

Engagement of Indigenous Peoples and Civil Society

3rd Policy Board Meeting
29 – 30 October 2009
Washington, D.C.





Presentation Overview

- **Harmonization of ‘Stakeholder Engagement Guidelines’ with FCPF**
- **Update on Recourse Mechanism**
- **Update on implementing Free, Prior, and Informed Consent (FPIC)**
- **Report from the Advisory Group on Rights, Forests and Climate Change**



Alignment of UN-REDD & FCPF Guidelines



The UN-REDD Policy Board and FCPF Participant's Committee have called on the programs to harmonize approaches to stakeholder engagement



Agreement taken between FCPF and UN-REDD to harmonize approaches to stakeholder engagement after the 1st Policy Board meeting in Panama, upholding the higher standard.



Harmonization with FCPF

FCPF Guidance Note on Stakeholder Engagement

+ UN-REDD Programme Operational Guidance on the Engagement of IPs & Forest Dependent Communities

= Harmonized Guidance on Stakeholder Engagement

- Principles for Effective Stakeholder Engagement
- Operational Guidelines for Participation and Consultation
- Practical Steps for Carrying out Effective Consultations
- Annexes: Guidelines Specific to the UN-REDD Programme
Relevant WB & UN Policies
Relevant Resources & Tools



Harmonization with FCPF

Practical Implications for UN-REDD Pilot Countries:

- One shared approach by FCPF and UN-REDD to supporting stakeholder engagement in readiness activities
- Streamlining of consultation processes to one shared process
- No change in UN-REDD Guidelines for Nat'l Programs re:
 - Representation
 - Validation meeting
 - Consultation process
 - Activities & resources for stakeholder engagement
 - Recourse mechanism
 - Transparency & access to information



Harmonization with FCPF

Harmonized Elements

• **Shared Principles:**

- Transparency and access to information
- Consultation and participation of a broad group of stakeholders
- Consultations should occur early in the process and be ongoing
- A grievance mechanism should be developed as part of the process
- Processes should link directly to planning and decision making

• **Practical Steps for Carrying Out Effective Consultations:**

- Step-by-step guide to conducting an effective consultation process common to both FCPF and UN-REDD

Distinct Elements

- WB Operational Policy 4.10 on IPs & UN Declaration on the Rights of IPs
- R-PP Guidelines & UN-REDD Guidelines for National Programs
- WB FCPF Strategic Environmental and Social Assessment



Emerging Good Practices for Consultation: The Case of DRC

Scoping mission in January 2009 organized jointly with FCPF with broad stakeholder engagement, resulting in:

- Formation of a working group on participation and consultation
- A civil society workshop, attended by over 40 Indigenous Peoples organizations, contributing to the recommendations made by the mission to the Government
- Defined the role for a civil society working group to engage with both Governmental and international stakeholders throughout the process.
- Drafted a decree establishing a substantial representation of Indigenous Peoples and civil society on the National REDD Committee.

The Decree was approved by the Council of Ministers and signed by the Prime Minister, establishing coordination arrangements for REDD in DRC, including a National REDD Steering Committee with strong representation from civil society and IPs.



Emerging Good Practices for Consultation: The Case of Panama

National REDD stakeholder meeting on 18 Sept 2009 (including ANAM, UN-REDD, and COONAPIP): Participants agreed to support indigenous participation in the revision and preparation of the draft National Programme:

- COONAPIP designated 6 indigenous representatives to support the technical review process who spent 2 weeks working with ANAM to finalize the draft NP and provides official comments on the draft NP
- COONAPIP organized a national workshop on the UN-REDD process for representatives from each of the 11 indigenous congresses representing each of the 7 indigenous communities in Panama
- ‘Validation meeting’ for the UN-REDD Programme in Panama convened representatives from the UN system (Resident Coordinator and UN-REDD Programme agencies), the Panama Ministries of Finance and Environment, Indigenous Peoples organizations (COONAPIP).



Recourse Mechanism

UN-REDD is committed to establishing mechanisms to ensure accountability and provide proper recourse:

Currently complaints to be submitted to the UN-REDD Secretariat and to the UN Resident Coordinator in pilot countries – to be reviewed by the UN-REDD Policy Board for decision

But exploring wide range of other options ... CIEL advising ... Use existing or new mechanisms? Will present specific options to next Policy Board meeting.

Mechanism to build on existing UN mechanisms:

- UN Special Rapporteur on Rights of Indigenous Peoples
- UNDP Civil Society Advisory Committee to the Administrator
- UNDP's Information Disclosure Policy & IP Policies, etc.



Establishing a Recourse Mechanism

CIEL recommendations on establishing an appropriate and effective recourse mechanism for UN-REDD:

- **Add reference to existing national obligations and conflict resolution mechanisms in National Program Documents**
- **Create mechanism within UN-REDD to:**
 - Report findings of fact on alleged violations
 - Offer mediation services
 - Refer complaints to human rights experts
 - Directly consider complaints and forward to Policy Board Co-chairs for decision
- **Ensure effective remedies for rights violations - through national mechanisms and the Policy Board**
- **Incorporate indicators for compliance into MRV process**
- **Summarize and report complaints and lessons learned**



UN Declaration on the Rights of Indigenous Peoples & Free, Prior & Informed Consent (FPIC)

Article 19: “States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their *free, prior, and informed consent* before adopting and implementing legislative or administrative measures that may affect them.”

Article 32: “...States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their free, prior, and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of water, mineral or other resources...”

Article 42: “The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and the full application of the provisions of the Declaration...”



Applying FPIC to UN-REDD Activities: Definitions

In cases of legislative, administrative measures and projects that may affect Indigenous Peoples or their lands, territories, and resources, States that have signed the UN Declaration on the Rights of Indigenous Peoples have the duty to consult and cooperate in order to obtain their free, prior, and informed consent.

- **Free** implies no coercion, intimidation or manipulation;
- **Prior** implies consent has been sought sufficiently in advance of any authorization or commencement of activities and respect time requirements of indigenous consultation/consensus processes;
- **Informed** implies that information is provided that covers the following aspects:
 - a. The nature, size, pace, reversibility and scope of any proposed project or activity;
 - b. The reason/s or purpose of the project and/or activity;
 - c. The duration of the above;
 - d. The locality of areas that will be affected;
 - e. A preliminary assessment of the likely economic, social, cultural and environmental impact,
 - f. Personnel likely to be involved in the execution of the proposed project
 - g. Procedures that the project may entail.



Applying FPIC to UN-REDD Activities: Definitions

Consent

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



Applying FPIC to REDD & to UN-REDD Activities

What does FPIC mean for readiness activities and REDD?

At what level to apply: project, province, national, global?

When should it be applied? At inception, to the whole program?
To specific activities or components of the program?

Engaging with Prof. James Anaya, UN Special Rapporteur on IP

Undertaking analysis of practical application of FPIC with Center for International Environmental Law (CIEL)



Practical Steps for Documenting FPIC

In order to document that consultation has resulted in free, prior and informed consent (FPIC), REDD activities should:

- 1. Identify potential impact on Indigenous Peoples' rights/territories** from legislation, administrative arrangements, project or activity
- 2. Clarify basis for Indigenous Peoples' rights** over territory and/or resources
- 3. Establish mutual understanding of the timeframe, method and language** of consultation and decision-making
- 4. Disclose full information**, in culturally appropriate form, concerning the issue under consideration



Practical Steps for Documenting FPIC (cont...)

In order to document that consultation has resulted in FPIC, REDD activities should:

- 5. Establish mutual understanding on objectives and impact of proposed activities**
- 6. Establish mutual understanding of geographic area and communities concerned under agreement**
- 7. Identify representative(s) empowered to make decisions on behalf of the Peoples and/or communities concerned**
- 8. Establish benefit sharing arrangements, if appropriate**
- 9. Agree on what will constitute consent and if given, how consent will be properly documented.**



Emerging Good Practice: Regional Consultation with Indigenous Peoples in Asia & the Pacific on UN-REDD

Organized at the request of IP organizations in the Asia & Pacific region: AMAN, the Asia Indigenous Peoples' Pact (AIPP) and Tebtebba Foundation and co-hosted by the UNDP Regional Indigenous Peoples Programme (UNDP RIPP) on 1 Oct 2009 in Bangkok.

Key points from the consultation:

- Implementation of the UNDRIP and the role of the UN-REDD Programme
- There is a widespread need for REDD training and awareness raising
- Indigenous Peoples need help in supporting governments to improve their means of communication and way of working with Indigenous Peoples
- Unpack the issue of FPIC: How will it work for REDD? How much consultation is enough?

Next steps:

- Deepen communication among Indigenous Peoples' organizations, the UN-REDD staff in the region, and UNDP RIPP
- Incorporate advice and comments on FPIC to UN-REDD Guidance
- Continue open communication between Indigenous Peoples, UN-REDD staff in the region, and the UNDP RIPP



Independent Advisory Group on Forests, Rights & Climate Change

Established to provide independent advice and guidance to the UN-REDD Programme

Initial membership:

Organizing Committee of 'Conference on Rights, Forests and Climate', Oct 2008, (RRI, RFN, Tebtebba, FPP, ACICAFOC, Civic Response, etc).

Activities:

Presentations and advice to Policy Board; Counsel on policies and guidelines; Managed self-selection process for CSO reps to the Policy Board; Guidance on socio-economic aspects of REDD; Engagement in Chatham House dialogues

www.rightsandclimate.org

UN-REDD
PROGRAMME



Civil Society Representatives

For Africa: Pacifique Mukumba Isumbisho, Executive Director
**Centre d'Accompagnement des Autochtones Pygmées et Minoritaires
Vulnérables**, Democratic Republic of the Congo

For Asia & the Pacific: Effrey Dademo, Program Manager
The Papua New Guinea Eco-Forestry Forum
Papua New Guinea

For Latin America & the Caribbean: Paula Moreira, Lawyer
Instituto de Pesquisa Ambiental da Amazônia (IPAM)
Brazil

For Industrialized Countries: Rosalind Reeve, Forest Campaign Manager
Global Witness, US/UK

Thank you!

www.un-redd.org





UN Human Rights Based Approach (HRBA)

UN Agencies are responsible to deliver on commitments of the General Assembly on human development (UNDP), environmental protection (UNEP), the betterment of the lives of rural populations (FAO):

- UN Agencies have adopted the Human Rights Based Approach to Development: All programs, policies and technical assistance should further the realization of human rights.
 - The approach creates a framework for planning and monitoring that based on the furtherance of human rights.
- The HRBA is supported by other UN instruments and tools such as:
 - The UN Declaration on the Rights of Indigenous Peoples
 - UN Development Group Guidelines on Indigenous Peoples Issues
 - UN Committee on the Elimination of Racial Discrimination
 - UN High Commission on Human Rights



UN-REDD Programme & HRBA

The UN-REDD Programme is working through the agencies to support rights and the participation of diverse stakeholders by:

- Supporting countries to implement commitments under the UNDRIP
- Supporting application of participatory processes for program design, planning, and implementation
- Supporting capacity needs of diverse actors from state to sub-national and local levels
- Commitment to support application of the principle of FPIC
- Commitment to recourse and mediation in case of violation of rights

Operational Guidance: Engagement of IPs & Forest Communities

Operational Guidance: Intended to inform the design, implementation, monitoring & evaluation of Programme activities at global & national level

The Operational Guidance has three substantive parts:

1) Principles - on the rights of IPs and other forest dependent communities

2) Guidelines - for the engagement of IP and other forest dependent communities

3) Best Practice - for consultation





Principles for Engagement

...to guide UN-REDD Programme activities that may impact the rights of Indigenous Peoples and other Forest Dependent Communities.

1. Programme activities follow a human rights based approach and must adhere to the United Nations Declaration on the Rights of Indigenous Peoples.
2. Free, prior, and informed consent shall be adhered to, and is essential to ensuring the full and effective participation of Indigenous Peoples and other forest dependent communities in Programme activities.
3. The Programme shall ensure that there is broad representation of Indigenous Peoples, including women and youth, at all stages of its activities.



IP & Forest Community Guidelines for UN-REDD Programme

Representation

- On Policy Board & National Committees
- Independent Civil Society Advisory Group

Transparency & Access to Information

- Access to reports & official documents
- Primers & guidance for IPs on REDD
- Participation in relevant IP-led conferences
- Consultation documents co-developed with IPs
- Distribution of annual reports to IP networks

Participation & Inclusion

- Fora for IP perspectives in REDD dialogue
- National participation & engagement strategy
- Activities & budget allocations in national programs
- Assessment of activity impact on IP rights

Accountability

- Concerns & complaints addressed through Secretariat and Resident Coordinator



Ongoing Consultation

Guidance presented at:

- Indigenous Peoples' Summit on Climate Change , Alaska, April 2009
- UN Permanent Forum on Indigenous Issues, New York, May 2009
- UN-REDD Programme Regional Consultation for Asia/Pacific, Bangkok, September 2009

Feedback received:

- Develop indicators to measure implementation of the Guidelines
- Clarify process for recourse mechanism
- Need for demonstration of Free, Prior, and Informed Consent for REDD Programmes
- Establish enforcement mechanism to ensure Guidelines are implemented
- Ensure that diverse views are represented by IP & CSO Policy Board members and observers
- Coordinate with other IP/REDD initiatives



Civil Society & IPs on the Policy Board

Indigenous Peoples & Forest Dependent Communities:

One full member (Chair of UNPFII)

Three observers (one from each region), selected by the regional caucuses to Indigenous Peoples' Global Summit on Climate Change – Alaska – April 2009

Civil Society:

One full member

Three observers

Representatives will be from each of the three regions and one 'northern' NGO.

Identified via a self-selection process facilitated by the Rights and Resources Initiative on behalf of the Advisory Group on Rights, Forests and Climate Change



Indigenous Peoples Representatives

IP Policy Board Member:

Vicky Tauli-Corpuz, UNPFII Chair

Observers:

Africa: Elifuraha Laltaika

Community Research and Development Services (CORDS), Tanzania

Asia & Pacific: Mina Setra

Aliansi Masyarakat Adat Nusantara (AMAN), Indonesia

Latin America: Diego Escobar

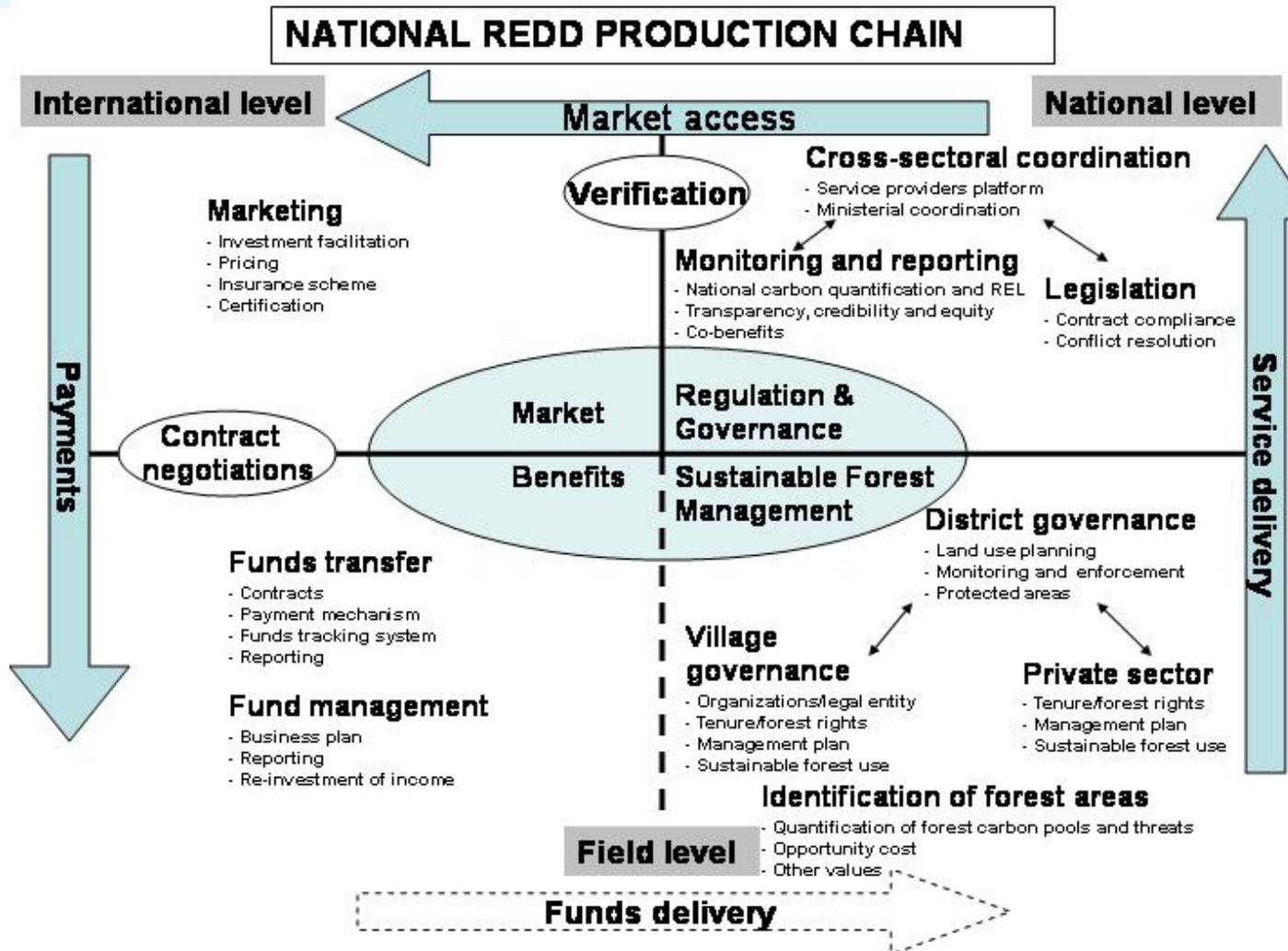
Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA), Colombia



Governance for REDD

- Addressing forest governance is a key component of the UN-REDD Programme 'Quickstart' Pilot activities.
- At the global level, the UN-REDD Programme is establishing a body of work to support countries to apply governance self-assessment indicators to measure capacity to advance through the phases of readiness.
- The UN-REDD Programme will assess the progress of the pilot countries to address forest governance issues, document and report lessons learned.

Addressing Forest Governance in the National Programmes: Tanzania





Addressing Forest Governance in the National Programmes: Tanzania (continued)

- Outcome 1: Capacity building support to central and zonal forest sector governance to shape a national REDD framework and to clarify roles, structures and social safeguards for the effective implementation of REDD
- Outcome 3: Improved capacity to manage REDD and provide other forest ecosystem services at district and local levels
 - Output 3.1: Develop and test a decentralized REDD Governance Framework
 - Output 3.2: Outline a payment distribution system
 - Output 3.3: REDD payments combined with payments for non-carbon services



Addressing Forest Governance in the National Programmes: Vietnam

- **Output 1.1: Establishment of a broad stakeholder coordination mechanism**
- **Outputs 1.4 and 2.3: Design a transparent and equitable REDD-compliant benefit-sharing mechanism**
 - REDD revenues received by Viet Nam should be paid into an independent sub-fund of the already-established Forest Conservation and Development Fund (FCDF)
 - decisions on local payment structuring be devolved to District authorities so they can closely match the local cultural and socio-economic conditions
 - establishment of a recourse mechanism to provide local stakeholders with a voice to raise concerns about how the system is operating
- **Output 2.1: Mainstreaming REDD into local socio-economic development planning, with a focus on the establishment of participatory approaches to the formulation of District plans.**
- **Output 2.2: Build capacity among local stakeholders in participatory carbon monitoring**
- **Addressing international forest governance: Outcome 3: Building regional consensus on cooperative approaches to reduce deforestation in the four countries of the lower Mekong basin**



Beyond Copenhagen...

- More in-depth support to country activities on specific areas **as requested by countries:**
 - e.g. MRV, multiple benefits, stakeholder engagement; governance, etc
- Close cooperation with FCPF
 - diverse but complementary approach
- Expected increase of number of partner countries
 - demand is high
 - subject to funding
- Strong role in supporting capacity development for REDD Readiness

Examples from UN-REDD Pilot Countries

- Consultation and awareness raising an initial step in programme development in Tanzania, DRC (with FCPF), Zambia, Bolivia, Paraguay
- Two National Joint Programmes approved by Policy Board pending full consultation: Indonesia & PNG
- Resources committed to stakeholder capacity building, participation and awareness activities in all draft National Programmes





Enabling Conditions for FPIC

- Identify and maintain mechanisms to address disputes regarding FPIC implementation
- Clarify the scope of land tenure and resource use rights, including disputed areas
- Develop and maintain national-level procedures for initiating and pursuing community engagement in the planning process
- Increase capacity for governments and communities to engage together in decision-making.