Rights and Resources
2011–2012

RIGHTS + RESOURCES

TURNING POINT

What future for forest peoples and resources in the emerging world order?

THE RIGHTS AND RESOURCES INITIATIVE

The Rights and Resources Initiative (RRI) is a strategic coalition comprised of international, regional, and community organizations engaged in development, research and conservation to advance forest tenure, policy and market reforms globally.

The mission of the Rights and Resources Initiative is to support local communities' and Indigenous Peoples' struggles against poverty and marginalization by promoting greater global commitment and action towards policy, market and legal reforms that secure their rights to own, control, and benefit from natural resources, especially land and forests. RRI is coordinated by the Rights and Resources Group, a non-profit organization based in Washington, D.C. For more information, please visit ***www.rightsandresources.org***.

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AT A GLANCE:

RIGHTS AND RESOURCES 2011-2012

Worldwide, the use and management of natural resources and systems of trade and governance have been in flux for years. Yet 2011 may well be remembered as the year of definitive turning points: it was a year when the shift in global political and economic power to emerging economies became clear; it was a year when the conventional economic paradigm recognized the increasing scarcity of natural resources; and it was a year when it became clear that national and global development requires respect for local people and their resources.

2011 was dominated by a deepening economic crisis. Economists predict a long recession, even a "lost decade". Western governments and multilateral institutions are seeing their primacy over everything—from global trade to negotiations on climate change—slipping away. In their places are new players from the developing world, their ascendancy accelerated by the decline of the West. Although the global population reached seven billion in 2011, the demographic outlook almost everywhere is for smaller families and a gradually stabilizing global population. A much greater long-term threat to resources than population is rising consumption, driven by the demands of burgeoning urban middle classes across the developing world.

The emergence of a new world order gives rise to new threats to natural resources, forests, and their traditional custodians. Soaring investment in infrastructure and mining in Asia and Latin America is spreading to Africa, potentially locking in unsustainable development for decades. The new developers often feel free of the environmental and social concerns that have lately constrained their Western counterparts.

But there is hope—derived largely from local communities and progressive private actors. The local custodians of the world's remaining natural resources are becoming difficult to ignore. The recognition in 2011 of the importance of forest communities in maintaining vital forest carbon sinks is only one example. A rise of popular politics asserting more control over local resources is challenging business-as-usual and leading to political changes at the national level, which, in turn, is exerting an influence internationally.

The pushback from local communities that we noted in 2010 led to notable victories in 2011. Will the emerging world order recognize and respect community rights and support the sustainable use of their resources? At the global level, will there be a turn towards more inclusive governance? Or will we witness the same domination of local people and wasteful use of natural resources—but by different masters? Much hinges on whether the rights of rural and forest-dwelling people in the developing world will now be respected and whether they are able to organize and manage the natural resources that are critical for the survival and prosperity of humanity.

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ACRONYMS

ACOFOP	Asociación de Comunidades Forestales de Petén
BBC	British Broadcasting Corporation
BRIC	Brazil, Russia, India and China
CIFOR	Center for International Forestry Research
CIVETS	Colombia, Indonesia, Vietnam, Egypt, Turkey, South Africa
COGMETs	Republic of Congo, Ghana, Mozambique, Ethiopia and Tanzania
CSO	Civil-society organization
DRC	Democratic Republic of the Congo
FPP	Forest Peoples Programme
IEA	International Energy Agency
IMF	International Monetary Fund
Lao PDR	Lao People's Democratic Republic
NGOs	Non-governmental organizations
REDD	Reducing Emissions from Deforestation and Forest Degradation
RRI	Rights and Resources Initiative
RSPO	Roundtable on Sustainable Palm Oil
TIPNIS	Territorio Indígena y Parque Nacional Isiboro Sécure
UNEP	United Nations Environmental Programme

PART ONE:

Turning Point

People's resources at the center of the emerging world order

The world has changed. The past year was a turning point when the West lost its political and economic dominance. The sovereign debt crisis, centred in Europe, is dragging down Western economies, their markets and political influence. In January 2011, the International Monetary Fund (IMF) forecast annual growth of up to 3%, but by year's end there was widespread expectation of a recession. In November, IMF chief Christine Lagarde warned that a "lost decade" loomed in the West,[1] as governments retrenched in the face of debt.

Many developing countries, on the other hand, barely missed a beat in 2011. China ended the year as it began, with expectations of continued economic growth above 9%. India also powered ahead, with growth above 8%. Brazil's growth faltered in 2011 but is predicted to accelerate again in 2012. The IMF said it expected economies in sub-Saharan Africa to expand by almost 6% in 2012. The World Bank reported that "Africa could be on the brink of an economic takeoff".[2]

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Political systems and governance shifted significantly as well, eroding old certainties and assumptions. The Arab Spring brought new governments across North Africa and inspired protests around the world. In sub-Saharan Africa, two out of three countries now hold regular elections. In late 2011, previously war-plagued Liberia and Democratic Republic of the Congo (DRC) both re-elected their leaders.[3] Conversely,

The Economist's Democracy Index concluded that 2011 was a year of "democracy under stress", with leaders in Moscow, Kiev, and Budapest usurping the powers of independent institutions such as courts, the media, and the law. In crisis-ridden Greece and Italy, democratically elected governments gave way to unelected cabinets of technocrats.

Developing economies have been growing faster than those in the West for years. What was new in 2011 was that they continued to power ahead while the West all but ground to a halt. They may suffer in the future from falling demand in developed nations, but a key emerging trend is that industrializing countries such as China are switching from supplying the West to meeting the growing demands of their own middle classes. The African Development Bank reported in 2011 that Africa's middle classes expanded by 60% in the decade to 2010.[4]

On current trends, by the time the West's lost decade is over, the economies of much of the rest of the world will have doubled in size—in the process doubling both their use of the world's resources and their contributions to climate change and global pollution. In 2011, for the first time, consumers in China were responsible, through their purchases, for more carbon dioxide emissions than were consumers in America.[5] Their per-capita emissions remain much lower, of course, but this was a clear sign of changing economic power.

Can the forest communities themselves push for a new brand of economics that properly values natural resources and the rights of those who sustain them?

In the emerging new world order, a critical question becomes whether the new masters in Shanghai, Mumbai, São Paulo, and elsewhere will be better than the old masters in New York, London, and Tokyo. Forest communities and others are certainly closer to the planet's new overlords. Will that proximity have a positive effect on the forest tenure agenda because the issues are closer to home? Will their governments demonstrate any greater concern now that it is their own citizens' lives and livelihoods that will be affected? Or, if they do not, can the forest communities themselves push for a new brand of economics that properly values natural resources and the rights of those who sustain them?

Leading the way in the creation of the new world order are the BRIC nations—Brazil, Russia, India, and China. China is already the "workshop of the world" and the dominant superpower in East Asia. India's fast-growing economy is being driven by a vast, educated middle class. Brazil is the world's new agricultural colossus, dominating South America. Russia controls vast mineral and petrochemical wealth.

Forest tenure and the implementation gap: Laws on the books but not on the ground

Measuring global progress on tenure reform is difficult. Statistics on national forest ownership are updated infrequently and suffer from changing definitions and contested information. Last year we reported that the devolution of forest tenure rights to communities had stalled, while short-term land allocations to investors were surging. Despite much closer attention from the international community in 2011, this situation appeared to continue.

Despite the global slowdown, there were some notable advances. In Lao PDR, for example, the government announced a program to issue 1.5 million title deeds, including communal land titles, under a five-year plan to 2015. Recently, the government issued its first communal land title in Songthong district in Vientiane prefecture—covering four villages (Ban Xor, Ban Kouay, Ban Wang mar, and Ban Na Po)—amounting to 24,889 hectares of land.

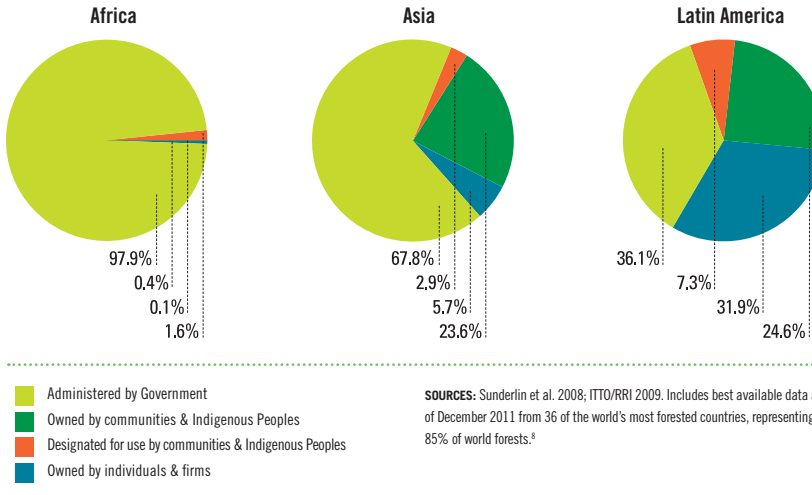
In 2011, RRI analysed the forest tenure regimes in 30 of the world's most forested countries (accounting for approximately half of the world's forests).[6] The analysis assessed 61 statutory community tenure regimes and the "bundles of rights" available to communities. Those rights included having access to forest resources; making decisions on forest management; the ability to commercially harvest timber and other forest products; and being able to exclude outsiders. RRI also investigated whether the tenure regimes confer the right to lease, sell, or use forests as collateral; and whether they guarantee communities due process and fair compensation if the state revokes these rights. Eighty-five percent of the regimes analyzed were established after 1992, the year of the historic Rio summit.

Through these regimes, governments have increasingly established or recognized Indigenous Peoples' and communities' rights to forest resources in their national legal frameworks. But the vast majority of the regimes (58 out of the 61) restrict community rights by not granting one or more of the bundle of rights or by placing time limits on those rights. Most frequently absent were the rights to exclude outsiders and to lease lands. Latin America has the broadest and most complex system of community forest tenure regime, with 24 regimes identified in eight countries. In Africa, 35% of the regimes cannot be put into practice because the implementing regulations required by law have not been passed.

Data is available on the forest areas allocated under each regime for 42 of the 61 regimes analyzed in the study. This data reflects official information on the areas allocated under each regime as part of the country's total forest areas. It highlights the varied implementation of community forest tenure regimes across Asia, Latin America, and Africa. In the eight Asian countries for which data is available, 35% of the forests are under some community tenure regime (mostly due to China). In the six Latin American countries for which data is available, 28% of the forests are under some community tenure regime (mostly due to Brazil). While in the eight African countries for which data is available, only 5% of forests are under some community tenure regime.[7]

Serious efforts must be made in 2012 both to implement the laws in favor of community tenure and to defend existing rights. Good laws on the books will do nothing for people on the ground—and for the rest of the world that depends on these resources—if they are not implemented.

Figure 1: Forest tenure distribution



SOURCES: Sunderlin et al. 2008; ITTO/RRI 2009. Includes best available data as of December 2011 from 36 of the world's most forested countries, representing 85% of world forests.[8]

Other nations also moved into the fast lane in 2011, such as the CIVETS—Colombia, Indonesia, Vietnam, Egypt, Turkey, and South Africa. More countries will join them—such as the Republic of the Congo, Ghana, Mozambique, Ethiopia, and Tanzania (the COGMETs), which the IMF predicted will all grow by more than 7% a year between 2011 and 2015.[9]

Not all countries will grow so fast. In 2011, many poorer nations saw the replacement of investment by Western official development assistance agencies by new players, such as the sovereign wealth funds of the Persian Gulf, China's Ex-Im Bank, and Brazil's National Bank of Economic and Social Development. This changing face of aid investment can undermine progress on environmental and social goals in development projects; in 2011 there were disputes over projects promoted by China, Brazil, and others, showing there is a downside to the new world order.

The invasion of African forest lands by Southeast Asian oil-palm giants grew markedly in 2011. Malaysia's commodities minister Bernard Dompok toured the continent in December, seeking new deals on oil palm in Nigeria, South Africa, and Morocco.[10,11] This is part of a huge shift in power in Africa, with the former European colonial powers losing their economic influence.

In August, Mozambique offered Brazilian farmers up to 6 million hectares of "empty" land for growing soya that will eventually be sold to China.[12] Chinese and South African sugar companies are buying land and water rights that could drain the Inner Niger Delta in Mali.[13]

Studies in 2011 predicted that developing nations will spend more than US$1 trillion per year over the next two decades building transport, energy, and other infrastructure.[14] That investment will affect a huge area of land, including forests. And, depending on how it is spent, it will "lock in" sustainability and equitability—or not.

If the new masters behave the same as the old, the world will continue on its spiral of ever-increasing social inequity and resource shortages.

The predicted massive spending on infrastructure is one reason why, in its 2011 World Energy Outlook, the International Energy Agency (IEA) warned that the world has, at most, six years to switch to low-carbon energy or face irreversible climate change: "If we don't change direction now, the door will be closed forever", said Faith Birol, the IEA's chief economist.[15] Yet it seems to be full steam ahead: in 2011, the proportion of the world's primary energy that came from coal, the dirtiest major fuel, was expected to hit 30%—up from 25% in 2006. If an environmental catastrophe is to be averted, the geopolitical turning point that has just occurred must be followed swiftly by a turning point in environmental priorities.

Current development models are causing regressive social transformations, however; economic "progress" is being marred by global growth in inequality. The Organisation for Economic Co-operation and Development reported in 2011 that pay gaps have widened in almost all developed nations[16] and that there are even greater inequalities in many developing countries.[17] In India, for example, income inequality has doubled in the last 20 years.[18] Fifty-five billionaires were reported to own assets worth one-seventh of the country's gross domestic product,[19] while half its children are malnourished and three-quarters of its population live on less than US$0.50 a day.

If the new masters behave the same as the old, the world will continue on its spiral of ever-increasing social inequity and resource shortages. These problems will form a toxic mix capable of destabilizing even the fastest-growing economies and putting at risk globally critical land, forest, and water resources. The good news is that this is not inevitable: Brazil's economy has been growing fast for a decade but income inequalities there have narrowed (and the apparently unstoppable destruction of its rainforests has drastically slowed).[20] The past year also saw the emergence in Western capitals of the Occupy movement, an expression of growing anger about inequality. Allied to activism in developing countries, this movement can challenge conventional models of economic development.[21]

PART TWO:

The Year In Focus

REDD wobbles, tenure gains traction

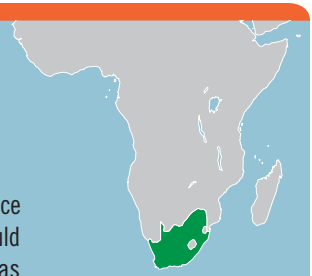
The global institutional framework for economic governance and development is breaking down. The World Bank and Western official development assistance agencies are becoming less influential. The hopes raised by the Rio 1992 Earth Summit, the anti-poverty objectives of Johannesburg's 2002 World Summit, and the promises to prevent dangerous climate change enshrined in the United Nations Framework Convention on Climate Change all now ring hollow.[22]

If there is good news on this front, it is that nations, communities, and the private sector are starting to act unilaterally. At the climate change conference in Durban in late 2011, for example, China, Brazil, Indonesia, and 80 other countries confirmed voluntary carbon emissions targets (see box on page 12).[23] Such targets may not be sufficient, but they are being acted upon. A 2011 RRI report[24] showed that several tropical countries that were once forest destroyers have turned themselves into reforesters—Brazil, China (albeit partly by logging other countries), Costa Rica, India, South Korea, and Vietnam. In most cases, land tenure reform to benefit poor forest-dwellers has been fundamental to this change.

Perhaps the most telling developments in 2011 on the fate of REDD was the growing lack of confidence in a global forest carbon market.

Has the world reached a turning point in protecting rainforests? A big question for the remainder of the decade is whether the proposed United Nations mechanism known as "REDD (reduced emissions from deforestation and forest degradation)" can build on these sporadic good-news stories by putting a global price on the carbon content of forests. If yes, national governments and, potentially, private corporations will be able to offset large quantities of carbon emissions by investing in forest

DURBAN'S LOST DECADE: COMMITTING THE POOR TO A CLIMATE OF UNCERTAINTY



In December 2011, the United Nations climate change conference in Durban agreed, for the first time, that most developing nations should be bound by the same legal greenhouse gas emissions regime as developed nations. Except for a handful of industrialized nations still within the Kyoto Protocol, however, no nations will take on binding targets until around 2020. While a diplomatic breakthrough, the deal offered no prospect that the call by scientists that global emissions should peak before 2020 will be heeded. There seems little chance, therefore, of preventing global warming of at least 2°C.[25] All this despite 2011's record level of natural disasters.[26]

Without serious emissions targets for non-Kyoto countries, efforts to establish a large carbon market also look doomed. REDD is unlikely to play a substantial role before 2020 without a major injection of funds, the prospects of which seem dim. While the Durban conference finally established the Green Climate Fund to help developing nations adapt to climate change and switch to low-carbon energy,[27] by late 2011 only US$5 billion had been committed to it by rich nations, well short of the US$100 billion a year envisaged.

Without secure promises of funds, developing countries were reluctant in Durban to cede oversight of their REDD activities. As a result, talks on creating international safeguards to protect the interests of forest communities made little progress. Governments that might host REDD projects agreed to provide summary information on safeguards but refused to accept rules on the collection of data or other specifics that would allow them to be held to account. "Without such rules", said Louis Verchot, CIFOR's principal scientist at the talks, "we cannot talk about sustainability of REDD".[28]

Given the weak commitments, uncertainty over funds, and the increasing likelihood of a warmer world, what can we expect in the world's poorest countries? Who will suffer the most? And what will this mean for national and regional politics?

conservation. But perhaps the most telling developments in 2011 on the fate of REDD was the growing lack of confidence in a global forest carbon market (see box on page 13), the recognition that REDD must deal with the underlying policy drivers of deforestation, and the role that secure tenure will play in reducing emissions and providing the basis for reforestation.

Given the slow progress that is being made on a future global climate change regime to replace the Kyoto Protocol, serious doubts about the feasibility of REDD persisted in 2011. Many influential donors and practitioners recognized the crucial importance of the recognition of the tenure and carbon rights of forest-dwellers.

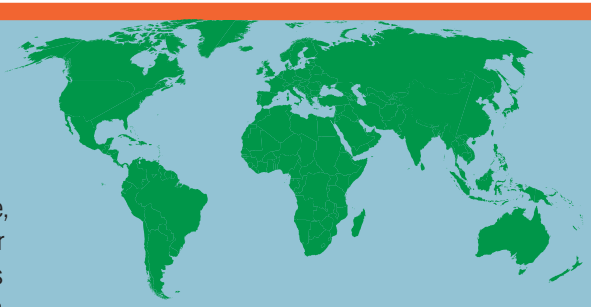
Research published in 2011 underlined how community control is the best long-term insurance for forests.[29] But asserting it under an international REDD regime designed to ensure carbon integrity could prove difficult.[30]

In 2011, some governments showed increased determination to help communities benefit from REDD. Susilo Bambang Yudhoyono, the President of Indonesia, placed REDD and forest land tenure at the heart of new policies to improve the sustainability of national economic development, with the aim of simultaneously maintaining growth and reducing greenhouse gas emissions.

"Finding the appropriate land tenure arrangement is a prerequisite for sustainable development and livelihood," said Kuntoro Mangkusubroto, chair of the Indonesian government's REDD task force and head of the President's Special Delivery Unit, in July.[31] Some 33,000 villages are located inside Indonesian state forests. Arguably, he said, that makes them illegal, "conflicts happen" as a result, and change is needed.

Kuntoro was speaking shortly after President Yudhoyono announced a two-year moratorium on the conversion of natural forests and peatlands.[32] Even more dramatically, the government made an unprecedented commitment to begin to recognize local land rights and to reform forest

CAN GLOBAL FOREST CARBON MARKETS EVER WORK?



The European Emissions Trading Scheme, part of the European Union's system for complying with Kyoto Protocol targets, was close to collapse in late 2011. As recession caused the supply of carbon credits to outstrip demand, prices plummeted to €7 per metric ton, less than one-third their former level. The scheme also has internal problems, but it raises questions about whether carbon markets can deliver what their supporters hope for: secure funding for carbon-emissions abatement projects that also provide wider social and environmental benefits.

Leading commodity market specialist, The Munden Project, says there is a mismatch between REDD as a market mechanism and REDD as a development vehicle and conservation tool.[33] There are considerable technical problems on the supply side, such as those associated with measuring and accounting for carbon in forests and estimating what emissions there might have been without a REDD intervention. One risk is that most of the money will be soaked up by measurement, accounting, and reporting; another is that there will be too many sellers and not enough buyers, causing prices to collapse.

The Munden Project argues that REDD should channel money directly to communities, who would run the projects according to their own priorities. The Munden Project and others are looking for alternatives that can reduce forest emissions and provide the necessary development benefits to local communities.

INDONESIA: HISTORIC COMMITMENT TO TENURE REFORM IN A CONFLICTED COUNTRY

Kuntoro Mangkusubroto, head of the President's Special Delivery Unit, announced Indonesia's intention to implement legislation that has been on the books for ten years recognizing the rights of forest communities. This historic commitment, made at the International Conference on Forest Tenure, Governance and Enterprise in Lombok in July 2011, was the highest-level government pledge to recognize indigenous land claims made in Indonesia's history.[34]

"This represents a tipping point in Indonesia's policies toward the rights of the people who live in and around the nation's forests,'" said Iman Santoso, coordinator of a group of experts from government, academia, and civil society working to resolve the nation's forest tenure issues. After calling to accelerate the recognition of *adat* customary rights, Kuntoro stressed the need for cross-sectoral collaboration among various government agencies to address the complexities of forest and land tenure.

A joint declaration released at the conference highlighted the Indonesian government's commitment to working with civil-society organizations (CSOs) and Indigenous Peoples' groups. It also jump-started the creation of a formal CSO platform devoted to working with the government to develop and implement a new national strategy, or "road map", for Indonesia forest tenure reform.[35]

The now regular interaction between the CSO platform and key government leaders has no doubt helped to prepare leaders on both sides to deal with the mounting pressures posed by protests in Jakarta early in 2012 over land rights.[36] Representatives of the CSO platform are cautiously optimistic, but further progress in Indonesia will require a government response to past injustices and decisive action in consultation with the CSO platform to address the root causes of the conflict and to turn rhetoric to reality in Indonesia's 130 million hectares of forest.[37]

tenure.[38] "The formal state administration for land rights, access, and security must make accommodations for informal rights and practices accepted by local customs," Kuntoro said. "Land and forest tenure reform is about increasing people's welfare and living standard, reducing poverty by providing jobs, and living in harmony with the environment."

As one of the major rainforest regions of the world and with one of the largest populations of forest-dwellers, it is crucial that Indonesia turns its forest governance around. The intention to map existing rights and uses is an essential first step that will best be done with strong community involvement (see box above).

There was growing recognition during 2011 that forest tenure reform is not only good development policy, it is necessary climate policy, too. Ahead of the Durban climate change negotiations in December, Gregory

Barker, the UK government's climate change minister, said: "Securing fair land tenure must be the foundation of REDD. Not just for ethical reasons, but because it is crucial in attracting private-sector investment. No matter how much finance we raise and deliver, it will be ineffective unless it addresses the underlying drivers of deforestation."[39] The UK government is a leading funder of pilot REDD projects.

Can such aspirations turn to reality? The omens are mixed, and even reforms that initially look good on paper may fail to deliver long-term benefits. There are also serious risks of perverse outcomes from REDD policies. A cost-benefit analysis on REDD by McKinsey & Company has been especially criticized.[40] That analysis found that the opportunity costs of developing REDD projects would be greatest for industrial logging and oil-palm development and least for subsistence farming; subsistence farming, therefore, should be the first activity to make way for REDD programs because the foregone revenues would be lowest. Countries such as Guyana and DRC adopted this advice in formulating their REDD policies. Critics said this was false accounting, however, since little of the production of subsistence farmers enters the cash economy and so was not counted in the analysis. Also, the costs of relocating displaced farmers were ignored. McKinsey & Company admitted that its findings would create distortions, but stood by its analysis.[41]

In most countries, the biggest driver of deforestation is pressure to convert to agriculture—whether for oil palm in Southeast Asia, cattle pastures in Latin America, or biofuels in Africa. To succeed, REDD must

CENTRAL AFRICAN REPUBLIC/NIGERIA: COMMUNITY TENURE MAPPING GETTING TO SCALE

One way of helping forest communities to promote their tenure and carbon rights is through community mapping. For example, a community mapping project organized by the Rainforest Foundation UK in the Central African Republic,[42] completed in 2011, mapped 200,000 hectares of forest and trained communities to use their maps to help secure tenure under the country's new forest law.

Community mapping can have lasting effects. In the 1990s, the UK government funded the mapping of community forests in Cross River state in Nigeria, home to half the country's forests.[43] Even though the funds were soon withdrawn, some 30 community forest committees continued. Fifteen years later, armed with their maps, these committees lobbied the state government to put REDD on the national agenda and demanded that revenues go to the communities.

provide a realistic and economically attractive alternative to clearing forests for these purposes. But 2011 research found that many countries enthusiastic about making money from REDD have agricultural policies that encourage the accumulation of land by large-scale agri-businesses.[44] Without a resolution of these contradictory approaches, the protection of forests in one area will simply result in accelerated forest loss elsewhere. Tenure reform may be the key to preventing this leakage.

Tensions also continued in 2011 between forest-dwellers and those who want to use carbon finance primarily for conservation. In 2010, the Convention on Biological Diversity agreed to raise its targets for ecosystem protection to 17% of the planet's land area. The United States-based NGO Conservation International, which is heavily involved in designing REDD projects, announced its own new goal of "protecting" at least 25% of the Earth's land "to secure biodiversity and ecosystem services". It did so without explicit recognition of the tenure rights of the inhabitants of that land. Conservation International, in collaboration with the Walt Disney Company, is the main promoter of the first REDD pilot project in Africa's Congo Basin—in DRC's North Kivu province. But it has not resolved carbon rights in community reserves in the project area, despite "serious land and forest rights conflicts".[45]

Infrastructure investments boom, and so does conflict

Massive investments are being made in infrastructure in many developing countries, with up to US$1 trillion being spent annually. They are triggering land conflicts. Projects such as roads, railways, airports, hydroelectric dams, and mines consume land and also open up previously isolated areas that are home to indigenous people, the poor, and ethnic minorities.

In Bolivia, native forest people marched to defend the *Territorio Indígena y Parque Nacional Isiboro Sécure* (TIPNIS), an indigenous territory and national park in the Bolivian Amazon. President Evo Morales wanted to build a 300-kilometre highway through it that would enable the shipping of products from Brazil to China via Pacific ports. People living in the lowland forest feared that the road would open up the area to colonists from the Bolivian highlands as well as to Brazilian miners, oil prospectors, loggers, and coca growers. In August 2011, some of the territory's 15,000 indigenous people began a 600-kilometre march to the capital, La Paz. Attempts by police to block their path attracted international attention. After two months the march reached the capital and triggered more demonstrations. Embarrassed that his reputation as a defender of the poor was being besmirched, President Morales changed tack and banned the

SOUTH SUDAN: RAISING THE FLAG IN THE WORLD'S NEWEST COUNTRY

South Sudan gained its independence in July 2011. Can it rise above the travails of its neighbours? The early signs are poor. Resource-grabbing was at the heart of the interim government's pre-independence activities and has remained so since.

At independence, South Sudan parcelled out almost 9% of its territory to investors, including one-quarter of the country's fertile "green belt" around the capital Juba.[47] But many of the deals are little more than pieces of paper and there are few signs of economic activity on the ground.

New York-based Jarch Capital claims 400,000 hectares in South Sudan's oil-rich Unity state, thanks to a contested deal with a local warlord. The company promises it will farm there—one day. Texas-based Nile Trading claims 600,000 hectares in the green belt to cultivate oil palm, hardwood trees, and the biofuel jatropha.[48] The lease was signed with a local chief, who told the BBC he had been "deceived". Moreover, the contract states that all 600,000 hectares are in Lainya county, whereas the county covers only 340,000 hectares. Part of Lainya county is also claimed by Central Equatorial Teak, a forestry company set up by the British and Finnish governments.

Few of these deals are likely to come to much, but the sham hardly helps economic development and there is a risk that the new state will be a kleptocracy from birth.

road from passing through the indigenous territory.[46] The decision was a major victory for local activists and has inspired others around the world.

Highway projects hit the headlines in several other countries during 2011. Especially contentious were those involving construction by foreigners for their own needs. One flashpoint was a project in northern Pakistan to pave and rebuild part of the Karakoram Highway, which connects interior China to the Indian Ocean and the Middle East. This project, which employs thousands of Chinese labourers, is controversial geopolitically because it passes through Gilgit Baltistan, a disputed territory in Pakistan's northernmost region. India claims the territory and sees the project as a harbinger of growing Chinese influence.[49] The project has also attracted the anger of local Shia- and Sufi-dominated communities demanding autonomy from Islamabad. Roads typically bring other infrastructure: close to the Karakoram Highway, Chinese engineers have begun construction of a hydroelectric dam on the Indus River that will flood 100 square kilometres of Gilgit Baltistan and displace 35,000 people.

The Karakoram Highway is part of a road network being masterminded across Asia by the Association of South East Asian Nations' Infrastructure

Fund and the Asian Development Bank. Another contentious project is building a 1500-kilometre highway through Southeast Asia's East-West Economic Corridor to link Thailand, Laos, and Vietnam to the Burmese port of Mawlamyine.[50] A key stretch of the road—through Burma's forested Dawna Mountains—was opposed by both environmentalists and local Karen residents, who feared it would be used by the Burmese military to fight the separatist forces of the Karen National Union.

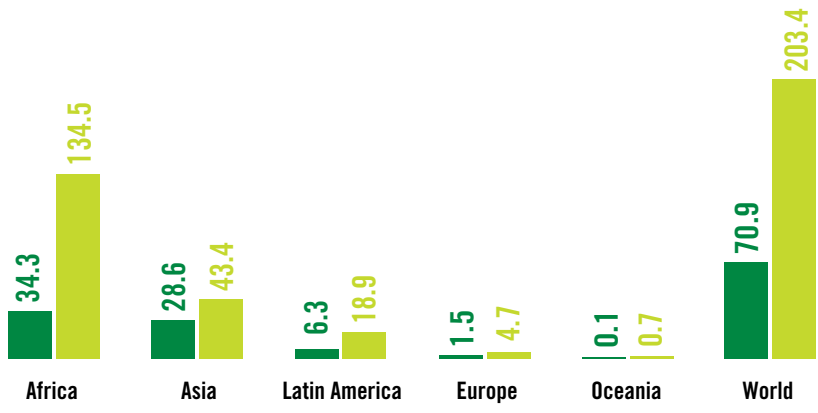
Land-grabbing gets grubbier

While infrastructure investment is a potent catalyst of change in remote regions, its land-take has been eclipsed in recent years by land-grabbing by agri-businesses, often funded and organized from abroad.

Land-grabbing has become recognized as a global phenomenon. In 2011, both Oxfam and the International Land Coalition estimated that more than 200 million hectares had been bought or leased by agri-businesses since 2001—more than four times a previous estimate by the World Bank.[51] Responding to growing alarm, in October the United Nations Committee on World Food Security discussed voluntary guidelines to protect communities. To the anger of human rights campaigners, however, it postponed a decision until 2012.

Land-grabbing has been triggered by concerns about food security, coupled with the lure of rising world food prices. Most of the grabs have been

Figure 2: Regional focus of land acquisitions



SOURCES: Land Matrix, in the International Land Coalition's 2012 report "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project"

for state lands, including pastures, forests, and wetlands, most of which are the customary property of communities.[52] Two-thirds of the reported land grabs have been in Africa, where nearly 700 million people live on land that is customarily owned but has insecure tenure under statutory law. Most of this land is deemed—falsely—by governments to be "empty" or "underused".

While the global population bomb may be in the process of being defused, the global consumption bomb is ready to go off.

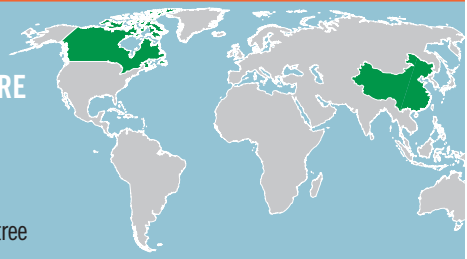
By 2011, six years after the end of a long civil war, most of the land in Liberia was once again under some form of concession to foreign farmers, miners, or foresters. In Mozambique, six million hectares of "empty" land has been declared open to foreign investors. The new state of South Sudan was handing out land even before it raised its national flag for the first time (see box on page 17).[53]

Across Africa, less than 2% of forests are formally owned or administered by communities, leaving states free to hand out the remaining 98% in the name of economic development. A 2011 study found that 33.5 million hectares of forest in DRC are under concessions for timber, diamonds, or mining, but none is owned by forest communities.[54] Similarly, Gabon and the Central African Republic have 18.9 million and 5.4 million hectares, respectively, under concession, and none controlled by communities.

In East Africa, pastoralist communities have traditionally had access to large areas. But in recent decades their freedom to move with their cattle has increasingly been constrained, even within areas designated as their village lands. In theory, Tanzania has some of the continent's best laws recognizing customary rights; in practice, land alienation to meet the demands of tourism, biofuels, and mining is a growing issue. In 2011, Maasai pastoralists reported "systematic land alienation, evictions, intimidations, marginalization and lack of legal recognition" to the United Nations Human Rights Council.[55] The Tanzanian government has granted hunting rights to a consortium from the United Arab Emirates over 400,000 hectares of traditional Maasai land, including several registered Maasai villages, in the Loliondo area adjacent to the Serengeti National Park.

The Maasai are now required to keep out of the way of the hunters as the government deploys its elite paramilitary Field Force Unit to ensure they do so. In July 2009, the Field Force Unit entered villages and, according to the United Nations Special Rapporteur on Humans Rights and Indigenous Peoples, burned down more than 200 homesteads and destroyed maize fields and food stores. Some 3,000 people were left without shelter, food, or water, and their 50,000 cattle lost their grazing lands.[56] The Special Rapporteur said the evictions formed part of "a larger government policy

CHINA/CANADA: THE COSTS OF INSECURE TENURE MOUNT AS FORESTRY FIRM LOSES US$5 BILLION



"Few would have predicted that a dispute over tree ownership in Yunnan province, China, could damage the reputation of one of the most successful hedge fund managers of the financial crisis."[58]

Up until the spring of 2011, the Hong Kong-based Sino Forest Corporation was Canada's largest publicly traded timber company, with a market value of over US$6 billion. Their single largest investor was one of Wall Street's most successful hedge fund managers, John Paulson. But Sino Forest lost nearly US$5 billion in just a few weeks following the release of a devastating report by Chinese market analyst Muddy Waters,[59] in which the company was accused of fraud through the misrepresentation of its revenue and the significant exaggeration of its actual timber holdings. According to the Muddy Waters' report, the timber quantities Sino Forest claimed to be able to sell from Yunnan province exceeded "the applicable harvesting quotas by six times".

Further investigations by The Globe and Mail newspaper[60] revealed that many of Sino Forest's existing holdings were acquired from local communities and households in bad faith through middlemen who paid title-holders a fraction of the resource's value. The mainly illiterate landowners were often compelled to sign documents they did not understand and were given no measures that guaranteed payment, resulting in a pervasive sense among local communities that they were cheated. According to The Globe and Mail, some affected residents hoped they would regain control over their lands as a result of Sino Forest's legal troubles. Coupled with the community protests in Wukan, Guangdong province, the real costs of inequitable, poorly regulated, and opaque forest tenure systems are beginning to "trickle up", affecting politicians and international investors. Perhaps these costly lessons will lead investors to pay more attention to the question of land rights before investing in developing countries.

favoring the interests of private enterprises engaged in conservation tourism and wildlife hunting... over the rights of Indigenous Peoples."

Land-grabbing is often also accompanied by water-grabbing. In Mali, for example, tens of thousands of hectares of land along the banks of the Niger River have been leased to Chinese and South African sugar corporations.[57] Sugar is one of the world's thirstiest crops, and one of the lease contracts says that all the lease's irrigation needs must be met before any others are taken care of. The schemes take grazing lands but also threaten to dry out the downstream Inner Niger Delta wetlands. The 1.4 million people there rely on annual flooding for traditional recession agriculture, fisheries, and wet pastures. In late 2011, drought halved the flooded area, triggering a mass migration. Some 30% of the water that

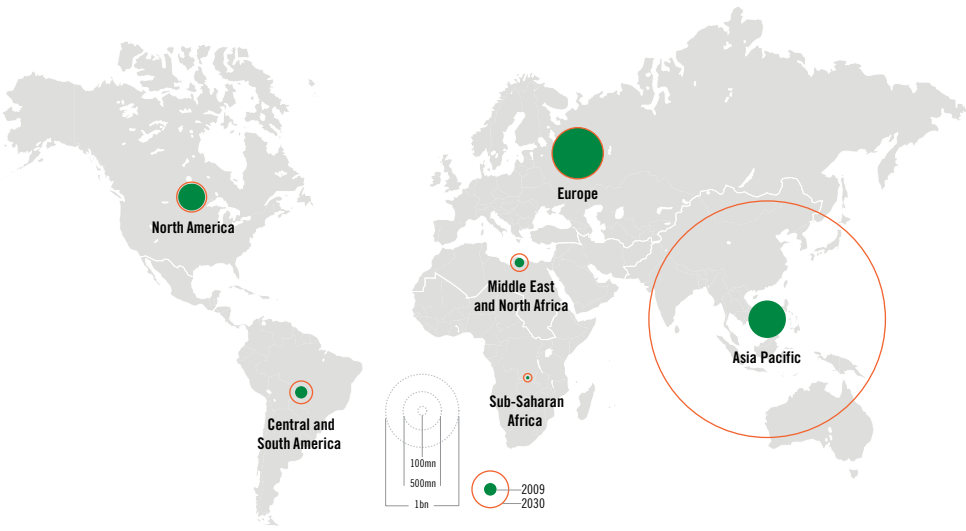
should have been reaching the wetlands was being diverted by up-river agricultural projects.[61]

With water shortages the main limiting factor on farm output in an estimated one-quarter of the world, water grabs are set to grow.

Seven billion and counting: Consumption trumps population as the key threat

The world's population reached seven billion people in 2011, more than four times the number a century ago.[62] It will continue to increase for some time yet, but the rate of growth has halved in a generation and so have family sizes. The average woman globally today has 2.5 children, whereas her mother and grandmother had five or more. There is uncertainty about the demographic future of Africa, but China's population is likely to start falling by 2030 and most of the rest of Asia and Latin America will follow. In 2011, the United Nations nudged its mid-century projection of the world's population upwards to 9.3 billion and suggested that there could be 10 billion people on the planet by the end of the 21st century.[63] The error bars on that estimate extend from 6 to 16 billion, with much depending on whether African fertility rates track those observed in Asia and Latin America. Nevertheless, world population growth will

Figure 3: Global middle class prediction for 2030



The x- and y-axes are used as coordinates to plot the bubble into a specific country/region in the map.
SOURCES: Standard Chartered Global Research, The Super-Cycle Report, 2010.

certainly slow and many believe that the number will peak at between 9 and 10 billion by the end of the century.

But while the global population bomb may be in the process of being defused, the global consumption bomb is ready to go off. Consumption drives resource demand and use, and the number of people living consumerist lifestyles in the world's burgeoning urban areas is rising fast. The planet might not face a Malthusian doomsday, but it does confront profound challenges in supplying the resources needed to maintain those lifestyles and in maintaining the forests needed to avert climate disaster.

Businesses and economists have often treated natural resources such as fish, soils, forests, and clean air as free goods that are always available. This has been encouraged by the supply of cheap energy, historically falling resource prices, and globalization—if a resource runs out in one area, you simply move on to another. But global resource scarcity is causing this paradigm to break down. After a century in which most resources have tended to become cheaper, the prices of commodities have risen over the last decade by an average of 70%. In 2011, Jeremy Grantham called this "perhaps the most important economic event since the Industrial Revolution".[64]

Research and experience are confirming that traditional owners are both the best custodians of natural biological resources and the people best able to achieve the required transformation to sustainability, provided they retain their tenure and ownership.

To cope with it, users of finite resources such as metals and hydrocarbons will have to "close the loop" through systematic recycling, or find more readily available substitutes.

There are more options for biological resources such as timber and fish. One is to farm: timber can be produced in tree plantations, for example, and aquaculture can boost the supply of fish. Another is to conserve the remaining natural resources and harvest them sustainably. The social and political consequences of the two approaches will be very different. The "farming" approach is driving the land grab and the privatization and commodification of traditionally and commonly owned resources such as forests, pastures, and fisheries. The management approach will require a shift to sustainable systems that will be more diverse and resilient. It will also require the nurturing of the commons rather than their curtailment, and the promotion of the rights of traditional owners and users of those resources. Increasingly, research and experience are confirming that traditional owners are both the best custodians of natural biological resources and the people best able to achieve the required transformation to sustainability, provided they retain their tenure and ownership.

In Guatemala, for example, the state granted 12 community forest concessions covering 400,000 hectares in the Maya Biosphere Reserve. The reserve is the largest protected area in Central America and was previously run by government agencies. Much of the drive to create the community concessions came from the *Asociación de comunidades forestales de Petén* (ACOFOP).

In 2011, an ACOFOP affiliate shared the UNEP Sasakawa prize for its work on sustainable forest management in the Maya Biosphere Reserve.[65] Until now the Maya project has been seen as a one-off. But its success against many competing demands for the land suggests that it could offer a useful wider model for both REDD and the sustainable production of timber and other forest products.

Outrage and occupy: Fed up with inequality

Activism against land-grabbing, the lack of consultation over new infrastructure projects, heavy-handed REDD projects, and the spread of agri-business has been on the rise across the developing world for several years.[66] The voices of those activists found an echo in the urban West in 2011. Outrage over the stratospheric salaries of bankers and others gave rise to the Occupy movement, which established a presence in many major capitals.

Just as the biggest infrastructure projects are no longer immune to protest, previously impervious governments are also becoming more vulnerable to their citizens.

There is now a global movement involving activists in both developed and developing countries. They share a sense that inequality has reached a disgraceful level and that the financial system has become too powerful for governments to control. This global movement seems to be gaining momentum, with recent successes in defending collectively owned natural resources against powerful corporations, including what until recently was Canada's largest publicly traded timber company (see box on page 20).

In Liberia, a surge of foreign takeovers of land to grow oil palm has been halted by grassroots opposition to a 63-year lease on 220,000 hectares, awarded by the government to Malaysian plantation giant Sime Darby.[67] Villagers complained that the company had thrown people off their land, illegally cleared forest and filled in wetlands, and failed to announce and consult about its plans or to provide promised jobs. Public meetings attended by legislators triggered an environmental investigation that resulted in fines for the company. Civil-society groups appealed to the Roundtable on Sustainable Palm Oil (RSPO), an international trade body aimed at raising social and environmental standards in the industry.

Pressured by non-governmental organizations such as FPP, as well as by RSPO, the company froze its operations in November 2011 pending an accord with villagers.[68] In December, bilateral discussions got underway between the company and the communities, and the government became belatedly active in the case. The government also admitted that mistakes were made in the way the concessions had been allocated without community participation.

In Jambi, Indonesia, a subsidiary of the Singapore-based Wilmar Group evicted villagers at gunpoint and destroyed their homes. Protests resulted in the company agreeing to mediation through the International Finance Corporation's Compliance Advisory Ombudsman.[69]

Concern about these widespread problems spurred Southeast Asian Human Rights Commissions to issue the Bali Declaration on Human Rights and Agribusinesses in December 2011,[70] which calls on governments and the private sector to protect and respect communities' rights to their lands.

Something is afoot. Frustrated by global financial forces and the abuse of their local rights and resources, the most unlikely people are rising up against authorities once seen to be too powerful to challenge.

Worldwide efforts to put an end to the assaults of oil-palm producers on forest communities have a long way to go. But the industry's image has taken a battering and companies bent on expansion are vulnerable to the exposure of their unethical activities.

Another front for the global movement against inequality and land-grabbing is the development of large dams. For years, many Western official development assistance agencies refused to fund large-scale dam projects because of their huge environmental and social costs. But new money from China, Brazil, and the Persian Gulf has reinvigorated dam construction. This, in turn, revived opposition to large dams in 2011.

In November, perhaps emboldened by the Arab Spring to the north, hundreds of Sudanese broke decades of civil passivity to begin a sit-in on the banks of the Nile River.[71] It was too late to protest against the construction of the US$2 billion Merowe dam, 350 kilometres north of Khartoum; engineers from China's state-owned SinoHydro Corporation, the world's largest hydroelectric company, had completed it in 2009. But, as the reservoir water rose, the protesters complained that few of the 15,000 people displaced by the company had been compensated or re-housed. The Sudanese government is bracing for new protests in 2012, as tens of thousands of people are flooded out by the enlarged Roseires dam near the Ethiopian border and by two more Chinese dams to be constructed in

Nubian lands. Nubian opponents said in a letter to SinoHydro in January 2011 that the dams were part of a strategy for "the Arabization of the Nubians by resettling them far from their homeland".[72] True or not, new dam conflicts seem certain in Sudan.

In October 2011, a Brazilian judge ordered a halt to construction of the world's third-largest hydroelectric dam at Belo Monte in Para state because, he said, it would flood the homes of thousands of indigenous people and damage their fishing on the Xingu River.[73] This was despite the long-mooted US$7 billion project getting the go-ahead from the federal environment agency, IBAMA, earlier in the year and the support of local political leaders, who believe that the project will bring development. Despite protest, the judge revoked his opinion following an appeal in December.[74] This battle is likely to continue in 2012.

Just as the biggest infrastructure projects are no longer immune to protest, previously impervious governments are also becoming more vulnerable to their citizens. The year ended with the Chinese government on the back foot after protests against land grabs and industrial pollution in Guangdong province, the manufacturing heartland of southern China. The protests began in Wukan, a small fishing village.[75] Village residents said party officials had done corrupt deals with businessmen to grab their land for development. Demonstrations against the land seizures escalated; after a protester died in police custody, the villagers expelled the forces of the state, including party officials. For a week, Wukan was autonomous; then a truce was struck and the government agreed to investigate the land grabs. Will the unrest spread? It could. In December, protesters in the nearby town of Haimen, emboldened by events in Wukan, went on strike, demanding the cancellation of a planned coal-fired power station in the town that, they said, would damage their health.[76] Two people died when townspeople stormed council offices.

Something is afoot. Frustrated by global financial forces and the abuse of their local rights and resources, the most unlikely people are rising up against authorities once seen to be too powerful to challenge. There need not be confrontation: many communities want investments in infrastructure and other development, but top-down approaches will no longer be tolerated. Excellent examples of processes to obtain the free, prior, and informed consent of Indigenous Peoples and communities now abound; in the long run, the widespread adoption of such processes would be good for all parties.

PART THREE:

Questions for 2012

Will 2012 see the end of effective global action on climate change?

The agreement reached at the Durban climate-change conference that most nations should accept binding targets on greenhouse gas emissions was an overdue acceptance that developing nations now dominate global emissions and must be active partners in fighting climate change. But by postponing a deal on what those targets should be until 2015—and their implementation until 2020 or later—the agreement leaves the world a long way from any prospect of preventing a 2°C rise in temperature.

Is there a way back? The Durban conference agreed to discuss in Qatar at the end of 2012 how best to address the yawning "ambition gap". That could be the last hope of preventing dangerous climate change. Will scientific imperatives trump diplomatic convenience?

Will REDD be reformed or overtaken?

In the absence of a functioning global climate deal, and with continued uncertainty about its funding, the future of REDD is unclear. Much good work has been done to help it embrace tenure rights and forest governance, but the impetus created by its unveiling in Bali four years ago is dissipating. REDD could limp on with funding from official development assistance agencies and voluntary carbon markets, but without greater political will it could suffer the same fate as the Kyoto Protocol's moribund Clean Development Mechanism.

Where will Indonesia's tenure reform road take them?

Indonesia's commitment to forest tenure reform was one of the major successes of 2011 and a potential beacon for the transformation of forest governance elsewhere. But how will it play out, given the powerful forces in the country that still want to pursue exploitative economic development? Will the government uphold its commitment, and will civil society maintain its constructive approach? By the end of 2012, the two-year moratorium on forest licences will almost be over. The die will then be cast.

Will Rio get real?

The original Rio Earth Summit spanned 12 days; Rio+20 will last just three. The original version produced the climate-change and biodiversity conventions, but nothing comparable is set to be signed this time. Nevertheless, Rio+20 offers a great opportunity. Rights and governance were missed last time, and there was an over-reliance on old-world institutions. Development was still seen as a universal good rather than as a process with winners and losers. So can Rio+20 push forward an agenda for green growth based on equitable rights to resources?

It is unclear if Western economic turmoil and the rise to prominence of developing nations will help or hinder such an agenda. Will Rio+20 prompt a new architecture for global governance? Will local voices be heard? Will summit leaders recognize that the contributions of forest communities to local green economies could be the blueprint for global custodianship of nature's resources?

Will respect for local rights be the hallmark of 2012?

The world reached a turning point in 2011; the power of the BRICs and the ascendancy of other developing countries, and the power of local people, is less in dispute. The immense pressure being exerted on natural resources and local people is now fully recognized. But does this herald an increase in respect for local resource rights and governance? It is a question of fundamental importance: globally equitable natural resource protection and production will only be achieved in coming decades if the rights of rural and forest-dwelling people are respected.

The agenda for social and environmental sustainability is hardly new, and it would be foolish to predict that its rise is now imminent. This is a time of huge geopolitical, economic, and social flux—it brings risk, but also opportunity. A new, progressive politics that respects local rights could solve pressing global issues, from climate change to food security. If it is not sought now, then when?

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[7] Of the countries examined in Latin America, 205.4mHa fall in some community tenure regime out of the same countries' total forest area of 724mHa; in Asia, 155.7mHa out of 444.9mHa; and in Africa, 15.9mHa out of 298.7mHa.

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