Strategy
Rights-based Solutions
Forests of the World’s rights-based approach and search for rights-based solutions is one of our strategic priorities towards forests conservation, and the fight against climate change and inequality. Our experience tells us that the fulfilment of rights can rescue forests. This way we contribute among other to peace, justice and strong institutions, reducing inequality and giving voice to women and youth, as described in SDGs 16, 10 and 5.

1. Rights, Civic Space & Forest

The violation of rights and the shrinking of civic space has been increasing these last years. According to Civicus only 4% of the world’s population lives in countries, where governments respect democratic freedoms, such as freedom of speech or assembly. In our priority countries, legislation is generally in place to promote good management of natural resources, rights of local and indigenous communities and civil society participation; the challenge is enforcement. When national legislation is complemented by international processes, such as the UN COPs on climate change and biodiversity, the UN declarations on Human Rights and the Rights of Indigenous Peoples, the ILO Convention 169, the international legal system in the Organization of American States (OAS) and the African Union (AU), and the recent Escazú Agreement, it provides a window of opportunity to promote sustainable development. This corresponds with Denmark’s international priorities of reducing deforestation (New York 2014 and Amsterdam 2015). Denmark is committed to the ambitious biodiversity targets (Aichi) and, together with Greenland, has long been a pioneering force for the rights of indigenous peoples, both under the aegis of the UN and in our bilateral development cooperation.

Forests of the World’s rights-based approach is based on both individual, as well as collective, human rights. The individual ones include e.g. the freedom of speech and assembly, thus permitting advocacy and formation of community forestry groups with a view to claim or achieve shared rights to use land and forest resources. While individual rights are comparable across continents, some collective human rights are recognized differently in Latin-America and East Africa. Collective human rights may be invoked only by particular ethnic groups, typically minorities and primarily indigenous and tribal peoples, whose history, identity, political, social and cultural structures and attachment to their native land predate the era of European colonisation. They can claim territorial rights and autonomy, with no outsider being allowed to intervene in their territory without their free, prior and informed consent. Forests of the World refers generally to these ethnic groups as indigenous peoples.

Collective and territorial rights of indigenous peoples protect them and allow them to define their development of dignified livelihoods. Additionally, their collective and territorial rights have proven the most effective safeguard against deforestation. Individual human rights link to environmental legislation protecting forests, as a consequence of an anthropocentric decision that all people have the right to live in a healthy environment. Forest conservation based on human rights is therefore a logical and strategic approach for achieving the development objectives of Forests of the World, and pushes for enforcement and respect for national and international legislation in our priority countries. It likewise supports rights of environmentalists and human rights activists in the global South. This is ever more important in a world where the space for
civil society and indigenous peoples to act and express themselves freely comes with fear of attacks, detention, harassment, intimidation, torture, or even murder.

2. Rights-based Solutions

Forests of the World supports rights-holders, who with reference to their own rights increase the scope and fairness of legislation as a means to solve their development problems or to secure fulfilment of their rights.

Our priority is as follows:

We prioritise rights-based development, understood as the struggle over resources and power, where rights-holders with reference to and knowledge of their own rights see an incentive and the means to solve their development problems or to secure their rights. **Combatting poverty and inequality** is a process, which seeks to promote the transfer of power and resources from people in power to marginalized, poor, vulnerable and oppressed people through legitimate demands. In our mindset, rights are considered both a goal and a means that oblige duty-bearers to comply with legislation and actively participate in the redistribution of power and resources.
Our experience tells us that long-term, continuous problem-solving and development is most likely to succeed when rights-holders themselves are aware of their rights and capable of fighting for their recognition. We cooperate with the rights-holders themselves and their legitimate representative organisations and allies. Thus, the stakeholders of our interventions include rights-holders such as civil society actors and indigenous peoples, who are citizens, producers and organisations, as well as duty-bearers such as public authorities and businesses. Allies in terms of NGOs, donors and international agencies or private sector are also considered as stakeholders. The rights-holders have the task of holding the duty-bearers accountable for their obligations, especially towards the part of the population, who depend on the forest as a livelihood, and are threatened by deforestation, loss of biodiversity and climate change.

Equal participation in decision-making regardless of gender, age and ethnicity is a general right, and an important factor in Forests of the World’s interventions. Accordingly, also women and youths receive special attention, as their frequently deficient access to ownership and decision-making inhibits vast development potentials, in addition to having merit in itself. Girls and women make up half the world’s consumers and labour force, and hold half the knowledge and intellectual capacity. Youths are the leaders and authorities of the future, and should be involved in capacity development processes at the earliest stage possible. Furthermore, youths have proved to be more open to changes in traditional gender roles. All in all, there are good reasons for and potential benefits from boosting the opportunities of girls, women and youths. Indeed, women play their role in human rights struggles. More than half of the world's poorest people are women and girls. Several prominent female environmental and rights activists, such as Honduran activist Berta Cáceres, who was murdered for protesting against the construction of huge dam in the indigenous Lencas land and on a river, they considered sacred. Further, Nicaraguan lawyer Maria Luisa Acosta’s husband was murdered, because of her work for the rights of indigenous peoples. Experience also demonstrates ample room for women in both forest management, agroforestry and tourism initiatives. Moreover, the work with youth groups has often proven to be led by young girls, who as a majority, take responsibility and set the agenda. Click here to see our Operational Guidelines for Mainstreaming Gender Equality in Development Work.

Accountability and non-discrimination are key concepts in making duty-bearers comply with obligations and ensuring rights for all rights-holders. Collective human rights arise from centuries of oppression and discrimination, as well as from recognition of indigenous peoples’ special need for protection to be able to survive culturally, socially, economically and politically. Forests of the World refers to ILO Convention 169, as well as to the declarations of the United Nations (2017), the Organisation of American States (2016) on indigenous peoples’ rights and the African Charter on Human and Peoples Rights. Cooperation with collective human rights-holders is at the heart of Forests of the World’s institutional strategy, since there is a substantial overlap between major intact tropical forest ecosystems and indigenous peoples’ territories. Indeed, many of these biologically valuable forests rightfully belong to indigenous peoples, making collective human rights important, not just in its own right, but also as an instrument to promote forest conservation and poverty reduction by strengthening indigenous peoples as defenders of their natural resources.

Transparency in relation to forest land rights, communal user rights and mandate to act are essential for people to claim their rights. But also for productive groups to invest in the forest, and for territorial governments and managers to defend their land.
motivation to fight for, invest in and defend something that you fear can be taken away from you, is limited. Since Forests of the World also works with value chains and income-generating initiatives, it has also become relevant to ensure recognition of the rights of legal entities. Although such rights attract less international attention, they are useful in advocacy and in creating favourable incentives for cooperatives or community forest management groups. By giving access to the arena of business and economic policy, they also provide new opportunities for alliances and hence another front on which to gain influence and concessions.

Advisory and Policy link
Forests of the World’s Human Rights rights-based approach adhere to the PANT-principles, as described above. Advocacy is thus a method for rights-holders to claim civic space and fulfilments for rights towards duty-bearers. Forests of the World, partners and beneficiaries focus on an advocacy strategy of developing models and gather experiences that can be communicated to the outside world and create shared responsibility locally, nationally and internationally. We find it important to create the link from realities in the field in the global South to local authorities, to national politics and in some case international arenas, as the best way to justify arguments and gain influence in the fight against climate change, inequality and loss of biodiversity.

3. Promoting Indigenous Peoples’ Rights
Indigenous peoples belong to the people of the world who are most at risk of their existence. They suffer from what can be called a triple repression. They belong not only to the most marginalized groups economically and socially, but also culturally. Discrimination against indigenous people’s languages, cultures and traditions is a widespread phenomenon in all our focus countries. It’s a discrimination that is often integrated in society, as well as national laws in the countries, where indigenous people live.

Forests of the World support and collaborate with indigenous peoples with the aim of them being able to freely exercise their rights, defend and managed their territories. We are guided by three overall thematic areas:

- Legalisation and governance of indigenous people’s territory
- Defence of indigenous people’s territory
- Advocacy for the benefit of indigenous peoples' rights

3.1 Legalisation and governance of Indigenous Peoples’ territory
Forests of the World support legalisation and governance of indigenous people’s territory by e.g.:

- Support legal assistance in connection with presenting cases and negotiations with authorities
- Support organisational development to strengthen governance and the capacity territorial management and defence
- Support dissemination of information on collective rights and indigenous peoples
- Support conflict resolution

Indigenous people in the rainforest depend on land for their survival, and the legal recognition and control of territory is essential for their self-determination and
development. The forest is the basis of life for indigenous people as a source of hunting, fishing, agriculture, medicine and materials for houses and boats. Often, the forest is also the basis of indigenous peoples’ religious beliefs and their entire history as an ethnic group relate to that part of the forest, they claim as their territory.

Legalisation of collective territories often involves the recognition of people, who are already residents in the territories of indigenous peoples, to be allowed to stay, regardless of them identifying as indigenous peoples or not. They do have to follow territorial government rules, though. On the other hand, indigenous people with a legal title to their territory have the right to deny further incoming migration or invasion, which usually causes degradation of natural resources.

Indigenous peoples’ claim of territory is done collectively, instead of individual plots. This makes sense culturally, but also reduces the risks of poor indigenous peoples being tempted by money-rich interests to sell their land. A collective territory cannot legally be sold or purchased, but is owned by the people.

Actually, indigenous peoples’ religious worldview is incompatible with the idea that we, as humans, can own the land or nature, which we ourselves are a part of. Thus, when indigenous peoples increasingly organise to claim legal ownership of the land, it is in recognition of the need to compromise their own religion and worldview, as they are forced to live in ever smaller areas, and are threatened with extinction as a culture or ethnic group. The spiritual compromise of indigenous people's strategy has become that no individual should own the land, which is instead owned collectively.

The process of claiming collective territory and obtaining the official and legal recognition and title from authorities is often lengthy and complicated. In order to participate actively in this process, it generally requires in-depth knowledge of international rights, national land laws and, in some cases, even the formulation of proposals for new laws and reforms on land ownership. The fight for territory thus requires professional legal assistance, which indigenous peoples rarely have access to at their own expense. Further, you must know your rights, before you can demand them. And often there is an extremely limited knowledge of basic rights – both individual and collective – among indigenous peoples in general.

Forests of the World’s support is not intended to contribute to unnecessary conflicts between indigenous peoples and other poor people or populations during titling processes. Thus, support can also be provided for conflict resolution and the development of negotiating strategies for the legalisation of territory.

Another major obstacle for indigenous peoples in the struggle for territory is the lack of financial resources to meet. They often live in remote areas, from where travel costs internally and out of the area, can be high. We can support their need to meet and discuss common issues and find solution strategies. They can benefit from sharing experiences, network and form alliances, and must travel to engage in negotiations with relevant parties.

3.2 Defence of indigenous people’s territory
Forests of the World support for the defence of indigenous people’s territory by e.g.:

- Support for indigenous peoples in negotiations with externals actors, such as industries or settlers
Support for indigenous peoples' negotiations with external actors, e.g. industries in the context of intrusive commercial interests is provided concretely in the form of legal assistance, knowledge sharing on potential social, cultural, economic and environmental implications of the presence of extractive industries, as well as advice on possible economic compensation requirements. This could also include REDD or CO₂ compensations agreements.

Even in cases where indigenous peoples have been legally recognised, and have a title to their territory, this is not always respected in practice. There is still a need to defend the territory against infrastructures, for example the construction of roads or dams. The territories are further threatened by illegal invading settlers in the search for land for agriculture and cattle ranching, as well as bio-pirates, timber contractors, mines, oil companies, soy and palm oil plantations etc.

Territorial rights of indigenous peoples include the right of use to the land, whereas by definition the subsoil still belongs to the state. Thus, the indigenous peoples are legally strong in their defence of e.g. road construction, invading settlers, and timber companies in their territory. Whereas it may be very difficult for them to protect their territory against mining and oil companies that cooperate with the state.

However, it is not possible to extract minerals from the subsoil in a territory without access to the land belonging to the indigenous peoples. It allows indigenous peoples to impose requirements on industries in relation to exploitation technologies that minimize environmental damage. They can also require respect for social and cultural aspects, and the possibility of financial compensation for the presence of industries in their territory.

Monitoring of forest territory - both from the sky via satellite images and on the ground via field verification – is key to know where and the speed with which deforestation happens. We support monitoring and sharing of data, as well as field expeditions of forest rangers. This work provides primordial information for the defence of territories.

Support for the development of territorial management plans is provided in the form of financing transport, communication and holding meetings, training of indigenous leaders in participatory approaches to gathering evidence and territorial planning in topics of particular interest to residents of a territory, such as education, health, culture, environment and production.

The indigenous people usually belong to the very poorest part of the population in their respective countries. A legal recognised territory does not in itself solve poverty problems and lack of access to basic trade, education, health and transport services provided by the state. Thus, it is essential for indigenous peoples to develop income generating activities to defend their territory and improve their living conditions.

Indigenous peoples often live in protected areas. They have their own management plans, where the territory is divided in zones for housing, cultivation, hunting and fishing, and areas designated only for environmental or religious purposes. These
management plans help preserve the biodiversity of forests. But as industrial interests and invading settlers from other parts of the country are destroying the forest, and the indigenous peoples themselves become more and more involved in a monetary economy, we also find actors within indigenous peoples, who begin to engage in activities exploring the earth in attempts to produce more than the ecosystem can bear.

Sustainable territorial management plans therefore serve a variety of purposes, such as the defence of the territory, the production and improvement of indigenous peoples' quality of life in health, education, culture and communication, building a sustainable economy and so on. In most countries, indigenous peoples are obliged to present a form of management plan for their territory. Obtaining a territorial title is therefore not a permission to do anything with the flora and fauna and other resources in the area.

Forests of the World support for sustainable management plans is based on the original groups' own management plans. The focus on sustainable production and income generation serves a dual purpose: a) partly improve the standard of living of indigenous peoples and b) partly to show that there are sustainable alternatives to the extractive industries often very destructive and short-term logging, mining and oil extraction in the rainforest. Support for the development of sustainable production and commercialization of forests services should be deforestation free.

3.3 Advocacy for the benefit of Indigenous Peoples' rights
Forests of the World support advocacy in favour of indigenous peoples' by e.g.:
- Support the voice of indigenous peoples
- Support knowledge sharing, technical advice and financial support for indigenous people’s representative organisations
- Support awareness raising of indigenous peoples’ cases

Advocacy is about ensuring that indigenous peoples' individual and collective rights are recognised and respected in practice. The rights of indigenous peoples are described in a number of international conventions, but not all countries have signed these international conventions. Of the countries that have signed the conventions, not all countries have ratified them, i.e. transferred the text and intention of the conventions to national law. It is thus different from country to country, which legal background the indigenous people have to claim their collective rights.

Advocacy can be focused on getting the country’s government to accede to the conventions, ratifying the conventions to national laws or ensuring the implementation of the laws in practice. However, advocacy in favour of indigenous peoples' rights is not just about obtaining recognition and compliance with existing rights, as described in the conventions. It’s also about developing improving rights, where they are too vaguely formulated, and formulating and fighting for new rights and laws, when new forms of oppression and conflicts occur.

For example, the genetic engineering and patent rules of the World Trade Organization (WTO) have enabled individuals and private companies to patent indigenous peoples' knowledge of natural medicine without any form of crediting or commercial profit sharing with indigenous peoples. Patents also allow the patent holder to prevent indigenous people from selling their traditional medicine on the market. This calls for countermeasures in the form of new rights and rules that protect the collective inventions and traditions of indigenous peoples.
The direct opponent of the indigenous people in the struggle is traditionally the government of the country, where they live, since they have been reduced in using the land, where indigenous peoples live. Similarly, powerful farmers are restricted in clearing the rainforest to expand their land for grazing and plantations, when indigenous rights are protected. In addition, the business owners and government representatives are often related as family or friends, especially in Latin America, where economic and political power has a long tradition of walking hand in hand, within a small, but very powerful elite. Therefore, the indigenous peoples often have various different stakeholders working against their rights.

In addition, it is generally difficult to get the state to accept even very limited degrees of self-determination, as this is seen as a threat to the state's cohesion and continuation. When indigenous people speak of collective rights for a community of people, the state rather speaks of the people in singular with certain individual rights.

Last but not least, indigenous peoples have, over the centuries and up to now, been subjects of racism and massive discrimination by people in power, making it difficult for them to access political, economic and social influence in their respective countries. Of course, this mix of economic and political interests, with corruption and discrimination can make it extremely difficult for indigenous peoples to influence local and national politics. The only ones who can speak on behalf of indigenous people are, of course, indigenous people themselves. Therefore, we support the development of capacity to speak to local authorities, national governments and international forums such as the EU, the UN and the WTO.

The most important allies of indigenous peoples are usually the international community, represented by a large number of NGOs, individual governments (including Denmark) and, to some extent, the UN, which together contribute to putting international pressure on governments in the countries, where the indigenous people suffer repression.

Forests of the World can, in some cases, play a role in advocating the fulfilment of indigenous peoples' rights. Actions in the global North have consequences in the global South. Politicians in the Danish parliament, the EU, the UN, the WTO, the World Bank, the International Monetary Fund and other international forums make decisions that have a major impact on indigenous people's living conditions, and they often have more power than the governments of poor countries. Likewise, consumers in the global North are making choices that have a great influence on the development in the global South.

Forests of the World therefore also participates actively in creating awareness of indigenous peoples’ cases, and help to create international solidarity and put pressure on governments. This is done by forming alliances between North and South, developing common strategies, informing the Danish population and lobbying for policies and other initiatives in Denmark and the EU in favour of indigenous people.