



PERSPECTIVES ON REDD+



UN-REDD
PROGRAMME



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The UN-REDD Programme is the United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD+) in developing countries. The Programme was launched in 2008 and builds on the convening expertise of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP).

The UN-REDD Programme supports, nationally-led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including Indigenous Peoples and other forest-dependent communities, in national and international REDD+ implementation. The Programme also works to build international awareness and consensus about the importance of including REDD+ in a future climate change agreement.



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Acronyms

CCB: Climate, Community and Biodiversity

FPIC: Free, Prior and Informed Consent

ILO: International Labour Organization

IPCC: Intergovernmental Panel on Climate Change

MRV: Measuring, Reporting, Verification

NGO: Non-Governmental Organization

REDD+: Reducing Emissions from Deforestation and Forest Degradation and the enhancement and conservation of forest carbon stocks and sustainable management of forests in developing countries

TEEB: The Economics of Ecosystems and Biodiversity

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

UNFCCC: United Nations Framework Convention on Climate Change

INTRODUCTION

It is widely agreed that REDD+ should be part of any global climate mitigation effort. Two reasons explain this. The first is that deforestation and forest degradation are responsible for approximately 17 per cent of global greenhouse gas emissions, and second, because REDD+ is widely considered to be a low cost option for reducing carbon emissions while providing other significant benefits. However, as countries continue to lay the ground work for REDD+, the complexity of designing and implementing REDD+ is raising important questions and challenges that require innovative solutions and approaches.

How do countries, for example, properly engage a wide range of stakeholders, from Indigenous Peoples to the private sector? How can the rights of Indigenous Peoples and other forest dependent communities be guaranteed? What are the best tools for establishing effective MRV and monitoring systems for REDD+? Does a focus on carbon limit the policy options necessary to address the diverse values of forests?

In *Perspectives on REDD+*, the UN-REDD Programme explores several of these difficult questions in three articles that look at the challenges around the application of FPIC in stakeholder engagement for REDD+; the multiple ecosystem-based benefits of REDD+ beyond carbon; and MRV and monitoring for REDD+. We invite readers to engage, disagree, and share their own perspectives on these key issues as we move ahead with supporting countries to achieve REDD+ readiness in 2011 and beyond.

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STAKEHOLDER ENGAGEMENT FOR REDD+:

Upholding the Right to Free, Prior and Informed Consent (FPIC)

FPIC refers to the collective right of peoples—particularly Indigenous and tribal Peoples – to give or withhold consent regarding decisions that may affect the rights and interests associated with their lands, territories, and resources. FPIC is explicitly recognized in key international instruments such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169. FPIC is increasingly being applied across a range of sectors, such as conservation, extractive industries, forestry, plantations, and even infrastructure development such as dam development. A number of key agencies (e.g., the UN and certain regional Multilateral Development Banks¹), NGOs, certification schemes such as CCB standards, and industry-related organizations, such as the Roundtable on Sustainable Palm Oil², refer to FPIC or principles of community consultation and consent in their policies and principles.

REDD+ and FPIC

The lands, territories and resources of Indigenous Peoples and other forest dependent communities constitute a large proportion of forested lands likely to be targeted by REDD+ actions in developing countries. The UNFCCC negotiation text on REDD+ recognizes this connection, affirming the need for safeguards for the rights of Indigenous Peoples and members of local communities, and specifically acknowledges UNDRIP³. The adoption of procedures to respect FPIC could be vital for ensuring permanence in REDD+ and help to address the challenge of respecting the rights of all stakeholders. In recognition of this, and driven by its mandate to support the implementation of UNDRIP, the UN-REDD Programme is currently developing guidelines for respecting FPIC in UN-REDD Programme activities.

Despite broad acceptance of the importance of the principles that the right to FPIC embodies, the difficulty of precisely defining how the right to FPIC should be operationalized emerges as a challenge to its wider practical adoption. This article reviews some of the challenging issues related to FPIC and REDD+. What are some of the perceptions associated with FPIC? What are the counter-arguments to these perceptions? In exploring these issues, actors involved in REDD+ can consider the opportunities and challenges of supporting FPIC.

FPIC and national development

According to some interpretations, respecting the right to FPIC may result in Indigenous Peoples refusing to accept activities on their lands that are considered by others to be important to national development. Could FPIC-related processes slow down or arrest the progress of REDD+ activities, acting as a barrier to implementation?

► Firstly, the right to development must encompass the rights of all citizens, including Indigenous Peoples' rights to self-determination, culture, and livelihoods in deference to communities' own development pathways; the right to FPIC should accordingly be embedded in a rights-based understanding of development. Secondly, if applied meaningfully, in accordance with the law, measures to respect FPIC could serve to decrease the probability of conflicts that may disrupt activities. This fact has led to the increasing adoption of FPIC and FPIC-like mechanisms by private companies involved in the forestry sector more broadly⁴. An example of the costs associated with failing to secure adequate consent is evidenced in the case of oil palm developments in Sarawak, Malaysia, where numerous court cases have been brought against oil palm developers by Indigenous plaintiffs⁵. Furthermore, respecting FPIC for REDD+ may yield broader development benefits through improving the state interface with Indigenous Peoples.

Who and what should FPIC apply to?

How do you define the constituencies who have the right to FPIC? How do you define what resources or issues FPIC should be applied to?

► International law provides considerable guidance on the matter of to whom and what FPIC should apply. The UNDRIP is unequivocal in its understanding that Indigenous Peoples have rights to “lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired” and FPIC applies to any project, legislative or administrative measure, prospecting of natural resources, or decision that might affect Indigenous Peoples' lands/territories/resources^{6,7}. FPIC is an old concept with an emerging body of contemporary norms and standards and REDD+ will provide opportunities to further strengthen both our understanding and practice in these areas.

Who gives consent and what constitutes adequate representation?

Which actors/institutions truly represent the communities from whom free, prior and informed consent is sought? With a potential disconnect between formal, state-based decision making processes and informal, community-level processes, how can the legitimacy of representative bodies be assured?

► International law provides specific guidance on the rights of Indigenous Peoples to represent themselves through their own institutions⁸. Approaches may vary from one cultural context to the next, and these should be identified and respected. Experiences in participatory planning for community wildlife conservancies in Namibia



have shown that flexible processes that allow communities to define culturally-relevant procedures can be successful⁹.

Investing time in FPIC

Respecting FPIC may require multiple consultations and time for communities to come to an informed and fully consensual decision. REDD+ has to account for and be responsive to the pace of all stakeholders, however there is significant urgency for implementation. In order to arrest alarming deforestation and forest degradation rates, maintain political momentum, and align successfully with UNFCCC processes, REDD+ must

¹ Colchester (2010). Free, Prior and Informed Consent: Making FPIC work for forests and peoples. The Forests Dialogue. http://www.forestpeoples.org/documents/law_hr/fpic_synthesis_jun07_eng.pdf

² TFD (2010). Initiative on Free, Prior and Informed Consent: Concept Paper. The Forests Dialogue. http://environment.yale.edu/tfd/uploads/TFD_FPIC_Concept_note.pdf

³ Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention Draft conclusions proposed by the Chair Addendum Draft decision -/CP.15: Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries. <http://unfccc.int/resource/docs/2009/awgca8/eng/107a06.pdf>

⁴ Wilson (2009). Company-Led Approaches to Conflict Resolution in the Forest Sector. The Forests Dialogue. <http://www.iied.org/pubs/pdfs/G02510.pdf>

⁵ Colchester, Marcus, Wee Aik Pang, Wong Meng Chuo and Thomas Jalong, 2007, Land is Life: Land Rights and Palm Oil Development in Sarawak. Forest Peoples Programme and SawitWatch, Bogor. http://www.forestpeoples.org/documents/asia_pacific/sarawak_land_is_life_nov07_eng.pdf

⁶ Articles 10 and 32, UNDRIP.

⁷ Article 19, UNDRIP

⁸ Ibid.

⁹ CIEL (2010). FPIC and UN-REDD: Legal and practical considerations. Center for International Environmental Law (CIEL).



The legality and legitimacy of FPIC

FPIC is largely driven by international instruments such as the UNDRIP and few countries recognize FPIC explicitly in national legislation. Could this potentially undermine efforts to respect the rights to FPIC?

- ▶ The legitimacy of FPIC in international law is strong and most of the countries eligible for REDD+ actions are signatories to relevant legal instruments. Underlying rights extend far beyond ILO 169 and those articulated in UNDRIP. They are found in a host of human rights and other treaties with near universal application. Furthermore, there may be supporting national legislation that can be drawn upon, such as existing tenureship laws and recognized customary law. Certain countries, such as Bolivia, Paraguay, and the Philippines have national provisions for or have engaged in actions that support the principles of FPIC. For instance, the government of Paraguay has entered into a formal agreement with the Mby'a of southern Paraguay prohibiting environmental projects in their territories that may violate their rights to self-determination and FPIC¹⁰. Recent developments in international law relevant to FPIC may require some time before they are reflected in the national laws of UN member countries. REDD+ actions may actually serve to catalyze and reinforce such positive developments at the country-level.

Despite the challenges associated with ensuring the right to FPIC, it is fundamental to Indigenous Peoples' right to self-determination. It also holds the promise of strengthening the legitimacy, efficacy, ownership, sustainability and longevity of REDD+ actions on the ground, and reduces opportunities for future conflict, making this a crucial area for actors involved in REDD+ to develop and invest in.

be operationalized in a timely manner. Are FPIC-related processes too laborious and time-intensive to be accommodated if REDD+ is to achieve its goals?

- ▶ Investments in what appears to be process-heavy procedures to respect the right of FPIC could in fact decrease transaction costs in the future and improve the success of REDD+ actions. There is also evidence that forests associated with Indigenous Peoples have a higher protective impact than comparable protected areas¹⁰. The idea that REDD+ can be expedited by failing to observe the right of FPIC is potentially a false argument. In addition to undermining fundamental rights, "saving time" by cutting corners may ultimately result in even greater set-backs in time, costs and outputs. Approaches will become more efficient as the body of work on FPIC for REDD+ grows, particularly if the appropriate institutional, political and donor support is provided.

REDD+ AND THE MULTIPLE ECOSYSTEM-BASED BENEFITS OF FORESTS: Much more than carbon

The REDD+ mechanism brings with it great expectations for a re-invigoration of efforts to conserve, protect and manage forests sustainably. As REDD+ evolves into an international mandate to tackle deforestation and forest degradation, the conditions that would enable the mechanism to endure will depend in large measure on what financial resources are available and how they are deployed. Countries will be challenged to catalyze and influence REDD+ investments so that they change the way that forests are used and managed, with development, improved conservation and improved livelihoods as the result.

This article addresses the topic of how REDD+ will deliver multiple benefits of forests by exploring three key questions: Why should the REDD+ mechanism focus on other benefits of forests? Will the application of safeguards to protect biodiversity, ecosystem services and social benefits overburden REDD+? Is addressing multiple benefits worth the investment?

Why focus on other benefits of forests?

Forests play a central role in the global carbon balance; but they also provide a multitude of other services alongside carbon storage. Forests contain over two thirds of the world's terrestrial biodiversity, and are a source of vital ecosystem services which provide people with food, water, fuel wood and regulatory services such as climate and flood regulation. It is important to recognize that biodiversity is a defining element of forested ecosystems and that indeed carbon storage and the potential of carbon sequestration by forests can be particularly high in areas with rich biodiversity. It is equally important to recognize that biodiversity confers resilience within a forest ecosystem at many scales and thus secures the long-term stability of the forest carbon stock¹. Therefore an investment in biodiversity and ecosystem services is also an investment in assuring forest carbon stocks.

Nevertheless, depending on how countries choose to implement the eventual REDD+ mechanism and under what circumstances, there will be risks as well as benefits to biodiversity and ecosystem services². For example, reducing deforestation could provide

benefits by slowing habitat loss and fragmentation, but could also cause harm elsewhere if the protection of one area against deforestation means that conversion pressure gets displaced to other ecosystems high in biodiversity or important for ecosystem services.

The recently released TEEB reports clearly identify additional benefits to investing in biodiversity and forest ecosystem services, and the staggering costs of replacing the services that ecosystem services provide³. For example a study in Costa Rica showed that while oil revenues that could be realized after deforestation in relevant areas would amount to about US\$200million, the actual cost in terms of losses of ecosystem services were greater than the earned revenues by an order of magnitude (i.e. costs were likely to be in the region of \$2 billion). The services maintained by forests directly support the livelihoods of 1.2 billion people, many of whom live in extreme poverty. As such, there are many reasons to sustainably manage and conserve forests besides their carbon value.

At the national level, Rwanda provides evidence of the cost of the decline in ecosystem services which has led to a decline in human well-being. A study on deforestation in mountainous areas and destruction of wetlands in low-lying areas showed the reduced capacity

¹⁰ Nelson, A. and Chomitz, K.M. (2009). Protected Area Effectiveness in Reducing Tropical Deforestation: A Global Analysis of the Impact of Protection Status. Evaluation Brief 7. The World Bank. http://siteresources.worldbank.org/INT/TOED/Resources/protected_areas_eb.pdf

¹¹ CIEL (2010). FPIC and UN-REDD: Legal and practical considerations. Center for International Environmental Law (CIEL).

¹ See CBD Technical Series No. 43 which is a synthesis of the biodiversity/resilience/stability relationship in forest ecosystems) and which demonstrates that forest resilience and stability depend on biodiversity, at multiple scales. (I. Thompson, B. Mackey, S. McNulty and A. Mosseler. Forest Resilience, Biodiversity, and Climate Change. CBD Technical Series No. 43.(Convention on Biological Diversity and UNEP)

² See for example, studies that demonstrate how carbon emissions could be minimized whilst maximizing benefits to biodiversity in Venter et al., Harnessing Carbon Payments to Protect Biodiversity. Vol 326, Science.

³ The Economics of Ecosystems and Biodiversity (TEEB) report estimated the loss in the capital value of the flow of services resulting from a single year's loss of forest due to deforestation to be worth in the region of US\$2 trillion to US\$4.5 trillion.



strengthen the effectiveness of the mechanism. This would not only require identifying potential ecosystem services that are likely to deliver the highest economic and ecological returns, including considering trade-offs with other products and services, it would also involve clarifying and settling tenure issues, creating a conducive institutional and governance framework.

The ultimate success of REDD+, however, will be determined by how well the mechanism considers and addresses the needs and interests of relevant stakeholders. Safeguarding multiple benefits provides an opportunity to address the needs of a large proportion of these stakeholders; in particular smallholders, forest-dependent and Indigenous communities, as well as other communities who critically depend on the services provided by forests for survival and are directly affected by changes in availability of ecosystem goods and services.

Even in instances where multiple benefits result in additional costs, such costs are likely to require little extra investment, with considerable environmental and social benefits. Venter et al. in a widely cited study have shown that for roughly the same carbon benefit, investments could be directed in such a way as to result in greater or lesser biodiversity benefits.⁵ They have indicated that a small compromise on carbon returns can have major benefits for biodiversity and ecosystem services. In this regard relevant information on the spatial distribution of forest carbon, biodiversity and ecosystem services is the key to de-

of these ecosystems to filter, regulate and clean water. Since Rwanda's independence, the area covered by protected areas has been halved from 4115km² to 2073km².⁴ Loss of these ecosystem services has resulted in the relocation of communities, sedimentation of hydro power plants, flooding, landslides and severe erosion.

If planned correctly, the REDD+ mechanism could therefore not only secure forest carbon and avoid that countries would have to incur the replacement costs of substituting for lost ecosystem services, but also deliver significant additional ecosystem and social benefits.

Will the application of safeguards

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services are responding to different REDD+ activities. There are concerns that this could lead to additional costs or put a strain on limited resources. Options do exist that could minimize the need for additional resources, such as using data from existing monitoring schemes within countries. Water quality data, for example, are likely to be collected on a regular basis by government agencies because such information is relevant to human health. Some of the data collected could also be used to monitor multiple benefits from REDD+.

Is addressing multiple benefits worth the investment?

Some concerns have been expressed that addressing multiple benefits will be difficult and costly and therefore lacking the returns on investments that will be required to safeguard the multiple benefits of forest. However the promise of REDD+ is motivating donor and developing countries alike to invest in capacity building in REDD+ specifically, and sustainable forest management more broadly. For decades there has been a consensus that forests are a cornerstone for sustainable development if the multiple benefits of forests are properly valued and cultivated. What has been missing is the catalyst that would help to realize the promise that forests hold. REDD+ could well be that catalyst as it is renewing interest and investment in well-managed forests. This in turn will, with proper planning, result in gains in other areas. As such, REDD+ investments will have efficient and multi-faceted returns.

Additionally many tools, such as those for land use planning; experiences, especially those relating to biodiversity conservation; and relevant capacities for monitoring and assessing elements of the forests already exist and many can be re-oriented to directly address multiple benefits in an efficient way. Consequently, assessing and ensuring mul-

multiple benefits can be achieved at relatively small additional costs. Incorporating stakeholders interested in the multiple benefits (i.e. biodiversity, ecosystem services, and alternative livelihoods) into the development of the REDD+ mechanism will further strengthen the mechanism by drawing on their lessons learned, capacities and expertise. Without a dedicated effort to ensure the continuation of forests and the multiple benefits they provide, REDD+ will not be viable. In addition, only by incorporating the biodiversity benefits, ecosystem services, livelihoods and social importance of the forests will national governments, donors, the private sector and other key stakeholders have a full picture of the contributions of forests to climate change, development and the general well-being of people and the planet, and therefore the added value of conserving forests.

The multiple opportunities ahead

It will be important to set ambitious but reasonable goals for what REDD+ can do for forests. This can be best articulated and analyzed at the national level where relevant approaches and tools can be applied to address risks and to enhance the benefits of REDD+. As with other REDD+ relevant efforts, country ownership of the REDD+ process and meaningful and continued stakeholder engagement is key to developing realistic, effective and equitable safeguards that will help assuage valid concerns about the risks of REDD+. It would be a missed opportunity though, if the potential afforded by REDD+ investments to safeguard, enhance and optimize environmental services and biodiversity was overlooked. Safeguarding forest ecosystem services and biodiversity would contribute multiple benefits to national sustainable development objectives and the transformation of the forest sector and forested landscapes, while mitigating emissions of greenhouse gases.