

ANNEX to Appeal to India and UN on indigenous forest rights/ on forests-derading impacts of the 'compensatory afforestation' and emissions-increasing impacts of 'emission reductions'

1. While the "Guidelines for participation of private sector in afforestation of degraded forests" proposed by Ministry of Environment, Forest and Climate Change, recognise that "in India around 300 million people, directly and indirectly, depend on forests for sustenance and livelihoods, deriving food, fruits, fuelwood, fodder, small timber, NTFPs, medicinal plants, etc." and while forest dwellers have recognised rights on these forest uses, the guidelines however consider such forests as "degraded" - compared to thicker canopy density of grown-up monoculture-type plantations.

On this basis the Ministry's guidelines order 85-90% of the people's biodiverse forests - that provide "food, fruits, fuelwood, fodder, small timber, NTFPs, medicinal plants, etc" for 300 million people - to be displaced by monoculture-type plantations that provide only private timber, pulp and carbon credits for market profits of private actors.

But in self-regenerating (non-planted) forests "each species has a role and is symbiotically dependent on other species. Removing 95-98% of species for growing 1-2 species may result in the fast degradation of the site" devastating the local ecosystem which depends on their wide diversity of species of trees, plants, mushrooms, microbes and animals.

"Even the most degraded natural forests have 50-100 species of trees per hectare. For their end products, industries would hardly plant one or two species," as noted by a former director of Indian Institute of Forest Management, Bhopal. (1)

Approximately 2 million hectares of forests have been leased out to miners, dam builders, urban land developers etc. and these include forest diversion to non-forest purposes where "during the last five years and current year, the central government has accorded approvals to over 184,393 hectares of forest land in 7,716 cases for various developmental activities". (2) India's Minister of Environment, Forest and Climate Change advertises the ministry's approach even by saying:

"For every diversion of forest land for a project, a condition for clearance says that compensatory afforestation on equal area of non-forest land is a must. So ultimately, it is reforestation only. This is all about thinking positive and using the right expression." The speed of diversion of India's forests for industries and monoculture-type plantations is even boasted by the ministry to measure the efficiency of the governance of environment, forest and climate change. (3)

While various types of forests used by communities also for cycles of NTFP gathering, cultivation, grazing, etc. have each grown not only dozens of tree species but also diverse species of plants, animals and mushrooms, all this forest biodiversity will drastically degrade when government both diverts such forests for mining or other industries and also requires equal or even double amount of more lands for these industries to plant monocultures or other plantations as if they could "compensate" the forest biodiversity degradation.

The proposed new Compensatory Afforestation Fund (CAF) Bill would boost both of these processes to divert the self-regenerating forest biodiversity that has been sustained, protected and conserved by the communities as biodiversity rich forests will be displaced for commercial purposes.

To satisfy the rising demand of industries and commercial consumption in the name of the rapid commercial growth, India considers the lands which are in use of the communities as 'wastelands' to be taken for other purposes displacing the communities and violating the equal economic human rights of India's 300 million people who "depend on forests for sustenance and livelihoods, deriving food, fruits, fuelwood, fodder, small timber, NTFPs, medicinal plants, etc." (4) and who remain deprived of their lands and basic needs.

When "communities are alienated from their lands" in the name of commercial 'development' "such projects result in human rights violations involving forced evictions, displacement and even loss of life" and are "certainly not what we mean by development". (5) Such evictions continue as compensatory funds are used to capture communities' traditional lands for other purposes and to displace the communities for commercial interests of the business actors and forest bureaucracy no matter whether it is done formally in the name of development, forestry, conservation or emission reductions.

2. Because payments for compensatory afforestation or carbon offsets are based rather on calculations based on simulated models than on ground-truthing (measurements of all the impacts on the ground), what becomes profitable is rather to manage calculations than what happens on the ground. The earlier non-planted biodiversity of the area remains usually assessed without verification and the afforestation/ offset project scenario remains compared to imaginary scenarios on how the area could look like if one would leave out the planted biodiversity. It happens often also that the afforestation exists more in paper than on the ground and reduces dynamic life-support systems to business values of reported imaginary scenarios.

Even where so-called compensatory measures like afforestation take place, they tend to hinder earth's own biodiversity regeneration by disrupting it and restrict more sustainable use, management and restoration of forest biodiversity, violating the rights of indigenous and local communities of the area.

While the modern commercial takeover, use and control of land keeps earth's own biodiversity continuously displaced from wide areas which would otherwise grow great diversity of carbon-binding trees and plants, thus land used for commercial consumption keeps also huge amounts of carbon in the atmosphere.

This is still continuously maintained and supported under all current emission reduction measures where no restrictions have been set for the growing consumption which continuously boosts emissions. Prevailing commercial structures of "emission reductions" and 'carbon trading' also encourage actors to make profits by transferring the measured emission from a particular project to activities from which the emission impacts never get measured. These structures encourage production of more emission so that one can present easy and hugely profitable reduction figures just to get money. (6)

While indigenous use of forest keeps forests regenerating - like shifting cultivation with its forest growing rotational fallows does -, these practices under which the biodiversity and forests regenerate are measured continuously as if they would have more permanently emitted carbon through loss of forest carbon stocks.

But much wider and much more permanent and continuous total removal of whole forest biodiversity by commercial takeover of land for cities, mines, dams, industries, agribusiness, etc, is not counted as loss of forest carbon - no forest loss can be seen because no forest can be seen in those areas - just because it has so far been a continuous historical process which kept on ignoring the emission factor.

While most of those areas which have lost nearly all self-regenerating carbon stocks and biodiversity are areas captured and managed under commercial control - cities, industries, monoculture plantations, etc. - still the prevailing 'emission reduction'-titled measures are only expanding this commercial control which continuously prevents the self-regrowth of biodiverse vegetation that would otherwise bind the carbon - if it were not continuously eliminated.

Studies made for schemes to estimate the emission reductions by REDD+ projects have tried to calculate the area of shifting cultivation by assuming that all forest loss which the states have not recorded as increase of farmland or grazing land in FAO could be classed as shifting cultivation:

As competent "data on the extent of shifting cultivation are not available", researchers (like N. Harris, A. Bacchini et al.) have made "the assumption that if FAO statistics reported larger losses of natural forests than the sum of increases in cropland and grazing land (as reported in the FAOStat database) in a given year, then these additional losses in forest area represented lands entering shifting cultivation cycles." (7)

But most such deforested areas which have not been used for settled commercial agriculture or grazing, have been taken - not for shifting cultivation, but - for mining, roads, expansion of cities, dams or other industrial infrastructure which denude a forest area without turning it into shifting cultivation. Therefore in future REDD projects the forest loss caused by mining, roads, expansion of cities, dams or other industrial infrastructure, etc. would become easily treated as if it were forest loss caused by shifting cultivation ? (8)

While ca. 60 % of the global forest loss has been found to be caused by (relatively exports-driven) commercial agriculture (croplands, pastures, etc.) ca. 25 % has been caused by mining, roads, expansion of cities and other habitats, dams and other industrial infrastructure. Of the remaining ca. 15 %, part of it is caused by other subsistence cultivation/ non-commercial grazing and related habitation. Forest loss caused by shifting cultivation could be thus around 7,5% (9) whereas forest areas however continue to regenerate under shifting cultivation while forest is unlikely to regenerate in the same way in case of areas under mining, dams, roads, etc.

And what happens to the forest biodiversity and emissions when people get displaced?

The emissions of the plantation-displaced people grow usually higher than earlier after the displacement process triggers off a subsequent process of forced migration to cities, industries or agribusiness where their life's more urban/industrialised conditions of more fossil fuels and other polluting industrial products keep the forests more intensively/permanently displaced than earlier when they lived within the continuous regeneration of the forest. in the forest.

The crucial thing in respect to the land use is not only the emissions coming to the atmosphere just from a specific area but how far people start to live by consumption which causes emissions also in other areas due to such land use change which was intended/measured to produce less emissions from the original area.

Thus both the per capita and aggregate biodiversity loss and the overall emissions maintained by the carbon forestry plantation can be much higher than before the monoculture plantation which displaces biodiversity based self-regenerating carbon stocks. Such increased emission is however not measured or accounted in forest offset projects like compensatory afforestation, CDM forestry and REDD+, or in large scale industrial plantation projects.

As such projects do not calculate this increased emission, it becomes relatively easy and even subsidised to make profits in the name of 'emission reduction' projects, whose net impact consists of a net increase in emissions. It is easier for commercial actors to measure, demonstrate, manage - and to make profit from - the amounts of carbon of monoculture type plantations than for the indigenous communities to measure and demonstrate by calculations the self-regenerating carbon stocks sustained by living with earth's indigenous wild biodiversity.

The more near people's management of a forest ecosystems is to their living the life of that ecosystem, the more secure is their interest to sustain the biodiverse forest - compliant to the CBD Ecosystem Principles 1 and 2. While the Forest Rights and PESA Acts authorise the forest communities to determine the forest rights and how the forests are to be used and protected in the community, the Forest Departments have however built their own corrupt procedures by which the forest bureaucracy itself can sign MoUs with private corporations to allow the commercial capture of the communities' biodiverse forests for the industrial business actors. (10)

India's new Compensatory Afforestation Fund (CAF) Bill would increase financial capability of the forest bureaucracy manifold to take lands of communities not only for "forest management", "conservation" or "wildlife protection" (on which the forest dwelling communities was to be the authority under the FRA) but also "undertaking artificial regeneration" (plantations), "infrastructure development, Green India Programme", and even for forest bureaucracy's any "other related activities and for matters connected therewith or incidental thereto" or "other allied activities in the manner as may be prescribed" (11). This would further reduce judicial scrutiny over the process and make easier more corruption and financial irregularities.

3. India's forest communities are best adapted to live by the regeneration of India's 'in-situ' biodiversity as they are integral to its survival. For conserving biodiversity they need thus to be protected from displacement and secured rights to their customary sustainable use of biodiversity - as also provided by the FRA. (12)

In-situ biodiversity has survived quite well in such tribal forest areas of India, where tribal communities have decided the use of the forests. Forest plantations or other commercial capture of forests remove tribes from forest to urban or industrial spaces, displace India's in-situ biodiversity and create food-scarcity for wild animals who get forced to live in shrinking habitats, artificially divided, bordered and declared as national park or sanctuary.

Such sanctuaries or wildlife corridors displace indigenous inhabitants and their ecosystem-adapted life - but allow tourism, plantations, highways, dams, even mining or mineral transports (13), even by corporations like Vedanta-Sterlite-Balco who has violated diverse legal safeguards of vulnerable tribes and environment. (14)

Wildlife has been adapted to live in situ not in areas of sanctuary tourism business but in areas co-habited by forest communities. To conserve biodiversity duly 'in-situ', - not just to provide show for tourism - India is obliged not to displace but "respect, preserve and maintain" practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity". (15)

If India does not respect and maintain these community practices with which the wildlife has lived 'in situ' but evicts the communities and fragments their ancestral forests into areas where to keep the wildlife for tourism industry, this disturbs wildlife and restricts its gene pool. Wild animals easily flee the stress from such tourism areas - like tigers flee from Kanha - again into the forest areas sustained by tribal communities. (16)

While modern economic development and tourism disturb wildlife, therefore in areas which the communities have traditionally conserved without such disturbance, they have a legal right also in sanctuaries "to regulate

access to community forest resources and stop" what "adversely affects the wild animals, forest and the biodiversity", covering also the respective gene pool. (17)

As communities have this established right to control such access by sanctuary or other business to secure wildlife or the safety of its gene pool, India is under the Nagoya Protocol obliged to "ensuring that the prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to grant" such access (18) in their traditional forests. Affected communities' "prior and informed consent to or approval of, and involvement in, the establishment, expansion, governance and management of protected areas" is needed along with their "full and effective participation" and with "application of traditional knowledge and customary sustainable use in protected areas" - as the CBD Hyderabad summit under India's CoP presidency promised to be promoted. (19)

Otherwise commercial takeover of habitats disturbs wild animals and forces them to flee to tribal areas that get oversaturated by such forced, restricted movement of wildlife. Stressed wild animals like elephants attack the communities and their life-stock near sanctuaries in Chhattisgarh, Orissa, Karnataka, West Bengal, etc.

Who is responsible when in the name of conservation people are shot dead (like in Buxa tiger reserve or Kaziranga) or wildlife exposed to tourism continues to kill people like in Sundarbans tiger reserve (20) ? Can such killing continue to be maintained in the name of CBD in-situ conservation commitments ?

Due "in-situ conservation" does not allow tourism, plantations or other sanctuary based industry to disturb wildlife in a manner which exposes people to be increasingly violated or even killed by the disturbed wildlife. India has to secure forest communities' right to their customary sustainable use of biodiversity, to live by their traditional occupations and "land tenure in the traditional territories of indigenous and local communities".(21)

4. While Orissa government earlier demanded in Supreme Court a right to mine Niyama Dongar area of Dongria communities high up in the hills, now Orissa demands rights to mine in the foothills next to the Vedanta aluminium smelter factory in Kutia and OTFD communities of Lanjigarh.

Orissa also complains about the Gram Sabhas that were held in 2013 saying that they "had turned out to be a referendum on setting up of the Vedanta project, whereas the Supreme Court mandate on holding of the sabhas was meant to protect religious rights of the tribals over the Niyam Raja shrine located 10 km from the mining site, and ensure implementation of the tribal rights Act in the area" (22)

Supreme Court's mandate for the Gram Sabhas was however that compliant to the Act and the Constitution:

a) "Grama Sabha functioning under the Forest Rights Act [...] has an obligation to safeguard and preserve the traditions and customs of [...] forest dwellers, their cultural identity, community resources" as community's cultural and natural heritage and in determining community's "customary rights" on MFP, on grazing, on Community Forest Resource, rights of "community tenure of habitat and habitation for primitive tribal groups, traditional rights customarily enjoyed" including also "the right to practice and propagate not only matters of faith or belief, but all those rituals and observations which are regarded as integral part of their religion". (23)

b) In addition to the claims that were already made the Supreme Court judged that "the Gram Sabha is also free to consider all the community, individual as well as cultural and religious claims, over and above the claims which have already been received". (24)

c) Further, as a specific issue that had been put into doubt (by Orissa government) but which had - at that time - so far yet "not been placed before the Gram Sabha for their active consideration", the Supreme Court requested the Gram Sabhas to consider also:

- "whether [...] Dongaria Kondh, Kutia Kandha and others, have got any religious rights i.e. rights of worship over the Niyamgiri hills" ?

- if such rights exist, how would the sacredness of Niyamgiri hills be reduced to exist only in one spot "known as Niyamgiri, near Hundaljali, which is the hill top known as Niyam-Raja" and "whether the proposed mining area Niyama Danger, 10 km away from the peak, would in any way affect the abode of Niyam-Raja" ? (25)

d) The reply of 12 Gram Sabhas was that whole Niyamgiri mountains are sacred abode and the mining would affect this sacred abode of whole Niyamgiri mountains.

As the Supreme Court judgement was that if the Gram Sabhas consider that bauxite mining "in any way, affects their religious rights, especially their right to worship their deity, known as Niyam Raja, in the hills top of the Niyamgiri range of hills, that right has to be preserved and protected" (26), the MoEF took the final decision on mining accordingly as judged by the Supreme Court.

As the Supreme Court judgement emphasized "customary" and "traditional rights" and traditional village council's authority on determining the traditional rights (such as FRA 3(1) (e), (i) & (l)), one has to note that:

Not only in Dongria areas but also in Kutia areas of around Niyamgiri, these Particularly Vulnerable Tribal Groups have not had only one traditional forest right neither only one place to worship just one god in just one hill-top but vast amount of traditional rights on all dimensions of life, observing diverse spiritual and sacred and other customary aspects of Niyamgiri life. They have rights to protect all these.

For Kutia Kondhs also "their hill god (*Soru penu*) solely responsible for the distribution of such vegetation" or "the god of the forest, usually named after the hill, decides on the type of tree species that will grow there according to the locality." (27)

Diverse hill-tops and sacred sites have many spiritual values and forms of spiritual presence, including not only geographical places but also changing, moving and living "natural features" held by indigenous communities "to be of particular importance" as animated with spiritual presence - and to be respected as their sacred sites also by the states and other actors. (28).

"Restriction on places of worship or other religious sites and shrines" to be only certain type of places is likely to "violate the [...] rights of a [...] community". Such "registration should not be a precondition for practising one's religion" as legal right. (29) Whether also one Niyamgiri hill top near Hundijali has (or has not) been a sacred place and abode or seat of Niyam Raja, does not influence what sacred or customary values other hills, abodes and seats may or may not have.

Traditional observation of the mountains and the sacredness of their heights have not been based on any technical measurements to define the altitudes of diverse hill-tops from the sea-level. Rather mountains' life-giving sacred height is the experienced distance from how far and to how widely or deep down the slopes and foothills the mountain channels the streams of life from the heights of skies by water, sun-light, wind - no matter what otherwise is technically measured as highest geographical altitude from the sea-level.

Notes and references

1. <http://www.hindustantimes.com/india-news/govt-to-allow-pvt-sector-to-manage-40-of-forests/article1-1389622.aspx>
 2. http://www.business-standard.com/article/pti-stories/1-84-lakh-hectare-of-forest-land-diverted-for-non-forest-use-115081301268_1.html#
 3. <http://indianexpress.com/article/india/india-others/dont-say-diversion-of-forest-land-say-reforestation-prakash-javadekar/#sthash.yzZ4ntxl.dpuf>
 4. Ministry of Environment, Forest and Climate Change, "Guidelines for participation of private sector in afforestation of degraded forests"
 5. UN High Commissioner for Human Rights on India <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11284&LangID=E>
 6. <http://www.nature.com/nclimate/journal/vaop/ncurrent/full/nclimate2772.html>
 7. N. Harris, A. Bacchini et al. Progress toward a Consensus on Carbon Emissions from Tropical Deforestation, 2012, pages 4-5, http://www.whrc.org/news/pressroom/pdf/WI_WHRC_Policy_Brief_Forest_CarbonEmissions_finalreportReduced.pdf
 8. See on origins of such distorted approach of calculation in R. A. Houghton and J. L. Hackler, Emissions of carbon from land use change in sub-Saharan Africa, *Journal of Geophysical Research*, vol. 111, 2006, <http://onlinelibrary.wiley.com/doi/10.1029/2005JG000076/pdf>
 9. See <http://www.carbonbrief.org/blog/2015/01/farming-overtakes-deforestation-and-land-use-as-a-driver-of-climate-change/> and http://www.climatefocus.com/documents/files/addressing_agricultural_drivers_of_deforestation.pdf, also N. Hosonuma 2012, An assessment of deforestation and forest degradation drivers in developing countries, <http://iopscience.iop.org/1748-9326/7/4/044009/article>
 10. <http://scroll.in/article/756055/plan-to-privatise-40-of-forests-will-undermine-law-giving-advantaged-control-of-their-habitats>
 11. Proposed new Compensatory Afforestation Fund (CAF) Bill
 12. As "integral to the very survival and sustainability of the forest ecosystems" forest communities are legally recognised by the FRA as crucial for the conservation of in-situ biodiversity which becomes displaced when forest communities are displaced. Thus their rights have to be settled and their consent to resettlement obtained under the FRA (sec.4.2) before any relocation of these communities can take place. See also <http://www.tribal.nic.in/WriteReadData/userfiles/file/fra.pdf>
- "The Ministry of Environment and Forests and the National Tiger Conservation Authority must ensure that no relocation of PVTGs (and other forest dwellers) takes place from protected areas without recognition of rights under FRA and obtaining prior informed consent of Gram Sabhas of [...] villages whose [...] rights (such as NFTP collection, grazing and cultural and religious rights) are being affected".
- "Most PVTGs are forest dwellers whose ancestral territories have been notified as reserved forest, protected forest and

also National Parks, Tiger Reserves and sanctuaries without recognising their rights. Most of them do not have the concept of private property and their customary community lands have been declared as a state owned forest or revenue land leaving them most vulnerable to eviction and displacement without any entitlements to compensation or rehabilitation". "Displaced Baigas from the Achanakmar wildlife sanctuary in Chhatisgarh for example are landing up in distant urban slums, losing access to all the special benefits designed for them. [...] Many more are under threat of similar displacement or relocation from their traditional territories in the name of economic advancement or wildlife conservation. But in return they receive landlessness, impoverishment and long term degradation of the environment on which they wholly depend." (NAC recommendations on PVTGs, 2013, paragraphs 1.4, 5.1 and 5.2)

13. <http://timesofindia.indiatimes.com/city/mumbai/Bombay-HC-stays-lifting-of-moratorium-on-mega-projects-in-Dodamarg-corridor/articleshow/40205130.cms>

14. Vedanta-Sterlite-Balco has expanded its mining industries in areas of Particularly Vulnerable Tribal Groups like Dongrias, Baigas, Pahadi Korbas and Kutias.

15. Convention on Biological Diversity, CBD, article 8 j

16. <http://timesofindia.indiatimes.com/home/environment/flora-fauna/WTI-survey-for-tiger-corridor-in-Chhattisgarh-from-January/articleshow/27804560.cms> and <http://timesofindia.indiatimes.com/city/nagpur/National-Board-for-Wildlife-allowshighway-widening/articleshow/40592333.cms>

17. Forest Rights Act, FRA, sections 2a, 3.1(i) and 5 d

18. Nagoya Protocol, article 6.2

Their consent has to be obtained thus also for the sanctuary's access to genetic resources. And where even mining and its heavy traffic roads are expanded in the sanctuary corridors, it "adversely affects the wild animals, forest and the biodiversity" which the communities have traditionally conserved. They have thus right "to regulate access to community forest resources and stop" mining and tourism industry there.

19. CBD Hyderabad Conference of Parties (CoP) decision XI/14. Article 8(j) and related provisions, section "F. Article 10, with a focus on Article 10(c), as a major component of the programme of work on Article 8(j) and related provisions", paragraph 10 (c) and UNEP/CBD/WG8J/8/L.3, 10 October 2013, Draft Plan of Action on Customary Sustainable Use of Biological Diversity; V. Elements of the first phase of the draft Plan of Action on Customary Sustainable Use of Biological Diversity, Tasks 1, 2 and 3 (i)

20. How tigers kill people continuously in around Sundarbans tiger sanctuary see for example:

- <http://timesofindia.indiatimes.com/city/kolkata/Tiger-snatches-woman-off-boat/articleshow/39904994.cms>

- <http://timesofindia.indiatimes.com/city/kolkata/Sunderbans-tiger-attack-Sunderbans-Tiger-Reserve/articleshow/37280645.cms?>

- <http://www.indileak.com/tiger-kills-fisherman-on-boat-draws-body-into-sunderbans-forest/>

- <http://timesofindia.indiatimes.com/city/kolkata/Tiger-kills-woman-in-Sunderban/articleshow/34757650.cms>

- <http://timesofindia.indiatimes.com/city/kolkata/Woman-killed-by-crocodile-in-Sunderbans/articleshow/37347467.cms>

- <http://wildwatchers.blogspot.in/2010/02/tiger-enters-sundarban-village-this.html>

Also in other areas of forest communities tigers kill the people like for example in Baiga area of Central India.

<http://economictimes.indiatimes.com/environment/flora-fauna/man-eating-tigers-on-prowl-in-madhyapradesh/articleshow/38996769.cms>

To the Baiga area in Chhattisgarh and Madhya Pradesh the government plans a tiger corridor between Kanha and Achanakmar tiger reserves. This threatens to displace the Baigas or to kill their livestock of tens of thousands of animals, which would be endangered to become the prey to feed the tigers for maintaining the sanctuary tourism business

21. CBD article 10 c and CoP XI/3, Monitoring Progress in implementation of the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets, B. Development of indicators relevant to traditional knowledge and customary sustainable use, paragraphs 1-7

22. http://www.business-standard.com/article/current-affairs/odisha-wants-niyamgiri-gram-sabha-polls-again-115101500923_1.html

23. Supreme Court of India, Niyamgiri Judgement, 18.4.2013, sections 47, 55-57

24. Supreme Court of India, Niyamgiri Judgement, 18.4.2013, section 59

25. Supreme Court of India, Niyamgiri Judgement, 18.4.2013, section 58

26. Supreme Court of India, Niyamgiri Judgement, 18.4.2013, section 58

27. Klaus Seeland, Mihir K. Jena: Knowledge Systems: Indigenous Knowledge of Trees and Forests in Encyclopaedia of the History of Science, Technology, and Medicine in Non-Western Cultures 2003, 2nd Edition, Springer, Editor Helaine Selin, 2008, page 1196

28. Akwé: Kon Voluntary guidelines 6 (e) and 17 - being CBD "guidelines for the conduct of cultural, environmental and social impact assessments regarding [...] sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities", 2004, <http://www.cbd.int/doc/publications/akwe-brochure-en.pdf>

29. A/HRC/6/5, 20 July 2007 Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, paragraphs 11 and 13