

At its tenth session the Permanent Forum appointed Kanyinke Sena, Myrna Cunningham and Bertie Xavier,¹ members of the Permanent Forum, to conduct a survey on indigenous people's rights and safeguards in projects related to reducing emissions from deforestation and forest degradation (REDD+) and to report back to the Permanent Forum at its twelfth session in 2013.

Activities related to reducing emissions from deforestation and forest degradation (REDD+) can profoundly impact the rights and livelihoods of indigenous peoples. Depending on the rules in place, globally and in each country, in particular the rules regarding access to information, free, prior and informed consent (FPIC) and governance, such impacts may be positive or negative.

The purpose of this report is to summarize the current status of REDD+ activities and how these may impact the rights and livelihoods of indigenous peoples. It will consider the nature of potential benefits to indigenous peoples and how these could be secured through the various safeguard mechanisms being developed.

REDD+ is a proposed performance-based mechanism being negotiated under the United Nations Framework Convention on Climate Change (UNFCCC) under which developed countries would compensate developing countries for reductions in their greenhouse gas emissions from deforestation and forest degradation.

2. The issues of greenhouse gas emissions from deforestation and ways to promote and reward 'avoided deforestation' were not included in the Kyoto Protocol due to their technical and operation complexities and the lack of political consensus. The issue of avoided deforestation was brought into the UNFCCC negotiations at COP-11 (Montreal, 2005). Since 2005, and more particularly since COP-13 (Bali, 2007), the UNFCCC has been considering REDD (reducing emissions from deforestation and forest degradation) through the negotiation of a mechanism under the UNFCCC to reward countries that are able to reduce levels of deforestation and forest degradation or avoid future deforestation.

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3. Under the Bali Action Plan, the UNFCCC agreed to broaden the concept of REDD to cover “policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries”. This broadening of the concept of REDD signified recognition that forests were more than stocks of carbon and that a future REDD mechanism should be concerned not just with climate change mitigation, but with simultaneously capturing the co-benefits in the form of conservation and sustainable management of forests. Henceforth this expanded concept of REDD would be referred to as REDD+.

4. The process of agreeing to the methodological, operational and financial framework for a future REDD+ mechanism under the UNFCCC has proved to be slower and more complicated than originally envisaged. These issues have been the subjects of negotiation at successive UNFCCC meetings since 2005 and there are still outstanding questions to be resolved. Many participants and observers now feel that an agreed performance-based mechanism operating at the national level in participating countries is unlikely to be fully operational before 2020.

5. In the meantime the types and numbers of REDD-related activities and projects have grown to a point where their climate change mitigation and forest conservation impacts may no longer depend on the future outcomes of the negotiations under the UNFCCC.

The types of programmes and projects categorized as REDD+ include:

- “REDD readiness” activities: tropical forest countries assisted by international agencies and donors are undertaking the necessary preparatory activities to build the national capacities to enable countries to comply with rules and procedures of the future mechanism;
- Preparations for the entry into force of cap-and-trade legislation in some developed countries which may permit carbon offsets in developing countries that support REDD+;
- REDD+ activities at sub-national levels involving partnerships between state and provincial administrations in developed and developing countries;

- Individual REDD+ projects: activities in defined forest areas involving local communities and national or foreign non-governmental organizations, private companies and/or other types of intermediary, undertaken as part of voluntary carbon markets or in anticipation of the entry into force of regulatory cap-and-trade regimes in developed countries.

6. Alongside this growth in action designed to reduce emissions from deforestation and forest degradation there is also a growing awareness that national climate change action may be driven by a country's other development priorities. 'Climate concerns' and 'development' are not necessarily competing, and may well be complementary policy priorities. This can be observed for example in some countries' national agriculture or transport policies. In the case of forests and climate, the acknowledgement that conservation and sustainable forest management lead to emissions reductions has restored the issue of forests to a position of prominence in the international policy agenda.

7. REDD+ can be a mechanism for achieving sustainable development outcomes that benefit tropical forests and their populations, whilst simultaneously delivering climate change mitigation benefits. For indigenous peoples and other forest dependent communities concerned with securing rights and enhancing sustainable livelihoods, REDD+ may offer both a promising new policy environment and access to resources that enable these rights and livelihoods to be realized. Whether the impacts of REDD+ policies and activities on indigenous peoples will be positive or negative will depend very largely on the recognition of their rights, their level of participation and the nature and effectiveness of safeguards to be applied at international and national levels.

Recommendations

62. The safeguard systems developed by climate funds and donors supporting REDD+ readiness activities should adopt a rights-based approach that take into account relevant international conventions and agreements, such as the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention 169.

63. There is a need to increase indigenous peoples' knowledge to consolidate and further advance their interests within REDD+.

64. Take note of the CBD and UNFCCC for their efforts to include indigenous peoples and urge closer cooperation between the CBD, CCD and UNFCCC. Urge the UNFCCC to strengthen participation of indigenous peoples including the possibility of providing seats for the Permanent Forum and indigenous peoples in the Green Climate Funds. The full and effective participation include the recognition of indigenous peoples as rights holders and as a separate constituency, the right to access culturally appropriate information, the right to be consulted and to attend meetings of decision-making bodies as well as having the right to speak and engage in such meetings.

65. The Green Climate Fund (GCF), its operations and activities should be informed by a rights-based approach that prevents any negative consequence of climate change policies and programmes on the rights of indigenous peoples. We are pleased to see that the Governing Instrument of the GCF does have a section on Safeguards (Section X) and on Accountability (Section X1).

66. The UNFCCC, parties and donors are urged to strengthen indigenous peoples' participation at the COP 19 in order to ensure the potential benefits of REDD+ accrue to indigenous peoples and indigenous peoples' rights should be respected and enhanced through the further development and effective application of the relevant safeguards systems.

67. The UNFCCC Conference of Parties are requested to establish REDD+ safeguard information systems that establish baselines and enable the monitoring of the environmental and social impacts of national REDD+ activities, in place of requiring self-reporting by REDD+ developers.

68. The approval procedures of the REDD+ readiness programmes and climate funds require compliance with their respective safeguard systems. As noted above, these safeguards are designed to be consistent with the UNFCCC safeguards agreed in Cancun and with each other.

69. Indigenous peoples' organizations in FIP Pilot Countries can use the Dedicated Grant Mechanism to build capacity and ensure that emerging national REDD+ programmes takes indigenous rights and aspirations fully into account. FIP grant mechanism should be operationalized quickly and opened to more countries to support Indigenous REDD+. Financial support should also be provided to make them effective. The representatives should also be reporting back on decisions.

70. REDD+ bodies and relevant donor agencies need to ensure the continued effective participation of indigenous peoples in REDD+ processes by providing guidance on the application of the safeguard systems.

71. Relevant international agencies, donors, research or other specialized organizations should consider how to make REDD+ indigenous peoples' related projects and information available to indigenous peoples and the general public through a dedicated multilingual mechanism or portal.

72. In addition to supporting assessment at the global level of REDD+ activities involving indigenous peoples and the functioning of the safeguard systems, the national REDD+ framework should fully incorporate the international guidance given by the UNFCCC, climate funds and other bodies into their implementation of the readiness and early action phases of their REDD+ strategies, in full conformity with the spirit as well as the letter of the applicable safeguards.

73. A number of multilateral and bilateral climate initiatives provide resources for capacity building among REDD+ stakeholders, including on safeguards and on research and policy development to ensure that co-benefits are captured and forest-dependent communities are involved in national REDD+ frameworks. It is recommended that agencies and donors should consider the importance of such capacity building activities and support the expansion of such initiatives.