

Rights, forests and climate briefing series – November 2011

Lessons from the field: REDD+ and the rights of indigenous peoples and forest dependent communities

In October 2011 Forest Peoples Programme (FPP) conducted a survey of our local partners asking them to pinpoint key experiences and emerging lessons learned in relation to REDD+ and rights issues over the last three years. Partners who contributed include the Centre for Environment and Development (CED) and Association Okani (Cameroon), CEDEN (DRC), Foundation for the Promotion of Traditional Knowledge (Panama), Amerindian Peoples Association (Guyana), Association of Village Leaders in Suriname, Association of Saamaka Authorities (Suriname), AIDSESEP (Peru), Federation for the Self-Determination of Indigenous Peoples (Paraguay) and Scale-up, Pusaka and FPP field staff (Indonesia). Key observations and lessons are summarised below. Observations and lessons are also drawn from workshops with local partners, field studies and issues stemming from indigenous peoples' representatives in dialogues with national and international REDD+ policy-makers. Key observations and lessons are summarised below:

KEY MESSAGES

This review of REDD+ and rights in eight countries finds that REDD+ policies and pilot projects have so far not been effective in addressing rights and equity issues. Key messages for policy makers at the national and international levels, including at the UNFCCC are that:

- ▶ Governments and donors need to prioritise support for reforms of legal frameworks, tenure and forest governance to ensure alignment with international obligations
- ▶ Priority actions are needed to ensure recognition of land and territorial rights
- ▶ Tighter regulation and closer oversight of local projects to control 'carbon piracy' are required
- ▶ More robust mechanisms for Free, Prior and Informed Consent (FPIC) and effective prior consultation are needed
- ▶ Capacity-building is needed at all levels, including on FPIC, good governance and related safeguards
- ▶ Urgent measures are needed to implement safeguards at the national and local levels
- ▶ Specific safeguards are required to protect rights to livelihood, subsistence, traditional practices and community development
- ▶ Safeguard monitoring, reporting and verification (MRV) and related systems of information must include assessment of governance, rights and livelihood issues
- ▶ More robust actions are needed to identify and tackle deforestation drivers
- ▶ National and local debates are needed on climate finance mechanisms
- ▶ More attention needs to be paid to the development of a rights-based mechanism for the sharing of local benefits
- ▶ Greater recognition of traditional forest management and direct support for community-based initiatives are needed

Priority actions are needed to ensure land reform and recognition of land and territorial rights:

National REDD+ planning and local REDD+ pilot schemes have so far paid superficial or limited attention to land rights issues and land tenure conflicts, while budget planning has largely failed to adequately address tenure issues (Cameroon, Panama, Suriname, Paraguay). Official information on land rights is in most cases incomplete or out-of-date. In cases where land tenure actions are planned, indigenous peoples have not been properly consulted on project design and proposed measures violate international norms (Guyana). Where countries have made recent commitments to address customary and territorial rights, details and solid guarantees are still lacking while recent legislation on forests has been adopted that directly violates indigenous peoples' land rights (e.g. Peru, Indonesia).¹ In many cases the official definition of indigenous peoples' lands is flawed as it is restricted only to titled areas that often only cover a fraction of customary territories (e.g. Guyana). Governments propose that forest and climate schemes be implemented through outdated national legal frameworks that fail to recognise the customary land and territorial rights of indigenous peoples and traditional forest dwellers in line with a country's international obligations.

“Government people and international donors appear to choose to ignore or dismiss the need for legal tenure reforms. They cannot seem to see land conflicts, even though we are able to document these. There is a pressing need for reliable information on the land situation in our communities so that low carbon policies and actions respect our rights and support us to care for our ancestral forests. We stand ready to help gather and compile this information.” [APA representative, Guyana, October 2011]

REDD+ regulations issued by the Forests Ministry in 2009 in Indonesia have been ruled in violation of the land rights of indigenous peoples by the United Nations (CERD observations), while corrective measures have so far not been put in place (as of 2011).² In some cases, even though national constitutions may recognise international treaties that have been ratified by the country, there is little or no recognition of indigenous peoples' rights in other national laws (e.g. Suriname).

FPP partners and indigenous peoples' organisations worldwide insist that effective forest and climate strategies require solid actions to document existing land rights alongside priority measures to enable land reforms and



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Palm oil expansion is a key cause of forest loss in SE Asia and is now expanding into West and Central Africa, as well as parts of Latin America.

secure indigenous peoples' land and territorial rights in line with international standards and obligations (see, for example, Indigenous Peoples' Action plan presented to the World Bank Forest Carbon Partnership Facility in October 2011).³ Governments and donors need to undertake participatory assessments of land rights and resource conflicts involving indigenous peoples and civil society. Independent and verifiable studies of land tenure, including those of indigenous peoples' organisations, should be supported as part of inclusive and transparent processes to clarify tenure rights.

Robust mechanisms for FPIC and effective prior consultation are needed:

Despite important commitments on FPIC and REDD+ in some cases (Guyana, Paraguay, Indonesia), all countries still lack effective practical measures or procedures for implementing safeguards for free, prior and informed consent (FPIC), while meaningful consultations on forest and climate policies have yet to take place at the community level.

“The government uses the presence of indigenous peoples in information sharing meetings as evidence of participation. Government agencies and funding organisations need to do much more to ensure effective consultation and steps are needed to have FPIC rules agreed early on as part of readiness” [VIDs representative, Suriname, October 2011]

¹ http://www.forestpeoples.org/sites/fpp/files/news/2011/09/Minam_AIDSESP_Sept%202011_Spa.pdf
² See <http://www.forestpeoples.org/sites/fpp/files/publication/2010/08/indonesiacerdresponseurgentactionsept09eng.pdf>

³ *Indigenous Peoples Action Plan regarding the Forest Carbon Partnership Fund (FCPF)*, October 2011
<http://www.forestpeoples.org/sites/fpp/files/news/2011/10/Indigenous%20Peoples%20Action%20Plan%20regarding%20the%20FCPF%20Guna%20Yala%20September%202011.pdf>

In Guyana, indigenous leaders point out that three years after the government launched its Low Carbon Development Strategy (LCDS) initiative, key issues raised by indigenous communities on land rights and FPIC matters in public meetings and written communications have so far not been addressed.⁴ In countries like Peru and Indonesia, communities report a lack of transparency and limited local information disclosure about national REDD+ policies and pilot REDD+ programmes. In Suriname, Cameroon and DRC there are no solid governmental commitments on FPIC, while in Guyana FPIC does not fully apply to untitled customary forest lands in violation of the country's international obligations. Forest peoples like the Baka in Cameroon assert that they cannot support REDD without clearer guarantees for FPIC and land and resource rights.⁵

In Indonesia, REDD+ project developers working at the sub-national level have not adhered to FPIC and the right is being abused (e.g. in Sumatra and in Central Kalimantan), while REDD+ pilots in Aceh have sidelined traditional authorities.⁶ In other cases in Indonesia local government and NGOs have committed to FPIC, but lack understanding of this right and are struggling to implement it. Similar experiences are shared by indigenous peoples' communities in Peru where conflicts have arisen with several REDD+ projects because representative indigenous federations have been excluded from consultation by project developers (Central jungle and Madre de Dios).⁷

*"[REDD+ project developers] are not applying the right to prior consultation, participation or free, prior and informed consent with communities....at no time has FENAMAD participated in decision making meetings let alone meetings with communities to endorse this Project.... We have only had very general meetings with the project proponents and we know little or nothing about this Project they wish to implement."*⁸

Meanwhile, wider forest conflicts in countries like Indonesia, Guyana and Peru remain pervasive because the government does not respect community rights in land and

hands out concessions for logging, mining and plantations without regard to customary rights and FPIC, and because of corruption.⁹

These experiences point to the need for training on FPIC among governments and donors who need to pay focused attention to FPIC based on negotiation and agreements with indigenous peoples regarding the appropriate arrangements for upholding this fundamental right. Crucially, policy makers and decision-makers need to understand that it is rights holders and their representative organisations that need to define effective FPIC principles and procedures.

Legal and policy reforms needed to uphold human rights and meet international obligations:

National legal frameworks relating to tenure, FPIC and customary rights fail to meet the international obligations in all eight countries (see table on following page).

"Suriname legislation does not recognise indigenous nor tribal peoples and has no provisions on collective land rights. There are various judgments from the regional Inter-American Human Rights Court against Suriname to respect and make legislation on land rights, demarcation of indigenous and tribal peoples' territories, FPIC, full and effective participation (Moiwana, Saamaka cases), but in spite of promises, the State has not complied with these judgments" [VIDs representative, Suriname, October 2011]

"Traditionally, any outsider wishing to hunt or take wood or rattan from our forests, or to clear an area for agriculture, would have to obtain permission from the village and Mukim leaders. However, our right to control our resources is not respected by the government or by outsiders. We became like tigers without teeth, watching as our forests are exploited without our agreement" [Traditional community leader, Indonesia, 2011]¹⁰

Governments and donors should prioritise support for reforms of legal frameworks, tenure and forest governance to ensure alignment with international obligations and use of a genuine phased approach to forest and climate initiatives and interventions. Readiness activities need to

⁴ See, for example, APA (2011) Comments by the Amerindian Peoples Association (APA) on the Government of Guyana project concept note on "Amerindian Land Titling and Demarcation, submitted to the Guyana REDD Investment Fund (GRIF), January 2011

⁵ Cameroon REDD Community Consultations and Civil Society Workshop, FPP and Okani Press release, July 2010

⁶ FPP, Pusaka and Yayasan Rumpun Bambu Indonesia (2011) *Aceh: The Ulu Masen REDD+ Pilot Project* FPP Rights, Forest and Climate Briefing Series, Moreton in Marsh, October 2011 <http://www.forestpeoples.org/sites/fpp/files/publication/2011/10/aceh-briefing-3.pdf>

⁷ FPP and AIDSESEP (2011) *The reality of REDD+ in Peru: Between theory and practice - Indigenous Amazonian Peoples' analyses and alternatives* FPP and AIDSESEP, November 2011

⁸ CARTA N° 436•2011•FENAMAD, 25/10/2011.

⁹ See <http://www.forestpeoples.org/sites/fpp/files/publication/2011/09/cerduaindonesia02092011fm.pdf>. See also Tauli-Corpus, V (2011) *Learning from different levels: lessons on how to make progress and what needs to be done to advance tenure reform* Statement to International Conference on Forest Tenure, Governance and Enterprise 11-15 July 2011, Lombok 10

FPP, Pusaka and Yayasan Rumpun Bambu Indonesia (2011) *Aceh: The Ulu Masen REDD+ Pilot Project* FPP Rights, Forest and Climate Briefing Series, Moreton in Marsh, October 2011 at pages 3-4 <http://www.forestpeoples.org/sites/fpp/files/publication/2011/10/aceh-briefing-3.pdf>

Country	Alignment of norms and practice with international obligations		
	IP lands rights	FPIC	Comment
Panama	✓ / ✗ [partial]	✗	Land rights not upheld in northern Panama. FPIC in UN-REDD Programme.
Peru	✗	✓ / ✗ [partial]	Loopholes in new prior consultation law; new forest law fails to respect customary lands
Guyana	✗	✓ / ✗ [partial]	Only applies to titled lands and small-scale mining adjacent to titles
Suriname	✗	✗	In the Constitution, but not in specific legislation. Vague reference to FPIC in REDD proposals
Paraguay	✗	✓ / ✗ [partial]	FPIC in UN-REDD Programme
Cameroon	✓ / ✗ [partial]	✗	In the Constitution, but not in specific legislation
DRC	✗	✗	Not explicit in R-PP/FIP. In UN-REDD Programme
Indonesia	✗	✓ / ✗ [partial]	Some policy recognition. In UN-REDD Programme

include proactive reforms to recognise, secure and protect human rights through actions to:

- ▶ Review countries' international obligations
- ▶ Reach consensus on how to ensure reforms in REDD planning

Capacity building and institutional strengthening are needed at all levels as a priority:

The need for focused capacity building on REDD+ and rights issues is highlighted in all countries. At the local level, indigenous communities stress that *prior* capacity building is needed for indigenous peoples' communities and their organisations in order to ensure informed consultation and credible FPIC processes (e.g. in Guyana).¹¹ Renewed calls for capacity building have been made by indigenous leaders and organisations as a key element in the 2011 Oaxaca Action Plan of Indigenous Peoples that has been forwarded to the 17th Conference of the Parties to the UN Climate Convention to be held in Durban.¹²

Capacity building is also crucially needed for forest agencies and other government bodies that lack knowledge about the many dimensions of REDD, indigenous peoples' rights, including FPIC, and are unaware of key international commitments and obligations such as those contained in the 2010 Cancun Agreements.

11 South Central and South Rupununi District Toshias Councils (2011) *A protocol for FPIC and the Low Carbon Development Strategy* DTC document, September 2011

12 *Oaxaca Action Plan of Indigenous Peoples: from Cancun to Durban and beyond* <http://www.forestpeoples.org/sites/fpp/files/news/2011/10/OaxacaAction-PlanOctober2011Eng.pdf>

“The fact is that most local Government officials that deal with land and forest matters on the ground have no idea about REDD, safeguards and indigenous peoples' rights”
[FAPI representative, May 2011]

Indigenous peoples and civil society organisations also stress that there is a pressing need to train forest agency staff in the principles of good governance, transparency and anti-corruption tactics to tackle elite capture, fraudsters and land grabbers.¹³

Measures must be put in place to implement and monitor safeguards at the national and local levels:

Indigenous peoples' organisations report that though international finance and development agencies involved in REDD+ have safeguard policies, it is unclear how these are being implemented in practice. Community leaders and indigenous peoples' organisations emphasise that effective monitoring and compliance mechanisms are needed and communities need to know about the commitments of the government and finance agencies:

“We know the World Bank and IDB have safeguards, but do they implement them? Look at what happened to our forests in the Darien region with past IDB projects! The question is how can we make these agencies comply with their safeguard rules? Our people and communities need to learn about these safeguard policies. They need to monitor implementation and know how to make complaints when our rights are violated...” [Cacique of the Emberá

13 See Global Witness (2011) *Forest Carbon, Cash and Crime: the risk of criminal engagement in REDD+* Global Witness, London. See also Martin, C (2011) *The Darker Side of Saving Rainforests* Transparency International Blog, 11 November 2011 <http://blog.transparency.org/2011/11/11/the-darker-side-of-saving-the-rainforests/>

Collective Lands, Panama, April 2011]¹⁴

In most countries so far, REDD+ planning has concentrated on monitoring and measuring carbon without due attention to social and rights issues.¹⁵ In order to be accountable and ensure alignment with the Cancun Agreements, much more energy and resources need to be targeted towards developing monitoring, reporting and verification systems that go beyond carbon measurement.¹⁶

There is a pressing need for governments and donors to involve rights-holders in designing how safeguards should be applied and monitored at the national and local levels. Agreements need to be reached on appropriate performance-based and verifiable indicators for governance, rights and livelihood measures and impacts and how these are to be reported to the UNFCCC proposed System of Information on Safeguard Implementation (SIS).¹⁷ Indigenous peoples stress that international finance for forests and climate activities, including the UNFCCC Green Fund, must adhere to safeguards that should be monitored independently by indigenous and civil society organisations.¹⁸

Coordinated and targeted action is needed to identify and tackle deforestation drivers:

In all cases reviewed, existing REDD policies are being developed with a lack of empirical information and weak analysis on the drivers of deforestation. REDD+ policies and sub-national projects still unjustly blame the poor and local communities for forest loss (e.g. Indonesia, Cameroon, DRC, Suriname).

There is a pressing need to ensure that participatory assessments of the causes the deforestation are undertaken at the national level. These assessments must involve indigenous peoples and forest dependent communities and different sectors in evaluation of direct and indirect drivers of forest

¹⁴ FPCI (2011) *Derechos de los Pueblos Indígenas y políticas sobre cambio climático en Panamá: desafíos, oportunidades y propuestas* Internal workshop report, FPP, FPCI and Rainforest Foundation-US, April 2011

¹⁵ Dooley, K, Griffiths, T, Martone, F and Ozinga, S (2011) *Smoke and Mirrors: a critical assessment of the FCPF FERN* and FPP, Moreton-in-Marsh

¹⁶ On indigenous peoples initiatives on REDD+ Monitoring, reporting and verification, see http://www.indigenousclimate.org/index.php?option=com_docman&task=cat_view&gid=96&Itemid=&lang=en

¹⁷ Colchester, M (2011) *Beyond Safeguards: mainstreaming human rights in national REDD+ implementation* FPP presentation to the Oslo REDD Exchange, June 2011

¹⁸ *Declaración de Uh Najil ek Balám en el marco de la 17 conferencia de las partes "sobre cambio climático" en la casa del jaguar negro, septiembre de 2011.* International Indigenous Peoples Forum on Climate Change (IIPFCC) STATEMENT SBSTA Contact Group on REDD+ on "system of information on safeguards in REDD+" Bonn, June 15, 2011. *Declaración de Pachacamac sobre políticas y estrategias de los pueblos indígenas y comunidades locales de latino america ante el fondo de inversión forestal - conferencia regional latinoamericana sobre pueblos indígenas y comunidades locales* Casa Atinchik Pachacamac, Lima, Perú 02 al 04 de febrero de 2011

loss. National development and extractive policies continue to cause forest destruction and threaten and degrade indigenous peoples' forest lands in all eight countries.

"REDD means reducing industrial deforestation, but the government authorises this here, why?... The government does not seem to accept the need to reduce [deforestation], as they are in the process of exploiting the forests. So will the government agree to reduce the exploitation of forests?" [Community representatives, DRC, May 2011]

"Those who destroy the forest are the very powerful, the ones who have always benefited from all the interventions in the forest" [Baka community representative, Cameroon, August 2011]

Local partners note that the environmental agencies and forest authorities overseeing REDD+ planning have limited leverage over agriculture, transport, energy and mining departments and that there is a general lack of coordination among ministries. In countries such as Peru and Guyana, mega road and dam projects threaten to open up areas of old growth forests, many of which are occupied by vulnerable indigenous peoples in voluntary isolation (many of these programmes and projects are facilitated by the World Bank International Finance Corporation (IFC) and Inter-American Development Bank (IDB)). Despite government commitments to tackle deforestation in these countries, mining and oil and gas extraction is expanding across remote forest regions.

Government bodies and funders promoting forest and climate protection need to make greater efforts to promote policy coherence and cross-sectoral coordination, including support for Ministries dealing with land titling, extractive and infrastructure issues. At the same time, major efforts are needed to tackle external drivers linked to the growing demand for energy, food, fibre and minerals in industrialised countries.

Tighter regulation and closer oversight of local projects is required:

In a number of countries indigenous peoples are concerned over the proliferation of local carbon trading REDD projects promoted by national and international NGOs, private investors, and speculators, with little or no oversight by government regulators. In Peru, AIDSESP has called for a moratorium on local REDD+ projects in the Amazon region after several unfair and illegal carbon contracts have been offered to indigenous communities by

‘carbon cowboys’, without due FPIC processes and without guarantees for land rights and equitable benefit-sharing.¹⁹

In some countries, including Peru, supposedly ‘respectable and non profit’ project developers are developing projects on community lands, which would provide them with highly favourable commercial terms without engaging in due FPIC processes.

“It is an illustration of the bad faith of this company that they are obliging the community to sign a contract in English that is governed by English laws with no termination point and now are threatening legal action against those community members who have opposed this fraud” [Declaration of Iquitos: signed by 22 indigenous organisations of Peru’, April 2011]

In Paraguay, sub-national REDD projects are multiplying on indigenous and community lands with little regulation, while voluntary certification processes for these projects are failing to carry out due diligence in relation to international obligations (basing their assessments on outdated national legal frameworks that do not fully respect indigenous peoples’ land rights). FPIC processes have been abused by project developers and some projects propose the purchase of indigenous forest lands, with titles held by the NGO not the community.

Similar experiences are reported in Africa. In DRC, for example, Sub-national REDD projects are proliferating with little or no regulation by the government. These projects suffer from flawed FPIC processes and defective treatment of community land and resource rights.²⁰

Serious fraud and attempted land theft linked to speculative investments in REDD+ projects for carbon trading are reported in other countries in Latin America, Africa and Asia-Pacific, including cases where project developers have sought to make fraudulent agreements with indigenous peoples and customary landowners in Colombia, Liberia and Papua New Guinea.²¹

19 FPP and AIDESEP (2011) *The reality of REDD+ in Peru: Between theory and practice - Indigenous Amazonian Peoples’ analyses and alternatives* FPP and AIDESEP, November 2011. See also “Carbon Cowboys” Sydney Morning Herald, 23 July 2011. See also AIDESEP (2011) *Urgent warning: Shipibo communities in the Peruvian Amazon asked to hand over land title documents to projects promoting ‘environmental services, carbon market and REDD’* Press Release, August 2011.

20 Tchoumba, B (2011) “The Conservation International REDD pilot project in the Democratic Republic of Congo (DRC) – a very different kind of Walt Disney production” *WRM Bulletin No. 169, August 2011*

21 Global Witness (2011) *Forest Carbon, Cash and Crime: the risk of criminal engagement in REDD+* Global Witness, London. See also Levene, T (2011) FSA warning over carbon credit trading schemes The Guardian Friday 5 August 2011 <http://www.guardian.co.uk/money/2011/aug/05/fsa-warning-carbon-credit-trading-schemes>

These experiences highlight the need for much more rigorous oversight and regulation of so-called ‘voluntary’ private-sector and NGO projects, through official regulation, independent monitoring and provision of effective means of redress for affected rights holders and communities. More generally, alongside many other well-documented problems with carbon trading, these experiences again raise serious questions over reliance on carbon markets as the main funding source for forest and climate schemes.

National and local debates are needed on climate finance mechanisms:

Indigenous organisations and communities also emphasise that very few discussions have so far been held on the future source of REDD+ funding. Governments appear to assume this will come from carbon trading, despite growing signs that this financial mechanism suffers from multiple problems and is increasingly rejected by indigenous peoples and climate justice movements.²² In all eight countries there has been little or no public discussion, nor consultation, on ownership rights to forest carbon, which is central to questions over rights recognition and benefit sharing.

There are disturbing signs in several countries that governments propose claiming carbon rights in all forests, which threatens to fragment and undermine the integrity of the collective rights of indigenous peoples over their lands, forests and territories (e.g. Panama). New laws on carbon markets and Payment for Environmental Services (PES) are also being drawn up by government lawyers without full and effective prior consultation with indigenous peoples and civil society (e.g. Peru).

If national policies for forest and climate protection are to be sustainable, they must be based on public and community discussions on future sources of funding so that finance decisions are backed by consensus and public acceptance.

More attention needs to be paid to rights-based local benefits:

A common experience among indigenous peoples and their communities is that REDD+ benefit sharing mechanisms are poorly defined in most countries. In all cases,

22 *Oaxaca Action Plan of Indigenous Peoples: from Cancun to Durban and beyond* <http://www.forestpeoples.org/sites/fpp/files/news/2011/10/OaxacaActionPlanOctober2011Eng.pdf>



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Oil and gas extraction and mining are other key drivers of deforestation in many tropical countries like Guyana (pictured)

including countries where local REDD+ pilot initiatives are under implementation such as in Indonesia, concrete and direct benefits for communities have yet to materialise even though such programmes may have enormous budgets.²³

In Peru, Guyana and Suriname benefit sharing approaches are being designed by central government with little or no community participation, while open discussions on key related issues such as carbon rights have not taken place (see below).

Indigenous peoples note that most REDD+ funds seem to be captured by NGOs and government bodies with only promises of future benefits trickling down to communities. Where benefit-sharing is discussed with indigenous peoples' forest communities, details are still vague and government and NGOs tend to stress potential benefits over and above potential costs and disadvantages (if these latter issues are mentioned at all).

“...The government hasn't presented its plans for REDD to my village. As the leader of the association of Mukims I have been briefed by the government on REDD, but the information

was limited. I asked the government about its benefit sharing plan for REDD but didn't receive clear answers. I asked if the benefits from REDD projects would go to the legal logging concessions that have been forced to stop their operations or if they would go to the communities. However, the government's REDD task force couldn't answer me...” [Traditional community leader, Indonesia, 2011]

“Government views and information about REDD is just about the money: the approach used is top-down and money oriented. Policy-makers do not look at basic rights issues. Without actions to secure our rights REDD+ policies are a “time-bomb” that threatens to undermine and impoverish vulnerable forest peoples” [VIDs representative, Suriname, October 2011]²⁴

“There is a lot of talk about benefits for Indigenous peoples under the Low Carbon Development Strategy, but there is so far no information on rules, conditions and possible costs on communities. Indigenous leaders

²³ See, for example, FPP, Pusaka and Yayasan Petak Danum Kalimantan Tengan (2011) *Central Kalimantan: REDD+ and the Kalimantan Forest Carbon Partnership (KFCP)* FPP Rights, Forest and Climate Briefing Series, Moreton in Marsh, October 2011

²⁴ FPP, Pusaka and Yayasan Rumpun Bambu Indonesia (2011) *Aceh: The Ulu Masen REDD+ Pilot Project* FPP Rights, Forest and Climate Briefing Series, Moreton in Marsh, October 2011 at pages 3-4 <http://www.forestpeoples.org/sites/fpp/files/publication/2011/10/aceh-briefing-3.pdf>



JOHN NELSON

Local and indigenous communities in the Bikoro District in DRC rely upon forest for most of their livelihood

are not equipped to undertake negotiations as they still lack basic information. This is why there is an urgent need for ongoing training on FPIC and indigenous peoples' rights" [APA representative, Guyana, October 2011]

Indigenous leaders such as those in Guyana highlight that land issues have to be addressed up front as a key part of any FPIC process and benefit-sharing negotiation. The same point is made by leaders in Paraguay:

"Our communities will not be beneficiaries of forest and climate policies without full recognition and respect for our fundamental rights including the restitution, titling and restoration of traditional lands, territories and forests to our peoples. This is why we affirm that that the issue of territorial and land rights cannot be separated from the questions about forests and benefit-sharing. These issues are intrinsically interconnected." [FAPI representative, Paraguay, October 2011]

In Cameroon, effective mechanisms for equitable local benefit sharing do not exist (relying on existing flawed arrangements).²⁵ In Indonesia, REDD+ policies and investments are mainly controlled by the Forestry authorities and plantation and forestry company licence holders who stand to be the main beneficiaries of such ventures.²⁶ In some cases, community development

25 Freudenthal, E Nnah, S and Kenrick, J (2011) *REDD and Rights in Cameroon: A review of the treatment of Indigenous Peoples and local communities in policies and projects* FPP and CED, Moreton in Marsh and Yaounde
26 FPP, Pusaka, HuMa, Yayasan Petak Danum, Jasoil, Yayasan Merah Putih, Yayasan Rumpun Bambu, Scale Up (2011) *REDD+ and the rights of indigenous peoples and forest dependent communities in Indonesia: an overview* FPP Moreton-in-Marsh, September 2011
<http://www.forestpeoples.org/sites/fpp/files/publication/2011/10/overview.pdf>

plans have been blocked by REDD+ pilot projects and restrictions have been placed on forest access by communities (e.g. in Central Sulawesi).²⁷ In other areas, Dayak leaders have raised concerns about the impacts of REDD+ policies and projects on their traditional livelihoods.²⁸

Specific safeguards for traditional livelihood practices required:

REDD+ plans and pilot projects often still lack explicit protections for traditional practices, including rotational farming (shifting cultivation), fuel wood gathering, hunting, fishing and extraction of building and craft materials from the forest.

"With REDD we are told we must reduce our use of the forests, but I have eight children and the forest is all I have. We live from the forest. If REDD comes, what do we do? The state is strong, they have clubs and guns and can do what they want... What can we do in the face of the force of the state?" [Community representatives, DRC, May 2011]

"We're opposed to the Central Kalimantan Peatlands Project (CKPP) and the manager of Mawas that have prioritised conservation of orangutans and criminalised the villagers of Tumbang Mangkutup, who were accused of theft and arrested. In fact, the accused collected timber from their ancestors' forest and used it only to build their houses; it is not fair. Mawas was established without acknowledgement of the communities and has taken over the community's forest; it's not fair." [Traditional community leader, Indonesia, April 2011]²⁹

Indigenous peoples' organisations stress that REDD+ safeguards need to include measures to protect these practices in line with country obligations under human rights and environmental treaties (e.g. Article 10c of the Convention on Biological Diversity (CBD)). The need for specific safeguards on this matter has also been highlighted by the Secretariat of the CBD in submissions on REDD+ safeguards presented to the UNFCCC.³⁰

27 FPP, Pusaka and Palu-Sulawesi-Tengah (2011) *Central Sulawesi: UN-REDD Indonesia's Pilot Province* FPP Rights, Forest and Climate Briefing Series, Moreton in Marsh, October 2011

28 WRM (2011) *"Indonesia: Sources of livelihood threatened by REDD+, mining and oil palm projects"* WRM Bulletin No.171, October 2011

29 FPP, Pusaka and Yayasan Petak Danum Kalimantan Tengan (2011) *Central Kalimantan: REDD+ and the Kalimantan Forest Carbon Partnership (KFCP)* FPP Rights, Forest and Climate Briefing Series, Moreton in Marsh, October 2011 *at page 3*

30 CBD (2011) Submission by the Secretariat of the Convention on Biological Diversity to the Secretariat of the United Nations Framework Convention on Climate Change on methodological guidance for activities relating

Experiences in Africa and Asia as well as some parts of Latin America where traditional livelihoods are being targeted by REDD policy makers, demonstrates that specific indicators on the treatment of customary and traditional practices are needed.

Need to support traditional forest governance and community-based initiatives:

For decades indigenous peoples and their organisations have sought to underline the need for greater recognition and support for their traditional systems of forest governance and resource management. Indigenous beliefs and values

often emphasise the need to care for and respect the forest. Case studies, undertaken by indigenous peoples for the Convention on Biological Diversity (CBD), show how indigenous peoples practice customary sustainable use of biological resources in forests and other ecosystems.³¹

The Uitoto and Muinane peoples in Colombia have customary laws that require replacement of forest resources and apply spiritual sanctions where forest land and resources are wasted or damaged without legitimate need.³² Indigenous understandings of the forest go well beyond the immediate environment of the village and nearby forest and swidden lands. Local knowledge and community rules extend to distant forest areas, including animal, bird and fish



Industrial logging (both illegal and ‘legal’) continues to cause forest destruction and damage in many countries, yet logging remains a key element in many REDD plans

to reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD-plus), specifically related to systems for providing information on how safeguards referred to in appendix I to UNFCCC decision 1/CP.16 are addressed and respected 26 September 2011 <http://www.cbd.int/forest/doc/2011-09-26-cbd-submission-unfccc-reddplus-en.pdf>

31 FPP SCPDA, KLIM, Unnayan Onneshan, IMPECT, Okani and CED (2011) *Customary Sustainable Use of Biodiversity by Indigenous Peoples and Local Communities: examples, challenges, community initiatives and recommendations relating to Article 10(c) – a synthesis paper based on case studies from Bangladesh, Cameroon, Guyana, Suriname and Thailand*. FPP, Moreton-in-Marsh <http://www.forestpeoples.org/sites/fpp/files/publication/2010/11/10csynthversionoct2011.pdf>

32 WRM (2011) “An example of community-based forest management” *WRM Bulletin No.81, April 2004*

multiplying grounds, water sources and upland areas that form part of traditional forest territories.

Efforts by indigenous peoples to secure recognition of the effectiveness of customary systems of forest management continue in current global and national discussions on forest and climate issues. In Peru, AIDSESEP is seeking recognition and support for an alternative rights-based forest and climate initiative of indigenous peoples, founded upon secure land and territorial rights and respect for ancestral knowledge and practices.³³

“For generations we have always protected our forests, but the work of our ancestors has not been written in the history books of white people. This is why REDD needs to recognise our role in keeping our forests healthy. Policies need to support us to continue to look after our forest as we have always done” [FENACOCA representative, Peru]

In Suriname the Saamaka people are seeking support for conservation and sustainable use of community conserved forests. In African countries like Cameroon, indigenous and traditional forest communities have called for recognition of their customary systems of forest management.³⁴

“Why can’t communities be given control of the forest in which our ancestors have lived and depended on? Our communities should be given the right and means to control and protect our forests. We will do this far more successfully than the conservationist organisations and NGOs” [Baka community representative, Cameroon, August 2011]

Calls for recognition and support are likewise being made in Asia, where studies carried out by indigenous peoples highlight the sustainability of traditional resource management practices based on multiple use of the forest.³⁵ Calls for greater recognition are now backed by a growing body of scientific evidence that shows that effective conservation and sustainable use of forest ecosystems is more likely to be achieved by indigenous peoples and forest-dependent communities than through governmental and commercial interests.³⁶

33 AIDSESEP (2011) *Construyendo REDD+ Indígena: adecuación intercultural del REDD+ a los derechos territoriales y colectivos de los pueblos indígenas* AIDSESEP, Lima, May 2011

34 *Statement to Communities and Civil Society NGOs from the African Community Rights Network Douala Conference on Community Rights Cameroon*, 13-16 September 2011

35 See, for example, Tebtebba (2010) *Indigenous Peoples and REDD Plus: sustaining and enhancing forests through traditional resource management* Tebtebba, Baguio City

36 Agrawal, A, Chhatra, A, and Persha, L (2011) “Social and ecologi-

cal synergy: local rulemaking, forest livelihoods, and biodiversity conservation” *Science* 331(6024):1606-08; Sobrevilla, C (2008) *The Role of Indigenous Peoples in Biodiversity Conservation. The Natural but often Forgotten Partners* World Bank, Washington D.C., Nepstad, D., Schwartzman, S, Bamberger, B., Santilli M, Ray, D., Schlesinger, P, Lefebvre, P, Alencar, A., Prinz, E., Fiske, G., and Rolla, A (2006) “Inhibition of Amazon Deforestation and Fire by Parks and Indigenous Lands” *Conservation Biology* 20 (1) :65-73; Porter-Bolland, L, Ellis, E, Guariguata, M R, Ruiz-Mallén, I, Negrete-Yankelevich and Reyes-García, V (2011) “Community managed forests and forest protected areas: an assessment of their conservation effectiveness across the tropics” *Forest Ecology and Management* 2011 – in press.

*“...a chapter on Indigenous Peoples’ Traditional Knowledge in the Durban Outcome document and initiate mechanisms to gather Indigenous Peoples’ proposals and responses on national/regional levels in this regard”*³⁷

CONCLUSION:

This brief review of emerging experiences and lessons shows critical matters, such as land and customary rights, are not being addressed or are being pushed on to the back burner in REDD+ planning and pilot initiatives.

Urgent measures and more focused work are required at all levels to implement the safeguards in the Cancun Agreements and rethink how forest and climate policies are designed, implemented and financed. A shift to more focused actions to promote community-based solutions, governance and land tenure reforms and adherence to international obligations is needed. Unless these changes are made REDD+ will go the same way as past ineffective top-down global efforts to save the world’s forests.

Further reading:

More detailed information and country case studies can be found in FPP’s Rights, Forests and Climate Briefing Series (<http://www.forestpeoples.org/tags/rights-forests-and-climate-briefing-series-0>) and in FPP and partner reports on international climate funds and initiatives (<http://www.forestpeoples.org/topics/climate-forests>).

37 *Oaxaca Action Plan of Indigenous Peoples: from Cancun to Durban and Beyond* at point 6(c)



TOM GRIFFITHS

Soya expansion in Paraguay is a major driver of deforestation, environmental degradation and expropriation of indigenous peoples' lands and territories

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