

REDD+ Implementation in Asia and the Concerns of Indigenous Peoples



ASIA INDIGENOUS PEOPLES PACT (AIPP)

An organization of indigenous
peoples movement in Asia



MAP OF REDD COUNTRIES IN ASIA AND THE ESTIMATED POPULATION OF INDIGENOUS PEOPLES

INTRODUCTION

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Asia Indigenous Peoples Pact (AIPP)

Asia has the most number of indigenous peoples, comprising two thirds of the world's estimated 350-400 million indigenous population. An estimated 88 to 100 million indigenous peoples are found in the 10 REDD+

countries in Asia. These countries are in partnership with the Forest Carbon Partnership Facility (FCPF) of the World Bank, the Forest Investment Programme (FIP) and the UN-REDD as member or observer.

Indigenous peoples in these REDD+ countries and elsewhere have been collectively managing their forest resources for decades, if not centuries. They have their own resource management systems based on an interdependent relationship with nature and a strong regard for the sacredness of forests as part of their cultural heritage. Indigenous peoples have relied on the bounty of the forest for their sustainable livelihoods based on the practice of conservation, simple living and cooperation.



REDD+ Countries in Asia, the population of Indigenous Peoples and status of legal recognition

| No. | Country | Signed by country to FCPF | Estimate of IPs population / % with national population | Ethnic Groups and status of legal recognition | International Partner | |
|--------------|---------------------|---------------------------|---|---|-----------------------|-------------------------------|
| | | | | | FCPF | UN-REDD |
| 1 | Indonesia | 21/10/09 | 50 -70 million, 20-29% | 34 | Member/ FIP | Member |
| 2 | Nepal | 09/08/2008 | 10.6 million, 37.1% | 59 recognized | Member | Observer |
| 3 | Vietnam | 24/04/2008 | 10 million, 13.8% | 53 groups | Member | Member |
| 4 | Lao PDR | 10/03/2008 | 2.4 -4.8 million, 35- 70% | 49 | Member/ FIP | |
| 5 | Thailand | 29/12/2009 | 1.5 million, 2% | 34 | Member | |
| 6 | Cambodia | 17/04/2009 | 197,000, 1.34% | 24 | Member | Observer |
| 7 | Philippines | UN-REDD (2010) | 12-15 million, 10 -15% | 110 recognized | | Observer |
| 8 | Bhutan | UN-REDD (2010) | 98,700, 15% | | | Observer |
| 9 | Sri Lanka | UN-REDD (2010) | 2,000 less 1% | | | Observer |
| 10 | Bangladesh | UN-REDD (2010) | 1.7- 3.7 Million, 1.2 -2.5% | 45 | | Observer |
| Total | 10 countries | | 88 – 100+ Million | | 6 FCPF/2FIP | 2 members, 6 observers |

However, most states in Asia do not recognize indigenous peoples nor their collective rights, especially to their land, territories and resources. State policies and regulations have prevented or restricted the access or use of natural resources including forest resources. In fact, most of the REDD+ countries in Asia have policies of restriction or prohibition on the practice of shifting cultivation or rotational agriculture. These policies have caused food insecurity, loss of biodiversity and traditional knowledge. With these conditions, the implementation of REDD+ has very strategic and serious impacts on indigenous peoples in these countries.

Legal and Policy status of Shifting Cultivation in Asia

| No | Country | Status |
|----|------------|--|
| 1 | Laos | Prohibited |
| 2 | Thailand | Prohibited |
| 3 | Vietnam | Prohibited |
| 4 | Bangladesh | Regulatory law and policy for phasing out |
| 5 | Indonesia | Regulatory law and policy for phasing out |
| 6 | India | Regulatory law and policy for phasing out; banned in some states |
| 7 | Malaysia | Regulatory law and policy for phasing out |
| 8 | Burma | Policy for phasing out shifting cultivation |
| 9 | Bhutan | Policy for phasing out shifting cultivation |
| 10 | Nepal | Policy for phasing out shifting cultivation |

With the incentives for payment and compensation from REDD+ as a mitigation measure to combat climate change, the 10 REDD+ states in Asia have signified their commitment to conserve their forests under the REDD+ scheme. They have received funds for the readiness phase and are currently formulating their National REDD+ Strategies. However, indigenous peoples remain in the margins of processes and mechanisms relating to REDD+ at the global, national and local levels.

This report provides an overview on indigenous peoples in five REDD+ countries in Asia, namely, Indonesia, Nepal, Vietnam, Laos and Thailand and the status of REDD+ implementation in these five countries. It also elaborates on the concerns of indigenous peoples in the current readiness phase and on national REDD+ strategies and provides recommendations on ways forward for REDD+ as it relates to indigenous peoples. It is hoped that this report will contribute to the over-all efforts of indigenous peoples to be heard and for their rights and concerns to be fully taken into account in the current negotiations for a final international agreement on REDD+ and in the formulation of National REDD+ Strategies.



OVERVIEW ON STATUS OF REDD+ IMPLEMENTATION:

All the five countries in this report have submitted their country Readiness Plan Idea Note (R-PIN) to international REDD+ funding partners. Its approval was the basis for the release of initial funds for the implementation of their REDD+ Readiness Phase. In terms of the Readiness Preparation Proposal (R-PP), 4 countries have already submitted their draft R-PP (Vietnam, Indonesia, Laos, Nepal) while Thailand is currently preparing this for submission. Further release of funds will be based on the submission and approval of the R-PP.

National bodies and mechanisms for REDD+ implementation have been set-up involving various state-agencies, mainly the Ministry of Department of Forestry, Agriculture, Environment and Natural Resources. Wider bodies for climate change have also been established. It is notable though that in certain countries, implementation issues have cropped up. These include conflicts in the interest and agenda of certain state-agencies, and between newly-established bodies and mechanisms relating to climate change issues. Lack of coordination between and among members of REDD+ national mechanisms and bodies have also affected the pace and implementation of activities. Most of the activities of these bodies relate to the formulation of National REDD+ Strategies. These include inter-agency consultations, conduct of studies, designation of demonstration areas, identification and formulation of policies relating to REDD+ and testing of methods for monitoring verification, and reporting (MRV).

Indonesia has the biggest committed fund from multiple donors including US\$1 billion from the government of Norway. Indonesia also has the most number of demonstration or pilot areas through the initiatives of NGOs, bilateral donors and state-agencies. Other countries have also undertaken demonstration areas that are being implemented by government agencies (Vietnam and Thailand) or by NGOs (Laos, Nepal). Activities in demonstration areas are mostly focused on the conduct of

studies and testing methods for Monitoring, Reporting and Verification (MRV) of carbon stocks.

CONCERNS OF INDIGENOUS PEOPLES:

Consultations and Representation:

While REDD+ implementation is still at its very early stage, it is nevertheless a critical phase since it will set the framework, policies and identify over-all guidelines in the implementation of the National REDD+ Strategies. These may potentially undermine the rights and welfare of indigenous peoples and forest-dependent communities.

In almost all of these five countries, consultation with indigenous peoples at the grassroots level is not taking place, even in pilot areas. An exception is the case of Vietnam where the Free, Prior and Informed Consent (FPIC) process was undertaken. In Nepal, while consultations with indigenous peoples at the national level are taking place, the key concerns raised by indigenous peoples' representatives were not taken into account. In Indonesia, several consultations have also taken place and some of the recommendations pertaining to policy review were responded to, but fundamental issues for indigenous peoples, particularly the conduct of FPIC with indigenous communities, are yet to be taken on board. In Thailand, in spite of the request of indigenous organizations and civil

society organizations for state-agencies to undertake consultations, this was not granted.

Representation of indigenous peoples in established REDD+ related bodies and mechanisms is also not provided, except in Nepal. In Vietnam, NGO representatives are included in these bodies but there is no representative of ethnic minorities even at the local level of the pilot areas where ethnic minorities account for a significant number, if not the majority. This lack of representation demonstrates the continuing low regard by states of indigenous peoples.

Indigenous peoples therefore continue to assert that states need to immediately conduct consultations with indigenous peoples at all levels (grassroots-national-international) and ensure that their views and concerns are taken into account, especially in pilot areas and in the formulation of National REDD+ Strategies. The formulation of REDD+ strategies should undertake a bottom-up and not a top-down approach. Otherwise, REDD+ implementation will not only fail but will also lead to more conflicts, marginalization and discrimination of indigenous peoples and forest-dependent communities who are already suffering adversely from the impacts of climate change.





Many indigenous peoples fear that the implementation of REDD+ may have the same impacts to them as the imposition of conservation areas such as national parks. This imposition has led to conflicts, physical and economic displacements, food insecurity and loss of income, loss of biodiversity and traditional knowledge due to prohibitions of their traditional livelihoods, resettlement or eviction.

On the other hand, independent studies have illustrated that conservation areas in genuine partnerships and under co-management arrangements with indigenous peoples have been more successful and are mutually beneficial. These partnerships are based on the respect of indigenous peoples' rights, needs and concerns. Likewise, experiences on community forest management and conservation are more sustainable and benefits are more equitable if community land rights/land tenure is recognized over individual land tenure contracts.

Further, carbon stocks and sequestration capacity are higher in indigenous peoples' forests because of the sustainability of their forest management systems. These are important and invaluable findings by independent studies that must be taken into account and strengthened by National REDD+ Strategies for these to be successful. Lessons from on-the-ground experiences of indigenous peoples on forest management must likewise be an integral component of these strategies for these to contribute to climate change mitigation.

Information Dissemination and Capacity Building:

There is a significant lack of information on REDD+ from the government reaching indigenous and forest-dependent communities, even in pilot areas. Most

indigenous peoples at the grassroots areas are not aware of REDD+ and its potential implications on them. This lack of awareness may create conflicts between indigenous and non-indigenous communities, as well as among indigenous peoples, if REDD+ implementation will proceed without a thorough understanding by indigenous peoples of its impacts on their land rights, resource management and livelihoods. So far, only the awareness-raising and information dissemination initiatives of indigenous organizations and NGOs reach indigenous and forest-dependent communities. However, these initiatives remain limited in scope.

Another level of capacity building needed by indigenous peoples is for them to be equipped with the technical know-how to be able to understand the complexities of REDD+, especially the issue of carbon. It should be noted that indigenous peoples have a completely different value system and relationship with the forest way beyond its carbon component. For them, forests are not merely carbon but are an integral part of their existence. "Carbon cowboys" who aim to profit from the value of carbon and carbon market speculation are now entering indigenous communities. Exploitation of indigenous peoples by these groups have therefore become a threat, given their vulnerable state. Thus, in the later stage of REDD+ implementation, the effective participation of indigenous peoples in the Monitoring, Reporting and Verification (MRV) is necessary to ensure the implementation of safeguards and equitable benefit sharing.

General Recommendations:

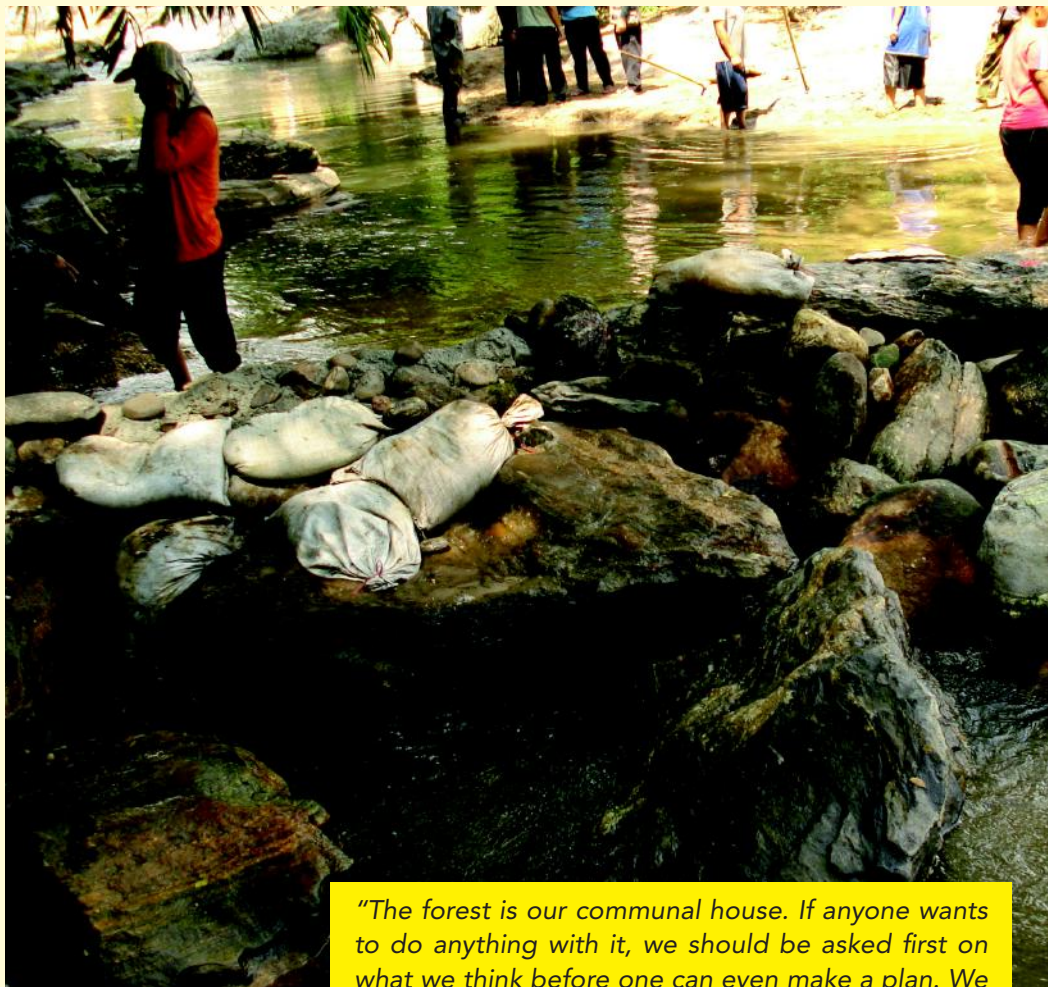
1. Full and effective participation of indigenous peoples must be ensured in the development and implementation of National REDD+ Strategies. These

should involve genuine consultations with and representation of indigenous peoples at all levels in REDD+ processes and mechanisms. Representatives should also be provided with the needed support to ensure mechanisms for feedback and interactions with indigenous peoples for advice and decision-making. States and donors should support awareness-raising and capacity building of indigenous peoples. These are needed to ensure the full and effective engagement of indigenous peoples in REDD+ processes and mechanisms.

2. The provision for Free, Prior and Informed Consent (FPIC) must be guaranteed in the identification/designation of demonstration areas/pilot areas and consequent activities that may have adverse impacts on indigenous peoples. The final draft of National REDD+ Strategies must also be subjected to FPIC of indigenous peoples prior to implementation.

3. Review of national legal and policy framework FOR the recognition of the collective rights of indigenous peoples as embodied in the UN Declaration on Indigenous Peoples (UNDRIP). In particular, issues relating to collective land rights/ tenure, ownership of carbon, sustainable management of forest in relation to sustainable practice of traditional livelihoods must be resolved within the framework of respecting and protecting the rights of indigenous peoples and through their effective and full participation.

4. Benefit sharing must be fair and equitable and indigenous peoples should have the freedom to collectively decide the form and terms of benefit sharing that shall take into account their needs, livelihoods, traditional knowledge, and community cohesion, among others.



"The forest is our communal house. If anyone wants to do anything with it, we should be asked first on what we think before one can even make a plan. We have taken care of the forest for generations and this is all we have for our survival. Why are we being ignored?"

-Indigenous leader, Thailand



The Situation of Forest-Dependent Ethnic Minorities in Viet Nam and their concerns on REDD+

Prepared by the Center for Sustainable Development in the Mountainous Areas (CSDM), Vietnam

Impact of deforestation and forest degradation on ethnic minorities

Viet Nam has a total land area of 330,000 km² (or 33 million ha). Mountains and hills account for three quarters of the total land area. The officially-designated forest land area is 16.2 million ha or 49 per cent of the total land area. The actual forest area was 13.1 million ha (or 38.7% of total land area) by the end of 2008, including 10.3 million ha of natural forest and 2.8 million ha of plantation forest. Forests are home to over 25 million people of which 15 million are ethnic minorities, who account for 13 per cent of the total Vietnamese population.

Despite steadily increasing total actual forestry coverage in Viet Nam, deforestation and forest degradation still occurs, such as in the Central Highlands, Central and South-East Coastal area, and the Northern Mountains Region. According to the report of National Forest Inventory, Monitoring and Assessment Program (NFIMAP) Phase III, over two-thirds of Viet Nam's natural forest is considered of poor quality, while rich and closed-canopy forest constitutes only 4.6 per cent of the total (in 2004), and is mostly located in remote mountainous areas. The report also shows that forest quality and biodiversity are continually deteriorating. Between 1999 and 2005, the area of the natural rich forest decreased by 10.2 per cent and medium forest reduced by 13.4 per cent.

Due to deforestation and forest degradation, both timber and non-timber forest products are being exhausted, and forest-dependent people's livelihoods are affected negatively. Because of the population pressure and reduced per capita forest area, the lack of cultivation land becomes a big problem for villagers, especially for the newly-married couples. In addition, the soil quality is degraded due to unsuitable cultivation, for instance, the plough for rice and maize cultivation that Kinh people use in the flat paddy rice fields is used for sloping land, but many are not applying SALT (*Sloping Agriculture Land use Techniques*). As a result, in many places the soil layer on sloping land becomes much thinner and rocks prevail. A Hmong old lady said, "Today, rocks sprout so quickly and so many of them!"

Apart from population growth, ethnic minority people have difficulties in accessing off-farm jobs due to limited professional qualifications. Young adults stay in the local area to live in their village, so the per capita agricultural land continues to reduce. With the allocated production forest land, the local people's forest income is low and reducing. The cooperation within communities in using and managing forests is still weak, which leads to limited access to the plantation input and the markets. So the value of forest products is low and there is

no long-term economic strategy of households and communities. However, in some areas, local people created institutions, cooperated in forest protection and had reasonable forest income with effective support by outside agencies or projects.

In terms of culture, the forest is as the heart of ethnic minorities. The loss of forests negatively impacts their spiritual lives and traditional customs. For example, the sacred forest of a community reflects culture, customs, and especially traditional values carried from generation to generation. Ethnic minorities believe that every hill, stream and mountain is governed by deities that give them a happy life, so from their heart, they respect and protect forest very effectively, using their own community regulations. Thus, the sacred forests support biodiversity conservation and water source protection. However, in many cases, the traditional regulations are no longer enforced by communities, and as a result, they have started to neglect the forest, while the traditional connections among communities have also started to disappear.

In the context of climate change, ethnic minority groups are more vulnerable and are increasingly affected by natural disasters and extreme weather. Local people do not have enough resources to respond or adapt to serious natural disasters, in particular, which are being aggravated by climate change. Indigenous knowledge

that has been transferred and enriched from generation to generation is not sufficient to provide full solution in the present conditions and needs to adapt to the increasing extreme climate phenomena such as flash floods, landslides and droughts.

The Vietnam's response to climate changes and REDD+

Since November 1994, Vietnam has ratified two important international agreements - the UNFCCC and the Kyoto Protocol, in Sept. 2002. It has also ratified various multilateral environmental agreements (MEAs) such as the Convention on Biological Diversity (CBD), Convention to Combat Desertification (CCD), Convention on Wetlands (RAMSAR), among others. As part of the country's obligation to the UNFCCC, Vietnam established special bodies and mechanism for its implementation: the National Steering Committee composed of the Ministries of Natural Resources and Environment (MONRE), Agriculture and Rural Development (MARD) and other line ministries to respond to climate change and chaired by the Prime Minister; MARD's steering committee for Action Plan chaired by the minister; the Ad-hoc REDD+ Technical Working Group chaired by the Department of Forestry (DOF) in MARD and co-chaired by a donor on rotational basis.



National specific plans on climate change have been formulated and issued by the government. These include the National Target Program to Respond to Climate Change, where REDD+ is a key component, and the Action Plan Framework of Climate Change Adaptation and Mitigation.

Status of implementation of REDD+ Readiness phase by the government

Vietnam has participated in key international initiatives on REDD+. It is implementing capacity building for REDD+ readiness (US\$4.4M) under the UN-REDD program. Vietnam's Readiness Plan Idea Note (R-PIN) was approved and a draft Readiness Preparation Plan (R-PP) has already been submitted to the Forest Carbon Partnership Facility of the World Bank. It is also involved with the Interim REDD+ Partnership since May 2010. An institutional arrangement and coordination was set up for REDD+ implementation in the country. These are the creation of a REDD+ taskforce, a national REDD+ network and working group for preparation of the National REDD+ Program. Key activities that were undertaken include: awareness raising for government agencies in various levels organized in collaboration with different programs, projects and partners; the development of a communication strategy; conducting free, prior and informed consent (FPIC); and development of website and video clips on REDD+.

Along with raising awareness on REDD+, technical capacity building were also undertaken, some with the support of foreign donors and agencies. Sub-technical working groups were set up; technical workshops were organized (with support from RECOFTC - The Center for People and Forests, Winrock, ICRAF - World Agro forestry Centre, JICA - Japan International Cooperation Agency); and staff capacity building through participation in technical workshops overseas was done. Other activities include the development of a forest database and interim REL (Reference Emissions Level) - with support of JICA, Finland (Nordeco, FOMIS), TFF, UN-REDD and Winrock; policy formulation and development of programs such as the national REDD+ Program with support of Finland and Norway (UN-REDD); development of Concept Note for piloting REDD+; preparation of and support for NFIM (MRV/ Monitoring, Reporting and Verification) with support of the Food and Agriculture Organization (FAO)-Finland, UN-REDD and FORMIS; preparation for testing REDD+ options with ICM (GTZ), SNV, FFI and ICRAF; and international experience sharing such as the organization of regional FPIC workshops and participation in other regional activities.

Initial preparation efforts for REDD+ are taking place in Lam Dong province with the following objectives:

- Help the Commune, District, and Provincial Peoples Committees to learn how to improve their land-use and socio-economic development plans so that the

forest can be conserved, and the local people can benefit from REDD+;

- Help to develop ways in which local people can measure how successful they have been in reducing the amount of carbon dioxide emissions;
- Design a system to ensure that the money is paid to the right people, and the amount of money received by households or communities reflects the efforts they have made
- Raise the general awareness of the population about climate change, REDD+, and how Viet Nam plans to implement REDD+.

REDD+ is being piloted in two districts - Di Linh and Lam Ha - with a total of 34 communes comprising 280 villages and small towns. In these two districts, the program has finished its pilot on Free, Prior and Informed Consent (FPIC) and is now expanding towards the remaining villages. The UN-REDD program is hosted by the Ministry of Agriculture and Rural Development (MARD) and is being implemented by the General Department of Forestry (GDF, MARD) in collaboration with the Lam Dong Provincial People's Committee (PPC), through its Department of Agriculture and Rural Development (DARD).

While it is very commendable on the part of the government of Vietnam and UN-REDD to have taken the initiative to pilot the implementation of FPIC among ethnic minorities, it is also important to draw the lessons from this experience as a guide to further FPIC processes not only in Vietnam but also to other REDD+ countries. It should be noted that the FPIC process was conducted in a very short period of time, and the key question asked was very general as "do you want your forest to be conserved?" without further explanation on the implications of REDD+ to their livelihoods, land tenure as well as on their views on benefit sharing, resource management, culture and identity among others. In spite of the limitations in the piloting of FPIC, it nevertheless demonstrates the goodwill of both the government of Vietnam and UN-REDD to engage with ethnic minorities at least in the pilot areas of REDD+. Most of those who participated in this process said it was the first time for them to be involved in any consultation process.

Concerns of Indigenous Peoples in REDD+ implementation

In general, most of the ethnic minorities know very little about climate change and almost nothing about REDD+. Even in the two districts of Lam Ha and Di Linh, REDD+ still unclear to them, although UN-REDD teams have explained these concepts during FPIC processes. It can be seen that REDD+ is new and difficult to understand especially in relation to technical terms and concepts such as carbon trade, carbon ponds, carbon credit etc.



However, they can understand this when explained in relation to protection and conservation of forests.

So far, only the UN-REDD program and the SNV REDD+ Pro-poor project in Lam Dong province have undertaken the FPIC process. However, no evaluation has been done on how these activities help ethnic minorities (communities and or leaders) understand REDD+-related projects and there is no support to build or strengthen their capacities in collective decision-making on REDD+. In addition, there are no representatives of ethnic minorities in bodies set-up for REDD+ at the national, provincial and district levels. These bodies are mainly composed of representatives of government bodies, international NGOs and some local NGOs. This lack of representation is a clear manifestation of the absence of the full and effective participation of ethnic minorities in mechanisms relating to REDD+. Likewise, the views and concerns of ethnic minorities are also not taken into account fully in the REDD+ processes.

In Viet Nam, land/forest lands have been allocated to ethnic minorities covering individual/households under certificates of land-use. However, the Land Law 1992 does not recognize community land-use rights of ethnic minorities. The government is currently undertaking a pilot program on allocating land for community use. This is largely based on studies on community forest management wherein the findings clearly demonstrate that land tenure is a critical issue in ensuring a more equitable and sustainable community forest management. It is thereby hoped that collective land rights and land tenure for forest-dependent communities will be properly addressed in the REDD+ Strategy of Vietnam, particularly in relation to its legal and Policy Framework.

While the government of Vietnam expressed its willingness to provide for benefit-sharing on REDD+, this must be made equitable especially as land holdings are currently more individually owned and forest conservation contracts are also in the hands of a few individuals. Further, funds generated from REDD+ shall also take into account clear measures to reduce the gaps in socio-economic indicators between ethnic minorities and the majority of Kinh people. With increased commercial value on forests, especially relating to carbon stocks, compensation from REDD+ projects may lead to increased land speculations in forest areas, and ethnic minorities may end up manipulated by opportunist individuals and carbon cowboys if their capacity to engage with REDD+ projects is not strengthened.

Another key concern is the possible impacts of REDD+ in relation to the continuing practice of cultural rituals and on the traditional livelihoods of ethnic minorities. There is concern that forest and natural resource-based livelihoods can be identified as drivers of deforestation and therefore, its practice may be curtailed or banned altogether. In fact, the practice of shifting cultivation or rotational agriculture is legally prohibited. These forms of livelihoods are linked to their identities and traditional culture. This will therefore have serious implications on the ways of life, food security and traditional knowledge of ethnic minorities.

Brief Background:

Indigenous peoples in Laos are in a period of rapid social and cultural change. Government policies related to resettlement and stabilization of shifting cultivation continue to impact people. The policies are, in part, supported by numerous international donors. Land-hungry investments in hydropower, mining and plantations are having wide-ranging impacts on food security and are leading towards increased village relocation, loss of land and general degradation of livelihoods. Indigenous peoples' coping mechanisms are not able to adapt to such massive external shocks. Research has shown that due their reliance on these natural resources, indigenous peoples are shouldering the brunt of the negative impacts from the exploitation of these resources, especially women and children.

The Government of Laos (GoL) does not officially recognize the existence of indigenous peoples regardless of their being a signatory to the UNDRIP (UN Declaration on the Rights of Indigenous Peoples). The preferred term is simply "ethnic group" as this implies all people in the Lao political space and does not give special rights to any groups. The National Assembly, with the Lao Front for National Construction, Ethnic

Group Division, has recently approved the GoL official document relating to the number and names of the ethnic groups in Laos. Demographically, the country has a total population of approximately six million people with: eight Lao-Tai groups (64.9%), 32 Mon-Khmer (22.8%), Tibetan-Burman (3.0%) and two Hmong – Ieo Mien (9.3%). The Lao Constitution does not assign any specific rights to any one of these groups.

Current Status of REDD+ Projects in Laos:

The Laos Readiness Preparation Proposal (RPP) has been submitted to the World Bank Forest Carbon Partnership Facility (FCPF) in last August 23, 2010 and is awaiting approval; funds (US\$3.2 million) will then be released to begin the preparation phase. This will mean the establishment of a REDD Division in the Department of Forestry, new staff, equipment and powers. REDD+ pilot sites will be included. The R-PP does mention indigenous peoples within the context of the World Bank (WB) safeguards but also says that the GoL prefer the term ethnic group and uses this term throughout. The WB does layout a comprehensive "Stakeholder Participation and Consultation Plan" to include ethnic groups in pre-REDD activities and in the Social and Environmental Impact Assessment (SEIA). They have

Indigenous Peoples and REDD+ in Lao PDR

*Prepared by Global Association for People
and Environment (GAPE)*



also supported the activities of the REDD Task Force during 2009-10. Once the R-PP is approved, the task force will be supported by a number of working groups, both technical and social in scope.

REDD projects include Deutsche Gesellschaft für Technische Zusammenarbeit/German Agency for Technical Cooperation – Wildlife Conservation Society (GTZ-WCS) (Euro12 million) and JICA (US\$1.6 million) - both in the early planning stages with field level activities expected to start in early 2011. Communities have not been involved yet. Both projects are operating in state- owned forest thereby making carbon ownership and direction of benefits clear (i.e., to the government). JICA (Japan International Cooperation Agency) is planning one pilot site in a communally-owned and managed forest which may create new opportunities for benefits to reach villages. JICA is focusing more on the technical issues of REDD+ while GTZ is including benefit and financial mechanisms. Given the GoL position on indigenous peoples, GTZ and JICA have taken to using “local communities” and avoid conflict with the government. GTZ is producing a regional REDD FPIC (Free, Prior and Informed Consent) manual for community workers which may be translated into Lao language.

Other organizations (IMPACT) and donor (Agence Française de Développement: AFD) have visited Laos to gather information on possible involvement in REDD+.

Concerns of Indigenous Peoples in REDD+ implementation

To date there has been little participation of any communities in REDD+ projects which are in the very stages of planning. Consultations are planned before projects begin field activities. There has been attendance by indigenous peoples in the REDD task force meeting which could continue for future REDD+ working groups. But, given the position of the GoL, there will be no specific identification of indigenous peoples for this. Indigenous peoples have also given presentations to government on UNDRIP, REDD and FPIC which expressed concerns, but more generally regarding all rural communities that may be impacted by REDD+. It is unlikely that indigenous peoples’ concerns will be given special rights-related attention in the future. These will, however, come out more generally as the community level consultations move ahead, if done well.

Concerns of Indigenous Peoples in REDD+ implementation relating to the respect of their rights and welfare

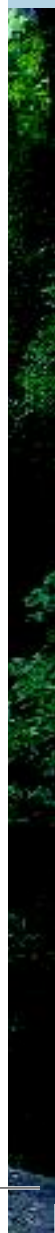
There have been no consultations held with any rural communities at this time as REDD+ projects are in the very early stages. There has been some input from indigenous peoples that work with NGOs and REDD+ awareness-raising meetings. Information about REDD+ has been disseminated to some community leaders (meetings, presentation, written materials) but not in areas where REDD+ projects are planned. Indigenous peoples working for international NGOs have expressed concern about the enclosure of national parks and restriction on shifting cultivation

Specific recommendations

At this time, there is low involvement of local organizations working on the rights of indigenous peoples and REDD+ in Laos. In fact, the Asia Indigenous Peoples Pact (AIPP)-supported project is the only one in the country; without this there would be no critical analysis of government and donor REDD+ activities. Continued support is, therefore, important.

Community-level work will prove the most effective thereby avoiding the central level policies and jargon. The GoL acceptance of the use of FPIC is a promising step to gaining better input from indigenous peoples. Local organization involvement in this process is possible and will offer 3rd party verification. To reach indigenous peoples that may be impacted by REDD+ projects, cooperation with existing REDD+ projects is needed. This will also provide some protection as the REDD+ project implementer can engage more effectively than local civil society.

Additional NGO efforts should encourage future REDD+ demonstration sites to include non state-owned forests and try supporting the possibility of issuing communal land titles which could be more equitable for communities and the benefits from REDD+.





Introduction

The total population of Thailand is 67 million (est.) of which approximately 1.5 million are indigenous peoples. They live in the north and western part of Thailand, accounting for two percent of the Thai population. These include Karen, Hmong, Mien, Lisu, Lahu, Akha, H'tin, Khamu, Dara-ang, Kachin, Shan, Bisu, and Mlabri. These groups have generally been recognized as 'Hill Tribe' or Thai Highlanders' by the Thai government and others. In addition, there are also other indigenous groups who live in other parts of Thailand such as Yakkru, Suay, Song, etc. in Eastern and central part, Mokan, U-rak-ra-woy and Mani in the southern part.

Most of the indigenous peoples depend on natural resources for their living. Their way of life is therefore inextricably linked with natural resources surrounding them such as land, forest, water and sea. They have sustainably managed and used these resources for their food, shelter, medicine, spiritual life and learning space. They have learned, practiced, adjusted and passed down such knowledge from generation to generation for hundreds of years. These are crucial for their survival and well-being. Such practice, however, has not yet been recognized by the government.

Presently, they are facing numerous difficulties due to government policies and laws on natural resource management. Many areas were taken and declared national parks and wildlife sanctuaries. These have led to conflicts over natural resource management, resulting to human rights violations.

The status of REDD+ Readiness Phase implementation and the concerns of indigenous peoples in Thailand

Prepared by the Indigenous Peoples' Foundation for Education and Environment (I.P.F)

There have been a few attempts to solve these problems, such as the Joint Management of Protected Areas (JoMPA) (2004-2008) which uses the ecosystem approach and supports participation of all involved stakeholders. Another initiative is the issuance of community land titles to villagers who occupy state-owned lands, both non-forested and forested (i.e., national parks, forest reserves). There remains problems with implementation, particularly on the issuance of community land titles in protected areas. These initiatives, however, are considered 'good practices', although improvements are still needed to ensure recognition and respect for the rights of indigenous peoples and local communities.

Status of implementation of REDD+ readiness phase by the government

Thailand became a REDD+ participant country of the World Bank Forest Carbon Partnership Facility (FPCF) after its Readiness Project Idea Note (R-PIN) was accepted in March 2009. Thailand, through the

Department of National Park, Wildlife and Plant Conservation (DNP), Ministry of Natural Resource and Environment (MINRE) is currently in the process of developing the Readiness Preparation Proposal (R-PP). The process has been slow as all bilateral activities/ programs require an approval from the Cabinet before it can proceed, as stipulated by the Constitution Law (Section 190).

The areas that the DNP plans to launch its REDD+ pilot project are in two provinces in the west of Thailand – Kanchanaburi and Ratchaburi, covering 20 villages. These areas are the homeland of indigenous Karen people, both Po and Chagaw group, and other ethnic groups. These are the same areas where the DNP implemented its first phase of the Tenasserim Biodiversity Conservation Corridor project (BCI) (2006-2009), a 10-year project funded by the Asia Development Bank (ADB). Some activities from BCI have been carried forward to the REDD+ pilot project (from R-PIN), such as community revolving funds, forest zoning, etc.

Due to technical and budgetary problems in developing the R-PP, no activities have yet been implemented on the pilot areas, but a number of REDD+-related activities have already been undertaken by a few government agencies. These include a study on the underlying causes of deforestation and reference emission level which was initiated and supported by the Thailand Research Fund. Moreover, the Office of Natural Resources and Environmental Policy and Plan under the MINRE has prepared a draft 10-year (2010–2019) national master plan on climate change. This master plan is made up of three strategies. Forest sector is one of the main issues

highlighted in this master plan, particularly in strategy number 2 – “Promotion involvement of all sectors in reducing greenhouse gas emissions and increasing carbon sinks based on sustainable development.” There is a specific project under strategy 2 that makes direct reference to the promotion of REDD+ activities - (workplan 2.2.2(5)). Again, participation from civil society (CSO) or communities in formulating this draft master plan was absent or very limited. As a result, protests were undertaken by civil society, including the Network of Indigenous Peoples in Thailand (NIPT). CSOs and POs demanded that the Prime Minister, Abhisit Vejjajecha, as Chairman of the National Climate Change Policy Committee, suspend such plan and establish a new process to draft the master plan with full and effective participation from all sectors. It is still uncertain whether this master plan will be canceled. In addition, the DNP has recently established a working group on REDD+ in order to move the issue ahead.

Concerns of indigenous peoples in REDD+ implementation

Thailand has not yet fully implemented its REDD+ readiness programme. It is still in an initial stage but a number of concerns on its potential impacts were expressed by indigenous communities, particularly on access to information and participation in REDD+ project activities and possible human rights violation and other social conflicts.

Lack of information and participation

The R-PIN was developed and submitted to the FCPF without any involvement of indigenous communities. Also, villagers in the pilot areas have neither been



consulted nor informed about such initiative. Villagers only became aware of this project after the drafting of the concept note was already done. In addition, there was no indigenous representative present in the working group on REDD+ which was recently established by the DNP. There was also no participation from indigenous peoples in the recent drafting of the national master plan on climate change. Additionally, villagers also fear that they may not have enough capacity to effectively participate in the REDD+ project as they lack basic skills (reading and writing) or knowledge and experience in negotiations, among others. Also, no mechanisms have yet been set up to ensure protection of their rights.

On further human rights violation

Villagers fear that implementation of the REDD+ project will strictly limit or control their access to natural resources such as collection of non-timber products, of fuel woods and timber for household construction and maintenance. In addition, it will impact their traditional farming system such as rotational farming which will affect their life, livelihoods and food security.

Division among indigenous communities

Villagers are also concerned that the REDD+ project may create division among villagers and between nearby communities. Some may view the REDD+ project as providing benefits to them such as financial rewards (from selling carbon credits) and other forms of support from governments and other stakeholders. Others, on the other hand, may view this differently, thus causing disunity.



Specific recommendations

1. Government or concerned agencies should provide all information related to REDD+ to affected villages in a format understood by communities and prior to the implementation of any project.
2. The REDD+ readiness phase must involve indigenous peoples and local communities in the very beginning of project implementation such as development of concept note until the end of the project – not when the project has already been started.
3. Government and concerned agencies should promote and support existing efforts undertaken by communities and indigenous organizations:
 - A. Awareness raising activities
 - B. Capacity building activities
 - C. Monitoring mechanism, such as REDD+ Watch Network
4. Establishment of a regular dialogue with the concerned government agencies to ensure that indigenous peoples' concerns and views are well-respected and taken into consideration when implementing REDD+ related activities.
5. Implement safeguard mechanisms at local, national, regional and international levels to ensure that indigenous peoples' rights are recognized and protected.





Situation of Indigenous Peoples in the REDD+ Process in Nepal

Pasang Dolma Sherpa

National Federation of Indigenous Nationalities (NEFIN)-Nepal

Nepal has a population of 22.7 million (2001 census) with immense cultural diversity. Indigenous peoples, referred to as indigenous nationalities (Adivasi Janajati), make up 8.4 million or 37.19 per cent of the total population. However, indigenous peoples' organizations claim that they have been underrepresented in the census, and that their actual population comprises more than 50 per cent of the total population. Fifty-nine (59) indigenous nationalities have been legally recognized under the National Foundation for Development of Indigenous Nationalities (NFDIN) Act 2001. The NFDIN Act defines indigenous nationalities (Adivasi Janajati) as communities who perceive themselves to be distinct groups and who have their own mother tongue, traditional culture, written and unwritten history, traditional homeland and geographical areas, plus egalitarian social structures. There are a number of indigenous communities yet to be recognized. The indigenous peoples of Nepal inhabit different parts of the country - from the Himalaya Mountains to the hills and plains. Because of continuing marginalization and

economic deprivation, including limitations to access to natural resources, the indigenous peoples of Nepal belong to the most impoverished sector.

The government of Nepal ratified ILO Convention 169 (ILO 169) in September 2008, becoming the first country in Asia to ratify this Convention. At present, the government of Nepal is drafting its new Constitution.

Status of implementation of REDD+ readiness phase by the government of Nepal

Nepal became a participant country of the World Bank's Forest Carbon Partnership Facility (FCPF) in 2008 after the submission of its Readiness Plan Idea Note (R-PIN). Nepal then received US\$0.2 million from the World Bank (WB) for the preparation of a Readiness Preparation Proposal (RPP) which was approved on 19 April 2010. With the approval, the World Bank allocated \$3.4 million to enable Nepal to move ahead with the preparation for readiness in the country.

The REDD-Forestry and Climate Change Cell (or REDD Cell) was established to prepare Nepal for REDD+ implementation. The apex body is chaired by the Hon. Minister of MoFSC and consists of the National Planning Commission; the Ministries of Environment, Finance, Tourism, Water Resources, Agriculture, Land Reform and Management, and Industries as members.

However, due to the present political instability in Nepal, the budget has not yet been released by Nepal's Cabinet. As a result, the REDD-Forestry and Climate Change Cell has not been able to specify any REDD pilot area and has not proceeded with its implementation.

In the R-PP preparation, NEFIN became a member of the consortium group in the Implementation Component 1 b: Stakeholder Consultation and Participation of RPP in three districts in Nepal. This component was carried out by a consortium of seven organizations, namely, the Federation of Community Forest Users' Nepal (FECOFUN), Nepal Foresters' Association (NFA), Dalit Alliance for Natural Resources (DANAR), Himalayan Grass-roots Women Natural Resources Management Association (HIMAWANTI), Association of Collaborative Forest Users' Nepal (ACOFUN), and the Nepal Federation of Indigenous Nationalities (NEFIN). The consortium conducted workshops in 12 districts of Nepal.

Apart from the R-PP development process, the REDD Cell is also working on the formulation of the Interim REDD Strategy (with financial support from the WWF-World Wide Fund for Nature) and is engaged in the development of REDD+ Social and Environmental Standards.

Concerns of indigenous peoples' in REDD+ implementation

While the government of Nepal has ratified ILO Convention 169, the provisions of this Convention relating to the respect for the rights of tribal and indigenous people, as well as protection of traditional livelihood, are not incorporated as part of the framework of the interim REDD Strategy. Further, no references were made on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in the REDD and Climate Change Strategy documents. These concerns were raised by NEFIN as a member-organization of the REDD-Forestry and Climate Change Cell formed by the government of Nepal. Indigenous peoples of Nepal fear that the implementation of REDD+ will be similar to the implementation of National Parks in forest areas that resulted in the displacements of some indigenous peoples, and the prohibition to their livelihood activities such as shifting cultivation or rotational agriculture. Thus, the Policy Framework of REDD in Nepal remains problematic in ensuring the recognition of the rights of indigenous peoples as part of the international human rights obligation of the government of Nepal under ILO 169 and the UNDRIP. Further, the full and effective participation of indigenous peoples in the mechanisms and processes relating to REDD+ is also very limited as their issues and concerns are not properly taken into account in the formulations of plans and strategies relating to REDD+.

At the local level, several organizations have been conducting their own activities related to REDD+ through



information dissemination and development of demonstration areas/pilot areas. The main focus of these activities was more related to conservation measures relating to climate change mitigation and on the REDD+ process. On the other hand, the roles, rights and livelihoods of indigenous peoples were not included in the information dissemination. This concern was raised by indigenous peoples in Gorkha and Chitwan - both of which are REDD pilot areas. They fear that indigenous peoples' issues and concerns are not being taken into account, which may lead to potential conflicts if not properly addressed especially in REDD pilot areas.

Another concern that was raised by indigenous peoples in forest areas is the conflict between indigenous peoples and the government-recognized Community Forest Users Groups (CFUG). Certain prohibitions on livelihood practices of indigenous peoples, such as gold panning along the river, were imposed by the CFUG. This was done without thorough consultation and decision making with the effective participation of indigenous peoples through a Free, Prior and Informed Consent process. This case was expressed by the indigenous Khunaha community in Sanone Shri VDC in Western Nepal. When they demanded that they resume gold-panning, they were required to pay Rs20.00 per person to the CFUG. Many indigenous peoples of Nepal believe they are not properly represented and continue to be marginalized by many Community Forest Users Groups



that are largely dominated by the caste system. Thus, they are worried that if the REDD+ policy, programmes and activities will not incorporate the recognition of their rights, including their sustainable traditional livelihoods, this will lead to further marginalize them in the Community Forest Users Group, and will lead to more conflicts.

While consultations with various stakeholders are taking place at the national level, mostly with national NGOs and organizations, these consultations are not yet taking place at the grassroots level. This is critically important in order to ensure that information is shared at the local level, and the views and concerns of indigenous peoples and local communities especially in forest areas are properly addressed and fully taken into account in the design, policy and programmes relating to REDD+. This gap between the national processes and local information dissemination and consultations must be immediately addressed in the formulation of strategies for REDD+ in Nepal.

Recommendations:

At present, the awareness level on REDD+ is more on the national level and has only partly reached the local level through the efforts and initiatives of NEFIN and other NGOs. This situation has deprived many indigenous communities from opportunities to gain understanding

of and increase their knowledge on the issues of climate change and REDD+. REDD+ implementation in Nepal will only be effective if cooperation and support by indigenous peoples and local communities in the grass roots level are gained, recognized and respected. It is recommended, therefore, that more awareness and capacity building programs and activities be undertaken among indigenous peoples on REDD+. More importantly, these activities should include awareness-raising on their rights as it concerns REDD+ and lead towards ensuring that their welfare are given due consideration and are upheld in REDD+ implementation.

While REDD implementation in Nepal is at its early stage of preparation, it is crucial that the consultation process at the national level takes into account the rights and concerns of indigenous peoples. Likewise, a thorough and sustained information dissemination and consultations in the grass roots level by the government should commence immediately. While the national government is still in the process of drafting the new Constitution of Nepal, the REDD+ processes must already take into account the recognition of the rights of indigenous peoples as part of Nepal's obligations under ILO 169. Ensuring the full and effective participation of indigenous peoples at all levels and in all the mechanisms and processes relating to REDD+ will minimize conflicts and lead towards a better and effective strategies and actions relating to REDD.



Lastly, intergovernmental bodies and NGOs that are undertaking REDD+ activities in Nepal must also recognize the rights of indigenous peoples. This includes their right to own and manage their forests and resources, to continue practicing their traditional livelihoods and to full and effective participation in REDD+ processes and projects, taking into consideration their free, prior and informed consent. Their roles in forest management and their traditional practices related to these must also be recognized and supported.

The total population of Indonesia is now estimated to be 234 million.¹ However, no official data is available on the number of indigenous peoples. There are "remote customary communities" (*Komunitas Adat Terpencil/ KAT*) totaling 1,192,164.² *Aliansi Masyarakat Adat Nusantara/AMAN* (Indigenous People Alliance of the Archipelago) estimates Indonesia's indigenous peoples range from 50 to 70 million in number.

Policies on Climate Change and REDD+ in Indonesia

In relation to climate change, President Susilo Bambang Yudhoyono (SBY) expressed Indonesia's commitment to reduce carbon emissions by 26 per cent by 2020. This commitment consequently requires the government to set adequate legal regulations and institutions to achieve this goal. He also formed the National Climate Change Board (DNPI). The objective of the Board is to coordinate climate change control and to strengthen Indonesia's position in international climate forums.

1 . Badan Pusat Statistik. *Perkembangan Beberapa Indikator Utama Sosial-Ekonomi Indonesia* Maret 2009, (Jakarta, 2009), 164. http://www.bps.go.id/download_file/booklet_leaflet/booklet_okt2009.pdf (6 Desember 2009).

2 . Departemen Sosial Republik Indonesia. Direktorat Jenderal Pemberdayaan Sosial. *Atlas Nasional Persebaran Komunitas Adat Terpencil*, (Jakarta, 2003), 88.

DNPI is headed by the President and is assisted by the Coordinating Minister of People's Welfare (*Menko Kesra*) and the Coordinating Minister of Economy (*Menko Perekonomian*). The members comprise governmental officials, namely, 17 ministers and the head of the Meteorology and Geophysics Agency.

In its operations, DNPI is assisted by several working groups, namely, Working Group on Adaptation, Working Group on Mitigation, Working Group on Technology, Working Group on Funding, Working Group on Post Kyoto 2012, and Working Group on Forestry and Land Use Change. In 2007, DNPI published a national action plan to address climate change (RANMAPI) to guide governmental agencies in the coordination and integration of climate change mitigation and adaptation measures in various sectors.

In the forestry sector, the Forestry Department formed the Working Group on Climate Change, through the Minister's Decree (KEPMENHUT) No. SK. 13/Menhut-II/2009, passed on 12 January 2009. The head of the working group is a Ministerial Adviser on partnership. In general, the working group has the duty to provide input to the Forestry Minister regarding policies, processes and mechanisms on the mitigation and adaptation measures of the Forestry Department.

Status of REDD+ Implementation and the Concerns of Indigenous Peoples in Indonesia

*Prepared by Aliansi Masyarakat Adat Nusantara (AMAN)-
Alliance of Indigenous Peoples of the Archipelago- Indonesia*





In mitigating climate change, the Forestry Department specifically formed the Working Group on REDD+. The working group has the duty to provide recommendations about the implementation plan of REDD+ in Indonesia.

Policies on REDD+ in Indonesia

Currently, there are at least three policies that directly regulate REDD+ in Indonesia. These are:

1. Forestry Minister Decree No. P.68/Menhut-II/2008 on implementation of Demonstration Activities – REDD+ (DA-REDD+)

On 12 December 2008, the Forestry Department issued Forestry Minister Decree No P.68/Menhut-II/2008. The decree regulates “readiness” to implement REDD+ in Indonesia through Demonstration Activities Reducing Emission from Deforestation and forest Degradation (DA-REDD+). The demonstration was a pilot implementation of REDD+ methodology, technology and institutions in Indonesia.

2. Forestry Minister Decree No P. 30/Menhut-II/2009 on REDD+ Procedures

On 1 May 2009, the Forestry Minister issued Forestry Minister Decree No. P. 30/Menhut-II/2009 on REDD+ procedures. The decree aims to reduce deforestation and forest degradation in order to mitigate climate change. Through the decree, the government attempts to demonstrate its readiness to fully implement REDD+ in Indonesia (post 2012) with regards to policies. The policy states that REDD+ will be implemented in areas that have been granted a Timber Utilization Permit (natural forests, plantation forests, community-based

forests, community plantation forests and restoration); in forest management integration unit (production, protected, conservation forests); and in conversion forests, customary forest, privately-owned forests and village forests.

3. Forestry Minister Decree No. P.36/Menhut-II/2009 on Licensing of Carbon Absorption or Storing in Production and Protected Forests

On 22 May 2009, the Forestry Minister issued Forestry Minister Decree No P.36/Menhut-II/2009 which regulates environmental service utilization (IUPJL type) permit granted over production and protected forests for the storage and absorption of carbon. The activities can be undertaken in the forest with or without permits. Carbon Absorption (RAP-KARBON) through REDD+ schemes places emphasis on increasing the number of forest stands, whereas Carbon Storing (RAN-KARBON) through the Clean Development Mechanism (CDM) focuses on maintaining, protecting and securing forest areas.

REDD+ Readiness Strategies

REDD+ readiness strategies are carried out through national approaches and are implemented at the sub-national level (Province and District). At the national level, there are five main activities, namely, (1) policy intervention to address the drivers of deforestation and forest degradation on five landscapes; (2) issuance of REDD+-related policies (Permenhut No. P.68/Menhut-II/2008, Permenhut No. P.30/Menhut-II/2009, and Permenhut No. P.36/Menhut-II/2009); (3) preparation of REDD+ methodology, i.e., setting Reference Emission Level (REL) and building Measuring, Reporting, and Verification (MRV) system; (4) institutional preparation, i.e., national registration, funding, distribution of incentives and responsibilities, capacity building, communication-consultation-coordination with stakeholders; and (5) relevant analysis (REL, MRV, cost benefit analysis, risks, impacts, etc.) in cooperation with the World Bank’s funding program, i.e., the Forest Carbon Partnership Fund (FCPF).

At the sub-national level, there are three main activities, namely, (1) methodology preparation (setting REL and developing MRV system); (2) institutional capacity building, e.g., distribution of incentives and responsibilities, capacity building, communication-consultation-coordination with stakeholders; and (3) development of Demonstration Activities (DA) and Voluntary Carbon Project (VCP).³ At the provincial level, DA-REDD+ will be carried out in cooperation with the Government of Aus-

³ .Departemen Kehutanan, “Strategi REDD+-Indonesia: fase readiness 2009-2012 dan progress implementasinya”, Jakarta, 6 January 2010

tralia (IAFCP); and at the district level, with the Government of Germany, ITTO (International Tropical Timber Organization), and TNC (The Nature Conservancy).

REDD+ Projects in Indonesia

Demonstration Activities

On 6 January 2010, the Minister of Forestry, Zulkifli Hasan, officially launched the Demonstration Activities Reducing Emission from Deforestation and forest Degradation (DA-REDD+) at the Gedung Manggala Wanabakti, Department of Forestry. The program is a collaboration between the Government of Indonesia and the Governments of Australia and Germany, ITTO and TNC. Below are brief explanations of the four activities of the DA-REDD+:

1. Indonesia - Australia Forest Carbon Partnership (IAFCP)

IAFCP is a forest carbon partnership between the Government of Indonesia and the Government of Australia. On 13 June 2008, the heads of state of the two governments signed the agreement, with a program duration from 2008 to 2012 and a contract value of AUD40 M (plus an additional AUD30 M). The cooperation covers three main fields: policy development and capacity building to support the two countries in international negotiations and future carbon trade; the provision of technical assistance for Indonesia in the development of forest carbon calculation system and its monitoring tool; and the development of demonstration activities and regulations related to support for pilot REDD+ approaches.

The partnership aims at reducing greenhouse gas (GHG) emissions in Indonesia significantly and effectively by reducing deforestation, encouraging reforestation and improving sustainable forest management. These are to be achieved through two different DA-REDD+ programs in two locations, namely:

a. Peatland

The Kalimantan Forest Carbon Partnership (KFCP) is a DA-REDD+ focusing on peatland. The target location is the 120,000 ha peatland in Kapuas District, Central Kalimantan; to be precise, on the northern Block A and Block E of the ex-peatland development area (PLG), with peat depth of more than three meters. Administratively, the area covers two sub-districts, Mentangai and Timpah. KFCP is the world's first DA-REDD+ on peatland. The Government of Australia disbursed AUD 40 M for the program. The target is to reduce GHG emission from peatland through improved forest management, fire prevention, rehabilitation of the hydrology system. Several institutions are involved in KFCP, namely, Borneo Orangutan Survival – Mawas Program (BOS-Mawas), Care, Wetland International Indonesia Program (WI-IP), and the University of Palangkaraya.

b. Mineral-rich forest

The second demonstration activity is focused on mineral-rich (non-peat) forestland in Merangin District in Jambi Province. Through press release No. S. 125/PIK-I/201, the Governments of Indonesia and Australia announced an AUD30 M forest carbon partnership program to be implemented in Jambi Province. This DA-REDD+ specifically aims to tackle the threats to the mineral-rich forests of Jambi.

2. Indonesia-Germany Forest and Climate Change Programme (FORCLIME)

FORCLIME is a collaborative program between the Governments of Indonesia and Germany on climate change and was a result of bilateral negotiations in October. Germany committed EUR27 M for technical assistance. The current commitment is focused on DA-REDD+ in Kalimantan with a district-based approach.

This DA-REDD+ is a forest programme (FORCLIME FC Module) that is part of FORCLIME. This will be implemented for seven years (2010-2016) with a EUR20 M financial commitment. The program is implemented in three districts, namely, Kapuas Hulu (West Kalimantan), Malinau and Berau (East Kalimantan). It aims at implementing forest conservation and Sustainable Forest Management (SFM) to reduce GHG emissions and improve the conditions of communities living around the forests. Institutions involved in the program are GTZ, CIM, DED, InWEnt, and KfW.

3. Indonesia - ITTO (International Tropical Timber Organization) Cooperation

This DA-REDD+ is a collaborative tropical forest conservation program. The target location is Merubetiri National Park in East Java, which has a total carbon storage of 45 mt CO₂/ha. Lasting for four years (2009-2012), the program aims to reduce emissions, maintain the existing carbon stock and increase carbon sequestration, in an effort to improve the well-being of the people living in and around the Park through involvement of the local people and related governmental agencies in the project. Other institutions involved are Lembaga Alam Tropika Indonesia (LATIN), Merubetiri National Park (TNMB), Research and Development of the Forestry Department (LITBANG Kehutanan), and the Forestry Agency.

4. Indonesia - TNC (The Nature Conservation) Cooperation

The program is implemented in Berau District, East Kalimantan. It is designed to support Indonesia REDD+ readiness at district (sub-national) level as an integral part of the national REDD+ Readiness. The institutions involved at the national level are the Forestry Department, the Ministry of Environment (KLH), the National Climate Change Board (DNPI), the National Development and Planning Board (BAPPENAS), and the Department of Finance. At the provincial level, these are

the provincial government, the Regional Development and Planning Board (BAPPEDA), Forestry Agency, and other related institutions. At the district level, on the other hand, the district government and other related institutions, civil society (universities, NGOs, CSOs), and donors (AUSAID, NORAD, GTZ, KfW) are involved in the project.

5. Indonesia – Norway US\$ 1 Billion Forest Deal; the Letter of Intent -LoI

On 25 May 2010, Indonesia signed a Letter of Intent (LoI) with the Government of Norway for US\$ 1 Billion on REDD+ implementation. The Letter of Intent outlines three phases. Phase 1 is called "Preparation," and runs until the end of 2010. Phase 2, which runs from January 2011 until the end of 2013, is called "Transformation." Phase 3, "Contribution-for-verified emission reduction," starts in 2014.

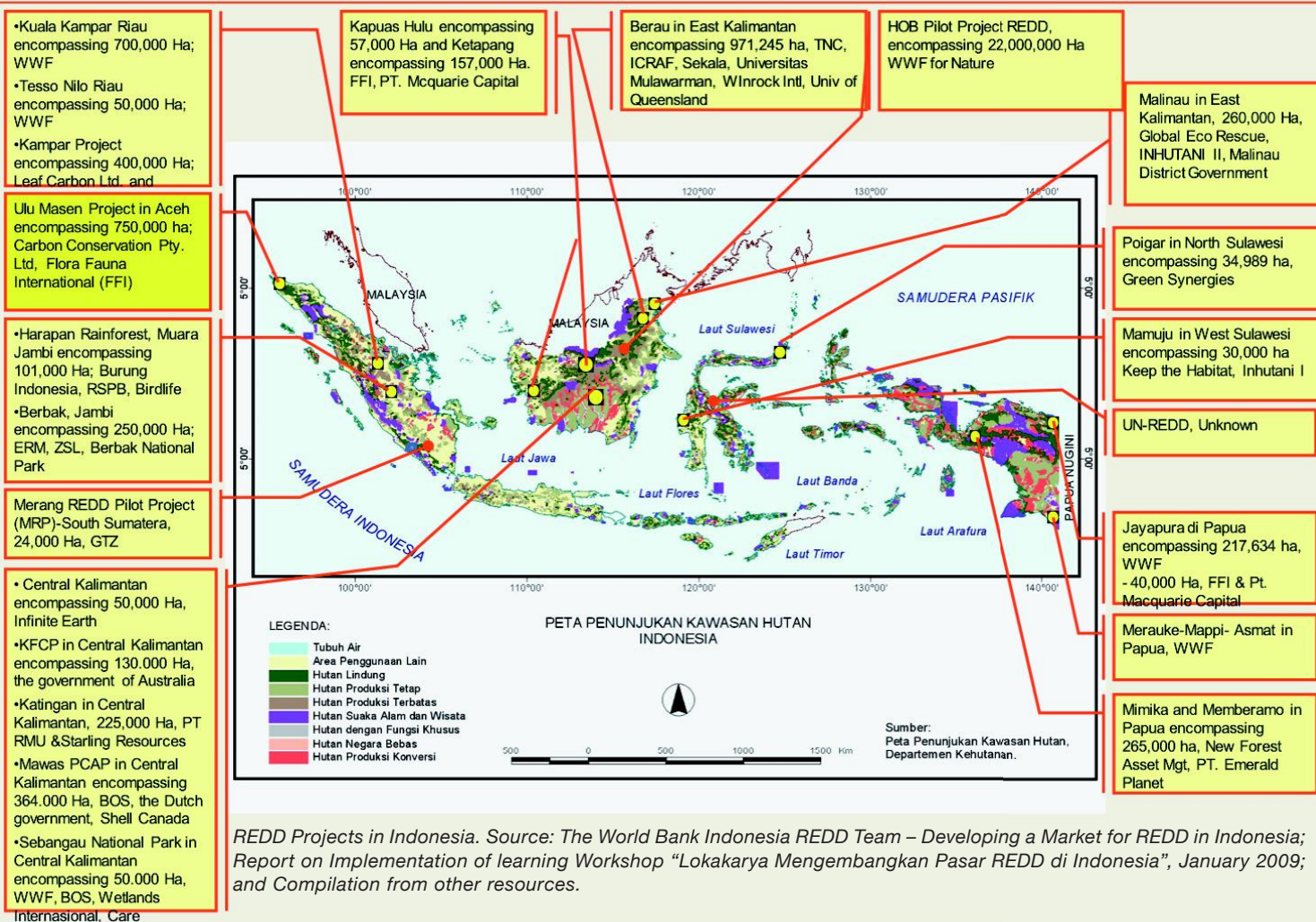
After the signing of the LoI, the Government of Indonesia fast tracked some actions regarding REDD+. A series of discussions and consultations on the National Strategy on REDD+ was undertaken. Bapennas (National

Development Planning Agency) and the UN-REDD program, which led the drafting of the National Strategy, conducted seven regional and one national consultation on the National Strategy on REDD+. Indigenous peoples participated in these consultations and raised their demands, which was formally delivered in the consultation and drafting processes. The draft of the REDD+ National Strategy has not yet been finalized.

Voluntary Carbon Project

In addition to Demonstration Activities, there are a number of pilot initiatives developed in various regions of Indonesia through Voluntary Carbon Project (VCP) schemes. These are collaborative pilot projects among governments, and between the government and private entities, NGOs or universities. The target is to produce carbon credits to be traded in the carbon market. More than 20 projects have been identified. These projects are at various stages: many of the projects are still in design stage, some are being assessed, some are waiting for government's approval and some are in implementation stage. Some of the VCPs in Indonesia can be seen in the figure below.

REDD projects in Indonesia





Indigenous Peoples' Views, Action and Reaction to REDD+

Below are some views of indigenous peoples or customary institutions on the various REDD+ programs.

From 5 - 8 August 2009, AMAN held the National Consultation on Climate Change and REDD+. In the consultation, AMAN asserted that indigenous peoples' rights are universally recognized and protected under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and are nationally recognized and protected in Article 18b and 28i of the 1945 Constitution, in Law No. 27 of 2007 on Coastal and Small Island Management as well as MPR Decree No. 9 of 2001 on Agrarian Reform and Natural Resource Management. In relation to REDD+, below are some views of AMAN as an indigenous peoples' organization:

- All initiatives to adapt and mitigate climate change must be based on the principles of Free, Prior and Informed Consent (FPIC), must hold consultation processes, and must secure indigenous peoples' participation in decision making processes;
- All REDD+ initiatives must secure recognition and protection of indigenous peoples' rights, including protection of rights to customary land and territories, ecosystems; and must bring maximum benefits to indigenous peoples;
- Agreeing and asserting that without guarantees to these rights, indigenous peoples reject all kinds of REDD+ implementation and other climate change mitigation initiatives;
- Specifically urging the World Bank to implement the UN Declaration on the Rights of Indigenous Peoples in its REDD+-related policies and to promptly hold consultations with indigenous peoples in Indonesia. (See 'Sinarresmi Declaration', 8 August 2009)

In the National Consultation, a Working Group (POKJA) on Climate Change and REDD+ was formed consisting of 13 indigenous representatives from seven regions of Indonesia. Specifically, the group was formed to prepare indigenous peoples to address climate change. Activities done so far include Training of Trainer, policy advocacy, sharing and dissemination of information on climate change and REDD+.

On 28 January 2010, the working group held a dialogue session with the Forestry Ministry's climate change and REDD+

working group. In the dialogue, AMAN put forward the following demands:

- Indigenous peoples' right to Free, Prior, Informed and Consent (FPIC) must be secured;
- Law No. 41 of 1999, which has been incorporated into the 2010-2011 National Legislation Program (Prolegnas), must be revised to recognize indigenous peoples' rights;
- The Ministry of Forestry should form a special unit as a special administrative desk for customary territories;
- The Ministry of Forestry should encourage recognition, protection and promotion of indigenous peoples' forest management practices;
- The Ministry of Forestry should form a conflict resolution mechanism to resolve conflicts related to indigenous issues.⁴

It is most unfortunate that none of these recommendations have been adopted and followed up by MoF's POKJA.

In Port Numbay on 19 - 21 November 2009, Papua's civil society held the first Papua Forest Congress, attended by more than 200 people comprising NGO activists, religious leaders, customary leaders and Papua women. The congress produced a declaration expressing the Papuan community's view of carbon trade in customary territories. Entitled "Save Papua's People and Forests," the declaration states in point 8 that: "All kinds of activities and initiatives of carbon trade and carbon

4 .Mina Susana Setra. "Penyiapan masyarakat adat dalam menghadapi perubahan iklim" (presented during dialog between AMAN's POKJA Perubahan Iklim dan REDD+ AMAN and the Forestry Department, Jakarta, 28 January 2010)

compensation that do not respect the rights of Papua's indigenous peoples must be terminated."

In a Focus Group Discussion (FGD) held on 14 December 2009, several members of the indigenous Dayak Kualatn, Pendaun Village, Simpakng Hulu Sub-district, West Kalimantan expressed the following views:

- Whatever activities are offered in our area, the important thing is that our rights are recognized. We are not maintaining our forests for REDD+ but for our own sake;
- The community does not expect much from REDD+ as the mechanism and regulations are still unclear;
- The community is not ready yet, so incentives from REDD+ could divide our community;
- If the incentive is true and we must take it, it must be used to develop our communities in the way that we choose.

In general, the indigenous Adat Dayak Ngaju in Central Kalimantan reject carbon trading schemes in their territory. The indigenous Dayak Ngaju, who depend on the peatland of Central Kalimantan, reject the carbon trading scheme as a way to conserve their forests and

refer to the scheme as a kind of colonialism.⁵ In fact, the community does not agree with such programs in their territories (including KFCP) as long as their land is classified as state land.

Absence of Laws Recognizing and Protecting Indigenous Peoples' Rights and the call to Revise Law No. 41 of 1999 on Forestry

One of the obstacles which prevents indigenous peoples from being able to observe their customary obligations in relation to climate change mitigation and REDD+ is the absence of policies and laws that fully recognize and protect their rights. Therefore, AMAN urges the government to revise Law No. 41 of 1999 on Forestry and pass a new law that recognizes and protects indigenous peoples' rights. These two agenda items have been incorporated into the 2010-2014 National Legislation Program as strongly recommended by AMAN.

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5 .Down to Earth, "Keadilan Iklim dan Penghidupan yang berkelanjutan", Bogor 2009.



Ancestral Domain Registration Agency (BRWA)

AMAN, in cooperation with Forest Watch Indonesia (FWI) and Jaringan Kerja Pemetaan Partisipatif (JKPP),⁶ has formed an Ancestral Domain Registration Agency (BRWA) to collect data on indigenous peoples. The data will be used in advocacy work to address problems faced by indigenous peoples, including those arising from REDD+ schemes.

After having been registered, verified and validated, the data will be publicly published on the BRWA's website (www.brwa.or.id) and other media to reach a wide-range of readers. The customary forest that have already been mapped encompasses five million hectares.

Engaging with Government Agencies

On 17 March 2009, AMAN and KOMNASHAM (the National Commission on Basic Human Rights) signed a Memorandum of Understanding (MoU) to resolve cases related to indigenous peoples. The MoU aimed to formulate measures needed to mainstream an indigenous peoples' basic human rights approach in Indonesia. To this end, it was agreed to implement the following measures:

- Socializing UNDRIP;
- Holding regular information sharing;
- Assessing the existence of indigenous peoples in Indonesia and their basic human rights;
- Developing mechanisms to address violation of basic human rights;
- Supporting ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

In addition, AMAN is also working with the Ministry of Environment. The MoU was signed on 20 January 2010 covering cooperative implementation of the following:

- Identification of the existence and the rights of indigenous peoples and of local wisdom management in environmental protection and management;
- Capacity building for environmental cadres;
- Empowerment of indigenous peoples;
- Information sharing on indigenous peoples.

Recommendations

In response to REDD+ implementation in Indonesia, indigenous peoples call on the Government of Indonesia to:

1. Develop a comprehensive agenda (cross-sectoral) related to the recognition and legal protection of indigenous peoples' rights to land, natural resources and their customary domain. As part of the National Strategy on REDD+, the proposed Law on the Recognition and Legal Protection of the

Rights of Indigenous Peoples should be passed. The passage of the bill, together with the revision of Law no. 41 of 1999 on Forestry, should be a priority in Parliament;

2. Develop a national system and mechanism to identify and undertake data collection on the indigenous communities and their rights, as well as their traditional knowledge;
3. The National Strategy on REDD+ must ensure that carbon credits arising from indigenous peoples sustainable management and use of forests be delinked from market mechanisms. The national strategy should also allow for self management by indigenous peoples of REDD+ projects, in accordance with the traditional knowledge of the indigenous communities concerned;
4. The National Strategy on REDD+ should recognize and protect the territories of indigenous peoples, their sustainable forest management systems and traditional knowledge
5. The National Strategy on REDD+ should ensure social and cultural safeguards, including effective conflict resolution and complaints mechanism that is accesible to indigenous communities
6. Help build and strengthen capacities of indigenous peoples, their organizations and customary institutions to be able to participate effectively in government-initiated and managed programs and projects in national and local levels. The government should therefore ensure:
 - a. The presence of indigenous representation through their own choosing in the government's institutions, organization, programs and projects affecting them;
 - b. Recognition of the indigenous peoples' Free, Prior and Informed Consent (FPIC) on REDD+ projects in their territories. Their FPIC must be obtained freely with the full disclosure of the implications and impacts of the projects and prior to its planning and implementation;
 - c. Full and effective participation of indigenous peoples in all phases of REDD+ projects to include Planning, Implementation and control of REDD+ activities;
 - d. Ensure available and sufficient financial and technical resources given directly to indigenous peoples to enable them to effectively participate in the overall process.

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The Materials on REDD and Indigenous Peoples published by AIPP with partners

| No | Material | Languages of publications |
|----|--|---|
| 1 | Information booklet on "What is REDD? A Guide for Indigenous Peoples" (2009) with updated version (2010) | 9 languages: English, Nepali, Bahasa Indonesia,Vietnamese (Kinh) and Tai (Black Tai of Vietnam), Lao and Thailand, Spanish and French |
| 2 | Info-poster on Indigenous Peoples, Climate Change and REDD | 6 languages: English, Nepali, Bahasa Indonesia, Vietnamese (Kinh), Lao and Thailand |
| 3 | What to do with REDD? A Manual for Indigenous Peoples | 7 languages: English, Nepali, Bahasa Indonesia,Vietnamese (Kinh) and Tai (Black Tai of Vietnam), Lao and Thailand |
| 4 | Briefing Paper on REDD+ for Policy Makers | 5 languages: English, Nepali, Vietnamese (Kinh), Lao, Bahasa Indonesia |
| 5 | Briefing Paper on Indigenous Peoples and climate change | English |
| 6 | Briefing Paper on Indigenous Peoples Shifting Cultivation and Climate change | English |
| 7 | Briefing Paper on the case of the two Thai IPs penalized for deforestation and causing rise in temperature for practicing shifting cultivation | English |
| 8 | Video about REDD and indigenous peoples | Lao |
| 9 | Newsletter and position paper on REDD | Nepali |

References

Asia Indigenous Peoples' Pact (AIPP), Forest People Programme (FPP), International Work Group of Indigenous Affairs (IWGIA), Tebtebba 2010. What is REDD? A Guide for Indigenous Communities.

Asia Indigenous Peoples' Pact (AIPP), International Work Group of Indigenous Affairs (IWGIA), Asian Forum for Human Rights and Development (FORUM-ASIA) 2010. Asian's Indigenous People.

IEG World Bank 2009. Protected Area Effectiveness in Reducing Tropical Deforestation, A Global Analysis of the Impact of Protection Status.

Asia Indigenous Peoples' Pact (AIPP), International Work Group of Indigenous Affairs (IWGIA) 2010. REDD+ And Indigenous Peoples, A Briefing Paper For Policy Makers.

UN-REDD PROGRAMME 2010. Design of a REDD, Compliant Benefit Distribution System for Viet Nam: Executive Summary. <http://europeandcis.undp.org/poverty/show/5A0EC8BA-F203-1EE9-BABE45003F1E10AC>

International Work Group of Indigenous Affairs (IWGIA) 2009.The Indigenous World, 2009.

Asia Indigenous Peoples' Pact (AIPP), Human Rights and Advocacy Committee (HRAC) 2006. Indigenous Peoples Human Rights Report in Asia, Cambodia, Thailand and Nepal.

Asia Indigenous Peoples Pact Foundation(AIPP) 2010. Traditional Livelihoods and Indigenous Peoples.



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