To what extent are current efforts to tackle climate change in line with the Indigenous Peoples Movement?

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3rd September 2012

This dissertation is submitted in partial fulfilment of the requirements for the degree of MA in Understanding and Securing Human Rights of the University of London.

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Word Count: 15,280

Acknowledgements

I am extremely grateful to Dr. Short for his academic guidance and supervision.

Contents.

Contents cont.

4

Glossary of Terms

APA	Amerindians Peoples' Association
COICA	Coordinating Body for National Indigenous Organisations of the Amazon
COP	Conference of Parties
CSO	Civil Society Organisations
DFID	(UK) Department for International Development
EJOLT	Environmental Justice Organisations Liabilities and Trade
EKC	Environmental Kuznets Curve
FCPF	Forest Carbon Partnership Facility
FPP	Forest Peoples Programme
FPIC	Free Prior and Informed Consent
GHG	Greenhouse Gases
IEN	Indigenous Environmental Network
ILO	International Labour Organisation
IPCC	Intergovernmental Panel on Climate Change
ITUC	International Trade Union Federation
REDD+	Reducing Emissions from Deforestation and Forest Degradation
NGO	Non-Governmental Organisation
OHCHR	Office of the High Commissioner of Human Rights
SAP	Structural Adjustment Programme
SDG	Sustainable Development Goals
TEK	Traditional Environmental Knowledge
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UNPFII	United Nations Permanent Forum on Indigenous Issues
WCED	World Commission on Environment and Development

Abstract.

This paper uses the official outcome documents from The Conference on Sustainable Development and The Peoples Summit, both held in Rio de Janeiro in June, to explore the disjuncture between State-centred policies to achieve sustainability and the central tenets of the indigenous peoples movement. The Conference on Sustainable Development outcome document, 'The Future We Want', advocates the adoption of a number of policies that risk infringing upon indigenous rights to land, resources and self-determination, amongst others. The explicit reference to Reducing Emissions from Deforestation and Forest Degradation (REDD+) poses a high risk of usurping indigenous communities from their lands. The 'Future We Want' fails to adequately safeguard indigenous procedural rights and rights to Free, Prior and Informed Consent (FCIP), and thus denies indigenous peoples adequate recognition or involvement. The neo-liberal capitalist agenda, propagated by the document, includes an emphasis on economic growth, free trade and a reliance on market mechanisms. This model is fundamentally incompatible with sustainability and, as 'Kari-Oca II' argues, is in fact, the driving force behind the current environmental and climatic crisis. Indigenous peoples oppose the reliance on the carbon market and the commodification of nature, themes presently endorsed by nation states. What 'Kari-Oca II' proposes are solutions based on respect for Mother Earth, the recognition of indigenous rights and a need to tackle the structural causes of climate change. This paper concludes by arguing, through neglecting to adequately safeguard indigenous peoples, and by failing to determinedly address the root causes of climate change, 'The Future We Want' is likely to commit indigenous peoples, and ultimately non-indigenous peoples alike, to a future of human rights abuses. The paper recommends the implementation of mandatory and comprehensive impact assessments, prior to the adoption climate change mitigation strategies.

1. Introduction

On the 20th June 2012, delegates from nation states the world over convened in Rio de Janeiro, Brazil, for the United Nations (UN) Conference on Sustainable Development (UNCSD), otherwise known as Rio+20. There they debated the path to a sustainable future, made plans to solve the global climate change crisis and vowed to push forward a global agenda of ensuring environmental equity for all. The result was the document, 'The Future We Want' (2010), 238 paragraphs delineating a global order designed to protect the environment, solve global poverty and provide just and equitable growth. Just a few miles away, thousands of indigenous peoples, forest dependent communities and social justice organisations met to discuss and denounce the state sponsored neo-liberal market based solutions, which were being proffered at Rio+20. Delegates at the Peoples Summit instead offered an alternative future, one where the rights of indigenous peoples and mother earth are respected, and where humans and the environment can survive in harmony. These alternative proposals were enshrined in the Peoples Summit outcome document, 'Kari-Oca II' (2012).

The Peoples Summit forms part of an indigenous environmental movement, which argues that current international efforts to curb climate change and protect the environment are insufficient and misguided. 'Kari-Oca II' (2012) rejects a number of policies and practices that have been proposed, and in many cases already implemented, by the international community. These rejections reflect a wider set of attitudes and beliefs based on respect for indigenous rights, the rights of Mother Earth and a rebuttal of the capitalist model of continual economic growth, all of which are integral to the survival of indigenous peoples. By analysing the disjuncture between the proposals laid down in the two summits the paper will seek to answer the question; 'to what extent are current efforts to tackle climate change in line with the indigenous peoples movement?'

In order to answer the main research question above, a number of sub-questions must be addressed. The paper will seek to assess the extent to which proposals laid down in 'The Future We Want' (2012), risk infringing upon indigenous peoples rights. The paper will also document the indigenous alternatives proposed, and the reasoning

behind their creation. It will ascertain the extent to which, through a failure to adequately address climate change, Rio+20 commits the world to a future of human rights abuses. 'The Future We Want' (2012) document, is extensive and as such it is beyond the scope of this paper to comment on all of the elements that may impact on indigenous peoples. Instead, the most pressing issues, specifically those that were rejected at the Peoples Summit, have been addressed.

Environmental issues have a direct impact on human rights. This due to the fact that, as Barry and Woods (2009) state, humans are 'ecologically embedded beings' (p.317). Because of humanities dependence on the natural environment and its resources, environmental degradation and climate change can often impact negatively on the enjoyment of civil, political, economic, social and cultural rights (as laid out in the ICCPR (1966) and ICESCR (1966)). United Nations (UN) resolution (UNGA 10/4, 2009) stated that climate change has a direct and indirect impact on the enjoyment of human rights. Environmental politics has moved away from a narrow eco-authoritarian viewpoint (Barry and Woods, 2009) and thus now incorporates elements of social, cultural and economic justice and human rights. These developments were assisted by the concept of intergenerational justice (Barry and Woods, 2009), which asserts that we have a duty to protect the rights of future generations.

Humans are irreversibly distorting the way in which the planet functions, with potentially disastrous consequences. The release of global greenhouse gases (GHGs) causes increased atmospheric temperatures, which in turn causes dangerous shifts in weather and ecosystem patterns. The Fifth Global Environmental Outlook (2012) report commissioned by the United Nations Environment Programme (UNEP) prior to Rio+20, provides evidence that major ecosystem thresholds have already been exceeded and irreversible changes to life support systems are likely to occur. These changes could have catastrophic consequences for the human race. Finding a pathway to a sustainable future is therefore of paramount importance.

The search for a pattern of sustainable resource use, which will have a limited environmental impact, has been on the global agenda for decades. The environmental justice movement has succeeded in planting these issues firmly within the international governance agenda. Emerging alongside this movement was a network

8

of concerned indigenous communities. This movement began locally, mobilising to protect land and resources from commercial activity and development projects. Driven by their concern of the resource use, consumption and pollution of mainstream society, indigenous organisations began collaborating internationally. Indigenous representatives and rights organisations are now major players in the global arena with forums within the United Nations (UN) now in existence, which are dedicated to the attainment of indigenous rights. The United Nations Declaration on the Rights of Indigenous Peoples (DRIP, 2007) recognises indigenous rights to existence, self-determination, cultural and social practices and Free, Prior and Informed Consent (FPIC) and explicitly supports the role of indigenous peoples in the development of climate change strategies.

Indigenous peoples have inhabited their lands since time immemorial and live in some of the most ecologically sensitive areas in the world (Schenin, 2005). Their cultural, social and spiritual practices are based on a relationship built on respect for their natural surroundings, making them arguably the most sustainable communities in the world. This makes their involvement in the global environmental arena pivotal to abating climate change.

To date, climate change has been the focus of several indigenous peoples conferences. The 'UN Permanent Forum on Indigenous Issues' (UNPFII) made climate change the central theme at its 2008 forum. The 'Inuit Circumpolar Conference' (ICC) and the 'Indigenous Peoples Global Summit on Climate Change' in Bolivia, both in 2009 brought together indigenous peoples from around the world to discus climate change. However, the inclusion of the indigenous peoples movement in official state-centred sustainability negotiations has been hard fought, and remains a major obstacle. This is evident by the very notion that indigenous peoples were forced to organise the Peoples Summit to run alongside Rio+20.

This paper begins by exploring current discourse relating to indigenous peoples rights, the climate change agenda and forest governance in order to put into context the recent events of June 2012. The paper initially explores Rio+20 and its outcome document 'The Future We Want' (2012) and its general weaknesses in relation to climate change mitigation. It will then move on to expose the disjuncture between the

9

formal state negotiations at Rio+20 and the Peoples Summit and their related texts, seeking to highlight the significance of both.

Chapter two examines the proposals for a green economy with particular emphasis on the policies of avoided deforestation in the form of Reducing Emissions From Deforestation and Forest Degradation (REDD+).[1] It highlights the reasons for indigenous scepticism towards REDD+ policies and, largely as a result of insecure land rights, explains how its inclusion in 'The Future We Want' (2012) risks heightening the level of indigenous rights abuses. The aim of chapter three is to investigate the neoliberal capitalist model that dominates 'The Future We Want' by exploring indigenous discontent regarding the inclusion of policies to advance economic growth, free trade, a reliance on market mechanisms and the commodification of nature.

The paper will then move on to explore the ways in which 'The Future We Want' (2012) lacks the necessary safeguards to ensure indigenous rights are respected, including the omission of the right to Free, Prior and Informed Consent (FPIC) and procedural rights. It investigates the ways in which indigenous peoples have been denied access to participate in the design of an international climate change agenda. The paper concludes by arguing that a number of proposals laid down in 'The Future We Want' risk worsening the abuse of indigenous rights to self-determination, land and resources and furthers the colonisation and thus homogenisation of indigenous peoples and their culture. It makes the case that indigenous peoples, as the only truly sustainable communities on the planet, hold the key to preventing global climatic catastrophe, the solutions to which are consolidated in the indigenous peoples movement and its related declarations.

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[1] REDD stands for 'Reducing Emissions from Deforestation and Forest Degradation'. REDD+ extends REDD to include; sustainable forest management, conservation of forests and the enhancement of carbon sinks.

2. Contribution and Engagement

In order to evaluate the impact that proposals to mitigate climate change, protect forests and achieve sustainability, as laid down at Rio+20, will have on indigenous communities it is necessary to explore the discourse on a number of themes. This chapter will look at the evolution of, and current adherence to, indigenous peoples human rights. The paper will then review the emergence of an international climate change regime, before moving on to focus on deforestation and the literature on forest governance. The emergence of a green economy and avoided deforestation policies will then be investigated within the parameters of indigenous peoples rights and their role in the environmental movement.

2.1 Indigenous Peoples Rights

The UN Permanent Forum on Indigenous Issues (UNPFII) has estimated that there are 350-370 million indigenous peoples spread across the globe (UNPFII, 2008). Schenin (2005) identifies several characteristics of indigenous peoples; they are distinctive from the national society, are connected to their land through their history, culture, spirituality and economy, have inhabited their land since 'time immemorial' and lastly face political, economic, social and cultural subordination.[2] Indigenous peoples are amongst the most marginalised and vulnerable peoples in the world and routinely face denial of their most basic human rights. Havemann (2009) argues that there are two main reasons for ambivalence to Indigenous peoples rights. Indigenous peoples were denied legal personality during (and since) European colonisation because of cultural, political and economic differences. The denial of indigenous rights also stems from the fact that the current human rights regime is based on a liberal individualism and thus often fails to promote the group rights of indigenous peoples (Havemann 2009). States have been reluctant to grant indigenous peoples the right to self-determination and existence through fear it would challenge state

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[2] See Martinez-Cobo, J. (1986) definition of indigenous peoples. This is the most widely accepted definition, although a definitive definition has been refuted as it is widely accepted that self-identification is an integral part of defining who is, and who is not an indigenous person.

11

sovereignty and stability. This continued denial of rights is, as Macchi et al (2008) argues, a result of the persistent ideology of colonialism.

The right to self-determination is enshrined in all major human rights treaties, but has been denied to indigenous peoples due to the salt-water thesis.[3] International Labour Organisations (ILO) Convention 169 (1989) firmly placed indigenous rights within international human rights legislation. It was not however until 2007, that Indigenous Peoples were granted their rights in and of themselves. This came when the UN General Assembly (UNGA) adopted the United Nations Declaration on the Rights of Indigenous Peoples (DRIP, 2007). The declaration recognised indigenous rights to self-determination, land, and cultural practices and to free prior and informed consent (FPIC) amongst others. However, as Thornberry (2002) concludes, these rights have considerable symbolic standing but yield little actual benefit for indigenous communities.

Because indigenous peoples have a uniquely close relationship to nature and their environment and because their spiritual, cultural and economic practices are intrinsically linked with mother earth, environmental degradation and the effects of climate change disproportionately affect indigenous peoples. This is furthered by the fact that indigenous peoples already live in environmentally sensitive areas and are the victims of marginalisation and discrimination. Concern regarding the impact of climate change on indigenous peoples has gained momentum in recent years. In 2008 the UN Human Rights Council (UNHRC) sent a request to the Office for the High Commissioner of Human Rights (OHCHR), for a study into the effects of global climate change on indigenous peoples. The report provided clear evidence that the people most vulnerable to widespread climate change are those who are directly dependent on the environment and those who live in environmentally sensitive areas, in other words, indigenous and forest dependent communities (Milhar, 2008). The ICHRP report (2008) forms part of a growing body of literature on climate change and its affect on indigenous peoples, including but not limited to, the work of Gerrard (2008), Havemann (2002, 2009), Kronik and Verner (2010), Macchi et al (2008), Nepstad et al (2010) and Salick and Byg (2007). Like other literature, the ICHRP

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[3] This is idea that self-determination may only be granted to groups of peoples who have a substantial body of water between them and their colonisers. The idea was championed by the U.S and arose as a result of UN Resolution 637 (1989).

report (ICHRP, 2008) failed to consider the negative affects of policies designed to mitigate climate change. Few works exist and little is known, of the unintended negative consequences of climate change mitigation policies, for example, avoided deforestation.

Indigenous rights have received recognition within the parameters of the international environmental movement. The 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, marked the greatest inclusion of indigenous rights. The importance of indigenous traditional environmental knowledge (TEK) and the role indigenous peoples play in conservation was included in the conferences outcome instruments; The Rio Deceleration on Environment and Development, Agenda 21, the Statement on Forest Principles and the UN Convention on Biodiversity. There are however, important instruments pertaining to climate change that ignore the important role of indigenous peoples. The United Nations Framework Convention on Climate Change (UNFCCC) for example makes no mention of indigenous peoples.

2.2 Climate Change

Before we go further it is necessary to explore the emergence of a global climate change agenda. Climate change, although a naturally occurring phenomena, is dramatically accelerated by the emission of global greenhouse gases (GHG) into the atmosphere. This process causes the planet to warm, resulting in widespread ecological change such as rising sea levels, desertification, loss of biodiversity and the destruction of agricultural land amongst others. Until the middle of the twentieth century GHG emissions were the result of deforestation in the northern hemisphere and the burning of fossil fuels, both of which were the result of economic growth in Europe and North America (Anderson, 2009). The burning of fossil fuels by the global north is still the major contributor to GHG emissions, but the focus of forest loss has moved to the south and to the tropics.

There is a body of literature on the way in which environmental degradation and climate change results in the denial of human rights, especially in the context of the denial to human security. Martinez – Alier (2003) arguments on the environmentalism of the poor, explain how development projects and resource extraction mean that 'the poor often find themselves fighting for resource conservation and a clean environment

13

even when they do not claim to be environmentalists' (p.201). Climate change has had disastrous effects on the homes, livelihoods and security of people all over the world. The affect has been so devastating that the number of environmental refugees now outnumbers those from wars (Barry and Woods 2009 p.329).

2.3 The Environmental Movement

It has taken decades for the international community to accept and begin to address climate change. Environmental issues such as biodiversity loss, deforestation and global warming became a concern amongst scientists and the public in the 1970s (Black, 2007). The UN held Conference on the Human Environment in Stockholm in 1972, earmarked for the first time, environment and human-well being as being intertwined (Havemann, 2002). Despite the growth of concern regarding environmental degradation throughout the 1970s, few had sought to publish work on the issue. Barbara Ward, in works such as 'Only One Earth', was one of the few scholars who linked the environment with development issues and world poverty (Ward, 1972). Two of the most significant works of the 1970s were 'Blueprints for Survival' by the Ecologist (1972) and 'Limits to Growth' by the Club of Rome (1972). These highlighted the disastrous path that economic globalisation and resource consumption was having on the planet. They turned out to be greatly exaggerated and biased against the poor, but did however; help to place environmental consciousness on the agenda (Black, 2007).

In 1987 the World Commission on Environment and Development (WCED) called for The Brundtland Commission to create a strategy that would integrate development with environmental issues, the result was 'sustainable development.' (Barry and Woods, 2009, p.317). The Brundtland Commission, in its report 'Our Common Future' (1987) made the argument that poverty and population growth was not the direct cause of environmental harm and that sustainable development was the only alternative (Black, 2007). Sustainable development is a normative concept that can be defined as 'development that meets the needs to the present without compromising the ability of future generations to meet their own needs' (WCED, 1987 p.317). The report (WCED, 1987) made specific reference to the important role indigenous peoples play in sustainable development and advocated 'the recognition and protection of native cultures, traditional rights to land and the other resources that

14

sustain their way of life – rights they may define in terms that do not fit into standard legal systems' (Collinson,1996 p.34). The report ultimately laid the path for the first Conference on Environment and Development in Rio de Janeiro, Brazil in 1992 (otherwise known as the Earth Summit). Sustainable development has been an integral concept within the discourse and policy of development and poverty alleviation since the Earth Summit and has often been seen as a way of 'greening growth' and of recognising the need to evaluate the environmental consequences of our economic activities (Barry, 2004).

The result of the Earth Summit was a set of legally and non-legally binding treaties on biodiversity, pollution and climate change. However, as Havemann (2009, p.271) explains, it was not until late 2007 that the majority of nation states had accepted that human activity was adversely affecting the climate. Overwhelming evidence for this was given in the fourth report to the United Nations Intergovernmental Panel on Climate Change (IPCC, 2007).

A century of environmentally destructive behaviour by the global north is now having an adverse affect on the ecosystems, and thus the livelihoods and security of peoples of the global south. An 'ecological footprint analysis' shows how rich countries externalise and displace their environmental destruction onto others. Dryzek (1987) describes this behaviour not as a 'problem solution' but as a 'problem displacement' and has led to some, like Simms (2005), to infer that the north 'owes' the south and so thus the term 'ecological debt' has been coined. This acceptance has had a profound impact on some climate change mitigation policies, as we shall see when we come to look at the politics of avoided deforestation.

The understanding that economic globalisation has had a dangerous affect on the planets ecosystems, is now generally accepted. This has not however, been without contestation. Some researchers made a case for the overall benefits of economic globalisation, arguing that, 'environmental damage starts to decrease as a country becomes rich enough', a theory otherwise known as the Environmental Kuznets Curve (EKC) (Anderson and Lindbroth, 2001 p.113). However, the benefits that the EKC suggests do not hold for the total ecological impact but only for a small number of environmental pollutants (Barry 2004) and is thus misguiding.

15

2.4 Deforestation

Deforestation plays an important role in climate change due to the amount of carbon stored in biomass, for example, tropical forests contain approximately 60 percent of the carbon stored in the biosphere (Anderson, 2009 p.19). Deforestation currently contributes to around 20 percent of GHG emissions (Sabine et al 2004, Streck and Scholz 2006, cited in Anderson, 2009 p.19). Not only is the preservation of tropical forests integral to the survival of biodiversity, as was reinforced by the findings of Miles et al (2004), but as was shown by the work of Jackson et al (2008), preserving tropical forests is more beneficial to the climate compared to the preservation of other ecosystems. Despite this understanding, the relationship between climate change and forests, as Bonan (2008) argues, is poorly understood and complex.

The important role forests play in climate change became a part of international scientific and political discussions in the mid 1980s (Seymour, 2008). This recognition is reflected in the emergence of an international forestry regime, echoed in institutions and agreements such as the UN Forum on Forests, the International Tropical Timber Organisation and the 2007 non-legally binding Instrument on all Types of Forest.

It has long been argued that deforestation and forest degradation has been a result of poor and insecure forest tenure (Southgate and Runge 1990; Brown and Pearce 1994; Kaimowitz and Angelsen 1990, cited in Sunderlin et al 2009 p.167*).* In order to further understand the difficulties that arise in forest conservation we must thus undertake an analysis of the discourse surrounding forest governance.

2.5 Forests Governance

Humphries (2008) argues that there are 3 main claims to forests; the strongest is that the state owns the forest, as was reinforced in the 1992 Forest Principles (1992, Para 1a). The second claim is that forests are a global resource and that all people have an interest and a right to them. The third claim is from indigenous and forest dependent peoples who claim traditional tenure rights. As Ellsworth and White (2004) and Fitzpatrick (2006) (Cited in Hatcher, 2009) argue the reality of current forest governance is that it involves a great deal of contestation between the state and between the people.

16

Scholars such as Peluso and Vandergeest (2001) make the argument that current forest governance, especially in tropical areas, reflects policies reminiscent from colonialism (Cited in Seymour, 2008 p.7). During this period the state refused to recognise claims by forest dependent communities that the land was their own. This is reflected today in the way in which states claim ownership of forested areas and exploit these areas for resources. Peluso and Vandergeest (2001) describe that

'...*The dominant pattern of government intervention has been one of increasing central control over forest resources, the denial of access to forest resources by groups that have traditionally or historically depended on them, and control over trade in (and thus the ability to benefit from) forest species and products'* (cited in Menzies, 2007, p6).

Sunderlin et al (2008) argues that the state continues to claim ownership and control over forested areas, despite the state being unable to exercise effective management of the forest. A review in 2008 of forest governance by Argawal et al (2008) concluded with three trends. Firstly, there is a decentralisation of forest management, secondly, control is increasingly exerted by private companies and thirdly, forests are increasingly being seen as a market mechanism (Argawal et al, 2008 p.1460). Kanninen et al (2007) argues that the eviction of people from and subsequent destruction of forests is often the result of large-scale commercial activities and economically led initiatives that come with the implicit or explicit backing of the state. The use of forceful measures to control forest use is a part of the history of many states and continues today. The control of, and eviction of people from forests constitutes a denial of civil and political rights and economic and social rights and this is reflected in discourse by Peluso (1993), Alcorn and Royo (2007) and Colchester (2006).

Current international human rights standards pertaining to indigenous peoples explicitly recognise the right to 'own, control, use and peacefully enjoy their lands, territories and other resources' and 'be secure in their means of subsistence' (DRIP, 2007, 20.1) Despite this legal recognition indigenous rights to land have been, and continue to be, denied (Coalition, 2006, Griffiths, 2007). Colcehster (2007) asserts that there is great disconnect between rights that are enshrined in international and domestic law and past and current practice in the forestry sector. Despite the right to

Free Prior and Informed Consent (FPIC) being enshrined in DRIPs (2007) and ILO 169 (1989), it is one of the most frequently usurped rights.

Forest dependent communities have faced eviction from their lands, not only as a result of commercial activities, but also through policies designed to preserve these habitats. The conservation of tropical forests and the demarcation of protected areas, has led to the forcible removal of people from their homelands. Seymour (2008) and Dowie (2011) provide overwhelming evidence of conservationists aligning themselves with law enforcement authorities to evict people from their lands, in order to 'protect' forests and national parks from degradation. This further backs the argument that in many areas current forest governance policies are unable to ensure that human rights standards are adhered to (Seymour 2008).

2.6 The Green Economy

The Stern Review, commissioned by the Government of the United Kingdom and published in 2006, drew attention to the importance of forests in climate change mitigation, and made a number of proposals that had a major impact on the development of climate change mitigation policy. The Stern Review (2006) explained that 20% of GHG emissions were due to land use change and as such, the curbing of non-energy emissions in the form of deforestation, was a strategy for mitigating climate change. The review put forward an economic case for avoided deforestation, arguing that it was 'highly cost effective' (Stern, 2006, XXV). The result of the Stern Review was the adoption of the green economy by the international community.

It has become generally accepted amongst the international community that deforestation can be mitigated at a reasonably low financial cost. In 2007 it was estimated that emissions from deforestation could be avoided at a cost of US $100 per ton of Co2 (IPCC WGIII 2007, p.14). Jackson et al (2008) argues that 'Avoided deforestation, forest restoration, and afforestation in the tropics provides the greatest value for slowing climate change. Tropical forests combine rapid rates of carbon stores with biophysical effects that are beneficial in many settings, including greater collective rainfall' (Cited in Anderson, 2009 p.20).

This contributes to the vast literature recognising that the protection of forests, in particular tropical forests, is one the best ways in which to curb climate change.

18

Ecological literature highlights the importance of forests in slowing climate change and is backed by important work in economic discourse, which makes the argument that preserving forests is one of the most cost effective ways of tackling the global crises (Anderson, 2009). The 2008 draft for the Union of Concerned Scientists argued that 'half of the worlds emissions from deforestation can be reduced at a third of the current market price for carbon' (Cited in Anderson, 2009 p. 20-21). Anderson (2009) argues that it is generally accepted that the cost of reducing deforestation, is less than that of reducing emissions from fossil fuels, despite there being discrepancies amongst economists.

Early efforts to integrate deforestation into global climate change treaties proved challenging due to technical and accounting difficulties (Canadall and Rapauch 2008). Environmental NGOs opposed the inclusion of forests through fear that it would avoid addressing the issue of northern dependence on fossil fuels. Tropical countries then echoed this, when they argued it was 'developed' countries that needed to reduce their emissions (Anderson, 2009). In 2005 the Coalition of Rainforest Nations made a submission to the UNFCCC, requesting the integration of an avoided deforestation mechanism, providing that it did not infringe upon national sovereignty (Gullison et al, 2007). This signified a move to accept proposals for payments for avoided deforestation. The emergence of a global avoided deforestation agenda has manifested itself in the design of policies such as Reducing Emissions from Avoided Deforestation and Forest Degradation (REDD+). REDD+ now forms a major part of the green economy. A substantial body of contemporary discourse has been critical of REDD+ proposals. It has been argued that REDD+ risks exacerbating land tenure disputes, that it 'excuses' major emitters from curbing their GHGs and risks flooding the carbon market with cheap carbon credits. Humphreys (2006) has argued that whilst these principles underpin avoided deforestation mechanisms, they are bound to fail.

The emergence of the Coalition of Rainforest Nations showed a renewed call for 'common but differentiated responsibilities', which argued that the burden of forest conservation lay with the north as well as the south (Humphries, 2006). The development of an avoided deforestation agenda can however, be seen to fit into wider political and economic discourse that highlights the need for the redistribution of global wealth and resources. (Humphries, 2006)

19

2.7 Indigenous Peoples and Forests

There is a body of literature on the role of indigenous peoples as environmental custodians and protectors of the forests. Studies at the turn of the century initially suggested that indigenous communities' ability to preserve forests was weakened as they grew in numbers and began to integrate with the mainstream market based society (Terborgh, 2000; Redford and Sanderson, 2000). However, as Kothari (2008) argues, recent studies have begun to recognise the integral role that indigenous people play in protecting forests. A report in 2005 by Ferreira et al (cited in Anderson, 2009 pp.21) provided evidence that deforestation and forest degradation was up to 20 times less likely in areas inhabited by indigenous peoples or in officially protected areas. Work by Nepstad et al (2006) made two important contributions. The authors argued that, contrary to earlier work by Terborgh (2000), indigenous peoples can have a place in the dominant society and maintain protection of the forest, and that where deforestation does occur, it is largely the result of external encroachment on indigenous land. Anderson (2009) has since made the argument that deforestation and forest degradation, is least likely to occur if indigenous peoples are successful in obtaining legal recognition of their land and in enforcing legal restriction to forest exploitation. There is now a consensus within discourse that indigenous lands are effective in curbing deforestation and that as Anderson (2009) sums up '…indigenous peoples can be the most effective stewards of the rainforest' (p.21).

Nation states have dominated global attempts to address climate change and as a result indigenous avenues for participation have been weak. As a result of this, the last decade has seen a growth in the activism of indigenous groups. Indigenous communities have been consolidating their position on current climate change mitigation strategies and voicing their concerns at UNFCCC conferences, avenues of the UN Permanent Forum on Indigenous Issues (UNPFII) and through such events as the Indigenous Peoples Global Summit on Climate Change in April 2009 (Gerrard, 2008). Indigenous people have raised concerns over the market-based approach of mechanisms such as the Kyoto Protocol. The move to a 'green economy', which includes such initiatives as genetically modified organisms, agribusiness and the privatisation of water, will undoubtedly have a marked impact on indigenous peoples and their livelihoods. As Gerrard (2008) highlights, this is no less the case than with policies to reduce GHGs, such as REDD+. Gerrard (2008) argues that excluding

20

indigenous peoples from the design and implementation of such initiatives 'risks limiting the long-term effectiveness of climate change mitigation and adaption strategies (P. 952).

2.8 Contribution

As previously mentioned, there is now a wide body of literature exploring the way in which climate change will impact upon indigenous peoples rights. Much less work exists on the way in which policies to mitigate climate change and environmental degradation may impact upon indigenous peoples. The work that does exist is largely the result of NGO investigations and grassroots reports from concerned parties. Additionally few works investigate indigenous alternatives to global environmental governance and climate change mitigation strategies. In 2002 Paul Havemann conducted an investigation into the impact of the World Conference on Sustainable Development on indigenous peoples rights. The paper was titled, 'The Miners Canary: Indigenous Peoples and Sustainable Development in the Commonwealth' (2002). Ten years later this June, we saw world leaders gather once again to attempt to carve a pathway to a sustainable future. As of yet analysis of the World Conference on Sustainable Development in 2012 (Rio+20), in particular the effect this poses for indigenous peoples, is limited. What is also missing from discourse is an evaluation of the alternative proposals put forward by the Peoples Summit. What this paper will seek to do is investigate the impacts on indigenous peoples of the proposals laid down in 'The Future We Want'. It will seek to consolidate, by looking at indigenous opposition to these proposals, the position taken by indigenous peoples. By answering the main research question this paper will be contributing to the literature already available.

2.9 Methodology

My research initially involved the exploration of secondary material relating to my topic choice. This was achieved by searching major academic journals and libraries for peer reviewed material. My research methods then involved the analysis of the official outcome documents produced at Rio+20 and The Peoples Summit. Finally, a detailed exploration of media sources and grey material, including NGO press releases, working papers and commentaries provided me with up to date accounts of the events at Rio de Janeiro in June, 2012. Due to the broad subject matter I felt it

necessary to focus my research through journals that stretch far and wide, as opposed to focusing on interviewees with one particular entry point.

Limitations

It was not possible to discuss all elements of 'The Future We Want' document, due to limitations in the scope of this paper.

3: 'The Future We Want' Versus 'Kari-Oca II'

This chapter looks at the Conference on Sustainable Development, the context in which it took place, and the official outcome document 'The Future We Want' (2012). It examines the importance of the conference and its strengths and weaknesses with regards to climate change mitigation and the protection of indigenous peoples' rights. This chapter will explore the main objections to Rio+20 and its outcome document made by civil society organisations (CSOs). It will compare the formal state-orientated Conference with the Indigenous Peoples Summit, and its relative outcome document and place them within the wider grassroots movement, led by CSOs, which had been mobilised to realise an alternative vision of sustainable development.

3.1 Rio+20 and 'The Future We Want'

The World Summit on Sustainable Development, or Rio+20 as it has become otherwise known, took place in Rio de Janeiro from 20-22nd June, 2012. Here 40,000 environmentalists met with 10,000 government officials, representing over 190 nations. This made Rio+20 the largest global conference to be organised by the United Nations (UN). Given the severity of the current global climatic crisis the importance of the conference is unparalleled in history. Secretary General of the UN, Ban Ki Moon stated prior to the conference;

> "*Our hopes for future prosperity, health and stability, rest on finding a path that integrates the economic, social and environmental pillars of development. Agreeing on that roadmap is what Rio+20 is about. Sustainable development is an idea whose time has come. It is the future we want.*" (Ki-Moon, 2012)

Here Ban Ki-Moon noted how the main theme of the conference was the need to enshrine a path to a sustainable future. Unlike its predecessor, the 'Conference on Environment and Development' in 1992, Rio+20 did not produce a set of legally binding conventions. Its task was to address the challenges over the last two decades and to agree on a path forward. This path, as agreed on by nation states from around the world, is laid down in the outcome document, 'The Future We Want' (2012). The document makes some important reaffirmations when it restates that 'climate change

23

is one of the greatest challenges of our time' and conveys 'alarm that emissions of greenhouse gases continue to rise globally' (The Future We Want, 2012, Para 190). It also acknowledges the importance that indigenous peoples and local communities make to the conservation and sustainable use of biodiversity, and regularly makes commitments to respect traditional knowledge and cultures. It also explicitly references the UN Declaration on the Rights of Indigenous Peoples (DRIP, 2007).

'The Future We Want' (2012) is not a legally binding document, nor does it make any binding commitments. It does, however, operate as a set of guiding principles and a blueprint for action. Considering the magnitude of the conference and the number of delegates that participated in the creation of the document, it can be safely assumed that politicians, businessmen and policy makers alike will look to the document as a guide for good practice and as a tool book for the implementation of sustainable development.

Organisations representing all sectors of society, from women's groups and environmental networks, to trade unions and indigenous non-governmental organisations (NGOs), have expressed profound disappointment regarding many aspects of Rio+20. For many, Rio +20 was a marked failure. As the International Trade Union Confederation (ITUC, 22 July 2012) describes, Rio+ 20 was a 'huge missed opportunity to ensure ecology, equity and economy are integrated and international action agreed.'

The lack of access that civil society groups had to Rio+20, and their subsequent lack of acknowledgement in the outcome document, has been a major complaint of the proceedings. Action-Aid International (Tahir, 21 June 2012) argues that '…ordinary peoples perspectives, concerns, issues, and views are simply outweighed by the politics of aid/finances, conditionality's and subsidies.' Despite international and national human rights bodies recognising environmental destruction as a cause of human rights abuses, the 'right to a healthy environment' (as enshrined in UNGA Resolution 45/94, 1990) was neglected from all aspects of Rio+20, severely undermining the possibility of the conference adopting a rights based approach. Furthermore, attention to the numerous issues that affect indigenous peoples in relation to the environment and development were excluded. For example, there is no reference to the extractive industries that routinely cause widespread environmental

destruction and result in the usurping of indigenous peoples from their land (Tahir, 2012).

Due to the differing agendas of nation states, the adoption of Sustainable Development Goals (SDG)[4], and the evaluation of institutions designed to address global environmental governance, was postponed until a later date. Dominating Rio+20 was the preoccupation of nation states with national economic expansion. This inability to determinedly confront the crises of sustainability was, as the Forest People Programme (2012) argues a result of 'the incapacity of national governments to detach from dominant growth orientated paradigms' (p.2).

Perhaps one of the greatest disappointments regards the language of the outcome document. Only seven paragraphs of the document opened with 'we commit', whereas the non-committal phrase 'we encourage' opened 50 paragraphs. Voluntary commitments dominate 'The Future We Want' (2012), while binding targets are few and far between. The weak, hesitant language of the document can be said to reflect global leaders reticence towards implementing effective sustainability programmes.

The case can be made that Rio+20, has in fact regressed on the commitments made twenty years earlier in 1992 at the first Earth Summit. Here steps were taken to achieve sustainable development in non-binding agreements in the form of 'Agenda 21'(1992)[5]. In addition, the UNFCCC took bold steps to curb pollution, internalise externalities and put in place environmental safeguards. 'The Future We Want' (2012) talks of pollution reduction, not prevention, and removes any mention of externalised socio-economic costs. The precautionary principle, which holds that development projects, which impact on cultural and biological diversity should be carefully re-evaluated, was included in the 1992 Earth Summit. At Rio+20 this commitment has been denigrated to the weak 'precautionary approach'[6], and is a

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[4] Sustainable Development Goals (SDG) are intended to replace the Millennium Development Goals (MDG) when they expire in 2015, with the aim of creating a more comprehensive sustainability framework. It was hoped that policy makers at Rio+20 would succeed in defining and setting targets for the SDGs.
[5] Agenda 21 is a non-binding action plan towards sustainable development. It was commissioned by the UN Conference on Environment and Development and provides best practice guides for the UN, International Organisations and governments.
[6] 'Principle' denotes a fundamental law or truth, whereas 'approach' implies there are other options and is thus deemed to be a weaker term.

25

prime example of how principles and commitments made two decades ago have been weakened and degraded (The Future We Want, 2012 Para 167).

3 .2 The Peoples Summit and Kari-Oca II

The Peoples Summit was the parallel opposition movement to Rio+20. Delegates from around the world representing indigenous and forest-dependent communities and small-scale farmers, met to discuss the global climate crisis, the current model of development and potential paths towards sustainable development[7]. Participants demanded increased respect for the role indigenous peoples' play in environmental protection and denounced the dominance of market-based, economic approaches towards the environment and development. After eight days of discussions the Summit came to a close with 500 indigenous representatives from around the world signing the 'Kari-Oca II Declaration' (2012). The declaration epitomises indigenous perspectives on the current global climatic crisis and offers solutions to it.

 As well as delegates meeting at the site of the signing of the 'Kari-Oca II' declaration, indigenous organisations met in the Campamento Tiera Libre y Vida Plena, outside of Rio+20, to demand the recognition of indigenous rights. Over 200 indigenous representatives participated in the 'Indigenous Peoples International Conference on Sustainable Development and Self-determination'. Here threats to indigenous self-determination due to current development models were explored, as well as alternative options to current economic and social outlooks, such as the indigenous concept of *Buen Vivir* or 'living well'.

A number of other important declarations emerged from within the indigenous Peoples Summit and reaffirm the commitments made in 'Kari-Oca II' (2012). These include 'The Final Statement of the Global Conference of Indigenous Peoples on Self-determination and Sustainable Development' (2012), 'The Final Declaration of the Peoples Summit for Social and Environmental Justice in Defence of the Commons' (2012), and 'The Declaration of the Campamento Tierra Libre y Vida Plena' (2012). Together they consolidate the indigenous position regarding sustainable development.

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[7] Participants in the conference took part in a number of discussions around such topics as; food sovereignty, access to energy, agroecology, democratisation of common goods, social and cultural rights, international financial taxation and reform of the United Nations.

The Peoples Summit is the latest in a series of actions taken by indigenous peoples demanding that the international community respect indigenous rights and include indigenous peoples in global environmental management. Indigenous peoples adopted the first Kari-Oca[8] declaration (1992) in response to their exclusion from formal intergovernmental discussions at the Earth Summit in 1992. The 'Kari-Oca' declaration, or Earth Charter was signed by 700 indigenous representatives and expresses indigenous visions for a sustainable future. The main components of the declaration promote indigenous rights to self-determination, to land and resources, and argue that a healthy and respectful relationship with Mother Earth is a precondition for a sustainable future. 'Kari-Oca II' (2012) acknowledges its importance when it states;

> *'The Kari-Oca Conference and the mobilization of Indigenous Peoples around the first UN Earth Summit, marked a big step forward for an international movement for Indigenous Peoples' rights and the important role that indigenous peoples play in conservation and sustainable development.'*

Havemann (2002) argues that the alternative Earth Summit and its declaration, 'Kari-Oca I', had a marked positive influence on the outcome of the UN Conference on Environment and Development, after which an 'international legal framework was established which recognise[d] the unique relationship indigenous people have with their traditional lands' (Havemann, 2002, p.5). Havemann (2002) argues that the establishment of norms protecting indigenous rights in the immediate aftermath of the Earth Summit was a result of the influence of indigenous peoples at and around the event.

Indigenous groups also organised alternative conferences to run alongside the 2002 World Conference on Sustainable Development (WSSD) in Johannesburg, South Africa. Here delegates adopted the 'Kimberley Declaration' (2002) and the 'Indigenous Peoples Plan of Implementation for Sustainable Development' (2002). In April 2010 the 'World Peoples Conference on Climate Change and the Rights of Mother Earth' was held in Cochabamba, Bolivia. Here indigenous peoples adopted the 'Universal Declaration on the Rights of Mother Earth' (2010), which consolidated

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[8] The Kari-Oca Document is the predecessor to Kari-Oca II, it was adopted during alternative movements that ran alongside the Conference in Environment and Development in 1992.

indigenous viewpoints regarding the environment and development. Prior to the Peoples Summit of 2012, on the 22-24 August, 2011, indigenous delegates adopted the 'Manaus Declaration' (2011) which outlines the aims and objectives of the movement in the run up to Rio+20. The 'Manaus Declaration' confirmed the importance of DRIPs and made the call for an indigenous right to self-determined development. It reaffirms indigenous peoples' rights to land and resources as a necessary precursor to sustainable development, and urges the adoption of 'culture' as the fourth pillar to sustainable development.

The growth in frequency and size of indigenous summits held around the world in recent decades is evidence of the success of the indigenous peoples movement trans-nationally. It has meant that actors have succeeded in creating a clear, unified message in support of the protection of Mother Earth and for the recognition of indigenous peoples' rights.

3.3 Conclusion

Rio+20 is likely to dictate, for the foreseeable future, the policies of sustainable development. These policies involve combining the three pillars of sustainability; social, environmental and economic. Rio+20 has come under widespread criticism for, amongst other things, being undemocratic and for weighting economic interests above others. The Peoples Summit on the other hand, was perhaps more inclusive and accessible. In addition, rights language dominates the Peoples summit outcome document, and concern for environmental protection is arguably the dominant theme.

These differences highlight the divergent interests of both groups of participants and reflect the potential discrepancies between the proposals made by the two movements. The very existence of an alternative Peoples Summit exposes the extent to which indigenous peoples have been excluded from formal avenues. Their firm opposition to the proposals laid down in the draft document, 'The Future We Want' highlight the degree to which they believe it will undermine their movement, and thus, the rights they are campaigning to uphold.

4: The Green Economy and Avoided Deforestation

Indigenous opposition to Rio+20 has refuted certain green economy initiatives (such as avoided deforestation) included in 'The Future We Want' document (2012). This chapter will seek to ascertain the risks these green economy policies pose to the attainment of indigenous rights and by doing so, highlight the extent to which they undermine the indigenous rights movement.

4.1 The Green Economy

A principal tenet of the green economy requires that the environmental costs of an activity are taken into account, and where possible, mitigated against. According to the United Nations Environment Programme (UNEP, 2011) the green economy is defined as an economy that, 'results in improved human well being and social equity, while significantly reducing environmental risks and ecological scarcities' (p.16). The UNEP (2011) argues that this, in practical terms, means that;

'*Growth in income and employment is driven by public and private investments that reduce carbon emissions and pollution, enhance energy and resource efficiency, and prevent the loss of biodiversity and ecosystem services*' (p.16).

It has been argued that not only are these proposed benefits false assumptions but that the green economy instead actually promotes the green washing of polluting and extractive entities.[9]

The promotion of the green economy was a central theme at Rio+20 and dominates the language of 'The Future We Want' (2012). Its adoption as a tool to achieve sustainable development can be traced back to previous environmental summits. The 2002 'World Summit on Sustainable Development' (WSSD) in Johannesburg and the 2011 'Conference of the Parties' (COP) 17 included references to the green economy. 'The Future We Want' devotes a whole chapter (iii) to the green economy and makes numerous references to it elsewhere. The chapter opens with;

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[9] This is where an institution appears to be operating under a new green model, but in reality continues to bypass environmental safeguards

'*We consider green economy in the context of sustainable development and poverty eradication as one of the important tools available for achieving sustainable development.*' (The Future We Want, 2012, Para. 56).

Thus the document clearly advocates the adoption of the green economy when working towards sustainability. The document makes specific reference to indigenous peoples when it argues that the green economy should be implemented in such a way that it is;

'*… supporting their identity, culture and interests and avoid[ing] endangering their cultural heritage, practices and traditional knowledge, preserving and respecting non-market approaches…*' (The Future We Want, 2012 Para 58(j)).

Despite the above safeguards, the inclusion of the green economy has been denounced by indigenous organisations. The 'Kari-Oca II' (2012), states that;

'*The 'Green Economy' promises to eradicate poverty but in fact will only favour and respond to multinational enterprises and capitalism. It is a continuation of a global economy based on fossil fuels, the destruction of the environment by exploiting nature through extractive industries such as mining, oil exploration and production, intensive monoculture agriculture, and other capitalist investments. All of these efforts are directed toward profit and the accumulation of capital by the few.*'

Indigenous peoples' rebuttal of the green economy is based on the assertion that related policies will be embedded within the current economic model, a model that is based on the ideologies of globalisation and neo-liberalism. The assertion is well founded as nowhere in related literature does the green economy seek to remove itself from this current model. Instead it works to limit the environmental impact of development projects within the parameters of global capitalism, (the impact of this economic model will be explored further in chapter 5).

The cornerstone of the green economy is the policy of avoided deforestation. This policy directly impact upon indigenous communities and because of such, will be discussed in detail.

4.2 Avoided Deforestation and REDD+

It is estimated that 60 million indigenous people are wholly dependent on forests for their livelihoods (Gender and Climate Change Network, 2007, p.1). Avoided deforestation includes strategies to prevent the degradation and destruction of forested areas in order to preserve biodiversity and prevent the emission of GHGs. In this context we will be referring to the relatively new strategy of Reducing Emissions from Deforestation and Forest Degradation, otherwise known as REDD+. The premise behind REDD+ is that countries are incentivised into preserving their forests through assigning forests a carbon value (based on the premise that forests are carbon stores). Countries are then compensated, in monetary terms by other nations (and organisations), for preserving their forests (and thus their carbon reserves) depending on the extent to which they do so.

4.3 The Evolution of Avoided Deforestation

The idea that countries could be compensated for not exploiting the resources in their forests has been circulating for decades. In the run up to the first UN Conference on Environment and Development in 1992, Mahathir bin Mohamad, the then Malaysian Prime Minister, stated that, 'if it is in the interests of the rich that we do not cut down our trees then they must compensate us for our loss of income' (Humphries, 2008 p. 436). This triggered the start of discussions around the idea of 'opportunity loss compensation' (reference). At COP 13 in Bali, 2007, the 'Reducing Emissions from Deforestation in Developing Countries: Approaches to Stimulate Action' document was adopted. This signified a move to explicitly back REDD+ agendas. The inclusion of REDD+ in 'The Future We Want' (2012) also signifies its acceptance by the United Nations (UN) and world leaders. It firmly places avoided deforestation on the climate change mitigation agenda as one of many potential solutions to the global environmental crisis.

Avoided Deforestation has a 'clear rationale in environmental economics' (Humphries, 2008, p.435). Forests are undervalued in the market and hence deforestation and forest degradation takes place. By increasing the value of forests you create economic incentives for conserving them (Humphries, 2008). This

31

approach to forest governance is seated in a neo-liberal ideology (Humphries, 2008).[10] Avoided deforestation has two main approaches (Humphries, 2008). One approach encourages so-called 'developed' nations to voluntarily supply funds to preserve forests. The second, and the one favoured by most countries, is the market-based approach. This requires that payments from avoided deforestation generate carbon credits, which can then be traded on the global carbon market (Humphries, 2008). This means that REDD+ is, at its core, a carbon trading mechanism.

4.4 REDD+ in 'The Future We Want'

'The Future We Want' (2012) briefly recognises the important role forests play in climate change and sustainable development. The section on forests opens with;

> '*We highlight the social, economic and environmental benefits of forests to people and the contributions of sustainable forest management to the themes and objective of the Conference'* (The Future We Want, 2012, Para 193).

Here the emphasis is on the role forests play in their service to people rather than on their integral role for ecosystems and biodiversity. It makes no explicit reference to the integral role indigenous and forest-dependent peoples play in the preservation of forests. The ommitance of commitments to the preservation of forest communities is worrying, especially considering that according to a new Forest Peoples Programme report (2008), 1.3 billion people depend on forests for their daily needs (p.1). The 'Future We Want' (2012) makes specific reference to avoided deforestation mechanisms and to REDD+ when it states that;

> '*We note the importance of ongoing initiatives such as Reducing Emissions from Deforestation and Forest Degradation in developing countries, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries'* (The Future We Want, 2012, Para. 193).

The explicit reference to REDD+ endorses its use as a tool to achieve sustainable management of forested areas. It firmly advocates REDD+ as a mechanism to be used

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[10] Neoliberal ideology is based on the belief that market mechanisms, voluntary measures and an increased role of the private sector can better serve the common public good than can state control and enforcing compliance through legislation.

in the global environmental arena.

4.5 Indigenous land rights

Indigenous people argue that avoided deforestation mechanisms will encourage the national and global control of forests, and thus increase state interference with traditional and customary land tenure systems (Griffiths, 2007; Humphries, 2008). Despite payments for REDD+ being set aside, policy makers have so far failed to agree upon a tested and finalised model of REDD+. There is no formal blueprint for how forests are to be 'protected' under REDD+ schemes, thus the methods for doing so are to be decided by the individual state. The history of the conservation of sensitive ecological sites, through national policies to demarcate land as 'national parks' or 'protected areas', has in the past led to restrictions on indigenous activities and even to the outright eviction of indigenous peoples from their land (Dowie, 2011). REDD+ policies, as propagated in 'The Future We Want', lack the necessary safeguards to ensure that indigenous land is not appropriated in the name of 'protection'. There is therefore a danger that indigenous peoples will be excluded from the decision-making process regarding land use and land development.

By ascribing a market value to forests and biodiversity there will be an increased demand for ownership of that land, which will serve as a further reason to deny indigenous peoples their land rights (Hare and Macey, 2008). Given that current forest governance largely denies indigenous peoples their rights to communal forest tenure, it can be assumed that financial incentives will only exacerbate this problem.

The high risk that REDD+ schemes have to their right to land and resources is arguably indigenous peoples' most pressing concern. As Seymour (2008) surmises;

> *'As payments for conserving forests for carbon storage become increasingly likely, State and non-State actors alike will have strong incentives to passively ignore or actively deny the land and resource rights of indigenous, traditional, and/or poor forest users in order to position themselves to claim compensation for forest stewardship in their stead.'* (p.11)

Questions are also raised over who receives the allotted payments for preserving forests. Countries are already accepting pilot payments and beginning to implement

33

REDD+ services. For instance, in 2007, Merrill Lynch (an investment firm) announced it would donate $9 million towards the protection of forests in Indonesia. In addition, the Norwegian government also agreed to set aside US $500-600 million each year for REDD+ schemes (Seymour, 2008, p.10). A recent report by Greenpeace (Hare and Macey, 2008) argues that 'at a minimum, indigenous and forest people may not receive an equitable share of the value of the carbon' (p.4).

Conflict and eviction arising from forest tenure insecurity was a discussion point at Rio+20. It was acknowledged that despite a move of forest ownership from the state to communities, insecure land rights was still a major issue for many forest-dependent communities. Inhabitants are denied access to their land as a result of extractive industries, development projects, and conservation initiatives. What was made ever more evident as a result of the dialogue at Rio+20 was that forest tenure reform and the legal recognition of land title to forest-dependent communities is a complicated and tenacious issue. For forest tenure to be adequately demarcated to communities, effective forest governance is required by the State in order to prevent businesses and industries from claiming land as their own. This requires not only government capacity but also government will.

In many forested areas community partnerships have evolved to conserve and manage sensitive areas. This is part of a customary management system familiar with indigenous communities but often not recognised within formal state institutions (Kronik and Verner, 2010). This means that if the ownership of a forest is disputed between a number of parties, it is unlikely that indigenous tenure will be acknowledged and prioritised. If indigenous peoples are removed from their land, this will lead to the abandonment of indigenous sustainable practices and conservation measures, thus undermining forestry protection.

The Cancun Agreements (2010) adopted at COP 16 in 2010, laid down safeguards for the implementation of REDD+ and recognised indigenous peoples. However, there is no reference to the Cancun Agreements or related safeguards in 'The Future We Want' (2012), nor does it make any reference (in relation to REDD+) to indigenous peoples, instead referring only to 'people and community'.

4.6 Indigenous Opposition

As a result of the high risk of rights abuses against indigenous peoples as a result of the implementation of REDD+ and avoided deforestation mechanisms, indigenous organisations have denounced its implementation. 'Kari-Oca II' (2012) states that;

> *'We reject REDD, REDD+ and other market based solutions that focus on our forests, to continue the violation of our inherent rights to self-determination and rights to our lands, territories, waters, and natural resources, and the Earths right to create and sustain life.'*

Indigenous organisations have been active in denouncing REDD+ policies. In Iquitos, Peru, in April 2011, the 'Coordinating Body for National Indigenous Organisations of the Amazon' (COICA) orchestrated the release of the declaration, 'No REDD+ without territories, rights and autonomy of indigenous peoples' (2011). The declaration was signed by 22 indigenous organisations and highlighted the level of opposition to REDD+. In 2011, 'The Global Alliance of Indigenous Peoples and Local Communities against REDD and for Life' organisation was formed, which released a statement at COP17 denouncing REDD until its related risks and concerns were resolved. Similarly, the 'International Forum of Indigenous Peoples on Climate Change' argued that; *'*REDD will not benefit indigenous peoples, but in fact, will result in more violations of indigenous peoples' rights' (FPP, 2007 cited in Seymour, 2008, p.11).The Executive Director of the Indigenous Environmental Network (IEN), Tom Goldtooth has argued that what REDD+ stands for in reality is, 'reaping profits from evictions, land grabs, deforestation and destruction of biodiversity' (IEN, 20 June 2012).

Feather and Llanos (2011), in their report 'The Reality of REDD+ in Peru: Between theory and Practice' recommend that 'instead of channelling money at unproven and unstable carbon markets, modest funding could be targeted to secure the land and territorial rights of Indigenous Peoples and promote community forest management' (p.6). The report goes on to highlight that such community and rights based approaches are not only the most cost effective but also the most proven way of protecting forests. A rights based approach, the report argues, succeeds in securing everything that international organisations 'talk' of doing, such as reducing emissions and biodiversity conservation, as well as reducing poverty and securing livelihoods

(Feather and Llanos, 2011). Feather and Llanos (2011) advocate that REDD+ can only be a success if rights are respected, if territory is recognised, and if the carbon market is regulated. These recommendations reflect those made in 'Kari-Oca II' (2012), which states;

> *'The legal recognition and protection of the rights of Indigenous Peoples to land, territories, resources and traditional knowledge should be a prerequisite for development and planning for any and all types of adaption and mitigation to climate change, environmental conservation (including the creation of 'protected areas'), the sustainable use of biodiversity and measures to combat desertification.'*

4.7 Conclusion

Green economy initiatives such as REDD+ are explicitly endorsed in 'The Future We Want' (2012). As a result of this inclusion, indigenous peoples are likely to suffer violations of their rights to land, resources, self-determined development and, ultimately, the right to their social, cultural and spiritual practices. The potential for these rights violations stem from a weak system of forest governance and a history of refusals to grant communal land tenure. Seymour (2008, p.18) argues that ultimately, 'climate related interventions risk exacerbating existing weaknesses and inequities that characterise current forest governance regimes'. Studies have shown that the most effective approach to preventing deforestation and forest degradation is through 'enhanced security of tenure' (Kronik and Verner, 2010, p.113). Indigenous communities are based on a sustainable system of communal forest and resource management, which adequately protects forests from degradation. This is highlighted in the 'Kari-Oca II' (2012), which argues that;

> *'In order to achieve sustainable development, states must recognise the traditional systems of resource management of the Indigenous Peoples that have existed for the millennia, sustaining us even in the face of colonialism.'*

The legal recognition and enforcement of indigenous rights to land and to sustainably manage their resources is the key to protecting forests. REDD+ is likely to force indigenous peoples out of forests and off their lands. It will result in an increase in the violation of indigenous rights and exacerbate social conflicts. Thus the inclusion of

REDD+ in 'The Future We Want'(2012) is a major obstacle to the attainment of indigenous peoples rights and also to the sustainable protection of forested areas.

5: Capitalism and Economic Growth

'It seems that the States and many big conservation NGOs and big companies at Rio+20 are only talking about what they call 'natural capital', and money. They always talk about money and now they want to call their activities the 'green economy'. Yet the truth is that their focus is still on extracting natural resources.'

Laura George, Amerindian Peoples' Association (APA), Guyana (cited in Forest Peoples Programme, 2012, p.4).

The attitudes and policies propagated at Rio+20 are embedded in the neoliberal capitalist model, which dominates the ideology of nation states and subsequently the United Nations. Indigenous opposition to the Conference has denounced elements of this economic model, such as the focus on continued economic growth, free trade markets, carbon trading, the commodification of nature and economic globalisation. 'Kari-Oca II' (2008) reads;

'We reject the false promise of sustainable development and solutions to climate change that only serve the dominant economic order.' The above elements of the 'dominant economic order' will now be assessed for their impact on indigenous peoples rights and the effectiveness of climate change mitigation.'

5.1 Economic Growth and Free Trade

A central tenet of the green economy, as it is addressed in 'The Future We Want' (2012) advocates that green economy principles should be implemented in a way that helps to create sustained economic growth. As paragraph 62 states;

'We encourage each country to consider the implementation of green economy policies in the context of sustainable development and poverty eradication, in a manor that endeavours to drive sustained, inclusive and equitable economic growth and job creation.'

Since the release of the UN Brundtland Report, 'Our Common Future' (1987) it has been commonly proposed that continued economic growth and a fully functioning healthy environment can exist concurrently. However, historically governments and businesses frequently choose efficiency and profit over efforts to ensure green

policies and environmental protection. The continual growth paradigm is in fact the root cause of widespread environmental destruction. Barry and Woods (2009) highlight the danger of exponential growth when they argue that, 'the growth imperative and up scaling of the human economy at the heart of neoliberal economic ideology has led to a globally unsustainable economy' (p.319). Continued economic growth, when based on a system of resource extraction from a finite planet is inherently unsustainable. Hence there is a certain irony in including economic growth in a text designed as a blueprint for the attainment of sustainability. What indigenous rejection of this model shows is that nation state preoccupation with growth paradigms is fundamentally inconsistent with environmental protection and is a major risk to intergenerational justice.

A major concern in the 'Future We Want' section on the green economy is the inclusion of 'sustained economic growth and unjustifiable discrimination or a disguised restriction on international trade' (2012 Para 58(h)). Here 'The Future We Want' denounces any model of sustainability that may affect the current free-trade model. This model is the backbone to economic globalisation, which is, as Barry and Woods (2009) describe, the very cause of global climate change. What needs to be put in place, argues indigenous activists, are safeguards to prevent public and private entities from bypassing environmental and human rights obligations. This would require the implementation of the very restrictions that 'The Future We Want' refutes. Indigenous organisations actively reject this free trade, growth-orientated model advocated by 'The Future We Want' supporters. The Forest Peoples Programme explains how, 'In some respects the world has gone backwards, the message of "sustainable development" having been replaced with a renewed obsession with "sustained growth"' (FPP E-Newsletter July 2012 p.1). 'Kari-Orca II' (2012) officially denounces this economic model when it states;

> *'Imperialist globalization exploits all that sustains life, and damages the Earth. We need to fundamentally reorient production and consumption based on human needs rather than for the boundless accumulation of profit for a few.'*

5.2 Overconsumption

'Kari-Oca II' (2012) identifies the main causes for the global climatic crisis as the over exploitation, over consumption and over pollution by the so-called 'developed'

nations. What is needed to solve the crises of sustainability and global warming is a move away from fossil fuel use and a fixation on exponential growth. This move however, would threaten the economic system that keeps wealthy companies and governments in power. Social scientist, Wolfgang Sachs argues that, 'At present neither north nor south would remotely consider an international agreement on limits to growth, which is in the end what 'sustainability' will have to be about' (Black, 2007, p.103). By failing to endorse any realistically sustainable policies, the leaders at Rio+20 succeeded in upholding a global economic system, which allows those who can afford it, to continue emitting GHGs. As Poissan (2012) surmises, 'Rio failed because if it had succeeded, it would have fundamentally undermined some of the most powerful forces on the planet: big polluters' (Norel, 2012).

5.3 Neo-liberalism and Market Mechanisms

What is evident in the discourse coming out of Rio+20 is a move towards an increased faith in market mechanisms. Delegates at the United Nations Environmental Programme (UNEP) have described the current crises of sustainability as 'the biggest ever market failure' (Bond, 2012, p.1). However, this statement is fundamentally flawed. It makes the assumption that had the market *not* failed then the crises would have been averted. Joan Martinez – Alier and Joachim Spangenberg, leaders of the Environmental Justice Organisations Liabilities and Trade (EJOLT) argue however that,

> '*Unsustainable development is not a market failure to be fixed but a market system failure: expecting results from the market that it cannot delver, like long-term thinking, environmental consciousness and social responsibility*' (Bond, 2012 p.1).

A renewed faith in market mechanisms, evident at Rio+20, forms part of a growing trend in environmental governance. Humphries (2008) highlights how the non-state, market-based agenda of the Forest Stewardship Council and the Kyoto Protocol (2005) are evidence of this shift. Bond (2012) argues that since the first Earth Summit in 1992, 'multinational corporations [have] increasingly dominated the emerging terrain of global environmental governance' (p.1). This goes a long way to explain the emergence of a neo-liberal market driven agenda as a perceived solution to climate change.

40

5.4 Carbon Trading and the Commodification of Nature

Nation states advocate a carbon-trading scheme as one of the most viable options to curb deforestation and environmental degradation. The United Kingdom Department for International Development (DFID) argues that;

> '*The challenge … is to change the economic incentives facing the governments: to make it more rewarding to preserve forests than to cut them down. In the end the only way we are going to do that is through a global carbon trading scheme*' (DFID, 2007 cited in Humphries, 2008, p. 434)

Indigenous peoples have been opposing the concept of valuing forests simply for their carbon stock. Many are concerned that if forests are brought into the carbon economy then other invaluable functions will not be accounted for (Humphries, 2008). Tom B.K Goldtooth, Executive Director of IEN and speaker at Rio+20 explained prior to the Conference that indigenous peoples from around the world are troubled by the current international model which 'looks at Mother Earth and nature as a resources to be owned, privatised and exploited for maximised financial return through the market place' (IEN, 14 June 2012). 'Kari-Oca II' (2012) echoes this sentiment when it states that; '*Mother Earth is the source of life which needs to be protected, not a resource to be exploited and commoditised as a 'natural capital'*.

Avoided deforestation proponent's talk of 'co-benefits' the scheme may bring; 'add on' benefits that may come as a result of policy design. Frequently mentioned are the protection of biodiversity, poverty alleviation, and the securing of the rights and livelihoods of indigenous peoples. It should be argued however that these are benefits in and off themselves and should not simply be 'an added bonus' to forest protection. These benefits will only be realised when forests are seen for more than just their carbon value.

5.5 Conclusion

> '*We will continue to challenge and resist colonialist and capitalist development models that promote the domination of nature, incessant economic growth, limitless profit seeking resource extraction, unsustainable consumption and production and the unregulated commodities and financial markets.*' (Kari-Oca II, 2012)

41

What the indigenous perspective gives us is a lens through which to see the policies of Rio+20 for what they are; based on a capitalist system of exclusion and exploitation. Neoliberal capitalism and a belief in the concept of constant economic growth is in itself *the* cause of global environmental degradation and climate change. Global leaders are attempting to use the same system, which has caused its failure, to correct itself. Indigenous voices highlight the inherent flaw in this solution and instead advocate a holistic and multilayered perspective with which to view the environment, which includes, '*the integration of the human rights based approach, ecosystem approach and culturally-sensitive and knowledge-based approaches'* (Kari-Oca II, 2012).

6. Rights Based Approach

This chapter looks at multiple themes from 'The Future We Want' (2012) and the ways in which they risk infringing upon indigenous peoples rights and fail to abate climate change. This includes the omission of a right to Free, Prior and Informed Consent (FPIC), the role of the World Bank and financial institutions, the concept of carbon offsetting and the failure to address the structural causes of climate change. Another principle concern is the way in which indigenous peoples have been excluded from the sustainable development agenda.

6.1 FPIC

The chapter of the 'Future we want', which refers to the green economy, makes reference to indigenous peoples when it states that;

>'*We encourage existing and new partnerships, including public-private partnerships, to mobilise public financing complemented by the private sector, taking into account the interests of local and indigenous communities when appropriate.*' (The Future We Want, 2012, Para 71)

There is no mention of the right to Free Prior and Informed Consent (FPIC), which is enshrined under international law in DRIPs (2007) and the UN Convention on the Right to Development (1986). Its absence from this paragraph implies that public and private institutions can fund the implementation of green economy initiatives *without* the full FPIC of indigenous peoples. All that is required is that indigenous interests are 'taken into account', a fairly weak obligation.

Note again how Paragraph 67 excludes the use of FPIC when it states that;

>'*We underscore the importance of governments taking a leadership role in developing policies and strategies through an inclusive and transparent process…*' (The Future We Want, 2012)

The lack of FPIC reflects the inadequate safeguards in place for those communities potentially to be impacted by the green economy. The absence of the right to FPIC is rebuked by the 'Kari-Oca II' (2012) declaration, which states the importance of;

'Assuring Indigenous Peoples active participation in decision making processes that affect them … their right to Free, Prior and Informed Consent is fundamental.'

What 'Kari-Oca II' shows us is how integral the right to FPIC is to indigenous self-determination and their future development. Without it indigenous peoples are vulnerable to rights violations, particularly those that impact on their land and resources as a result of development and conservation policies and projects.

6.2 Procedural Rights

The extent to which procedural rights[11] are adhered to will ultimately affect the extent to which civil and political, social and economic rights are respected in the implementation of REDD+ programmes. Seymour (2008) argues that current models of international and domestic forest governance are ill placed to respect these procedural rights. In addition to a poor history of adherence to these rights, the forestry sector often discriminates against minorities and those with unclear land rights. Thus, as Macchi (2008, as cited in Seymour, 2008) highlights, these communities are 'less likely to benefit from REDD+'. Adherence to FPIC and other procedural rights would require an overhaul in the way in which forest governance operates. Seymour (2008) describes how 'not infrequently, forest communities first learn of plans for timber concessions or industrial plantations when the bulldozers arrive' (p.13). It can thus be asserted that current forest governance inadequately ensures that procedural rights are respected.

6.3 Structural Causes

Policies to prevent deforestation, as they are proscribed in 'The Future We Want', do not address the root causes of deforestation and climate change. These root causes are wide and varied. The destruction of forests is largely the result of the north's demand for products such as beef, palm oil and sugar cane, timber and paper (Karsenty et al, 2008). Other causes include, amongst others; agro fuel expansion, monoculture plantations and fossil fuel extraction. If deforestation is to be tackled, curbing the demands for these products needs to be addressed. Current avoided deforestation agendas do not address the over-consumption of 'developed' nations. 'Kari-Oca II'

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[11] A procedural right is the right to participate in decision-making.

44

(2012) carries forward the overriding recommendation made in 'The Rights of Nature' in Cancun, 2010, which argued that 'developed' nations must cease their over-exploitation of natural resources, which is caused by over-consumption and over exploitation. 'Kari-Oca II' urges the international community to address issues of overconsumption and exploitation. The declaration states that;

> *'The so-called 'developed' countries must reduce their levels of over-consumption and overexploitation of resources of the world in order to re-establish harmony among human beings and with nature, allowing for the sustainable development of all developing countries.'*

6.4 Carbon Offsetting

Carbon offsetting refers to the process whereby the emission of GHGs are moved from one area where they are measured and monitored, to another where they are not, usually as a result of activities to prevent emissions. The carbon market, which allows polluters to 'purchase' carbon credits in order to continue emitting GHGs, is a prime example of a carbon offsetting mechanism. 'Green economy' initiatives such as REDD+ run the risk of operating in this way, thus permitting wealthy states and companies to continue emitting GHGs. REDD+, therefore, does not succeed in reducing emissions into the atmosphere, but simply changes where and by whom. In doing so, REDD+ and Avoided Deforestation mechanisms, argue indigenous communities, violate the principle of inter generational justice. Berenice Sanchez of the Nahua Peoples of Mexico has argued that REDD+ 'serves as green wash for extractive companies like Shell and Rio Tinto' (Norrel, 2012), who use such schemes to 'appear' environmentally friendly whilst continuing to pollute.

The release of GHG emissions into the atmosphere (permitted by carbon offsetting schemes) directly causes a rise in global temperatures. Studies in 2009 (Feather and Llanos, 2011, p.18) found that a rise in global temperatures would directly cause large sections of the Amazon to die off as a result of drought. A 2^0C rise would result in the death of 20-40% of the Amazon, a 3^0C rise would see 75% destroyed and a 4^0C would result in a loss of 85% of the forest (Feather and Lanos, 2011 p.18). These findings, which show that a moderate global temperature rise would cause the destruction of the majority forests, highlights some serious flaws with the carbon market and carbon offsetting schemes. By permitting countries and business' to

45

continue to emit such large amounts of GHGs, global temperatures will continue to rise and the protection of forest ecosystems will be futile.

6.5 Exclusion from Environmental Agenda

A common complaint of Rio+20 was the lack of avenues for participation by civil society. Onel Masardule of the 'Foundation for the Promotion of Indigenous Knowledge in Panama' explained that, 'the official process for participation at Rio+20 did not allow for our effective participation' (FPP, 2012 p.4). This reflects the denial of indigenous participation in the wider environmental movement. This denial of participation is due to the current model of international climate change mitigation being based upon a westphalian model of governance whereby nation states dominate the agenda.

The 1992 UN Framework Convention on Climate Change (UNFCCC), which has 192 state parties, does not recognise indigenous peoples and smaller communities. The Forest Carbon Partnership Facility (FCPF), which was set up by the World Bank after COP 13 in 2007 to facilitate the development and implementation of REDD+, excluded indigenous peoples from the planning process. This was despite the Bali Action Plan in 2007, which recognised that the needs of indigenous peoples must be addressed when implementing REDD+. As a result, indigenous activists protested against the launch of the FCPF in Bali (Tauli-Corpuz, 2007).

There has been some, although limited, recognition of the role indigenous peoples play in climate change and environmental degradation mitigation. For instance, in the 1992 'Convention on Biodiversity' (CBD), Article 8 (*j*) made reference[12] to indigenous peoples, and furthermore, in 1998 a working group was set up to assist in the implementation of this article.

In April 2009, at the Indigenous Peoples Global Summit on Climate Change the Anchorage Declaration (2009) was adopted. The declaration urges the UNFCCC to launch mechanisms for effective involvement of indigenous peoples, especially

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[12] 8 (j) of the CBD states; j) 'Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices'.

relating to schemes such as REDD+. These schemes, it says, 'must secure the recognition and implementation of the rights of indigenous peoples' (Kronik and Verner, 2010, p.112). The demand for fair and full inclusion is echoed in 'Kari-Oca II' (2012);

> *'We call on the UN to begin their implementation, and to ensure the full, formal and effective participation of Indigenous Peoples in all processes and activities of the Rio+20 Conference and beyond, in accordance with the UNDRIP and the Principle of Free, Prior and Informed Consent (FPIC).'*

The inclusion of this demand provides evidence to the extent to which indigenous peoples are excluded from decision-making.

6.6 World Bank and the FCPF

In explicitly backing the adoption of green economy initiatives such as REDD+, 'The Future We Want' (2012) also endorses the related funding institutions. The World Bank has been active in establishing funding initiatives for climate change-related mitigation strategies, including, but not limited to, the Climate Investment Fund, the Transformation Fund for Sustainable Development and the Forest Carbon Partnership Facility (Forest Peoples Programme, 2008). The World Bank launched the Forest Carbon Partnership Facility (FCPF) in Bali in 2007, which is designed to facilitate the trading of carbon and, in doing so, provides payments for REDD+ schemes (Forest Peoples Programme, 2008). The Forest Peoples Programme (2008) identified several potential flaws with the FCPFs design. Neither the design document nor the draft charter of the FCPF protect the rights of indigenous peoples to FPIC, nor does it provide for indigenous participation. The above documents imply that forests are under the control of nation states and consultation with indigenous peoples is only necessary once projects have been put in place. Furthermore, involvement in the programme is by invitation only (Forest Peoples Programme, 2008).

The nature of World Bank activities is also disconcerting. Initiatives to curb climate change are put in practice whilst The World Bank continues to fund the main sources of deforestation and climate change (such as mega development projects like damns and pipelines), without ensuring that human rights are respected in the process. Many indigenous groups have highlighted the contradictory nature of the World Banks

activities and questioned its motives (see, for instance, Forest Peoples Programme, 2008). Structural adjustment programmes (SAP), the cornerstone of World Bank lending, are embedded in neoliberal economic principles and support globalisation. These are, argues Barry and Woods (2008), the very causes of environmental degradation and human rights abuses.

6.7 Denial of Rights

There is a substantial disconnect between indigenous rights as they are laid down in international legislation and the extent to which they are realised in practice. The call for effective safeguarding of these rights is a central theme of the indigenous peoples movement and can be seen in 'Kari-Oca II' (2012), when it argues that;

> *'Our rights to self-determination, to our own governance and own self-determined development, our inherent rights to our lands, territories and resources are increasingly under attack by the collaboration of governments and transnational corporations.'*

A main tenet of 'Kari-Oca II' advocates for a rights based approach to global environmental governance, which is consistent with previous requests made by the indigenous peoples movement. Goldtooth has argued that 'We can only achieve balance with nature if there is equity with human beings' (IEN, 14 June 2012). He further states that 'With the knowledge that development that violates human rights is by definition unsustainable, Rio+20 must affirm a human rights-based approach to sustainable development' (IEN, 2012). Marife Macalanda of the Asia Pacific Indigenous Youth Network has stated that, 'the real solution to the climate crisis affecting the people of the world, especially Indigenous Peoples, is to protect Mother Earth, uphold social justice and respect the Indigenous Peoples' decisions and right to say no' (IEN, 20 June 2012). The acknowledgement that a rights based approach is a prerequisite for achieving sustainability, is championed by 'Kari-Oca II' when it states; 'Until Indigenous Peoples Rights are observed and respected, sustainable development and the eradication of poverty will not be achieved.'

6.8 Conclusion

If we go back to the Brundtland Report of 1987 we see that a key message was that 'local communities and indigenous peoples should have a decisive voice about

48

resource use in their areas' (Para 46). We forward to Rio+20 and see none of the same emphasis. As Colchester (FPP, 2012) recently described 'the emphasis of Rio+20 was for the Green Economy, dominated by commercial interests and the language of the market' (p.1) The indigenous peoples movement has for decades been calling for the recognition of indigenous rights, and this is reflected in the language of 'Kari-Oca II'. 'The Future We Want' however, omits FPIC and procedural rights. The document risks exacerbating the problem of carbon offsetting and thus fails to reduce the emission of GHGs. 'Kari-Oca II' urges the international community to instead, tackle the root causes of climate change; overconsumption, exploitation of resources and release of GHG emissions. By failing to adequately tackle these issues, nation states are allowing climate change to spiral exponentially, committing humanity to endure a future of widespread environmental catastrophes.

7. Conclusion

By using the policies proposed in 'The Future We Want' (2012), as the latest example of international efforts to combat the crises of sustainability, this paper has sought to evaluate the extent to which these efforts are in line with the indigenous peoples movement.

An initial investigation into the dominant themes at Rio+20 and The Peoples Summit gave insight into the divergent ideological backgrounds of the two movements. Due to the scale and importance of Rio+20 it can safely be assumed that the international community will adopt the policies proposed therein. The Rio+20 conference largely denied access to civil society, whereas the Peoples Summit was inclusive and democratic (FPP 2012 p.1). The omission of firm commitments in 'The Future We Want' eludes to a failure at Rio+20 to adequately tackle climate change and environmental degradation. The very fact that the Peoples Summit ran alongside Rio+20 gives us an initial understanding of firstly the lack of access by CSOs to the climate change agenda, and secondly, the level of dissent to the proposals made.

The inclusion of the green economy agenda in the form of avoided deforestation in 'The Future We Want' and the explicit backing of REDD+ has been categorically denounced in 'Kari-Oca II'. As a result of insecure land tenure systems in forests and the failure of states to recognise communal land ownership, the implementation of such a policy risks usurping indigenous peoples from their land and denying them their rights. By increasing the financial value of forests, REDD+ is likely to cause increased claims over land and thus lead to an increase in conflicts. By including REDD+ in 'The Future We Want', policy makers have directly and indirectly endorsed the continual denial of indigenous rights to land, resources, self-determination and self-determined development, thus undermining the indigenous peoples movement.

The paper explores how the dialogue of 'The Future We Want' (2012) is embedded in a neoliberal capitalist ideology. The inclusion of economic growth, free trade, voluntary commitments and a reliance on regulation through financial market mechanisms, in many ways, undermine efforts to address environmental degradation and climate change. 'Kari-Oca II' (2012) describes how this preoccupation with

50

economic growth is inherently incompatible with sustainability and is in fact a part of the very system that is causing the current climatic and environmental crisis. The document fell short of tackling the structural causes of deforestation and climate change, and through a reliance on the carbon and financial markets, it allows entities to continue polluting with impunity. 'Kari-Oca II' on the contrary, refutes the over-consumption and over-exploitation by nation states and corporations and calls for a regime to address these issues.

'The Future We Want' (2012) failed to adequately adopt a rights based approach. This is particularly detrimental to indigenous peoples because of the omission of the right to FPIC and procedural rights. Indigenous peoples have been denied access to participate in the planning and implementation of climate change mitigation strategies, and neither have their rights been adequately safeguarded, as was highlighted by the taking a closer look at the FCPF. 'Kari-Oca II' denounces this exclusion when it calls for full and inclusive engagement in the environmental agenda.

Indigenous social, cultural and spiritual traditions are embedded in their relationship with Mother Earth and as a result indigenous peoples sustainably inhabit fragile and biologically diverse ecosystems, which they have historically conserved. There is a high risk that, like measures to 'conserve' forested areas, REDD+ policies will result in the eviction of the only peoples who have succeeded in truly living sustainably. If policies to curb deforestation and reduce GHG emissions are to be successful, then the need to adequately address calls for the enforcement of indigenous rights is paramount. These rights should be implemented not only because of the effectiveness they would have in protecting forests, nor for the benefit they would have to the wider community, but because indigenous peoples, like all other peoples have an inalienable right to existence, to freedom and to security of person.

Indigenous proposals to tackle the issue of sustainability, integrate into environmental policies the importance of culture and social values and a human rights based approach. By proposing solutions to the crises in the form of a reduction in consumption, over exploitation and a respect for mother earth, what indigenous peoples are doing is proposing the only realistic and effective way to tackle climate change and forge a path to a sustainable future.

This paper has sought to highlight, the ways in which policies proposed at Rio+20, whether they directly infringe upon indigenous rights, or risk denying indigenous existence through an inability to adequately tackle climate change, are thus inherently incompatible with the indigenous rights movement.

Recommendations

Little is known of the unintended negative consequences of policies designed to mitigate climate change. Due to the pressing nature of this issue, policies are being implemented without the necessary impact assessments. There is thus an urgent need for mandatory and comprehensive research into the impact of policies designed to protect forested areas. Given the highly sustainable nature of indigenous communities further research should be undertaken to assess the potential effectiveness and the feasibility of implementing indigenous strategies to mitigate climate change.

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Appendix

1: Kari-Oca II Declaration:

We, the Indigenous Peoples of Mother Earth assembled at the site of Kari-Oka I, sacred Kari-Oka Púku, Rio de Janeiro to participate in the United Nations Conference on Sustainable Development Rio+20, thank the Indigenous Peoples of Brazil for welcoming us to their territories. We reaffirm our responsibility to speak for the protection and enhancement of the well-being of Mother Earth, nature and future generations of our Indigenous Peoples and all humanity and life. We recognize the significance of this second convening of Indigenous Peoples of the world and reaffirm the historic 1992 meeting of the Kari-Oca I, where Indigenous Peoples issued The Kari-Oca Declaration and the Indigenous Peoples Earth Charter. The Kari-Oca conference, and the mobilization of Indigenous Peoples around the first UN Earth Summit, marked a big step forward for an international movement for Indigenous Peoples' rights and the important role that Indigenous Peoples play in conservation and sustainable development. We also reaffirm the Manaus Declaration on the convening of Kari-Oca 2 as the international gathering of Indigenous Peoples for Rio+20.

The institutionalization of Colonialism

We see the goals of UNCSD Rio+20, the "Green Economy" and its premise that the world can only "save" nature by commodifying its life giving and life sustaining capacities as a continuation of the colonialism that Indigenous Peoples and our Mother Earth have faced and resisted for 520 years. The "Green Economy" promises to eradicate poverty but in fact will only favor and respond to multinational enterprises and capitalism. It is a continuation of a global economy based upon fossil fuels, the destruction of the environment by exploiting nature through extractive industries such as mining, oil exploration and production, intensive mono-culture agriculture, and other capitalist investments. All of these efforts are directed toward profit and the accumulation of capital by the few.

Since Rio 1992, we as Indigenous Peoples see that colonization has become the very basis of the globalization of trade and the dominant capitalist global economy. The exploitation and plunder of the world's ecosystems and biodiversity, as well as the violations of the inherent rights of Indigenous Peoples that depend on them, have intensified. Our rights to self determination, to our own governance and own self-determined development, our inherent rights to our lands, territories and resources are increasingly and alarmingly under attack by the collaboration of governments and transnational corporations. Indigenous activists and leaders defending their territories continue to suffer repression, militarization, including assassination, imprisonment, harassment and vilification as "terrorists." The violation of our collective rights faces the same impunity. Forced relocation or assimilation assault our future generations, cultures, languages, spiritual ways and relationship to the earth, economically and politically.

We, Indigenous Peoples from all regions of the world have defended our Mother Earth from the aggression of unsustainable development and the over exploitation of our natural resources by mining, logging, mega-dams, exploration and extraction of petroleum. Our forests suffer from the production of agro-fuels, bio-mass, plantations and other impositions of false solutions to climate change and unsustainable, damaging development.

The Green Economy is nothing more than capitalism of nature; a perverse attempt by corporations, extractive industries and governments to cash in on Creation by privatizing, commodifying, and selling off the Sacred and all forms of life and the sky, including the air we breathe, the water we drink and all the genes, plants, traditional seeds, trees, animals, fish, biological and cultural diversity, ecosystems and traditional knowledge that make life on Earth possible and enjoyable.

Gross violations of Indigenous Peoples' rights to food sovereignty continue unabated thus resulting to food "insecurity". Our own food production, the plants that we gather, the animals that we hunt, our fields and harvests, the water that we drink and water our fields, the fish that we catch from our rivers and streams, is diminishing at an alarming rate. Unsustainable development projects, such as mono-cultural chemically intensive soya plantations, extractive industries such as mining and other environmentally destructive projects and investments for profit are destroying our biodiversity, poisoning our water, our rivers, streams, and the earth and its ability to maintain life. This is further aggravated by Climate change and hydroelectric dams and other energy production that affect entire ecosystems and their ability to provide for life.

Food sovereignty is one fundamental expression of our collective right to self-determination and sustainable development. Food sovereignty and the right to food must be observed and respected; food must not be a commodity to be used, traded and speculated on for profit. It nourishes our identities, our cultures and languages, and our ability to survive as Indigenous Peoples.

Mother Earth is the source of life which needs to be protected, not a resource to be exploited and commodified as a 'natural capital.' We have our place and our responsibilities within Creation's sacred order. We feel the sustaining joy as things occur in harmony with the Earth and with all life that it creates and sustains. We feel the pain of disharmony when we witness the dishonor of the natural order of Creation and the continued economic colonization and degradation of Mother Earth and all life upon her. Until Indigenous Peoples rights are observed and respected, sustainable development and the eradication of poverty will not be achieved.

The Solution

This inseparable relationship between humans and the Earth, inherent to Indigenous, Peoples must be respected for the sake of our future generations and all of humanity. We urge all humanity to join with us in transforming the social structures, institutions and power relations that underpin our deprivation, oppression and exploitation. Imperialist globalization exploits all that sustains life and damages the Earth. We need to fundamentally reorient production and consumption based on human needs rather than for the boundless accumulation of profit for a few. Society must take collective

control of productive resources to meet the needs of sustainable social development and avoid overproduction, over consumption and over exploitation of people and nature which are inevitable under the prevailing monopoly capitalist system. We must focus on sustainable communities based on indigenous knowledge, not on capitalist development.

We demand that the United Nations, governments and corporations abandon false solutions to climate change, like large hydroelectric dams, genetically modified organisms including GMO trees, plantations, agro-fuels, "clean" coal, nuclear power, natural gas, hydraulic fracturing, nanotechnology, synthetic biology, bio-energy, biomass, biochar, geo-engineering, carbon markets, Clean Development Mechanism and REDD+ that endanger the future and life as we know it. Instead of helping to reduce global warming, they poison and destroy the environment and let the climate crisis spiral exponentially, which may render the planet almost uninhabitable.

We cannot allow false solutions to destroy the Earth's balance, assassinate the seasons, unleash severe weather havoc, privatize life and threaten the very survival of humanity. The Green Economy is a crime against humanity and the Earth. In order to achieve sustainable development, states must recognize the traditional systems of resource management of the Indigenous Peoples that have existed for the millennia, sustaining us even in the face of colonialism. Assuring Indigenous Peoples' active participation in decision making processes affecting them, and their right of Free Prior and Informed Consent is fundamental. States should likewise provide support for Indigenous Peoples appropriate to their sustainability and self determined priorities without restrictions and constricting guidelines.

Indigenous youth and women's active participation must also be given importance as they are among the most affected by the negative impacts brought by the commodification of nature. As inheritors of Mother Earth, the youth play a vital role in continuing defending what is left of their natural resources that were valiantly fought for by their ancestors. Their actions and decisions amidst the commercialization of their resources and culture will determine the future of their younger brothers and sisters and the generations to come.

We will continue to struggle against the construction of hydroelectric dams and all other forms of energy production that affect our waters, our fish, our biodiversity and ecosystems that contribute to our food sovereignty. We will work to preserve our territories from the poison of monoculture plantations, extractive industries and other environmentally destructive projects and continue our ways of life, preserving our cultures and identities. We will work to preserve our traditional plants and seeds, and maintain the balance between our needs and the needs of our Mother Earth and her life sustaining capacity. We will demonstrate to the world that it can and must be done. In all matters we will gather and organize the solidarity of all Indigenous Peoples from all parts of the world, and all other sources of solidarity with non-indigenous of good will to join our struggle for food sovereignty and food security. We reject the privatization and corporate control of resources such as our traditional seeds and food. Finally, we demand the states to uphold our rights to the control of our traditional management systems and by providing concrete support such as appropriate technologies for us to develop our food sovereignty.

64

We reject the false promises of sustainable development and solutions to climate change that only serve the dominant economic order. We reject REDD, REDD+ and other market-based solutions that focus on our forests, to continue the violation of our inherent rights to self determination and right to our lands, territories, waters, and natural resources, and the Earth's right to create and sustain life. There is no such thing as "sustainable mining." There is no such thing as "ethical oil."

We reject the assertion of intellectual property rights over the genetic resources and traditional knowledge of Indigenous peoples which results in the alienation and commodification of Sacred essential to our lives and cultures. We reject industrial modes of food production that promote the use of chemical substances, genetically engineered seeds and organisms. Therefore, we affirm our right to possess, control, protect and pass on the indigenous seeds, medicinal plants and traditional knowledge originating from our lands and territories for the benefit of our future generations.

The Future We Want

In the absence of a true implementation of sustainable development, the world is now in a multiple ecological, economic and climatic crisis; including biodiversity loss, desertification, deglaciation, food, water, energy shortage, a worsening global economic recession, social instability and crisis of values. In this sense, we recognize that much remains to be done by international agreements to respond adequately to the rights and needs of Indigenous Peoples. The actual contributions and potentials of our peoples must be recognized by a true sustainable development for our communities that allows each one of us to Live Well.
As peoples, we reaffirm our rights to self-determination and to own, control and manage our traditional lands and territories, waters and other resources. Our lands and territories are at the core of our existence – we are the land and the land is us; we have a distinct spiritual and material relationship with our lands and territories and they are inextricably linked to our survival and to the preservation and further development of our knowledge systems and cultures, conservation and sustainable use of biodiversity and ecosystem management.
We will exercise the right to determine and establish priorities and strategies for our self-development and for the use of our lands, territories and other resources. We demand that free, prior and informed consent must be the determinant and legally binding principle of approving or rejecting any plan, project or activity affecting our lands, territories and other resources. Without the right of Free Prior and Informed Consent, the colonialist model of the domination of the Earth and its resources will continue with the same impunity.

We will continue to unite as Indigenous Peoples and build a strong solidarity and partnership among ourselves, local communities and non-indigenous genuine advocates of our issues. This solidarity will advance the global campaign for Indigenous Peoples rights to land, life and resources and in the achievement of our self-determination and liberation. We will continue to challenge and resist colonialist and capitalist development models that promote the domination of nature, incessant economic growth, limitless profit-seeking resource extraction, unsustainable consumption and production and the unregulated commodities and financial markets. Humans are an integral part of the natural world and all human rights, including Indigenous Peoples' rights, which must be respected and observed by development.

We invite all of civil society to protect and promote our rights and worldviews and respect natural law, our spiritualities and cultures and our values of reciprocity, harmony with nature, solidarity, and collectivity. Caring and sharing, among other values, are crucial in bringing about a more just, equitable and sustainable world. In this context, we call for the inclusion of cultureas the fourth pillar of sustainable development.

The legal recognition and protection of the rights of Indigenous Peoples to land, territories, resources and traditional knowledge should be a prerequisite for development and planning for any and all types of adaptation and mitigation to climate change, environmental conservation (including the creation of "protected areas"), the sustainable use of biodiversity and measures to combat desertification. In all instances there must be free, prior and informed consent of Indigenous Peoples.

We continue to pursue the commitments made at Earth Summit as reflected in this political declaration. We call on the UN to begin their implementation, and to ensure the full, formal and effective participation of Indigenous Peoples in all processes and activities of the Rio+20 Conference and beyond, in accordance with the United Nations Declaration on the rights of Indigenous Peoples (UNDRIP) and the principle of Free, Prior and Informed Consent (FPIC).
We continue to inhabit and maintain the last remaining sustainable ecosystems and biodiversity hotspots in the world. We can contribute substantially to sustainable development but we believe that a holistic ecosystem framework for sustainable development should be promoted. This includes the integration of the human-rights based approach, ecosystem approach and culturally sensitive and knowledge-based approaches.

We declare our solidarity and support for the demands and aspirations of the Indigenous Peoples of Brazil found in the Annex to this Declaration.

We Walk in the Footsteps of our Ancestors.
Accepted by Acclamation, Kari-Oka Village, at Sacred Kari-Oka Púku, Rio de Janeiro, Brazil, 17 June 2012.

2: Conference on Sustainable Development, 20-22 June 2012, Outcome Document: 'The Future We Want' – Referenced Paragraphs in order addressed in paper.

190. We reaffirm that climate change is one of the greatest challenges of our time, and we express profound alarm that emissions of greenhouse gases continue to rise globally. We are deeply concerned that all countries, particularly developing countries, are vulnerable to the adverse impacts of climate change, and are already experiencing increased impacts including persistent drought and extreme weather events, sea level rise, coastal erosion and ocean acidification, further threatening food security and efforts to eradicate poverty and achieve sustainable development. In this regard we emphasize that adaptation to climate change represents an immediate and urgent global priority.

56. We affirm that there are different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to

achieve sustainable development in its three dimensions which is our overarching goal. In this regard, we consider green economy in the context of sustainable development and poverty eradication as one of the important tools available for achieving sustainable development and that it could provide options for policy making but should not be a rigid set of rules. We emphasize that it should contribute to eradicating poverty as well as sustained economic growth, enhancing social inclusion, improving human welfare and creating opportunities for employment and decent work for all, while maintaining the healthy functioning of the Earth's ecosystems.

58. (j) enhance the welfare of indigenous peoples and their communities, other local and traditional communities, and ethnic minorities, recognizing and supporting their identity, culture and interests and avoid endangering their cultural heritage, practices and traditional knowledge, preserving contribute to the eradication of poverty.
193. We highlight the social, economic and environmental benefits of forests to people and the contributions of sustainable forest management to the themes and objective of the Conference.

193. We highlight the social, economic and environmental benefits of forests to people and the contributions of sustainable forest management to the themes and objective of the Conference. We support cross-sectoral and cross-institutional policies promoting sustainable forest management. We reaffirm that the wide range of products and services that forests provide creates opportunities to address many of the most pressing sustainable development challenges. We call for enhanced efforts to achieve the sustainable management of forests, reforestation, restoration and afforestation, and we support all efforts that effectively slow, halt and reverse deforestation and forest degradation, including inter alia promoting trade in legally-harvested forest products. We note the importance of ongoing initiatives such as reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries. We call for increased efforts to strengthen forest governance frameworks and means of implementation, in accordance with Non-Legally Binding Instrument on All Types of Forests (NLBI) to achieve sustainable forest management. To this end, we commit to improving the livelihoods of people and communities by creating the conditions needed for them to sustainably manage forests including through strengthening cooperation arrangements in the areas of finance, trade, transfer of environmentally sound technologies, capacity-building and governance, as well as by promoting secure land tenure, particularly decision-making and benefit sharing, in accordance with national legislation and priorities.

62. We encourage each country to consider the implementation of green economy policies in the context of sustainable development and poverty eradication, in a manner that endeavours to drive sustained, inclusive and equitable economic growth and job creation, particularly for women, youth and the poor. In this respect, we note the importance of ensuring that workers are equipped with the necessary skills, including through education and capacity building, and are provided with the necessary social and health protections. In this regard, we encourage all stakeholders, including business and industry to contribute, as appropriate. We invite governments to improve knowledge and statistical capacity on job trends, developments and

constraints and integrate relevant data into national statistics, with the support of relevant UN agencies within their mandates.

58.(h) not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country, and ensure that environmental measures addressing trans-boundary or global environmental problems, as far as possible, are based on an international consensus.

71. We encourage existing and new partnerships, including public-private partnerships, to mobilize public financing complemented by the private sector, taking into account the interests of local and indigenous communities when appropriate. In this regard, governments should support initiatives for sustainable development, including promoting the contribution of the private sector to support green economy policies in the context of sustainable development and poverty eradication.

67. We underscore the importance of governments taking a leadership role in developing policies and strategies through an inclusive and transparent process. We also take note of the efforts of those countries, including developing countries, that have already initiated processes to prepare national green economy strategies and policies in support of sustainable development.