



A Global Forest Coalition Newsletter on International Forest Policy



Issue no.41, September 2012

About Forest Cover

Welcome to the forty-first issue of Forest Cover, newsletter of the Global Forest Coalition (GFC). GFC is a world-wide coalition of non-governmental organizations (NGOs) and Indigenous Peoples Organizations (IPOs). GFC promotes rights-based, socially just and effective forest policies at the international and national levels, including through building capacity of NGOs and IPOs in all regions to influence global forest policy.

Forest Cover is published four times a year. It features reports on important inter-governmental meetings by different NGOs and IPOs and a calendar of future meetings. The views expressed in this newsletter do not necessarily reflect the views of the Global Forest Coalition, its donors or the editors.

For free subscriptions, please contact Isis Alvarez at:
isis.alvarez@globalforestcoalition.org

Donate to GFC:
http://www.globalforestcoalition.org/?page_id=70

Follow GFC on Facebook:
<http://www.facebook.com/pages/Global-Forest-Coalition/313049337000>
and Twitter: <http://twitter.com/#!/gfc123>

CONTENTS OF THIS ISSUE

	Page
Ex Silvis: If We Want a Future – We Need to Fight against the ‘New Normal’ <i>By Mary Lou Malig, Board Member, Global Forest Coalition, Indonesia</i>	2
Rio+20: A Summit Too Many? <i>By Simone Lovera, Global Forest Coalition, Paraguay</i>	4
Rio+20 Outcome sets Stage for Demise of the World’s Local Food Producers <i>By Tess Vistro, AMIHAN-National Federation of Peasant Women, and member of the Asia Pacific Forum on Women, Law and Development (APWLD), Philippines</i>	6
Indigenous Peoples and Community Conserved Territories and Areas at Rio+20 <i>By Grazia Borrini-Feyerabend with Ashish Kothari, Stan Stevens, Lorena Arce and Taghi Farvar, ICCA Consortium</i>	7
Doctrine of Discovery Dispossessed Indigenous Peoples of their Forest Lands <i>By Kanyinke Sena, member of the UN Permanent Forum on Indigenous Issues and the Indigenous Peoples of Africa Coordinating Committee, Kenya</i>	8
Good Governance and the Drivers of Deforestation in Tanzania <i>By Abdallah Ramadhan, Envirocare, Tanzania</i>	9
Calendar of Forest-related meetings	13



Brazilian “biodiesel” ad at the Rio+20 Conference, Rio de Janeiro, 2012. Photo Isis Alvarez



Ex Silvis: If We Want a Future – We Need to Fight against the ‘New Normal’

By Mary Lou Malig, Board Member, Global Forest Coalition and staff member of La Via Campesina - Indonesia

The past few months have been witness to record-breaking extremities of weather - drought, rains, floods and extreme temperatures. Scientists revealed that the Arctic sea ice is melting at an unprecedented rate, breaking the record set in 2007. Climate change is real and its impacts are devastating crops, farmlands, livelihoods and homes.

In the Philippines where Manila and other areas were submerged for days under floodwaters from rains that would not cease, the attitude of government officials was to tell the Filipinos to accept it. The Department of Environment and Natural Resources (DENR) Secretary, Ramon Paje, said that Filipinos must learn to accept the growing intensity of typhoons, including the great volume of water that comes with storm or monsoon rains, as well as the long drought during the dry season, as the “new normal¹. In mid-September The Guardian also published an article talking about this ‘new normal’: “Formerly one-off extreme weather episodes seem to be becoming the new normal².” But what does a ‘new normal’ mean exactly? That farmers and forest peoples will have to deal with the ‘new normal’ of devastated farmlands and raging forest fires? That the new population of climate migrants and refugees will have to accept the ‘new normal’ of homelessness?



*Manila under water in deadly monsoon drenching (ABC News) source:
<http://climate-connections.org/2012/08/08/more-than-1-million-battle-philippine-floods/>*

It is extremely disturbing that intergovernmental bodies that are tasked with dealing with climate change and leading on global environmental policy seem to have lost all sense of urgency in the face of the very real crisis of climate change. So much so, that many are now simply accepting these impacts as the ‘new normal’.

From Copenhagen to Durban, moving ever closer towards burning the planet

When the Intergovernmental Panel on Climate Change (IPCC) released its fourth report in 2007, the mood at the 13th Conference of Parties (COP 13) of the United Nations Framework Convention on Climate Change (UNFCCC) in Bali, Indonesia, was one of somber determination. The science was clear – if we are to avoid climate chaos – urgent action is needed. The Bali Action Plan set out a roadmap, complete with

deadlines and milestones. Two years later, at COP 15 in Copenhagen, Denmark, the urgency was not only forgotten, the whole purpose of the negotiations was lost. Developed countries insisted on voluntary pledges instead of mandatory targets and commitments. Then COP 16, in Cancun, Mexico, not only witnessed the progression of negotiations towards burning the planet, it also saw the beginning of the slow death of the democratic process within the UNFCCC, as talk of secret texts went around and finally the Chair gavels the opposition of Bolivia away. This brought back memories of the Chair gaveling the World Trade Organization’s 6th Ministerial in Hong Kong to a close, despite clear opposition to its outcome document from several countries.

At COP 17 in Durban though, we saw the death of our future. The results of Durban were not about taking urgent action in the coming decade. Instead, they focused on saving carbon markets and ensuring the entrance of new market mechanisms, and raised the possibility of carbon markets being applied to the forest and agriculture sectors. At the same time developed countries denied their historical responsibility for climate change.

Before burning the planet, make as much money out of it as is possible!

A few months after Durban came the much-anticipated Earth Summit in Rio de Janeiro, dubbed ‘Rio+20’. Its outcome document was loftily called “The Future We Want.” It was to be the document that would define future global environmental policy and bring about sustainable development and poverty eradication. But the 53-page

¹ <http://www.gov.ph/2012/08/08/denr-chief-to-filipinos-adapt-to-climate-change-accept-heavy-rainfall-as-new-normal/>
² <http://www.guardian.co.uk/environment/2012/sep/19/extreme-weather-new-normal-climate-change?newsfeed=true>



document actually focuses more on shaping environmental policy to fit in with economic policies. The term economic growth appears at least 20 times in the document.

At the centre of this desired future is the new ‘Green Economy’. Promoted as an all-encompassing panacea, the Green Economy has been promoted as having the potential to eradicate poverty, deliver sustainable development and economic growth, and save the environment. As paragraph 60 boasts, “Green economy will enhance our ability to manage natural resources sustainably and with lower negative environmental impacts, increase resource efficiency and reduce waste.”

The Green Economy, though, is nothing but a rebranding of capitalism. It is still premised on an economic model based on free trade, the exploitation of nature for profit, and endless economic growth. ‘The Future We Want’ outcome document details a future that will continue to exploit nature, profit from it and call it sustainable and green. But, as the new normal of extreme weather and devastated farmlands and homes attests, endless exploitation and growth are no longer possible on this planet, which is reaching its limits.

The Green and REDD future

In order to profit from nature under the Green Economy, one has to have control of natural resources. And so there will be a land grabbing war as countries and companies compete for the remaining resources on this planet – land, water, forests and biodiversity. In the name of Reducing Emissions from Deforestation and forest Degradation (REDD) and forest ‘conservation’, vast lands are already being grabbed from small farmers and forest dwellers.

In Jambi, for example, which is a province in Sumatra, Indonesia, vast areas of forest have been devastated by logging companies. Peasants cultivated the abandoned lands back to life and began to feed the local communities and provide livelihoods and a source of income. In 2007, though, a consortium of NGOs made up of Yayasan Burung Indonesia, Royal Society for the Protection of Birds (RSPB) and Bird Life International, came together to form a corporation called REKI (PT Restorasi Ekosistem Indonesia or Restoration of Indonesia’s Ecosystem), securing a 100-year permit from the Government of Indonesia to ‘restore’ the area. The following year, Prince Charles came to see it as part of his campaign to save rainforests. Dieter Hoffman, the head of the international program of Bird Life International, then announced that the forest could be included in the REDD program since it could absorb the annual carbon emissions of the city of Manchester³. As a result, small farmers, many of them members of Serikat Petani Indonesia (Indonesian Peasant Union), a member of La Via Campesina, have been kicked out, detained, or arrested, while some have been forced into signing documents stating they would never return to their homes. The same dynamic has been witnessed in Thailand, and in several other countries. The list can go on. This is no future.

Reclaiming our power and our future

The disastrous climate negotiations and the ‘Green Economy’ future that Rio+20 promises are going to lead us into a future too bleak to imagine. If we are to have a future – a future for the people and Mother Earth – we need to fight for it.

Parallel to the latest session of the climate negotiations in Bangkok, on 31 August, a meeting of social movements was held to discuss precisely this challenge: how to regain our momentum in the fight against climate change, and how to build solidarity and link our struggles to change the system. The dialogue, led by La Via Campesina, together with several other social movements from Asia, including migrants, fisherfolk, trade unions and others, shared their struggles and lessons together with movements from around the world, including activists from Occupy Wall Street, the indignados movement from Spain, and the Global Forest Coalition. The meeting was a concrete step towards the strengthening of solidarity amongst sectors, networks and movements and a step towards linking of our struggles so that we really can change the system. And so, as the climate negotiators drag their feet, failing to make any significant progress on the road to COP 18 in Doha, at the end of 2012, social movements came together in an inspiring meeting that discussed possible exciting new strategies, linking our struggles on climate, food and finance. The ‘new normal’ of a burning planet and a bleak future should not be acceptable to anyone. It is not too late to reclaim our future.

³ Saragih, Henry. Fight For Our Future: The Time For Food Sovereignty Is Now! America Latina en Movimiento (ALAI) magazine for Rio, June 2012



Rio+20: A Summit Too Many?

By Simone Lovera, Global Forest Coalition, Paraguay

There seems to be a fascinating disconnect between the rapidly growing awareness that flying is a key source of greenhouse gas emissions, and the growing practice of calling for big environmental summits, expert meetings, dialogues, *ad hoc* working groups, and other gatherings that require hundreds if not thousands of people to travel all over the world. It is not that all international meetings have suddenly lost their value for international environmental policy-making. Environmental crises like deforestation and climate change certainly have global dimensions, so international cooperation remains desperately needed. But in times of climate change, environmental policy-makers should consider their proposals rather more carefully. At the very least they should be looking critically at the purpose and chances of success of any international gathering before calling for it, especially when it comes to the largest summits that thousands fly in for.

Ironically enough, the UN Framework Convention on Climate Change has become a world leader in the organisation of useless meetings that produce no results whatsoever. The outcomes of the latest Conference of the Parties, held in Durban in December 2011, included the postponement of a desperately needed global agreement on climate change for at least nine years, thus condemning millions more people to losing their lands and livelihoods due to the additional climate changing emissions that will undoubtedly be generated between now and 2020 as a result. The subsequent session of its subsidiary bodies, which took place in May in Bonn, was another classic example of wasted kerosene: because of deep divisions about every aspect of the climate regime, initial talks on controversial issues such as the new negotiation process and drivers of forest loss were deliberately kept at an astonishingly generic and superficial level. The explanation given was that parties needed the time to 'sniff' at each other before diving back into these negotiations - no doubt the horrible smell of vast quantities of kerosene wasted on the 2,000 passenger flights needed to facilitate this 'sniffing' process was ignored though.

The Rio+20 UN Conference on Sustainable Development, which took place in June in Rio de Janeiro, Brazil, also guzzled kerosene needlessly. It was crystal clear from the beginning that it was neither the time nor the place for such a summit. The original 1992 UN Conference on Environment and Development (UNCED) - that also took place in Rio de Janeiro - was an important event, with real and significant outcomes which policy-makers would do well to remember. But flying 50,000 people into a city that is obviously not capable of handling such a crowd (and please bear this in mind if you plan to attend the next Olympics!) does not guarantee similar outcomes, when it is clear that the economic crisis gripping many countries virtually guarantees that Northern governments will beat around the bush rather than commit to any noteworthy support for sustainable development. Moreover, Brazil was a painful location for such a Summit, in light of the Brazilian government's latest moves to destroy or sell out its forests and other environmental services, including by building the destructive Belo Monte dam - a construction that has again been declared in violation of basic human rights laws by a Brazilian High Court.

To add insult to injury, the architects of Rio+20 also chose the wrong themes for the summit: the 'green economy' and the 'institutional framework for sustainable development'. Both themes were mainly pushed by the UN Environment Program, which had hoped to receive an upgrade in terms of being reformed into a UN agency at Rio+20. Alas, significant controversies around the first theme added to already existing controversies around the second, meaning that the only institution that received a small upgrade was the quite useless UN Commission on Sustainable Development, which will be turned into a universal intergovernmental high-level political forum. As with most other Rio+20 outcomes, the tough decisions regarding the real format of this forum were also postponed to a later date. Likewise, the summit only decided to start up a process to develop Sustainable Development Goals: everything that might have looked like a real decision regarding these goals was postponed for future consideration.

Having wasted three years and lots of CO₂ emissions discussing the 'green economy', the Northern governments pushing this concept finally had to give in to the vehement opposition of a number of Southern governments and thousands of representatives from social movements, and accept that it would only be mentioned as an option. In fact, governments could not even agree on a joint definition of this controversial term.



In itself, it was at least positive that these and other 'green capitalist' proposals and concepts like 'REDD+', 'environmental services' and 'natural capital' met with such strong opposition from the G77. It demonstrates that at least some countries have been listening to the hundreds of Indigenous organizations, social movements and other groups that have strongly rejected this corporate-driven, market-oriented agenda that involves commodifying, financialising and commercialising all aspects of nature. But sadly, the US, the EU and other Northern countries, together with a small elite of detached Northern NGOs, refused to listen to the voices of the movements in the street. And the Brazilian hosts obviously considered it more important to reach a formal agreement on meaningless compromise texts than actually achieving something real that might address the global environmental crisis we face. As a result, the Rio Outcome Document they forced countries to accept by presenting them with a "take it or leave it" deal is nothing more than a compilation of blatant generalities and repetitions that adds very little, if anything, to the hundreds of international agreements in the field of sustainable development that have already been agreed since 1992.

Happily, the outcomes of some of the parallel gatherings in Rio made a lot more sense. The main alternative gathering of social movements, the 'People's Summit for Social and Environmental Justice', succeeded in reaching consensus on a joint declaration, which rejects the 'green economy' in the strongest terms: "*The so-called 'green economy' is just another facet of the current financial phase of capitalism, which also makes use of old and new mechanisms, such as the deepening of the public-private debt, the hyper-stimulation of consumption, the concentration of ownership of new technologies, carbon and biodiversity markets, land grabbing, increased foreign ownership of land, and public-private partnerships, among others.*"⁴ Similar words were expressed by the Indigenous Peoples' Terra Livre Summit, which was organised by the Brazilian Association of Indigenous Peoples and other national and regional Indigenous Peoples Organisations at the People's Summit. Their declaration rejects not only the above-mentioned Belo Monte Dam and the reform of the Brazilian Forest Code, but also green capitalism, the appropriation of biodiversity and traditional knowledge, REDD+ contracts, and carbon credits.⁵ Meanwhile, the Indigenous Peoples Global Conference on Rio+20 and Mother Earth that was organised at Kari-Oca came up with an even stronger rejection of REDD+ and the 'green economy' as a whole, which it considers "*a perverse attempt by corporations, extractive industries and governments to cash in on Creation by privatizing, commodifying, and selling off the Sacred and all forms of life and the sky.*"⁶

These powerful declarations by social movements and Indigenous Peoples show that not all the kerosene used on the Rio+20 process was wasted. Moreover, thanks to the constant pressure that was applied by the Women's Major Group, Indigenous Peoples' representatives and NGOs working on biodiversity, the rights and needs of women, Indigenous Peoples and nature are at least recognised several times in the Outcome Document. This shows that once an intergovernmental meeting is organised, it definitely makes sense to ensure the meeting hears the voices of groups that are still, too often, overlooked, like Indigenous peoples and women. This does not mean that thousands of people have to be flown in, but rather that progressive NGOs, IPOs, women's groups and social movements should strategically try to ensure limited but active participation in each important meeting relevant to global forest policy and the rights of Indigenous peoples.



Left: Conference of Ministers at the Earth Summit Rio+20; Right: People's event at the People's Summit, Rio de Janeiro, Brazil, June 2012. Photos: Isis Alvarez.

⁴ <http://cupuladospovos.org.br/en/2012/07/final-declaration-of-the-peoples-summit-at-rio20/>

⁵ <http://www.blogapib.blogspot.com/2012/06/documento-final-do-ix-acampamento-terra.html>

⁶ <http://indigenous4motherearthrioplus20.org/kari-oca-2-declaration/>



Rio+20 Outcome sets Stage for Demise of the World's Local Food Producers

By Tess Vistro, AMIHAN-National Federation of Peasant Women, and member of the Asia Pacific Forum on Women, Law and Development (APWLD), Philippines

With the conclusion of the historic Rio+20 meeting of states in Rio de Janeiro in June, peasants and peasant women from the Asia Peasant Coalition and its member organisations AMIHAN, the Federation of Peasant Women-Philippines and the Peasant Movement of the Philippines decried the document as a sell out of the world's local food producers: men and women peasants, fisherfolks, agricultural workers, pastoralists and indigenous peoples.

The text on food security and nutrition denies the role that local food producers, mostly women, have had since time immemorial as producers of food in their local communities and globally. Current global data on food production shows at least 50% of the world's staple foods being produced by small holder family farms mostly in developing countries and with women as key players. This shift in emphasis is clearly intended to enable giant agri-corporations to increase their involvement in the world's food production processes, and could also open the floodgates for their ecologically harmful food production technologies including genetically-modified organisms (GMOs). This is clearly seen in the Rio+20 document's call for increased public private partnership investment in various areas of rural development, including research and development, and the enhancement of markets. This is likely to result in exacerbated land grabbing, increased deforestation and forest degradation, intensified natural resource extraction, greater violation of human rights, more displacement of people from rural communities, and, ultimately, greater deprivation and destitution.



*Rural woman in Cambodia.
Photo: Stelios Grafkos,
Greece.*

"The future that Rio+20 outlined in its outcome document, ironically entitled 'The Future We Want', is a bleak future for us, the world's food producers. It is a future we do *not* want!" lamented Lita Mariano, Vice Chairperson of the AMIHAN, Federation of Peasant Women-Philippines and a National Council member of Kilusang Magbubukid ng Pilipinas (KMP).

For all the talk about recognising our right to food, the text renders useless the importance of empowering rural women as critical agents for enhancing agricultural and rural development and food security and nutrition, local producers' access to resources and essential services for sustainable food production, and our traditional and sustainable farming systems, especially the maintenance of seed supplies. The roles of business and the private sector, combined with the use of market mechanisms is inscribed throughout the document.

Such corporate-driven research and development, moving into areas of forests and other ecosystems with little or no respect for our time-tested traditional and sustainable knowledge and practices, will put a price tag on all life forms, and will complete our alienation from the resources that have been the very source of our lives and livelihoods, and have defined our social and cultural well-being.

Increasing the role of markets with a view to addressing volatility in global food prices has been shown to fail, time and time again. This obstinate insistence on further liberalising trade in agricultural products has also rendered policy-makers blind to the fact that this trade regime has been opposed by farmers and indicted as responsible for the bankruptcy and destitution of millions of local food producers worldwide. To endorse this approach yet again is an invitation to even more disastrous food crises in the future, more climate and ecological crises, and more poverty and hunger.

The Rio+20 text did rightly instil a sense of urgency into the need to address the food, climate and ecological crises the world has been experiencing, which have now resulted in one in five people living in extreme poverty – totalling over one billion people – and one in seven being undernourished. But the action framework it proposes will not resolve these crises. It will do the reverse, escalating and multiplying them.



As Ms. Mariano stated: "We came to Rio de Janeiro hoping for a promise that world leaders would commit to plans and actions to eradicate hunger and poverty, but that promise was not made. Instead a promise was made to corporations, who were the real winners at this summit."

But the energies and actions we have invested here in Rio will not have been in vain. We will not forget this historic day, where we, the local food producers, were betrayed by our governments in favour of corporate interests. We will go back to our communities and countries, with a clear vision of what we want, as opposed to what this summit of world leaders wanted. We will continue to organise and build our movements to effect concrete changes within our communities. We will continue to oppose and be vigilant in challenging schemes that threaten to take away from us our rights, lands and waters, our seeds and our natural resources, which our lives and the lives and future of our children and this planet depend on,"

Indigenous Peoples and Community Conserved Territories and Areas (ICCAs) at Rio+20

By Grazia Borrini-Feyerabend with Ashish Kothari, Stan Stevens, Lorena Arce and Taghi Farvar, ICCA Consortium

Everyone now agrees that the UN Rio+20 conference outcome, despite years of preparatory meetings and months of crafting in its final stages, falls short of expectations:

- The 'green economy' is the main solution pushed forward to 'eradicate poverty' and generate sustainable development, but very few actually agree on what it means, and even the outcome document falls short of defining it. The impression and fear is that it may only mean 'more of the same' and no departure at all from the structural conditions that generated the avoidable problems of today.
- Coherence in social, economic and environmental governance gets lip service through a high-level forum from the UN and the Economic and Social Council, and UNEP gets a boost (does it really deserve it?) to set the global environmental agenda. But next to nothing in the document appears to expose the original sin in the design of Rio+20 – the artificial separation of environmental governance and economic considerations (the green economy) into parallel tracks, as if it was not that very separation – an economy free from environmental, social, cultural and survival-related considerations – that is the unrecognised root cause of many of our crises.
- Statements such as "reducing inequalities", "inclusive society" or the need to recognise the "traditional knowledge, innovations and practices of indigenous peoples and local communities" can be found in the text of the conference outcome (and must have cost extensive efforts for some people) but, overall, the final statement does not deal with the causes of problems, and falls short of offering innovative solutions. For instance, financial speculation and military interests get hardly a mention, the business sector remains unchallenged, climate change is left for other conferences to deal with...
- One entry point for possible constructive work is the decision to set up an "inclusive and transparent intergovernmental process" to define "sustainable development goals" that should be "action-oriented" and, in all likelihood, address the post-2015 development agenda. By that time, however, time may have run out to make many of the choices we need to make today.
- Some balance to the UN statement is provided by the People's Summit declaration. The People's Summit gathered civil society, researchers and a colourful crowd of people from all walks of life. Held far away from the official Riocentro (Rio is a huge metropolitan area, and the two poles were connected only by – unbelievably –



Bolivian Indigenous women at Women's march, Rio de Janeiro, June 2012. Photo: Isis Alvarez

slow and polluting buses) the gathering got a slow and disorganised start. But it picked up momentum as it unfolded, especially in the thematic plenary sessions which discussed social and environmental justice, human and indigenous rights, common rights, power, democracy, labour issues, and new types of production, distribution and consumption.

The overall diagnosis of the situation was that corporations and finance capital have taken most national and international institutions hostage and – with them – imposed their control over the natural heritage of the planet. Their weapons are induced consumption and debt, the politics of fear and the consequent militarisation of economies, and the imposition of private and state control over the commons. Facing that, the People's Summit calls for local, culture-based transformative initiatives, governed from the grassroots up. It calls for an economy rooted in multiple values, including solidarity and sovereignty (especially for food, water and energy) in place of competition towards endless and senseless profits. And it calls to render concrete a host of other values, from equitable job markets to the democratisation of communication. Of particular importance for the ICCA Consortium, peoples' territories and natural resources and 'the commons' appear as an important component in the vision of the alternative movement— they are perceived as indispensable ground for sustainability, social and environmental justice and 'living well' (*buen vivir*).



Brazilian Indigenous at People's Summit. Rio de Janeiro, June, 2012. Photo: Isis Alvarez

Because of all that, some of us did not feel entirely bad getting home from what some call 'Rio minus 20'. Civil society is diverse, vibrant, and determined to be heard. And civil society is clear about the role of common territorial and natural resources rights (ICCAs!) to build viable alternatives to the current system. Economic 'solutions' in the financial and urban components of the system are less evident but ideas and experiences do exist and just need to be given a chance. In all cases, breaking the impasse of wasteful, unsustainable and unjust economies appears to rely on more aware and better organised citizens, active at multiple levels, and clarity about what to say 'no' to, and what to say 'yes' to. (In this, the Consortium is certainly doing its part!) In this vein, the meetings, events and strategic discussions held in Rio allowed the Consortium to listen to others and add its own voice. And, with the help of the heightened climate of concern around us, our small group was able to crystallise some understandings and identify some

strategic directions for work to come. Here are some we would like to share with concerned colleagues (and we hope to hear their views about):

- After years stressing 'exemplary cases' of ICCAs (which could remain exemplary but isolated), the momentum seems now towards developing National Coalitions and Federations of/for ICCAs – organisations capable of taking stock of attacks on peoples' territories and areas, and reasserting their determination to gain authority over and responsibility for conserving them. The Manila declaration of March 2012, signed by the largest coalition of Indigenous Peoples in the Philippines; the Anja declaration of May 2012, developed with the contribution of 482 traditional communities in Madagascar; the Brugerd Declaration on governance of ancestral territories, biodiversity and natural resources by the Union of Indigenous Nomadic Tribes of Iran (May 2012); and the ICCA network of Nepal, struggling to develop as a Federation despite its highly bureaucratic and unstable political context, are examples of emerging movements. This phenomenon is a beacon of hope for bio-cultural diversity and social and environmental justice, and a serious commitment to reach the Aichi Targets of the Convention on Biodiversity at a time when the global situation – in policy and practice – can only be characterised as tragically insensitive. As we finalise this report, national ICCA networks are also being discussed and/or under development in Indonesia, the Democratic Republic of Congo, India, Latin America, etc.

- Given the renewed attention to the collective rights of peoples and communities over territories and natural resources, it also appears worthwhile to explore an international mechanism of advocacy/protection/recourse for indigenous peoples and local communities whose collective rights over land, water and natural resources ('the commons') are threatened or are being violated vis-à-vis the international agreements embodied in the three Rio Conventions. Some Consortium Members are exploring how this could be pursued, in collaboration with indigenous peoples and local communities in different regions, and hope to enlist for this also the advice of the



UN Special Rapporteur on the Rights of Indigenous Peoples. What is already clear is that the human rights jurisprudence is moving in this direction – witness the recent positive outcome of the case of the Kichwa People of Sarayaku versus the state of Ecuador. The Inter-American Court of Human Rights just determined Ecuador's international responsibility for not having made sure that the Sarayaku people give their Free, Prior and Informed Consent to explorations by a private oil company in their territory – in violation of their communal property rights and their cultural identity – and for having put in jeopardy their lives and safety because of the presence of high explosives in the territory.

Finally, we need to beware of all overt and subtle ways of transforming nature and culture into mere commodities, some of which are rooted in plain business and power relations in society, but others related to the conservation and sustainability movements themselves – the so-called 'green grabbing' phenomenon. In the latter, the appropriation of land, water and natural resources is driven by 'green agendas', from sound watershed management to biodiversity conservation, from carbon sequestration to ecotourism, from bio-fuel production to various types of 'offsets'. Forceful appropriations of resources in rural areas are nothing new under the sun, but the many and powerful new ways of 'appropriating nature' by 'valuing' it and introducing it into markets as part of the green economy are still new in many parts of the world and need to be well understood and exposed. What is to be uncovered, in particular, is how new actors, from consultant economists and GIS experts to conscientious consumers and pension funds in far distant countries, do play a role (conscious or unconscious) in the penetration of the green grabbing phenomenon, at the expense of the customary rights of indigenous peoples and local communities. And it would be interesting to see whether effective resistance to brown and green grabbing be included as part of the Sustainable Development Goals to be developed by the UN.

On the basis of shared strategic perspectives and goals, the Consortium found it useful and important to join-in with like-minded movements and initiatives—such as the movement for Radical Ecological Democracy, which our Steering Committee decided to endorse in the preparatory phase to Rio; the Peoples' Sustainability Treaties and Widening Circle movement; or the Equator Initiative, which this year assigned an Award to one of our oldest Consortium Members for an enlightening example of an ICCA.

In summary, for the ICCA Consortium the participation in Rio+20 was worthwhile and forward looking, and allowed some Members, Honorary members and staff a rare and most appreciated time for a direct exchange of ideas and collaboration. And yet, the overall result for the planet is undoubtedly negative. Who is to blame for this failure? Should we be contented pointing at a lack of leadership? Or should we look deeper? Could it not be that, because of the globalisation of political economies and the climate of unfettered and unregulated international competition, governments are no longer even *able* to change their course of action and implement the demands of civil society?⁷ If so, how could *that* be changed? Questions worth pondering...

Doctrine of Discovery Dispossessed Indigenous Peoples of their Forest Lands⁸

By Kanyinke Sena, member of the UN Permanent Forum on Indigenous Issues and the Indigenous Peoples of Africa Coordinating Committee, Kenya

In the 11th session of the UN Permanent Forum on Indigenous Issues (UNPFII), which took place from 7 to 18 May in New York, USA, Indigenous Peoples from across the world expressed concerns on how they lost their lands and territories through the doctrine of discovery. Through the doctrine of discovery, a concept of international law, colonial powers laid claim to lands belonging to sovereign indigenous nations during the Age of Discovery. The doctrine of discovery prescribes that the title to lands and territories whose inhabitants were not subjects of a European Christian monarch at time of its discovery lay with the colonizing government that explored and occupied that territory. The doctrine serves as Legal and political justification for the dispossession of indigenous peoples from their lands, their disenfranchisement and the abrogation of their rights.

The doctrine continues to manifest itself through the discontinued dispossession and denial of indigenous peoples rights to land, territories and resources, including the rights to the carbon contained in their forests in modern nation states. The impacts of the doctrine on indigenous peoples continue to be a painful reality in the areas of health, psychological and social well-being, conceptual and behavioural forms of violence against

⁷ About this, see John Bunzl <http://www.simpol.org>

⁸ See also Document E/2012/43-E/C.19/2012/13, ECOSOC, Report on the 11th Session of UNPFII, 7-18TH May, 2012

indigenous women, youth suicide, and the hopelessness that many indigenous peoples experience, in particular indigenous youth.

Further manifestation of dispossession through the doctrine is the concept of extinguishment, found in the regulations, policies and court decisions in which States have purportedly “extinguished” the rights of indigenous peoples to their lands, territories and resources, their right to self-determination, their languages, religions and even their identities and existence through the notion of “recognition”, that is by recognizing some and not recognizing others as indigenous.

Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIPs), treaty body jurisprudence and case law from all major international human rights institutions confirm that indigenous peoples hold collective rights to the lands, territories and resources that they have traditionally owned, occupied or otherwise used. The respect for their customs, traditions and land tenure systems is owed to them. And that their rights have the same legal status as all other property rights to lands, territories and resources and that States are no longer allowed to deploy positivist legal interpretations of laws adopted during an era when doctrines such as terra nullius were the norm. International human rights law, including norms on equality and non-discrimination such as those affirmed in the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples, demand that States rectify past wrongs caused by such doctrines, including the violation of the land rights of indigenous peoples, through law and policy reform, restitution and other forms of redress for the violation of their land rights, including those referred to in articles 27 and 28 of the UNDRIP.



The UNPFII recommended that States include in all education curricula, in particular the school system, a discussion of the doctrine of discovery/dispossession and its contemporary manifestations, including land laws and policies of removal. The Permanent Forum welcomes the recommendation to establish a voluntary international mechanism to receive and consider communications from indigenous Peoples specifically concerning their claims to, or violations of, their rights to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. This recommendation deserves further elaboration by indigenous peoples and others concerned in REDD+ and among other forest conservation efforts. The Forum takes note of the mandate of the Special Rapporteur on the rights of indigenous peoples in this regard.

Good Governance and the Drivers of Deforestation in Tanzania

By Abdallah Ramadhani, Envirocare, Tanzania

Introduction: From 30 April to 4 May 2012 the 16th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention on Biodiversity took place in Montreal, Quebec. One of the main purposes of the meeting was to provide scientific and technical advice to the upcoming Conference of the Parties (COP), which will take place from 8 – 19 October in Hyderabad, India. Amongst the many issues on the agenda of the COP is forest biodiversity. Forests represent an estimated 80% of the planet's terrestrial biodiversity, yet the documentation the secretariat prepared for this discussion simply states that hardly any activities have been undertaken due to lack of financial resources. Meanwhile, the Secretariat has dedicated significant amounts of resources to the preparation of entirely voluntary guidelines to ensure policies to Reduce Emissions from Deforestation and forest Degradation and enhance forest carbon stocks (REDD+, which are being developed under the climate convention, do not impact negatively on biodiversity. The article below shows once again that a more pro-active approach to forest biodiversity conservation and restoration is needed, an approach that goes far beyond carbon, recognises the role of forest biodiversity in sustaining the livelihoods and cultures of local communities and effectively supports community governance over forest.



Tanzania's forests cover nearly 40% of the country's land area, with most of the forest being savanna woodland and montane forest (mixed forest with more than 30% canopy cover). There are also some scattered patches of lowland forest. Much of the country's forests are characterised by high levels of biodiversity and there are many endemic species. The forests provide both home and foundation for the rich cultures and lifestyles of thousands of Indigenous people in Tanzania. Forest resources sustain the rural communities in many ways, not just because of their important subsistence and commercial uses. The long-standing ties between the forests and these communities means that continued forest products use is also linked to the maintenance of traditional lifestyles, spiritual beliefs and cultural identity.



Deforested field in Tanzania. Photo: Abdallah Ramadhani

Forests in Tanzania can be divided into two broad categories: reserved forests and non-reserved forests. About 37 percent (12.5 million hectares) and 57 percent (19 million hectares) of forests are reserved and non-reserved, respectively.

Reserved forests include: the national forest reserve which are gazetted forests owned and managed by the central government, local authority forest reserves which are gazetted forests managed at the level of district councils under local governments as production and protection forests, village land forest reserves which occur on village land and are managed by the village council on behalf of village residents, and community forest reserves which are found on village land but their management is delegated by the village council to a group of persons within the community (such as a women's group or a group of charcoal producers).

Unreserved forests are considered 'no man's land' and have been governed without the participation of the local communities that live in their vicinity. These forests are characterised by a lack of clarity with respect to forest area boundaries, insecure land tenure, inadequate knowledge about the forest resource characteristics, and a lack of vision for the future, meaning that long term co-existence with the forest resource is not considered. This has resulted in community members making immediate short-term use of the resource. Other characteristics include limited participation of the community in regulating resource use, a lack of good information and agreement concerning expected norms, and also, poor accountability of government leaders with respect to their responsibility for actions relating to forest resource governance.

Poor governance of forest resources has in turn contributed to an unprecedented rate of forest loss, which is estimated to be over 1% annually.

The main causes of forest loss in Tanzania are:-

Agriculture. This is the main driver of deforestation, in the form of shifting cultivation, which is practiced by most farmers. Farmers choose an area of the non-reserved forest (untouched forest is better than regenerated forest), clear it and grow their crops there for a number of years, then abandon the farm, moving on to clear another place.

Charcoal burning. Wood or biomass is the major source of energy for domestic use on Tanzania's mainland, especially for cooking meals. It is estimated that over 25% of the population found on the mainland live in urban areas (towns and cities). It is further assumed that 95% of these people depend solely on charcoal and firewood for their energy. Most of the charcoal is harvested from the non-reserved forests, which contributes to their degradation.

Fire. Fire is a secondary driver of deforestation in areas of dense closed forest, since it is not easy for dense forest to burn, but recently cleared forest burns much more easily, holding back regeneration. Fires are mainly caused by burning farmland in preparation for cultivation. There are no laws about fires, no fines or penalties, and no awareness-raising. Fires destroy or degrade some 9,000 ha of forest annually.



Forest products. Widespread illegal logging for timber and poles has also contributed to forest loss and brought little by way of benefit to the communities associated with the forest.

Attitude - One of the most important contributions to deforestation is people's attitudes towards their forests. Many feel the forests are in better condition than in the past and are blind to the fact that many more people cultivate in the forest than previously.

Reducing forest loss, especially in non-reserved land, is possible however, if rural and forest adjacent communities are supported and given the mandate to manage their forest. Although the government is already emphasising the inclusion of local communities in governing and managing their forest, this is happening at too a slow pace compared to the rate of deforestation.

There is an urgent need for an effective paradigm shift in forestry practice, away from protecting forests from local communities and towards including them in forest governance and management. Community participation can often mean an intervention, usually by outsiders, which involves certain community members in decision-making related to forest management. But it has also come to mean the mobilisation of all poor and marginalised groups within the community. The implicit intention of this form of participation is the redistribution of power, so that the 'have-nots' of the community are included in decision-making and benefit equally from the forest resources.

Calendar of Forest-Related Meetings & Events

September

- 24-28 September, 21st session of the Committee on Forestry of the UN Food and Agricultural Organization, Rome, Italy

October

- 8-19 October, 11th Conference of the Parties to the Convention on Biodiversity, Hyderabad, India

November

- 5-10 November, 48th session of the International Tropical Timber Council, Yokohama, Japan
- 26 November-7 December, 18th Conference of the Parties of the UN Framework Convention on Climate Change, Doha, Qatar

January 2013

- 14-18 January, 2nd meeting of the Ad Hoc Expert Group on Forest Financing of the UN Forum on Forests, Vienna, Austria
- 28 January-1 February, third session of the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe, Antalya, Turkey

February 2013

- 18-22 February, 27th session of the Governing Forum of the UN Environment Program/Global Ministerial Environment Forum, Nairobi, Kenya

March 2013

- 23-28 March, World Social Forum, Tunis, Tunisia

April 2013

- 8-19 April, 10th session of the UN Forum on Forests, Istanbul, Turkey

Editorial Team:

- *Isis Alvarez, Colombia*
- *Ronnie Hall, UK*
- *Swati Shresth, India*
- *Simone Lovera, Paraguay*
- *Wally Menne, South Africa*
- *Juan Carlos Araujo, Paraguay*

This newsletter was made possible through financial contributions from Swedbio, and the Isvara Foundation. The views expressed are not necessarily those of our donors.