indigenous peoples and other local communities to give or withhold their consent prior to the development of oil palm on the lands they own, inhabit and use. Are companies keeping their promises? This edited volume of 16 detailed independent case studies including two updates, from seven countries in Asia and Africa carried out by a consortium of NGOs, addresses this question.

The studies reveal that the RSPO process has in some cases led to improved understanding, by communities and companies, of how to achieve 'sustainable development'. In addition, procedural improvements can be pointed to that may provide a basis for resolving some land conflicts. Overall, however, many oil palm companies are not respecting customary land rights, are acquiring lands without consent, are violating or avoiding compliance with national laws or court rulings and are in obvious violation of the RSPO standard.

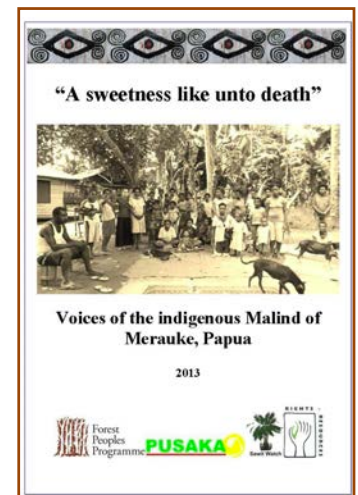
The gulf between national laws and the RSPO standard highlights the urgent need to reform governance and national laws to adequately protect communities' lands from expropriation and provide just remedies for abuse

of rights. Indigenous peoples and local farmers must be protected from 'land grabs', and their right to exercise Free, Prior and Informed Consent over the sale of any land must be respected. Full supply-chain traceability is needed to ensure that environmental protections are matched with comprehensive protections of human rights. Such accountability should also apply to investors. The RSPO standard needs to be strengthened and enforced, but as long as national laws and policies allocate lands to companies without respect for community rights, company compliance will be hard to achieve and further conflict remains inevitable.

Read this report in English or in Bahasa Indonesia here: <http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2013/conflict-or-consent-oil-palm-sector-crossroads>

### 2. "A sweetness like unto death": Voices of the indigenous Malind of Merauke, Papua

This shocking report provides the first detailed field study of communities' experiences with the Indonesia government's 2 million hectare Merauke Integrated Food and Energy Estate (MIFEE) project. The study shows that MIFEE is undermining local self-sufficiency, throwing into doubt the government's national policy on food security based on promoting large-scale agricultural enterprises at the expense of local communities.



This report examines the extent to which the right to Free, Prior and Informed Consent (FPIC) of the indigenous Malind people of Merauke in Papua Province, Indonesia, is being respected by Wilmar-owned sugarcane company PT Anugerah Rejeki Nusantara (PT ARN), in the context of the MIFEE project.

The findings reveal that where local communities are giving their consent to the conversion of their customary lands, this is largely based on insufficient and one-sided information, non-guaranteed promises of economic and social welfare aid, unilaterally imposed terms of compensation, vague or non-existent contracts, and with little freedom of choice and expression. National and local regulations are either not being implemented,

or interpreted to suit the interests of the companies and government, or inherently in contradiction with international human rights standards, and are in urgent need of reform.

Particular concerns are raised over the threatened food security of the Malind peoples in light of the conversion of vast areas of their customary lands to mono-crop plantations, as well as the consequences of this rapid and imposed transformation on their livelihoods, culture, identities and very survival as a people.

Read the report in English or Bahasa Indonesia here:  
<http://www.forestpeoples.org/topics/other-private-sector/publication/2013/sweetness-unto-death-voices-indigenous-malind-merauke-p>

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