

The Palangka Raya Declaration on Deforestation and the Rights of Forest Peoples

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

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

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

- halt the production, trade and consumption of commodities derived from deforestation, land grabs and other violations of the rights of forest peoples
- stop the invasion of forest peoples' lands and forests by agribusiness, extractive industries, infrastructures, energy and green economy projects that deny our fundamental rights
- take immediate and concrete actions to uphold forest peoples' rights at all levels including the right to land, territories and resources, the right to self-determined development and to continue to own, control and manage our lands according to our knowledge and livelihoods.

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

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

Global efforts promoted by agencies like the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation (UNREDD) and the World Bank to address deforestation through market mechanisms are failing, not just because viable markets have not emerged, but because these efforts fail to take account of the multiple values of forests and, despite standards to the contrary, in practice are failing to respect our internationally recognised human rights. Contradictorily, many of these same agencies are promoting the take-over of our peoples' land and territories through their support for imposed development schemes, thereby further undermining national and global initiatives aimed at protecting forests.

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

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

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

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

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

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

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

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

In Paraguay, although there is a regional 'zero deforestation' law in the East of the country, forest loss continues nationally, while in the Chaco region the rate of deforestation is the highest in the world, as soya growers and ranchers take over our peoples' ancestral lands in order to export beef and soy products, creating a particularly serious threat to those indigenous peoples living in voluntary isolation. Many of those involved are politicians, who enjoy impunity. Rural people are increasingly marginalised, while foreign migrants are encouraged by government to take over our lands and forests.

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

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

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

In the process our rights to our lands and ways of life are being violated and our very survival is threatened. We are being forcibly evicted from our lands and forests and our

protests suppressed, often by paramilitary, military and police forces, sometimes paid for by the companies. Land conflicts are proliferating, leading to further violence and even killings on the forest frontier, even between communities.

Many of these industries and land grabs are being imposed without due process, against our will, without respect for our free, prior and informed consent, contrary to the law and through corrupt and collusive practices. Too often bribery and manipulation of those appointed to represent us facilitate these expropriations. Frequently these abuses are justified by our governments as being in the national interest, when they actually undermine good governance and the rule of law as well as global agreements on sustainable development and human rights.

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

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

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

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

We note, with approval, that the international community has affirmed the importance of these rights. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) upholds our rights to our lands, territories and natural resources and for us to manage them through our own institutions. International human rights treaties enshrine our civil, political, economic, social and cultural rights, to non-discrimination, to food security and to traditional occupations and insist on the equal rights of women and the need to protect children.¹

¹ These include International Covenant on Civil & Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; International Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; International Covenant on Economic, Social and Cultural Rights;

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

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

We recognise that in some countries advances have been made to revise Constitutions and adopt new laws that respect the rights of indigenous peoples, reform forest tenures and encourage community based forest management and while many obstacles remain in terms of implementation these cases point the way for other countries to follow

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

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

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

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

International Labor Organization (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries; European (Aarhus) Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters; The African Charter on Human and Peoples Rights and the Latin American, European, and American regional Charters, associated with their own processes and mechanisms; and Conservation on Biological Diversity (CBD) Article 8(j), Article 10 c.

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

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

We therefore make the following recommendations.

Governments and national legislatures must:

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

- Secure the land rights of communities and farmers outside forests, so they are not driven into forests by their poverty and landlessness
- Guarantee our peoples the freedoms and democratic space we are entitled to to express ourselves without intimidation and coercion
- Ensure equality for women and men in all these laws and programmes
- Provide effective access to justice for our communities so we can challenge and get redress for abuses of our rights
- Protect the rights, fundamental freedoms, welfare and security of forest monitors, whistleblowers, activist protectors and protestors
- Ensure free access to journalists and the media to provide information and transparency
- Ensure full transparency and legality in the issuance of all permits and plans for forests and natural resources
- Strengthen anti-corruption efforts to prevent illegality and human rights abuse
- Promote education systems that encourage our younger generations to feel secure in their identities and respectful of the wisdom, beliefs and spirituality of their elders and ancestors.

Developed countries, notably the European Union (EU), and other traders must:

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

International financial institutions must:

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

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

The private sector must:

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

From NGOs we ask that they:

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

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

Climate change negotiations:

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

UN World Conference on Indigenous Peoples (UNWCIP) (September 2014)

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

Post-2015 sustainable development goals

- Secure Indigenous Peoples' and forest peoples' collective rights to our lands, territories, forests and resources
- Protect forest peoples' forest-based economies and livelihoods, traditional subsistence activities and food sovereignty

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