

Indigenous Peoples' Submission on the Element for REDD+ Results Based Payments

In its decision B14/03 the GCF Board instructed the Secretariat to develop “a request for proposals (RFP) for REDD+ results-based payments (RBP), including guidance consistent with the Warsaw Framework for REDD+ and other REDD+ decisions under the United Nations Framework Convention on Climate Change (UNFCCC)”. In this context, Tebtebba, together with 53 Indigenous Peoples organizations and support NGOs, sent a first letter to the Board on October 1, 2016 spelling out the key prerequisites to ensure that any REDD+ initiative funded by the GCF is anchored on a robust and effective safeguard system thus ensuring full compliance with the UNFCCC REDD+ Safeguards and other relevant standards.

We therefore welcome the opportunity to provide further input. Indigenous peoples have been engaged in the years of negotiations that led to the various REDD+ related decisions at the UNFCCC level with particular focus on safeguards, and have been following various processes meant to provide options for the operationalization and implementation of the UNFCCC guidance on REDD+, such as the UNREDD, FIP and FCPF.

REDD+ as well as any other mitigation activity in forests are particularly relevant for and to indigenous peoples, since most of the tropical rainforests are inhabited by us, and we have been living there for time immemorial. Our survival depends on the integrity of forest ecosystems, that provide us with shelter, food, medicine, cultural and spiritual values. Our rights are therefore intrinsically linked to a holistic approach to forests management and conservation, that fully captures not only use, but also non-use values cultural and spiritual.

Not only are we indigenous peoples fully dependent on forests for their survival and livelihoods, but we are also those that for time immemorial have been managing these delicate ecosystems, have developed stewardship patterns and capacity that it intrinsically linked to our culture, traditional knowledge, values and worldviews. Indigenous peoples have developed and proposed their own approaches to climate change mitigation in forests, that offer innovative and efficient, as well as low-cost methodologies and alternatives. Available data show, for instance, that “Indigenous Peoples and local communities manage at least 54,546 million metric tons of carbon (Mt C) in the tropical forests they live in globally, or just under one-quarter of the total carbon found aboveground in the global tropics. That’s about 250 times the carbon dioxide emissions from global air travel in 2015”.¹ And that recognition of indigenous peoples’ right to land, territories and resources is the most cost-effective way to mitigate climate change.² Furthermore, research shows that “deforestation rates inside forests legally managed by Indigenous Peoples and communities are 2 to 3 times lower than in other forests”.³

¹ <http://rightsandresources.org/en/publication/summary-toward-global-baseline-carbon-storage-collective-lands/#.WCSkCiOrLIU>

² <http://www.wri.org/blog/2016/10/protecting-indigenous-land-rights-makes-good-economic-sense>

³ <http://www.wri.org/blog/2016/11/indigenous-peoples-and-local-communities-are-worlds-secret-weapon-curbing-climate>

The International Indigenous Peoples' Forum on Climate Change (IIPFCC) in the UNFCCC has repeatedly made statements on REDD+, on its potential contribution to climate change mitigation, to the opportunities and risks for Indigenous Peoples. Among others, it has been urging governments and donors to recognize and protect indigenous peoples' knowledge and cultural heritage, innovations, technologies, cosmovision, practices, cultural identity, traditional cultural expressions, and spiritual values, which contribute to a climate-friendly livelihood system and biodiversity conservation. The IIPFCC has also called for the acknowledgment of the role of indigenous peoples in adaptation and mitigation. Proper consideration should also be given to non-carbon benefits that would have to be valued properly and shall be defined within a human rights framework which respects and recognizes the rights of Indigenous Peoples to lands, territories and natural resources. Parties have also been asked to recognize and support any indigenous proposals/initiatives on REDD+ that guarantee non-carbon benefits and non-market-based approaches.⁴

On the basis of our previous engagement in these processes, the positions adopted by Indigenous Peoples, as well as of good practice and lessons learned from the field, on how REDD+ can potentially affect our lands and rights, or possibly open space for possible benefits, we wish to reiterate that any activity on REDD+, and in particular on Results Based Payments (RBP) needs to be anchored to a solid rights-based framework and approach. This means that all these actions and initiatives that might impact on or engage indigenous peoples will have to fully respect international human rights and indigenous peoples' rights standards and instruments, such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as well as relevant UNFCCC provisions on REDD+ safeguards.

On the basis of such approach we wish to convey here our considerations and recommendations in particular on **Technical element 3: Operationalization of the 'Cancun safeguards'**

a. How should the GCF assess the implementation of the Cancun Safeguards in addition to the IFC performance standards (interim GCF ESS)?

In order for the Green Climate Fund to effectively enable indigenous peoples to contribute to the Fund's stated goals, effective and high-level safeguards need to be complemented by a robust and free-standing Indigenous Peoples' Policy based on relevant and applicable international standards and instruments on indigenous peoples' rights such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO 169.

We therefore welcome the Fund's initiative to develop such policy since this should not only spell out the "preconditions," such as the recognition and respect of the rights to land, territories and resource, but also the positive actions and enablers to ensure that indigenous

⁴ Summary of Indigenous People's Demands for UNFCCC CoP20, Lima, Peru 1 December, 2014 - <http://www.forestpeoples.org/topics/un-framework-convention-climate-change-unfccc/news/2014/12/summary-indigenous-people-s-demand>

peoples' contribution by means of traditional knowledge and livelihoods is fully acknowledged and ensured.

It should be noted that these “positive” actions are only marginally recognized in the UNFCCC REDD+ safeguards, and in the Fund’s interim ESS, and the same applies to other relevant aspects of REDD+ such as the due consideration of non-carbon benefits and access to benefit sharing. These elements are crucial to ensure a truly holistic approach to REDD+ that takes into due account its transformative character, the possibility of a paradigm shift, and the development – related implication of GCF engagement in REDD+, as well as a community-based approach to climate mitigation that requires the development and adoption of a broader and more consistent set of criteria that build up on the Cancun UNFCCC safeguards.

To that regard, we understand that the Fund intends to build up on the REDD-plus logic model and performance measurement frameworks for ex post REDD+ results-based payments adopted at the 8th meeting of the GCF Board. We wish to point out that such model is almost exclusively based on measurement of carbon, while omitting key issues related to rights, governance, and non-carbon benefits that are crucial to ensure that REDD+ effectively contributes to a paradigm shift in forest management and conservation. As a matter of fact, as initially noted by the REDD+ Safeguards Working Group,⁵ the logic model and performance measurement framework, by not properly acknowledging the relevance of non-carbon benefits “*neglects the Warsaw Framework reference to non-carbon benefits*” and falls short of recognizing that some of the key potential outcomes and deliverables for REDD+ are conditional to the recognition of land tenure and land rights, proper governance, and full respect of social, environmental and human rights safeguards.

Furthermore, it appears that the intention of the GCF is to carry out a sort of comparative and gap analysis of the Cancun Safeguards and the interim ESS of the Fund to identify overlaps and common elements. We believe that the Interim ESS, (notably the IFC Performance Standards) - having been developed for the private sector - are not adequate to properly capture the complexity of issues that underlie the developmental and environmental implication of mitigation and adaptation actions in forests and in particular in indigenous peoples’ lands, territories and resources. Key issues such as non-carbon benefits, (biodiversity, land tenure, poverty alleviation, food security, sustainable livelihoods) are not given due consideration, nor are the IFC performance standards shaped around a community-based approach to mitigation. Equally, the Cancun REDD+ Safeguards while providing a common denominator to mitigate risk, and recognizing the relevance of indigenous peoples’ rights and indigenous people’s traditional knowledge are not robust enough on various crucial aspects related to biodiversity, access to benefit sharing, rights to land, territories and resources.

Interestingly, in some cases the REDD+ Safeguards in the Cancun Agreement have been followed up by high-level operational guidance and principles that, while based on these, do in

⁵ REDD+ Safeguards Working Group “Comments and recommendations: initial logic model and and performance measurement framework for ex-post REDD+ Results Based Payments”, 2014 <http://reddplussafeguards.com/1138/>

fact upgrade and align them to higher standards. This is the case, among others, with the REDD+ SES (Social and Environmental Standards) of the CCBA (Climate Community and Biodiversity Alliance)⁶ or – as regards to the Free, Prior and Informed Consent and the engagement and participation of indigenous peoples in REDD+ – the UN-REDD Guidelines for Free, Prior Informed Consent,⁷ the related “legal companion,”⁸ and UN-REDD guidance on the engagement of indigenous peoples.⁹ We believe these could be taken as reference when assessing compliance and - at a minimum - when developing implementation and evaluation tools for RBP projects funded by the GCF.

3.2: Should the GCF develop additional guidance for the reporting on how the Cancun Safeguards are being respected?

The logic model and performance measurement framework for REDD+ only refer to safeguards with reference to a Safeguards Information System that is expected to provide information on the methodologies followed in assessing compliance but not on the extent to which the safeguards are addressed and respected.

This is a major shortcoming and just a minimum requirement that falls short of identifying the required modalities to ensure that support to RBP by the GCF is fully compliant and in respect of the REDD+ Cancun Safeguards. As a matter of fact the Cancun Agreement also states in para 69, that REDD+ activities should be carried out **in accordance** (emphasis added) with the safeguards.

Indigenous Peoples believe that additional methodologies should therefore be applied to provide for a qualitative assessment of the actual compliance (“accordance”) to safeguards, by means of specific indicators and criteria and possibility the support of indigenous peoples’ community based monitoring system.

The further iteration of criteria or *performance indicators*¹⁰ to assess effective safeguard compliance would also ensure that GCF projects affecting indigenous peoples are aligned to the

⁶ <http://www.redd-standards.org/process-for-using-redd-ses>

⁷ <http://www.unclearn.org/sites/default/files/inventory/un-redd05.pdf> - these guidelines can be used as guidance for the benchmarking and implementation of the REDD+ Cancun safeguards, as well as the FPIC-related interim Performance Standard.

⁸ http://www.unredd.net/index.php?option=com_docman&Itemid=134&view=document&alias=8792-legal-companion-to-the-un-redd-programme-guidelines-on-fpic-8792&category_slug=legal-companion-to-fpic-guidelines-2655

⁹ http://www.unredd.org/Stakeholder_Engagement/Guidelines_On_Stakeholder_Engagement/tabid/55619/Default.aspx

¹⁰ for a detailed explanation on how an effective rights-based Safeguards Information system should work for and a list of performance indicators for a Safeguards Information System see: Forest Peoples Programme – JOAS: “REDD+ systems on providing information on safeguards (SIS):Inclusion of data relevant for indigenous peoples” November 2011

<http://www.forestpeoples.org/sites/fpp/files/publication/2011/11/finalfppjoassubmreddsbstafinal.pdf>

upper human rights standards and ensure the pursuance of the stated innovative and transformational goals of the Fund.

The urgent need for a solid and effective safeguards system and related monitoring and compliance framework is further corroborated by the findings of recent evaluations of the Carbon Fund and RBP projects done by the Rights and Resources Institute (RRI)¹¹ and Environmental Investigation Agency (EIA).¹² The two reports point to serious shortcomings in governance related matters as well as to the lack of recognition of the importance of land rights and land tenure for effective REDD+ implementation and the lack of adequate engagement of locally-affected populations and vulnerable groups in key processes.

To that regard, it should be pointed out that land rights are also a key issue not only as regards REDD+ but also when dealing with broader land-based mitigation and subsequent RBP activities. The GCF might also refer to the FAO Voluntary Guidelines on Land Tenure as a guiding document to inform the implementation and evaluation of land-based RBP and mitigation projects.

Additionally, the GCF should also recognize the importance of ensuring non-carbon benefits, such as biodiversity conservation, land tenure, governance, food security and ecosystems integrity, as further reiterated in the Paris Agreement. Hence specific assessment criteria and indicators will have to be developed to assist in the application of the Safeguards Information System. The Convention on Biological Diversity in its work on REDD+ safeguards has developed a set of recommendations and considerations that should be taken into account, in particular as regards the need to ensure full respect of traditional knowledge, and sustainable livelihood systems as well as access to benefit sharing and equitable distribution of benefits.¹³ Furthermore the Akwé:Kon guidelines adopted by the CBD can also be referred to as additional guidance for the assessment of REDD+ projects and compliance to safeguards and social and environmental standards.¹⁴

¹¹ Rights and Resources Institute (RRI), "Community Rights and Tenure in Country Emission Reduction Programs: Status and Risks for the FCPF Carbon Fund " June 2016 http://rightsandresources.org/wp-content/uploads/2016/06/RRI_Community-Rights-and-Tenure-in-Country-Emission-Reduction-Programs_June-2016.pdf

¹² Environmental Investigation Agency (EIA), "Missing the forest for the carbon? A critical analysis of the FCPF Carbon Fund and Emission Reductions Programs in Africa" June 2016, http://eia-global.org/images/uploads/EIA_Carbon_Fund_Report_Case_Studies_online.pdf

¹³ <https://www.cbd.int/forest/doc/2011-09-26-cbd-submission-unfccc-reddplus-en.pdf>
<https://www.cbd.int/doc/publications/for-redd-en.pdf>

¹⁴ The purpose of these voluntary guidelines is

"to provide a collaborative framework within which Governments, indigenous and local communities, decision makers and managers of developments can:

- (a) Support the full and effective participation and involvement of indigenous and local communities in screening, scoping and development planning exercises;*
- (b) Properly take into account the cultural, environmental and social concerns and interests of indigenous and local communities, especially of women who often bear a disproportionately large share of negative development impacts;*
- (c) Take into account the traditional knowledge, innovations and practices of indigenous and local communities as*

Signatories:

1. Africa Indigenous Peoples' Network (AIPN)
2. Alliance of Community Co-operative of Ethnic Group (ACCE), Vietnam
3. Association for Indigenous Women and Peoples of Chad
4. Association of indigenous Village Leaders in Suriname
5. Asociación Ak Tenamit Guatemala Centro America
6. Asian Indigenous Women Network, Philippines
7. Bangladesh Indigenous Peoples Network on Climate Change and Biodiversity (BIPNET)
8. Center for Indigenous Peoples' Research and Development (CIPRED), Nepal
9. Centre For 21st Century Issues (C21st), Cameroon
10. Centre of Research and Development in Upland Areas (CERDA), Vietnam
11. Center of Indigenous Cultures of Perú (CHIRAPAQ), Peru
12. Centro para la Autonomía y Desarrollo de los Pueblos Indígenas (CADPI), Nicaragua
13. Federación por la Autodeterminación de los Pueblos Indígenas (FAPI), Paraguay
14. Forest Peoples' Programme, UK
15. Friends of the Earth, US
16. Foundation for Promotion of the Indigenous Knowledge, Panama
17. International Work Group for Indigenous Affairs (IWGIA), Denmark
18. Indigenous Livelihood Enhancement Partners (ILEPA), Kenya
19. Institut Dayakologi- West Kalimantan, Indonesia
20. Lelewal Foundation, Cameroon
21. Mainyito Pastoralists Integrated Development Organization, Kenya
22. Maleya Foundation, Bangladesh
23. Maya Leaders Alliance, Belize
24. Marine Ecosystems Protected areas (MEPA) Trust, from Antigua and Barbuda
25. Nepal Federation of Indigenous Nationalities (NEFIN), Nepal
26. Otomi Alto Lerma Regional Council, Mexico
27. Pikhumpongan Dlinon Subanen, Inc. (PDSI), Philippines
28. Rainforest Foundation Norway
29. Sahabat Alam Malaysia (Friends of the Earth Malaysia)
30. SONIA ("Society for New Initiatives and Activities") for a Just New World, Italy
31. Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), Philippines
32. Tin Hinane Sahel, Africa
33. Third World Network, Malaysia
34. Transparency International, Korea Chapter
35. Union pour l' Emancipation de la Femme Autochtone (UEFA)
36. Ugnayang Pambansa para sa Katutubong Kaalaman at Taino (UPAKAT)
37. Yiaku Laikipiak Trust, Kenya

part of environmental, social and cultural impact-assessment processes, with due regard to the ownership of and the need for the protection and safeguarding of traditional knowledge, innovations and practices;"

"Akwé: Kon Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities",

<https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>