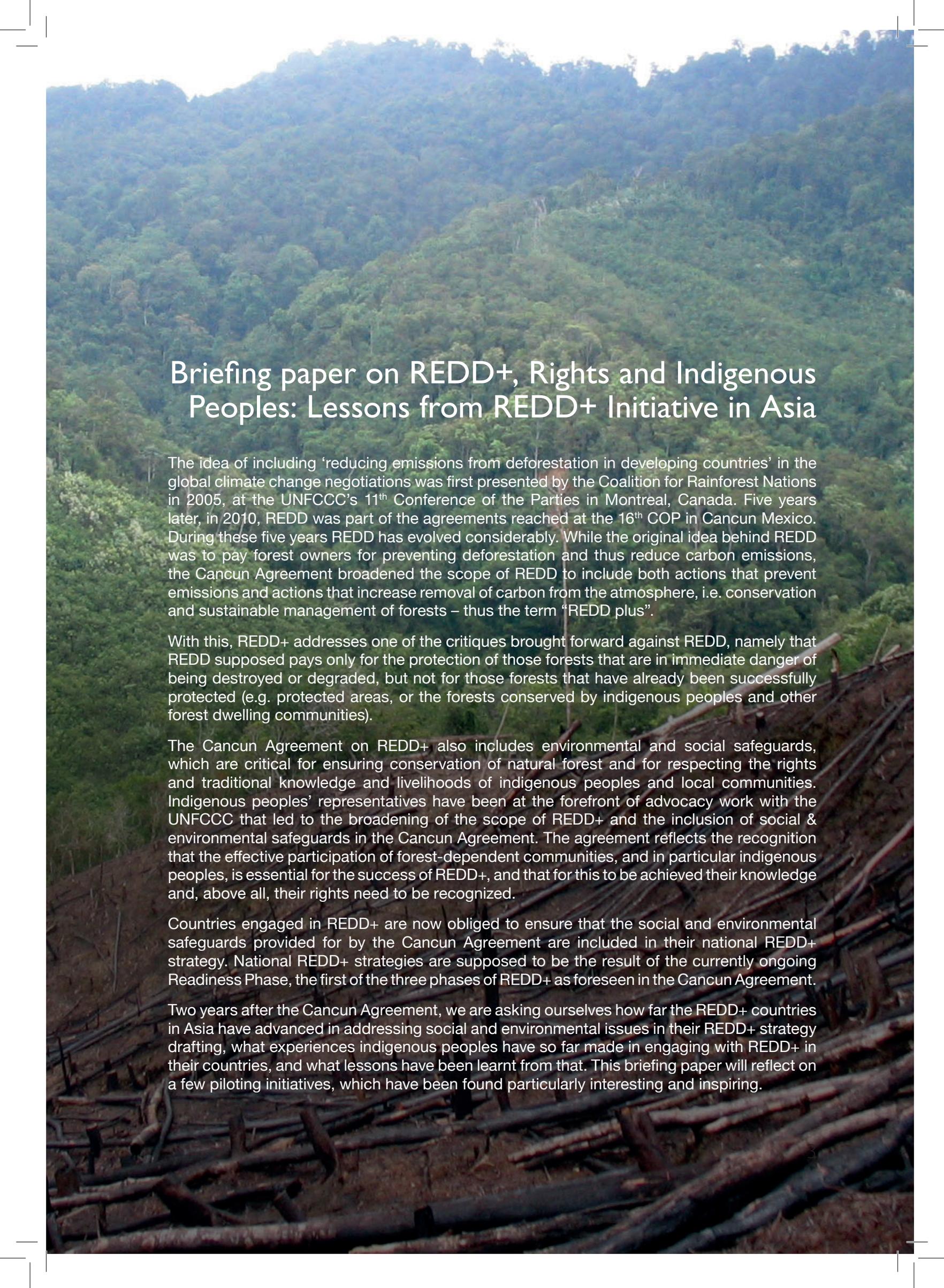


Briefing paper on  
REDD+, Rights and  
Indigenous Peoples:  
**Lessons from  
REDD+ Initiatives  
in Asia**







## Briefing paper on REDD+, Rights and Indigenous Peoples: Lessons from REDD+ Initiative in Asia

The idea of including ‘reducing emissions from deforestation in developing countries’ in the global climate change negotiations was first presented by the Coalition for Rainforest Nations in 2005, at the UNFCCC’s 11<sup>th</sup> Conference of the Parties in Montreal, Canada. Five years later, in 2010, REDD was part of the agreements reached at the 16<sup>th</sup> COP in Cancun Mexico. During these five years REDD has evolved considerably. While the original idea behind REDD was to pay forest owners for preventing deforestation and thus reduce carbon emissions, the Cancun Agreement broadened the scope of REDD to include both actions that prevent emissions and actions that increase removal of carbon from the atmosphere, i.e. conservation and sustainable management of forests – thus the term “REDD plus”.

With this, REDD+ addresses one of the critiques brought forward against REDD, namely that REDD supposed pays only for the protection of those forests that are in immediate danger of being destroyed or degraded, but not for those forests that have already been successfully protected (e.g. protected areas, or the forests conserved by indigenous peoples and other forest dwelling communities).

The Cancun Agreement on REDD+ also includes environmental and social safeguards, which are critical for ensuring conservation of natural forest and for respecting the rights and traditional knowledge and livelihoods of indigenous peoples and local communities. Indigenous peoples’ representatives have been at the forefront of advocacy work with the UNFCCC that led to the broadening of the scope of REDD+ and the inclusion of social & environmental safeguards in the Cancun Agreement. The agreement reflects the recognition that the effective participation of forest-dependent communities, and in particular indigenous peoples, is essential for the success of REDD+, and that for this to be achieved their knowledge and, above all, their rights need to be recognized.

Countries engaged in REDD+ are now obliged to ensure that the social and environmental safeguards provided for by the Cancun Agreement are included in their national REDD+ strategy. National REDD+ strategies are supposed to be the result of the currently ongoing Readiness Phase, the first of the three phases of REDD+ as foreseen in the Cancun Agreement.

Two years after the Cancun Agreement, we are asking ourselves how far the REDD+ countries in Asia have advanced in addressing social and environmental issues in their REDD+ strategy drafting, what experiences indigenous peoples have so far made in engaging with REDD+ in their countries, and what lessons have been learnt from that. This briefing paper will reflect on a few piloting initiatives, which have been found particularly interesting and inspiring.

# How Ready? The Status of REDD+ Readiness in Asia

Eight of the 44 countries participating as pilot countries in the three major multilateral REDD+ schemes the UN-REDD Programme, Forest Carbon Partnership Facility (FCPF) and Forest Investment Program (FIP) are in Asia: Cambodia, Indonesia, Lao PDR, Nepal, the Philippines, Sri Lanka, Thailand, and Vietnam. These countries are at various stages in the REDD+ Readiness Phase. Indonesia and Vietnam are the most advanced. In June, Indonesia published its national REDD+ Strategy and Vietnam is one of the three countries that have already presented tentative emission reductions programs to the FCPF's Carbon Fund. It is a step toward the formulation of the Emission Reductions Program Idea Notes (ER-PIN) which, when approved, will lead to the signing of 5-year Emission Reductions Payment Agreements worth of 30-40 million USD. In other countries, like Thailand, the progress has been very slow, and several others have only recently joined and thus barely started.



**Table: REDD+ Readiness Status of Asian Countries**

Multilateral REDD+ Schemes	UN-REDD Programme		FCPF		FIP	National REDD+ Strategy
	Countries	Status*	National Programme (NP) status	Readiness Preparation Proposal (R-PP) status		
Cambodia	National programme	NP approved and signed; being implemented	Reviewed March 2011	Expected in March 2013		Expected by 2015
Indonesia	National programme	NP approved and signed; being implemented	Approved	June 2011	Pilot	Completed June 2012
Lao PDR	Partner country without NP		Approved	Expected in March 2013	Pilot	Drafting will start in 2013
Nepal	Partner country without NP		Approved	2011		Expected by end of 2013
Philippines	National programme	NP signed; being implemented	Submission of expression of interest to join			August 2010
Sri Lanka	National programme	NP approved	Submission of expression of interest to join			Not yet started
Thailand	Not in UN-REDD		Draft R-PP submitted on 27 Oct. 2012			Not yet started
Vietnam	National programme	NP approved and signed; being implemented	Approved	Nov. 2012		Draft strategy prepared
Bangladesh						
Bhutan			Submission of expression of interest to join			
Malaysia	Partner without National Programme					
Mongolia						
Myanmar						
Pakistan			Submission of expression of interest to join			

Source: <http://www.forestcarbonpartnership.org> and [www.un-redd.org](http://www.un-redd.org)

\* UN-REDD has a total of 46 partner countries; 16 countries have received support for developing national programmes and others can benefit from receiving targeted support from the UN-REDD Global Programme and knowledge sharing and may be invited to submit requests for support to national programmes in the future.



## From Cancun to Durban and Beyond: The Status of Safeguards in National REDD+ Processes in Asia

With regard to indigenous peoples' rights as well as other important issues of concern, article 72 of the Cancun Agreement is the most important. It requests the governments of developing countries

*"[ ] when developing and implementing their national strategies or action plans, to address, inter alia, drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of annex 1 to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia, indigenous peoples and local communities;"*

Indigenous peoples' rights and concerns are mentioned three times in the Cancun Agreement:

1. In paragraph 72, which refers to the full and effective participation of (among others) indigenous peoples;
2. In paragraph 2.c) of annex 1, which refers to the safeguards regarding the "knowledge and rights of indigenous peoples and members of local communities" and makes a brief, but only rather vague reference to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP);
3. The footnote to paragraph 2. e) in annex 1. This paragraph refers to the need to ensure that any actions taken in REDD do not lead to the destruction of natural forests and biodiversity, but should give incentives to conserve natural forests and ecosystem services and to ensure that they are beneficial to the environment and to local people. The footnote to this paragraph refers to the need to take into account the sustainable livelihood needs of indigenous peoples and local communities, and it again refers to the UNDRIP as well as the International Mother Earth Day.

A year later, in 2011 at COP 17 in Durban, the UNFCCC member states reaffirmed that any REDD+ finance will have to be consistent with the safeguards contained in the Cancun Agreement and recognized the multiple benefits of REDD+ in terms of poverty alleviation, biodiversity benefits, and that policies should promote and support safeguards. However, while it was generally agreed that systems for providing information on how the safeguards are addressed should be in place, the majority of governments were reluctant to discuss and come up with guidelines for reporting, specifying what kind of information should be included to help assess whether REDD+ implementation complies with the safeguards contained in the Cancun Agreement. The COP 17 decision of Durban leaves it largely up to governments to decide on where safeguards are to be applied and what reporting system is put in place. It is, therefore, critical that indigenous peoples continue their advocacy work at national level to ensure that the Cancun Agreement is properly translated into action at the national level, reflecting also international obligations of states, like the UNDRIP.

Work on national safeguard systems has started in several Asian countries within the framework of the UN-REDD programme and the World Bank's FCPF.

## Implementation of the Guidelines on Stakeholder Engagement in REDD+ Readiness with a focus on the participation of indigenous peoples and other forest-dependent communities

The Guidelines on Stakeholder Engagement in REDD+ Readiness of the UN-REDD Programme and Forest Carbon Partnership Facility (FCPF) is a positive step in facilitating engagements of indigenous peoples and local communities. However, it is not yet fully aligned with the REDD+ Cancun Agreement. In particular, the full and effective participation of indigenous peoples in REDD+ as part of the Cancun Agreement includes their representation in relevant bodies, mechanisms and processes related to REDD+ at all levels, as well as the Free, Prior and Informed Consent (FPIC) of indigenous peoples. The recent two separate dialogues of Asia Pacific Indigenous Peoples with the UN-REDD Programme and the FCPF respectively, provided a clear picture of the progresses and gaps in the implementation of the Joint Stakeholder Guidelines. Consequently, the dialogues produced substantive and concrete recommendations to strengthen the collaboration and cooperation between indigenous peoples, the UN-REDD Programme, and the FCPF, respectively, in ensuring respect for the rights of indigenous peoples. The next step for indigenous peoples will be to effectively coordinate and monitor implementation of the recommendations.



### Asia Pacific Indigenous Peoples Dialogue with the UN-REDD Programme

The one-day dialogue jointly organized by Asia Indigenous Peoples Pact (AIPP) and the UN-REDD Programme was held on 31 August 2012 in Bangkok, Thailand. The main objectives of the dialogue were to inform participants on the UN-REDD Programme's Asia-Pacific regional and global activities; discuss the views, concerns and priorities of indigenous peoples regarding the UN-REDD Programme's work in the region; and discuss and plan activities and mechanisms to improve the engagement of indigenous peoples in the UN-REDD Programme activities.

There were 74 participants representing indigenous peoples, governments and civil society organizations from Bangladesh, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Nepal, Philippines, Papua New Guinea, Solomon Islands, Sri Lanka, Thailand and Vietnam, as

well as representatives of three UN agencies [UNDP, FAO and UNEP] under the UN-REDD Programme

The key points that emerged during the workshop were the urgency to develop appropriate and customized information materials based on local conditions [to bridge the gap on the lack of information in many indigenous and local communities in REDD+ countries]; concerns about land grabbing in the name of conservation, the need for policy reforms at the national level, especially in recognizing land and forest tenure rights, the central role of communities in forest conservation, and the need to engage, not sideline indigenous peoples,

During the discussion on the implementation of safeguards, the participants recommended that the UN-REDD Programme should designate a focal person to engage with indigenous peoples in countries where they have National Programmes, and that AIPP identify national indigenous peoples' focal points. These focal points could work together and facilitate better coordination and engagement with relevant government bodies and other key actors for the implementation of safeguards, especially in relation to the full and effective participation of indigenous peoples in REDD+ processes, and respect for their rights and traditional knowledge. Participants also requested that the UN-REDD Programme build a community of practitioners on safeguards.

The others key recommendations were:

- The UN-REDD Programme should place more attention on the capacity building and strengthening of indigenous peoples towards the recognition and exercise of their rights to their land, territories and resources, and FPIC.
- The UN-REDD Programme should ensure specific consultations with indigenous peoples at local and national levels, not only multi-stakeholder consultations
- The key REDD+ actors across the region should produce information materials for indigenous communities by collaborating to optimize resources and harmonize their activities. Such awareness raising activities must also be customized to suit the circumstances of target communities (e.g., language, level of literacy.)

### Asia Pacific Indigenous Peoples Dialogue with the Forest Carbon Partnership Facility (FCPF)

As a part of the Guna Yala Action Plan of Indigenous Peoples, a dialogue of Asia Pacific Indigenous Peoples with the Forest Carbon Partnership Facility (FCPF) was conducted from 25-28 Sept. 2012 in Chiang Mai, Thailand. The Indigenous Peoples Foundation for Education and Environment (IPF) hosted the dialogue with technical support from Asia Indigenous Peoples Pact (AIPP). Altogether 52 indigenous peoples' representatives from 12 countries in the Asia Pacific region participated in the dialogue, with 41 representatives from the governments, the World Bank, the UN-REDD Programme and civil society organizations also attended the dialogue.

In the two-day dialogue with FCPF, indigenous peoples and the government representatives were both active in raising questions and comments on the presentations. From the discussion, it was clear that awareness raising and information dissemination activities, especially at the grassroots level, conduct of more inclusive consultations, and representation of indigenous peoples in relevant bodies relating to REDD+ are still lacking. The dialogue culminated in the indigenous peoples articulating their concerns and recommendations in an action plan, including: I) *Implementation of the Guidelines on Stakeholders Engagement in REDD+ Readiness*; II) *R-Package in relation to Safeguards*; III) *Harmonization of FCPF, FIP and UN-REDD Programmes with relation to IP*; and IV) *Regional Activities and Coordination*.

The recommendations focused particularly on the implementation of the guidelines on Stakeholder Engagement in REDD+ Readiness, including: 1) awareness raising shall include information on the rights and concerns of indigenous peoples relating to REDD+ and not limited to FCPF/REDD+; 2) materials for awareness raising shall be simplified and translated in languages understood by indigenous peoples; 3) mechanisms for specific consultations and engagements with indigenous peoples at the national, sub-national and local levels shall be established in partnership with indigenous organizations; 4) effective participation of indigenous peoples in the formulation of national REDD+ strategy and R-Package and related plans and activities shall be ensured — this should be explicit in the criteria/guidelines; consultations shall not be limited to CSOs legally registered with the government; 5) dialogues shall be conducted between the relevant government agencies and indigenous peoples regarding respect and recognition of the rights of indigenous peoples — traditional livelihoods, i.e. land tenure, traditional knowledge, resource management systems, etc., with funding support provided for this; and 6) the full and effective participation of IPs in every development activity of National REDD+ strategy/policy among others must be ensured. The summary report and action plan of the dialogue are available at [www.ccmn.aippnet.org](http://www.ccmn.aippnet.org)

A number of pilot projects are currently exploring how to implement key provisions of the REDD+ Cancun Agreement, which will hopefully guide the development of national safeguard systems. This paper will present experiences from four Asian countries in relation to indigenous peoples. These experiences relate to engagement of indigenous peoples in REDD+ processes, conduct of Free Prior and Informed Consent (FPIC) and benefit sharing.





## Engagement of Indigenous Peoples in the REDD+ SES process in Nepal

Nepal is one of the five countries currently piloting the application of the Social and Environmental Standards (SES). REDD+ SES were developed in a series of workshops between May 2009 and June 2010, when the first version of the SES was published. The Climate, Community & Biodiversity Alliance (CCBA) and CARE International were then main facilitators and currently serve as the international secretariat of the REDD+ SES initiative. The REDD+ SES were developed to help the governments, NGOs, financing agencies and other stakeholders design and implement REDD+ programs “that respect the rights of Indigenous Peoples and local communities and generate significant social and environmental co-benefits.”<sup>1</sup>

In Nepal, developing SES is a part of the designing of its national REDD+ strategy, which expected to be completed by the end of 2013. The national REDD+ strategy is one of the expected results of the implementation of the Readiness Preparation Proposal (R-PP) submitted to and supported by the World Bank’s FCPF. However, FCPF has its own safeguards mechanisms, the Strategic Environmental and Social Assessment (SESA) and Environmental and Social Management Framework (ESMF). FCPF and CCBA undertook a joint mission in August 2011 to initiate the SESA process and identify synergies with the development of SES. The challenge for Nepal is to integrate the two safeguard mechanisms, but it is feared that this will slow down the process.<sup>2</sup>

1 Fact Sheet. REDD+ Social and Environmental Standards (SES), p.1 [http://www.redd-standards.org/files/pdf/lang/english/FactSheet-logo\\_En.pdf](http://www.redd-standards.org/files/pdf/lang/english/FactSheet-logo_En.pdf)

2 Experience Using REDD+ SES. REDD+ Social and Environmental Standards (SES) <http://conservation.org.ec/noticias/pdfs/Experience%20using%20REDD+%20SES%20factsheet%2022%20November%20%202011.pdf>

According to the SES concept, using the SES at country level requires country-specific interpretation in order to adapt the REDD+ SES to the country context. This implies the creation of country-specific indicators and the design of a country-specific assessment process. A country-level Standards Committee, with a balance of interested stakeholders, oversees the interpretation and application of the REDD+ SES in the country. It is given the responsibility to review and approve the country-specific interpretation and assessment reports and to ensure that a participatory and transparent process is followed. The process of interpreting and applying the REDD+ SES is facilitated by a Facilitation Team, which is supposed to consist of government and non-governmental technical experts.

The Government of Nepal decided in 2010 that the national REDD Working Group would work as the Standards Committee. It is composed of nine government representatives, one donor representative and two civil society representatives. The CSO representatives are members of the Federation of Community Forest Users Nepal (FECOFUN) and the Nepal Federation of Indigenous Nationalities (NEFIN).



### Developing SES Indicators: How to Ensure Indigenous Peoples' Full and Effective Participation?

In a workshop in September 2011, the REDD-Forestry and Climate Change Cell, a technical working group under the Ministry of Forest and Soil Conservation composed of representatives from key governmental and non-governmental stakeholder groups, developed draft SES indicators for Nepal. These were published and, in a newspaper article, public feedback was requested to submit during a two-month period ending on 30 November.

However, the engagement of indigenous peoples of Nepal in the workshop developing the draft SES social and environmental safeguard indicators was not effective because of considerable knowledge gaps. The translation of the documents into Nepali was not completed in time and the language was still not easy to understand by the average citizen. NEFIN, therefore, decided to conduct separate workshops for indigenous leaders, youth and women in order to

raise the level of their awareness and build the capacity for their full and effective engagement in the process of developing the safeguard indicators, and to allow them to submit their feedback within the given timeframe.

The first workshop was held on 7 November 2011 in Kathmandu with 40 participants representing indigenous peoples' organizations, women, dalit, government agencies and non-indigenous civil society organizations. This workshop was followed by several other workshops and meetings among indigenous leaders, women and youth in order to collect their views and suggestions on the draft REDD+ SES indicators. NEFIN used the opportunity of its Second National Conference on Indigenous Peoples Issues and Future Directions from 10 to 11 November to inform more than 300 indigenous leaders gathered on the process of drafting the SES indicators. Since proper discussions and the gathering of feedbacks was not possible, it was decided to hold a targeted follow up workshop for indigenous leaders on 14 November. Altogether 135 leaders from across the country participated. Work groups were formed and asked to work on specific criteria and indicators. Despite the large number of participants all were engaged in group work on the eight principles identified and the workshop was able to come up with indigenous-friendly indicators and to provide alternative inputs for and suggestions on the draft indicators under each principle.

Concerning the important roles of the indigenous members of the Constitution Assembly in promoting indigenous friendly national policies and programs under the future constitution of Nepal, a separate workshop on REDD+ SES indicators development was organized for them on 20 November.

After collecting all of the feedback on the draft REDD+ SES indicators, NEFIN submitted the revised REDD+ SES indicators to the REDD-Forestry and Climate Change Cell on 21 November. Later on, the Himalayan Grassroots Women's Natural Resource Management Association (HIMAWANTI) submitted more inputs.

After a long gap, on 12 September 2012, the REDD-Forestry and Climate Change Cell presented the revised REDD+ SES indicators and again gave 30 days' notice for further feedback and inputs. In order to ensure that indigenous peoples' earlier feedback on the draft indicators have been duly included and that, among others, proper reference is made to ILO Convention 169 and the UNDRIP, or the recognition of indigenous traditional knowledge, skills and customary practices for sustainable management of the forest, NEFIN established a working team with the mandate to have a close look at the revised indicators. This had to be done before the national level multi-stakeholders workshop on the indicators announced by the REDD-Forestry and Climate Change Cell.

The national level multi-stakeholders workshop took place on 5 October 2012 in the capital Kathmandu. The revised version of the REDD+ SES indicators was presented by the REDD Forestry and Climate Change Cell and the Federation of Community Forest Users in Nepal (FECOFUN), and an update was given on the status of the national REDD+ Readiness phase.

During the workshop, four thematic work groups were formed with the task of discussing and drafting comments and suggestions on the revised indicators. However, due to limited time the assigned task could not be completed. Therefore, each group was asked to work on the remaining indicators and submit their final inputs by 21 October. NEFIN immediately organized a meeting for the team members on 16 October to allow them to continue their work on the indicators. On 19 October, NEFIN and National Indigenous Women Federation (NIWF) jointly submitted electronic and hard copies of their final inputs.

## Lessons Learned and Challenges Ahead

The initiative of the government of Nepal to conduct a multi-stakeholders participatory process for developing country level indicators for REDD+ SES was highly appreciated. To indigenous peoples and other marginalized groups it provided an opportunity to increase their knowledge and awareness on REDD+ safeguards and to strengthen their capacities for a constructive engagement with government agencies and other civil-society organizations in the preparation of a national REDD+ strategy.

Indigenous representatives involved in the process found it very challenging. The initial difficulties due to the delay in translation of the relevant documents, the problem with providing a translation which is easily understood by indigenous persons without higher formal education, and the limited time during the official stakeholder workshop somewhat dampened early enthusiasm. Therefore, NEFIN took the initiative to organize additional meetings under its NEFIN Climate Change and REDD Program with funding from NORAD and DANIDA. It is doubtful that without these meetings the full and effective participation of indigenous peoples in developing the SES indicators would have been possible. Nepal is in the fortunate position of having a national-level indigenous federation with district-level chapters across the country as well as other indigenous peoples' networks, which allows the mobilization of local-level leaders and ensures a fairly representative participatory process.

Experiences in Nepal once again show that proper care needs to be taken to create the enabling conditions for full and effective participation shown below:

- Making documents accessible through proper translation and processing in order to simplify the language
- Sufficient time for discussions, reflections and formulations of responses
- Good process of facilitation
- The use of existing indigenous peoples' organizations and networks

The question now is how the inputs and suggestions provided will be used by the government in developing country-level SES and the safeguards system in general, in the future REDD strategy. The low level of awareness on indigenous peoples' rights in general and their relevance in the context of climate change and REDD+, the frequent changes of government staff responsible for REDD and the difficulties in making new staff familiar with and positively disposed toward indigenous peoples' concerns are seen as key hindrances in developing in indigenous peoples friendly REDD+ strategy in Nepal.





## Towards Full and Effective Participation of Indigenous Peoples: Lessons from the Seima Protection Forest (SPF) in Cambodia

While negotiations on the future of REDD+, in particular how it will be funded, are still ongoing within the UNFCCC, and while governments are busy working on their national REDD+ strategies, a number of projects have been launched by international NGOs that are piloting the implementation of REDD on the ground. In Cambodia, two such initiatives have already generated a wealth of experiences and lessons learned not only with respect to technical aspects, but also with respect to social aspects, i.e. the participation of communities, the protection of their rights and the sharing of benefits with them.

One part of the program that is already underway since 2003, is the support of Wildlife Conservation Society (WCS) and the Forestry Administration in the Seima Protected Forest, for indigenous communities in applying for communal land titles. The first is located in Oddar Meanchey, in the North of the country and was initiated by Community Forestry International in November 2007. The Seima Protection Forest REDD Project, in Mondulhiri Province in the Northeast, is Cambodia's second REDD pilot site. It started in 2009 and covers 187,983 hectares, which is the core area of the Seima Protection Forest<sup>3</sup>. The project is jointly implemented by the Wildlife Conservation Society (WCS) and the Forestry Administration of Cambodia.

The Seima Protection Forest REDD project area contains agricultural and residential land areas of 17 villages, mostly of the Bunong ethnic group<sup>4</sup>. Three additional communities were identified as significant users of resources in the REDD area, giving a total of 20 villages, with approximately 12,800 people who are directly affected by the project.

Like, most other indigenous peoples in Cambodia, they are very poor and are highly dependent on natural resources. The traditional collective land ownership systems, poverty and marginalization make these communities particularly vulnerable to land grabbing by more resourceful outsiders and powerful companies.

### From REDD to REDD+: Strengthening Indigenous Rights and Titling of Communal Land

The REDD+ project in Seima builds on almost ten years of previous conservation activities, all of which are familiar to local communities and have involved community consultations for implementation. A large part of the additionality of the REDD project is expected to stem from expanding and sustainably financing the ongoing conservation activities. Some new activities such as a benefit-sharing system linked to enhanced performance monitoring, will also be introduced.

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<sup>3</sup> The total area of Seima Protection Forest (SPF) is 303,571 hectares.

<sup>4</sup> A smaller number of Stieng families are also located in at least two villages in the REDD project area.



One part of the program, which is already underway, since 2003 the WCS started working with the Forestry Administration in Seima Protected Forest, there has been support for indigenous communities in applying for communal land titles. The Land Law of 2001 provides the legal basis for the titling of the communal land of indigenous communities. Helping indigenous communities obtain land titles is part of the dual aims of conservation work in the area, which are: to strengthen community rights to manage their natural resources and enhance the conservation of endangered biodiversity.

Applying the law to secure land rights for indigenous communities has been piloted and is now being implemented by the SPF project in eleven of the villages relevant to the REDD project. The first village to have completed the titling process is Andoung Kraloeng Village, which received its title formally in early 2012 – it is one of only three villages in Cambodia to have achieved this. It sets a precedent since it is the first village located inside a protected forest that received a title.<sup>5</sup>

By supporting indigenous communities in obtaining titles to their land, the project lives up to one of the core demands of indigenous peoples which informed and inspired the Cancun Agreement, and the shift from REDD to REDD+. Among others, REDD+ asserts stronger project preconditions, including securing land rights and the free, prior and informed consent of indigenous communities.

### From Consultation to Consent

The Seima REDD+ project conducted a series of community consultations in the proposed project area. Furthermore, the Forestry Administration and the WCS conducted awareness raising activities in all communities inside the Seima Protected Forest. They have also assisted the communities in bringing their experience to the national level, to demonstrate the importance of resolving the land tenure issues, and to share lessons learned with interventions for avoiding deforestation, among others.

The consultation process consisted of three phases. In Phase 1, awareness-raising activities, primarily about what is climate change and what is REDD+, were followed by discussions with villager leaders and community members about impacts of climate change and how this is manifested in the current community and forest situation in Seima. In Phase 2, discussions for reaching community consent about the REDD project were carried out. Within this phase, a draft community consent agreement with focus on the roles and responsibilities of parties to the agreement in the REDD project were presented to communities. The main parties to the agreement were the 20 villages and the Forestry Administration. After community feedback, the community consent agreement for REDD was revised, in consultation with the Forestry Administration. In Phase 3, the community consent agreement is expected to be finalized and signed by the 20 villages – signatures are being collected at the household level, and not just at the village level.

The consultations with the communities were done in both Khmer and Bunong languages. They took place between December 2010 and January 2012, with the final phase of consultations towards reaching community consent on agreement with the Forestry Administration are scheduled from August to December 2012.

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5 Cambodia: Conservation Helps Secure Land Rights In Cambodia; Published on Friday, 16 March 2012 at: <http://indigenousissuesinasia.wordpress.com/tag/seima-protection-forest/>

## Reaching an Agreement: Resource Use and Benefit Sharing

The community consent agreement has been checked by lawyers in the US and Cambodia, and is considered, with its provisions and the extensive consultation process, as precedent setting for REDD in Cambodia. But it is important to appreciate the nuances in the agreement and of the community consent process. For instance, there is no obvious opposition to the provisions in the agreement; however there are community expressions of fears and doubts that such provisions will be applied and that the benefits will be realized.

There is a provision in the agreement that the REDD+ project will continue for 60 years, starting from 1<sup>st</sup> January 2010. The agreement outlines provisions for the ownership and sale of forest carbon, as well as principles for developing a benefit-sharing system. There is clear recognition that communities will receive livelihood benefits in exchange for their participation in REDD+. Communities, however, presumed this as an assurance of securing their traditional livelihood or the continuation of enjoyment of the livelihood benefits inherent in their traditional management of natural forests, rather than these as benefits directly provided through the REDD+ project. They accept the potential that having the REDD+ project may provide them some form of guarantee that they can keep their customary lands and forests. But in closer discussion with communities, the general perception of communities is that they do not have much control over the management of the forests under the REDD+ project; that ultimately the FA is the leading party in the agreement, and that the communities' role will be mainly to protect and patrol the forests.

### **Indigenous Peoples' Engagement in REDD+ at National Level**

The Government of Cambodia completed and submitted Readiness Preparation Proposal (R-PP) under the FCPF. It is also working on the National REDD+ Strategy, which it expects to finish by 2015.

As part of the preparation of the R-PP stakeholder consultations, consultations with indigenous peoples were held. However, indigenous peoples' participation in the consultations was very limited. Most of the awareness raising and consultations were conducted at national level with NGOs and other CSOs since the government considered indigenous peoples as a part of the CSOs.

To fill this gap, indigenous peoples, with financial support from the Non Timber Forest Product Exchange Programme (NTFP-EP), NGO Forum on Cambodia (NGOF), Children Development Association (CDA) and other NGOs, conducted a series of workshops and seminars to raise awareness on REDD+ among indigenous peoples and explore possibilities for engagement of indigenous peoples and forest-dependent communities from the grass-roots to the national level. This took place between November 2011 and July 2012 in several regions in Cambodia. As a result of these workshops and seminars, indigenous peoples and forest-dependent communities identified common issues and came up with suggestions and recommendations, which were presented to the government and relevant stakeholders.

During these meetings, indigenous representatives from the different provinces and regions were nominated for further engagement with government on REDD+ from national to the grass-roots level. They asked the government to acknowledge the self-selection process by indigenous peoples and include their representatives in key national REDD+ bodies such as the Programme Executive Board, REDD+ Consultation Group and other Technical Teams. So far, the government has accepted an interim indigenous representative in the Programme Executive Board, which is the body to provide overall guidance for effective implementation of the REDD+ National Programme through approval or revision of annual work-plans and budgets, as well through overall monitoring and evaluation of progress made. During the national workshop on "CSOs and IP Engagement in National REDD+ Strategy Development", which took place during 25-27 September 2012 in the capital Phnom Penh, the indigenous representative for this body was selected.

The inclusion of an indigenous representative in the Programme Executive Board is a step forward for indigenous peoples toward full and effective participation in REDD+ at the national level in Cambodia. Indigenous peoples hope that they will also be able to be part of other key national REDD+ bodies to ensure that the issues, concerns and rights of indigenous peoples are duly considered in the development of a national REDD+ strategy and the implementation of REDD+ in the future. Their main concern is to make sure that the principle of Free, Prior and Informed Consent is applied in all REDD+ process in Cambodia.

Bunong communities understand the concept of REDD+ as a “selling of clean air” to the international community. By doing so, they understand that “selling of clean air” serves as a financial incentive that can bolster forest patrolling and the conservation of forests; at the same time, that they can continue their traditional land use and management practices. Andoung Kraloeng Village, for example, still practices shifting cultivation and rattan harvesting. Each family in the village has the right over an area of 5 hectares for shifting cultivation under the communal land title awarded to them, while the 10 other villages are still under a land titling support process within the REDD+ project. The indigenous communities oppose mining in their forest because of its highly destructive nature and expressed their preference for their forest to be protected through a REDD+ project. There is also an understanding that if there is any surplus from REDD+, then funds will be used to set up community funds for communal benefits and projects, such as schools, wells, health services, etc.

But given that the benefit sharing system is not in place yet, communities still raise fears and doubts about who will manage and distribute these benefits? Will it be the FA, the local authorities, or others? They expressed that the benefits should reach them on the ground and not get stuck in complex bureaucratic procedures. Communities in general also, expressed a low level of confidence that such benefits will truly trickle down to them. They doubt that these social services will truly materialize, if current weak local governance and institutional practices are any indication.

There are also provisions for conflict resolution between parties (i.e. villagers, village representatives, and the Forestry Administration) and procedures that apply should the REDD+ project not proceed due to unforeseen or uncontrollable circumstances. However, the communities do not have a clear grasp of what these circumstances might be and how the conflict resolution will be applied in practice with other parties, such as the FA, either at the local level or the central level.

Given this, a full understanding and grasp of the community’s rights over the forests and the management of the forests at present or under REDD+ project conditions still appears to have gaps. A meaningful and iterative FPIC process and other rights based activities in the REDD+ consultation and implementation process can address this.

### **Full and Effective Participation: Challenges and Concerns from Seima and Beyond**

Indeed, the WCS and Forestry Administration have come a long way toward protecting the rights and ensuring participation of indigenous peoples’ in the REDD+ pilot project. In Asia, it is also a pioneer project in this respect. However, considering the nuances observed in the community consent process – “does no opposition constitute informed consent?” – there is a need to strengthen structures and processes that will facilitate the communities’ continuing participation, and meaningful and informed understanding of the agreement provisions and their implications in practice.

There is still scope for improvement, not just at the local level but also at higher levels of the REDD+ mechanism in Cambodia.

In the Seima Protection Forest REDD+ Project:

There is a need to elaborate more on the interpretation and facilitation of “informed consent”. In practice, this might mean the more explicit incorporation of indigenous rights language in the consultation process;

The communities have expressed the need for indigenous facilitators, representatives and technical support (e.g. an indigenous lawyer) who will support them in the consultations and negotiation process in REDD+.

Further awareness raising is needed, both of concepts and the content in REDD+. The consultation and dialogue process must be built in the life of the agreement;

Capacity building and resources for the REDD+ implementation activities are requested.

***Beyond Seima, and looking at REDD+ Cambodia***, indigenous peoples have expressed a number of concerns and made a few recommendations, which will not only help in making REDD+ in Cambodia comply with the Cancun Agreement in letter and spirit, but also help it go beyond toward a genuinely rights-based and participatory REDD+.

#### On Representation

- Indigenous peoples are concerned about the lack of indigenous representatives in the REDD+ mechanisms at the provincial and national levels.
- Adequate slots for indigenous representatives to engage in the formulation, decision making, implementation, and monitoring of REDD+ activities right from the beginning and at all levels should be ensured.

#### On Consultation and Consent

- Most of the decisions in REDD+ are taken without sufficient consultation with indigenous peoples;
- The use of the national language, Khmer, during consultation hinders proper understanding
- The technical terms in REDD+ are very difficult for indigenous peoples to understand;

*There must be sufficient time for and culturally appropriate training on REDD+ for communities prior to project implementation. This includes technical training and dialogue on implementation scenarios.*

*Indigenous languages should be used and extra effort is needed to make presentations and give explanations that are accessible and understandable to ordinary people in indigenous communities. Simplified communication materials for indigenous communities should be provided.*

*Free, Prior and Informed Consent (FPIC) should be obtained for all REDD+ initiatives;*

*The government should disseminate information about the REDD+ program regularly to the communities.*

*Community radios should be mobilized for this as well as other information dissemination on REDD+ and indigenous peoples' issues;*

#### On Benefit Sharing

- Benefit sharing needs to be concrete, transparent and accountable to IPs

*The government must formulate clear principles for the sharing of benefits emerging from REDD+*

#### On Law Enforcement

- The enforcement of law on the ground must respect the rights of indigenous peoples

- The indigenous peoples are worried that they may not be able to protect the forests from the powerful elite.

*The government must cooperate with and provide support to communities for the protection of the forests, including monitoring of the local situation by central authorities, and establishing a quick response mechanism for law enforcement violations.*



# Making FPIC Work: Lessons Learned in Vietnam

For indigenous peoples, FPIC is one of the main instruments to ensure indigenous peoples' participation in decision-making affecting them within the context of REDD+.

The UN Declaration on the Rights of Indigenous Peoples explicitly recognizes indigenous peoples' rights to FPIC in six articles dealing with a range of crucial issue such as relocation due to development projects, intellectual property rights, resource extraction, etc. The recognition of FPIC by the UNDRIP is a key legal instrument indigenous peoples can use to ensure their rights are not violated by any project or other intervention in their lands and territories.

The right to FPIC means that any activity planned to be undertaken on indigenous peoples' land and territories has to seek the prior consent of the indigenous peoples. The consent has to come about in accordance with their customary laws and practices before the activity starts ("prior" consent). It has to be reached without coercion or manipulation by outsiders ("free" consent) and it has to be reached on the basis of sufficient information on the respective project, its intentions, possible impacts on people and the environment, who is initiating, implementing and benefiting from the project, etc., and all this information has to be provided in a language and in a way that is understandable to the affected indigenous communities ("informed" consent).

It is important to emphasize that the right to FPIC means the right to withhold consent, which means: the right to say "No" to a project.

FPIC is a fairly new concept, it is still evolving and there has been an apprehension among governments, bilateral and multilateral agencies, including UN agencies, with respect to its application in practice, and its political implications. Many governments are therefore reluctant to apply it. UN agencies, however, have the obligation to apply UN legal instruments and standards in their own work, which also means: to apply the UNDRIP. Some bilateral agencies and a number of international NGOs are following suit and have started to pilot the application of FPIC. It is above all within the context of REDD+ that this has so far happened.

In Asia, FPIC has been tested in several REDD+ initiatives, ranging from pilot projects run under the UN-REDD Programme to FPIC trials by bilateral agencies and conservation NGOs. The UN-REDD Programme has conducted FPIC trials in two of its partner countries, Indonesia and Vietnam. The lessons learned from its pilot projects, as well as experiences made elsewhere, have been published in a recent report.<sup>6</sup> No FPIC has been conducted under the FCPF since it still has not been adopted as part of its safeguard mechanism.

These pilot projects have generated valuable experiences, which can help guide the practical application of FPIC elsewhere in the future. We are trying to summarize the key lessons learned in one of these initiatives: The FPIC pilot in Vietnam conducted under the UN REDD Programme. The summary presented here is largely based on the evaluation report published by RECOF and information from evaluation team members.<sup>7</sup>

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6 UN-REDD Programme 2012. FPIC for REDD+ in the Asia Pacific region: Lessons learned, challenges and recommendations. UN-REDD Programme. [http://www.unredd.net/index.php?option=com\\_docman&task=doc\\_download&gid=8047&Itemid=53](http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=8047&Itemid=53)

7 RECOFTC 2010. Evaluation and Verification of the Free, Prior and Informed Consent Process under the UN-REDD Programme: Lam Dong Province, Vietnam. [http://www.unredd.net/index.php?option=com\\_docman&task=doc\\_download&gid=5711&Itemid=53](http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=5711&Itemid=53)

## Evaluation of the FPIC pilot process in Lam Dong Province

The UN-REDD programme, and the government of Vietnam jointly piloted the FPIC process in REDD+ in Lam Dong Province in the Central Highlands. The project started in January 2010 in 78 villages located in Lam Ha and Di Linh Districts. These villages comprise 30 different ethnic groups (out of 53 officially recognized ethnic groups). By June 2010, FPIC had been completed in three phases in all of the 78 villages targeted.

Under the UN-REDD programme FPIC is implemented in nine steps. The last step is an evaluation and verification of the FPIC process by an independent international organization. In the pilot FPIC in Vietnam, The Center for People and Forests (RECOFTC) was contracted to lead the evaluation. The field work for the evaluation was conducted by a Vietnamese team of four people, two men, two women, with two of them being indigenous themselves. The preliminary results were presented at a regional consultation workshop on the application of FPIC in REDD+ jointly organized by The UN-REDD programme and the Asia Indigenous Peoples Pact (AIPP) in June in the capital Hanoi. The very informative and valuable report was published in November 2010.

Since the FPIC process in Lam Dong was the first ever tried out by The UN-REDD programme it was clear from the outset that it would not be perfect, that it was explicitly meant to generate the experience and insights needed to guide FPIC implementation in the future. Participants at the regional consultation workshop in Hanoi also expressed their appreciation of the Vietnamese government's support of the initiative, and found that this is to be considered an important step toward realizing a genuinely participatory REDD+, and not only in Vietnam. The significance of the FPIC process for Vietnam is underlined by the evaluation's finding that people who were consulted in this process said it was the first time they were involved in any consultation process.

Overall, the report was positive, but, as expected, it points at a number of shortcomings and identifies critical issues that need to be addressed in future FPIC processes, as described briefly below.

### Facilitation and communication

- Village officials and community leaders were informed two weeks before the meetings; the communities were informed only a few days before. This was not enough time to properly prepare for the meetings.
- The evaluation team found that the FPIC facilitation team members involved in the pilot were competent, but that experiences with participatory approaches were insufficient and that they lacked crucial knowledge on the international legal instrument in which FPIC is enshrined (e.g. the UNDRIP, ILO Convention 169). Most important, the facilitators belonged to the main indigenous groups in the FPIC pilot area, even though not all ethnic groups were represented. The UN-REDD programme tried to make up for this shortcoming by discussing the process with and seeking the help of influential community members (village leaders, traditional headmen, religious leaders) prior to its start, and during the consultation, by providing orientation and training to indigenous leaders and community members in addition to distribution of information materials.
- Information about the UN-REDD Programme was disseminated through radio, TV, posters, booklets and brochures. The evaluation found that the information provided was mostly accurate and relevant for communities. The information was provided in the national language Kinh and in the main indigenous languages K'Ho. During the consultation, the team interacted directly and without translation either in indigenous languages or, mostly, in Kinh.

## Lesson learned

*Information must be provided to the communities in a form understandable to them, and in their own languages. New and unfamiliar terms and concepts have to be carefully translated using familiar concepts.*

## Content and quality of information provided

- The various information materials produced are easily understandable for community members. However, it was found that they lack crucial information, like on the rights of indigenous peoples and benefit sharing.
- The information provided during the consultation was not well balanced. It focused mainly on forest conservation and the potential economic benefits of REDD+ and did not include potential negative implications of REDD+, e.g. on livelihood systems, or the issue of land rights. Thus, consent that was sought from the communities was reduced to the question whether they want their forests to be conserved through REDD+ or not.
- One of the main gaps identified in the FPIC process was the lack of sufficient time and the absence of information from alternative sources for proper processing, discussions and collective decision-making.

## Lessons learned

*It is crucial to involve the indigenous facilitators in the FPIC team. If they have insufficient knowledge about REDD+, FPIC and IP rights they must be given exposure and the training needed prior to conducting the FPIC.*

*Information needs to be balanced in order to be fully transparent; access to alternative sources of information should be provided; and sufficient time should be allocated for proper processing of the information by the communities.*

*Awareness raising should take the specific local context into account, i.e. be linked to other issues of concern to people that are linked to REDD+, like land and forest rights.*

*Use communication specialists and the help of local interlocutors and field-based CSOs for developing an awareness raising strategy.*

*It is important that FPIC as a process is adapted to the specific cultural and socio-political context. Many lessons learned with FPIC elsewhere cannot be directly applied to other countries or regions within them and FPIC guidelines should reflect this.*

## Decision-making

- Consultations were inclusive. All community members who attended the meetings were consulted, regardless of gender, ethnicity or religion.
- As already mentioned, the information provided was biased toward highlighting the potential benefits of REDD+. However, the evaluation team found that communities made their own decisions, without any external coercion. There was no evidence of manipulation of the FPIC process by favoring the involvement of individuals or organizations who are considered positively inclined toward the programme, or by providing community members or leaders with incentives to deliver consent.
- Decision making was found to be poor. The main reasons were the short duration of the consultation meetings, the lack of opportunities to have internal discussions as well as intercommunity discussions, which prevented the full participation of community

members in the process. The meeting process was also not fully recorded.

### Lessons learned

*The provision of balanced information and access to alternative sources of information are a precondition for informed decision making.*

*There needs to be sufficient time and opportunities for internal discussions to reach a common understanding and for independent decision-making.*

*FPIC should be understood as a process rather than a single event. It should not be reduced to or focus on voting to obtain the consent decision but be conceived as a continuous, transparent and equitable process of negotiation and consultation among communities.*

### Grievance mechanism

- No grievance mechanism was established. Concerns raised by the communities during the FPIC process were not included in the reports of the facilitators, and there is no mechanism for complaints and for addressing them.

### Lesson learned

*It is important to establish whether communities have any complaints and concerns on REDD+ or the FPIC process, and to find ways to address them.*

### Conclusion

FPIC is one of the main instruments indigenous peoples have to exert and also one of the most fundamental rights which the UNDRIP recognizes: their right to self-determination. To live up to the original spirit of FPIC, indigenous communities should have the freedom to define their own mechanisms and processes of decision-making leading to FPIC. And it of course implies that they have the right to withhold consent. In indigenous communities, consent does not necessarily mean unanimity, but the agreement on the part of those of an opposing view to abide by or respect the position of the majority. Thus, the outcome still upholds the collective voice, views and interests of the community. Such a non-coercive, collective process may take time.

In long-term and complex projects that REDD+ projects will be in the future, FPIC may be required at different points of time. Thus, indigenous peoples stress that FPIC has to be conceived as an iterative process. This will naturally imply the ongoing involvement of indigenous communities at all stages and at all levels, which simply mean: their full and effective participation.

Likewise, and as the evaluation of the FPIC pilot project in Vietnam also points out, it is important to engage government authorities at all levels to build trust and good faith in the FPIC process. Conceived in that way, REDD+ has the potential to facilitate the realization of genuine collaboration and partnership among all stakeholders in forest conservation



## Piloting Payments to Communities for REDD+: The Carbon Trust Fund in Nepal

An inclusive REDD+ benefit sharing practice has been tested in the Nepal community forestry system through a pilot REDD+ project implemented by the International Center for Integrated Mountain development (ICIMOD) with its two national partners, the Federation of Community Forest Users, Nepal (FECOFUN) and the Asia Network for Sustainable Agriculture and Bioresources (ANSAB).

The aim of this pilot initiative is to explore how a governance system can be adapted to suit REDD+ that is implemented with local communities. This above all means to ensure that the reward payments for increased carbon storage are equitable, respect the rights of indigenous peoples and local communities, and are sustainable in the long run.

As a demonstrational distribution of REDD+ money to local communities, the recently designed benefit sharing scheme intends to explore what an institutional and governance system that promotes a transparent and inclusive institutional arrangement of payment could look like. The uniqueness of this system is its focus on indigenous peoples and other minority sectors of communities, such as women, Dalit and poor households. In this it differs from all other policies developed in Nepal. The payment process and criteria developed have taken customary roles and rights of indigenous peoples into consideration.

The project hopes to gain experiences and insights that can be applied by policy decision makers and practitioners, and to develop capacity-building systems that can be used to implement REDD+ at the national level. By experimenting with actual REDD+ payments, the trust fund will also help to find out whether REDD+ will actually provide benefits to forest communities as intended.

The pilot Forest Carbon Trust Fund (FCTF) was created under a REDD+ project implemented in the three watershed areas of Kayarkhola of Chitwan District, Charnawati of Dolakha District and Ludikhola of Gorkha District. It covers over 10,000 hectares of community managed forests and involves around 90,000 people. This is the first project in Nepal and one of the first globally in which communities are trained to conduct carbon measurement and monitoring and in which they receive a financial reward for the improvement of carbon storage through forest conservation. The actual trust fund was set up in 2010 with a seed grant of US\$ 100,000 provided by the Norwegian Agency for Development Cooperation (NORAD) under its Climate and Forest Initiative.

The populations of these areas are ethnically very diverse. They comprise indigenous peoples, Nepali caste Hindus, and Dalit (ex-'untouchables'). The indigenous peoples living in these three watersheds are the Thami, Chepang, Tamang, Magar, Sherpa and Gurung. They make up 44.5% of all households in the three areas.

## How the Trust Fund Works

Operational guidelines have been designed for the Trust Fund through a multi-stakeholder feedback process with representatives from the government, civil society organisations and local communities. These guidelines feature structure, process and governance system of the Trust Fund governing body. The structure ensures that the views of all main stakeholders are well represented and that the payment process is efficient and fair. The Project Management Unit manages the fund and the unit is also responsible for managing the data and making the REDD+ payments to the user groups.

The fund is governed at the central level by a multi-stakeholder Trust Fund Advisory Committee and at the watershed level by advisory committees of watershed-level stakeholders. The central advisory committee is made up of the government and civil society representatives, including the REDD-Forestry and Climate Change Cell of the Ministry of Forests and Soil Conservation, the Nepal Federation of Indigenous Nationalities (NEFIN), the Dalit NGO Federation, the Himawanti Nepal Women's Network and FECOFUN. This body is responsible for overall decision-making about the Trust Fund and REDD+ payments.

The three watershed-level REDD+ Advisory Committees meet quarterly to review progress and approve claim invoices from forest user groups and forward REDD+ payment claim invoices to the central advisory committee. The watershed-level committees are made up of representatives from district forest offices, local government and organizations representing community forest user groups, indigenous peoples, Dalit and women.

Inclusive monitoring committees at three watershed districts have been formed to facilitate and monitor REDD+ payment distribution at the Community Forest User Group (CFUG) level and their utilization plan in order to ensure benefits reach the needy and relevant people. To receive payment, each CFUG should fill in the claim form with carbon data and socio-economic information and send it to the watershed advisory committee through the watershed network. A verification team reviews and validates the carbon measurement process, carbon data and socio-economic information and submits a report with their comments to the central Trust Fund Advisory Committee for the decision on payment distribution.

Payments are performance-based, which means that the amount of money paid to communities corresponds to the increase of carbon stock that results from sustainable forest management practices. There is no penalty for deforestation, but it is discouraged because it will lead to a reduction of the annual REDD+ payment a community receives.

The project however also takes other criteria into account when assessing who receives how much. This is done in order to make the fund more equitable, i.e. to pay special attention to weaker sectors or groups of the communities involved. Therefore, three more criteria have been added:

1. The number of households of indigenous peoples and Dalits;
2. The ratio of men and women;
3. The number of poor households.

These criteria are weighed differently in the assessment of the payment to be made, as illustrated in the table below.

Criteria	Proportion	Description
Carbon sequestration (forest carbon stock and increment/growth)	40%	24% is for forest carbon stock, and 16% is for forest carbon increment
Proportion of Dalit user households in CFUGs	15%	Dalit are amongst the poorest of the poor in Nepal
Proportion of users who are indigenous people	10%	Indigenous people are traditionally more forest-dependent than other groups
Proportion of users who are economically poor	20%	Each watershed decided on indicators to classify poverty, including land holdings, income levels and asset ownership
Proportion of women in the CFUGs	15%	This criterion will probably be revised to become a measure of women's empowerment, such as the number of women in CFUG decision-making positions

CFUGs are free to use the REDD+ money received for any of the activities defined by trust fund guidelines. CFUGs decide on REDD+ money utilization in a consultative process among group members. Preliminary reports from the field show that over 50% of the REDD+ payment reaching the CFUGs have been spent for livelihood activities, with a focus on indigenous peoples, poor households, women and Dalit. The 20% of the investment goes to forest management activities, including forest enrichment, new forest plantation, nursery establishment, and alternative energy. Only a small portion of the money is allocated to capacity building activities.

## Lessons Learned and Challenges Faced

Implementation of the pilot REDD+ benefit sharing has generated numerous lessons for REDD+ practitioners. A few challenges have appeared at the local level i.e. at CFUGs level where more than 95% of the funds were allocated.

- The allocation of large parts of the REDD+ fund to activities related to livelihood indicates that REDD+ can indeed be part of livelihood improvement, which is a contentious issue in the global REDD+ discourse.
- The near absence of allocation of payments for capacity building and related activities could be related to difficulties CFUGs may have encountered, and possibly because CFUGs found that these activities are appropriate for middle-level income households and not the poor.
- CFUGs, which are still dominated by rural elites, are facing challenges in channeling REDD+ money to the intended households as the elite try to manipulate the distribution in their favor. This shows that local-level governance (at the CFUG level) is equally important as national REDD+ governance to ensure that REDD+ is following a pro-poor and pro-indigenous approach. The best intentions in policy design are not enough without enforcement at the CFUGs level.
- The governance of the CFUGs is a critical and also sensitive issue. At national level, indigenous peoples have raised their concern that most Community Forest Users Groups are dominated by non-indigenous, even though they may even be a majority in the respective area and more dependent on forests than non-indigenous. In the Trust



Fund project area, indigenous peoples are well represented in the Community Forest Users Groups and the project tries to ensure equity based on the multiple criteria described. Governance and benefit sharing at the very local level will certainly be one of the most critical issues to address when mainstreaming the approach.

- The other very critical policy issue is forest and land rights. Even though Community Forestry in Nepal has been hailed as a model approach for decades, the fact remains that the communities – and, in particular, indigenous communities – are still not recognized as the owners of their forests.
- The pilot Trust Fund is an example of how benefit sharing can be designed to be inclusive and fair, favoring the poor and marginalized. The question is to what extent the multiple criteria approach in benefit sharing, as promoted by the Trust Fund, is accepted and included in a future national REDD+ policy. The drafting process is still ongoing and the challenge for advocacy is to ensure that experiences from such pilot initiatives are incorporated.

*Sources: [www.icimod.org](http://www.icimod.org); [www.communityredd.net](http://www.communityredd.net)*



## Conclusion and recommendations

Based on the cases presented in this paper, significant progress that are taking place in the implementation of social safeguards in REDD+ readiness phase in several countries in Asia. These include the good faith conduct of Free Prior and Informed Consent (FPIC) in the REDD+ pilot villages in Central Vietnam as a pilot case to draw lessons; the full and effective participation of indigenous peoples in the formulation of indicators of the Social and Environmental Standards in Nepal, and the thorough consultations with indigenous communities in the Siema REDD + project and the inclusion of an indigenous representative in the National Programme Executive Board for the overall guidance for the effective implementation of REDD+ in Cambodia. These developments are big steps forward given the general hesitation and even resistance by some governments to implement social safeguards in REDD+.

At the regional level, the engagement of indigenous peoples with the UN-REDD Programme, as well as with the Forest Carbon Partnership Facility (FCPF) is further building up constructive dialogues of indigenous peoples with key actors in REDD+. The indigenous peoples' workshops with the UN-REDD Programme and FCPF have resulted in the identification of gaps and challenges in the implementation of the Joint Guidelines on Stakeholder Engagement in REDD+ Readiness as well as recommendations for collaboration and complementation of initiatives. Undoubtedly, indigenous peoples across Asia are now pushing for the implementation of safeguards under the REDD+ Cancun Agreement. With this, the UN-REDD Programme and the FCPF are expected to enhance their facilitating role in the establishment of mechanisms for engagements and sustained participation of indigenous peoples in REDD+ process at the national and subnational levels.

Inspite of the significant developments mentioned above, much is yet to be done in raising awareness of millions of indigenous peoples on REDD+ and their rights. Access to information in forms and manners understood by indigenous peoples remains a huge challenge. Likewise,

sustained capacity building and technical support are also necessary to enable indigenous leaders and communities to engage more effectively in REDD+ processes, especially in articulating their concerns and protecting their rights and entitlements. While indigenous peoples representatives are included in national mechanisms in some countries, it is also important to underscore that most of the concerns raised by these representatives in relation to the protection of the rights of indigenous peoples are yet to be fully addressed. Thus, the engagement of indigenous peoples in REDD+ processes shall also result to the resolution of their concerns in order for it to be effective. Likewise, the proper conduct of Free, Prior and Informed Consent still remains a challenge. It is thereby imperative to continuously draw the lessons from past and present efforts, in order to make the FPIC process more sensitive to the conditions and welfare of indigenous peoples.

One of the critical issues that are yet to be resolved in many REDD+ countries is the issue of forestland tenure along with carbon rights. So far, only Cambodia and the Philippines have the legal recognition of indigenous peoples and the right to lands, territories and resources in the REDD+ countries in Asia. The needed policy review and reform for resolving land tenure is not significantly advancing in most REDD+ countries in Asia. The case of the land title issued in one village in the Siema REDD+ project is a landmark development on land tenure recognition within a protected forest.

On benefit-sharing arrangements under REDD+, several lessons have already emerged from the Siema REDD+ project in Cambodia, and the Carbon trust Fund in Nepal. The complexities of addressing and navigating different interests and players shall be acknowledged at the outset. Likewise, trust- building and full transparency are necessary in the formulation of terms and mechanisms for benefit sharing as well as in its implementation. All these are very useful insights in designing benefit-sharing schemes.



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# AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements. AIPP is committed to promote, assert and defend indigenous peoples' rights and human rights through articulating issues of relevance to indigenous peoples. At present, AIPP has 46 members from 14 countries in Asia with 11 indigenous peoples' national alliances/networks and 35 local and sub-national organizations. Of this, 16 are ethnic based organizations, 5 are indigenous women's organizations and 4 are indigenous youth organizations.

## Our Vision:

Indigenous peoples in Asia are fully exercising their rights, distinct cultures and identities, are living with dignity, and enhancing their sustainable management systems on lands, territories and resources for their own future and development in an environment of peace, justice and equality.

## Our Mission:

AIPP strengthens the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management systems for their development and self-determination.

## Our Goals:

- To empower Indigenous peoples in Asia to promote and defend their human rights and fundamental freedoms and claim legal recognition to their identities, collective rights under UNDRIP and other international human rights instruments.
- To build the broadest solidarity and cooperation of indigenous peoples in Asia to strengthen indigenous movements.
- To promote and protect the integrity of the environment and enhance the sustainable resource management systems of indigenous peoples including their traditional knowledge, food security and biodiversity by having full control over their land, territories and resources.
- To attain full and effective participation of indigenous peoples, particularly indigenous women and youth at all levels of decision-making.
- To strengthen solidarity and cooperation with other social movements towards achieving equality, peace, democracy and justice.

## AIPP Accreditation:

1. World Intellectual Property Organization (WIPO)
2. United Nations Framework Convention on Climate Change (UNFCCC)

## AIPP Programmes:

- Human rights
- Regional Capacity Building
- Environment
- Indigenous Women
- Research and Communication Development
- Indigenous Youth

