Briefing document

Indigenous Peoples and Climate Change/ REDD
An overview of current discussions and main issues

March 2010

***Indigenous woman accompanied by her baby, harvesting manioc in the forest; Ecuador*. Photo: Annelie Fincke**

Presentation

Indigenous peoples are amongst the most vulnerable human groups to climate change and to potentially negative unintended impacts from related measures, but they can be also crucial actors, offering valuable contributions to solutions. There are increasing discussions about indigenous peoples and climate change, especially around REDD. REDD-readiness processes are currently proceeding fast, and it is very important to ensure that indigenous peoples and their rights are being properly considered.

This briefing aims to contribute to the understanding of related sensitivities and main issues to respect and support indigenous peoples' contributions and rights in this context. It provides some background and overview of indigenous peoples' involvement and advocacy in the UNFCCC and other relevant fora; it also provides a brief analysis of the outcome of Copenhagen's COP 15. Finally a compilation with links to various related resources will allow to easily connect to further readings and relevant key documents.

This is the first version of the document, and is work in progress. It will be a living source of information, to be constantly enriched especially with feedback from IUCN members, indigenous organizations, partners and colleagues, who are invited to send us their comments and contributions.

Disclaimer:

This publication contains draft material that has not been finalized. It is circulated for review and to stimulate discussion and critical comment.

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LIST OF ACRONYMS

AWG-LCA	Ad Hoc Working Group on Long-Term Cooperation under the UNFCCC
CCBA	Climate, Community & Biodiversity Alliance
CDM	Clean Development Mechanism
CI	Conservation International
CICA	Consejo Indígena de Centro América
CIMA	Consejo Indígena de Mesoamérica
COICA	Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica
COONAPIP	Coordinadora Nacional de Pueblos Indígenas de Panamá
COP	Conference of Parties
EbA	Ecosystem-based Adaptation
EDF	Environmental Defense Fund
FCPF	Forest Carbon Partnership Facility (of the WB)
FIP	Forest Investment Program (of the WB)
FPIC	free, prior and informed consent
IAITPTF	International Alliance of Indigenous and Tribal Peoples of Tropical Forests
ICC	Inuit Circumpolar Council
IIPFCC	International Indigenous Peoples' Forum on Climate Change ("indigenous caucus") – informal working group of IPs at the UNFCCC
IPACC	Indigenous Peoples of Africa Co-ordinating Committee
IPs	indigenous peoples
IPOs	Indigenous Peoples Organizations
MRV	measurement, reporting and verification systems for REDD
REDD[1]	Reduced Emissions from Deforestation and Forest Degradation
R-PIN	Readiness Proposal Idea Note
R-PP	Readiness Preparation Proposal
SBSTA	Subsidiary Body for Scientific and Technological Advice (under UNFCCC)
Sotz'il	Centro para la Investigación y Planificación del Desarrollo Maya – Sotz'il
TFD	The Forest Dialogue
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UNPFII	United Nations Permanent Forum on Indigenous Issues
WB	The World Bank
WCC	IUCN World Conservation Congress

[1] Though often **using the shorthand "REDD"**, this paper is throughout its content referring to **REDD-plus**, meaning the definition from the Bali Action Plan which includes reducing emissions from deforestation and forest degradation, including actions directed toward forest conservation, sustainable forest management and the enhancement of carbon stocks. The scope of REDD had been discussed for a long time, but a clear move has towards REDD-plus has been indicated in the Copenhagen documents.

1. Indigenous peoples and climate change

1.1 General Considerations

Terminology

The term "indigenous people**s**" refers to different peoples of the world that share the feature of being "indigenous", which includes among others having been prior inhabitants of lands that were afterwards occupied by other incoming human groups in the context of colonization processes, as a result of which such indigenous groups became marginalized.

The use of the term "peoples" in plural implies not only the plurality of being many different peoples, but also the recognition of their entitlement to the right of self-determination, which is only applicable to "peoples", not to other human groups with different status[2].

There are several thousand indigenous peoples in the world, especially in forest areas. They share several further specific characteristics which explain why they are generally in a different position from the mainstream society and deserve special attention, especially related to natural resource management (*please see Annex 1 for more details*).

When used in singular, the term "indigenous people" refers to one single people, e.g. "the Inuit people", or to the general collective noun similar to "population". Within the UN system and for organizations that use UN standards, the main terminological reference is the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which uses the plural "peoples" as well as lower case initial letters (except in titles and headings). There are different standards used at the national level and we should be aware of them; for example, in countries like Canada and Australia, terms such as First Nations, Aboriginal peoples or Indigenous peoples are used, with the words Indigenous or Aboriginal capitalized.

In this briefing paper, IP or IPs are used as shorthand for "indigenous peoples".

The relevant UN documents include also other important principles related to indigenous peoples in certain terminology which should be used in the same way, for example the principle of "free, prior and informed consent (FPIC)"[3]

However, while the notion of indigenous peoples is commonly used and understood in certain parts of the world such as Latin America, North America, the Arctic and Oceania, it is of more difficult application and may be differently used in Africa and Asia. In some cases other terms are variously employed to refer to indigenous peoples, using different criteria, such as local communities, hunter-gatherers, pastoralists, ethnic groups /minorities, tribal groups, adivasi, etc.; or simply a specific people is called by their own

[2] As established in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP): "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (Article 3). This follows the wording of Article 1 of the International Covenant on Civil and Political Rights: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

[3] Further explanation about the FPIC can be found in the annexes.

name (i.e. Baka people, Batwa people, etc.). In some countries, especially in Africa, sometimes the entire population may call themselves “indigenous” or there may be political debates on the use of the IPs wording, because of related rights implications. Some people also argue that there is too much attention given to IPs compared to other rural communities, some of which are even more marginalized. In some countries for example of Latin America, IPs have a rather strong backing and are in some cases specifically considered in the Constitution or other relevant legal documents, or also in terms of specific supporting projects; others like i.e. afro-descendant people may then in comparison be more marginalized and neglected.

Although the main focus of this briefing paper is on indigenous peoples, its analysis and recommendations are generally **applicable to all rural peoples and communities who have traditional links to forests and other ecosystems** important for climate change adaptation and mitigation, and who are in a **situation of special vulnerability**. Therefore, if in any particular country there are doubts about the applicability of the concept of indigenous peoples to certain human groups, the analyses, standards and recommendations of this document would still apply to them if they are (i) rural peoples and communities who have traditional links to forests and other ecosystems important for climate change adaptation and mitigation, and (ii) in a situation of special vulnerability compared to other groups of the country.

Indigenous peoples are particularly vulnerable to climate change, and at the same time, they could offer valuable contributions to solutions.

Indigenous peoples and traditional natural-resource dependent communities face specific challenges as a consequence of climate change impacts. High dependence on natural ecosystems, the occupation of marginal lands, and a fragile socio-economic and political situation make indigenous peoples especially vulnerable to climate change and extreme natural phenomena. Factors like their geographical location, natural-resource dependency and greater reliance on climate-sensitive sectors, historical marginalization from decision-making and public policies, insecurity of rights to lands, territories and resources, low income, and institutions and customary laws that are not respected by dominant governance systems, contribute to their high vulnerability. Climate change impacts are often already a reality for indigenous peoples (see Annex 2).

They often also lack effective participation in discussions and design of mitigation and adaptation measures, even in cases where the areas they inhabit are being considered for application of such measures.

The paradox is that while indigenous peoples are amongst the most vulnerable to the climate change impacts, they are also amongst those with the smallest ecological footprint related to the factors of climate change.

On the other hand, indigenous peoples **can contribute significantly to the design and implementation of sustainable mitigation and adaptation measures**. Due to their long histories of adapting to climatic variability and ecosystem changes, they offer useful examples and models based on their traditional knowledge, innovations and practices. They have been among the first to observe changes and effects on their natural environments, adjust to ongoing effects of climate change, and react to mitigation actions being taken.

Box 1: Examples of indigenous peoples' adaptation and mitigation measures:

- ***Traditional fire management*** to prevent uncontrolled bush fires – i.e. project by aborigines in Australia, reducing carbon emissions by 100 000 t/a
- Traditional methods of ***shorelines reinforcement***, land stabilization and reclamation (i.e. mangrove protection)
- ***Protecting watersheds and traditional water management*** methods to ensure water supply, i.e. with traditional farming techniques and water harvesting methods
- Using indigenous ***traditional agroforestry techniques to reduce disaster*** risks and improve livelihoods (i.e. in Honduras)
- ***Drought-related temporary migration*** – i.e. IPs in Guyana now moving to forested zones in dry season
- ***Diversified resource base***, i.e. conservation of local resistant varieties, simultaneous diverse varieties of crops
- Using ***alternative*** agricultural ***lands***, ***food preservation techniques, hunting and gathering periods and routes,*** and ***wild food sources*** as required
- ***Combination of traditional and scientific knowledge/ communication technology***

- IPs using cybertracker technology to collect geo-referenced data about field observations on biodiversity with traditional knowledge, which can be key tool supporting creation of baselines, observe degradations (which is not possible from aerial photography), and carbon monitoring
- Traditional knowledge, practices and observations proved important for understanding climate change and for scientific and economic interests – i.e. decades of observations by Inuit people

The policy discussions on climate change mitigation and adaptation measures, including REDD (Reducing Emissions from Deforestation and Forest Degradation), have become an important concern for indigenous peoples' organizations (IPOs) and leaders.

Related policy processes and future implementation could further affect indigenous and traditional peoples, but also bring about important opportunities for them to reduce their vulnerability, enhance their resilience to climate change, and more broadly benefit from the new conditions to improve their lives and their position in society – in case the related mechanisms are well designed and include safeguards for IPs' rights.

1.2 Indigenous Peoples and REDD-plus

1.2.1 Indigenous peoples in forests

IPs and other communities with traditional links to forests **are users and managers** of their forest-related traditional lands and/ or resources[4], and therefore the decisions on REDD(-plus) have very important implications for them. They depend on the forests for their subsistence and livelihoods, i.e. for collecting food, medicine, and fuelwood, but also for the maintenance of their culture. IPs have often conserved and sustainably managed the forests for a long time and therefore could greatly contribute to reducing emissions from deforestation and forest degradation. They have often gained specific knowledge and practices through generations and embedded them in their culture and daily forest management.

The stewardship role of IPs is underlined in numerous results of research which show e.g. that they manage about 11% of the world's forest lands and customarily own, occupy or use up to 22% of the world's land surface[5].

Forest dependent IPs have an intricate relationship with forests and view forests in a more holistic way. Forests are among others also of great cultural and spiritual significance for them. Talking about forests solely in terms of carbon or emissions reductions does not make much sense to them.

IPs have often a sense of stewardship and specific knowledge for the management of their traditional lands, and it can be a cost-effective option to invest in their capacity building to enhance the conservation and livelihoods outcomes of such management whenever needed.

1.2.2 REDD-plus and IPs

Most IPs and traditional forest-dependent communities **in the field** are not yet at all or not well informed about REDD-plus and the difference between offers coming from the carbon market of funds; nevertheless, many communities are already being approached by private or financial companies and NGOs for closing deals for the voluntary market (i.e. in Indonesia and Guatemala). There are confusion, wrong expectations, and also fear.

At the **international level**, e.g. in UNFCCC meetings, there is a mixture of well-informed indigenous REDD-experts including i.e. indigenous lawyers, but also many representatives who still lack much information.

There is **no unified position among indigenous** peoples on whether they should engage on REDD-plus or not – and a unified position shouldn't be expected due to the diversity of situations**.** Consistently with IPs' right to self-determination, their different

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[4] The World Bank estimates that about 60 million indigenous people are totally dependent on forests. About 350 million people are considered highly forest dependent, and 1.2 billion people are dependent on agroforestry for part of their livelihoods.

[5] See i.e. UNU-IAS (forthcoming): *Advance Reading Copy of Advance Guard: Climate Change Impacts, Adaptation, Mitigation and Indigenous Peoples - A Compendium of Case Studies,* and,
Sobrevila, Claudia (2008): *The role of Indigenous Peoples in Biodiversity Conservation. The Natural but Often Forgotten Partners.* – The International Bank for Reconstruction and Development / The World Bank. Washington, USA.

perspectives have to be respected, and each individual people should make their own decisions on whether to engage or not and under which conditions.

Many indigenous representatives state they still lack more information and can't officially agree with REDD as long as they are not well informed and not all community members have been consulted and agreed on it.

1.2.3 Some risks and opportunities for IPs

Below follows a list of some concerns about potential risks and challenges, as well as hopes for potential benefits, as they have been presented by indigenous leaders in discussions related to REDD.

Some potential REDD risks/ challenges for IPs

- **Lack of information and recognition** of the role of IPs in forests
- concern that REDD will **not benefit IPs** but result in **violations of IPs rights**
- increased value of forest might lead to increased interest in forest land and consequently **land grabbing and displacement of IPs**
- Fear that if the government is compensated to protect forests, it may in consequence reinforce **centralized top-down management,** including militarization, and **prevent IPs from practising their own traditional forest management** and agro-forestry activities, which could be wrongly considered **as drivers of deforestation,** thus **undermining IPs rights and practice of their traditional livelihoods**
- State and NGO zoning of forests without information and participation of forest dwellers
- sudden **policy and law** changes which may further harm IPs if they don't participate
- Potential **increase of conflicts** – due to competing claims on REDD compensation with others, as well as conflicts among IPs because of divide and rule tactics of interested parties
- **Cultural impacts** through restrictions to REDD areas and increased external influences
- Programs may intend to compensate, but **benefits won't reach IPs** (due to corruption, etc.) or not be adequate
- Many IPs' leaders are specifically **skeptical** with regard to a **market-based approach**, with specific concerns related to
    - reliance on private sector => more **speculation**, and fear that carbon prices may unreliably go up and down
    - industrialized countries buy cheaper emission credits from tropical forest countries => no change of their development model, transferring burden

to poor countries; many **see offsets as a false solution** to climate change

- philosophical objection due to commodification of interests in trees which may undermine their cultural and spiritual value; for IPs, **forests** are more than commodities for carbon trading – need to recognize their **intricate multiple relationships** with forest and **multiple values**, including cultural and spiritual values
- May lock communities into unequal, **abusive** long-term **contracts**, and scale of benefits depend a lot on the terms of contract – it may in the end cause additional costs to communities

Some potential benefits/ opportunities related to REDD

- **Increased visibility** of IPs in climate change negotiations since REDD discussions
- Possible **opportunity to include UNDRIP/ IPs' rights** in negotiations
- Chance for **policy and law reforms** dealing with **IP rights,** ownership, access and control of forests **at national and local levels**
- May **improve livelihoods**, generate **additional resources**, potentially continuous benefits over long time – many are advocating for direct payments and see also opportunities often including through market-based initiatives, for economic, social, and cultural development.
- Opportunity to **strengthen capacities** of IPOs and communities
- **Awareness raising** about IPs' sustainable resource management systems
- May contribute to **recognition of IPs and their traditional knowledge systems** in forest management, and enhance traditional natural resource management.
- If their rights are recognized and IPs are properly involved, there might be **a better chance** to achieve both **mitigation and sustainable development**.

In sum, REDD is both seen as a potential opportunity for indigenous peoples to reduce their vulnerability, strengthen their rights, receive a share of the benefits and increase recognition of their contributions; and also as a potential threat that may further undermine their livelihoods and rights - as they have often already had bad experiences related to loss of livelihoods and displacement in the past.

Most IPs' leaders and IPOs agree that REDD should be built on a rights-based approach and include a strong IPs rights and governance element, in accordance with their rights contained in the UNDRIP.

1.2.4 The need to ensure engagement and no harm

There are many reasons to ensure that REDD programmes positively engage with IPs and forest communities and avoid harming their livelihoods. These are nurtured by

arguments from different perspectives, including when taking a look from a normative and rights perspective, but among others also giving various arguments from the perspective of programme effectiveness. Just to mention some of the reasons[6]:

- Avoiding negative impacts and promoting comprehensive participation of IPs and other communities is **necessary** for **alignment with internationally recognized human rights.** Their proper inclusion and participation have also been included as key principles in different related guidelines such as by the World Bank's FCPF or UN-REDD.
- Ensuring their continued **access to forests can strengthen their ability to adapt to climate change**, as forests provide "**natural insurance" for the poor**, who depend on the forests for their livelihoods and increase their collection of forest products especially to cope with economic shocks (e.g. failed harvest, family illness). With negative climate change impacts, the importance of forests for the poor will probably increase.
- Net positive benefits could also **help advance development goals** such as poverty reduction. This implies that they need the opportunity to put in their needs and claims and receive benefits.
- It is important to note that avoidance of negative impacts and promotion of their positive engagement in programme design and implementation are crucial to **enhance success** of programmes and also to **maintain political support**. Following to their proximity to the forests, it should be considered that they **can impact the effectiveness** of REDD programmes in both **positive and negative ways**: As mentioned earlier, it has been shown that indigenous territories and community managed reserves are often more effective in conserving and sustainably managing forest areas and preventing deforestation. Living in remote areas and often far aware from State control, they could also help blocking encroachment if provided with the legal authority and sufficient means.

On the other hand, indigenous peoples might also contribute to clearing forests when they lack secure property rights and economic incentives for conservation. Without the guarantee of long-term rights to the resources, land-users may have an incentive for rapid and destructive exploitation. Without economic incentives for conservation and under increasing socio-economic pressures, people may rationally choose to engage in conversion of forests to agricultural lands or in unsustainable logging as to maximize profits.

Furthermore, if IPs and other forest-dependent people feel they are being treated unfairly (i.e. new restrictions on their access to resources they have traditionally relied upon without adequate compensation, while maybe the government may collect large amounts of carbon revenues) or that they are not meaningfully participating in the design of the new REDD programmes, political support and success of the programmes may be lost.

Therefore, it is crucial to ensure IPs' and forest dependent communities' proper information and inclusion in any design, planning, and implementation; however, in accordance with the right of self-determination, it should also be respected if they decide

[6] This section draws on Lawlor, Olander & Weinthal 2009.

that they do not want to get involved, for fear of potential related cultural change or internal conflicts or for any other reasons.

1.3 Indigenous Peoples and Ecosystem-based Adaptation (EbA)

Given their high vulnerability and dependency on ecosystems, adaptation is an urgent need for IPs. It is already a big issue e.g. on the African continent, on small islands, in the Arctic, high mountains, drylands, and affected tropical forests.

There is a close two-way relationship between EbA and IPs:

- IPs' livelihoods are closely linked to and dependent on ecosystems and the services they provide. The **resilience of** many especially vulnerable indigenous communities **can be increased through good ecosystem management** and restoration that maintain or enhance such services, and thus support their adaptation to climate change.
- IPs can **offer valuable contributions to EbA through their relevant traditional knowledge, innovations and practices**. Many IPs have sustainably managed and conserved ecosystems through generations, and have long histories of adapting to climate variability and ecosystem changes. They may offer effective examples and models for EbA.

The **ecosystem approach**[7] comprises several relevant principles including subsidiarity, recognition of indigenous peoples and local communities living on the respective lands as important stakeholders, recognition of their rights and interests, and inclusion of indigenous and local knowledge, innovations and practices.

[7] Further information about the principles of the ecosystem approach can be found at: http://www.cbd.int/ecosystem/principles.shtml

Box 2: Extracts from the IIPFCC's policy proposal in September 2009

Indigenous Peoples' Contributions to Ecosystem-based Mitigation and Adaptation

... "For generations, we have managed ecosystems nurturing its integrity and complexity in sustainable and culturally diverse ways. **Our customary resource management systems have proven to be ecologically sustainable, low carbon economies**. These include mobile pastoralism in drylands and rangelands, rotational swidden agriculture and ecological agriculture in tropical forest regions, the conservation, management and restoration of other natural ecosystems such as mangroves, savannahs, wetlands, the Arctic environment and small island ecosystems. Traditional knowledge, innovations and adaptation practices embody local adaptative management to the changing environment, and complement scientific research, observations and monitoring.

The climate crisis threatens our very survival, particularly forest-dependent, ice-dependent peoples, peoples in voluntary isolation, and the indigenous peoples of small island states and local communities. Addressing such vulnerabilities requires recognition, respect and strengthening of the traditional knowledge of indigenous peoples, and strengthening the resilience of ecosystems and Indigenous Peoples and local communities' capacities to adapt to climate change. **Ecosystem-based adaptation based on holistic indigenous peoples' systems and rights can deliver significant social, cultural, spiritual and economic values to Indigenous Peoples and local communities as well as to the biodiversity of indigenous lands and territories. This should be considered with the full participation of indigenous peoples in the planning, design, implementation, monitoring and evaluation of these measures.** The empowerment of Indigenous peoples and local communities is critical to successful adaptation strategies to climate change."

2. Indigenous peoples' climate change discussions in their own fora

Within the last few years, indigenous peoples' organizations have increasingly integrated climate change discussions in their own fora and processes, and have also started related projects.

Since 2007, climate change and indigenous peoples' rights have featured as a major concern of the **UN Permanent Forum on Indigenous Issues (UNPFII)'s work.** In 2008, it included e.g. a special theme on climate change, bio-cultural diversity and livelihoods, which was followed up on at the 2009 session. There have also been organized **regional meetings** and a **global summit of indigenous peoples on climate change** (Anchorage, Alaska, April 2009) which produced a Declaration[8] calling for action at UNFCCC COP 15.

The **main reference policy document** for indigenous peoples' organizations is the 2007 ***UN Declaration on the Rights of Indigenous Peoples*** **(UNDRIP)**[9].

[8] The **Anchorage Declaration** from the Indigenous Peoples' Global Summit on Climate Change is available at : http://www.indigenoussummit.com/servlet/content/declaration.html

[9] The **UNDRIP**, adopted by the UN General Assembly Resolution 61/295 on 13 September 2007, is available at http://www.un.org/esa/socdev/unpfii/en/drip.html More information about its contents and significance can be found in the *Annexes*.

Box 3: Summary of the main elements of the Anchorage Declaration (April 2009):

- Supports a binding emissions reduction target for developed countries ("Annex 1") of at least 45% below 1990 levels by 2020 and at least 95% by 2050;
- Calls on the UNFCCC to establish formal structures and mechanisms for and with the full and effective participation of indigenous peoples;
- Calls on all REDD initiatives to secure the recognition and implementation of the human rights of indigenous peoples (including security of land tenure, ownership, recognition of land title according to traditional ways, uses and customary laws and the multiple benefits of forests for climate, ecosystems, and peoples before taking actions);
- Challenges states to abandon false solutions to climate change that negatively impact indigenous peoples;
- Calls on states to recognize, respect and implement the fundamental human rights of indigenous peoples; and
- Encourages indigenous communities to exchange information.
- presented two options supported each by part of the participants as there were different perspectives:
    A. Call for the pause out of fossil fuel development and a moratorium on new fossil fuel developments on or near Indigenous lands and territories.
    B. Call for a process that works towards the eventual phase out of fossil fuels, without infringing on the right to development of Indigenous nations.
- Calls upon the Parties to the UNFCCC to recognize the importance of IPs' traditional knowledge and practices in developing strategies to address climate change.
- Offer to share their traditional knowledge, innovations, and practices relevant to climate change with humanity, provided their fundamental rights as intergenerational guardians of this knowledge
- Call to support IPs in carrying out IPs climate change assessments

The Anchorage Declaration is available at:

http://www.indigenoussummit.com/servlet/content/declaration.html

Projects, assessments, discussions and workshops related to climate change and specifically REDD, led by indigenous peoples' organizations or in partnership with them, have been started at regional and national levels – for example by Tebtebba

(Indigenous Peoples' International Centre for Policy Research and Education, based on the Philippines), the UNU Institute for Advanced Studies, COICA, IPACC and others[10].

3. Indigenous peoples and the UNFCCC

3.1 Indigenous peoples in the UNFCCC

In contrast to its sister Convention, the Convention on Biological Diversity (CBD), the text of the UN Framework Convention on Climate Change (UNFCCC) itself as well as of the Kyoto Protocol contain no explicit consideration of indigenous peoples, local communities or similar, and so far there is **no specific formal working group** or other mechanism created for this purpose.

However, within the last decade opportunities for greater engagement of indigenous peoples in the UNFCCC process have emerged. Since 2001, a small number of IPOs have been admitted to the Convention process as **observer organizations**. They have been provided with the same privileges as other organizations such as a direct line of communication with the secretariat, invitation to workshops which are open to observers and provision of an opportunity to make statements during the UNFCCC Climate Change Talks including the Conferences of the Parties to the Convention (COPs).

IP organizations are convening parallel meetings in their informal "**International Indigenous Peoples' Forum on Climate Change – IIPFCC"** (also called ***"indigenous caucus"***); the so-called "Accra Caucus"[11] also includes some indigenous participants.

Some UNFCCC documents such as the Nairobi Work Programme (2006) on adaptation show some emerging recognition of indigenous peoples and their traditional knowledge in the UNFCCC process. The REDD discussions since Bali have led to increased visibility of IPs, and to new related references in COP decisions.

But IPOs state that it is still very difficult to participate and to get their perspectives integrated in discussions and policy outcomes.

3.2 Indigenous peoples and UNFCCC negotiation texts for COP 15

3.2.1 Important indigenous issues in discussions at negotiation meetings

The IIPFCC has elaborated the following three points of greatest importance to them, which they aimed to get included as their central "minimum principles" into the negotiated text through text proposals and lobbying:

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[10] Some weblinks to initiatives can be found under "useful resources".

[11] The **Accra Caucus** on Forest and Climate Change is a coalition of civil society groups, indigenous peoples and local community organizations and networks, who are concerned with rights, equity and justice in REDD. The Accra Caucus first met during the climate change talks in Accra in August 2008.

Box 4: Main negotiation issues for the IIPFCC

1. ***Recognize and respect the rights*** *of indigenous peoples and local communities, in particular their rights to lands, territories and all resources****, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*** *and other relevant international human rights instruments and obligations;*
2. *Ensure the* ***full and effective participation*** *of indigenous peoples and local communities, in accordance with the* ***right to free prior and informed consent;***
3. ***Recognize*** *the fundamental* ***role and contribution*** *of indigenous peoples'* ***traditional knowledge, innovations and practices.***

At different opportunities, indigenous speakers have also elaborated on these issues more broadly, as among other points:

- Need to respect their right to **self-determination** and ensure their ***free, prior and informed consent*** **(FPIC)** as minimum standards to safeguard their rights and interests **at all stages and levels** as precondition before and during any REDD, CDM, LULUCF, etc. activities.
- They **would oppose** any REDD, REDD-plus and carbon offsetting projects as well as other ecosystem-based mitigation and adaptation **measures that are not based on the full recognition and protection for their rights** in accordance with the UNDRIP and their FPIC.
- **Security of land tenure, access to land and resources**,
- **Equitable benefit-sharing** with IPs and local communities,
- To **recognize the multiple values of forests to IPs** (e.g. their spiritual and cultural values)
- **Right to their own governing bodies and institutions** and to develop **culturally appropriate strategies**
- To respect and value the specific role of **indigenous women** in passing on traditional knowledge
- Prioritization in financial assistance, a **dedicated funding mechanism** (preferably not under the World Bank but under the UNFCCC) to provide technical and financial assistance with direct access to funding for IPOs/ local communities;
- Establishment of an **Expert Group on Indigenous Peoples and Climate Change** under the Conference of the Parties of the UNFCCC and the MOP of the Kyoto Protocol, with indigenous expert members;
- Inclusion in support for **capacity building**;
- To create a **compliance** and **independent conflict resolution mechanism**.

3.2.2 Indigenous issues in the outcome of Copenhagen

To the disappointment of indigenous participants, the Copenhagen Accord itself does not contain any reference to indigenous peoples. The Accord emerged actually outside the official UNFCCC process and without the consultation of all parties. It is a politically significant, but non-legally binding document and it is still remains to be seen how it will be taken forward.

However, as a result of the intense lobbying of indigenous representatives and partners, some important references to indigenous peoples have been included in the SBSTA as well as in LCA texts, especially under the issue of climate change mitigation and REDD.

The SBSTA draft decision on Methodological Guidance for Activities Related to REDD (FCCC/SBSTA/2009/L.19/Add.1) recognizes in its preamble the *"need for full and effective engagement of indigenous peoples and local communities in, and potential contribution of their knowledge to monitoring and reporting activities"*. It furthermore encourages the *"development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting"*, but falls short of mentioning IPs' rights.

The current draft decision in the outcome of the Ad Hoc Working Group on Long-Term Cooperation (AWG-LCA)'s work on Policy Approaches and Positive Incentives relating to REDD (FCCC/AWGLCA/2009/L.7/Add.6) contains several relevant elements under the safeguards section. It includes among others

- under para 2(c) *"respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the General Assembly has adopted the UNDRIP" (*however indicating prioritization of national circumstances, while many IPs participants had hoped to see the UNDRIP on equal footing; but still, the reference to the UNDRIP and rights can be considered a major breakthrough);
- 2(d) "*full and effective participation of relevant stakeholders, including in particular indigenous peoples and local communities"* in mitigation actions in the forest sector;
- and under 2(e) on non-conversion of natural forests and enhancement of social and environmental benefits a bracketed footnote *"[taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the UNDRIP…]"*.

The wording of the safeguards section remains undecided; as the text is bracketed, it remains open whether an eventual COP decision will affirm that safeguards are "promoted", "supported", or both. Furthermore text on including monitoring systems (para 5), including with a potential reference to the safeguards and SBSTA decision, remains currently bracketed in the draft AWG-LCA text.

Paragraph 6 in this draft text also requests developing country Parties to address, *inter alia*, land tenure issues, forest governance issues, gender considerations and safeguards, ensuring the full and effective participation of relevant stakeholders with explicit reference to indigenous peoples and local communities, when developing and implementing their national strategy or action plan.

On other issues, the current outcome of the AWG-LCA's work on adaptation (FCCC/AWGLCA/2009/L.7/Add.1) mentions that guidance and action should among others be based on 'traditional knowledge, as appropriate'. The preamble of the document on the outcome of the LCA work FCCC/AWGLCA/2009/L.7/Rev.1 includes recognition of the need for effective participation of indigenous peoples on all aspects of climate change.

Explicit reference to free, prior and informed consent (FPIC) was absent from the AWG-LCA texts circulating in Copenhagen; however, the reference to the UNDRIP in the LCA-REDD text could be interpreted as also "noting" IPs' rights including to FPIC as it is a key element of the Declaration.

However, indigenous leaders continued in their final statement to call for more comprehensive references to IPs' rights in all UNFCCC COP documents.

It was decided to extend the mandate of the AWG-LCA by one year until December 2010, and it will be important to follow how these documents will be taken up again within the future work of the UNFCCC.

In the mean time, it will be important to see how these issues will be discussed at national levels.

The draft documents can be seen as providing some guidance, and stronger consideration of safeguards, rights and participation of indigenous peoples and other communities with traditional links to forests in REDD-plus planning activities should be actively supported.

4. Important international processes around REDD-readiness

Driven by the international agenda, there are several important processes which are relevant for the implementation at national levels.

4.1 Some background

Among some of the progress made during negotiation in 2009, parties have initially agreed that REDD-plus should be implemented in phases[12]:

1) ***Phase one: Preparation and Readiness***

   During this preparatory phase, national REDD strategies should be built in a participatory way, including and recognizing the rights and roles of indigenous peoples and local communities. Countries should be able to analyse in-depth drivers of deforestation and degradation and carry out analyses of forest governance gaps in order to guide their actions and decisions towards these objectives. A capacity assessment will be needed for the preparation and further

[12] The section on the three phases is drawn from IUCN's leaflet "REDD-plus – Scope and options for the role of forests in climate change mitigation strategies", November 2009.

implementation of a REDD-plus strategy. Early pilot activities will play an important role in this phase for learning from best experiences. In order to measure success, national reference levels as well as systems for monitoring, reporting and verification (MRV) need to be defined. Finances for this phase are available through public and private funds, bilateral grants, and multilateral arrangements such as the Forest Carbon Partnership Facility of the World Bank and UN-REDD.

2) Phase two: Policies and measures

This phase will require the development of national policy frameworks and reforms in the forest sector and building links with other related sectors such as agriculture, energy and development. Specific instruments will have to be designed and put in place for the implementation of REDD-plus schemes. A lot of focused training activities will take place in this phase and the needs for enforcing new regulatory frameworks will be recognized. Carbon rights issues should be clarified at this stage, and the definition of national distribution mechanisms for REDD-plus benefits should be developed and agreed upon through consultations. Countries should also work on the preparation of a portfolio of funding options for REDD-plus actions. Phase two requires performance-based proxies that respond to specific local drivers of deforestation and degradation, such as the overall rate of deforestation, the implementation of policies or the strengthening of the rights of indigenous peoples and local communities. Pilot activities will provide conclusions on MRV systems, results on REDD-plus actions and the effectiveness of the participation of different stakeholders.

3) Phase three: Performance-based payments

Mechanisms such as the carbon market and fund-based mechanisms should, by phase three, deliver performance-based payments for emissions reductions and carbon stock enhancements. National and local REDD-plus projects should demonstrate results in this phase. In order to monitor success, emissions reductions could be subject to third-party verification against national reference levels. These would include social and environmental audits. Depending on the outcomes, implementation may have to adapt to circumstances. Mechanisms for distributing benefits should be implemented in this phase and monitoring actions can be considered as part of the learning process proposed by the phased approach.

Currently and within the next few years, activities are taking place within the "**readiness phase**". Acknowledging this is not minor since it implies that final implementation of REDD projects and the actual payment of any emission reductions will only begin after this phase. Covering the costs for the initial readiness phase and the second phase on policies and measures is actually an issue of concern.

In order to provide initial support to capacity building and the development of national REDD strategies, a number of funds and programmes have been set up. The most influential public ones are the UN-REDD Programme, the FCPF (Forest Carbon

Partnership Facility), and in the second phase the FIP (Forest Investment Programme). These and their activities with regard to indigenous peoples are summarized below[13], as well as an independent initiative working on relevant social and environmental standards.

4.2 The Forest Carbon Partnership Facility (FCPF)

At CoP13 in Bali in December 2007, the World Bank launched the Forest Carbon Partnership Facility (FCPC) in order to assist developing countries in their efforts to reduce emissions from deforestation and forest degradation, and to conserve, manage sustainably and enhance forest carbon stocks (REDD+). It became operational in June 2008.

The FCPF has the dual objectives of building capacity for REDD in developing countries in tropical and subtropical regions, and testing a two-tiered program of performance-based incentive payments in some pilot countries, in order to set the stage for a much larger system of positive incentives and financing flows in the future. To support these objectives, two mechanisms have been set up:

i) The ***Readiness Mechanism*** provides assistance to build capacity of developing countries for REDD+ readiness, financed by the FCPF Readiness Fund;

ii) The FCPF's ***Carbon Finance Mechanism*** and related Fund will allow a small number of countries that have made significant progress towards REDD+ readiness to become pilot countries for implementation of pilot REDD+ emissions reduction programmes. Countries that achieve this level will receive funding in order to test a programme of performance-based incentive payments for REDD.

The FCPF's **Readiness Mechanism** provides support to a country to become 'ready for REDD'. As the basis for being selected into the Readiness Mechanism, countries have first submitted their **R-PINs** (Readiness Proposal Idea Notes), which provides information on the country situation and contains a preliminary assessment of obstacles and strategies for realizing REDD. Amongst others, it includes also a question on data related to indigenous peoples and other forest dwellers. The R-PINs were reviewed by the FCPF's Participants Committee and an independent Technical Advisory. Thirty seven developing countries from Africa, Asia, and Latin America have been subsequently accepted.

Once the R-PIN has been approved, the countries are requested to prepare their Readiness Preparation Proposals (**R-PPs**), and may receive a grant of USD 200,000 to support this; it's expected that part of it will be used for consultation and outreach including to forest dwellers and indigenous peoples. However the way this phase is

[13] However, there are also other bilateral activities (e.g. the International Climate and Forest Initiative launched by Norway) and several private funds set up by conservation NGOs (e.g. TNC; CI, WWF US, etc.), but also by private Foundations (e.g. Rainforest Project launched by Prince Charles of Great Britain, funded by companies), etc.

designed does not leave the countries with enough money for conducting a real participatory consultation process. The R-PPs describe the studies and activities that must be undertaken by countries to become ready for REDD, including outlining national REDD strategies and describing the multistakeholder consultation process that will be used. For the updated R-PP, it is expected that the FCPF will also propose to incorporate a Strategic Environmental and Social Assessment.

Provisional **review criteria** to be met by the R-PP include amongst others a standard on stakeholder consultation and participation. It looks at ownership, transparency, and dissemination of the R-PP by the government and relevant stakeholders focusing on inclusiveness, effective and informed consultation and participation by relevant stakeholders. This is being assessed by looking at:

> i.) "the consultation and participation process for R-PP development thus far, the extent of ownership within government and REDD coordinating body, as well as in the broader national stakeholder community; and
>
> ii.) the Consultation and Participation Plan included in the R-PP (which looks forward in time); and the inclusion of elements in the R-PP that adequately document the expressed concerns and recommendations of relevant stakeholders and propose a process for their consideration, and/or expressions of their support for the R-PP." [14]

It checks in particular whether the development of the ToR for the Strategic Environmental and Social Assessment and the Consultation Plan included civil society and particularly indigenous peoples and forest dwellers representation.

The FCPF Readiness Mechanism has also prepared a **note** giving *'some technical guidance on **National Consultation and Participation for REDD***'. It relates to multi-stakeholder consultation and participation more generally, but also emphasizes IPs and forest dwellers in some paras more specifically. One of the key principles mentioned is:

"Recognizing diverse stakeholders and strengthen the voice of vulnerable groups especially IPs and forest dwellers". It also asks for the establishment of a grievance, conflict resolution mechanism. It further says that special emphasis should be given to the issue of IPs in relation to land tenure and resource use rights and property rights. This relates to the issue that in many tropical forest countries, land tenure and policy frameworks for IPs are unclear as often customary/ancestral rights are not necessarily codified or are incompatible with national laws. It notes that clarifying rights to land and carbon assets, including community (collective) rights, and introducing better control over the resources will be critical priorities for REDD plan formulation and implementation.

It points also to the **World Bank's Operational Policy 4.10 on Indigenous Peoples**[15] with a box providing a short overview. This is a more general policy of the WB but also relevant to the FCPF as it applies to all of the WB's investment projects.

[14] See FCPF Readiness Mechanism Program Document FMT 2009-1-Rev.3: Review and Assessment of R-PPs.
[15] The weblink to the original document can be found under "resources".

Box 5: **World Bank Operational Policy 4.10 — Indigenous Peoples**

This policy aims to ensure that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. The policy calls for the recipient country to engage in a process of free, prior, and informed consultation, and the Bank provides financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. The policy includes measures to (a) avoid potentially adverse effects on the Indigenous Peoples' communities; or (b) when avoidance is not feasible, minimize, mitigate, or compensate for such effects. Operations are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

(*Source: FCPF Note on National Consultation and Participation for REDD)*

The OP 4.10 is considered generally lower than the UNDRIP standard and several indigenous leaders and advocates criticize that the World Bank talks about "free, prior, informed consultation" and a vague "broad community support", whereas the UN-standard is "free, prior, informed consent". However, the WB's consultation note mentions: "Countries that have signed on to the UN Declaration on the Rights of Indigenous Peoples will be expected to adhere to the principles of free, prior and informed consent (FPIC)".

When the FCPF was launched, indigenous representatives strongly criticized the lack of their engagement. In response to this, the FCPF held a number of regional consultation workshops with indigenous participants. These raised a number of concerns with respect to REDD in general and the FCPF in particular. A view commonly expressed was that the UNDRIP, ILO 169, and the World Bank Operational Policy 4.10 on IPs should be used as guidance throughout the process.

In response to a request made by IPOs for a capacity building programme which would enable them to take part more effectively in the related discussions and activities, the World Bank's FCPF established in 2009 a specific capacity building program for indigenous/ forest dependent peoples on REDD. For the fiscal year 2010, USD 200,000 of the Readiness Fund were allocated for this. In 2009, three IPOs received support to organize capacity building activities (COICA, IPACC, and COONAPIP).

The FCPF has also identified two indigenous persons to sit as observers in the FCPF Participants Committee (the Chair of the UNPFII and the Executive Secretary of the IAITPFP), and chosen three indigenous persons to be part of its Technical Advisory Panel.

However, indigenous voices considered these responses as good steps but not sufficient and needing much more work and emphasis on the implementation of related human rights instruments at international and national levels. There have also been concerns about the lack of ensuring proper participation with regard to all R-PPs which have been approved.

Concerns and experiences with regard to consultation processes during the elaboration of R-PPs at national levels which were reported relate among others to a lack of respecting FPIC; that consultations didn't go through the traditional institutions of indigenous peoples; that non-representative institutions were consulted, or individuals took decisions in the name of indigenous peoples; that it was not clear how IP that were taken as representatives would report back to communities on the ground; information meetings afterwards wrongly being declared as consultations; and the need of more time and information before any consultations could start.

4.3 UN-REDD

UN-REDD is another prominent programme supporting REDD readiness. It is a collaborative partnership programme between the three UN Agencies - UNDP, UNEP, and FAO. Like the FCPF, UN-REDD is providing financial support for building and implementing REDD readiness phases, including capacity building, national REDD strategies and mechanisms. Actions aim at building capacities and provide practical experiences and lessons learned that can inform the international dialogue on a post-2012 REDD mechanism.

The Programme works at both the national and global scales, through support mechanisms for country-driven REDD strategies and international consensus-building on REDD processes.

Nine initial **pilot country programmes** are supported by USD75 million in funds contributed by the governments of Norway, Spain and Denmark. Its first set of pilot countries includes three countries from Africa (the DRC, Tanzania and Zambia), three countries from Asia and the Pacific (Indonesia, Papua New Guinea, and Viet Nam), three countries from Latin America and the Caribbean (Bolivia, Panama and Paraguay). In addition, in October 2009 five new countries joined with **observer** status: Argentina, Cambodia, Ecuador, Nepal and Sri Lanka. In February 2010 formal invitations to join the UN-REDD Programme Policy Board as observer countries were extended to Costa Rica, Kenya, Mexico, Nigeria, the Philippines, Republic of Congo, Solomon Islands, and Sudan.

The Programme's **Framework Document** explicitly states that it *"promotes the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD strategy setting and implementation."*

It's **Policy Board** includes, besides representatives from the three UN agencies, donor organizations, and from pilot countries, an indigenous representative (selected by the UNPFII) and a representative from a civil society organization.

Observers include three indigenous peoples' representatives from each of the three regions, and three civil society representatives - one from an organization from a developed country and the other two from the regions that do not have full membership on the Policy Board.

Following the mandate of the UN, UN-REDD has developed an '***Operational Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities'***. The Guidance is intended to inform the design, implementation, monitoring and evaluation of the programme's activities at global and national level.

The guidance points comprehensively to important principles such as FPIC (free, prior and informed consent) and relevant international Conventions and documents, such as the ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples, the United Nations Development Group's Guidelines on Indigenous Peoples Issues, etc. Building on the background of the overall policy and legal framework of the UN, the document includes *'**Guiding Principles** for the UN-REDD Programme on the Rights of Indigenous Peoples and Other Forest Dependent Communities'* which should guide the development, implementation, monitoring and evaluation of programme activities that may impact their rights:

1. "*All UN REDD Programme activities, particularly those that may potentially impact Indigenous Peoples and other forest dependent communities, **must follow a human rights based approach**, and **adhere to the UNDRIP***, (…)
2. ***Free, Prior, and Informed Consent** must be adhered to, and is essential to ensuring the full and effective participation of IPs and other forest dependent communities in policy-making and decision-making processes within UN-REDD* activities (…)
3. *The UN-REDD Programme must ensure that there is **broad representation** of IPs and other forest dependent communities, including women and youth**, at all stages** of its activities (…)"

The document includes furthermore two pages with '***Guidelines for National UN-REDD Programme Activities'*** that lists the following guidance points:

1. **Representation** of IPs and other forest-dependent communities **in national steering committees or equivalent bodies**, where established.
2. **Participation and Inclusion** – in order to be endorsed for approval by the programme, draft National Programmes must submit minutes of a 'validation meeting' of National Stakeholders, including IPs' representatives (subscribing to one of given representativeness criteria options).
3. The '**validation meeting**' as a step for a wider consultation and engagement strategy.
4. The **National Programme consultation and engagement strategy** should effectively involve IPs and forest dependent communities in all stages, adhering to above mentioned principles.
5. **Include activities and resources** in National Programmes to support ongoing consultations, engagement and partnerships to **ensure that current priorities and concerns articulated** by IP representatives are **being taken into account** in national UN-REDD Activities.
6. **Ensure circulation, public accessibility, and as appropriate reflection** in relevant documents of **outcome documents from consultation** meetings.
7. **Distribution of annual reports** on UN-REDD Programme activities to IPs' and CSO networks through the related representatives on the National UN-REDD Committee.

8. Responsibility of the **UN Resident Coordinator** for ensuring that the National Programme abides by the UN's Standards and Declarations, and **plan to establish a complaint mechanism.**

This provides a very comprehensive and progressive background. However, the document does not describe sufficiently concrete steps for processes to help operationalize the rather global principles and policies and show more concretely how it can be implemented, and how for example the commitment to a rights-based approach will be applied in practice, or FPIC will be realized. Therefore it may be difficult to work with this document in its present form on national implementation levels, and may furthermore need consideration of different national country contexts. However, it seems that UN-REDD is further working on these issues, and it has been mentioned that it is working with IPOs in Indonesia on a FPIC mechanism.

Recently there have been efforts to harmonize processes under UN-REDD and the World Bank's Forest Carbon Partnership Facility (FCPF).

4.4 The Forest Investment Program (FIP)

The World Bank's Forest Investment Program (FIP) will soon begin funding activities, and will become a key investor in the second phase of REDD on policies and measures. It is also of particular interest to IPs and other forest dependent communities as the related policy and measures activities will have implications for their livelihoods. Furthermore important resources could be made available for multi-stakeholder consultation processes at national level. The World Bank announced that it will establish a dedicated initiative for IPs within the FIP that will allow them direct access to funding and support their own activities related to lowering deforestation, but this is still in its planning phase. However, concerns have been raised as a previously included reference to FPIC seems to have been removed from the final FIP document and some human rights groups have raised fear that the FIP might also be used to support conventional large-scale plantations and logging operations.

4.5 REDD+ Social & Environmental Standards

Given the concerns about the need for social and environmental safeguards related to REDD, the Climate, Community & Biodiversity Alliance (CCBA) and CARE International started to facilitate an initiative working towards the development of related standards.

The initiative aims to develop standards that will be designed to work for the new global REDD+ regime expected to emerge out of ongoing UNFCCC negotiations, that is for government-led programmes implemented at national or state/provincial/regional level and for all forms of fund-based or market-based financing. They are voluntary standards for REDD programmes or activities.

The standards are being developed through a process that has engaged some governments, NGOs and other CSOs, IPOs, international policy and research institutions and the private sector. A Standards Committee representing a balance of interested parties is overseeing the standards development. The majority of committee members are from REDD countries, recognizing that southern governments and civil society should lead the adoption of the standards.

It is work in progress and discussions at national level on how to interpret/ operationalize are supposed to be the next steps.

Below follows an overview of the latest draft of its main principles[16]:

Draft REDD+ Social & Environmental Standards - Version 15 January 2010

Principle 1: Rights to lands, territories and resources are recognized and respected by the REDD+program

Principle 2: The benefits of the REDD+ program are shared equitably among all relevant rights holders and stakeholders

Principle 3: The REDD+ program improves long-term livelihood security and well-being of Indigenous Peoples and local communities with special attention to the most vulnerable people.

Principle 4: The REDD+ program contributes to broader sustainable development and good governance objectives.

Principle 5: The REDD+ program maintains and enhances[31] biodiversity and ecosystem services.

Principle 6: All relevant rights holders and stakeholders participate fully and effectively in the REDD+ program.

Principle 7: All rights holders and stakeholders have timely access to appropriate and accurate information to enable informed decision-making and good governance of the REDD+ program.

Principle 8: The REDD+ program complies with applicable local and national laws and international treaties, conventions and agreements.

5. Some conclusions and challenges

The current REDD policy discussions and processes at national and project level are fast-paced. At the same time, much remains to be considered, discussed, and integrated.

Different discussions at different levels

At **international level**, it will be important to follow further discussions related to indigenous peoples and local communities within the negotiations and in the lead-up to COP16; and to further support a strong inclusion and consideration of IPs and local communities and related safeguards in relevant texts and lobbying, as well as to provide space for their discussions and support fora where their voices and perspectives can be heard by other delegates to influence the process.

At the same time, it is important to **inform national processes** about the relevance of the issues and related international developments and discussions. The elements

[16] Furthermore comprehensive criteria and a framework for indicators have been proposed under the principles, which can be found on the website and may be recommended to take a look at.

related to indigenous peoples and local communities in the COP 15 outcomes such as in the SBSTA and AWG-LCA should be further discussed at national level, at the same time supporting awareness and discussion of the importance to include these elements in the lead-up of further negotiations for COP 16 in Mexico.

Discussions at international level and REDD-readiness processes are proceeding very fast. However, looking at different levels, there seems to be quite a **gap between information and discussions at international, national, and local level**. Much less knowledge and expertise around REDD more generally and specifically the important role and rights of IPs and local communities can be found at national level. And at local levels, information is still most often totally lacking or incomplete and confusing.

Language and translation of concepts to complex situations on the ground

Furthermore, **international language and provisions needs to be translated and adapted to national and local circumstances**. Principles such as the Free, Prior and Informed Consent (FPIC) can in example be difficult to discuss in some African countries. Furthermore rather abstract concepts and provisions like the UNDRIP or FPIC need to be translated into concrete operational, practical guidance for REDD-readiness processes. It has also to be considered that the situation with regard to IPs and forest dependent communities, the social embedding and relevant frameworks differ in every country. Standards and guidance can therefore not be universal and take a blue-print approach, but should be adapted to specific situations.

It may often be a challenge to find appropriate language at national levels, and **discussions around the very notion of indigenous peoples** can be complex. In a number of African countries, for example, the notion of "indigenous peoples" is not being used or used in a confusing way.[17] In some cases it can also be a very political issue to talk about indigenous peoples and related rights. At international level, some African representatives at the IIPFCC therefore put special emphasis on the need to include the notion of communities, and it may be useful to talk generally about indigenous peoples and forest-dependent communities with traditional links to forests. In any case, care should be taken not to use an excluding approach or to get the process locked in the complicated issue of indigeneity.

REDD mechanisms may not just pose risks to people depending on forests, but in case of **leakage** (due to new incentives to protect forests, agricultural activities could shift from forests to other ecosystems) could also affect those dependent on other ecosystems.

Also, including only the notions of indigenous peoples and forest dependent communities without **differentiation** may not be enough. While many of them are amongst those most marginalized and vulnerable to climate change and related measures, this may not be true for all of them. Some may be well-off and successfully involved in trade of forests products, while still being dependent on forests; some may practice unsustainable use of forest products due to market pressures and lack of good

[17] In example, all people of a country may consider themselves as indigenous people and exclude nomadic peoples who move between countries and regions; therefore the whole population would claim i.e. related rights would apply to all of them except nomadic pastoralists peoples, etc.

governance. There may also be **unequal relationships between different groups**. On the ground, it is often people from non-indigenous communities taking leadership due to their government connections and superior education, but it can also be single persons within a community taking advantages. Furthermore their ability to provide special contributions to sustainable management of forests through their knowledge and practices differs.

Therefore it can be problematic to generalize, and efforts should be made to ensure **provisions that pay special attention to vulnerable and marginalized** people, not simply on ethnic affiliation or forest occupation and use. It should be considered that communities are **not homogenous** and often not harmonious. It is also important to consider that they may have **power and gender structures** on their own. But, without being disruptive, it should be made every effort to support gender equity and, more generally to provide especially for the support and inclusion of the most vulnerable people within communities.

A problem is also that there if often a **lack of disaggregated data** on indigenous peoples and especially vulnerable groups at national and subnational levels. Additional vulnerability assessments may be in order to supplement existing information.

Many further challenges remain at national and local levels.

These include some barriers and risks, e.g:

There are still **many barriers** to the positive and comprehensive inclusion of IPs and other forest dependent communities in REDD programmes at national levels. Conditions are here in practice often pretty different from normative international principles. Internationally recognized **rights** such as FPIC and others may not be sufficiently reflected at national levels. Furthermore, property rights and customary resource rights are often still insecure and not codified in laws. In many developing countries, there is an overlap of customary and state owned lands, with the majority of land and forest area being legally owned by the state. This limits the opportunities of indigenous and other forest dependent communities to participate in forest and revenue management decisions.[18] In other cases, there are already formal rights that could help indigenous peoples, vulnerable communities and individuals – for example the capacity to get their lands registered. But there is often a lack of knowledge and ability to claim and use the rights, or not sufficient financial means or barriers to follow the procedures (there are cases where IPs do not even have an identity card as basic precondition for engaging in formal procedures; or need to pay "informal" additional fees to get anything done).

There is fear about the **risk** that, with REDD mechanisms coming up, states may **quickly extend enforcement** of *de facto* state-owned lands or also create new protected areas on traditional lands; at the same time they may enforce restrictions and penalties and even lead to displacements which affect the livelihoods and increase the vulnerability of those who have been customarily living on the lands.[19]

[18] See Lawlor, Olander & Weinthal, 2009.
[19] ibid.

Corruption or elite capture is in many cases another barrier that may preclude local communities from receiving potential compensation or benefits trickling down. In this case, even in programmes that intend to compensate local people for avoided deforestation / degradation actions or restricted access, they may end up bearing the costs but not sharing in the benefits of the programmes.[18]

REDD activities could in the end create new **conflicts** – within communities in case there are different opinions on whether to engage and about control/capture of potential revenues, between communities, between communities and the government, or also with private company carbon traders. Therefore it is essential to provide for easily accessible and **independent grievance/ conflict resolution mechanisms.**

Another problem is that on the ground **wrong expectations and problematic compromises** have been created through so- called "**carbon cowboys**" from the private sector or NGOs. Cases of exploitative carbon contracts with communities have been reported. Communities have in many cases not received sufficient information in appropriate form and language in advance, nor have they been consulted in an appropriate way, and therefore have entered into contracts that contain unfair benefit provisions or disproportionate obligations.

Communication and participation

Therefore, as well as with a view to quick advance of the readiness processes, sensitization, information and clarification about REDD are urgently needed on the ground. **Appropriate communication strategies** need to be developed and it needs to be reached out to communities in their language and through appropriate communication means. This is not an easy task, considering that REDD is a pretty complex and abstract concept whose comprehension even experts and ministries are still struggling with, while many local communities may not even have heard yet about climate change mitigation. Furthermore much is still uncertain as it depends on the process of international and national decisions. There is still no certainty related to many important questions such as for example the potential benefits. There is a great challenge with regard to time and resources that are needed for appropriate communication, so that consultation can be properly done throughout the countries. The **fast pace** of private carbon initiatives but also of the national readiness processes pose big challenges to facilitate timely and proper in-depth information and consultations.

It remains also to consider that, in accordance with internationally protected rights, specific procedures for **culturally appropriate participation** of IPs should be put in place. But again, IPs' own decision-making processes as well as reaching down to grassroot communities in remote areas can take a lot of time and resources, maybe more than is currently available.

The potential of **top-down suggestions of alternative livelihood activities** for communities are another potential danger and something that has often happened in the past, and is also still a problem in several integrated conservation and development and other projects at present, so it should be learned from those previous experiences. Problems in the past have also often shown that there can arise conflicts between external directives regarding participation and governments asserting that those violate

national sovereignty, like it has happened in the case of Tropical Forestry Action Plans (TFAPs)[18].

However it has been clearly shown that top-down suggestions for alternative livelihood activities may **result in being inappropriate and a lack of ownership, and potentially lead to failure of the entire project**[20]. It has to be considered that often their entire livelihoods and subsistence depend on the forests, from collecting food, wood and medicine to use for cultural practices. Any restrictions and changes to these activities can imply very high opportunity costs for the people. Special attention must also be given to ensure that potential benefits/ revenues will be appropriately shared with and reach the communities.

In the end, the **well-being of forest-dependent communities, security of rights together with appropriate incentives and opportunities to participate** in the design and entire process may be a key to the overall success of REDD programmes. Therefore, it is important to put mechanisms in place that support and enable communities to take decisions and own projects, rather than depending on outside agencies and design. Attention should also be given to the right to development, self-determination, and IPs' own institutional structures in this context.

On the other hand, there are also cases in which communities have very high expectations regarding compensation for conservation activities and would i.e. like to prioritize the development of big infrastructure projects, which might not always fit the budget and objectives of rather conservation oriented projects. So it can be very challenging to balance in practice.

[20] See section 1.2.4 which elaborates a bit further on some reasons for participation to encounter this.

Box 6: An example of a controversial issue related to livelihoods and REDD: discussions on shifting (rotational) cultivation

An emerging topic in IPs' discussions which featured i.e. quite prominently at several side events during the UNFCCC negotiations in Bangkok (Sept. 2009) was related to shifting rotational cultivation (sometimes also called swidden rotational cultivation or similar).

It is traditionally a rotational agroforestry system which includes an agricultural and a forestry component which are practiced sequentially on the same plot. It causes temporary change in landuse and landcover, but fallows subsequently revert landuse back to forests so that they can regenerate.

Burning causes loss of biomass; however, not all biomass that is felled is burned, and substantial biomass is removed before for other purposes (but this is difficult to disaggregate and count). And the young, growing forests can become more of a carbon sink, whereas old forests sometimes can become a source of carbon. At a landscape level, shifting cultivation results in a mosaic of different aged forests that may have a higher probability of being a carbon sink. This can also provide opportunities for adaptation, as a high diversity of resistant landrace species are involved, and can increase biodiversity.

Though often being perceived as causing deforestation and environmental destruction, understood and practiced in the way explained above it can actually be a sustainable way of managing forests by traditional communities with several positive effects if cycles don't become too short.

It was however reported from Asia that there are attempts to permanently settle indigenous communities who are practicing shifting cultivation, and to replace their practices by permanent agriculture, which would apart from the impacts on their livelihoods increase carbon release.

But it has also to be acknowledged that there are different types of shifting cultivation and definitions, that sustainable traditional practices are changing and that increasing pressures (decreasing overall area of forests, increasing population, etc) can lead to shorter, distorted, unsustainable cycles. Often the notion "shifting cultivation" is also used for unsustainable practices over short time, and sometimes confused with slash and burn techniques which result in a permanent change for agricultural or livestock use afterwards.

In any case, looking into improving rotational cultivation practices that maintain the integrity of forests and the extent of forest cover can be an important mitigation measure of sustainable forest management.

This topic may also deserve further research, discussion, and consideration.

See i.e. Dhrupad Choudhury's presentation: "Can shifting cultivation offer adaptation and mitigation opportunities ? (Hence, qualify for REDD)" http://ccmin.aippnet.org/ppts/AIPP%20UNFCCC%20Dhrupad.ppt

Consideration of Indigenous Peoples' and Community Conserved Areas

An opportunity which should be considered in REDD discussions and planning is the inclusion of indigenous peoples' and community conserved areas (IPCCAs). These are areas in which conservation (though not always intentionally) is carried out voluntarily by

IPs and other local communities through their own values, customary institutions and practices. A new tendency emerging especially in Latin America, which builds on successful experiences such as the Indigenous Protected Areas of Australia, is the recognition of indigenous conservation territories (ICTs) as a legitimate model of governance of protected areas, based on indigenous peoples' rights and their customary institutions. Most of these areas (IPCCAs and ICTs) are maintained solely under communities' customary law and institutions, and have not been officially recognized or supported by the state. IUCN has been advocating in favour of such areas and recommending governments to take effective measures to maintain and enhance community conservation practices.

It can now be an important opportunity to look for possible inclusion and protection of IPCCAs and ICTs in national REDD+ strategies and related institutional frameworks, so as to ensure the further protection and inclusion of these areas. REDD+ might present an opportunity to strengthen understanding, recognition and backing of IPCCAs if they are properly considered and included in the national readiness phase. This could help strengthening related rights and support the livelihoods of indigenous and local communities. On the other hand, if this crucial role of local communities is overlooked in planning and instead for example external state management is imposed, this might even result in decreased conservation of the areas as ownership of the area might be weakened and incentives will be lost, with potential losses also for the livelihoods of the local people.

Additionality

A challenge which still needs further consideration is the criterion to prove additionality for REDD activities. In order to fulfil this criterion, it must be shown that the activities lead to additional emissions reductions/ carbon storage that would not have occurred in the absence of REDD finance. This means for example by controlling logging, fires, and other activities that destroy or degrade the forests, and would need to show e.g. that forest would be cut or burned without REDD activities/ compensation payments.

On this background, it might happen that it could be first seen as an incentive to start destroying forests. Furthermore, for example cattle ranchers or companies might benefit from REDD in compensation for reducing their damaging activities, whereas local communities that protect or sustainably manage the forest anyway might not be considered. However, even for those cases where communities generally already conserve or sustainably manage forests it might be possible to show that they are in danger of degradation or deforestation through increasing pressures and could thus benefit from and need to be strengthened through REDD.

Inclusion in Monitoring

Another important issue related to REDD in which IPs and local communities should be considered is the monitoring and reporting activities for REDD.

On the one hand it should be considered that they are the experts of the areas they inhabit, have most often better than anybody else specific knowledge, insights and observations related to the forests that can be useful to monitoring and are based in the

areas. There will be an important need to carry out monitoring on the ground with their support as for example degradation can hardly be monitored with satellite or aereal images and will need to be combined with monitoring on the ground.

There have only recently started more discussions related to it and this is an important area as well which needs to be further explored. As mentioned previously, the recent draft SBSTA decision on Methodological Guidance for Activities Related to REDD from Copenhagen recognizes in its preamble the *"need for full and effective engagement of indigenous peoples and local communities in, and potential contribution of their knowledge to monitoring and reporting activities"* and also encourages the *"development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting"* which provides an important background for the consideration of communities.

The involvement of IPs in monitoring can be a great opportunity and could support further capacity building and income for the activities conducted. There are already positive experiences with participatory mapping / tracking tools that can be easily used by communities and build on their valuable traditional knowledge. IPACC has for example already reported on good experiences in using technologies such as Cybertracker, with which IP can collect geo-referenced data about field observations on biodiversity with traditional knowledge, and use this as a key tool for rendering intangible knowledge into maps and communication with decision-makers, create baselines, observe degradations (which is not possible from aerial photography), and carbon monitoring.

On the other hand there could also be some challenges related to it as some areas may be simply too big to be monitored on foot by one community; there might a need for cooperation and coordination between different communities then and maybe create new institutions for this purpose which may not always be easy or also lead to potential conflicts; or not all of them might be interested in participating in the activity.

Another important aspect related to monitoring is that it should also be provided for monitoring (positive and negative) impacts of REDD on IPs and forest dependent communities, and independent **monitoring and evaluating the implementation of** related **social safeguards** such as rights including FPIC and principles of good governance and governance reforms. This is a very important aspect to make REDD work and especially work for the poor and should be made conditional for any engagement in REDD+. Most of the discussions on monitoring have so far been focusing solely on carbon measurements, and much more attention needs to be given to the monitoring of social aspects.

6. Some options for action and potential policy measures

The above discussions have shown that there are many complex issues around REDD and indigenous peoples and other forest dependent communities. There are opportunities and risks, and much still needs to be figured out and integrated.

However, there are also options for action and potential policy measures to address the issues raised above. Below follow some examples:

Lawlor, Olander and Weinthal (2009) provide an interesting overview which shows several potential key risks related to REDD actions and related corrective policy options to address these as to work towards sustained livelihoods while reducing emissions from deforestation:

Table 1: How policies can comprehensively address risks to forest people and program effectiveness (from Lawlor, Olander and Weinthal 2009, p.14)

<table>
<tr><th>Potential state action in response to new forest carbon mechanisms</th><th>Risks to forest people and program effectiveness</th><th colspan="3">Corrective Policy Options</th></tr>
<tr><td>Forests zoned and property rights (to forests and forest carbon) clarified in ways that favor state interests or do not recognize contested claims between forest users</td><td>→displacement from or restricted access to forests people have traditionally occupied and/or used
→ property rights granted only on marginal lands
→ property rights granted are temporary, limiting incentives for long-term sustainable management
→ people lack legal authority and support to block illegal deforestation by outsiders
→ conflicts over use and ownership of forests</td><td><u>Governance</u>
Citizen participation in land use and property rights reforms</td><td rowspan="5"><u>Governance</u>
Dispute Resolution Mechanisms (Local, National, and International levels)</td><td rowspan="5"><u>Learning</u>
Monitoring & Evaluation of site-specific interventions
Impact Evaluations of how national programs are affecting rural citizens</td></tr>
<tr><td>Creation of new protected areas that disallow access or presence of people</td><td>→ displacement from or restricted access to forests people have traditionally occupied and/or used</td><td><u>Site-specific</u>
FPIC of affected communities</td></tr>
<tr><td>Increased enforcement on state-owned lands, altering open access regimes</td><td>→ restricted access to or arrest for using forests people have traditionally occupied and/or used</td><td><u>Governance</u>
Citizen participation in program design</td></tr>
<tr><td>Forest carbon revenues from new conservation efforts not shared with forest people (in the form of new services, forest monitoring jobs, or conservation payments)</td><td>→ people's deforestation incentives continue
→ people lack incentives to block illegal deforestation by outsiders
→ missed development/poverty reduction opportunity
→resentment and opposition to conservation efforts
→ societies destabilized by conflicts between groups vying for control of revenues at regional and national levels</td><td><u>Governance</u>
Revenue transparency mechanisms</td></tr>
<tr><td>Establishment of contracts for reduced deforestation with forest people</td><td>→ unknowingly accept terms that sign away land use rights, assume liability, or undervalue opportunity costs</td><td><u>Site-specific</u>
FPIC of affected communities or individuals</td></tr>
</table>

There is a great need to work on strengthening the specific **consideration and inclusion** of indigenous peoples and other communities with traditional links to forests from the **earliest stage on in national REDD-readiness processes**.

To think just about **some examples** of the needed **early activities** which may influence the further process:

- Ensure that the specific situations and frameworks with regard to indigenous peoples and other forest dependent communities will be assessed, and in consequence addressed as necessary;

- Awareness-raising about the importance of proper inclusion of IPs, and understanding of related international rights provisions amongst government officials and other stakeholders;
- Information about all relevant aspects in appropriate language and forms, awareness-raising and supporting the capacities of indigenous and forest dependent communities to participate before any consultations start;
- Pay attention that ToR and requirements for related personnel, committees, and other relevant institutions that will shape the process pay special attention to the proper consideration of social safeguards and inclusion of indigenous peoples and other communities with traditional links to forests, and chose people who are familiar with international provisions, but also with the national context and the situation of communities at local level, etc.

Other general points for potential action include for example:

- Enhance awareness of and support recognition of rights, roles and contributions of IPs and other forest dependent communities related to REDD and climate change.
- Inform and discuss as possible instruments including related guidelines, the UNDRIP and its potential value to reduce vulnerability of indigenous peoples to climate change impacts and related policy measures.
- Discuss the specific national situation and possible adaptation of existing instruments.
- Acknowledge and support IPs' conservation and sustainable management contributions (including indigenous peoples' and community conserved areas - IPCCAs) through their traditional knowledge, innovations and practices, and promote integration of relevant traditional knowledge and practices in national action plans.
- Strengthen indigenous peoples' inclusion, consultation and participation at all stages and levels of relevant decision-making related to national climate change adaptation/ REDD - readiness processes, with a view to developing broader policies and tools.
- Provide capacity building to indigenous peoples, their communities, and organizations on REDD-plus and adaptation on national and local level.
- Provide capacity building to relevant government agencies and officials regarding the role and rights of indigenous peoples and local communities and relevant provisions.
- Ensure safeguards that support self-determination and free, prior and informed consent, and special consideration of IPs' rights and livelihoods, including the security of land tenure and resource rights and arrangements.
- Give special attention to gender dimension of indigenous peoples in climate change, ensure gender-balanced participation and include specific considerations of indigenous women and their perspectives.

- Give special attention to communities whose vulnerability can be reduced through good ecosystem management and restoration
- Support development and application of the highest social and environmental standards.
- Support improvement of forest management practices, including small-scale sustainable practices of rotational agriculture, that can maintain the integrity of forests and the extent of forest cover.
- Support the establishment or strengthening of independent grievance and conflict resolution mechanisms.
- Provide for inclusion of IPs and their traditional knowledge in monitoring, as well as for inclusion of monitoring the implementation of social safeguards in REDD projects.

7. Useful resources and further readings

Below follows a compilation of several useful documents and sources of information relevant to the topic - check it out!

LINKS to Copenhagen Accord and some related relevant papers:

Copenhagen Accord (FCCC/CP/2009/L.7)

http://unfccc.int/resource/docs/2009/cop15/eng/l07.pdf

SBSTA: Draft decision: Methodological guidance for activities relating to REDD and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (FCCC/SBSTA/2009/L.19/Add.1)

http://unfccc.int/resource/docs/2009/sbsta/eng/l19a01.pdf

Outcome of the work of the AWG-LCA under the Convention, Draft conclusions proposed by the Chair, Addendum, Draft Decision: Policy approaches and positive incentives on issues relating to REDD in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (FCCC/AWGLCA/2009/L.7/Add.6)

http://unfccc.int/resource/docs/2009/awglca8/eng/l07a06.pdf

Links to some important international REDD related processes and guidance documents:

UN-REDD PROGRAMME Operational Guidance: Engagement of Indigenous Peoples and other Forest dependent Communities. Working document, October 2009.

http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=975&Itemid=53

UN-REDD webpage: Engagement of Indigenous Peoples and Civil Society.

http://www.un-redd.org/ProductsandPublications/UNREDDProgrammeEngagementofIndigenousPeople/tabid/616/language/en-US/Default.aspx

Forest Carbon Partnership Facility (FCPF) Readiness Mechanism Note (2009): **National Consultation and Participation for REDD.**

http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/FCPF_FMT_Note_2009-2_Consult_Particip_Guidance_05-06-09_0.pdf

Forest Carbon Partnership Facility (FCPF) Readiness Mechanism Program Document FMT 2009-1-Rev.3: Review and Assessment of Readiness Preparation Proposals.
http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Oct2009/FCPF_FMT_Prog_Doc_2009-1-Rev.3_R-PP_Assessment_10-23-09.pdf

The World Bank – Page on indigenous peoples and links to the WB's Revised Operational Policy and Bank Procedure on Indigenous Peoples (OP/BP 4.10)

http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTINDPEOPLE/0,,menuPK:407808~pagePK:149018~piPK:149093~theSitePK:407802,00.html

FCPF site "Capacity Building for Indigenous Peoples in REDD"

http://www.forestcarbonpartnership.org/fcp/node/248

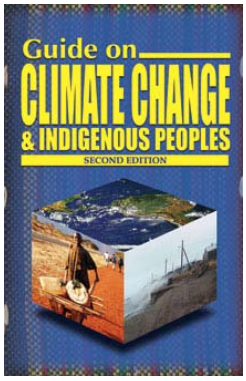
Page of the Initiative for the development of Social and environmental standards for REDD and other forest carbon programs (facilitated by CCBA/ CARE)

http://www.climate-standards.org/REDD+/

Guides on Indigenous Peoples' Guides, Climate Change and REDD

Guide on Climate Change & Indigenous Peoples, Second Edition

Tebtebba Foundation, September 2009; 208 pp.



The popular Guide on Climate Change and Indigenous Peoples aims to enhance indigenous peoples knowledge on climate change so that indigenous peoples will be better equipped to participate more effectively in shaping relevant policies and actions taken to address this issue. It also aims to enlighten non-indigenous peoples on our own experiences and perspectives on climate change. This Second Edition includes updates on Part III: Climate Change Mitigation Measures: Impacts on Indigenous Peoples; Part IV: Adapting to Climate Change: Indigenous Peoples Show the Way; Part V: REDD/REDD+ and Indigenous Peoples; Part VIII: The Current State of Climate Change Negotiations; and Part IX: Ways Forward: The UNDRIP, the Human Rights Based Approach and the Ecosystem Approach.

=> Quite a useful one, giving also a very good overview of REDD and related institutions and processes more generally

http://www.tebtebba.org/index.php?option=com_docman&task=doc_download&gid=468&Itemid=27&bcsi_scan_F3293F689D82B9C2=1

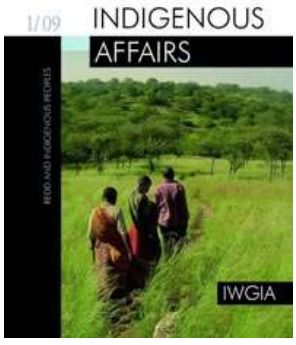
What is REDD? A Guide for Indigenous Communities
Eds. Christian Erni and Helen Tugendhat
Asia Indigenous Peoples Pact, Forest Peoples Programme, International Work Group for Indigenous Affairs and Tebtebba, 2010

This book provides information material on REDD (Reducing Emissions from Deforestation and Forest Degradation in developing countries), one of the mitigation measures now promoted for combating climate change, and its implications for indigenous peoples. It is intended primarily for indigenous peoples as a guide in understanding climate change, REDD and how they relate to the recognition and exercise of the collective rights of indigenous peoples. The content is easily accessible and is accompanied by illustrations and photos for visualization. Translated versions of this guidebook in several languages are also being published in REDD countries in Asia.

http://www.iwgia.org/sw40375.asp

Various Articles, Portals, Initiatives…

Indigenous Affairs 1-2/09 - REDD and Indigenous Peoples



In September 2009, IWGIA published an issue of *Indigenous Affairs* focusing on indigenous peoples' engagement with the climate change mitigation forest conversation programme known as REDD. The articles in this volume contribute to the debate about REDD and indigenous peoples by presenting some of the experiences indigenous peoples have had with the early stages of development of national REDD programmes. The articles challenge the rationale behind the non-acceptance of indigenous-controlled forest management within the framework of REDD, and contextualize the REDD debate with a view to

providing some examples of important lessons learnt in existing indigenous-controlled forest management systems. It contains **articles concerning Africa, Asia and Central America**.
http://www.iwgia.org/sw38749.asp

Sustainable Livelihoods while Reducing Emissions from Deforestation. Options for Policy Makers. - *Nicholas Institute for Environmental Policy Solutions at the Duke University. By Kathleen Lawlor, Lydia P. Olander, and Erika Weinthal (2009*).

This interesting working paper discusses key challenges and potential risks of REDD to forest people, and suggests a set of policy actions to overcome the barriers for positive impact.

United Nations University Traditional Knowledge Initiative REDD Bulletin

The UNU-IAS Traditional Knowledge Initiative's REDD Bulletin provides a periodic review of Reducing Emissions from Deforestation & Degradation (REDD) issues relevant to indigenous people. The REDD website has a specific focus on the ongoing development of an international REDD mechanism and its implications for indigenous peoples, as well as highlighting REDD projects and resources relevant to their particular needs.

http://www.unutki.org/redd/

The Indigenous Peoples of Africa Co-ordinating Committee (IPACC), a member of IUCN and a membership organization in itself which comprises a network of 155 indigenous peoples' organisations in 22 African countries, is putting special emphasis on climate change including REDD in its work. There can be found several interesting videos and documents on its website.

http://www.ipacc.org.za/eng/default.asp

Indigenous Climate Portal

The portal aims to provide IPs and the general public with relevant information and resources on climate change and indigenous peoples, and on REDD+.

Specifically, the website will also serve as the portal for the project: "Ensuring the Effective Participation of Indigenous Peoples in Global and National REDD Processes." (They do among others training and demonstration projects.)

The website is managed by Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education, based on the Philippines) and is made possible through the support of the Norwegian International Forest and Climate Initiative through NORAD.

http://www.indigenousclimate.org/

Indigenous Peoples Climate Change Assessment (IPCCA)

The IPCCA, a UNU Institute for Advanced Studies (UNU-IAS) project, aims to develop a series of indigenous assessments of climate change that will promote effective engagement of indigenous people in the climate change processes at all relevant levels. In particular, it will provide a basis for effective indigenous participation in the United Nations Framework Convention on Climate Change (UNFCCC) processes and other national and international climate change processes, and incorporate indigenous knowledge into the 5th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC).

Links also to specific IPs & REDD site.

http://www.unutki.org/default.php?doc_id=96

REDD-NET

REDD-net is an international knowledge forum for southern civil society organisations through which they can access information about efforts to Reduce Emissions from Deforestation and forest Degradation, share their own experiences and help to build pro-poor REDD projects and policies. REDD-net is a partnership between CATIE, ODI, RECOFTC and UCSD, and funded by NORAD and the World Bank. It provides several discussion platforms and resources related to the social aspects of REDD, including with regard to indigenous peoples.

http://www.redd-net.org/

More general guidance and background related to IPs

UNPFII (2008): Resource Kit on Indigenous Peoples' Issues. The Kit is aimed at UN Country Teams (UNCTs) and other development agents, providing them with guidance on how to engage indigenous peoples and include their perspectives in development processes. Based on a Danish International Development Agency (DANIDA) resource, the Resource Kit provides information on indigenous issues through practical examples. The Kit also includes a thorough overview of international agreements and legal frameworks that deal directly or indirectly with indigenous issues as well as international mechanisms that specifically target indigenous peoples.

http://www.un.org/esa/socdev/unpfii/documents/resource_kit_indigenous_2008.pdf

United Nations Development Group (2008): *United Nations Development Guidelines on Indigenous Peoples issues.* http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf

Secretariat of the Convention on Biological Diversity (2004): *Akwé: Kon*

Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities (CBD Guidelines Series).

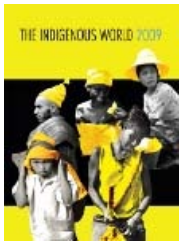
www.cbd.int/doc/publications/**akwe**-brochure-en.pdf

State of the World's Indigenous Peoples

The report, launched in January 2010, notes that the world's 370 million indigenous peoples suffer from disproportionately, often exponentially, higher rates of poverty, health problems, crime and human rights abuses; stressing that self-determination and land rights are vital for their survival. It also discusses many of the issues addressed by the Declaration on the Rights of Indigenous Peoples and is a cooperative effort of independent experts working with the Secretariat of the Permanent Forum on Indigenous Issues.

http://www.un.org/esa/socdev/unpfii/en/sowip.html

The Indigenous World 2009



This yearbook contains a comprehensive update on the current situation of indigenous peoples and their human rights, and provides an overview of the most important developments in international and regional processes during 2008. It comprises:

- Region and country reports covering most of the indigenous world.

- Updated information on international and regional processes relating to indigenous peoples.

It is published in English and Spanish.

http://www.iwgia.org/graphics/fotos/books/THE%20INDIGENOUS%20WORLD-2009.pdf

Official documents

UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP)**, adopted by the UN General Assembly Resolution 61/295 on 13 September 2007 http://www.un.org/esa/socdev/unpfii/en/drip.html

Indigenous and Tribal Peoples Convention - ILO Convention 169 (1989)

http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169

African Commission on Human and Peoples' Rights - Working Group on Indigenous Populations/Communities in Africa

http://www.achpr.org/english/_info/index_WGIP_Under_ent.htm

Some related documents from the UNPFII

Tauli-Corpuz, Victoria & Lynge, Aqqaluk (2008): *Impact of Climate Change Mitigation Measures on Indigenous Peoples and on their Territories and Lands.* Study presented at the United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, 7th session. E/C.19/2008/10.

United Nations (2007): *Climate Change – An Overview.* Paper prepared by the Secretariat of the United Nations permanent Forum on Indigenous Issues.

http://www.un.org/esa/socdev/unpfii/documents/Climate_change_overview.doc

Some IUCN publications related to IPs & Climate Change

IUCN study for the European Parliament on IPs and Climate Change

http://cmsdata.iucn.org/downloads/european_parliament_study_on_indigenous_peoples_and_climate_change.pdf

IUCN Issues Papers - Indigenous and Traditional Peoples and Climate Change: Vulnerability and Adaptation
http://cmsdata.iucn.org/downloads/indigenous_peoples_climate_change.pdf

IUCN's indigenous member organizations

International Indian Treaty Council (IITC)

http://www.treatycouncil.org/

Inuit Circumpolar Council (ICC)

http://www.inuitcircumpolar.com/

Inuit Tapiriit Kanatami (ITK)

http://www.itk.ca/

IPACC, Indigenous Peoples of Africa Co-ordinating Committee

http://www.ipacc.org.za/

Sotz'il, Centro para la Investigación y Planificación del Desarrollo Maya

www.sotzil.org

ANNEXES

Annex 1: Indigenous peoples – who are they?

The international community has not adopted a universal definition of indigenous peoples, and there is no absolute list of who is indigenous and who not. It is actually a complicated concept. But the prevailing view is today that this is not necessary to precisely define them for adressing recognition and protection of IPs' rights. It rather needs to be adapted to national contexts.

But there are a number of **criteria and common caracterstics** which help identifying indigenous peoples, such as:

- They are descendants of those peoples that inhabited a territory prior to colonisation or formation of the present state;
- They are *distinct peoples* whose *social, cultural and economic conditions are different* from the national dominant cultures; and characteristics include traditional ways of social organization, political institutions, customary law, and long-term historical continuity in a certain area;
- Often experience of historical, political, social, and economic marginalization;
- Self-identification is another fundamental criterion in identifying indigenous peoples in accordance with the ILO Convention 169 on Indigenous and Tribal Peoples; but also recognition by other groups or by State authorities as a distinct collectivity.
- Special ties and relationship with their customary lands and resources, their identities and cultures are closely linked to the special conditions of their natural environments.

Latter criterion is especially relevant for conservation organizations, and leads to the recognition of indigenous peoples as important stewards of high-biodiversity areas, and to the identification of related characteristics such as traditional ecological knowledge, traditional management of lands and resources, and traditional institutions for self-governance.

While the "indigenous peoples" is a commonly used and understood notion in Latin America, it is more difficult and in part differently used in **Africa and Asia**, as sometimes the entire population of a country may call themselves "indigenous". The characteristic aboriginality or "who came first" ist not that crucial – in these contexts rather the marginalized/ non-dominant characteristic is emphasized and that their survival depends on access and rights to their traditional lands and resources. The African Human Rights Commission acknowledged that during State formation in colonial times in African countries, hunter-gatherers and nomadic pastoralists were generally excluded from citizenship or state apparatus, and in post-colonial times, these peoples found themselves without full citizenship. These are issues that need to be addressed.

Often there are also other categories employed such as hunter-gatherers, pastoralists, ethnic minorities, tribal groups, adivasi, etc.

At least 370 million people worldwide are considered to be indigenous, divided into more than 5000 peoples, and most of them living in remote areas.

However, it is important to note that **IUCN uses an inclusive approach**. In example, IUCN is of the view that in terms of REDD, all standards related to IPs apply equally to people with traditional links to forests and rights based on traditional occupation of/ attachment to forests – with particular emphasis on solving the problems of marginalization and vulnerability of communities who have been excluded.

Annex 2: Some examples of climate change impacts on indigenous peoples:

Box 5: Climate change impacts are already a reality for indigenous peoples – some examples:

- ***Arctic**:* coastal and river erosion - Inuit's **settlements** in Alaska already **fall into the water**; thawing permafrost, melting ice and snow make animals on which Inuit depend less accessible - **hunting** becomes **dangerous** and **migratio**n routes of reindeer **change**; **declining food security** and **socio-cultural impacts** - i.e. damage of older people's status as they cannot longer predict the weather; on the positive side: enhanced agriculture and forestry with warmer temperature
- ***Food crises, increases forest fires and vector-borne diseases*** affect IPs due to drier periods and higher temperatures ***in tropical forests*****;** – i.e. , according to Stern Review, alone about at least 1 mio IPs of 400 different tribes in the Amazon are highly vulnerable and threatened with potentially dramatic impacts
- disappearance of traditional flora leads to ***loss of traditional medicine and food sources*** i.e. in high mountains;
- ***Migration due to cc impacts*** and consequently ***uprooting of IPs' culture*****,** i.e. following to floods and landslides, water crises, higher temperatures or unprecedented cold weather spells which affect agriculture and livestock in high mountains;
- Livelihoods of ***pastoralist groups and other traditional communities in drylands*** are affected by increased and prolonged droughts; consequently they ***lose of livestock*****,** suffer from ***food crises*** and ***conflicts*** due to competition for scarce resources;
- ***Spiritual impacts* –** i.e. forced to violate their tabus and traditions due to seasonal changes or o resources scarcity - or increased number of sacrifices due to drought (i.e. in Kenya);
- ***Indigenous women*** are particularly vulnerable to cc effects which add often to their already marginalized situation; water, food, and firewood scarcity have a disproportionate impact on women - i.e. girls drop out of school to help their families; increased violation of rights i.e. pastoralist communities trading their daughters at very young ages in order to replace livestock loss from drought; more women victims of disasters as they stay behind because of social prohibitions or to rescue their children and elderly

Annex 3: Some key instruments

United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly Resolution 61/295 on 13 September 2007, after more than 20 years of negotiation, and is in general the **most important reference document for IPs**.

Though not legally binding under international law, the UNDRIP carries great political weight, and some of the rights recognized in the instrument are in fact already binding under international law as they are taken from a range of other existing legally binding instruments. It recognizes the wide range of basic human rights and fundamental freedoms of indigenous peoples, including individual and collective rights of indigenous peoples.

Its 46 **articles include among others rights related to their traditional lands, territories and resources, self-determination, traditional institutions, conflict-resolution systems, socio-political organizations, free, prior and informant consent and participation in decision-making in matters that would affect them, and maintenance of cultural integrity and diversity** (as well as their rights to culture, identity, language, employment, health, education and other issues).

The framework of the UNDRIP contributes to the understanding of the conditions and factors that underpin the survival and development of indigenous peoples and cultures. As climate change exacerbates the vulnerability of marginalized peoples, in particular indigenous peoples, the UNDRIP provisions become particularly relevant as they help identify elements that can reduce vulnerability and enhance the resilience and adaptive capacity of indigenous peoples. Addressing rights security on matters mentioned above is a critical part of building and enhancing resilience to impacts that are likely to be of considerable magnitude and which could endanger the very survival of the peoples at risk.

However, it still remains a challenge to operationalize the Convention at country level.

The UNDRIP is available at http://www.un.org/esa/socdev/unpfii/en/drip.html

Indigenous and Tribal Peoples Convention - ILO Convention 169

The C169, adopted by the International Labour Organization in 1989, is a legally binding instrument. The Convention aims at protecting indigenous peoples and their cultures and languages from vanishing with special actions by the governmental authority. However, it has only been ratified by 20 States to date. The basic principles contained in the Convention include non-discrimination towards Indigenous and Tribal peoples (art. 3, 4, 20); special measures to safeguard the persons, institutions, property, labour, cultures and environment of these people (art. 4); recognition of the cultural identities of indigenous and tribal people; consultation and participation of indigenous and tribal people on issues that affect them; (art. 6) and the right of indigenous and tribal people to decide priorities for development (art. 7).

It is available at: http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169

Free, prior, and informed consent (FPIC)

FPIC is a **key principle, and right** of indigenous peoples, and both a **process and outcome**. It is recognized among others in Article 19 of the UNDRIP.

This principle implies in short that there should be an absence of coercion, intimidation or manipulation; that consent should be sought sufficiently in advance of any authorization or

commencement of activities; that respect should be shown for time requirements of indigenous consultation/ consensus processes; and that full and understandable information on the likely impact should be provided.

It also implies full and effective participation of indigenous peoples at every stage of any action that may affect them direct or indirectly, and consultation with the indigenous peoples concerned prior to any action that may affect them, directly or indirectly. The process may furthermore include the option of withholding consent and refuse an action.

International human rights instruments attribute FPIC only to indigenous peoples, which might exclude other forest communities. However, sometimes it is also extended to non-indigenous communities, in example in some discussions related to the CBD, or in the World Bank's variation of "free, prior, and informed consultation" (see section on FCPF) that applies to affected communities in general.

However, it is still a challenge to further work on creating practical mechanisms for its implementation.

(see box below for further information regarding the elements of the FPIC)

Elements of Free, Prior and Informed Consent

What?

• ***Free*** should imply no coercion, intimidation or manipulation;

• ***Prior*** should imply consent has been sought sufficiently in advance of any authorization or commencement of activities and respect time requirements of indigenous consultation/consensus processes;

• ***Informed*** – should imply that information is provided that covers (at least) the following aspects:

a. The nature, size, pace, reversibility and scope of any proposed project or activity;

b. The reason/s or purpose of the project and/or activity;

c. The duration of the above;

d. The locality of areas that will be affected;

e. A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle;

f. Personnel likely to be involved in the execution of the proposed project (including indigenous peoples, private sector staff, research institutions, government employees and others)

g. Procedures that the project may entail.

Consent

Consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith. The parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect in good faith, and full and equitable participation. Consultation requires time and an effective system for communicating among interest holders. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective and the participation of indigenous women is essential, as well as participation of children and youth as appropriate.

This process may include the option of withholding consent. Consent to any agreement should be interpreted as indigenous peoples have reasonably understood it.

When?

FPIC should be sought sufficiently in advance of commencement or authorization of activities, taking into account indigenous peoples' own decision-making processes, in phases of assessment, planning, implementation, monitoring, evaluation and closure of a project.

Who?

Indigenous peoples should specify which representative institutions are entitled to express consent on behalf of the affected peoples or communities. In FPIC processes, indigenous peoples, UN Agencies and governments should ensure a gender balance and take into account the views of children and youth as relevant.

How?

Information should be accurate and in a form that is accessible and understandable, including in a language that the indigenous peoples will fully understand. The format in which information is distributed should take into account the oral traditions of indigenous peoples and their languages.

Source: Excerpt from the Report of the International Workshop on Methodologies Regarding Free Prior and Informed Consent E/C.19/2005/3, endorsed by the UNPFII at its Fourth Session in 2005.