



Indigenous Peoples and REDD-plus

Challenges and opportunities for the engagement of indigenous peoples and local communities in REDD-plus

June 2010



FOREST CONSERVATION PROGRAMME

1. Indigenous and other forest-dependent peoples and communities¹

According to the “statement of coverage” of the ILO Convention 169 (International Labour Organization) on Indigenous and Tribal Peoples in Independent Countries, indigenous peoples include:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

The notion of indigenous peoples is commonly used and understood in parts of Latin America, North America, the Arctic and Oceania, but its application is less straightforward in Africa and Asia. Indigenous peoples are sometimes referred to as local communities, hunter-gatherers, pastoralists, ethnic groups, minorities, tribal groups, or by their specific name, e.g. the Inuit people. In some countries, particularly in Africa, it may be that an entire population is considered “indigenous”.

There are several thousand different indigenous peoples in the world; many of them live in forest areas, have traditional links to their lands and are users and managers of forestlands and resources². They depend on the forests for their subsistence and livelihoods and these areas are also of great cultural and spiritual significance for them. The same applies to many other traditional, forest-dependent peoples and communities. REDD decisions and other policies related to forest conservation and management have very important implications for all indigenous and non-indigenous traditional, forest-dependent peoples and communities.

2. Indigenous peoples and climate change

Indigenous peoples (IP) face specific challenges as a consequence of climate change and related policy measures. Indigenous communities are among those who contribute least to carbon emissions, and at the same time are some of the most vulnerable to the impacts of climate change. In many cases, indigenous peoples, whose livelihoods often depend on their land and its natural resources, have been pushed to climate sensitive, resource-poor areas due to outside developments and historical marginalization from decision-making. Remaining indigenous territories are often particularly at risk and the impacts of climate change are already felt by many indigenous peoples. Factors that further contribute to their particularly high vulnerability include the lack of land and resource security, weak governance systems that do not respect their institutions and customary law, poor information access, low income, and lack of full and effective participation in decision-making processes that determine the mitigation and adaptation measures planned to be applied to their native lands.

Simultaneously, the potential for indigenous peoples to contribute to the design and implementation of sustainable mitigation and adaptation measures is considerable. Due to their long histories of adapting to climatic variability and ecosystem changes and since their livelihoods are so closely linked to their natural environments, they offer valuable long-term observations and examples based on their traditional knowledge, innovations and practices. These include traditional methods of fire and water management, agro-forestry techniques, shoreline reinforcement and seasonal migration.

¹ This brochure presents a brief summary of IUCN's working document 'Indigenous People and Climate Change/ REDD – An overview of current discussions and main issues', available at:

http://cmsdata.iucn.org/downloads/iucn_briefing_ips_and_redd_march_2010.pdf

² 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.

Although such strategies have increased their resilience to environmental variation over centuries, their adaptability today is often constrained by the severity of climate change impacts as well as restrictions imposed by the broader socio-political context including reduced access to key lands and resources. Because IP vulnerability to climate change impacts is largely determined by the degree to which their full range of rights is recognised and secured, a rights-based approach (RBA) to mitigation and adaptation initiatives can help increase their resilience.

3. REDD-plus and indigenous peoples

REDD-plus is a climate mitigation mechanism under negotiation at the UNFCCC (UN Framework Convention on Climate Change) that aims to generate financial flows for forest related CO₂ emissions reductions and removals. In line with the Bali Action Plan and the Copenhagen Accord, REDD-plus includes reductions in deforestation and forest degradation as well as the conservation, sustainable management and enhancement of forest carbon stocks. REDD-plus can include payments for indigenous peoples and other communities that have managed and conserved forests and whose continued conservation or management efforts can protect the forest against possible deforestation and /or degradation. While contributing to the fulfilment of mitigation objectives, REDD-plus can also contribute to adaptation of vulnerable groups.

This said, although REDD has the potential to create new opportunities for indigenous peoples it may also bring additional risks. Although REDD-plus could enhance capacities, affirm rights and increase the potential contributions by indigenous peoples to forest conservation, if not approached with care, it could actually undermine these benefits. Indigenous peoples' vulnerabilities are exacerbated by the lack of clear land tenure and policy frameworks in regard to indigenous peoples, ineffective law enforcement and unrecognised customary and ancestral rights. This may create situations where REDD-plus could represent an additional threat.

The following is a summary of some potential risks and opportunities from REDD:

Risks

- If REDD processes are not carefully designed and implemented using a rights-based approach that includes free, prior and informed consent (FPIC) of the potentially affected communities, they risk violating their rights and can actually increase their socio-economic and environmental vulnerabilities.
- The commoditization of forest carbon creates additional interest and competition for forest lands and consequently increases the danger of displacement of indigenous peoples and conflicts.
- An increased focus on protection of forests combined with a top-down approach and misunderstanding about indigenous peoples contributions through their traditional management and use of forests could lead to harmful restrictions to their traditional livelihoods and potentially cause conflict.
- If appropriate protocols and safeguards are not fully in place, benefits might not reach indigenous peoples despite their contributions to conservation in many places.

Potential Benefits and Opportunities

- REDD-plus can contribute to the recognition of the value of traditional knowledge systems for forest management and strengthen the capacity of forest-dependent communities for long-term conservation and management.
- REDD negotiations create opportunities to push for the inclusion of indigenous peoples' rights (including UNDRIP) at the international level.
- It brings new chances for reforms of policies and laws dealing with IP rights, ownership, access and control of forests.
- REDD funds can help improve livelihoods in the long term.
- If indigenous peoples are properly involved and their rights are fully considered, REDD offers options for successful convergence of climate mitigation, adaptation and sustainable development.

4. REDD-plus: Engage and do no harm

Forests will continue to be important reservoirs for carbon and are clear priorities for climate change mitigation. There are many reasons to ensure that REDD programmes positively engage with indigenous peoples and forest communities and avoid harming their livelihoods. The involvement of indigenous peoples in decision-making processes and their continued access to forests during REDD development and implementation will improve their livelihood security and strengthen their adaptive capacity to climate change. Positive benefits could also help advance sustainable development goals of indigenous peoples such as poverty reduction. By avoiding negative impacts and promoting positive engagement of indigenous peoples and local communities in programme design and implementation, REDD programmes will have greater chance of success and political support.

In addition, due to their close relationship with forests, indigenous peoples can influence the effectiveness of REDD programmes on the ground. As previously explained, their practices can be beneficial for conservation. However, when they lack secure and long-term tenure and access rights and economic incentives for conservation, 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 to maximize profits. Furthermore, unfair treatment of indigenous peoples and other forest-dependent communities will undermine their potential support and threaten the success of REDD programmes.

Therefore, it is crucial to ensure that indigenous peoples and forest-dependent communities obtain proper information and are included in any design, planning, and implementation of REDD activities. Further, in accordance with the right of self-determination, their involvement should be based on their own volition.

5. Indigenous peoples and the UNFCCC

In contrast to the UN Convention on Biological Diversity (CBD), the text of the UNFCCC and the Kyoto Protocol contain no explicit considerations of indigenous peoples and local communities. There is no specific formal working group or other mechanism created for this purpose.

However, the UNFCCC process has opened up some opportunities for greater engagement of indigenous peoples and Indigenous Peoples' Organizations (IPOs). Since 2001, a small number of IPOs have been admitted to the Convention process as observer organizations with privileges such as a direct line of communication with the secretariat, invitations to workshops and opportunities to make statements during the UNFCCC Climate Change Talks including the Conferences of the Parties to the Convention (COPs). IPOs are convening parallel meetings in their informal "International Indigenous Peoples' Forum on Climate Change – IIPFCC" (also called "indigenous caucus").

Some UNFCCC documents show an emerging recognition of indigenous peoples and their traditional knowledge in the UNFCCC process. The REDD discussions since Bali have led to increased visibility of indigenous peoples, and to new related references in COP decisions. However, IPOs state that it is still very difficult to participate and to get their perspectives integrated in discussions and policy outcomes.

Within the last few years, indigenous peoples' organizations have integrated climate change discussions in their own forums and processes, and have also started their own related projects. Since 2007, climate change and indigenous peoples' rights have featured as a major concern in the work of the UN Permanent Forum on Indigenous Issues (UNPFII), and it has produced related specific working papers. In 2008, it included a special theme on climate change, bio-cultural diversity and livelihoods, and climate change issues were also discussed during the 2009 and 2010 sessions. In addition, regional meetings were held and a global summit of indigenous peoples on climate change (Anchorage, Alaska, April 2009) produced a Declaration³ calling for action at UNFCCC COP 15.

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.

The following three points have been formulated by the IIPFCC in 2009 and reflect indigenous peoples' main interests in the UNFCCC including REDD-plus negotiations and related processes:

- 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.
- Ensure the full and effective participation of indigenous peoples and local communities, in accordance with the right to free, prior and informed consent.
- Recognize the fundamental role and contribution of indigenous peoples' traditional knowledge, innovations and practices.

Additional issues elaborated by indigenous speakers during negotiations include: the right to self-determination, security of land tenure and access to land and resources, equitable benefit-sharing, recognition of the non-economic value of forests including spiritual and cultural values, right to their own governing bodies, specific roles of women, direct access to financial and technical assistance, the establishment of an expert group on indigenous peoples and climate change under the UNFCCC, support for capacity building, and an independent conflict resolution mechanism.

6. Indigenous peoples' issues and REDD-plus in the outcome of COP15 in Copenhagen

The non-legally binding Copenhagen Accord, which emerged outside the official UNFCCC process and without the consultation of all parties, does not contain any reference to indigenous peoples. As a result of the intense lobbying of indigenous representatives and partners however, some important references to indigenous peoples have been included in texts of the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA) and the Ad Hoc Working Group on Long-Term Cooperation (AWG-LCA). There was no explicit reference to free, prior and informed consent (FPIC) in texts from the AWG-LCA circulating in Copenhagen but the LCA-REDD text refers to the UNDRIP, rights and participation.

The SBSTA⁴ draft decision on Methodological Guidance for Activities Related to REDD recognizes 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 encourages the "development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting", but falls short of mentioning indigenous peoples' rights.

The draft decision in the outcome of the AWG-LCA's work on Policy Approaches and Positive Incentives relating to REDD⁵ contains several relevant elements under the safeguards section. It includes in par. 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, it also refers to the prioritization of national circumstances before including UNDRIP into agendas. Under 2(d) it refers to "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) in the context of the need to safeguard against the conversion of natural forests and enhancement of social and environmental benefits in a bracketed footnote to "[the need for taking into account sustainable livelihoods of indigenous peoples and local

3 The Anchorage Declaration from the Indigenous Peoples' Global Summit on Climate Change is available at : <http://www.indigenoussummit.com/servlet/content/declaration.html>

4 SBSTA draft decision on Methodological Guidance for Activities Related to REDD FCCC/SBSTA/2009/L.19/Add.1

communities and their interdependence on forests in most countries, reflected in the UNDRIP...]. Importantly, paragraph 6 in this draft text requests developing country Parties to address, inter alia: land tenure issues, forest governance issues, gender considerations and safeguards. It also calls to ensure 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.

These and other references in draft documents provide some guidance, but indigenous leaders call for more comprehensive references to indigenous peoples' rights. It will be important to follow how these documents develop in the work of UNFCCC, in particular towards COP16 in Mexico. Stronger consideration of safeguards, rights and participation of indigenous peoples and other local communities in REDD-plus planning activities should be actively supported. In the meantime, it is important to see how these issues will be discussed at national levels.

7. A phased approach for REDD planning and implementation

There is broad consensus on the need for a phased approach for REDD-plus that allows tropical nations to develop strategies that are adapted to the circumstances of individual countries and can directly meet the needs of local people. As part of the phased approach countries can develop portfolios for both fund and market-based finances.

- Phase one is a preparatory phase focusing on capacity building and analysing forest governance reforms. National REDD strategies should be developed through learning-based processes and through the participation and consultations of stakeholders, including indigenous peoples and local communities. The drivers of deforestation are analysed and mechanisms for Monitoring, Reporting and Verification (MRV) as well as reference levels are defined.
- Phase two focuses on the implementation of policies and measures. It will require the development of national policy frameworks and reforms in the forest sector. Links with other related sectors are important, such as agriculture, energy and development. Carbon rights issues should be clarified and distribution mechanisms for REDD-plus benefits should be defined through consultations.
- Phase three puts carbon markets and fund-based mechanisms into action to deliver performance-based payments for emissions reductions and carbon stock enhancements. National and local REDD-plus projects should demonstrate results in the form of third-party verified emissions reductions against national reference levels. MRV should include social and environmental audits. Mechanisms for distributing benefits are implemented.

Social and environmental safeguards that are proposed as part of the phased approach create opportunities for the promotion of the interests of indigenous peoples and local communities. While rights should be protected, REDD-plus activities should not do harm and should focus on the generation and equal distribution of benefits.

8. Conclusion and recommendations

Indigenous peoples and local communities of the world are still far from having full recognition of their rights and interests. This is an issue that goes far beyond the scope of this brochure. The development of a global REDD-plus mechanism further underlines the need to carefully assess the concerns and interests of indigenous peoples and local communities and their current and potential contributions to the conservation and sustainable management of forests. The scope for addressing rights issues is currently limited within the UNFCCC process and arrangements, because of the limitations posed by the international negotiations and nation states' interests. However, as countries embark on REDD-readiness processes, opportunities will arise to promote the recognition of IP rights within REDD frameworks. There are guidelines and instructions resulting from international processes that give direction for incorporating indigenous peoples' interests and rights into new and ongoing initiatives. The equitable and meaningful

participation of indigenous peoples is required, and their contributions to conservation should be recognized in national REDD planning and benefit sharing mechanisms.

There is a great need to give specific consideration to indigenous peoples and other communities with traditional links to forests, and to involve them from the earliest stages of national REDD-readiness processes. Here are some recommendations for further action:

- Raise awareness about the importance of proper inclusion of indigenous peoples, and understanding of related international rights provisions amongst government officials and other stakeholders.
- Provide information about all relevant aspects in appropriate language and forms to raise awareness and support the capacities of indigenous and forest dependent communities to participate before any consultations start.
- Ensure that the specific situations and frameworks with regard to indigenous peoples and other forest dependent communities will be assessed and addressed as necessary.

Other general points for potential action include:

- Support recognition of rights (in line with the UNDRIP), roles and contributions of indigenous peoples and other forest dependent communities related to REDD-plus.
- Ensure safeguards for self-determination, free, prior and informed consent, and special consideration of indigenous peoples' rights and livelihoods, including security of land tenure and resource rights and arrangements in REDD-plus process.
- Strengthen indigenous peoples' inclusion, consultation and participation at all stages and levels of relevant decision-making related to national REDD-readiness processes.
- Acknowledge and support indigenous peoples' conservation and sustainable management contributions (including indigenous peoples' and community conserved areas) through their traditional knowledge, innovation and practices, and promote their integration in national plans.
- Provide capacity building to indigenous peoples, their communities, and organizations on REDD-plus at national and local levels.
- Provide capacity building to relevant government agencies and officials regarding the role and rights of indigenous peoples and local communities.
- Give special attention to gender issues in working with indigenous peoples and REDD-plus processes; ensure gender-balanced participation and include specific consideration of indigenous women and their perspectives.
- Support the establishment and/or strengthening of independent grievance and conflict resolution mechanisms.
- Support development and application of the highest social and environmental standards.
- Provide for inclusion of indigenous peoples and their traditional knowledge in the establishment of monitoring systems.
- Provide for the inclusion of independent monitoring and evaluation of the implementation of social safeguards in REDD programmes.



Women from the Baka people in Cameroon during a participatory workshop.

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