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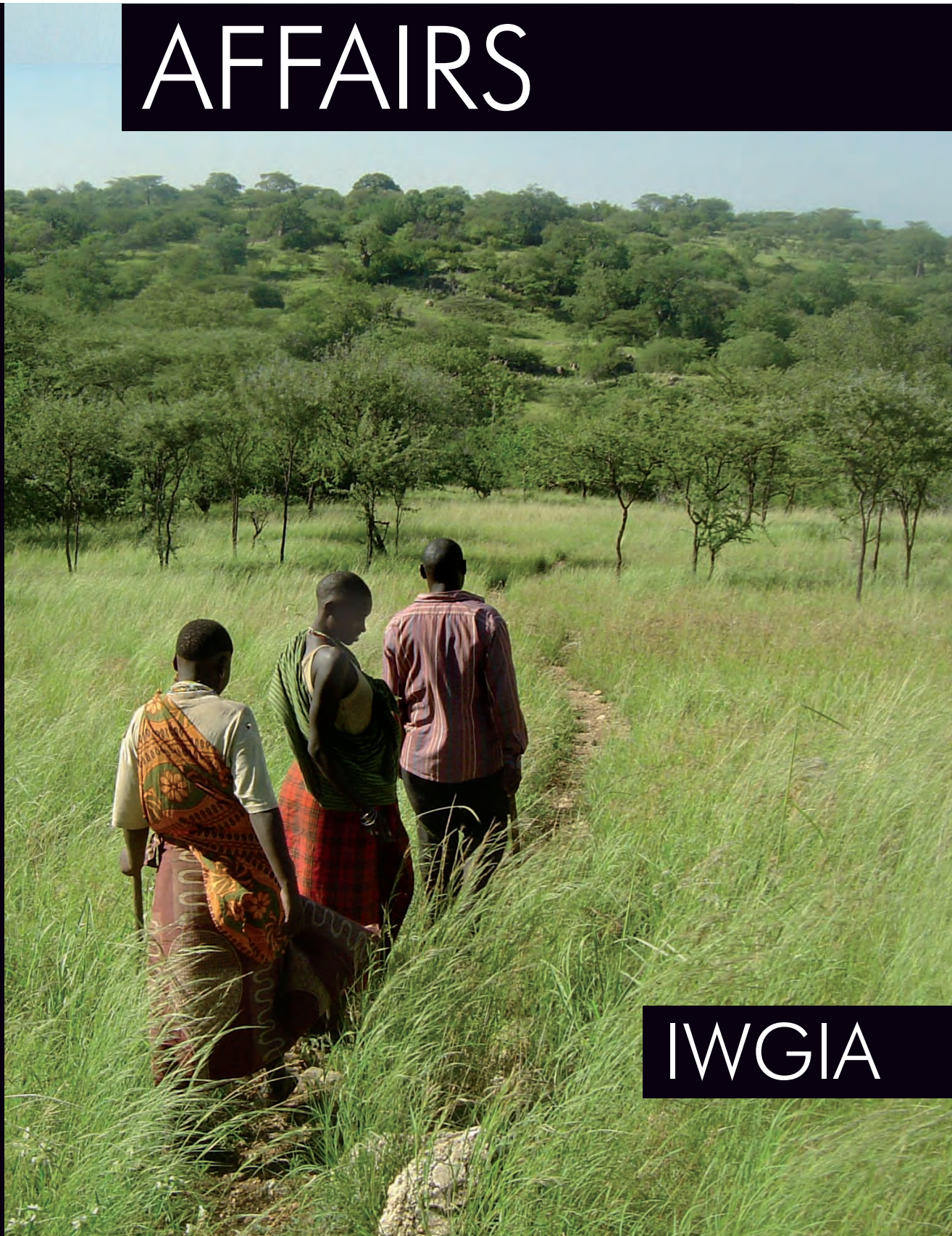
INDIGENOUS AFFAIRS

REDD AND INDIGENOUS PEOPLES



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Indigenous Affairs is published twice a year

ISSN 1024-3283

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Proof reading: Elaine Bolton and Business Language Services
Layout of this issue: Colin Nicholas and Jorge Monrás

Price: Single copies EUR 7.00 + postage

Order your copy through shop.iwgia.org

EDITORIAL EDITORIAL

Sille Stidsen

Mr Masambe Nguya was standing outside his burning homestead when he was spotted by a police officer who poured petrol over him and pushed him towards the flames. Luckily, he stumbled and fell and managed to flee whereby he survived….

In early July, more than 200 Maasai homes were burnt down and 3,000 people from eight villages in Loliondo, Ngorongoro District in Tanzania, left homeless. Food stores and maize fields were burnt, exacerbating an already alarming hunger situation, and 50,000 cattle were pushed into areas hit by extreme drought, with no water and grass. The evictions of the Maasai pastoralists from their homes were extremely violent, with several women being raped by policemen, and family units breaking up, with the result that some children were lost in the bush during the chaos and panic.

The Maasai community of Loliondo has been struggling to resist land grabbing and forced domination of their legally owned land since 1992, when a private company – owned by a member of the Royal family from the United Arab Emirates – was allocated hunting rights in the area by the Wildlife Division of the National Government of Tanzania. The July evictions were the culmination of this long conflict and, at the same time, the latest in a series of violent evictions of pastoralists from their traditional land in different parts of the country. In January 2009, every single pastoralist in the District of Kilosa was targeted by a violent and unlawful eviction operation that intended to forcefully remove them from land where they had been residing for more than a hundred years. And between May 2006 and May 2007, an estimated 400 Sukuma agro-pastoralists and IlParakuiyo, Taturu and Barabaig pastoralists and their livestock were evicted from their homes in the Usangu Plains in Mbarali district.[1]

As highlighted by Maganga and Odgaard in their article in this volume, evictions of pastoralists from their traditional lands form part of a broader context of anti-pastoralist government policies in Tanzania. We share their and our Tazanian partners' worry as to whether the very same government that is responsible for this overt oppression of an indigenous lifestyle and culture and the communities' practising it will design and implement its future climate change mitigating forest conservation, known as REDD Programmes, in a way that does not further limit Tanzanian indigenous peoples' traditional livelihood practices and threaten their very existence in an already hostile policy environment.

The worry of our partners in Tanzania is much in line with how forest-dependent indigenous peoples in other parts of the world feel about REDD. They are used to being treated as inferior citizens, and have long-lasting experience of forest governance systems that deny them their basic human rights and rights as indigenous peoples to stay on their traditional land and practise their traditional livelihoods and cultures. To name but a few examples, in line with the Tanzanian case described above, indigenous peoples in Sarawak are evicted from their traditional lands to make way for large-scale plantations, and in Thailand indigenous hill tribes are thrown off their land in the name of forest conservation.

Since the idea of REDD was formally incorporated into the negotiations under the UN Framework Convention on Climate Change a couple of years ago, indigenous peoples have engaged in intense debate among themselves and with international institutions and national governments on how to deal with it. First and foremost, indigenous peoples have been criticizing the fact that REDD was launched without consideration of their long-lasting role as stewards of the world's remaining forests, and without prior consultation with them as rights holders with a special status in the context of REDD. With an estimated 90 million indigenous peoples living in and depending on forest resources for their livelihood and their distinct social and cultural practices, it is obvious that they have a special status and a role that should be recognized in all deliberations on REDD. But before looking more closely at indigenous peoples' worries and demands within the negotiations on policies for

Parakuyo and other Indigenous pastoralists in Tanzania need access to grazing for their cattle in woodlands and forest areas for parts of the year, and fear that REDD-initiatives will limit this traditional livelihood practice in the future. Photo: Jens Dahl.

REDD internationally and nationally, let us take a closer look at what REDD is, and why it came about.

An easy fix for global warming?

The idea of using forest conservation as a tool for mitigating climate change was first introduced formally in the negotiations under the UN Framework Convention on Climate Change (UNFCCC) in December 2005.[2] In late 2007 it was decided that a policy framework for Reducing Emissions from Deforestation and Forest Degradation (REDD) should be negotiated as part of the new global deal on tackling global warming that is supposed to come out of the 2009 negotiations and COP 15 in Copenhagen in December this year.[3]

Scientists estimate that around 20% of the global greenhouse gas emissions that cause global warming stem from eradication or serious degradation of forest. Standing forest absorbs CO2 (this process is called carbon sequestration), and many see conservation of forest as the best tool known so far to reduce greenhouse gases in the atmosphere. Others criticize this as a false solution to the climate crisis, allowing industrialized countries to pay those in the South to conserve their forest, while continuing to pollute at home instead of seriously dealing with their own CO2 emissions at source. These critics point out that the best way to get rid of the excessive amount of CO2 in the atmosphere would be to cut down on industrial emissions in the developed countries, which bear the heaviest historical responsibility for the current crisis.

The debate on historical responsibility and ecological debt has been and remains intense. Controversies about whether future REDD programmes should be financed through market-based mechanisms, trading carbon storage in forests for the right to emit CO2 in industrialized countries, via international funds through which developed countries would pay off (parts of) their ecological debt, or a combination of the two, is ongoing. The fact remains that REDD is already exerting a considerable influence on international forest governance. Large international institutions have been set up to facilitate possible REDD countries' preparations for future REDD programmes, most notably the World Bank's Forest Carbon Partnership Facility (FCPF) and UN-

REDD. The latter has been established jointly by the Food and Agriculture Organization (FAO), the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP). With funding from these institutions, or via bilateral assistance, most notably from Norway, governments of sub-tropical and tropical countries with significant forest cover have started national processes setting the frameworks for future forest conservation projects in the name of REDD.

Why is REDD so important for indigenous peoples?

Since REDD was first announced within the realm of the UNFCCC, indigenous peoples have been expressing worries about what this new monetary value on standing forest – forest that is in many cases home to indigenous peoples – will mean for them. REDD processes are driven by national governments and many, if not most, indigenous peoples have little reason to believe their rights and concerns will play any significant role in their national governments' way of dealing with the prospect of REDD money starting to flow. Indigenous peoples' land and resource rights, and their very existence, is already threatened by the commercial value of their forest areas – timber extraction, mining, conversion of large forest areas to plantations or mono-crop industrial agriculture, etc. And with the prospect of governments starting to trade the carbon stored in their trees, conserving vast tracts of forest lands, they worry that their right to stay on these lands may be jeopardized.

Indigenous peoples have therefore been intensely engaged in debating the overall framework for future REDD programmes. They find it unfair that their national governments get to sell the carbon stored in their trees when in fact they, the indigenous peoples, are the real stewards of the forests. It is worth mentioning here that recent studies underpin this claim: most of the world's remaining tropical and subtropical forests are found in indigenous territories. And when a study in Central America compared deforestation rates in indigenous peoples' community-managed forests with that of protected areas, there was no difference. Forest degradation was just as high in uninhabited protected areas as it was in timber-producing community-managed forests.[4]

What indigenous people demand

According to the UN Declaration on the Rights of Indigenous Peoples (article 26) and other international human rights instruments, they have a right to the land they have traditionally occupied, and to access the resources they have traditionally depended on for their livelihood practices and cultures.[5] It is the social coherence and mere survival of their communities that is at stake when access to their traditional land and resources is threatened.

In international and national policy development and planning for REDD, indigenous peoples demand these basic rights be recognized and protected. First and foremost, they demand that REDD should not in any way threaten their rights to land, territories and resources. And they demand the right to free, prior and informed consent with regard to all REDD planning and implementation in their territories. A right that is also provided for in the UN Declaration:

> *"…States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources…" (article 32).*

In the present REDD readiness phase, what is important is to participate meaningfully in designing policy frameworks and programmes – at the international level where the overall framework for REDD is being defined, and at the national level where existing forest policies are being analyzed and options for future REDD initiatives debated. This right to participate meaningfully in all decision-making affecting them is also enshrinedby the UN Declaration on the Rights of Indigenous Peoples:

> *Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures..."*(Art. 18).

And in the context of REDD, this has been highlighted by, among others, the OHCHR report on the Connection between Climate Change and Human Rights adopted by the Human Rights Council in March 2009.[6]

From the outset, indigenous peoples have been quite visible in the international debate on REDD, and their early mobilization and protests soon resulted in consultations and an increased openness towards involving their representatives in some role or other in the governing bodies of the main international institutions dealing with preparations for REDD (FCPF and UN-REDD).

At the national level, though, REDD initiatives implemented through the very same institutions lag behind in their recognition of indigenous peoples' rights. In late 2008, a study conducted by the NGOs

Since colonial times, governments have falsely accused shifting cultivation of being a main cause of deforestation. Photo: Christian Erni

Forest Peoples' Programme and FERN (*the Forests and the European Union Resource Network*) revealed that almost none of 9 governments' initial readiness notes (known as R-PINs, Readiness Plan of Interest Notes, submitted to the FCPF) mentioned indigenous peoples' rights, just as they did not reflect proper consultation with indigenous peoples on the scope of REDD, or in general consider the human rights aspects of REDD planning and implementation. On the contrary, many R-PINs state that indigenous peoples' shifting cultivation - which for many is a traditional lifestyle, refined over centuries to suit the specific natural environment in which they live - is a driver of forest degradation. [7]

Articles in this volume

Much has been said and written about REDD and indigenous peoples over the past years' start-up phase. With the articles in this volume, we want to contribute to the debate by presenting some of the experiences indigenous peoples have had so far with the early stages of development of national REDD programmes, challenge the rationale behind the non-acceptance of indigenous-controlled forest management within the framework of REDD, and contextualize this REDD debate with a view to providing some examples of important lessons learnt in existing indigenous-controlled forest management systems. It is our firm belief that indigenous peoples can contribute to the success of REDD, and that they as the primary stewards of the world's forests have a right to benefit from REDD if they so wish. If implemented with respect for their rights, future REDD programmes could potentially benefit some indigenous communities.

In the first article, Sena presents an overview of the emergence of REDD in Africa, and how indigenous rights have been treated in the early stages of REDD on the continent. He analyses what the key challenges and possible opportunities in REDD are for indigenous peoples, and outlines possible ways forward.

A number of the other articles presented here exemplify how the non-recognition of indigenous livelihood practices and culture in existing forest governance leads indigenous peoples to worry about future REDD initiatives on their lands and territories. In both Tanzania (se Maganga and Odgaard) and Nepal (Sherpa's article), nomadic indigenous peoples have experienced community-based forest management regimes undermining their access to forest resources essential for their livelihood. Community-based forest management has transformed the forest sector in both countries profoundly, and is widely recognized as a progressive new trend in forest governance. Unfortunately, mobile indigenous communities in both countries share the experience of being excluded from entering forest areas that form part of their traditional livelihood base when the communities that are settled around these forests get

the right to govern them under community forestry schemes. In terms of REDD, indigenous peoples have not been involved in the early planning stages in these two countries (see Laltaika's update article on recent indigenous engagement in the REDD process in Tanzania, and Sherpa's article on the REDD process in Nepal) and, naturally, they worry about their future status in this context.

Shifting cultivation is another livelihood practice that many indigenous communities in sub-tropical and tropical forests around the world share. Since colonial times, governments have falsely accused shifting cultivation of being a main cause of de-forestation, soil degradation and a threat to water resources. The prejudices against shifting cultivation are particularly pronounced in Southeast Asia where some governments have taken drastic measures to eradicate it. Now shifting cultivation has also become an issue in the climate change discourse.

In many of the early national documents for REDD, indigenous shifting cultivators are being blamed for deforestation. In his article, Erni shows how recent research indicates that indigenous peoples' land use through shifting cultivation in fact contributes more to combating global warming than plantations (that tend to be popular with governments) do. What this boils down to is exactly what indigenous peoples have feared the most from REDD: that existing non-recognition of indigenous peoples and policies and administrative practices undermining their rights is shaping how governments approach REDD planning at the national level.

On a more positive note, Muchuba's article on the REDD process in the DRC shows that it can make a difference in the long-term perspective for indigenous peoples to mobilize and demand their rights. In the DRC, civil society and indigenous peoples have been involved in consultations on REDD from the early stages, and have now formed a Civil society Working Group on Climate Change and REDD which will closely follow all REDD developments in the country.

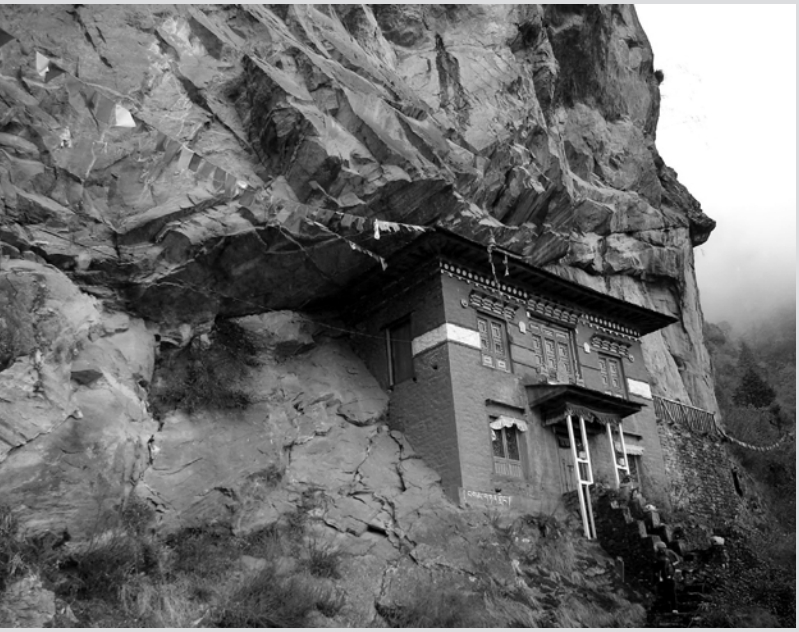
In his article, Muchuba presents how this involvement in the process builds upon the past decade's strong mobilization around forest policy issues, and successful lobbying which has built an indigenous voice that can never again be stopped. Interestingly, the DRC government has taken the bold step of including an indigenous representative as well as a civil society representative in its negotiation team for the UNFCCC negotiations at the Copenhagen Summit in December 2009, where the overall framework for REDD is expected to be agreed.

From Indonesia, we present another strong indigenous voice on the national REDD process. Here, indigenous communities and their national organization AMAN, as well as other Indonesian and international organizations, have mobilized strongly around REDD. In March this year, indigenous peoples' complaints led to the UN Committee on the Elimination of Racial Discrimination (the CERD Committee) issuing an urgent action statement on Indonesia's Draft Regulation on REDD, pointing out that it was inconsistent with the right of indigenous peoples to own and control their traditional territories, as enshrined in the UN Declaration on the Rights of Indigenous Peoples.[8] Indigenous peoples in Indonesia continue to mobilize around REDD and demand that the government respect their rights to land, territories and livelihood in all REDD deliberations. In this volume we present their joint voice on REDD, as stated in a Declaration from a national indigenous consultation on REDD carried out in August this year (The Sinar Resmi Declaration).

The last two articles we present illustrate a couple of existing experiences with indigenous-controlled forest management. As mentioned, it is by now widely recognized in the international forest debate that indigenous peoples have played an enormous role protecting the world's forests, given the fact that the remaining tracts of forest are found precisely where indigenous peoples live. We find it important in the REDD debate to keep looking at specific examples of *how* indigenous peoples manage their forests, in order to remind everybody engaged in REDD of what it is they can contribute to the implementation of REDD – if policy makers allow them to, that is. From both Nicaragua (in Bro Moseholm's article) and the Philippines (in Rice's article) we hear examples of how indigenous peoples manage their forests in such a way that they (the forests) thrive – and at the same time make a decent profit for their communities. The article on the Kalahan in the Philippines describes how a local indigenous organization has built up its own system for monitoring of carbon sequestration, and thus provides very valuable input to a discussion on indigenous communities' possible role in implementing future REDD programmes.

Increased focus on Human Rights in REDD policies, but still no clear commitment

In conclusion, we would like here to welcome the icreasing recognition of indigenous peoples' rights in connection with international and national initiatives on REDD. As mentioned above, the leading inter-



Forests are not only an important livelihood base, but also home to many sacred places for indigenous peoples. Nepal Himalaya. Photo: Lhakpa Sherpa.

national REDD institutions have opened up of late, and recognized indigenous peoples as rights holders that must be engaged meaningfully in all stages of policy-making and planning for REDD, internationally as well as at the national level. Indigenous peoples' rights are frequently mentioned in the international negotiations on the framework for REDD that form part of the ongoing UNFCCC negotiations. And the UN Human Rights System's first steps towards a sustained engagement in the REDD debate (with the OHCHR report adopted by the Human Rights Council in March this year and a panel debate on the same issue in June, and the REDD Committee's letter to the Indonesian government in March) are a very welcome contribution to the dialogue with governments on their responsibility to promote and protect the rights of indigenous peoples in the context of REDD.

That being said, it is pertinent to highlight, too, the fact that, despite this increasing focus on human rights and the rights of indigenous peoples in the context of REDD, we have still not seen a clear commitment from any national government to align their national REDD initiatives with the UN Declaration on the Rights of Indigenous People, which is what it would take to make sure indigenous peoples' rights are not jeopardized in connection with REDD. Neither have we seen any national or international initiatives aimed at establishing complaints mechanisms to which indigenous peoples can take their grievances, in case they are not heard by their governments when REDD plans are made. And, finally, the one thing that would probably be the most efficient way to push for a human rights-friendly REDD paradigm, namely making REDD funding conditional on national REDD initiatives' adherence to the international human rights framework, is a step nobody seems willing to take.

We encourage indigenous peoples to keep up the pressure on their own governments and international institutions in this regard. And we urge governments to take the final steps needed to ensure that future REDD initiatives will not be implemented at the expense of indigenous peoples, whose existence is already threatened in far too many ways. ❑

Notes and references

1 IWGIA has received numerous reports on all the evictions mentioned.

2 The Coalition of Rainforest Nations presented a formal proposal on this to the 11th Conference of the Parties (COP) of the UNFCCC in December 2005.

3 Griffiths, Tom, with contributions from Francesco Martone, 2009: Seeing 'REDD'? Forests, climate change mitigation and the rights of indigenous peoples and local communities. This is an updated version (May 2009) of FPP's earlier report, prepared for the UNFCCC COP 14 (Poznan) in December 2008. Available at: http://www.forestpeoples.org/documents/forest_issues/bases/forest_issues.shtml

4 Bray, D. B., E. Duran, V. H. Ramos, J.-F. Mas, A. Velazquez, R. B. McNab, D. Barry, and J. Radachowsky. 2008. Tropical deforestation, community forests, and protected areas in the Maya. *Forest. Ecology and Society* 13(2): 56. [online] URL: http://www.ecologyandsociety.org/vol13/iss2/art56/

5 Article 26 of the Declaration reads: "*1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use..*" The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly in September 2007. UNDRIP is available at: http://www.un.org/esa/socdev/unpfii/en/drip.html

6 UN HUMAN RIGHTS COUNCIL, March 2009: Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights (A/HRC/10/61). Adopted by the Human Rights Council on 25 March 2009 with resolution 10/4. The report and the resolution are both available the OHCHR's website: http://www2.ohchr.org/english/issues/climatechange/index.htm.

7 Dooley, Kate, Tom Griffiths, Helen Leake, Saskia Ozinga, 2008: *Cutting Corners - World Bank's forest and carbon fund fails forests and peoples.* November 2008. Available at: http://www.forestpeoples.org/documents/forest_issues/bases/forest_issues.shtml.

8 The CERD Committee's letter to the Indonesian government, indigenous organizations and their supporters' response thereto, and a lot of other reports and documents on indigenous peoples, climate change and REDD can be found on the Forest Peoples' Programme's web site: http://www.forestpeoples.org/documents/forest_issues/bases/forest_issues.shtml.

REDD AND INDIGENOUS PEOPLES' RIGHTS **IN AFRICA**

Kanyinke Sena

Two Hadza brothers - on the left a master marksman/hunter and on the right a skilled craftsman of bows and arrows - survey the countryside near Sengere for small antelope known as Dik-dik (genus Mandoqua). From approximately 100 meters, the Hadza hunter kills the Dik-dik with one shot. The Dik-dik is one of the animals that can still survive in the region as it requires virtually no drinking water. Photos: Biorn Maybury-Lewis.

Búke, *the community's matriarch, walks through the lodges at Sengere hunting camp, Yaeda Valley, Tanzania Photo: Biorn Maybury-Lewis*

Over the last year and a half, over 30% of Africa's 53 countries have expressed interest or are participating in the Reduced Emissions from Deforestation and Degradation in Developing Countries (REDD) proposed climate change mitigation strategy.

Fourteen countries are involved in the World Bank's Forest Carbon Partnership Facility while two are involved in the UN-REDD program. Others are engaged in bilateral REDD arrangements with developed countries while yet more countries are expressing interest in REDD. Africa's high response is guided by the understanding that REDD will provide financial incentives for countries to reduce greenhouse gas emissions from deforestation and forest degradation while improving the livelihoods of forest-dependent communities.

All 16 African REDD countries are at different stages of developing their Readiness Plans. African Indigenous Peoples face great challenges trying to engage in the development of the national REDD strategy process. It is these challenges that this article attempts to explore.

Funding for REDD in Africa

Several countries and institutions have been competing to establish a financial mechanism for funding REDD programmes since REDD was officially adopted for discussion under the UN Framework Convention on Climate Change (UNFCCC) in Bali in 2007. Some of the proposed initiatives include a Spanish Fund, a Brazilian Fund, a Norwegian Fund, UN-REDD and the World Bank's Forest Carbon

Partnership Facility (FCPF), among others. Norway is so far emerging as the biggest REDD country investor as it has a stake in both the UN-REDD and the FCPF. It has also entered into REDD bilateral agreements with some developing countries, including Tanzania.

Under UN-REDD, which is a collaboration between UNDP, UNEP and FAO, a multi-donor trust fund was established in July 2008 that allows donors to pool resources.[1] UN-REDD has a total portfolio of US$ 52 213 730 and, at the moment, six projects have been approved globally with one in the Democratic Republic of Congo [2] and one in Tanzania [3] respectively. The leading institution in mobilizing REDD financing, however, is the World Bank's Forest Carbon Partnership Facility (FCPF).

Launched in UNFCCC COP 13, the FCPF is designed to set the stage for a large-scale system of incentives for reducing emissions from deforestation and forest degradation, providing a fresh source of financing for the sustainable use of forest resources and biodiversity conservation, and for the more than 1.2 billion people who depend to varying degrees on forests for their livelihoods.[4]

The FCPF aims to build the capacity of developing countries in tropical and subtropical regions to reduce emissions from deforestation and forest degradation and to tap into any future system of positive incentives for REDD. In some of these countries, the FCPF will also help reduce the rate of deforestation and forest degradation by providing an incentive per ton of carbon dioxide of emissions reduced through specific Emission Reductions Programs targeting the drivers of deforestation and forest degradation. [5]

The FCPF has two mechanisms; a readiness mechanism whereby countries prepare for REDD, and a carbon mechanism whereby a country actually participates in carbon trade. As of April 2009, 30 developing countries are participating in the FCPF readiness mechanism. Fourteen of these countries are from Africa.

The FCPF process in Africa

The FCPF participant countries from Africa include Kenya, Uganda, Ethiopia, Mozambique, Madagascar, Democratic Republic of Congo, Republic of Congo, Cameroon, Equatorial Guinea, Central Africa Republic, Gabon, Liberia and Ghana. Tanzania is participating only to learn and share but not to receive financial support from the FCPF.

To qualify for participation, a country first submits a Readiness Plan Information Note (R-PIN) for consideration. An R-PIN basically asks a country to give brief information on the country situation in relation to forest governance, law enforcement, forest monitoring and inventories, drivers of deforestation/degradation, estimates of carbon stocks, cross sectoral program coherence with REDD and data on indigenous peoples, among others. A country's R-PIN is then reviewed by the FCPF Facility Management Team (FMT) and a team of experts in various fields, including indigenous peoples' rights. The reviewed R-PIN is then presented to the Participants' Committee (PC), the highest decision-making body of the FCPF, comprising ten donor and ten recipient countries, for a decision.

Once a country's R-PIN is accepted by the PC, it becomes eligible to receive a grant of US$200,000 to develop its Readiness Plan Project Proposal (R-PPP).[6] The R-PLAN outlines the strategy the country intends to put in place to address the issues raised in the R-PIN.

While a country is free to design an R-PLAN according to its needs and priorities, the FCPF emphasises on a consultation and outreach plan.[7] This is guided by an understanding that the REDD mechanism will have long-term impacts on forest dwellers and forest-dependent communities. They must therefore be involved in the process of developing a national REDD strategy at every stage.

To support consultation and outreach, the FCPF expects governments to use part of the US$ 200,000 to reach out to forest dwellers and forest-dependent communities. The FCPF has also budgeted US$ 200,000 annually for the next five years for forest dwellers / forest dependent communities' engagement with the FCPF process.

Country options in developing Readiness Plan Project Proposals

The UNFCCC negotiations are bent towards implementing REDD at the national level rather than at the sub-national level.[8]

To develop a national strategy, a country may opt to address only deforestation (RED) or both deforestation and degradation (REDD). It may also choose REDD, sustainable development and also enhance carbon stocks (REDD++). But it must look at the:

- Scope – what is eligible, which activities, which carbon pools, which sectors?

- Reference level – what is measured, over what period, across what scale?
- Distribution – to whom does the money go? What will be rewarded, on what scale and how?
- Financing – where does the money come from, are there other mechanisms?

Governments, non-governmental organizations and the private sector have all made proposals as to how REDD should work. Governments can opt to borrow from the various proposals in a mix and match arrangement. Ghana is leading the way for Africa in developing its Readiness Plan Project Proposal (known as the R-PPP – formerly known as R-Plans). It adopted a consultant-led process with a national REDD committee constantly monitoring and feeding back into the consultant's work. Other African countries are opting to follow this model.

In the end, however, the governments will decide on the national REDD strategy on the basis of what they think best achieves:

- Environmental effectiveness
- Economic efficiency
- Equity in distribution and
- Political feasibility

Indigenous Rights and national REDD strategies

There is no doubt that REDD will affect indigenous peoples in one way or another. Given that REDD will operate against a national reference scenario, REDD projects may or may not be undertaken by governments in indigenous peoples' territories. If REDD projects are undertaken in their territories, they may have to pay a heavy price in terms of land rights, culture and livelihood adjustments.

On the other hand, where REDD projects are not undertaken in indigenous peoples' territories, governments may regulate land use and land use change activities in indigenous territories anyway so

Maasai women selling jewellery inside of the Kenyan/Tanzanian frontier zone on the Arusha-Nairobi highway. Photo: Biorn Maybury-Lewis

The article's author, Kanyinke Sena (right), interviews Maasai laibon (medicine man/headman), Meshuko Ole Mapi, in his settlement in northern Tanzania. Photo: Biorn Maybury-Lewis

Who is indigenous in Africa?

Peoples claiming to be 'indigenous' in Africa are mostly those who have been living by hunting and gathering or by transhumant (migratory nomadic) pastoralism.

They are distinct peoples whose economies and cultures are different from the national dominant cultures.

They are reliant on the sustainable use of natural resources.

Their cultures are closely linked to the special environmental conditions under which they have for example deserts, savannah drylands and equatorial rainforests.(*www.ipacc.org.za*)

as not to cause "leakage" in the national REDD reference scenarios. This will also have serious implications for indigenous peoples' land, cultural and livelihood options. In a nutshell, REDD puts indigenous peoples between a rock and a hard place unless it is done right.

Indigenous rights in the African R-PINs

As is to be expected, African governments are still reluctant to acknowledge the existence of indigenous peoples in their territories. In all 14 R-PINs, no single country provided data on indigenous peoples even though the format for the R-PIN specifically demands this. Cameroon, for example, has no data on its Pygmy populations and even has to rely on information from the African Commission on Human and Peoples' Rights (ACHPR) to pinpoint where the Pygmies are found in the country.[9] During a one-on-one discussion with the author of this paper, some governments insisted that the term ''indigenous" was not applicable in the African context. Their arguments are guided by the "First Peoples" concept, which is relevant mostly to North and South American situations. This is despite the fact that the African Commission on Human and Peoples' Rights has based indigenousness in Africa on self-identity, attachment to land and a history of marginalization. This is the definition provided in the report of the ACHPR's Working Group on Indigenous Populations/ Communities in Africa, adopted by the Commission in 2003.[10]

It also beats logic for African nations to argue as they are because no African country voted against the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which also bases indigenousness on indigenous peoples' self-identification, and in which only three African countries abstained.[11] The non-recognition expressed by the African governments in their R-PINs may be motivated by the implications of the concepts of self determination and free, prior and informed consent enshrined in the UNDRIP. African governments are not comfortable with these concepts even though they are considerably diluted in the UNDRIP.[12]

Discrimination and ownership issues

Discrimination against indigenous peoples is evident in all R-PINs. Cameroon, for example, divides the country into three population zones but the indigenous Pygmy population is not considered part of the country as they are not included in the zoning despite occupying 80,000 sq km of the land.[13] As a result of this non-recognition, none of the countries consulted with indigenous communities or their organizations when developing their R-PINs. While some expressly stated that comprehensive consultations were not

Maasai children herding in southern Kenya along the Arusha-Nairobi highway. Despite the smiles, they were begging for water. The drought conditions are hard on them and their livestock. Photos: Biorn Maybury-Lewis.

necessary at the R-PIN stage of the FCPF process,[14] others stated that consultations with civil society groups that work with indigenous peoples were sufficient, even when discussions were held with only one or two indigenous activists. It is true that other communities may also not have been consulted. But given that indigenous peoples are the most vulnerable, specific efforts should have been made to share with them the concept of REDD and the governments' intentions so that they can start reflecting on it.

This begs the question of ownership of the FCPF and other REDD processes on the part of the communities. It is true that REDD is envisaged to operate at the national level. It is also true that the World Bank only works through governments. So essentially, the FCPF process will be government led. But given that the project areas will be in forest communities' territories and that the communities will be expected to openly embrace such REDD projects in order to save the world from global warming, why should they not be allowed to own the process from inception and, eventually the implementation of the projects?

Low awareness is a key factor. Communities are not aware of REDD, nor that the governments are developing national REDD strategies. But communities are not alone in this. Other than the FCPF focal points, almost no other ministry officials, especially not government officials at the provincial and district levels, are aware of REDD or that the countries are developing national REDD strategies.[15] This could be attributable to resource constraints. Other than one or two national workshops, African governments hardly have the resources to conduct workshops at the regional, let alone the grassroots level. With these low awareness levels, it is doubtful that the communities will meaningfully contribute to the development of the national REDD strategies.

African governments claim in their R-PINs that they recognise community land rights under various national laws. They argue that all lands in a country are vested in the state. (That is, state interests in land override those of individuals and communities, and thus the government has the power to compulsorily acquire any land in the country.[16]

Nevertheless, national constitutions, land laws, customary laws recognised by the state, among other laws and policies, recognise communities as rights holders to their territories. But as Mozambique aptly states, *"it is not the law (which strongly defends community rights), but community members' ability to use their rights and defend their interests"*[17] that is at stake.

Most R-PINs explicitly recognise the cultural, spiritual, medicinal and livelihood values of forests for forest communities.[18] Others recognise, and are promoting, through legislation, increased roles for communities in forest management,[19] law enforcement[20] and monitoring, while others recognise forest

as traditionally associated with communities and encourage village presidents and councils to control access and use of the forest, including the sale of timber.[21] Most governments, however, also blame forest communities for deforestation and degradation through slash-and-burn agriculture and charcoal-burning activities. The governments recognise these as livelihood challenges that need to be addressed. Proposals for alternative livelihoods and energy are evident in the R-PINs. The big question is: are the proposed alternative livelihoods what the communities really want or are they just another top down solution?

In the R-PINs, governments also recognise civil society groups that work among indigenous and other local communities as the bridges between these communities and governments. Acknowledging the challenges faced by governments in reaching forest communities deep in the jungles,[22] governments often rely on information provided by civil society groups that claim to have access to those communities. But the key question governments are asking is how reliable the information given by different civil society groups is, given the different agendas represented by these groups. Most governments, however, are keen to strengthen partnerships with civil society groups in order to reach the forest-based communities more.[23]

Key challenges and possible opportunities for indigenous peoples

Some of the key challenges facing indigenous peoples include exercising their free, prior and informed consent (FPIC) and self-determination in a national REDD context, the rapid urbanization that comes with development projects such as roads, dams, etc on their territories,[24] and conflicting interests with other stakeholders such as agricultural communities, logging companies, etc. Political instability in some countries, especially around the Great Lakes Region, affects indigenous peoples directly and will affect any REDD initiatives in this region. While there may not be conflict in some countries, indigenous peoples in conflict-free countries are still the victims of conflict as a result of refugees settling in their territories. Some of the urgent challenges likely to be encountered by indigenous peoples in the context of REDD include:

Sudden increased interest in forest land

The possibility that forests will generate millions of dollars through carbon trade is a threat to forest communities' rights to their forest lands. Government forest departments suddenly want to renege on laws that encourage community forest management. They now want to control forest lands because of the revenue stream they could generate through carbon trade.

Many governments are also claiming that they have exclusive rights to carbon and the trade in it. There is a danger, therefore, that even where communities gain recognition of their rights to land and forest territories, they will be under tight government control, possibly through militarization, because the government would not want the carbon in the forest or land to be interfered with. Investor nations and private entities, including big environmental NGOs, will want to buy up large tracks of land[25] for forest plantations and, eventually, carbon trade. Forest communities therefore need to move quickly to secure their territorial rights before it is too late.

Sudden policy and law changes

REDD is set to address the drivers of deforestation and degradation. In most African countries, policies and laws are the direct drivers of deforestation. These must therefore be addressed urgently if a country is to benefit significantly from REDD. The sudden expected changes in policies and laws will change the usual way of doing things, causing shocks that will resonate more among indigenous peoples, who will have to learn the new laws and policies quickly. There is a risk that the law and policy changes may cause further harm to indigenous peoples if they do not participate in their making.

Indigenous peoples' role in the carbon cycle

Global warming is the result of an industrial culture. The role indigenous cultures play in the carbon cycle is not being explored, however. A strong argument exists that young vegetation captures more carbon than old. On the basis of this argument, the champions of plantation forests are having a field day. Yet indigenous peoples can argue strongly that indigenous forests are constantly regenerating, and therefore absorbing large amounts of carbon daily. This constant regeneration has a lot to do with the co-dependence of biodiversity and indigenous cultures. This requires more research into traditional knowledge systems and practices, and the mainstreaming of these into national REDD strategies.

FAO's definition of forests does not take biodiversity into consideration.[26] There is even a feeling that it encourages plantation forests and, therefore, genetically modified trees. There is a strong fear that genetically modified trees may carry the "terminator" characteristic, which impedes the regeneration of species. This will be disastrous for biodiversity.

Data on deforestation

All countries rely on satellite-generated data to estimate deforestation and degradation. However, satellites cannot see below tree canopies and even states acknowledge that they are not accurate. More accurate information could come from the communities living in the forests. Tanzania and the DRC are exploring this option.

Involvement/consultation in the formulation of R-PLANs / R-PPPs

When developing a national REDD strategy, the FCPF insists on a consultation and outreach plan. Countries are asked to use part of the US$ 200, 000 granted by the FCPF for the formulation of R-PLANS to reach out to communities. African FCPF participant countries are following the Ghanaian model whereby the R-PPP development will be a consultant-led process. The consultant will work closely with a government-appointed national REDD team in developing the R-PPP. Almost all countries are allocating some of the funds for community consultation. Of the US$ 200, 000 from the FCPF, Kenya, for example, plans to spend Kshs 148,305 on consultancy services, Kshs 30,000 on local trainings/workshop/stakeholder consultations, Kshs 7,200 to purchase goods and Kshs 14,400 as operating costs. The local training/workshop/stakeholder consultations will be geared towards developing a consultation and outreach plan to be used during the implementation of the R-PPP.

Kenya's dilemma is that of who or which community organizations to work with, the depth of the consultations given the diversity of interests motivated by the possibility of receiving "large sums of money", the meagre resources involved, and capacity constraints for both the government and communities, among others.

Coordination at the national level

Almost every indigenous activist has picked up on R

EDD because it is the issue of the day. Pastoralist activists rightfully feel that they should be part of the debate because they have dry forests in their territories. Activists from "wet" forest-based communities feel that REDD is exclusively their issue. This partly results from the United Nations' definition of forests, which is based on FAO's Forest Resource Assessment Report of 2000. To FAO, a forest consists of tree canopy cover of 10% or more. The trees should be able to reach a minimum height of 5 metres at maturity. This definition rather excludes the dry forests and savannah grasslands which comprise most of Africa.

The reality on the ground, however, is that activists from non-indigenous communities neighbouring forest areas are taking over leadership of REDD in African countries because of their superior education and government connections. Meanwhile international partners, often at the expense of relying on established REDD experts, continue to focus on their usual local partners, even where the local partners lack the capacity or constituency to address the REDD issue. So who will the governments work with so that communities can feel adequately represented? The tug of war is leading to much wastage of critical time and resources needed to build the capacities of communities to understand and participate in REDD.

Using existing instruments to defend their interests

As Mozambique aptly states, the one constraint for REDD is not the law but community members' ability to use existing laws to defend their rights and interests. The communities' inability to enforce the law through the courts is largely due to illiteracy, ignorance of the law and the failure of governments to exercise their responsibility to implement national laws that are favourable to indigenous peoples. There are many international and national instruments in the REDD countries that communities could use to start claiming their space. In Kenya, for example, the Forest Act 2005 allows communities to manage forest areas through community forest associations. This could be used by indigenous peoples to start taking control of their forest areas. On this basis, the communities could argue along the lines of community conserved areas (ICCAs), a concept promoted at the recent IUCN World Conservation Congress. Similarly, communities could start directly negotiating for a slice of the carbon trade. But the indigenous peoples at the village level still lack the capacity to use the provisions of law to their advantage.

In most cases, the globe-trotting IP activists are not really honest about the issues, do not provide feedback

at the local level, and/or lack the resources to put what they know into practice. Take the case of land rights among some communities in Kenya, for example. While activists move around the world arguing that their communities have no land rights, it is those same communities that are pressing the government to assist them in subdividing their communal lands into individual parcels so that they can promptly sell off the lands once they have individual title deeds. Their activists do not address these present dangers. Instead, they choose to linger on historical injustices!

A thematic shift is necessary in order to focus more on retaining the land that is still under the control of communities, on negotiating with governments for more control of forest and protected areas, and on opening up channels of information from the international to the local level and vice versa.

How will indigenous peoples want to be involved in REDD at the national level?

And how much sacrifice are they willing to make? For REDD to work, communities will have to change their livelihoods. The changes may include changing forest-based lifestyles, including their cultures. Will communities want this? Will there be adequate compensation, for example, to meet the energy needs of entire communities if they have to abandon the use of charcoal and firewood? How will communities benefit from REDD?

The most logical argument would be for communities to be engaged in forest governance, monitoring and enforcement. Communities have a wealth of untapped knowledge of forest ecosystems that could be used to create inventories, monitoring, etc.

Emphasis should be placed on the use of cyber tracking and other technology that is cheap and easy to use by IPs so that they can document their expertise. The Forest Peoples Program (FPP) and other organizations have started using these technologies with communities in the Congo forest while IPACC provided training on the same in Namibia at the end of 2008 and has conducted Participatory 3 Dimensional Mapping Exercises in Nessuit and Mukogodo in Kenya, with others in the pipeline in Gabon and Niger. If the wealth of knowledge generated by these activities can reach governments, it will be evident that indigenous peoples have knowledge that will be crucial in monitoring deforestation and degradation.

Donor biases and the way forward

At the moment, it is difficult for both African governments and indigenous activists from Africa to form independent opinions of REDD or to express them when they do form them. This is largely because of donor biases in the REDD debate. When a donor opposes or supports REDD and funds an activist to participate in a meeting, it is very difficult for the recipient to contradict the donor position without jeopardising his or her funding chances in the future. Other donors prefer to channel support to their traditional partners even in situations where they lack expertise on REDD issues. While this is understandable, the effect is that African activists find themselves perpetually in a "being trained mode" - no expertise is being developed while much money is being wasted on travel. If thematic expertise could be identified and supported it could do a lot of good to the indigenous struggle in Africa.

In conclusion, the FCPF and other REDD processes are moving at lightning speed, with the governments at the fore. If forest communities do not move fast enough to get their rights and interests reflected in the national R-PLANs /R-PPPs, there will be another human rights struggle for the next hundred years. Addressing indigenous peoples' rights is crucial because investors are not likely to waste their money in countries where there will be potential leaks, significant land tenure disputes, weak forest inventories, weak governance, law enforcement and monitoring. If countries want to benefit from the carbon trade, they must therefore address the above issues in the formulation and implementation of their R-PLANs / R-PPPs. Indigenous peoples thus need to reflect hard and fast, given the speed at which the process is moving.

The FCPF realises the potential impacts on communities, and that communities need to be involved at all stages. In addition to urging governments to use part of the US$ 200, 000 R-PPP grant to reach out to communities, the FCPF has also set aside US$ 200,000 for the next five years for communities to engage in the process. The two-pronged approach by the FCPF gives the communities a fighting chance to engage in the FCPF process in their respective countries. Indigenous organizations can access these funds by applying directly to the FCPF. But given the size of the kitty, preference may be given to networks operating across countries. These efforts are not enough! Forest communities need to rise up and proactively engage in the process and debate generally.

Hadza women and children at Sengere Hunting Camp, above the Yaeda Valley, Tanzania. Photo: Biorn Maybury-Lewis.

Massive resources need to be mobilized by the communities and their partners in order to ensure full engagement in the national REDD process. ❑

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4 http://www.forestcarbonpartnership.org/fcp/

5 Ibid

6 For an R-PPP template, Please visit http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/FCPF_R-PLAN_template_and_Guidance_V_2_10_16_08.pdf

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10 http://www.iwgia.org/sw2186.asp

11 UNDRIP was adopted by the UN General Assembly on 13 September 2007. Kenya, Burundi, and Nigeria abstained from voting.

12 Self-determination can only be exercised within existing national boundaries.

13 Cameroon's R-PIN, Item 4, Data available on Forest Dwellers and IPs.

14 Kenya's argument.

15 Other interactions in Kenya, Uganda, DRC, Tanzania and the Republic of Congo.

16 Central Africa Republic R-PIN.

17 Mozambique's R-PIN submitted to the FCPF on 15 December 2008.

18 Central Africa Republic, Cameroon, Democratic Republic of Congo, etc.

19 Kenya Forest Act 2005.

20 Tanzania's 1998 forest policy and Act (No. 14 of 2002) stress the need to empower local communities via CSOs and the need for village governments to play an increasing role in setting local resource use legislation (e.g. village bylaws) and enforcing such regulations.

21 Equatorial Guinea "bosque comunal" and "reserva de poblado" concepts and "village environmental committees" in Kenya.

22 The Congo Basin states for example.

23 Kenya's FCPF focal point is available to attend workshops on REDD.

24 Central Africa Republic Bangui – Mbaiki, Bangui Berberati road axis for example.

25 Rumours exists that a Swedish company is negotiating the purchase of 1/10 of Tanzania for bio-fuel production.

26 http://www.fao.org/docrep/004/Y1997E/y1997e00.html

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INDIGENOUS PEOPLES AND FOREST MANAGEMENT – BEFORE AND AFTER REDD

The case of Tanzania

Rie Odgaard &
Faustin P. Maganga

One of the authors, Maganga, in discussion with Maasai pastoralists about the creation of Wildlife Management Areas in Kiteto District, Manyara Region. Photo: Dr. Agnes Mwakaje of the Institute of Resource Assessment..

Men at the Hadza's Sengere hunting camp resting in the afternoon.Yaeda Valley,Tanzania.
Photo: Biorn Maybury-Lewis

While donors and many governments in developing countries are joining hands in promoting the UN Reduced Emissions from Deforestation and Forest Degradation (REDD) initiative, representatives from international NGOs and Indigenous Peoples' Organisations (IPOs) have expressed concern about the possible effects of REDD on indigenous peoples' livelihoods. In Tanzania, enormous amounts of money are being invested in developing a national strategy for REDD, yet until recently the country's indigenous communities had neither been informed nor invited to participate in decision-making in the course of the REDD process.

In order to contribute to the discussion of indigenous peoples' rights in the context of a future Tanzanian national REDD strategy, this article explores how indigenous peoples have experienced the participatory forest management regime of the past few years. As we shall see, there are good reasons for concern with regard to the proposed REDD programme, if indigenous peoples are not immediately brought on board the decision-making process in a meaningful way.

REDD in Tanzania

The United Republic of Tanzania (URT) is one of nine pilot countries involved in the UN REDD initiative, and is represented on the UN REDD Policy Board. The Board met in Panama from 9 to 10 March 2009, and a budget of US$ 4.28 million, the major part of which was for a one-year assistance package for REDD preparation in Tanzania, was presented. On 12 March 2009, a contract was signed between Norway and the Institute of Resource Assessment (IRA), University of Dar es Salaam, which has been appointed to facilitate the process for developing a National Strategy for REDD in Tanzania. The contract carries a grant of US$ 2 million. The REDD process is thus now in full swing in Tanzania. In fact Norway's forest carbon aid package to Tanzania is NOK 500 million over five years.

As part of IRA's facilitation, the REDD Secretariat solicited and received 35 concept notes for in-depth studies to be supported, focusing on the following key issues:

- Modalities of establishing and operationalising a National REDD Trust Fund;
- Role of REDD in rural development;
- Legal and institutional framework review in the context of REDD intervention;
- Development of business case for carbon trade through REDD initiative;
- Preparation of REDD information needs, communication and REDD knowledge management.
- Five shortlisted candidates have been contacted to develop full proposals.

A call for NGO pilot studies was also announced in March 2009. A total of 45 NGOs applied, of which nine were shortlisted to develop full proposals. Four different aspects of REDD were envisaged for development and demonstration by NGOs as pilot projects:

- Approaches to organizing REDD work at the local level, with a focus on governance and tenure;
- Incentive schemes that provide equitable benefit sharing mechanisms, especially to local communities;
- Baseline studies and methods for estimating deforestation, carbon sequestration and emissions;
- Participatory methods for monitoring, assessing, reporting and verifying; and
- Approaches that address drivers of deforestation and forest degradation.

The shortlisted NGOs have already submitted full proposals to the REDD Secretariat. Selected proposals for funding will be announced after completion of a thorough review.

However, as will emerge in the following, there seem to be very good reasons for worrying about how REDD activities may affect the situation of indigenous peoples in Tanzania.

First of all, although seminars discussing the REDD initiative have been conducted with government representatives and donors, Tanzania has committed itself to REDD, contracts and agreements have been signed and a draft policy framework for REDD in Tanzania has been developed (URT February 2009), until recently very little seemed to be known about the REDD initiative among the organisations promoting indigenous peoples' issues in Tanzania, not to speak of the communities where indigenous people live.

It appears, though, that "a number of civil society organisations and NGOs" were consulted about the REDD initiative in Tanzania, at meetings in Dar es Salaam on 24 February and 5 March 2009, and that the organisations present endorsed the programme and declared their willingness to cooperate in its implementation. The meetings appear to have taken place very late in the process, however, and it is unclear which organisations participated, who they represented, how many they were, which parts of the country they came from, whether any concerns about the impact on local communities (and indigenous peoples) were aired, etc.

Secondly, in the draft policy framework for REDD, there is no specific strategy for the involvement of local communities, not to mention indigenous peoples (a problematic term anyway in Tanzania, see below), in the selection of pilot sites and the various stages of implementation of activities. The draft policy refers though to the fact that, in the international debate about REDD, concerns as to how "rights of indigenous people and communities who depend on forests will be affected by REDD programmes" were aired (URT 2009, p. 6).

However, while carefully avoiding the term "indigenous peoples", the policy stresses that: "The overwhelming need as regards communities and people in the forest is to ensure that they are involved in a positive and mutually beneficial way in management, since this is one of the very few effective means of controlling degradation over very large areas" (URT February 2009, p. 6).

The draft policy framework focuses on involving local communities in order to prevent increased degradation, and to raise awareness and train them to undertake that role. There is no specific mention as to what will be done to make sure that the rights of different groups of resource users to natural resources will be safeguarded during the process. The Policy Framework Section 3 (URT, February 2009, p. 14) does, however, mention that there is a need to identify local and indigenous rights with respect to REDD. And yet the lead institutions/facilitators identified to undertake activities in this regard are the Forestry and Beekeeping Division (FBD) of the Ministry of Natural Resources and Tourism, the Vice President's Office (VPO) and local government authorities.

There is no mention of involving representatives from local communities, community-based organisations (CBOs), indigenous peoples' organisations, NGOs, etc., in this task. Considering the current situation of indigenous peoples' rights to land and other natural resources in Tanzania, and the many conflicts related to land in the country, it is worrying that the REDD policy framework does not envisage a

more prominent role for local communities and non-state organisations.

Thirdly, it is important to stress that most authorities in Tanzania do not give the necessary attention to indigenous peoples' concerns. The authorities define different groups in Tanzania according to the type of livelihood pattern they pursue, that is, pastoralist, hunter-gatherer etc. In fact, the organisations promoting the rights of such groups, and who often participate in international forums where indigenous peoples' issues are discussed, do not even refer to themselves as indigenous peoples' organisations in Tanzania because, they argue, it antagonizes the government and people not considered "indigenous", and makes it even more difficult for them to influence policies and developments affecting indigenous peoples in Tanzania.

Fourthly, there are a number of recent developments in areas with indigenous peoples in Tanzania which are very disturbing. For example, the evictions of pastoralists and their livestock from Mkomazi Game Reserve (Mustafa 1993), and the current court cases in this regard (personal communication, January 2009); the evictions from Ihefu in Usangu Plains, Mbarali District in 2006 and 2008 (Walsh 2008); the evictions from Kilosa, which started in January 2009 and are still ongoing (IWGIA Alert, February 2009, Mwarabu, May 2009), to mention only a few of the most controversial cases that have made the news headlines.

There are also several cases of land grabs on the part of politicians, government officials and private businessmen, less discussed in public but easily documented on the ground, and which pose a threat to the livelihoods of both pastoralists and hunter-gatherers. That some of these incidents are, in fact, part of an official policy towards pastoralists and not just isolated cases is illustrated in the Strategic Plan for the Implementation of the Land Laws (SPILL, URT 2006). Based on a number of very negative statements about the present livelihood pattern practised by pastoralists (p. 14), the strategy concludes that nomadism must stop and that pastoralists must be forced to settle and change their production system into a ranching system (SPILL, URT 2006, pp. 14).

The intentions of the Wildlife Act 2008 (passed by Parliament in January 2009 with some minor recommended changes) include, for example, a strengthening of the powers of the President to declare any part of Tanzania a game reserve, thus prohibiting uses such as grazing of livestock in such areas. This can have a far-reaching and negative impact on pastoral livelihoods.

The Wildlife Act (URT 2008) has given rise to much debate in Tanzania and NGOs and civil society organisations have tried to influence the Act, proposing changes that take pastoral rights more into consideration (PINGOs FORUM, October 2008). However, it is still unclear as to whether any of their concerns have been included in the final text of the Act.

Finally, and the remaining part of this paper will focus on this, experiences of involving local communities, and in them groups of indigenous peoples, in forest management in Tanzania are not particularly promising, despite much rhetoric to the contrary.

Indigenous peoples' experiences of Participatory Forest Management

Participatory Forest Management (PFM) has now generally been accepted as a generic term used to describe various approaches to participation by different interest groups in forest management, and covers both Joint Forest Management (JFM), e.g. involvement of local communities in managing state-owned forests, and Community-Based Forest Management (CBFM), which mainly refers to involving local communities in managing forests on non-state owned land. Participatory Forest Management has become the overall guiding principle for forest policy in Tanzania.

Tanzania has a total of 33 million hectares of forests and woodlands (www.un-redd.net/Portals/25/documents/events/20090309Panama) – this is more than 1/3 of the country's total surface area of 94.3 million hectares (www.tanzania.go.tz/lands). The REDD policy framework for Tanzania refers to some positive models and success stories in Tanzania with regard to Participatory Forest Management (PFM) implementation (p.6), and Tanzania is often praised for its progressive forest policies and legislation focussing on the involvement of local communities in forest management.

For more than a decade, Tanzania has indeed put much effort into changing the institutional and legislative framework for natural resource management. Examples are the Land Policy (1995), the Land Acts (May 1999) (enacted by the President in May 2001); the National Forest Policy (URT 1998), the Forest Act (enacted in May 2002) ; and Community-Based Forest Management Guidelines (Ministry of Natural Resources, Forestry and Beekeeping Division, DSM 2001). The latest National Forest Policy (URT 1998) truly marks a turn away from the top-down approaches previously adopted (Iddi and Sjöholm 1997).

To facilitate the implementation of the Forest Policy, the Ministry of Natural Resources and Tourism (Forest and Beekeeping Division) has now produced a set of guidelines (see URT 2001) specifically directed at Community-Based Forest Management. Part I of the Guidelines points out that: "Community Based Forest Management (CBFM), refers to any forest management regime in which local people play a major role. This may be developed in respect of still unreserved forests in village or general lands or in respect of Government Forest Reserves ...." (URT 2001, p. 1).

The guidelines look at Community-Based Forest Management as a process the main foundation of which is reservation, that is "… the act of setting aside an area to forest development (protection or production)." (p. 2) The guidelines distinguish between three main reserving processes occurring in Community-Based Forest Management, namely villagers who reserve an area out of common land in the village; smaller community groups wanting to establish a reserve on land they own together; and CBFM established in a Government Forest (National Forest Reserves and Local Authority Forest Reserves).

The question is now the extent to which some of these fine principles are reflected in the experiences so far with Participatory Forest Management in Tanzania.

Until now, the approach to Community-Based ForestManagement/ParticipatoryForestManagement in Tanzania has focused particularly on villagers reserving areas from common village land. In the following, we shall look at some of the experiences indigenous peoples have had with this kind of community-driven forest management.

Conflict of interests

Conflicts of interests between different groups of resource users are bound to arise as soon as villagers start to discuss which area(s) should be set aside as reservations, what type of restrictions should be instituted and how, who is allowed to do what and where etc. Many problems have indeed accompanied the efforts of Community-Based Forest Management /Participatory Forest Management in Tanzania, and have hit pastoralists and other vulnerable groups in the areas affected in particular. The following observations are based on the authors' involvement in assignments related to Community-Based Forest Management/Participatory Forest Management implementation in Tanzania.

In the areas where the authors have worked, pastoralists have, for example, mostly not been involved in the decision-making processes about reservation of certain parts of the village. In some villages it has been decided to reserve several thousand acres, including important seasonal grazing areas used by pastoralists. In some of the villages, pastoralists were simply not called to or informed about village meetings where the issue was discussed and decisions made.

The village Assembly, composed of all resident villagers in a village, is the highest authority at the village level in Tanzania, and final decisions relating to how to use various parts of the village area are made at village Assembly meetings, in which all villagers have a right to participate. The reasons given as to why pastoralists were not involved in the decisions-making process were, for example, that they were not considered "proper" members of the community, or that the meetings were called with such short notice that they did not have a chance to make it to the village centre in time, due to their livelihood pattern, implying that they usually reside far away from the village office where the meetings are conducted (MEMA report 2001).

Reservation of a certain area always implies that collection of fruits, roots, herbs and firewood, building materials and honey will be restricted, and this naturally hits vulnerable groups like hunter-gatherers,

Parakuyo pastoralists with their cattle, Usangu Plains, Tanzania. Photo: Jens Dahl.

women and pastoralists very hard (Kiwasila and Odgaard 1992 , Mema 2001, Maganga and Odgaard 2002)

The establishment of donor-financed natural resource committees, the members of which are empowered to be part of the control and regulation mechanisms related to use of resources in reserved areas, has implied that new village elite groups with vested interests have emerged. In one case, a village natural resource committee in south-eastern Tanzania included, for example, some female timber dealers, who insisted that a forest should be left completely untouched for a long period of time. The reason appeared to be that the forest contained some valuable tree species they were dealing in, and they wanted these trees to be left to mature without interference. As members of the natural resource committee, they considered themselves to be in a better position than others to be given licences to harvest the trees at a later stage.

In other cases, in south-western Tanzania, natural resource committees in some villages decided that all activities in reserved areas, except beekeeping, should be prohibited. In these cases, the areas used to serve as seasonal pastures for livestock owned both by pastoralists and farmers. In addition women, who used to collect mushrooms, herbs, roots etc. (which form valuable contributions to the diet and are also a source of income for some of the poorest and most vulnerable groups) were negatively affected by these decisions.

Generally, the rights of pastoralists to land were often denied by village authorities and various groups of villagers that depend on farming, with reference to pastoralists being immigrants and not belonging to the area. However, in many villages implementing Participatory Forest Management activities, many farmers are also immigrants and, in some cases, arrived in the areas in question later than the pastoralists. The issue of "belonging" or "not belonging" to an area is a commonly used mechanism of exclusion in Tanzania (Odgaard 2005 , 2006 and Maganga , Odgaard and Sjaastad 2007).

But not only do problems with the decision-making processes give rise to worries in relation to indigenous peoples and forest management in Tanzania. There are also some elements in the institutional framework which may entail problems for the rights of indigenous peoples and other vulnerable groups.

It is stipulated in the Forest Act (p. 42) that once a national or local authority reserve has been declared: "….. the rights to land, trees or forest produce which may be exercised within that national or local authority forest reserve are those rights which have been determined to be exercisable in that national or local authority forest reserve …..". The act also contains a long list of activities that are prohibited without prior permission (licence, permit etc.), including collection of honey, fruits, roots etc. and land clearing, cultivation and grazing (Forest Act, pp. 44-45). Such restrictions may seem far-reaching for villagers who look on village public land as a communal resource to be used by all villagers to satisfy various subsistence needs, and also to enlarge farms through clearing if needed.

Young Parakuyo pastoralist with his family's cattle, Usangu Plains, Tanzania. Photo: Jens Dahl

As mentioned, some villages have reserved quite large areas, and the management tasks accompanying a reserve of maybe several thousand acres are considerable. It is important to note here that there is a provision in the Forest Act that the Director of Forestry and Beekeeping Division may withdraw the authority to exercise management functions from the village if it is found that such functions are not being undertaken in a sustainable way. A village may therefore run the risk of eventually losing the right to exercise authority over a large part of their village land should it be found (by the Forest Authorities in the Ministry) that they have not been able to manage the area in what is seen as a sustainable way. (Forest Act, August 2000, Section 9, subsections 4 and 5, pp. 14-15).

Reason for concern

It would seem that the experiences so far with Participatory Forest Management in Tanzania leave quite a lot to be desired in relation to benefits to local communities in general and indigenous peoples in particular. This ought to give rise to serious concerns regarding the REDD process and indigenous peoples rights' in Tanzania. Worries about the possible effects of REDD are not calmed by Tom Blomley, advisor to the Tanzanian government on forest issues. He is concerned about a lack of clarity in relation to how funds will be used on planned pilot REDD projects, and says that the programme carries risks both for legally recognised community forests and for communities seeking state recognition of customary forest rights (Development Today, October 2008). Among the latter are a number of groups of pastoralists and hunter-gatherers (Odgaard 2009, LHRC 2007)

According to Blomley, there is already a lack of clarity as to how benefits are to be shared in government forests with Joint Forest Management. He is also concerned that the massive influx of REDD funds could result in a sudden increase in the value of woodlands, and that REDD funds, while accelerating the process of declaring community forests, could also lead to massive land grabs in which communities would lose out. As can be seen above, both of these scenarios would have very serious implications for indigenous peoples in Tanzania.

Recent information from Tanzania indicates that NGOs and IPOs are now becoming more aware of ongoing REDD processes in Tanzania and the possible implications for different groups of natural resource users at community level, so hopefully they may be able to influence the process and reduce some of the negative effects anticipated for indigenous peoples' communities, and vulnerable groups in local communities more generally. Based on the information provided above, it is fair to conclude that they are up against strong forces – forces that are even stronger when the considerable financial benefits available to Tanzanian government circles are considered. ❑

Read more about indigenous peoples' recent engagement in the REDD process in Tanzania in the next pages (ed.).

Notes and references

1 This appears clearly from, for example: several articles by Chris Lang at the www.REDD-Monitor.org, from http://news.mongabay.com/2008/1202-fern-redd.html, from Griffiths: "Seeing REDD? Forests, climate change mitigation and the rights of indigenous peoples", Report, Forest Peoples Programme 3. December 2008, and from "REDD and Rights of Indigenous Peoples. Ensuring equity and participation in World Bank Funds", 17/04-2009: www.brettonwoodsproject.org/art-564322, and from "The Anchorage Declaration", Indigenous Peoples' Global Summit on Climate Change, Anchorage, Alaska. UN document E/C.19/2009/CRP.9, 5 May 2009.

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3 Norway's official website in Tanzania, downloaded 28 May 2009.

4 www.norway.go.tz/News/Embassy-Norway/FirstREDDcontract.htm

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6 National Framework for Reduced Emissions from Deforestation and Forest Degradation (REDD). First Draft. United Republic of Tanzania, Ministry of Natural Resources and Tourism, Forestry and Beekeeping Division. February 2009.

7 Please note that this is based on observations during a visit in January 2009 by one of the authors to several IP communities in different parts of Tanzania, and from discussions in Arusha and Dar es Salaam with a number of organisations involved in promoting indigenous peoples' rights in Tanzania. For an update on indigenous peoples' engagement in the REDD process in Tanzania, please refer to the next pages.

8 www.un-redd.net/Portals/25/documents/events/20090309Panama p. 4

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TANZANIA

INDIGENOUS PEOPLES' RECENT ENGAGEMENT IN THE REDD PROCESS

Elifuraha Isaya Laltaika

Hadza women on their way to digging up edible tubers near Sengere hunting camp. Photo: Biorn Maybury-Lewis.

The Indigenous Peoples of Tanzania have recently started engaging in the REDD programme development in the country. This follows from a realization that Tanzania has embarked on developing a national REDD strategy with funding from the Government of Norway without involving indigenous peoples. It was also understood that there is already a task force in place that is charged with coordinating UN-REDD activities in Tanzania, in which indigenous peoples are not represented, contrary to the Operational Guidance issued by the UN-REDD Policy Board.[1]

Tanzania, like many other African countries, does not recognize the existence of indigenous peoples.[2] Lack of recognition has resulted in a lack of constitutional, legislative, or even administrative measures to ensure that indigenous peoples enjoy rights on an equal footing to other communities. This is despite the fact that Tanzania voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which was passed by the United Nations General Assembly in 2007. Tanzania is also a signatory to the African Charter on Human and Peoples' Rights which established the African Commission on Human and Peoples Rights.

Lack of government recognition not withstanding, four groups have been organizing themselves around the concept of indigenous peoples by taking part in various regional and international meetings. The four groups are the Maasai and Barabaig pastoralists and the Hadzabe and Akiye hunter-

-gatherers. Their organization is concerned with matters relating to climate change generally and REDD in particular. In relation to REDD, a representative of Indigenous peoples of Tanzania has been elected to represent Indigenous peoples of Africa in the Policy Board of the UN-REDD.[3]

The National Indigenous Peoples' Coordinating Committee on REDD

The Operational Guidance issued by the UN-REDD Policy Board stipulates that in order to be endorsed by the UN-REDD technical secretariat for approval by the UN-REDD programme Policy board, draft National Joint Programmes (NJPs) must submit minutes of a "validation meeting" of national stakeholders, including indigenous peoples' representative(s). The indigenous peoples of Tanzania have not been consulted at any time until the said draft National Joint Programme was approved. The National Joint Programme is a project document on the basis of which funds are approved by the UN-REDD policy board for a particular UN-REDD pilot country.

In response to the above, representatives of indigenous peoples organizations in Tanzania formed the National Indigenous Peoples[4] Coordinating Committee on REDD (NIPCC-REDD)[5] in March 2009. This committee was charged with, among other things, keeping an eye on how the REDD programme is being designed and implemented in Tanzania with a focus on Indigenous peoples' livelihoods and traditional practices.

On the 27th of June 2007, the Coordinating Committee in collaboration with Community Research and Development Services (CORDS), organized a strategic meeting of stakeholders to discuss the likely impact of REDD on indigenous peoples' livelihoods in Tanzania.[6] The objectives of the meeting were three fold: Firstly, to discuss and share information on REDD with indigenous peoples' representatives and show how likely it is to affect indigenous peoples' livelihoods in Tanzania.

The second objective was to discuss and agree on a joint strategy on how to effectively engage in dialogue with the Government of Tanzania as well as donors. Thirdly, to learn from the experience of indigenous peoples of the Democratic Republic of Congo's effective engagement in the REDD processes in their country. Participants were drawn from indigenous people's representatives in Tanzania. The four ethnic groups that identify themselves as indigenous peoples in Tanzania were all represented.

During the meeting, it was observed that if indigenous peoples do not meaningfully engage in the REDD process there will be a perpetuation of the negative stereotype that pastoralists/indigenous peoples destroy the environment. Another threat is the possible enactment of laws, policies, plans and strategies that continue to negatively affect indigenous people's rights to land, natural resources, livelihoods and culture.

Participants endorsed the five members of the Indigenous Peoples Coordinating Committee on REDD (IPCC-REDD) and mandated the committee to act as a bridge between Indigenous Peoples on one hand and the Government of Tanzania and donors on

Maasai women selling jewellery in northern Tanzania, near the Kenyan frontier. Photo: Biorn Maybury-Lewis.


Left: Encounter of Hadza villagers from neighbouring hunting camps. Sengere, Yaeda Valley, Tanzania. Right: Hadza matriarch, Búke, of Sengere hunting camp, Yaeda Valley, Tanzania, pauses while pulling up edible tubers with her digging stick. Photos: Biorn Maybury-Lewis

the other. Two additional members were recommended William Olenasha and Shirley Baldwin. Olenasha is an advocate of the high court of Tanzania currently working with Joint Oxfam Livelihood Taskforce (JOLIT) as a Land and Pastoralism specialist. Baldwin is the National Pastoralist Policy Liaison Officer based in Dar-Es-Salaam.

It was recommended that the National REDD strategy should not be designed in a manner that excludes indigenous peoples from being beneficiaries of REDD, for example on the pretext that most of their lands are already under some sort of legal protection (such as a conservation area). The Coordinating Committee was urged to lobby for the inclusion of Indigenous Peoples' representatives in the national REDD task force and other climate change related committees.

It was made clear that if they engage meaningfully, indigenous peoples in Tanzania can ensure that the REDD programme is designed and implemented in a manner that respects their rights pursuant to international human rights instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In an encouraging turn of events, a representative of Indigenous Peoples was in July 2009 invited to a meeting that aimed at finalizing the National Joint Programme. Other participants came from the Vice President's Office, the Ministry of Tourism and Natural Resources (Forestry and Bee-keeping Division), Government of Norway, UNDP and UNEP. ❑

Notes

1 The Operational Guidance provides that indigenous peoples shall be represented on national steering committees or equivalent bodies.

2 Personal communication with Hon. Mathias Chikawe, Minister for justice and Constitutional affairs in May 2007 during the 43rd Ordinary session of The African Commission on Human and Peoples Rights held in Manzani, Swaziland. During the session in question, Tanzania presented its Periodic Report.

3 This is Mr. Elifuraha Isaya Laltaika, Legal Officer of Community Research and Development Services (CORDS). The election took place in Anchorage, Alaska (USA), during the Indigenous Peoples Global Summit on Climate Change in April 2009.

4 The organizations are Pastoralist Indigenous Non Governmental Organizations (PINGOS) Forum; Community Reserch and Development Services (CORDS); Ujamaa Community Resource Trust (UCRT) and Tanzania Ascosiation of Pastoralists and Hunter Gatherers' Organizations (TAPHGO).

5 The committee comprises of the following five members: Edward Porokwa (Chairperson); Elifuraha Laltaika (secretary); Edward Parmelo (member); Andrew Msami (member) and Jackson Muro (member).

6 The International Work Group on Indigenous Affairs (IWGIA) sponsored the meeting.

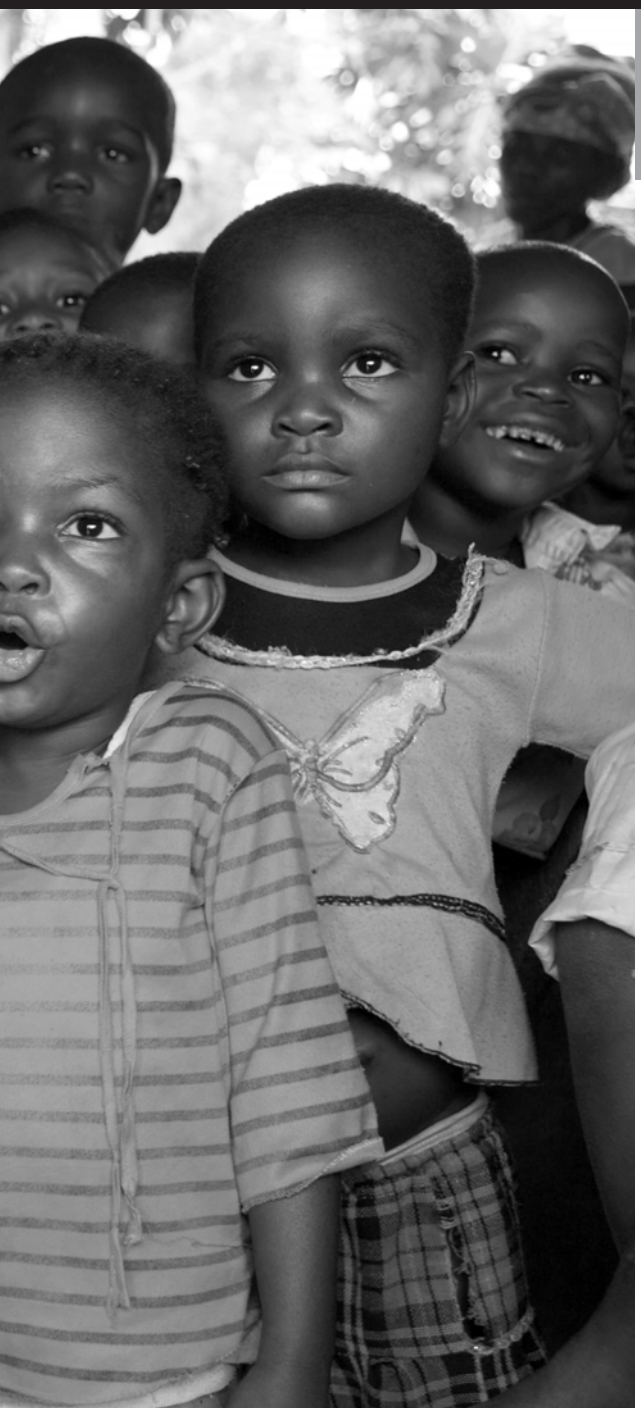
Elifuraha Isaya Laltaika *is the elected Indigenous Peoples of Africa representative to the UN-REDD Policy Board. He holds a Bachelor of Laws (LL.B) from the University of Dar-Es-salaam and a Master of Laws (LL.M) in Environmental Law from the University of Kwazulu-Natal, South Africa. He works with Community Research and Development Services (CORDS) as a legal Officer. He also teaches Land Law and Constitutional Law at Makumira University College in Arusha. Email: elilaltaika@yahoo.com*

THE INDIGENOUS VOICE

IN THE REDD PROCESS IN THE DEMOCRATIC REPUBLIC OF CONGO

Roger Muchuba

Children in pre-school with emphasis on environmental challenges in forest communities, run by volunteers supported by the NGO CENADEP in the village of Ntondo by Lac Tumba, Equateur, DR Congo, February 2009. Photo: Espen Wæhle/Rainforest Foundation Norway.



The REDD process in the Democratic Republic of Congo (DRC) was officially launched on 21 and 22 August 2009 in Kinshasa through a workshop that gathered together government officials, the private sector, researchers and civil society. This was a good opportunity to discuss some issues that will be vital for the success of REDD. Among these are the identification of the real drivers of deforestation and forest degradation, the issue of securing benefits for the communities, and ensuring the full participation of civil society.

The last point is very important as the REDD process require inclusivity. The REDD process in DRC began in January 2009 with the visit of high-level delegates from the UN REDD, the World Bank (Forest Carbon Partnership Facility, FCPF) and the Norwegian government in a scoping mission. Lobbying efforts resulted in representatives from civil society and indigenous organizations joining the mission team. This mission was a success as it built the road for civil society and indigenous peoples' participation in the REDD process.

***Top**: Roger Muchuba speaking at "Protecting rainforest, securing forest peoples' rights" network seminar for partner organizations of the Rainforest Foundation Norway, June 2009, Holmsbu, Norway.*

***Bottom**: Adrien Sinafasi, coordinator in Dignité Pygmé (DIPY) gives a lecture on REDD at the General Assembly of North-Kivu environmental NGOs of Réseau pour la Conservation et la Réhabilitation des Ecosystèmes (Réseau CREF), in Goma, Nord-Kivu, DR Congo, March 2009.*

Photos: Espen Wæhle/Rainforest Foundation Norway.

Indigenous peoples' voice in the forest sector reform

The involvement of indigenous peoples and civil society does not happen automatically but is a recognition of the role they play in the ongoing forest sector reform in the DRC. To better comprehend the background to their participation and standing today, it is therefore necessary to provide some details on the forestry reform process. The link between the forestry reform and REDD is also vital for government, donors and stakeholders to understand, as the lessons learned and the outcomes will greatly influence the results of REDD. REDD cannot be successful unless the whole field of forest management is considered.

A key role of indigenous peoples' organizations and civil society in the DRC is their close collaboration with the communities that rely on the forest for their livelihoods and survival, and who are the victims of mistakes and errors made in the forest sector legal reform process. The World Bank, which sustains this process, failed to apply its own safeguard policy for indigenous peoples known as Operational Policy on Indigenous Peoples OP 4.10. Indigenous peoples of the DRC therefore lodged a complaint with the World Bank Inspection Panel in 2005. The findings of the Inspection Panel confirmed that the Bank had failed to respect its own obligations. This was a big step that gave the indigenous organizations a voice and legitimacy in the forest reform process. Since then, the presence of indigenous peoples and the obligation to consult them in all processes is usually referred to, although not always respected.

The World Bank also changed its understanding of the indigenous community in the DRC because, before this request to the Inspection Panel of the World Bank, the World Bank and other institutions had not accepted that the Batwa was an indigenous people in the DRC. The Congolese government had also long claimed that there was no difference between local communities and indigenous peoples, for example in the Forestry Code of 2002. However, in a Decree dating from 2005 concerning the ongoing forestry reform, indigenous peoples are recognized.

Legal review of logging concessions – a turning point

The crucial moment in the forestry reform process was the government's December 2005 legal review of logging concessions, determining which contracts were legal and which were not, in a forest sector characterized by anarchy before the adoption of the new forestry code. Logging concessions had been

Floating of logs on the Congo River for export from Kinshasa, motive from Mbandaka, Equateur, DR Congo, February 2009. Photo: Espen Wæhle/Rainforest Foundation Norway.

granted by the Environment Minister, in direct violation of a logging moratorium he himself had imposed. In this situation, many companies were operating outside the law and had caused a lot of damage to the communities, including threats, conflicts, human rights abuses, and failure to fulfill their social, economic and environmental obligations. In order to resolve this situation, the government conducted a process whereby the communities living around every concession voiced their opinions about the legality and behavior of the company. Indigenous peoples were invited to attend workshops and activities related to this, and two indigenous representatives sat on the inter-ministerial high commission that assessed the legality of the concessions.

President Kabila's Decree concerning the concession review also specified the participation of local communities and indigenous peoples. This is very important because, since then, the indigenous peoples have been involved in the process, even if the outcome of the process is not yet optimal. For the first time in the DRC, indigenous peoples were involved and recognized as true stakeholders.

At the end of the process many concessions were cancelled, and one of the conditions for legal contracts is now to make a formal agreement with the community that should include social and financial benefits/compensation. This voice of the communities can never again be stopped. This is also why the UN REDD and FCPF mission needed to include indigenous peoples in the scoping mission.

New World Bank development strategy on indigenous peoples

The World Bank, as partners in REDD, seem to be showing an interest in avoiding making the same mistakes and errors as in the past and, in July 2009, drew up a development strategy concerning indigenous peoples in the DRC, in collaboration with indigenous organizations.

This policy/strategy is not legally binding, but indigenous peoples will closely monitor whether the Bank adheres to its own guidelines. The DRC also voted in support of the United Nation's Declaration on the Rights of Indigenous Peoples (UNDRIP), which constitutes a tool for civil society and indigenous peoples with regard to the government's commitments.

After the January 2009 scoping mission of the UN-REDD, Congolese civil society decided to be involved in the REDD process by creating a Working Group on REDD. This Working Group gathers together NGOs, various networks and coalitions, church groups, local communities and indigenous peoples. The coordination of this group is undertaken by the indigenous network, in collaboration with an environmental network. This group is now fully operational.

The second UN REDD/FCPF mission took place in May 2009. This second mission was important because it was an opportunity to present the staff of the National Coordination Office of REDD to the stakeholders. The staff are important in the process, as they have a mandate to organize and liaise between the different stakeholders, and are in charge of presenting drafts of the work plan and Terms of Reference for important studies. Civil society sends their comments and ensures that they are taken into consideration through meetings and direct contact. The National Coordination Office seems open and ready to discuss. This institutional openness is also a big step forward in the DRC.

Free, prior and informed consent must be respected in every step of REDD

Even though the process has had a positive start, civil society and the indigenous peoples are still cautious and remain critical as they have experienced processes that began well and ended badly in the past. The main position of the indigenous peoples in this process is clear: the principle of Free, Prior and Informed Consent (FPIC) must be respected in every step of REDD. It is very positive that the DRC government (on behalf of the COMIFAC countries), at the last UNFCCC round of negotiations on REDD,[1] took the position that REDD should adhere to the UNDRIP, which includes the FPIC principle. Some government delegates from both the DRC and other COMIFAC countries said that this principle could pose a threat to their agenda, but it is the opinion of the indigenous peoples that this principle must be respected no matter what.

Successful lobbying

We think that the positive start of the REDD process so far is due to the lobbying capacity of the indigenous and civil society organizations, in combination with external pressure from international partners, such as the Rainforest Foundation. We have found that it has been very useful to collaborate with international partners working on indigenous issues or forest issues, such as the Rainforest Foundation, Greenpeace, the Forest Peoples Program, IWGIA and FERN. They have provided assistance in the follow-up to and dissemination of information to local partners on, for example, international donors and agencies. It is important to monitor the process and to conduct lobbying efforts from top down, as well as from bottom up.

We have also found it important to be involved in "the Accra Caucus", which is a network of indigenous peoples and civil society members from Asia, Africa and Latin America that was formed during the UN Framework Convention on Climate Change negotiations in Accra in August 2008. This network collaborates on policy issues related to REDD and rights in relation to the international climate change negotiations. Contact with other indigenous networks working on the REDD process is also important to sustain civil society in the upcoming climate change negotiations.

The presence of indigenous peoples on the boards of the UN REDD and the FCPF is also taken seriously by officials and governments. Being involved in these international REDD institutions is a reminder that this can be a strong survey/control mechanism to be used when things are not fair. Right now it is clear that the indigenous peoples and local communities are important in the REDD process and that civil society is not there only to validate documents but to participate in planning and execution.

In the REDD work plan of the National Coordination Office, crucial studies are included on the drivers of deforestation and forest degradation and the issue of land tenure. The view of the government was that civil society did not have the capacity to conduct such studies but the participation of indigenous peoples and civil society in the forest legal review has shown the opposite.

It is now accepted that, when you talk about forests, indigenous expertise is available. In addition to making comments on the National Plan and Terms of Reference for government-led studies, indigenous peoples and civil society are developing their own work plan with a main focus on capacity building of civil society, indigenous peoples and local communities. We will also conduct case studies on drivers of deforestation and forest degradation, and traditional community management of forests, and continue to produce the tools for REDD outreach. As REDD takes off in the DRC, more funding and partners will be needed, as the country is big and that requires more resources.

To this day, the government continues to claim that the main driver of deforestation and forest degradation is the consumption of local communities and indigenous peoples through slash-and-burn agriculture and use of fuel wood. Civil society believes that the main driver of deforestation and forest degradation is instead industrial logging, including the indirect consequences, something not usually cited by the government at all. Blaming the comm-

Catfish is being prepared for a meal by Lac Tumba, Equateur, DR Congo, February 2009. Photo: Espen Wæhle, Rainforest Foundation Norway.

unities is not fair, as everyone knows that they have protected the forests through traditional sustainable use for centuries. In the DRC, there is no more large-scale agricultural activity in the forest, so we are calling for the use of good methodologies to conduct these case studies and establish the responsibility of industrial logging in this regard. When it comes to the use of satellite images in studies and systems for Monitoring, Reporting and Verification (MRV), the use of these must be followed by ground-truthing and field observations.

The National Coordination Office will develop a strategy for consultation with the communities. It will be very important for indigenous peoples to provide input to this, as well as develop their own plans for consultation.

Ongoing institutional developments

A Decree is in the process of being signed by the Prime Minister that establishes the national REDD institutions: an Inter-ministerial Committee, a National Committee and a National Coordination Committee. The National Committee is very important in controlling how the work plan is developed, approved and implemented, conducting follow-up and evaluation and establishing the funding mechanism to be put in place for the distribution of benefits from REDD. Civil society has five (out of 14) places on this board, and two are for indigenous representatives. There will also be a scientific committee which indigenous peoples will be members of.

An indigenous representative as well as a civil society member will also be part of the Congolese negotiation team in the UNFCCC Conference of Parties in Copenhagen in December 2009. These persons will be close to the government negotiators, and should help develop the negotiation texts and positions. It will, however, still be very important to maintain independent positions.

Finally we think that indigenous peoples have an opportunity to play a vital role in the REDD process. The big question is the degree to which the government, the World Bank and the UN agencies involved (FAO, UNDP, UNEP) will continue to be open and inclusive, ensuring a participatory, transparent and fair REDD process in the DRC. There is still some way to go for some of these institutions to accept the principle of Free, Prior and Informed *consent* of IPs - not just *consultation*.

As the Readiness Plan for REDD is being developed, the best option for now is that indigenous peoples and civil society care and are involved in the process to the end. And we also need to bear in mind the fact that Copenhagen is not the end but merely the beginning of REDD. ❑

Note

1 This position was taken at the June 2009 SBSTA negotiations on REDD, on behalf of the COMIFAC countries comprising the Republic of Congo, Chad, Equatorial Guinea, São Tomé/ Príncipe, Gabon and the Central African Republic.

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SHIFTING THE BLAME?

SOUTHEAST ASIA'S INDIGENOUS PEOPLES AND SHIFTING CULTIVATION IN THE AGE OF CLIMATE CHANGE

Christian Erni

Dusun farmers seeding their swidden with hill padi, Sabah, Malaysia. Photo: Christian Erni.

In the name of forest conservation and development, colonial and post-colonial governments in Asia have for more than a century devised policies and laws seeking to eradicate shifting cultivation.[1] Many of the arguments brought against this form of land use – that it is an economically inefficient and ecologically harmful practice – have been proven inaccurate or outright wrong.[2] Notwithstanding all evidence, however, attitudes by decision makers and, consequently, state policies have hardly changed.

The current climate change discourse has taken the debate on shifting cultivation to another, a global level, reinforcing existing prejudices, laws and programs with little concern for the people affected by them. Now, shifting cultivation is bad because it causes carbon emission and thus contributes to climate change. The UK-based Forest Peoples Programme (FPP) and FERN have studied nine concepts for government programs on "Reducing Emissions from Deforestation and Forest Degradation" (REDD). Eight of these "identify 'traditional agriculture' or 'shifting cultivation' as a major cause

of forest loss" (Griffiths 2008: 20). Again, it is the shifting cultivators who have to take the blame.

In Asia, the majority of the people practising shifting cultivation belong to ethnic groups that are generally subsumed under categories such as ethnic minorities, tribal people, hill tribes, aboriginal people or indigenous peoples.[3] The popular prejudices against shifting cultivation common in these countries are conflated with other negative attributes ascribed to indigenous peoples throughout the region: that they are backward, primitive, a hindrance to national progress, disloyal to and a security problem for the state etc.[4]

Even though it has been shown (see e.g. FAO, UNDP, UNEP 2008: 3) that the main causes of deforestation and thus carbon emission in Asia have been intensification of agriculture and large-scale direct conversion of forest for small-scale and industrial plantations (oil palm, rubber etc.), shifting cultivators still rank high on the priority list of decision makers for corrective intervention in their forest conservation programs. That so much attention has been paid to them by government in their REDD concepts therefore comes as no surprise.

But how much does shifting cultivation really contribute to global warming? To what extent do we actually know what is happening?

Shifting cultivation and climate change: What we know and what we do not

17% of global greenhouse gas emissions are believed to result from deforestation, making it the second largest source (FAO, UNDP, UNEP 2008: 1). According to the UN-REDD Framework Document (ibid.), "in many developing countries, deforestation, forest degradation, forest fires and slash and burn practices make up the majority of carbon dioxide emissions".

It is generally believed that about half of the deforestation in the tropics is the result of the expansion of traditional agriculture, above all shifting cultivation (Geist and Lambin 2001: 85). Geist and Lambin (ibid.), however, point at the need to differentiate between the different forms of land use commonly lumped together under the broad category of "shifting cultivation" or "slash and burn agriculture", such as between traditional rotational shifting cultivation and the opening up of land by migrant settlers. And they conclude that the cause of tropical deforestation is not so much traditional shifting cultivation but the expansion of permanently cropped land by migrant settlers (ibid.: 95).

The distinction between "traditional shifting cultivation" and the "slash and burn agriculture" of migrant settler colonization is crucial. They not only constitute fundamentally different forms of land use but are also practised by different people. Indigenous peoples in Southeast Asia, which we are mainly concerned with here, are practising what Geist and Lambin call traditional shifting cultivation. The concrete manifestations of traditional shifting cultivation, however, are as diverse as the people who practise it, and it is therefore not easy to define. For the purposes of this article, I am following Mertz et. al. (2009: 261) who "decided to define swidden cultivation in Southeast Asia as a land use system that employs a natural or improved fallow phase, which is longer than the cultivation phase of annual crops, sufficiently long to be dominated by woody vegetation, and cleared by means of fire".

In order to assess the impact of shifting cultivation on land cover, its contribution to deforestation and thus carbon emission, we first have to know how many people are engaged in shifting cultivation and what area is under this form of land use.

How much land is under shifting cultivation?

Recent attempts to assess the number of people engaged in shifting cultivation in Southeast Asia[5] came to a sobering conclusion: that due to various reasons, such as the complex, dynamic and diverse nature of shifting cultivation, the inclusion of shifting cultivators in broader categories like "smallholders" in government statistics, or because the existence of shifting cultivation is politically contentious, there is no reliable data available.

So only a very rough estimate is possible, and the actual figure for the number of shifting cultivators in Southeast Asia may lie somewhere between 14 and 34 million people (Mertz et. al. (2009: 286).

Assessing the land area under shifting cultivation has proven equally difficult (Schmidt-Vogt et. al. (2009: 277), and we have to conclude that any attempt at quantifying the contribution of shifting cultivation in the region to greenhouse gas emissions is destined to fail.

If we cannot assess the global or regional extent of shifting cultivation, and therefore its overall share in the emission of greenhouse gases, do we at least know what happens to carbon stocks in land under shifting cultivation at the field level?

And how does this compare with other forms of land use?

Harvesting root crops. Buhid, Buswak community, Occidental Mindoro, Philippines. Photo: Christian Erni.

Buhid elder bundling his share of the maize harvest. Buhid, Buswak community, Occidental Mindoro, Philippines. Photo: Christian Erni.

Left: Threshing newly harvested beans. Lahu, Nong Tao community, Chiang Mai province, Thailand. Right: Preparing newly harvested sweet potatoes. Buhid, Fanuban community, Oriental Mindoro. Photos: Christian Erni.

Does shifting cultivation cause deforestation?

One of the basic distinctions that has to be made in the discussion on shifting cultivation and deforestation is that between established, rotational systems in secondary forest and the pioneer systems which open up primary forest.

If we focus our reflection on the form of shifting cultivation traditionally most commonly practised by indigenous peoples in Asia – the rotational system of short cultivation and long fallow – and, if, as Van Noordwijk et. al. (2008: 11) argue, we take the commonly used FAO's definition of "forest" as our point of departure, this form of shifting cultivation actually does not cause "deforestation".

The internationally accepted definition of forest has two components: one that specifies canopy cover and tree height, and one that refers to the institutional framework of forestry, as it includes '*areas normally forming part of the forest area which are temporarily unstocked as a result of human intervention such as harvesting or natural causes but which are expected to revert to forest*' (UNFCCC/CP/2001/13/Add.1 as quoted in van Noordwijk et al., 2008a).

The 'temporarily unstocked' part of the definition is intended to allow clear-felling and replanting as normal forest management, but the definition implies that shifting cultivation and fallow rotations are not deforestation, as long as trees achieve the specified height and canopy cover.

Clear-felling for developing fast wood or oil palm plantations is possible within the forest definition, but so is land clearing followed by assisted regrowth of woody fallow vegetation. The usual listing of shifting cultivation as a driver of deforestation is thus not aligned with the internationally accepted definition of forest.

Following the FAO definition of forest, which has been heavily criticized for allowing tree plantations to be considered as forest, means that shifting cultivation cannot be considered to cause deforestation but "forest modification".

This seems to be increasingly recognized by international organizations like the FAO, UNDP or UNEP and, in the global discourse on climate change, shifting cultivation has come to be associated with forest degradation rather than deforestation (FAO, UNDP, UNEP 2008).

What happens to all the carbon?

Since sequestration of atmospheric carbon dioxide in vegetation and soil organic matter is an important factor affecting greenhouse gas concentration in the atmosphere, changes in vegetation cover, and especially deforestation and forest degradation, are watched with increasing concern by the global community, and are therefore being addressed by climate change mitigation schemes such as REDD programs. Undeniably, burning a swidden field, whether it has been cut in primary or secondary forest, does release carbon, and this, after all, is what climate change mitigation schemes are trying to prevent. But what actually happens throughout a full cycle of shifting cultivation? Is there a way to assess how much carbon is actually released?

Van Noordwijk et. al. have compiled data for below and above ground carbon stock, i.e. soil organic matter (humus, roots etc.) and vegetation, in different types of land cover. They found that, in the transition from forest to swidden, and then to continuous cropping, there is a tendency to lower the organic matter content of the soil and thus its capacity to sequestrate carbon. While there is only a slight decrease in soil carbon when forest is converted to swidden, the depletion of soil carbon is much higher in the transition of swidden into permanent agriculture: nearly 30 tons per hectare (from 56 to 29 tons) (op. cit., p. 32).

In other words, when a primary forest is opened for shifting cultivation, only little carbon is emitted into the atmosphere due to decomposing soil carbon, while a much larger amount is emitted when shifting cultivation is converted to permanent agriculture.

With respect to carbon stock above ground, they found that the trend "is similar to that below ground, except that the magnitude of the decrease is much higher as forest is converted to swidden and swidden converted to permanent cropping" (op. cit., p. 32). According to their measurements, above-ground carbon stock in primary forest was 254 tons per hectare, that of an 8-year old swidden fallow was 74 and a field under cultivation was between 2 (for vegetable) to 4 (for cassava) (ibid.).

These figures reveal that conversion of primary forest to secondary fallow forest under shifting cultivation does imply a considerable release of carbon into the atmosphere. We have to remember, however, that most shifting cultivation systems practised by indigenous peoples are rotational systems. So in trying to at least get an idea of the contribution of shifting cultivation to global carbon emission, we again have to distinguish between these established and the pioneer systems. Of course, rotational shifting cultivators also had to open up virgin forest at one point, and this forest has a much higher carbon stock than any other kind of land cover. But so did most other forms of agriculture. Nobody would seriously demand that the removal of the original virgin forest, which may have happened hundreds or thousands of years ago, be included in the overall assessment of carbon emissions in present-day agriculture in Europe, or the alluvial plains of Asia. The crux of the problem here is that shifting cultivation is not recognized as an established form of agricultural land use, or agroforestry. In order to treat it equally with other agricultural systems, we need to de-link it from the original conversion of primary into secondary forest and confine our analysis to what is happening in the course of the productive cycle in rotational shifting cultivation and, in the longer term, during several such cycles.

Research over the past decades has shown that, if fallow periods are long enough, rotational shifting cultivation is a stable system in which soil fertility can be maintained (Nye and Greenland 1960; Ruthenberg 1971; van Noordwijk et. al. op. cit.: 20). This implies that, once established (i.e. as primary forest has been converted into secondary fallow forest), rotational shifting cultivation can be expected to be carbon neutral. Whatever above-ground and soil carbon is released through burning and decomposition during the preparation of the field and the cropping period is sequestered again by plant growth above ground and by formation of humus in secondary fallow forests.[6]

In its discussion of land-use change as a source of greenhouse gas (IPCC 2006, paragraph 1.4.1), the Intergovernmental Panel on Climate Change acknowledges one crucial and often overlooked aspect of shifting cultivation: the fallow. "Forest clearing for shifting cultivation (2) releases less carbon than permanent forest clearing because the fallow period allows some forest regrowth". Again, the crucial question when discussion shifting cultivation and climate change is what we compare it with.

How does shifting cultivation compare with other forms of land use?

Most commonly, the point of reference are undisturbed forests. As pointed out earlier, underlying such a view is the still widespread lack of recognition of shifting cultivation as a form of agriculture, or agroforestry. For Bech Bruun et. al. (2009: 377) comparing

Figure 1: Above-ground carbon stock in vegetation under different forms of land use (tons/ha)

Shifting cultivation		
Long fallow-systems (>10 years)	80 (24-160)	Bruun et.al. 2009
8-years fallow forest	74	van Noordwijk et.al. 1995
4-years fallow system	8-9	Bruun et.al. 2009
Agroforests		
Rubber agroforest (Indonesia)	90	Bruun et.al. 2009
Rubber (agro)forest (Indonesia)	116	van Noordwijk et.al. 1995
Permanent agriculture seasonal crops		
Continuous annual cropping	1-4	Bruun et.al. 2009
Annual cropping vegetables	2	van Noordwijk et.al. 1995
Annual cropping cassava	4	van Noordwijk et.al. 1995
Monoculture tree plantations		
Casuarina tree monoculture plantation	21-55	Bruun et.al. 2009
Rubber plantation	50	Bruun et.al. 2009
Oil palm		
Indonesia, 20-25 years rotation	48-91	Bruun et.al. 2009, van Noordwijk et. al. 1995
Malaysia	36	Bruun et.al. 2009

environmental aspects of shifting cultivation with those of primary forests is problematic "most fundamentally because a primary forest is not a production system, thus for the farmers forests do not represent an alternative to swidden cultivation".

We have already briefly referred to research by Van Noordwijk et. al. (2008) in Indonesia, who documented the loss of soil and above-ground carbon stocks during transition from primary forests to shifting cultivation, and the considerably higher loss when shifting cultivation is transformed to permanent agriculture.

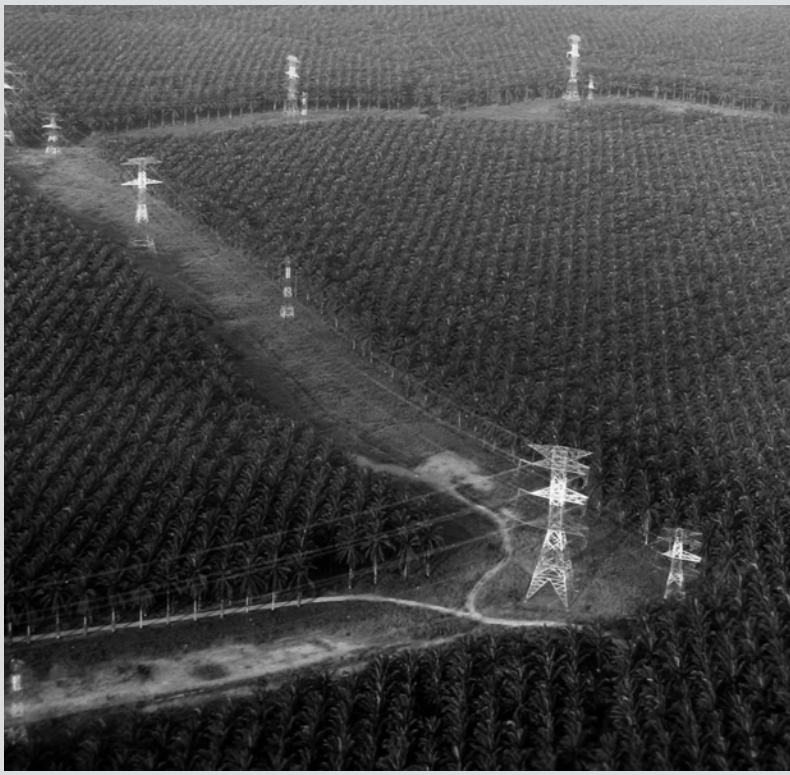
In trying to assess the consequences of a change from traditional long-fallow shifting cultivation to other forms of land use in terms of carbon storage and soil quality Bech Brun et.al. (2009: 375) come to similar conclusions.

The table above summarizes data on carbon stocks in vegetation under different forms of land use provided by Bech Bruun et. al. (2009) and van Noordwijk et. al. (1995). Only the former's refer to time-averaged carbon stocks (i.e. the average over a full cycle).

The conclusion we can draw from this data is that, even when soil carbon is not taken into account, carbon sequestration in traditional shifting long-fallow cultivation is superior to that of permanent land use, and of most tree plantations, alternatives which governments throughout the region are aggressively promoting and often imposing on indigenous communities.

We have to stress, however, that this applies only to a situation of sufficiently long fallow periods. We do not have any precise criteria for sustainability of shifting cultivation systems. The minimum length of fallow that maintains soil fertility and thus long-term sustainability depends on many factors and can therefore vary considerably according to local conditions. In any case, the implication of long fallow periods is that only comparably low population densities are possible.

In many parts of the tropics, and particularly in Southeast Asia, the population-land ratio did reach such critical levels. In most cases it was not so much population growth but government restrictions on shifting cultivation and large-scale alienation of indigenous peoples' land that were the main cause of land scarcity and, consequently, a shortening of the fallow period. In contrast with the predictions of



Left: View of an area under traditional rotational shifting cultivation practiced by indigenous peoples on Mindoro island, Philippines. Right: Aerial view of a corporation-owned oil palm plantation over Malaysia. Photos: Christian Erni.

concerned policy makers and environmentalists, however,

> *... rather than collapse, swiddeners around the world are modifying their practices. Many shifting cultivators have developed cultivation cycles that more closely resemble crop rotation systems and agroforestry operations than what has conventionally been called swidden, ...* (Padoch et. al. op. cit.: 30).

Indigenous peoples' land use and climate change mitigation: the unappreciated potentials and the obligations

Countries like Malaysia and Indonesia have, in recent years, launched ambitious land conversion programs for large-scale oil palm plantations, and rubber plantations have been established on a large scale in Southwest China over the past decades(Padoch et.al. 2007:33), and are currently rapidly expanding in Cambodia and Laos (IWGIA 2009: 344, 363). These programs have come under heavy criticism due to their contribution to deforestation, loss of biodiversity, environmental pollution and dispossession of indigenous and local communities.[7] As we can conclude from the data compiled in Figure 1, recent research shows that the carbon sequestration capacity of industrial tree plantations such as oil palm monocultures is generally lower than that of agroforestry systems, including traditional long-fallow shifting cultivation, which is more beneficial to local people[8] and biodiversity.[9]

Especially at a landscape level, the carbon sequestration capacity of land under indigenous land use systems is by far superior since they usually include not only a mosaic of various anthropogenic vegetations – fields cultivated with annual crops, fallow land, agroforests, home gardens, orchards etc. – but also natural forests, either community forests which cover their needs for various wood and non-wood forest products, or sacred and other protected forests. In response to the growing scarcity of forest resources and declining biodiversity, indigenous communities throughout the region have developed or refined existing systems of what has come to be known as community-based forest management (CBFM). The potentials of CBFM are increasingly being recognized not only because it has proved to be an effective approach to forest conservation but because it also provides income to the predominantly poor indigenous and non-indigenous communities

Long-fallow shifting cultivation is still practiced in the interior of Sabah, Malaysia. Photo: Christian Erni.

living in or near forests. In some countries, like the Philippines, CBFM was adopted as part of the national forest conservation strategy and, throughout Asia, there is a clear trend toward state forestry policies that formally recognize the rights, roles and responsibilities of communities in forest management .[10]

CBFM and indigenous peoples' land-use systems are, however, still not recognized for their potential contribution to carbon sequestration and, therefore, climate change mitigation. Forest management in general and CBFM in particular are not part of the Clean Development Mechanism (CDM) under the Kyoto Protocol. Likewise, forest conservation does thus far not qualify for consideration under REDD programs if the respective areas are not under immediate threat of deforestation. This again does not permit the inclusion of indigenous peoples' forest conservation and agroforestry practices.[11] At present, much of the discussion on REDD focuses on the potential negative impact on indigenous and other forest people, since there are good reasons to expect that government-controlled REDD programs will lead to further dispossession of indigenous and other forest communities, and new forms of elite appropriation of benefits (Griffiths 2008, CEESP 2009). Furthermore, the expected banning of shifting cultivation, the use of fire in forest and pasture management and other forms of forest use will have significant costs for local people. It is therefore now widely recognized that the implementation of REDD without the recognition of indigenous peoples' and other local communities' rights, and without consideration for their livelihood security, will only increase poverty, lead to conflict and may ultimately backfire as people are likely to resist and even sabotage such programs (Van Nordwijk 2008: 42).

The UN Declaration on the Rights of Indigenous Peoples clearly states that indigenous peoples have the right to participate in decision-making processes directly relevant to their lands and territories. So far, however, indigenous peoples and their organizations have not been allowed to participate effectively in the discussion on REDD. During the 13th Conference of the Parties of the Framework Convention on Climate Change (FCCC) in Bali, indigenous peoples' delegates repeatedly and vehemently protested their exclusion from the negotiation process. They issued public statements and recommendations on climate change

Permanent cropping of temperate vegetables has replaced shifting cultivation in many areas in the uplands of Northern Thailand. Photo: Christian Erni

mitigation and adaptation, including REDD, expressing the keen interest of indigenous peoples to help find effective, just and sustainable solutions to climate change, but also their concerns about the current REDD policies and global finance mechanisms, which risk violating human rights and further marginalizing forest-dependent peoples (Griffiths 2008:29).

The potential contribution of indigenous peoples' land management systems to REDD and climate change mitigation in general has so far received far too little attention. This despite the fact that in Brazil, for example, it was found that recognizing indigenous peoples' rights over their territories is the most effective way of preventing deforestation (CEESP 2009: 5). Recognizing indigenous peoples' rights to land, territories and resources, and their land-use and management practices in REDD and other climate change mitigation schemes is therefore not only an obligation emanating from the provisions of the UN Declaration on the Rights of Indigenous Peoples but can also substantially contribute to more effective climate change mitigation. As Cotula and Mayers (2009) point out, the recognition of tenure rights should be a "start-point" rather than an "afterthought" in REDD. ❑

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Harvesting swidden rice in Kralah village, a Kreung community in Ratanakiri Province, Cambodia. Photo: Christian Erni.

Notes

1 See e.g. Fox et. al 2009, Padoch et. al. 2007 in general, IWGIA 2007 for Laos, Pulhin et. al. 2005 for the Philippines, Laungalamsri 2005 and Forsyth 1999 for Thailand, Phuc 2008 for Vietnam, or Dove 1985 for Indonesia. Another term commonly used for this form of land use is swidden agriculture. It is derived from the Old English term "swidden", meaning "burnt clearing" (IFAD et.al 2001: 24f).

2 See e.g. Dove 1983, 1985, 1996; Padoch 1985; Forsyth 1999, Laungaramsri 2005, Nielsen et.al. 2006, Forsyth and Walker 2008.

3 See Erni 2008 for a compilation of articles on the use of the concept of indigenous peoples in Asia, and overviews of common designations and state policies in various countries of the region. In recognition of their increasing self-identification as indigenous peoples, I will throughout the article use this term.

4 See e.g. various contributions in Duncan ed. 2004.

5 Padoch et. Al. (2007: 32f), Mertz et. al. (2009: 282).

6 Quantitative data providing proof of this assumption, i.e. documenting the changes in carbon over several cycles of shifting cultivation, is scarce. One of the few detailed long-term studies was done by Lawrence (2005).

7 See e.g. Forest Peoples Programme 2005, Colchester et.al. 2006, Perkumpulan Sawit Watch et.al. 2007 on oil palm plantations.

8 With 34%, a considerable share of Indonesia's palm oil is produced by smallholders (Van Noordwijk et.al. 2008: 34). However, unlike rubber, the production of oil palm poses considerable technical constraints which limit the autonomy of smallholders as independent producers [ ] smallholders tend to be tied, often by debt and by technical constraints, to large palm oil concerns, limiting their ability to negotiate fair prices or manage their lands according to their own inclinations (Colchester et.al. 2006: 39).

9 On biodiversity in different forms of land use see Rarkasem et.al 2009, van Noordwijk et.al 2008 p. 32f.

10 See e.g. Poffenberger 2006, RECOFTC 2007.

11 Generally, the problem with REDD is that it does not provide incentives for maintaining good forest management and low deforestation rates, whether at the country or the project level. It has been pointed out that this may in fact create perverse incentives, i.e. that it may encourage increasing deforestation in order to be able to access REDD compensation payments for lowering deforestation rates (see e.g. Dooley 2008:9, Angelsen 2008: 52) rather than receiving incentives to maintain these low rates using methodology based on historical baselines. Incentives are required to maintain these low rates of deforestation, as there is a real risk of international leakage threatening these forests.

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Challenges and opportunities for indigenous nationalities

IN THE FACE OF REDD PARTNERSHIPS IN NEPAL

Pasang Dolma Sherpa

Knitting a traditional allo shawl. Photo: Tsedar Bhutia

Nepal is a highly diverse Himalayan country in terms of ethnicity, language, culture, geography and origin. Throughout the history of Nepal, indigenous peoples have been marginalized in terms of language, culture, political and economic opportunities even though they constitute a significant part of the population. The latest census (Census, 2001) shows that at least 37.2 per cent of the total population of Nepal is indigenous; others claim that the figure is not less than 50 per cent of the total population.[1] However, the Interim Constitution of Nepal, 2007, has recognized the right to equality of all citizens in terms of language, culture, caste, tribe, sex and origin. Thus the constitution has created a platform for indigenous peoples to exercise the protection and promotion of their culture, indigenous knowledge and skills (Interim Constitution of Nepal, 2009).

In the Constituent Assembly that is currently in the process of drafting a new constitution, Indigenous Nationalities constitute 36 per cent of the total number of seats. The record presence of the indigenous peoples injects hope that indigenous rights will be guaranteed in the new constitution. But still indigenous peoples do not yet feel secure that enough is being done to protect and promote their rights. Constituent Assembly members represent political parties rather than their own peoples, and naturally the issue of indigenous rights becomes secondary.

Indigenous peoples and natural resources

Indigenous Peoples have rights over their traditional land and natural resources based on cultural, spiritual, customary and traditional grounds and practices. Such rights are collective in nature. A recent Government Task Force on the implementation of ILO Convention 169[2] (2008) states:

> *Indigenous peoples have rights on the land and natural resources based on cultural, spiritual, customary and traditional grounds. Such rights are collective in nature. Accordingly, the persons dependent on these resources have their rights to them. Nepal's laws and policies, in the beginning, seem to have granted the right to land, geographical areas and natural resources that fell under the Kipat[3] system under indigenous peoples collective rights. After Acts, policies and rules started being formulated, especially with the objective of State management and conservation of forest and natural resources, communities started losing their collective right to develop, conserve, manage and control such natural resources. In 1964/65 the promulgation of the Land Act seemed to have transferred the collective right over land to individual rights. Due to the then prevalent legal system depriving indigenous peoples of their land and natural resources, they lagged behind in social, economic and cultural development (p.37).*

Although the prevalent legal system did not recognize most of the collective ownership of land and natural resources, in many places indigenous peoples have been developing, managing, conserving and promoting land and natural resources. They are conscious of the fact that these resources are indispensable for their livelihoods as well as cultural and spiritual development. However, especially after 1960, when the government of Nepal started establishing national parks across the country, the collective indigenous practices of natural resource management were banned by law and thus negatively impacting the life and rights of indigenous peoples. Since they were legally deprived of access to the natural resources they depended upon, it had a knock on effect on their customs and existence. They were compelled to change their livelihood strategy.

The national park regulatory system has not only put the identity of the indigenous people into a marginalized position but the sense of ownership by virtue of their traditions and unrestricted association with nature as practiced in the past is also diminished, mainly psychologically. Their stewardship of nature turned into a relation of distance adversely affecting the conservation of biodiversity. Natural resources became gradually depleted. Poaching and felling of trees became almost a societal norm. Green cover was drastically reduced.

The gap between the parks and people outside and those within increased.. So did the bitterness. The trend continues, and its ultimate impact will naturally be on the environment. In such a situation, the role and contribution of a future Reduced Emissions from Deforestation and Degradation (REDD) programme in Nepal becomes far more challenging. After all, in the past many external organizations and agencies have been involved in the creation of national parks and their promotion. How will REDD be different, and how will it affect forest-dependent indigenous peoples?

REDD and indigenous peoples in Nepal

With the emergence of the concept of a REDD mechanism, there is already intense speculation about the success of its declared objectives, and how it is going to be indigenous-friendly. How is it going to undo the experience and attitude developed in the post-1960 national park regulation phase where indigenous peoples access to the natural resources were banned by law? Now, with the REDD mechanism led by the Government of Nepal, how will indigenous peoples be ensured access to the natural resources that form the basis for their livelihood? All these questions need to be addressed by REDD.

Since the REDD scheme in Nepal is financed by the World Bank, controlled and supported by the developed countries such as the UK and USA, there are also suspicions in the minds of the indigenous peoples that this institution would serve the interest of those countries primarily, and that of the Government of Nepal, whose laws and rules govern the operation of the World Bank in the country. Their natural apprehension is that the World Bank and its promoters would be least concerned with the rights of the indigenous people who live in and rely on the forests.

Carbon financing is often identified with the interests and rights of the wealthy countries and companies to the extent that even their continuous polluting of the environment is condoned, and rarely punished. In the process, they exploit the developing and under-developed countries by locking them into un-equal and long-term contracts detrimental to the

Spinning and weaving with traditional allo yarn made from nettle fibres found in the forest. Photos: Tsedar Bhutia

interest of these nations. This is also regarded as the latest and crude form of neo-colonialism.

This is a major concern often reiterated by indigenous peoples. Their criticism of the manner and process adopted in the official climate change negotiations and the policy frameworks for the different REDD schemes, brings that to the fore. The 2009 UN University/Tebtebba/UNDP Guide for Indigenous Peoples on REDD states,

> *Indigenous Peoples have voiced a number of grave concerns. First they were not adequately consulted on the design of Forest Carbon Partnership Facility (FCPC). It is vital that they should be consulted in relation to any particular projects under the facility that might affect them and that any such project fully take account of and recognize any Indigenous rights that may be affected…there is some concern about the fact that it is mostly government and the private sectors entities that have caused deforestation and it is these same entities that are likely to now benefit from the facility (P. 3-4).*

In such a situation, how can we be assured that the REDD mechanism would have a positive impact on the livelihoods of the indigenous peoples in Nepal? In developing countries like Nepal, where indigenous peoples and forest dwellers are closely attached to the forest for their livelihoods, and have preserved the biodiversity and the natural resources for centuries, Governments will be convinced with this kind of approach. Therefore, it is pertinent that the REDD mechanism in Nepal is developed in consultation with indigenous peoples, and that their free, prior and informed consent is obtained before a REDD programme is implemented in their territories.

Nepal is one of the five countries in Asia (Cambodia, Laos, Vietnam, Thailand and Indonesia) selected for support under the World Bank's Forest Carbon Partnership Facility (FCPF) and it's REDD Readiness Fund, after submitting a Readiness Plan Idea Note (R-PIN) in April 2008. With the FCPF funding, the country is now in the process of developing its Readiness Plan (R-Plan), which will present how Nepal plans to get ready for implementing future a REDD programme.

Recently, the ToR for the R-plan has been developed. It calls for the submission of proposals for component No 2 among the 9 main components of R-Plan. Component No. 2 is 'Management of Readiness' which consists of two sub-components namely: 2a - Convening a national working group to conduct REDD activities and 2b - Preparing a REDD consultation and outreach plan. The purpose of this contract is to prepare subcomponent 2b – the REDD

A Sherpa yak caravan in Khumbu. Photo: Lhakpa Sherpa

Consultation and Outreach Plan for the development of the Readiness Plan Proposal (RPP) for the implementation of the REDD after 2012 though the final agreement of the REDD mechanism will be determined solely by the 15th CoP in Copenhagen in Dec. 2009.

The purpose of the R-Plan is to assist Nepal in laying out and organizing the steps needed to achieve "Readiness" to undertake the range of activities for reducing emissions from deforestation and forest degradation (REDD), in the context of Nepal. Pokharel and Baral[4] in their article, "From Green to REDD, from Aid to Trade: Translating the Forest Carbon Concept into practice" (2009) mention,

For a country like Nepal, the meaning and the concept of REDD should be 'Nepalized' in a way that fulfills the people's needs and aspirations because the majority of Nepal's rural population are dependent on forest resources. For Nepal, REDD requires:

- Ensuring forest governance through various sets of institutional mechanisms that guarantee the rights of local community groups, IPs [indigenous peoples] and forest-dependent poor households over forest resources. Only this will ensure consensus among various stakeholders in decision-making.
- Reducing poverty of forest-dependent households and IPs living in and around forests (P.38).

However, the R-PIN submitted to the FCPF by the Ministry of Forests and Soil Conservation of Nepal has focused on the community based management model using the existing Community Forest User Groups (CFUGs) that have been institutionalized during a decades-long community-based forest management paradigm. The free and prior consent of indigenous peoples regarding rights over their traditional lands, territories and the resources and management of these territories is thereby ignored (Ministry of Forests and Soil Conservation, 2008). There is no single reference to the ILO Convention 169 on Indigenous and Tribal Peoples that was ratified by Nepal in 2007 (ILO169, 1989), neither to the UN Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly in 2007 (UNDRIP, 2009).

In the established community forest management system, the position of indigenous peoples is very critical, especially when their position is ignored in the highly hierarchical nature of Nepali society. Decisions on the local governance of the forests are generally taken by powerful groups. Thus the indigenous peoples' access to and control of forest resources exercised traditionally, is being undermined. If the REDD mechanism is going to be based on the community management model, ignoring the indigenous peoples' rights to resources, this may come to be seen as merely window dressing. .

Sharing the burning issues of cultural disappearance. Photo: Tsering Sherpa

The Terms of Reference (TOR) of the R-PLAN developed by the National Working Group on REDD in Nepal has only recommended consultation and coordination with local communities and indigenous peoples, but it clearly ignored the free and prior informed consent of the indigenous peoples concerning their traditional land and resources. This is clearly in violation of the spirit of ILO Convention 169 and UNDRIP.

During the Ministry of Forestry and Soil Conservation's process of developing the R-PIN, the indigenous peoples were not consulted at all. But apparently, to fulfill the statutory requirement, there were indigenous peoples involved in the civil society / Community Forest User Groups (CFUGs), who were invited to join the National Working Group on REDD Cell in Nepal. But their presence, roles and contribution is yet to be seen, and it is feared that government representatives and donor agencies will have the strongest influence in the decision-making processes.

Therefore the representation from indigenous peoples in the National Working Group of REDD in Nepal, which is highly influenced by the government and donor agencies, does not quite guarantee that indigenous peoples' rights will be protected to the desired level.

Whether the concept of carbon trading would simply follow the same trend of collecting the revenue at the national level as the government does from the National Parks, or also fulfill the needs and aspirations, as mentioned by Baral in his article, by securing the rights of the indigenous peoples over their forest resources, is debatable.

Are the indigenous peoples prepared for REDD?

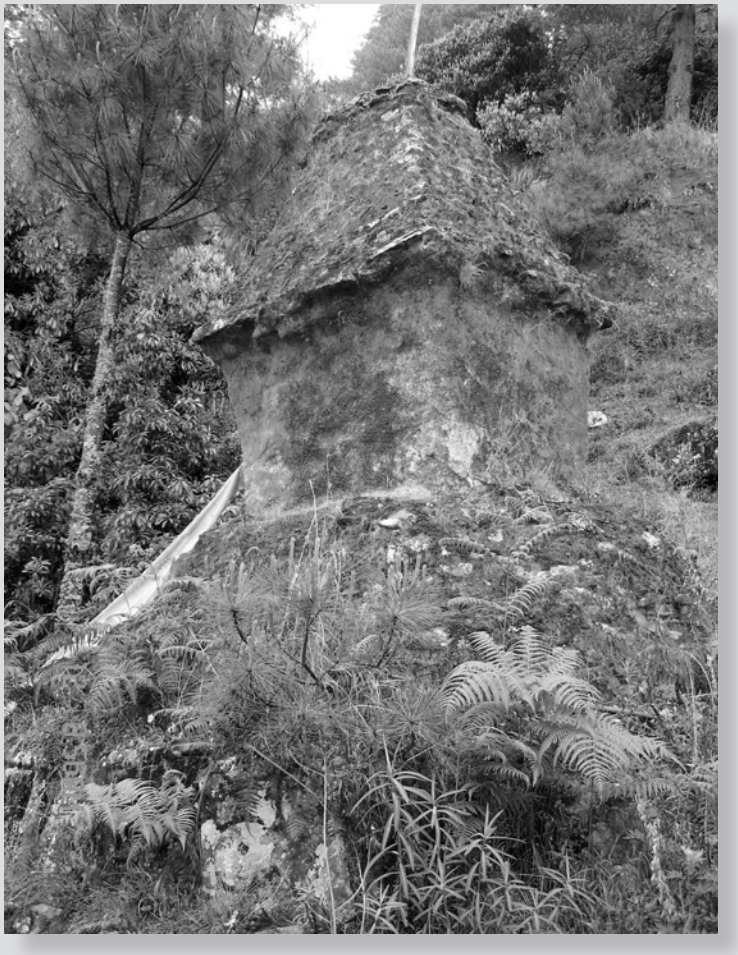
Although the government of Nepal has formally entered the FCPF readiness mechanism for REDD, still the indigenous peoples at the grass roots level are ignorant of it. The prior consultation for their consent to develop a REDD mechanism that ensures their access to resources and to continue their customary practices, is not mentioned neither in the R-PIN nor in what has been seen so far of the R-PLAN. The REDD awareness program at the local level regarding the pros and cons of REDD is negligible. Therefore the development of the REDD mechanism in Nepal is just a continuation of the top down approach where indigenous peoples are given little choice to determine their own future.

NEFIN in partnership with IWGIA and the Asia Indigenous Peoples' Pact (AIPP) – with funding from NORAD - is working on a *Climate Change Partnership with Indigenous Peoples: Promoting Rights-based, Equitable and Pro-Poor REDD Strategies in South Asia and Southeast Asia* since June 2009. The objective of this cooperation is to create awareness among the indigenous peoples on REDD and Climate Change, and educate them about how climate change impacts

on their lives. Ultimately, though, the future of REDD in Nepal boils down to whether the government will be willing to accept the decisions of indigenous peoples, once they understand the pros and cons of REDD. Will the government be fair and objective?

Challenges for indigenous peoples

A few months back, hundreds of yaks died in Sankhuwasawa in the mountains of Northeastern Nepal when the forest caught fire. The indigenous Sherpas from the area received nearly no compensation for the livestock upon which their lives depend. They are ignorant of the effects of global warming and became its victims when the snow did not fall at the time expected. In many cases in the mountain regions of Nepal, the indigenous peoples are forced to change the pattern of their shifting cultivation - shortening the cycles - after loosing their access to park areas. In such a situation, if the REDD mechanism further squeezes their customary rights with mere compensation in cash, it would not only violate the ILO Convention on Indigenous and Tribal Peoples' Rights (ILO 169, 1989) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), but also bring about further devastation of biodiversity and natural resources.



A Buddhist stupa (shrine) in a Himalayan forest. Forests in the Himalayas are home to numerous places sacred to the indigenous peoples. Photo: Lhakpa Sherpa

The dissemination of incorrect information on climate change and the hazards it can cause has put the lives of many indigenous peoples into a state of panic. Instead of providing incentives for developing alternative mitigation and adaption strategies for their livelihoods, all the communities from Tamakoshi Village in Rolwaling were evacuated, on the basis of speculation that Tsoling lake in the area would burst in 1996 (Personal Communication, Prof. Dr. Ruedi Baumgartaner, 23rd July 2009).[5] The lake is still intact, but the fear has not died down.

No one knows whether it was a clever strategy on the part of the government to displace the indigenous Sherpas from the area, or it was honest in trying to protect human lives. But one point has been substantiated, namely that there was no serious study of the possibility of glacier bursting. The displacement led to the loss of the traditional lands and sacred places of the Sherpas, they were so emotionally attached to. How can REDD act differently? How can it be more sympathetic towards the local communities? This is something that has to be proven by action.

Securing indigenous peoples' livelihoods

The present top-down approach of REDD tends to ignore indigenous peoples at the grass roots level. This should be altered with a greater representation of indigenous peoples in the decision making bodies and the development of a transparent contextual monitoring mechanism, so that their rights will be secured. The failure of the promised reduction of deforestation from the top down national governing system of the national parks is one of the main examples why, without the effective participation of indigenous peoples, the conservation of biodiversity or increasing the carbon sequestration is not possible. Ojha, Baral, Dahal, Subedi & Branney (2008) present,

> *National Forest areas are different regimes of governance. The protected area system covers about 19.7% of the total area of the country…Regimes where local communities have been given management rights have been already successful in checking deforestation (mainly community forestry), while the government managed forests still continue to degrade and deplete (P.27).*

Although the community-managed forests have been successful in checking deforestation and reducing carbon emission, the rights of the indigenous peoples

to practice their culture, traditions, exercise their knowledge and have access to resources, can not be negotiated within the carbon trade.

If the REDD mechanism accepts carbon trade based on sequestration of carbon only through the trees, and access to the use of the Non-Timber Forest Products (NTFPs) remains open for the livelihoods for indigenous peoples, it would not only be in conformity with ILO Convention169 and UNDRIP, but would also help to sustain indigenous knowledge, skills in arts and crafts, culture, language, and promote indigenous entrepreneurs. This would also balance the biodiversity of the natural resources. But if the government develops a REDD mechanism without the consent of the indigenous peoples and completely blocks their access to the forest as they did in the case of nationally governed protected areas, This would be highly unsatisfactory. This will discourage the indigenous peoples from preserving and protecting the natural resources and violate their rights recognized by ILO Convention169 and UNDRIP.

Blocking resources and compensating the indigenous peoples with money from carbon trading will not work. It is imperative to restore to them their sense of ownership over the resources and all other aspects – traditional values, culture, skills, and indigenous knowledge, etc. – associated with it. In their minds these are beyond price. It is advisable that the government should take the lesson from the nationally regulated parks, an experiment that has alienated the indigenous peoples in practice as well as emotionally. It is equally important to understand that developing buffer zones and promising 30 to 50 per cent of the park revenues to the local development initiatives has not been that effective. It has, on one hand created the conflict, and on the other, left people feeling despondent that money is being given primacy over their identity and existence.

REDD as a process must understand, and learn from these experiences; that the conservation of biodiversity and the management of its mechanisms is bound to fail without indigenous peoples' participation and ownership. ❑

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Notes

1 Another disputed fact is the number of distinct indigenous nationalities, with 59 peoples being officially recognized in national law, but more than that claiming indigenous status. A Government Task Force is currently investigating this issue.

2 ILO Convention 169 on indigenous and tribal peoples was ratified by Nepal in 2007.

3 The *Kipat* system was indigenous collectively owned land.

4 Dr. Jagadish Baral is the present coordinator of the National Working Group on REDD Cell in Nepal.

5 Prof. Dr. Ruedi Baumgartaner of Swiss Federation Institute of Technology Zuric is presently doing research in to see the change in the pattern of living of Rolwaling Sherpas in the gap of 30 years when he did his Ph D on the change of their Livlihoods due to the impact of tourism.

Pasang Dolma Sherpa *is National Coordinator of the Nepal Federation of Indigenous Nationalities (NEFIN)'s project "Climate Change Partnership with Indigenous Peoples: Promoting Rights Based, Equitable and Pro-Poor REDD Strategies in South and Southeast Asia" in partnership with IWGIA, AIPP and TEBTEBBA. She is also a contributor of different magazines, journals and national newspapers on the socio-cultural issues of indigenous peoples in Nepal.*

SINAR RESMI DECLARATION

SUKABUMI, WEST JAVA, INDONESIA • 8TH AUGUST 2009

Photo: Mina Setra/AMAN

The Indigenous Peoples' Alliance of the Archipelago (AMAN) held a national consultation of indigenous communities from 5-8 August 2009 on Climate Change and Reducing Emissions from Deforestation and Forest Degradation (REDD). This was followed by AMAN's national strategic meeting.

The participants at these two gatherings were AMAN's founders, all members of AMAN's Council and the Executive Board plus regional and local executive and council members.

We express our thanks to the Banten Kidul indigenous community in Kasepuhan Sinar Resmi, Sukabumi district, who offered their customary domain as the venue for the meetings. We express our solidarity with them following the detention of Banten Kidul people over a dispute with the Gunung Halimun and Salak National Park authorities and press the police and local government to release them immediately.

We, the Indigenous Peoples of the Archipelago, whose homes are in the mountains and forests, including the coasts and small islands, feel the impacts and threats of climate change. We are very well aware that climate change now threatens not only the survival of Indigenous Peoples worldwide but the future of the human race.

It is our opinion that the global climate change we are now experiencing is the result of the failure of a development model which is contingent on using up natural resources with no consideration for sustainability. Greed and control over resources have resulted in the powerlessness of our national decision-makers in the face of pressure from industrialised nations.

We assert that Indigenous Peoples have, so far, been able to manage and protect their resources sustainably throughout the generations. There is no denying the close connection between nature as the source of life and livelihoods where Indigenous Peoples safeguard nature for our grandchildren's future.

We affirm that Indigenous Peoples' rights are recognised and protected internationally by the United Nations Declaration on the Rights of Indigenous Peoples and nationally by clauses 18b and 28i of Indonesia's 1945 Constitution; the law on the

management of coasts and small islands (No 27/2007); and the Resolution of the People's Consultative Assembly, Indonesia's highest legislative body, on Agrarian Reform and Natural Resource Management (TAP MPR No 9/2001).

For these reasons, we, the Indigenous Peoples of the Archipelago:

1. Call on governments of the industrialised countries listed in Annex 1 of the Kyoto Protocol immediately to take substantial steps to reduce their emissions to 45% of 1990 levels by 2020 and to 95% by 2050, in support of the fundamental aims of the United Nations Framework Convention on Climate Change (UNFCCC);

2. Stress that the UNFCCC, as a United Nations Convention, is subject to the decisions of the UN General Assembly which adopted the Declaration on the Rights of Indigenous Peoples. Countries which have signed up to the UNFCCC must therefore acknowledge and protect the Indigenous Peoples' rights contained in its policies;

3. Stress that all initiatives relating to adaptation and mitigation of the impacts of climate change must be based on the principles of Free, Prior and Informed Consent (FPIC). This entails carrying out consultations and guaranteeing Indigenous Peoples' involvement in decision-making;

4. Affirm that all initiatives on Reducing Emissions from Deforestation and Forest Degradation (REDD) must guarantee the acknowledgement and protection of Indigenous Peoples' rights, including protecting our rights to land, customary domains and ecosystems and providing maximum opportunities for indigenous communities;

5. Agree and insist that, in the absence of such guarantees, Indigenous Peoples will reject the implementation of all REDD plans and any other climate change mitigation initiatives;

6. Urge the World Bank, in particular, to implement the UN Declaration on the Rights of Indigenous Peoples in all Bank policies relating to REDD and to hold consultations with Indonesian indigenous communities immediately.

Within the national context we:

1. Urge the Indonesian government to withdraw the 1999 Forestry Law (No 41) and replace it with one which recognises and protects Indigenous Peoples' rights;

2. Urge the Indonesian government to amend clause 33/sub-clause 3 of the 1945 National Constitution which reads "The earth, water and all the natural wealth contained therein are to be controlled by the State to be used optimally for the prosperity of the people". The word 'controlled' must be changed to 'protected';

3. Urge the Indonesian government to implement, with immediate effect, clauses 18b and 28i of the Constitution; the law on the management of coasts and small islands (No 27/2007); Resolution No 9/2001 of the People's Consultative Assembly on Agrarian Reform and Natural Resource Management; plus the UN Declaration on the Rights of Indigenous Peoples;

4. Call on all levels of the Indonesian government not to grant permits to any parties for the exploitation of forests or other natural resources which lie within our customary lands without the consent of the indigenous community concerned, given through a mutually agreed mechanism;

5. Urge the Indonesian government to act immediately to promote public awareness and consultations on climate change and REDD with indigenous communities;

6. Demand that the principles of Free, Prior and Informed Consent are implemented in all decision and policy-making processes at all levels of governance – national, regional and in local communities;

7. Urge the Indonesian government to set up forthwith a Ministry of Indigenous Peoples Affairs;

8. Urge all levels of the Indonesian government to act immediately to resolve conflicts over land and natural resources in customary domains by using a human rights approach;

9. Urge the Indonesian government to implement the UN Declaration on the Rights of Indigenous Peoples within Indonesian laws and regulations;

10. Urge the Indonesian government to stop issuing individual land ownership certificates on the customary lands of Indigenous Peoples.

Finally, we call for, urge and demand that the government passes a law on The Recognition and Protection of Indigenous Peoples' Rights in Indonesia as soon as possible.

As the Indigenous Peoples of the Archipelago, we are prepared to work with the government and all other relevant parties to realise the fulfilment of our rights in Indonesia.

This Declaration was agreed by consensus by all participants at AMAN's National Strategic Meeting, 8th August 2009 in Kasepuhan Sinar Resmi, Sinar Resmi Village, Sukabumi, West Java, Indonesia. ❑

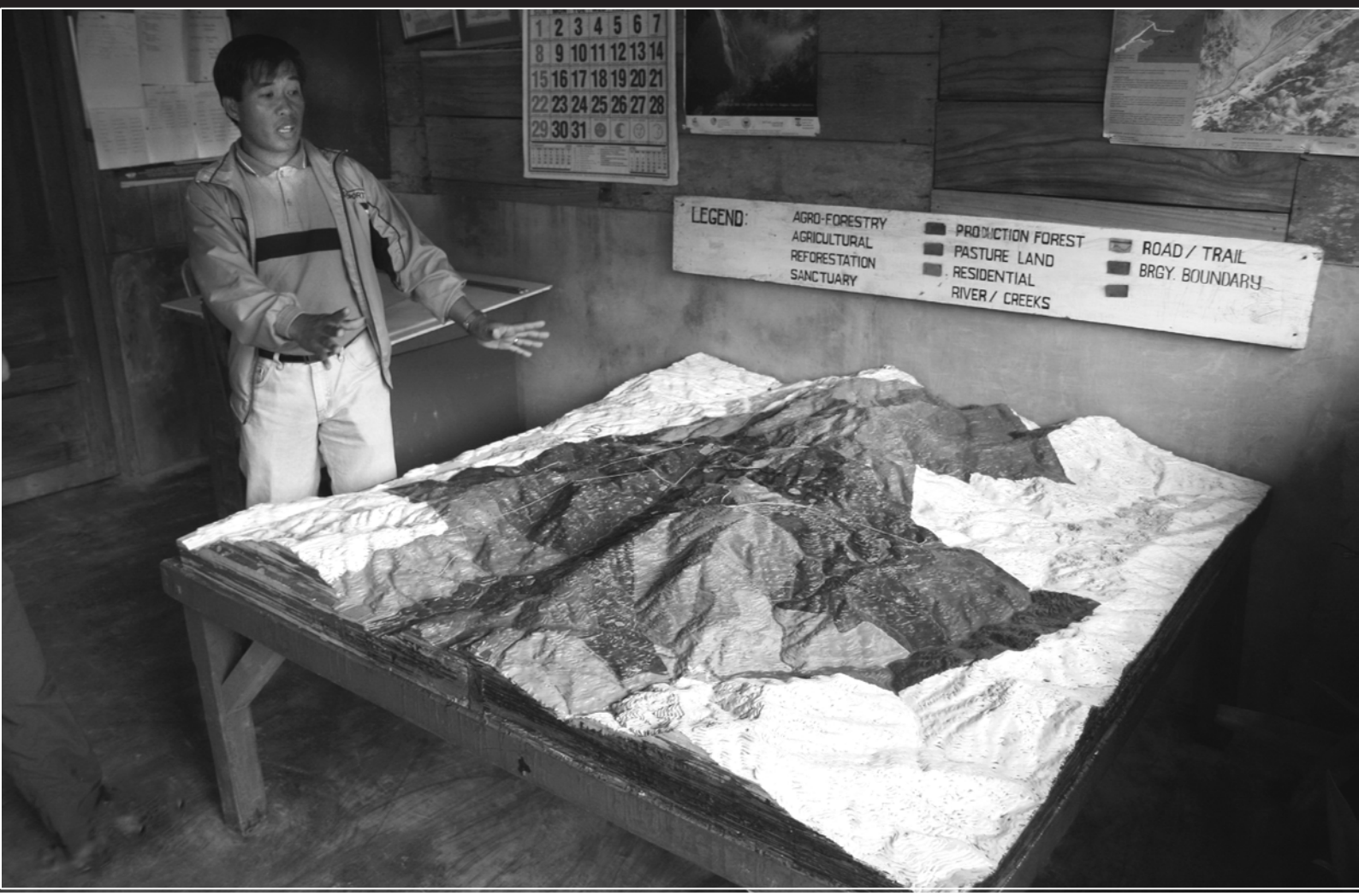
THE KALAHAN FORESTS AND CARBON
A Philippines Case Study

Delbert Rice

Mossy oak forest in the wildlife sanctuary and critical watersheds of the Kalahan Reserve. Photo: Christian Erni.

In 1974 the Ikalahan people of Santa Fe in the northern Philippines finally, after three years of negotiations, signed a Memorandum of Agreement (MOA) with the Philippine Government recognizing the control of the Ikalahan over about 15,000 hectares of their ancestral land in exchange for protecting the water supply for the users downstream. There was no precedent for such an agreement. There was no government program and it was the people themselves who initiated the negotiations.

To enter such an agreement the Ikalahan established the Kalahan Educational Foundation (KEF), incorporating five of their villages. This kind of formal



KEF's own forester, Tamano Bugtong, an Ikalahan from Imugan, explaining the land use zoning with the help of a 3-D model of the Kalahan Reserve. Photo: Christian Erni.

organizing was without precedent, but it worked. The Ikalahan are people of the upland forests in the Cordillera and Caraballo Mountains of North Luzon. They, and their ancestors, have been living in and depending on the forests for centuries.

The first thing they had to do after signing the MOA was to prove to the government that they were serious about protecting and improving the watershed. This requirement was explicit in the MOA. This was no small task because the slopes in the 15,000 hectares covered by the memorandum averaged about 45 degrees. Much of the area was covered by grasses and wildfires were very common. The rainfall is heavy, ranging from 3,000 to 5,000 mm per year. It is not unusual to have three or more major typhoons during any given year and several minor ones. The people knew that the only way to force the water into the aquifers and prevent siltation of the rivers was to create as much forest cover in the area as possible.

The Process

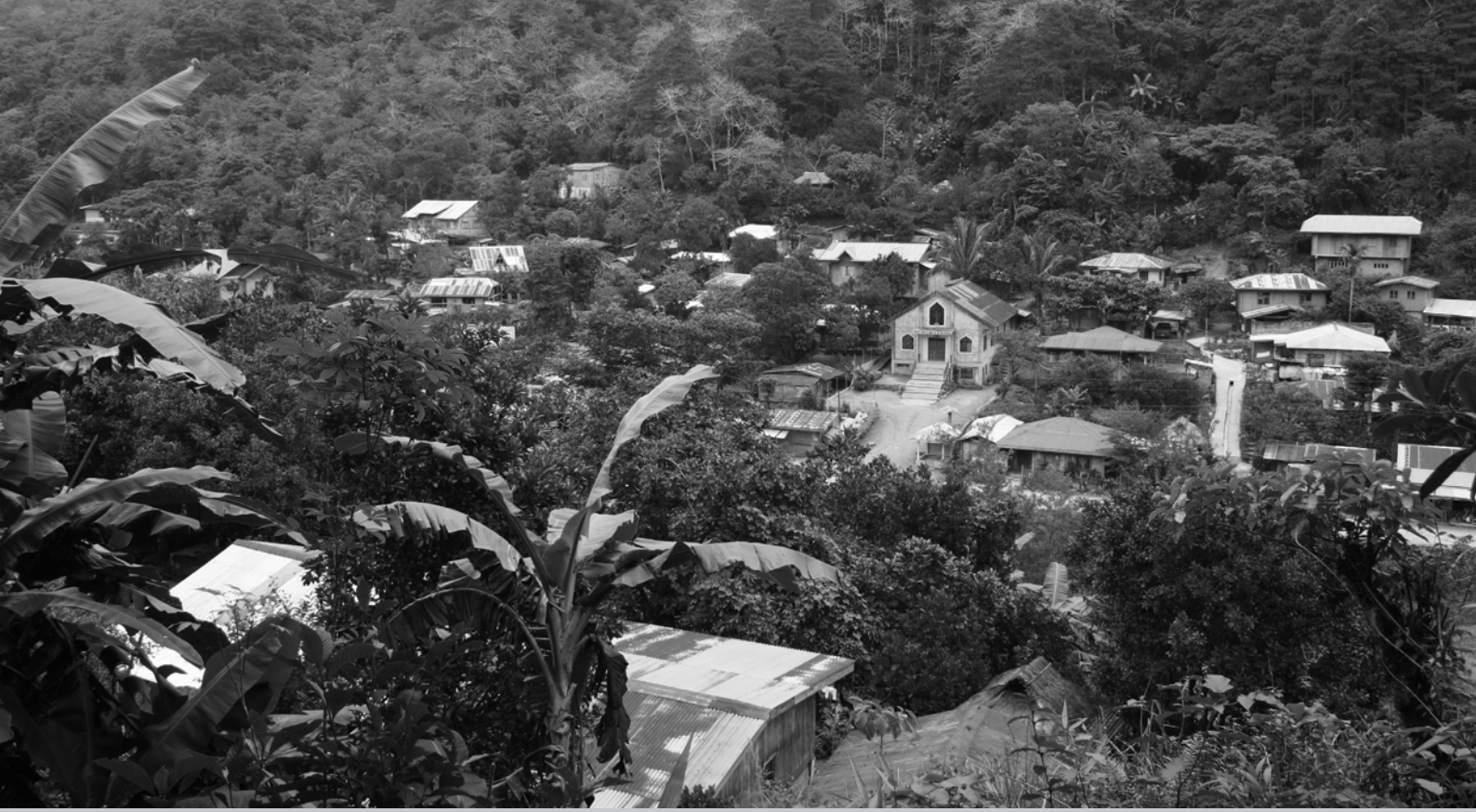
The primary problem in the beginning was the prevention and control of wildfires. Slowly the people brought the fires under control. There were enough trees in most parts of the 15,000 hectares for natural regeneration to take place.

After years of experimentation KEF now produces high-quality jam from forest fruits and people's orchards. They find a ready market in nearby towns and the capital Manila. Ikalahan women run the jam factory of the KEF. Photos: Christian Erni.

The trained young people that were put in charge of the program also established nurseries where seedlings of indigenous species were produced. Every family planted 50 trees during the planting season. Some years the villages chose areas to be planted and everyone cooperated in planting those areas. In other years they just let families plant trees wherever they wanted. Some chose to plant them beside the few roads. Others chose barren areas, especially areas, which had been damaged by the landslides caused by a major earthquake in July of 1990. Some chose to turn a portion of their own private land holdings into good forest by planting the trees within their claims. As far as the tribal elders and officials were concerned, it did not matter where people planted the trees because every tree that survived helped to improve the watershed.

Livelihoods for the families

It was not possible, of course, for the people to put all of their energy into the supply of water for people downstream. Every Ikalahan had to be concerned with providing for his or her family. Although some of the families had small irrigated rice fields which provided a portion of the food necessary for family survival none of them produced enough rice to provide for all of the family needs. Most families depended on swidden farming ("slash and burn"/ shifting cultivation) using the techniques, which their ancestors had developed over the centuries. This method is sustainable and it is possible to produce enough sweet potatoes (*Ipomoea batatas)* and vegetables on their farms to supply all of the basic food needs of



View of Imugan town in the Kalahan Reserve. Formerly denuded hills are now covered with lush forests used and managed by individual families with support from KEF's forester. Photo: Christian Erni.

their families. Both parents share the work of food production.

Their swidden farms, however, could not usually produce enough surplus that can be sold to provide the cash needed by the family for other purchases. From time to time the men would leave the community for a brief time to "*makilagbo*" i.e., earn money from labor opportunities outside of the community.

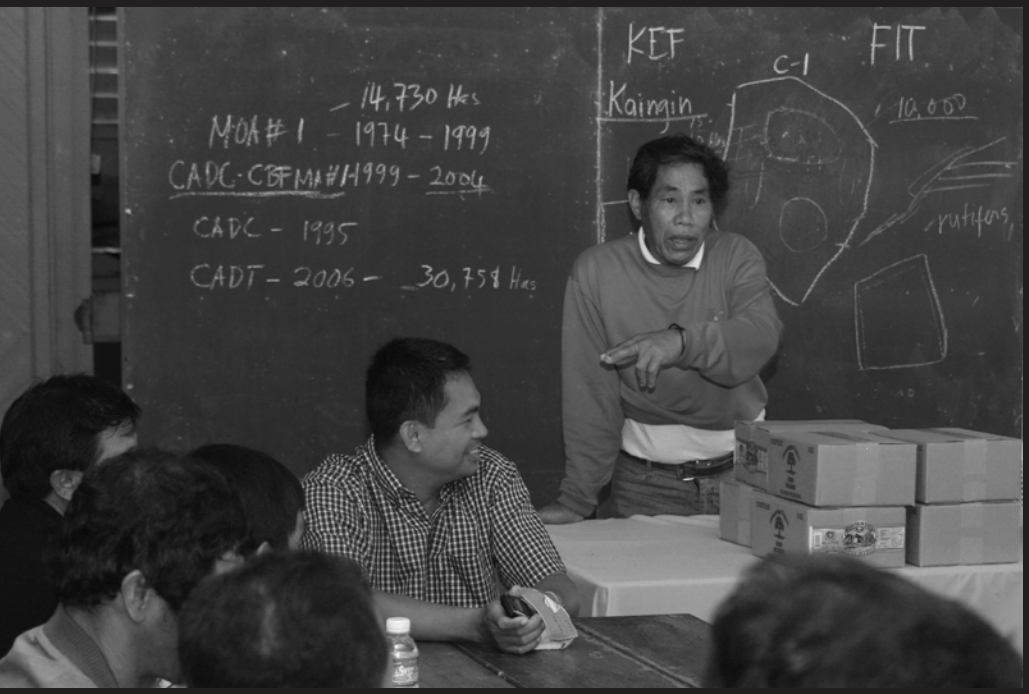
As the various programs of the KEF developed more of the cash that the families needed could be earned closer to home, either in infrastructure preparation or in harvesting wild fruit to be processed in their food processing center which produced high quality jams and jellies, etc. for the urban markets.

How do they manage the forests?

Every family living within the 15,000 hectares covered by the MOA, which became known as the Kalahan Reserve (KR), was given the right to claim whatever land they desired as long as it was not more than 10 hectares and that there was no prior claimant. The leaders set aside about 3,000 hectares as sanctuaries for wildlife and critical watersheds. No one was allowed to stake a claim within these sanctuaries.

Each family was free to develop its own management plan for its own claim as long as it did not conflict with the overall principles of the KEF. Each family was given a written deed and a map showing the claim. Several basic policies were established:

- No agricultural chemicals would be allowed. All agriculture must be organic to prevent pollution of the rivers and damage to the health of the population.
- The claimant must get a permit before slashing and burning a new field each year.
- No trees may be cut without a permit, and the principles of Forest Improvement Technology (see below) will be followed in the issuance of permits.
- No claims may be transferred in any way to any person who is not a member of the Ikalahan community.



Members of the local government of Kasibu municipality attending a training at the KEF training centre. Photo: Christian Erni.

Did they institute training programs?

The only training program that the KEF conducted was training in Basic Ecology. This was promoted initially for all high school students and then for all of the farmers. The village leaders insisted that at least one member of every family attend such a seminar. This enabled all of the people to understand the environment and how the various natural systems functioned. As they came to understand this it was easy for them to adjust their activities to ensure that none of these would damage the systems.

They knew from past experience that merely telling people what to do would not produce results.

What is Forest Improvement Technology?

"Forest Improvement Technology", or FIT, is a system of thinning the forest occasionally to remove trees that are either crowded, diseased or overly-mature. A check list has been prepared which is used by the local forester as a guide so that he/she can show the farmers why a tree should or should not be removed.

No logging or "clear cutting" is allowed within the Kalahan Reserve. By using the FIT to thin the forest, however, it has continued to improve every year and it is now both a good watershed and habitat for wildlife.

The most interesting impact of the FIT is that when it is properly implemented it produces more than three times as much lumber per hectare per year than logging and the process is ecologically sound.

Why Carbon?

In the late eighties and early nineties Moises and Delbert, two of the KEF staff members, regularly read in magazines and newspapers about the problem of climate change. They realized that the same forests that provided water for the downstream irrigators were also sequestering carbon that would help to clean up the atmosphere. They also knew that there was no other effective way of doing it. There are many other carbon sinks on earth but none is as effective or as efficient as the forest.

The tribal elders were continually struggling to find new ways to produce income, which would not interfere with the function of the forest as a watershed. It seemed to be possible that carbon sequestration might be another such opportunity. Delbert and Moises were able to convince the tribal elders of the possible benefits of this. At the same time they made contact with the Biodiversity Conservation Network (BCN)[1] which was willing to fund research on the biodiversity of the area. The KEF staff decided to include the measurement of the amount of carbon in the forests in the research on biodiversity. They had to

Middle: Rattan products made by the Ikalahan are sold in road-side shops along the national highway.
Above: Men butchering pigs for a communal feast. Photos: Christian Erni.

develop a method of measuring the amount of wood in the forest, which would allow them to calculate the carbon content of the different forest types. The method had to be inexpensive because they knew that the BCN funds would be temporary. . They considered the best ways of making the measurements and consulted with as many skilled foresters as possible. Finally, in 1993, a method was worked out.

How to measure it?

The KEF staff had to revise their methods many times as problems were discovered but they persisted and were able to present their base-line data in 1994. Since then they have found it necessary to make improvements to their method several times but the data gathered in that first year was still valuable and the results are becoming more accurate as the years go on. The method may require adjustment in the future but it seems to be both effective and accurate and is relatively inexpensive.

The most critical step is to identify the types of forests in the area. This step was more difficult for the Ikalahan than it would be be for most other communities because the Kalahan Reserve includes a dividing ridge; the vegetation on the western slopes is very different from the vegetation on the eastern slopes. The western slopes are covered with pine with very few other species. The eastern slopes are mostly dipterocarp forests with very high biodiversity. The central ridge itself is covered by a mossy oak forest. The Ikalahan finally classified the three types of forests and three types of coverage: Pine Forest, Thick Forest, Dipterocarp Torest, Medium Forest, Mossy Oak Forest, and Scattered Tree.

This would, theoretically, provide for 9 categories but as there were no mossy oak forests in the "scattered" category there were in reality only 8 categories. There were residual primary forests of all three types but they were all in the sanctuaries and not considered in the carbon sequestration program, which covered only the production forests; these covered 10,000 hectares.

The foresters then borrowed a GPS unit and paced out the boundaries of each different type of forest and mapped them. The mapping could have been done in any of several other ways but this seemed to be the quickest and cheapest but still accurate. It might have been much quicker to construct a 3-D map of the area and let the community leaders mark the forest types. This approach would require verification of the information on the ground before finalizing the map. Satellite images could be used for this purpose but they are very expensive and a specialist is needed to interpret the images. It would still be necessary, even with a satellite image, to verify the boundaries on the ground.

At Kalahan we did not have a 3-D map until much later so that approach was discarded. The foresters just studied the forests on the ground and decided where the boundaries should be drawn for homogenous blocks. Each block had to contain the same mixture of species at about the same density throughout. Some of the blocks were as small as 25 hectares. Others were as big as 250 or 300 hectares. The size did not matter but the type and density of forest in each block had to be homogeneous. The size was carefully computed and recorded for each block.

Once the forest blocks are established the foresters must establish several sample plots within each block. Each plot should contain the type and density of trees which are typical of the block. Each plot should be the same size and accurately measured and marked on the ground. In the Kalahan case each plot is ¼ hectare (50 x 50 meters). As the blocks become bigger then there is a likelihood that more plots might be required. Generally no more than 5 or 6 plots are needed for each block.

As soon as the sample plots are established, the forester or his or her assistant merely goes into each plot and numbers each tree that is 10 cm or more in diameter. The circumference, at breast height, is measured and is carefully recorded in a notebook. The species of tree is also recorded if possible. A simple home computer is all that is necessary to process the data on a spread sheet. Through the application of specific formulas the kilos of biomass or kilos of carbon (the carbon stock) can be computed automatically.

Ikalahan house in the production forest surrounding Imugan village. Photo: Christian Erni.

After three years the process is repeated. The carbon stock computed the first time is then subtracted from that measured in the forest the second time. This gives the amount of carbon sequestered during that 3-year period.[2]

The data for each sample plot should be put into a spreadsheet along with the data for each successive 3rd year after the first measurement. Then a summary spreadsheet is prepared so that the foresters can compute an average of the carbon in the sample plots within each block and then multiply the average by the size of the block. This will give an accurate estimate of the amount of carbon in the block. The total carbon in the entire forest can easily be computed by adding the carbon in all of the blocks.

At the present time, the 10,000 hectares of production forest within the Kalahan Reserve sequesters about 10,000 tons of carbon every year and the rate of sequestration is increasing every year as the forests are improving.

How do they sell the carbon?

That is the next big question and the Ikalahan do not as yet know the answer. We have contacted a "dealer" who has agreed to try to sell the credits on what he calls the "voluntary market". He will receive a percentage of the payment for his work, of course, when he is successful.

It is also possible that the countries and companies that are polluting the atmosphere will approve carbon-trade through the so-called REDD++ programs. There is still no fixed program or policy for REDD++. It is merely a concept that is being discussed, and its future framework is being negotiated under the climate change convention. The technical and social pressures are building up so that something will probably be developed in the near future. When, and if, such a program is approved, the KEF will be ready with firm data.

When they sell the carbon how will they distribute the money?

For the KEF it is very easy. The villages within the Kalahan Reserve are all a part of the KEF. The payment would go directly into the general fund of the KEF

and be used to provide subsidized medical care and secondary education for the local population. Thus the funds would be distributed through social services and not as cash. The KEF could also afford to employ more people to continue to do enrichment planting and otherwise improve the forests.

As the funds become available some portion of the funds can be used to provide initial capital for orchid production, mushroom production or other income generating activities for interested farmers.

Is that the only source of income in the Kalahan Reserve?

Definitely not. It is the intention of the Ikalahan leaders that every family within the KR should find some forest-based source of income.

The production of high value organically grown vegetables is already being done and is encouraged. This can be done in very small plots within the forests and can be very profitable. The predators that live in the forests can eliminate the pests on the vegetables.

Some families are interested in using short logs of *Alnus nepelansis* (Nepalese Alder) for the cultivation of Shiitaki mushrooms. The Alder logs come from trees, which the family has already planted so the program is ecologically sound.

The lumber obtained from the FIT will soon be more than that required for housing within the KR. The excess can be used by small furniture factories.

The sawdust from the furniture factories and house construction can be used as the raw material for producing oyster mushrooms. This can be profitable if properly done.

Pigs can be raised using the waste from food processing as a part of their feeds. This can be profitable if properly managed. The waste from the pigs can in turn be used as fertilizer for the organically grown vegetables. The pig farmers should be careful not to use commercial feeds because antibiotics, steroids and other chemicals are often added to commercial products.

The KEF could produce orchids from seed. There are many excellent varieties and species of orchids in the Kalahan forests, which could provide the seed stock. The seedlings could be propagated by families in a "backyard" forest. This could also be profitable. It is understood that the reproduction rate in the forest is not high enough to enable the people to harvest wild orchids for sale.

The KEF has the technology and facilities to manufacture hand-made paper of very high quality from fibers that grow wild in the forests. If the market for the paper becomes very large it might be necessary to plant more of these fiber species but this can easily be done to make the program ecologically sound and sustainable.

Handicrafts such as baskets can be made profitably from local resources. Brooms have been a standard product for decades. The people plant the requisite grasses for the brooms on the edges of their swidden farms.

New products can be produced in the food processing center. These could include bamboo shoots, mushroom soup, juices, health drinks, bottled water and many others.

What about the water being sent downstream?

The Ikalahan should be entitled to be paid for the amount of clean water being supplied to the irrigation dam downstream. The KEF, even with the help of the municipal government, has not yet been successful in obtaining payments for that water. New legislation would be required but some of the KEF staff are cooperating with other organizations and hopefully such legislation can eventually be set in place.

What about the future?

Even though the money for environmental services has not yet arrived, the communities are very hopeful that money will enable the community organization to continue to function without serious problems. In the meantime, the people maintain their unity and prepare for the future. ❑

Notes

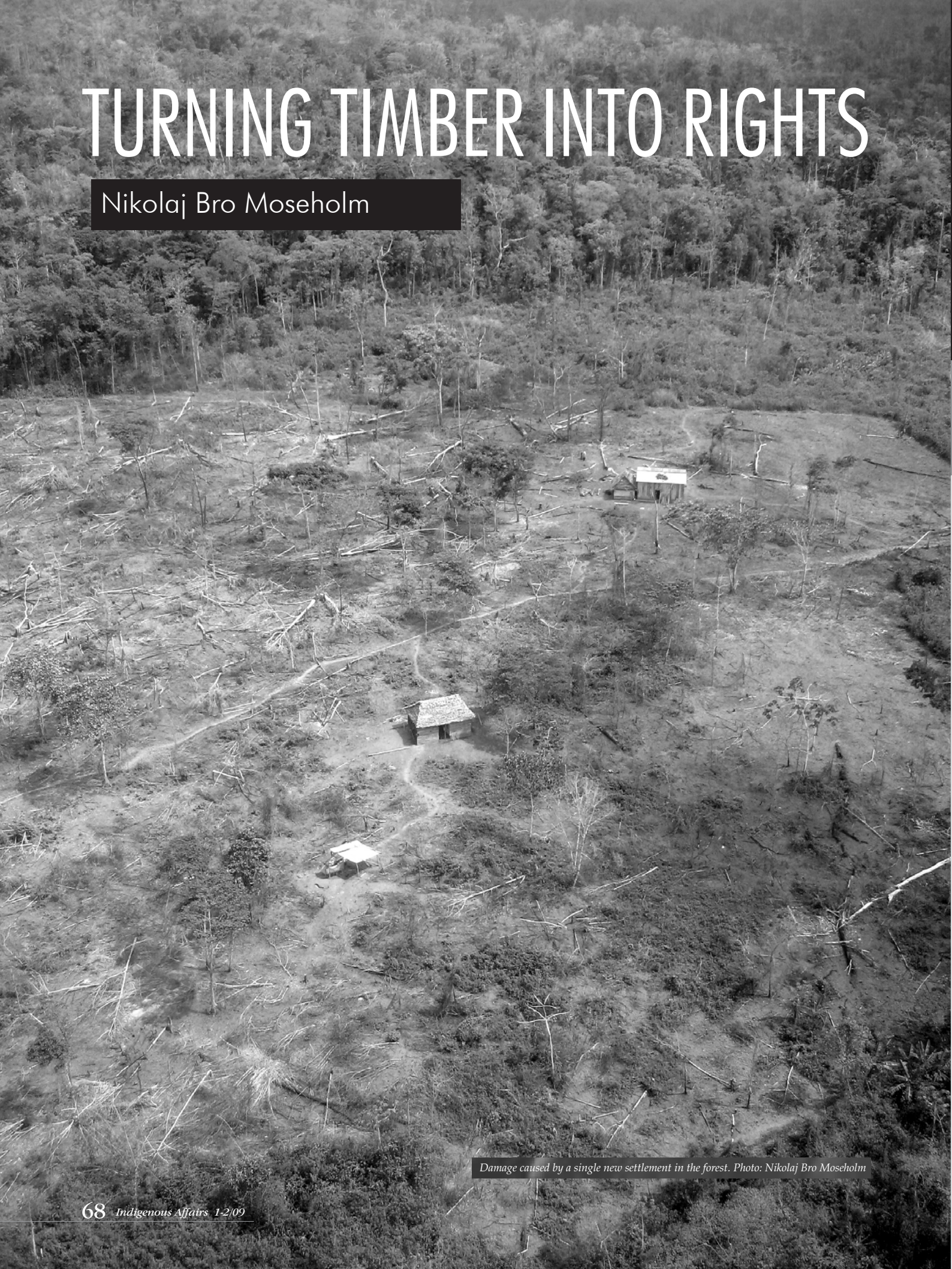
1 The Biodiversity Conservation Network (BCN), is a program of the Biodiversity Support Program (BSP), a consortium of World Wildlife Fund, The Nature Conservancy, and World Resources Institute, funded by the United States Agency for International Development (USAID).

2 The formulas are a bit complicated to write, and are therefore not included in this present report. If a community is interested in learning these, and has begun the work and finished the blocking, the writer or Dr. Rodel Lasco can provide the needed formulas, either on a CD disk or by e-mail.

Rev. Pastor Delbert Rice *is an American Missionary, Engineer and Anthropologist. He came to the Philippines in the 1950s, began working with the Ikalahan in 1965, and continues to do so.*

TURNING TIMBER INTO RIGHTS

Nikolaj Bro Moseholm



Damage caused by a single new settlement in the forest. Photo: Nikolaj Bro Moseholm

A case study on indigenous communities' sustainable and income generating forest management in NICARAGUA[1]

In the central RAAN department of Nicaragua,[2] the Danish NGO Nepenthes is supporting the Mayangna and Miskitu peoples of seven indigenous communities to develop sustainable forest management in cooperation with the national NGO IPADE (*Instituto Para el Desarrollo y la Democracia*). Each community has official territorial rights to the surrounding forest, but illegal timber companies and an increasing number of new settlers are violating these territorial rights. The government has still not taken any action to stop new settlement or timber companies in the indigenous territories. The local indigenous organizations have a hard time coping with these challenges, and the absence of a powerful national indigenous coordination leaves the local indigenous communities pretty much on their own in their struggle against time, while the invasions and destruction of their natural resources and basis of living continues at high speed.

Although indigenous rights to defend their territory and define their own development should not depend on economic calculations, the fact is that timber companies' destruction of indigenous peoples' forest and livelihood is dictated by local and national economic interests. It is thus important to develop and present an alternative economic argument of long-term income through sustainable forest management in order to fight poverty and protect the environment. In recent years, increased concern about the negative impacts of climate change has provided yet another cost-benefit argument for increased community control of forest resources, since climate change and forest destruction are closely linked (more about this later), and settlers clearing forest in traditional indigenous territories are one of the main actors behind forest destruction here. Ironically, climate change, which has otherwise been experienced as an acute threat to indigenous communities in the RAAN[3] (who saw most of their forest destroyed by Hurricane Felix in 2007), is now becoming an argument for increasing community control of their forest territories.

But first and foremost: the best way to defend your rights is to use your rights. A strong and documented management of the indigenous territory, visible to the

outside world, represents a key defense of that territory. Likewise, economic income from sustainable timber production, agriculture and handicrafts, etc., is essential to sustaining and empowering the indigenous organizations to defend their rights.

Turning "no mans land" into territory

To many new settlers, and it is no different in the RAAN, rainforest located far from indigenous settlements often appears like a "no man's land" as they do not understand or respect the diversified use of the territory over time in terms of hunting, gathering, fishing, sacred places, and the need to break new soil, leaving old fields, fishing and hunting areas in the rainforest to recover in cycles of 10-30 years.

The absence of intensive and visible use of great areas of the forest, combined with a low organizational capacity to control the boundaries of the territory, invites illegal timber companies to operate undisturbed in remote areas of the rainforest. Just as often, the timber companies enter into direct agreements with a few indigenous authorities, leading to corruption amongst leaders by paying a few of them larger amounts, in order to obtain timber at a very low price from the many. All these factors are present in the RAAN, and even though the majority in the seven communities would like to prevent this development, which is gaining real control over their natural resources and production, things will not change overnight. Illegal timber activities and corruption will not end until a true economic alternative is present. The indigenous communities will not get a better price for their timber until they can handle the technical aspects of timber production and have a knowledge of markets that will enable them to not only negotiate the companies' right to extract timber in their territory but also to sell timber processed and managed by themselves.

The legal aspect of land and territory is obviously essential to defining the respective indigenous peoples as the rightful owners of their territory. And yet without a sustainable income for the indigenous organizations themselves that will empower them to defend, manage and develop the territory, they will eventually lose it to new settlers, extractive industries and national mega-projects of economic interest to the state.

When developing sustainable forest management, however, one should not merely look at the timber companies as enemies. The timber companies possess technical knowledge, equipment, capital and access to a diversified market, all of which represent important areas of potential, provided they are committed to sustainable practices in close cooperation with the indigenous authorities and according to the holistic management plan of the indigenous people.

Developing best-practice community-based forest management

The general objectives of the sustainable forest management projects supported by Nepenthes are to generate a fair economic income, and to promote social improvement and the free exercise of rights for the people living in the forests of Latin America. Through many years' experience supporting sustainable community forest development in Honduras, Nepenthes has developed a model of best practice. The model was initially developed with *mestizo* communities but is currently being adapted to indigenous communities in Nicaragua. The overall challenges are more or less the same and the *mestizo* communities supported by Nepenthes in Honduras do have collective access as rightful users to the forest surrounding their communities. However, an important advantage for indigenous peoples in relation to *mestizos*, in terms of the possible benefits of sustainable forest management, is the relatively higher level of regional organization amongst indigenous people as compared to *mestizo* communities. The latter rarely develop strong organizations beyond the community level, and thus do not succeed in linking local improvements in living standards to a national advocacy level.

In the following, we shall look at the main steps and key aspects to consider when developing a successful model for a sustainable and income-generating forest management, based on experiences from cooperation between Nepenthes and local counterparts in Honduras and Nicaragua.

Dealing with poverty

It is important to take the economic poverty, labor capacity and traditions of the indigenous people seriously when planning the development process.

This means not expecting men and women to go through extensive training and labor-intensive activities with a view to obtaining production and economic benefits only after 2-3 years, which is the minimum time perspective for developing commercial

Trunks are measured to identify qualified timber.
Photo: Jose Juan Aguilar.

timber management by indigenous agencies, and an 8-10-year perspective before all the different aspects of running the production agencies are actually sustainably managed by the indigenous peoples themselves. The development process must offer long-term, medium-term and short-term results. Though sustainable timber management represents a significant potential income to the indigenous organizations in the long and medium-term, a short-term result is also needed in order to motivate, compensate for their loss of time spent in planning and training activities, and release human resources for the family.

Step 1: Local organization

The local civil society and community organizations are the basis of development activities. Democratic and well-functioning local organizations are a precondition for well-functioning sustainable forest management, as they represent the ownership to resources, the initiative and the responsibility for all planned activities in the development process.

Nepenthes supports the creation of production units of 10-20 people in agriculture, handicraft and timber management and provides technical training in the communities. The production units must be based on cooperation with the existing representative organizations responsible for social improvements on a community or territorial level. An important argument for this is the need to avoid creating parallel organizations alongside the existing representative community organizations, which would prove problematic when the production units gain economic power. The representative organizations play an important role in the distribution of benefits, making sure the income from sustainable forest management not only benefits those working directly in the production units but also translates into common and democratically selected improvements in life on a holistic, community and territorial level, respecting the community's collective rights to the natural resources on their territory.

This is why Nepenthes supports the development of benefit-sharing systems and the training of local leaders in methods of participatory investigation with regard to the interests of the people they represent. The people are divided into groups of authorities: men, women, youngsters and elders, in order to clarify the local development needs and priorities for the future that can be provided by their new

commercial production. Whether the major community priorities are to support indigenous organizations in strengthening territorial defense systems, in intercultural bilingual education, health, cultural activities, or in local, national and international advocacy in defense of indigenous rights, it is essential to promote local participation, and make sure that the objectives and potential results are clear to those expected to spend time and effort in the process. Furthermore, if there is no such consensus around defined priorities and administration of funds, a large income often creates conflict and corruption, representing a serious set-back for the community organization instead of promoting the intended life improvements.

Likewise, for local development plans, training needs – e.g. in cost analysis, financial administration, developing business plans, forest management, handicrafts, environmental issues and promotion of products – are identified in cooperation with the existing local representative organizations. The sustainability of the development support depends on the capacity of these organizations, as they are responsible for developing and passing on experiences within the community, and between communities in the territory. Well-defined systems for training of trainers must be defined if sustainable development is to be created rather than just temporary production support.

Step 2: Agriculture for family empowerment

Although timber production represents by far the greatest potential income for the communities – especially in remote areas where tourism is not an option – and sustainable timber production is the main income-generating objective of the project, support to the development of local agriculture should not be under-estimated. Sustainable timber production is rather complex, requiring extensive technical knowledge and several years before an income can be generated. It is not fair to expect anybody to be willing or able to devote large amounts of time and labor for years without receiving an income in return, especially not very poor people who have a hard time just surviving and little tradition of planning years in advance. This is a general fact often under-estimated in development projects.

Supporting non-timber production such as agriculture and handicrafts can generate income, improve living standards and release human resources for new production activities in a short period of time. The

The new sustainable small-scale forest agriculture provides food and economic income to the communities. Photo: Jose Juan Aguilar

objectives of the agricultural development activities are twofold: the first is to improve existing agriculture in order to provide better nutrition, protect production from failure and reduce the need to convert new land to agriculture, which would lead to serious damage of the forest. This is done by introducing enhanced varieties of existing crops such as rice, corn, beans and yucca, etc., and by introducing new ecological techniques by which to prepare the soil. The second objective of agricultural development is to increase incomes. This can be done by introducing new cash crops such as cocoa, coffee, vanilla etc. This requires access to markets, however, and a thorough analysis of market prices as compared to production costs. Introducing new crops is an investment in time and money and is vulnerable to failure. It is therefore important not to repeat the mistakes of innumerable development projects that have scaled-up around one or two crops with an alluring market price. The introduction of new cash crops should always be diversified in order to guarantee an income in the case of falling market prices for one or two of the crops, and should always be combined with support to develop the subsistence crops in case of low or no income due to market prices or simply due to the time scale needed for slow cash crops, such as cocoa, to develop.

Families receiving seeds for new crops of all kinds must return seeds after their first harvest to a Community Seed Bank managed by a Seed Committee elected by the community, allowing still more families to join the new production or helping out families with low or no harvest due to natural disasters such as the recent Hurricane Felix in 2007.

The market for FSC-certified timber is growing. Jose Juan Aguilar.

To begin with, the agriculture and timber production units of the indigenous cooperatives of the RAAN were supported by only a few people. As in other projects – or in any other society - only a few people are initially willing to take the risk of embarking on something new. On seeing the results of the first small production units, however, more families joined the action. There were also a few unit members who were reluctant to return seeds to the community bank after their harvest. Refused access to the activities and benefits of the seed bank by the Community Seed Bank Committee, they soon returned the seeds they were supposed to.

Step 3: Timber production for collective empowerment

While support to develop agricultural production gives quick results in terms of food production and economic income, focused primarily on direct empowerment at a family level, the primary focus of supporting timber production is to generate a collective income on a territorial level, including one or more communities. Trained family members working in the timber production units receive a fair salary for their labor but the rest of the income is administered on a territorial level by the traditional representative organizations, in order to ensure reinvestment and social development according to the defined collective priorities, as described in the section above on "Local organization".

However, as timber production represents an economic income, it also adds value to the land. Before commencing support to timber production, it is thus crucial to clarify any questions concerning the ownership rights over use of the land or territory. If the community's land ownership is not clear, adding value to the land could lead to the community losing their traditional territory, as the local government, foreign timber companies, or both, will do anything to gain control of valuable resources.

Once a general forest management plan has been developed jointly between the community production unit and a professional engineer (including special attention with regard to e.g. flora, fauna and rivers as a whole) in order to define what can be logged where and when, the technical training of the units that are to manage production takes place. Techniques are introduced to reduce waste of timber when cutting trees, as well as techniques and activities to add value to the timber, such as processing the timber with a chainsaw and frame, drying the timber using solar energy and promoting new timber species. The timber market is unfortunately very conservative and largely focused on a few commercial species such as

Indigenous leaders identify which parts of the territory serves as productive areas. Photo: Jose Juan Aguilar.

mahogany and teak. Known commercial species represent only a small percentage of the species in the rainforest and the result of the market's very narrow focus on these species represents a far from satisfactory use of the forest resources, both from a commercial and an environmental perspective. There are numerous unknown timber species with very good and diversified production qualities, and it is important to promote these when dealing with sustainable forest development.

Step 4. Certification of forest for e nvironmental protection

As a final central component of support to sustainable forest management, Nepenthes places great importance on promoting and training in certification of forest and forest products within the Forest Stewardship Council (FSC) certification system.[4] FSC certification has proved to be the best international certification system for sustainable timber, and there are at least two good reasons for applying for FSC certification.

The first is concerned with environmental control and conservation. In Latin America, as in most developing countries, environmental control on the part of national institutions is either weak or virtually absent, and even though the indigenous communities are trained in and committed to complying with the environmental standards, frequent monitoring by the FSC supports the communities' good practices. Furthermore, given that the communities cooperate with foreign timber companies that might have more short-term economic interests at heart, a foreign non-corruption control institution is needed to guarantee the long-term economic and environmental interests of the indigenous communities.

The other good reason to obtain FSC certification is related to economic interest, as certified timber and timber products open up access to new markets of highly aware consumers who are willing to pay more for the satisfaction of knowing that the timber they buy is legal and sustainable. Though certified products rarely generate increased prices on the local or national markets in Latin America, given that few consumers here are willing to pay more to protect the environment, the international market for certified timber is a large one and pays well. Nepenthes is therefore making efforts to facilitate contacts between the production units in the indigenous territory and companies trading in certified products on the international market. This is possible because many timber companies want to enter the growing market for sustainable products, obtaining a good profit and at the same time finding official and secure long-term

cooperation partners. Selling certified timber from the indigenous territories earns the companies goodwill amongst consumers, as the positive environmental and social impact of production is a goldmine in terms of PR and image for the timber companies. 50 % of the timber sold inside the EU is certified, and several communities in Honduras that are supported by Nepenthes to develop their sustainable forest management have succeeded in exporting a considerable amount of certified timber products to Denmark.

The impact and success of sustainable forest development in indigenous territories should not, however, first and foremost be measured in terms of the amount of income generated but rather in terms of the local organizations' enhanced capacity to promote their defined and desired economic, social and cultural development, and especially their advocacy capacity to defend their rights as a people.

Indigenous peoples' key role in mitigating climate change

A new and strong argument in favour of indigenous territorial rights and sustainable forest management is now on the international agenda: the global concern for climate change. In Nicaragua, as in most countries of Latin America, the main contribution to climate change in terms of CO2 emissions into the atmosphere comes from forest destruction. This means that any national plan to avoid climate change must include sustainable forest management, and a halt to new settlers on indigenous territory and elsewhere burning the forest to convert land to agriculture. It is common knowledge that the forest cannot be protected without close cooperation with the people living there. Indigenous people thus represent the solution, as key actors, to achieving national goals to fight global climate change, if their territorial rights are recognized and respected. In the RAAN, the combination of presenting alternative models for sustainable forest management and putting a stop to new settlements on their territories can now be used in advocacy campaigns as climate change mitigation actions for the common good, as well as concrete measures for the full implementation of indigenous peoples' rights to defend and manage their territories.

The climate change discussion is high on the agenda in the RAAN as communities suffered greatly following Hurricane Felix in 2007, which destroyed most of the forest in the Mayangna and Miskitu territories. As ever stronger and more frequent hurricanes are directly linked to global warming, the importance of taking action in this regard has become clearer to indigenous people as well as governmental authorities.

It is now time to convert this new awareness into constructive plans and agreements between the indigenous authorities and the state, safeguarding indigenous rights and supporting their sustainable forest management. At the international level, laws demanding certification of timber are needed to promote trade in sustainably produced timber, thereby increasing the economic viability of indigenous communities' sustainable timber production. ❑

Notes

1 This article is based on the author's own observations through his involvement in the Nepenthes' project Forestry for the indigenous people in Rosita, Nicaragua. The project was implemented between 2006-2008 with support from the Danish Ministry of Foreign Affairs (DANIDA).

2 The Región Autónoma del Atlántico del Norte (the Autonomous Region of the North Atlantic) is an indigenous autonomous region on the Caribbean/ Atlantic coast of Nicaragua, created in 1987 after years of insurgency against the Sandinista government.

3 More frequent and stronger hurricanes are one of the predicted – and experienced – impacts of global warming and climate change.

4 The Forest Stewardship Council (FSC) is an international certification body represented and co-managed by three membership chambers governing environmental, social and economic aspects. Members of the chambers include civil society organizations and companies. Each chamber enjoys equal votes no matter how many members the chamber has. Inside each chamber, members from North and South also have equal votes in order to protect the FSC from being dominated by special interests.

Nikolaj Bro Moseholm *holds a Masters Degree in International Development from the University of Aalborg, Denmark. He specializes in indigenous peoples' rights in Latin America, and is currently a Project Coordinator and Advisor with the Danish NGO Nepenthes, responsible for projects in Nicaragua and Panama. He can be contacted at: nbm@nepenthes.dk*

IWGIA - INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

IWGIA's aims and activities

The International Work Group for Indigenous Affairs – IWGIA – is a non-profit making, politically independent, international membership organization.

IWGIA co-operates with indigenous peoples all over the world and supports their struggle for human rights and self-determination, their right to control land and resources, their cultural integrity, and their right to development.

The aim of IWGIA is to defend and endorse the rights of indigenous peoples in concurrence with their own efforts and desires. An important goal is to give indigenous peoples the possibility of organising themselves and to open up channels for indigenous peoples' own organizations to claim their rights.

IWGIA works at local, regional and international levels to further the understanding and knowledge of, and the involvement in, the cause of indigenous peoples.

The activities of IWGIA include: publications, international human rights work, networking, conferences, campaigns and projects.

For more information about IWGIA's activities, please check our website at: www.iwgia.org

Publications

IWGIA publishes a yearbook, ***The Indigenous World/El Mundo Indígena***, and a quarterly journal ***Indigenous Affairs/Asuntos Indígenas***. Furthermore, a number of books thematically focussing on indigenous issues are published each year.

IWGIA's publications can be ordered through our web shop at shop.iwgia.org

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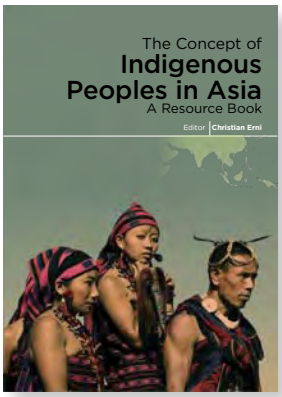

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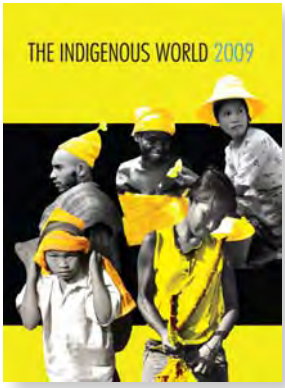

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