

Forests and Forest Peoples competing territories and jurisdictions

Marcus Colchester, FPP, presentation to
IFSA Webinar on *Who Owns Our Forests?*
Public, Private and Communal Ownership
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Forest
Peoples
Programme



Forests for Peoples : Peoples for Forests



Forest Peoples

- Forests are home to some 600 million indigenous and tribal people
- Also now home to as many more long term residents (+ migrants)
- Essential to livelihoods of 1.6 billion people
- Representing about half of the world's 'very poor'



Gallop through forestry history

- Where does the idea of a '**forest**' come from?
- What does international law say about the rights of indigenous and other peoples governed by customary law?
- How does the collision between forestry laws and indigenous peoples' rights play out? Example of Indonesia
- How does this play out on the ground? Example of the Toba Batak of Sumatra

Origins of 'forests'

- Royal hunting reserves
- Assyria 700 BC
- Persian 'paradise'
- Ashoka 400 BC
- Alexander the Great
- *Foris* (Latin): that which is outside or beyond (foreign)
- Royal hunts: *forestis*
- The first forestry laws



Emperor Charlemagne
CE 747-814

Forests are jurisdictions

- England's first 'forest', the **New Forest**, was created by the Norman conquerors as a royal hunt.
- Some 3,000 peasants were torched out of their houses to clear the 'New Forest'
- By Henry II 30% of England was designated as 'forest'.
- 1216 Forest Charter recognised customary rights in forests
- **In history, 'forests' are not vegetation types, they are royal jurisdictions.**



Medieval Forest not all wooded

The Royal Forest of Wychwood before the Enclosures

Wychwood was a royal hunting forest. A forest, in the medieval sense, was a place where deer were reserved for the King's use and where the forest laws laid down to protect deer and their environment, operated.

Wychwood was far from entirely wooded, and yet it was one of the most wooded royal forests in England. Historical research has located many of the former copices which made up this woodland, some of which still remain.

As well as woodland, the forest included open fields, meadowland, downland, heath and settlements.

Starting, that is the early clearance of woodland for agriculture, began to reduce this woodland cover. But in the middle of the fourteenth century the Black Death stopped the assarting and even led to a shrinkage or desertion of several villages around the woodland.

In the eighteenth and nineteenth centuries the enclosures led to the clearance of more woodland as well as taking in open fields, downland and heath. Large areas of woodland north and west of Leasfield were cleared and enclosed as recently as 1857.

For further information visit www.wychwoodproject.org



This map is based upon a study carried out by Della Hooke, Ph.D., F.S.A., for London-Price as part of a landscape project funded by English Heritage, with additional information provided by Beryl Schuman, B.Sc., M. Phil., and is published by the Friends of Wychwood with the help of the Countryside Trust, the Summerfield Charitable Trust and Peter Gilbert Papers. Cartography by Jon Little. Illustrations and design by Fleck Art.

OXFORDSHIRE



'Scientific Forestry'

- 'Scientific forestry' developed in the C18th
- Forest reserves were established to reserve forests for strategic State industries and **restrict popular use**
- Young Karl Marx was radicalised by his MA study of the impact of forestry law on the rural poor in Germany
- 'The poor man's overcoat'



Colonial Forestry

- European-style forestry was imposed on the tropics in the colonial era
- Native people were evicted
- The forests were allocated to logging companies
- Logging soon became enmeshed in corruption
- After independence logging typically became a means of elite enrichment and for party political campaigns
- 'Sustainable Forest Management' is rarely achieved.
- Forest people are excluded



International human rights law and indigenous peoples

- IPs first approached UN in 1977
- By 2007 UN passed **Declaration on the Rights of Indigenous Peoples**
- *Rights to own the Lands Territories and Resources they have traditionally owned, occupied and otherwise used*
- *Customary law*
- *Self-determination*



**Indigenous representatives at
the United Nations, 2004**

Forestry and mining concessions challenged in international courts

- The Inter-American Court of Human Rights
- Suriname claims rights over all the interior
- Court said they Govt must recognise 'Maroon' and indigenous peoples' rights to their territories and to FPIC



Geographer Peter Poole explaining maps showing ancestral lands to Inter-American Court of Human Rights

State forests

Colonial forestry policies reinforced by independent national governments and development agencies:

- 22% India
- 30% Cameroon
- 40% Thailand
- 55% Philippines
- **70% Indonesia**



Indonesia: Forests and State lands

- 70% of national territory is defined as 'forest'
- 122 m. ha. of forests
- Forests assumed to be 'State forest areas'
- Defined as 'areas with no rights attached'
- 33,000 villages overlap 'forests'
- 60-90 million people
- Hundreds of land conflicts



Forestry Concessions

- Forestry Department acts as if all 'Forests' are **owned** by State
- Most forests handed out for logging (HPH): 600 concessions = 62 m. ha.
- Degraded forests can be converted to plantations (HTI): 10 m ha.
- Forestry laws said customary rights must give way to forestry projects



Constitutional Court Ruling 2012

- **Constitution** recognises rights of customary law communities
- **Forestry law** said 'customary forests' are part of State forests
- National Indigenous Peoples Alliance (AMAN) challenged this
- Court ruling: where IP territories overlap forests these are 'customary forests' and not part of State forests

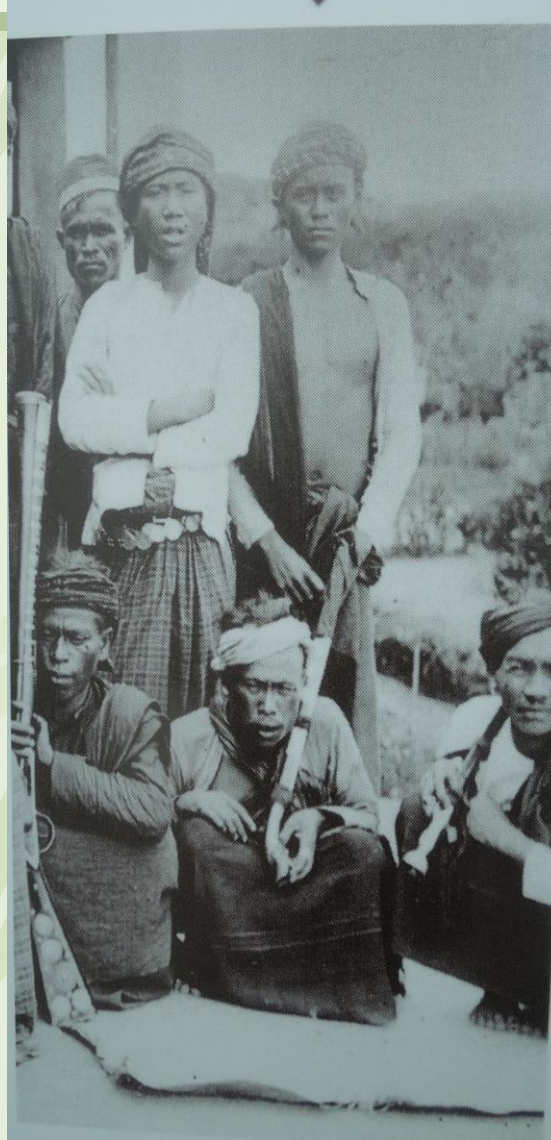


Aliansi Masyarakat Adat Nusantara



Toba Batak of North Sumatra

- Independent highland people conquered by Dutch 1911
- 2000 year old trade in frankincense from managed forests
- Rights to lands and forests not recognised by government
- Customary territories handed out as forestry concessions





Mixed economy based
on forest products,
handicrafts, farming
and fishing



Toba Pulp Lestari

- Raja Garuda Mas Group
- 180,000 ha. concession
- *Eucalyptus* plantations
- Native forests and farmlands cleared
- Frankincense-based livelihood destroyed



Appeal to the International Labour Organisation

Community of Ompu Ronggur appeals to ILO via Convention 111 alleging discrimination for non recognition of their ownership rights to their lands and destruction of their 'traditional occupations'







www.forestpeoples.org

Thank you