

Comments received by the CCBA during the validation audit.

CCB Standards Second Edition

Project: **Reducción de la deforestación y degradación en la Reserva Nacional Tambopata y en el Parque Nacional Bahuaja-Sonene del ámbito de la región Madre de Dios – Perú**

Comment 1

Date: 9 December 2010

Sent by: Tom Griffiths, Coordinator, Responsible Finance Programme, Forest Peoples Programme (on behalf of Conrad Feather, Project Officer, Forest Peoples Programme)

With regard to the request for comments on the REDD project (titled Reducción de la deforestación y degradación en la Reserva Nacional Tambopata y en el Parque Nacional Bahuaja-Sonene del ámbito de la región Madre de Dios – Perú) proposed for CCBA audit and possible certification, FPP is pleased to make the following *initial comments*. We stress that these observations do not in any way seek to represent the views of locally affected communities, but are rather based on a review of the project documentation by FPP. Please also be informed that this submission does not imply any sort of FPP endorsement of carbon trading.

We hope that you will find this preliminary submission helpful and that concerns expressed here will be addressed in the final audit.

FPP may seek to make further representations and comments once we have more information on this project in early 2011.

Comment:

FPP makes this submission with regard to the Project Reducción de la deforestación y degradación en la Reserva Nacional Tambopata y en el Parque Nacional Bahuaja-Sonene del ámbito de la región Madre de Dios – Perú, which has been submitted for audit.

In principle, the project has positive stated objectives to promote the protection of an area of great significance for biodiversity as well as for local forest dependent communities. The PDD acknowledges the serious challenges to this effort in the form of the construction of an interoceanic road between Peru and Brazil and the intention to develop two hydroelectric dams in the region that will flood a large area and displace over 3000 people. These, and the continuing threat of illegal logging and increased migration to the area due to road construction, clearly present serious challenges to the Project's success and claims for likely reductions in carbon emissions. These factors are so great that they are clearly beyond the scope of the Project's activities. As a result, FPP notes that planned project activities would focus on improving local control of the forestry sector and on providing long term support for the development of sustainable productive activities that invoke the use of permaculture principles. These innovative efforts to assist local communities are potentially positive, but the enormous risks presented by external factors may undermine claims for likely reductions in emissions.

In terms of respect and recognition of the rights of indigenous peoples, the PDD is extremely weak. According to the information available to FPP, at no stage so far have the 4 communities affected by the project given

their fully informed consent although there have been some efforts by the project proponents to inform and communicate the project's intentions. The PDD also acknowledges the rejection of REDD projects in general by the regional indigenous Federation (FENAMAD) that represents these communities and it is worrying that there has apparently been little dialogue with the FENAMAD regarding this specific project (pg 101). In fact, the position of the national indigenous movement in Peru, as articulated by AIDSESP, is extremely clear on the subject of REDD. Without secure territories, rights and indigenous consultation there can be no concessions for REDD, forestry, oil and environmental services. (AIDSESP 28th October 2010). In all these aspects this project has serious deficiencies.

Indigenous Territories

In terms of territorial rights, the PDD acknowledges the prior occupation of the area by indigenous communities, but then claims that as the site is a protected area, all property rights pertain to the Peruvian state. The PDD affirms that there are no outstanding indigenous land claims to the protected area, but it remains to be seen whether the communities are in agreement with such a position. Until adequate consultation has been carried out with communities with independent observers and in full coordination with regional representative indigenous organisations, such claims cannot be upheld. Furthermore, the PDD does not recognise indigenous peoples' rights to ancestral territories as affirmed by ILO 169 (ratified by Peru) and in related human rights instruments (including the American Convention on Human Rights): the PDD only recognises titled lands under existing national laws without due regard for the international obligations of Peru to uphold indigenous peoples' rights (pg 119). International norms, including ILO 169, establish that the right of indigenous peoples to territories are prior to the existence of states and the establishment of land titles.

Consent and consultation

At no stage in the PDD is there any mention of indigenous peoples' right to Free, Prior and Informed Consent as upheld by the UN Declaration on the Rights of Indigenous Peoples (endorsed by Peru) and in related human rights treaties (ratified by Peru). The concept of FPIC is also applicable to Peru through its membership of the Organization of American States whose subsidiary bodies have generated jurisprudence on this subject that is clear and thereby applicable to all member states.

Indigenous peoples are not simply another stakeholder in this project, but are collective rights holders. As the PDD itself acknowledges, their way of life will certainly be affected by project activities (pg 102). Key questions such as the control of logging activities, some of them practised by communities (e.g. Kotsimba) and changes in agricultural practices are of direct relevance to indigenous peoples and their perspectives must be taken into account through a process that fully respects their right to give or withhold their free, prior and informed consent expressed through their freely chosen representative organisations. Given the extremely clear position of the Peruvian indigenous movement on this subject it is critical that project auditors take this into account during their evaluation alongside the need to include a far more rigorous legal analysis of the project as it pertains to indigenous peoples' rights in both national and international law.
