



**ASEAN,
CLIMATE CHANGE,
REDD+ AND
INDIGENOUS
PEOPLES**



Asia Indigenous Peoples Pact



IWGIA



marginalization and exploitation with other peoples elsewhere in the world, who call themselves Indigenous Peoples. They found that the term “Indigenous Peoples” much better reflects the particular circumstances and forms of discrimination they are confronted with, and concluded that the UNDRIP is much more appropriate than other domestic and international human rights instrument for helping them address their problems.

Indigenous Peoples have their own distinct language, culture, and social and political institutions that are very different from those of the mainstream society. When they call themselves Indigenous Peoples they do not necessarily claim to be the only people native to their countries. In many cases, Indigenous Peoples are indeed “aboriginal” or “native” to the lands they live in. But for centuries,

they have also lived side-by-side with other peoples, who have been economically and politically dominant, and who now hold the economic and political power in the modern nation states that have emerged over the last century.

An estimated 2/3 of the total 300 million population of Indigenous Peoples worldwide live in Asia. However, few states in Southeast Asia recognize Indigenous Peoples, or even if they do, their identity has not been taken into account during preparations of national censuses. Therefore, it is very difficult to give accurate or even approximate figures of the populations of Indigenous Peoples in the ASEAN region. Roughly, the population of Indigenous Peoples in the ASEAN region may be as high as or even more than 100 million people.¹

THE INDIGENOUS PEOPLES IN THE ASEAN REGION

The term Indigenous Peoples is increasingly used by peoples in the ASEAN region who thus far have been called “hill tribes”, “native people” or “ethnic minorities”, and the various other names in their respective local and national languages.

The reasons for adopting this new term are manifold. One reason is that most of the names that outsiders have given them have a negative connotation of being backward or primitive. Furthermore, while Indigenous Peoples face the same experience of discrimination and marginalization like other ethnic minorities, there are very important differences in terms of their rights and identity.

Minorities often suffer from discrimination and they struggle for the protection of their rights and their participation in the larger society. The United Nations

Organization has responded accordingly and adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Important to note here is that the Minority Declaration refers to the individual rights of the members of minorities.

Indigenous Peoples, however, have always stressed the need to recognize their collective rights. And these collective rights are now recognized by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the UN General Assembly in 2007. The UNDRIP sets the minimum standard for the protection of the collective rights of Indigenous Peoples.

Many peoples in the ASEAN region have realized that they share the same experiences of



THE IMPACT OF CLIMATE CHANGE ON ASEAN AND ITS INDIGENOUS PEOPLES

The ASEAN region is considered to be among the world's regions that are most vulnerable to climate change. This is because the majority of its population and economic activities are concentrated along its long coastlines and its economies are still largely agriculture-based and dependent on natural resources. A study conducted by the Asian Development Bank in 2009 concludes that the region "is likely to suffer more from climate change than the rest of the world, if no action is taken."²

The predicted rising of the sea-level poses an imminent threat to millions of people living in coastal cities and key agricultural areas in the fertile deltas.

According to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change of 2007,³ most of the Southeast Asian region is expected to experience an overall increase of rainfall and more extreme downpours, resulting in more frequent floods, and an increase of strong winds caused by tropical cyclones.

Southeast Asia is already heavily affected by existing climatic fluctuation as a result of the El Niño-Southern Oscillation (ENSO) phenomenon. ENSO is predicted to be more frequent and of greater intensity in the future,

Indonesia: Climate variations observed by the Dayak and Punan

The Dayak have documented climate variations based on various traditional indicators, including bird species, rising water levels, and traditional medicinal plants. They observed bird species that they had never seen before, they became aware that the level of water in the rivers is higher/lower than usual for the season and that the traditional plants used as medicinal remedies can not be found anymore. Behaviour and migration patterns of birds that have been used traditionally to guide hunting and cultivation activities no longer provide reliable guidance. One of the remaining hunter-gatherer communities in East Kalimantan is the Punan people. These people decide upon activities such as planting agricultural and tree crops, clearing cultivation areas, hunting etc. according to the phases of the moon. However, with climate change, these lunar signals may no longer coincide with the favourable times for these activities and the Punan may be misled in taking their decisions.

Source: Galloway McLean 2009, p. 59

resulting in prolonged droughts, crop failures and even larger forest fires than already experienced in the region.

For many Indigenous Peoples in the ASEAN region climate change is already a reality. Erratic rainfalls and longer droughts reduce the productivity of fields and pastures, storms and floods destroy crops and homes, and warming sea temperatures harm coral reefs and thus threaten fish stocks. And the predicted rise of sea levels poses serious threats to communities living along the coast and on small islands. While Indigenous Peoples' diverse and resilient livelihood systems have enabled them to survive in difficult environments, the speed at which the climate is changing is putting the abilities of indigenous communities to adapt to test. In addition, the Indigenous Peoples communities throughout the region report worsening food and water insecurity, an increase of water- and vector-borne diseases, and increasing problems with pests.

Belonging to the world's most marginalized, impoverished and vulnerable peoples, Indigenous Peoples have only minimal access to resources to cope with climate

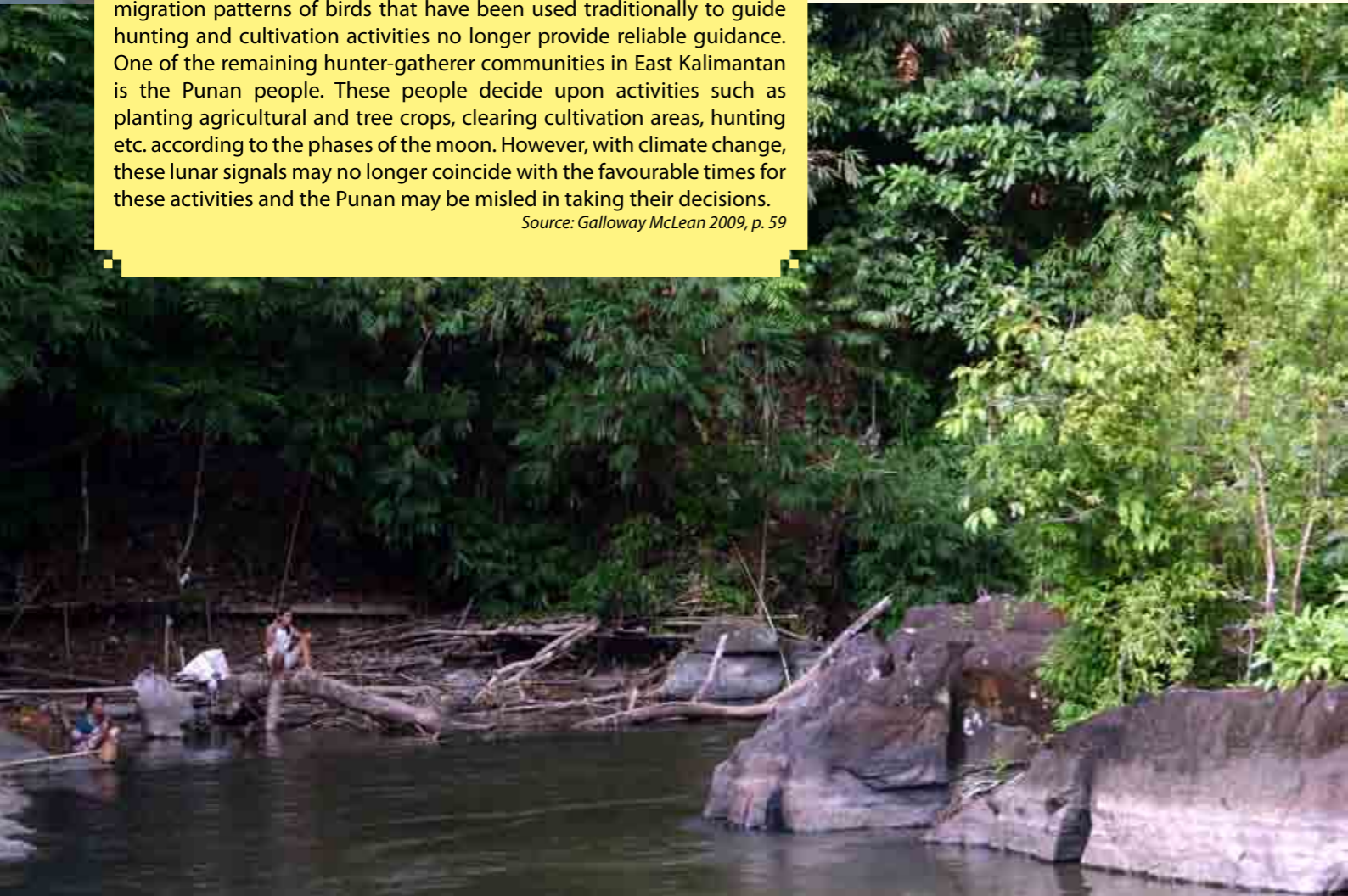
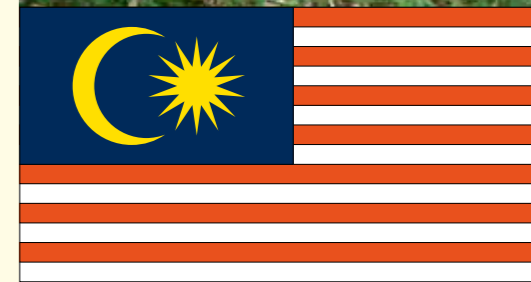
Malaysia: Impact of climate change on livelihoods in the Dayak-Bidayuh-Jagoi village of Duyoh in Sarawak

Traditional livelihoods and other economic activities of Indigenous Peoples are also adversely impacted by climate change. In Malaysia, for example, rubber tapping has been a source of cash for many Indigenous Peoples in Sarawak and Sabah. Latex is tapped when the leaves of the rubber tree are shed around August and September. With the changes in weather, leaves shed as early as January and thus less latex is gathered which means less income. Other fruit trees like durian and engkabang (also known as ilipe nut) are indigenous species in Sarawak and these are sources of cash and food. However, bumper crop harvests from these trees have decreased significantly because of weather changes.

Source Galloway McLean 2009, p. 67

change. Therefore, for Indigenous Peoples, climate change poses a threat that goes beyond mere economic hardship: the destruction of traditional livelihoods and indigenous cultures that are intrinsically linked with nature and agricultural cycles.

However, climate change poses many other problems for Indigenous Peoples besides putting their livelihood systems under stress. Many of the mitigation and adaptation schemes devised by governments and international organisations to cope with climate change – like the expansion of biofuel plantations, building of dams under the Clean Development Mechanism, uranium extraction for nuclear power plants, and the inclusion of Indigenous Peoples' forests in REDD without their consent – are often directly violating the rights of Indigenous Peoples.





Malaysia and Indonesia: Oil-palm plantations evict Indigenous Peoples from their traditional lands

The Intergovernmental Panel on Climate Change has identified the production of second-generation biofuels, to be used in place of fossil fuels, as another way of mitigating climate change. A special report, which included an analysis of some of the problems related to the production of biofuels (in particular, oil palm), was presented at its sixth session. That report highlighted how Indigenous Peoples in Malaysia and Indonesia have been affected by the aggressive expansion of oil palm plantations. The report was used by the Aliansi Masyarakat Adat Nusantara (ANMAN), a national federation of Indigenous Peoples' organizations in Indonesia, and other organizations as an annex to their submission to the Committee on the Elimination of Racial Discrimination (CERD). Subsequently, the CERD recommended to the Indonesian Government to review the law which pushed for expansion of oil palm plantations and to ensure that the rights of Indigenous Peoples are respected. As a result, the Government has put the plans for expansion on hold. The production of biofuels provides both opportunities and challenges. Given the proclivity for agricultural production among many Indigenous Peoples, biofuels could potentially provide great economic opportunities. However, the production of biofuels can offset potential gains in greenhouse gas emissions when forests are cleared for the production of biofuel like palm oil. The clearing of forests for biofuel production can also lead to the violation of the land rights of indigenous peoples, as happened in Indonesia and Malaysia.

Source Galloway McLean 2009, p. 67

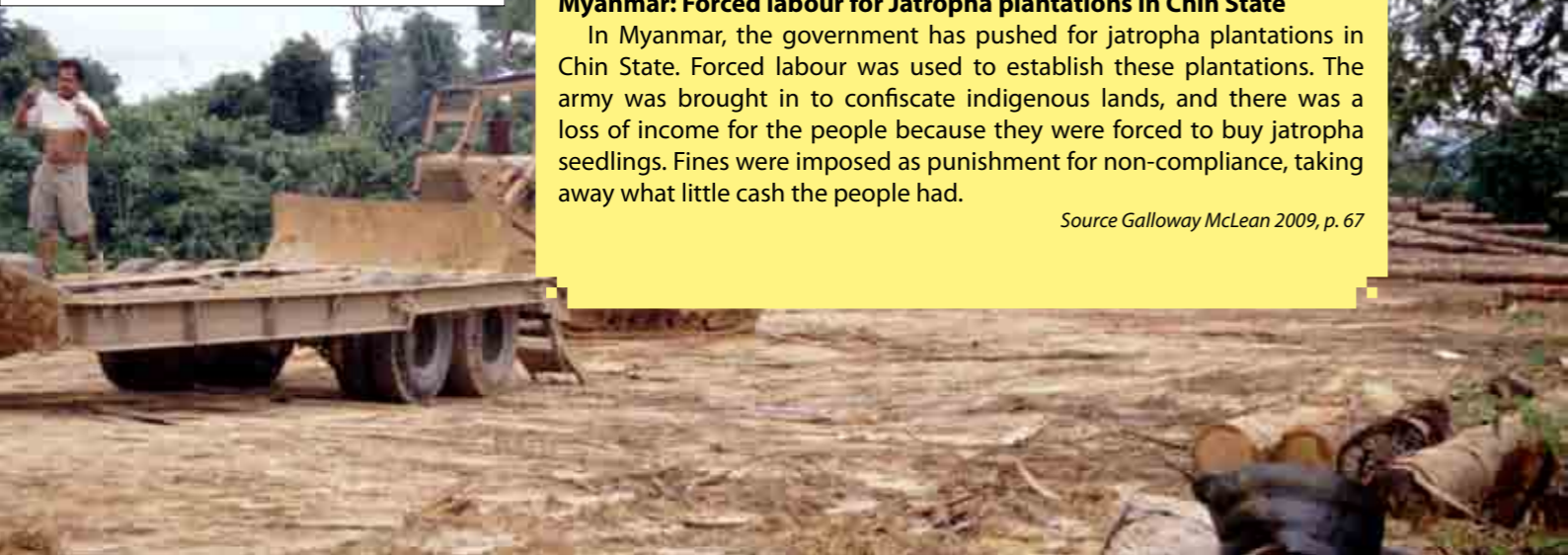
The report, which was adopted by the Human Rights Council in 2009, outlines various implications of climate change and mitigation measures for the human rights of Indigenous Peoples and other vulnerable groups. The report concludes that climate change and the various mitigation measures adopted threaten to undermine not only Indigenous Peoples' subsistence and livelihood, but also their cultural and social identity, and ultimately, their right to self-determination. Thus, while having hardly contributed anything to the cause of global warming, Indigenous Peoples are among the most heavily affected.

The connection between climate change and human rights has been highlighted in a recent report of the Office of the High Commissioner for Human Rights.⁴

Myanmar: Forced labour for Jatropha plantations in Chin State

In Myanmar, the government has pushed for jatropha plantations in Chin State. Forced labour was used to establish these plantations. The army was brought in to confiscate indigenous lands, and there was a loss of income for the people because they were forced to buy jatropha seedlings. Fines were imposed as punishment for non-compliance, taking away what little cash the people had.

Source Galloway McLean 2009, p. 67



ASEAN'S RESPONSE TO CLIMATE CHANGE

ASEAN has been involved in international negotiations on climate change and the Heads of its member States have expressed their commitment to playing an active role in addressing climate change on various occasions. This commitment was expressed in their declarations at the UN Climate Change Conferences in Bali, in 2007 and in Copenhagen, in 2009. It was also expressed in the ASEAN Leaders' Statement on Joint Response to Climate Change issued at the 16th ASEAN Summit in Hanoi, on 9 April 2010.

ASEAN's "Vision 2020" calls for "a clean and green ASEAN" which ensures the protection of the environment, sustainable use of natural resources, and high quality of life for its people. However, ASEAN does not have a specific climate change policy. It is addressing climate change through the framework of ASEAN Community building, i.e. the so-called "Road Map for an ASEAN Community 2009 – 2015", which was adopted by ASEAN's leaders shortly after the ASEAN Charter entered into force in December 2008. Climate change is dealt with in the context of sustainable development, and the strategies and actions are outlined in the three so-called "Blueprints": the ASEAN Socio-cultural Community Blueprint, ASEAN Economic Community Blueprint, and the ASEAN Political-Security Community Blueprint.

The Blueprint for the ASEAN Socio-cultural Community (ASCC Blueprint) 2009-2015, under section "D. Ensuring Environmental Sustainability", identifies ten priority areas of regional importance for

environmental cooperation among ASEAN members. The tenth priority area is "Responding to climate change and addressing its impacts" and its strategic objective states:

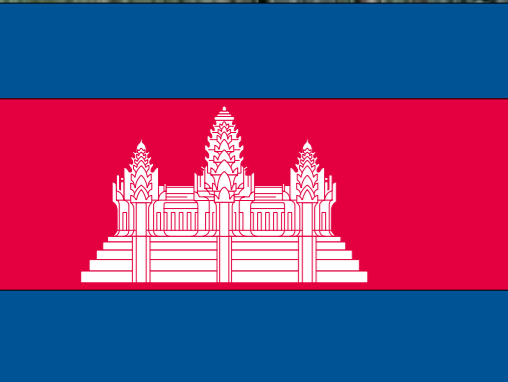
Enhance regional and international cooperation to address the issue of climate change and its impacts on socio-economic development, health and the environment, in ASEAN Member States through implementation of mitigation and adaptation measures, based on the principles of equity, flexibility, effectiveness, common but differentiated responsibilities, respective capabilities, as well as reflecting on different social and economic conditions.⁵

Under this priority area, the blueprint identifies eleven priority actions, which aim at:

- Increasing the joint efforts among ASEAN members
- The promotion and facilitation of exchange of knowledge, experiences and technology
- International collaboration in actions related to forest conservation ("afforestation and reforestation, as well as to reduce deforestation and forest degradation")
- Regional strategizing on adaptation
- Collaboration in addressing hazards
- Monitoring of and research on climate change
- Public awareness raising
- Encouraging "the participation of local government, private sector, non-governmental organisations, and community to address the impacts of climate change"⁶

ASEAN created the ASEAN





Working Group on Climate Change (AWGCC) and the ASEAN Climate Change Initiative (ACCI) as a regional consultative platform. However, the two bodies do not have the mandate to enable them to achieve their objective, i.e. to strengthen cooperation among its members and to consolidate and reinforce ASEAN’s position as a bloc within the UNFCCC.

During the UNFCCC’s last Conference of Parties (COP 16 of December 2010 in Cancun, Mexico), ASEAN, through its then chair Vietnam, reaffirmed its commitment to the Kyoto Protocol and called for “comprehensive, effective and binding outcomes,” that accounts for a “common but

ASEAN AND REDD+

It has been estimated that in 2000, Southeast Asia was responsible for 12% of the world’s greenhouse gas emissions, and

differentiated responsibilities.”⁷ However, despite repeated affirmation of its commitment to addressing climate change and its call for cooperation, ASEAN is still far from addressing climate change as a unified body. The ASEAN has been criticized for its lack of political will to put its declarations into action. In the latest ASEAN summit, in May 2011, in Jakarta, climate change was even entirely dropped from the agenda. This action indicates the low priority climate change is given and the lack of the much needed political will to address what many consider the greatest threat to the life and wellbeing of more than 600 million people living in the ASEAN region.

that 75% of these emissions stem from land-use change, including deforestation.⁸ Therefore, reducing emissions from deforestation will



have to be a priority in climate change mitigation actions of the ASEAN countries. The ASEAN Leaders’ Statement of April 2010 on Joint Response to Climate Change, recognizes “the importance of sustainable forest management in ASEAN, which will contribute significantly to the international efforts to promote environmental sustainability and to mitigate the effects of climate change”. The statement also reaffirms “that agreement on and effective implementation of Reduced Emission from Deforestation and Forest Degradation (REDD)-plus mechanisms is critical for contributions by ASEAN Members States to mitigate emissions, and offers major opportunities for enhancing biodiversity conservation and sustainable use of natural resources, as well as supporting the livelihood of local communities in a sustainable manner”.⁹ The priority action number 4 of Section D.10 in the ASCC Blueprint also clearly expresses the ASEAN’s commitment to REDD+. The Blueprint states that the action aims to “Encourage the international community to participate in and contribute to ASEAN’s efforts in afforestation and reforestation, as well as to reduce deforestation and forest degradation”.¹⁰

The ASEAN, based on its three blueprints and the ASEAN Integration Strategic Framework, released the “Multi-Sectoral Framework on Climate Change: Agriculture and Forestry towards Food Security” (AFCC-FS) in 2009. The stated goal of the AFCC-FC is “To contribute to food security through sustainable, efficient and effective use of land, forest, water and aquatic resources by minimizing the risks and

impacts of and the contributions to climate change.” Its objectives are:

1. Coordination on the development of adaptation and mitigation strategies;
2. Cooperation on the implementation of integrated adaptation and mitigation measures;¹¹

While the ASCC Blueprint refers to deforestation and forest degradation under priority action 4, REDD is not explicitly dealt with in the AFCC-FC. However, many ASEAN countries are already engaged with REDD+,¹² either through programs of multilateral organizations, such as UN-REDD, the World Bank’s Forest Carbon Partnership Facility (FCPF) and Forest Investment Program (FIP), through bi-lateral projects, their own national programs, or REDD+ pilot initiatives of international conservation agencies and private institutions.

Seven of ASEAN’s ten member countries are involved in at least one of the three major global REDD programs:

- **The World Bank’s FCPF:** Cambodia, Indonesia, Lao PDR, Myanmar, Thailand and Viet Nam.
- **The World Bank’s Forest Investment Programme (FIP):** Indonesia and Lao PDR
- **UN-REDD:** Cambodia, Indonesia, Philippines and Viet Nam,

Malaysia is not part of any of the global REDD+ programmes, but it has a national REDD+ programme and receives bilateral funding from Japan. Myanmar started its REDD+ program with UN REDD in 2011. Myanmar also receives bilateral support from Japan.



The GEF's Sustainable Forest Management and REDD+ program (GEF SFM/REDD+) has a broader scope, i.e. in addition to REDD+, it focuses equally on biodiversity conservation and addressing land degradation. Since GEF has a global coverage of developing countries, most ASEAN member states may participate in one way or the other in its SFM/REDD+.

ASEAN does not have an explicit REDD+ policy yet, but there are already mechanisms in place to provide opportunities for ASEAN to assume a key role, such as through coordination of initiatives of its members

REDD+ AND INDIGENOUS PEOPLES

It has been estimated that in the ASEAN region, around 60 million people (20% of the 300 million large rural population) are highly dependent on forest resources for their livelihoods.¹³ The figure may even be higher since the total population of ASEAN's Indigenous Peoples alone is close to or even higher than 100 million. The majority of Indigenous Peoples live in the uplands and other remote areas that are still forested. For them, forests are critical for their survival because most of them depend on forest for their livelihood; it provides a range of vital resources and a source of income. Forests are not only the basis of their livelihood but a part of their cultural identity.

Southeast Asia is culturally one of the most diverse regions in the world. It has been estimated that globally, between 4,000 and 5,000 of the world's 5,000 to 7,000 spoken languages are Indigenous Peoples' languages. In Papua New Guinea and Indonesia an estimated

and facilitation of exchange of experiences gained in the region on REDD+. The initial steps in this direction have already taken place with the holding of the Conference on "Forests for People – The Role of Social Forestry in REDD+ and Forest Conservation" organized by the ASEAN Social Forestry Network (ASFN). The ASFN has the potential to play a leading role in facilitating the sharing of experiences with and promoting community-based approaches in forest management and REDD+ not only among ASEAN member states but also within international REDD+ initiatives, like the FCPF, FIP and UN-REDD etc.

1,500 different languages are spoken. More than 61% of the world's endangered languages are found in Asia and the Pacific¹⁴ and are mostly spoken by Indigenous Peoples.

If the use of language is taken as an indicator for the strength of the cultural identity of a people, the fact that so many languages in Southeast Asia are under threat points to the pressure these peoples are facing.

The United Nations realized that for Indigenous Peoples to survive and live in dignity as peoples, their collective rights need to be recognized and protected. Therefore, in 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Besides this, there are other important international legal instruments protecting the rights of Indigenous Peoples, like ILO Convention 169, the Convention on the Elimination of all forms



of Racial Discrimination, the Covenant on Civil and Political Rights or the Covenant on Economic, Social and Cultural Rights. Most ASEAN countries have signed all or at least some of these and other important international treaties and agreements, and most have voted in favour of the UNDRIP.

It is now well established that the recognition and protection of their right to land and resources is one of the most fundamental preconditions for Indigenous Peoples to retain and pass on their rich cultural heritage to their future generations. In the ASEAN regions, where most Indigenous Peoples are dependent on forests, this means that their rights over their forests need to be recognized.

The recognition of forest rights of indigenous and other forest communities creates a win-win situation: community forest management helps conserve Southeast Asia's forests and at the same time contributes to the protection of the collective rights of Indigenous Peoples. This in turn preserves the rich cultural heritage of the ASEAN.

The need to protect the rights of indigenous and other forest communities, and to promote their active participation in REDD+ has also been realized by the UNFCCC. The draft decision text on REDD+ of the UNFCCC Ad Hoc Working Group on Long-term Cooperative Action, agreed on at UNFCCC's 15th Conference of Parties (COP 15) in Cancun, Mexico, refers, among others, to the need to address land tenure issues and to ensure the "full and effective participation of relevant stakeholders, inter alia, indigenous peoples and local communities" (article 72).¹⁵ Paragraph 2 of annex I¹⁶ calls on Parties to promote and support the seven safeguards, three of which are particularly and explicitly relevant to Indigenous Peoples:

(c.) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

(d.) The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities, in actions referred to in paragraphs 70 and 72 of this decision;

(e.) Actions are consistent with the conservation of natural forests and biological diversity, ensuring that actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;¹⁶

The footnote to safeguard (e) reads: "Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day."¹⁷

The safeguards included in the AWG-LCA's draft decision text on

REDD+ Safeguards: The World Bank and UN-REDD

The World Bank's safeguard policies, the so-called Operational Policies and Procedures (among them OP/BP 4.10 on indigenous peoples), apply to activities under the FCPF and FIP, both for the World Bank itself and its partner countries. These were mainly developed within the context of projects and not strategic planning processes. However, the FCPF is currently supporting the REDD+ readiness phase, which is all about strategic planning. Therefore, the FCPF has developed the Strategic Environmental and Social Assessment (SESA), which provides for the inclusion of environmental and social concerns into national REDD+ strategy process to ensure that readiness activities supported under the FCPF comply with the policies of the World Bank.

The UN-REDD Programme is bound by UN obligations and commitments, including the United Nations Declaration on the Rights of Indigenous Peoples; Free, Prior and Informed Consent and UN Development Group Guidelines on Indigenous Peoples. Therefore, UN-REDD is currently developing Environmental and Social Principles and Criteria (P&C) to ensure that these obligations are upheld in REDD+ programs to promote social and environmental benefits and reduce risks from REDD+. The P&C will ensure that REDD+ activities are aligned with UN system requirements.

REDD+ are supposed to provide guidance and serve as a reference for the development of safeguards within international and national REDD+ programs. They are complementing the existing social and environmental safeguards

and are being used as a reference to adapt the existing and develop new safeguards within REDD+ initiatives.

In addition to the already existing or new safeguards

being drawn up by multilateral and bilateral agencies, civil-society organizations and multi-stakeholder alliances like the Climate, Community and Biodiversity Alliance (CCBA), the Rainforest Alliance, or the Forest Stewardship Council (FSC) have also developed or initiated the development of safeguard standards.

Indigenous Peoples' right to Free, Prior, Informed Consent (FPIC) is now increasingly being recognized as a key principle in applying social safeguards and ensuring Indigenous Peoples' full and effective participation in REDD+. UN-REDD has fully embraced FPIC and has conducted pilot FPIC processes in Vietnam and Indonesia.

The World Bank's FCPF has not (yet) included the principle of FPIC in their REDD+ safeguard policies. The World Bank's Operational Policy 4.10 calls for the recipient country to engage in a process of free, prior, and informed consultation (not consent). However, FPIC has been included in the national legislation in several countries, among them is the Philippines, an ASEAN member state. Thus, in these countries, the national legislation that includes FPIC will supersede the World Bank's policy.

REDD+ Social and Environmental Standards

The Climate, Community and Biodiversity Alliance (CCBA) and CARE International facilitated the development of REDD+ Social and Environmental Standards (REDD+ SES). REDD+ SES are the result of a comprehensive and inclusive process involving governments, civil society organisations, Indigenous Peoples' organisations, policy and research institutions as well as the private sector. REDD+ SES are not only supposed to support the design and implementation of national and sub-national REDD+ programs that respect the rights of indigenous peoples and local communities, but also to generate social and environmental benefits. Therefore, the standards go beyond minimum social and environmental safeguards, by identifying benefits.

The principles of REDD+ SES are:

1. Rights to lands, territories, and resources are recognized and respected by the REDD+ program.
2. The benefits of the REDD+ program are shared equitably among all relevant rights holders and stakeholders.
3. The REDD+ program improves long-term livelihood security and well-being of Indigenous Peoples and local communities with special attention to the most vulnerable people.
4. The REDD+ program contributes to broader sustainable development, respect, and protection of human rights and good governance objectives.

REDD+ SES are currently being applied in a few pilot countries, among them the ASEAN member state Indonesia (in the Province of Central Kalimantan).

ASEAN, REDD+ AND INDIGENOUS PEOPLES

As RECOFTC – the Center for People and Forest based in Bangkok – observed, “Member countries of ASEAN recognize that involving local people in forest management can help achieve sustainable forest management and improve the well-being of poor people. ASEAN countries are increasingly using social forestry approaches to provide a mix of

social, cultural, economic, and environmental benefits.”¹⁸

However, the extent to which community forestry has become a part of national forestry policies varies considerably between countries. In the Philippines, Lao PDR, and Vietnam, large proportions of forests are managed by communities. Cambodia intends to increase the area of

Free, Prior, Informed Consent (FPIC)

FPIC is mechanism and a reiterative process wherein Indigenous Peoples undertake their own, independent collective decision on matters that affect them as an exercise of their right to their land, territories and resources, their right to self-determination and to cultural integrity.

Free: Independent process of decision making

- Without coercion or free from sponsored ideas. No manipulation or external influence that hinders self-determination in the process of reaching a decision
- Compatible to the Indigenous Peoples' customary laws
- Consent cannot be valid if it is taken from an authority that is not recognized by and not accountable to the respective indigenous communities

Prior: Right to have a say in decisions before a project's implementation

- Informed consent must be sought sufficiently in advance of any final authorization by the State or third parties or commencement of activities by a company that affects Indigenous Peoples and their lands, territories and resources
- Sufficient time to understand and analyse the information, and to define and undertake their collective decision
- Time bound requirement for information dissemination should be compatible with the situation of Indigenous Peoples
- Time requirements of Indigenous Peoples' consultations and consensus processes should be defined by the indigenous communities and not imposed on them

Informed: Right to be provided with all necessary and pertinent information

- Includes the full and legally accurate disclosure of information concerning proposed developments in a form and language which are both accessible and understandable to the indigenous communities concerned

Consent: The result of the collective, independent and self-determined decision-making process of indigenous communities

- Based on a collective decision of the community and not just a decision of leaders
- May also include their terms and conditions for their consent decision, including withdrawal of consent if terms and conditions are violated
- Shall be sought at every stage or phase of the project/activity if deemed to have potential impacts at every stage/phase of the project
- Inclusion of a gender perspective and participation of indigenous women are essential, as well as participation of children and youth as appropriate





legally recognized community forest from 1% to 10%. However, in Malaysia, Indonesia, Myanmar, and Thailand, the forest area under community management is comparatively small (less than 1%).¹⁹

A recent report by the Rights and Resources Initiative (RRI) provides further evidence that recognizing forest rights of and devolving forest management to communities is a key factor in successful forest conservation. The recently published report found that countries like China, India and Vietnam have not only been successful in stopping deforestation but have also been successful in restoring and bringing about an increase of forest areas. This, the report concludes, is the result of policy changes and reforms which, among others, give more rights to indigenous and other forest communities.²⁰

Indonesia has also announced a remarkable shift in its forest policy at the International Conference on Forest Tenure, Governance and Enterprise held in Lombok, Indonesia, in July 2011. In his keynote speech, the head of the Indonesian President's Special Delivery Unit,

Kuntoro Mangkusubroto, stated the government's intention to prioritize the needs of forest communities, and to recognize, respect and protect Adat (customary) rights.²¹

The progress of implementation of REDD+ in the ASEAN region is not the same in all the member states. Some of ASEAN's member states – Indonesia, Vietnam – have already advanced far in the readiness phase, while in others the process is slower. Some states – like Cambodia – already have experiences with on-the ground piloting of REDD+ projects.

Overall, REDD+ implementation in the ASEAN region is still at an early stage. However, the present readiness phase is a critical stage since governments are now drawing up National REDD+ Strategies, setting the policy framework and developing guidelines for implementation. Indigenous Peoples fear that without proper consultation and their involvement, these strategies and policies may undermine the rights and welfare of indigenous and other forest-dependent communities.

With the exception of Vietnam, where a pilot FPIC process was

undertaken, none of the ASEAN countries involved in REDD+ has conducted proper FPIC processes with Indigenous Peoples at the grassroots level.

In Indonesia, there were several consultations and the government has responded to some of the policy recommendations by Indigenous Peoples, but fundamental issues, particularly on conducting FPIC with indigenous communities, are yet to be taken on board. The international forestry conference in Lombok may signify a turning point also in this respect. For the first time, Indonesia's national alliance of Indigenous Peoples AMAN was asked to participate in such a high level meeting with the Ministry of Forests. The Ministry of Forests also agreed to meet with civil society organisations to draw up a plan of action for the implementation of the recommendations of the conference, including concrete steps towards the expansion of the rights of Indonesia's forest communities.²²

In Lao PDR, the government is yet to engage with Indigenous Peoples and civil society organizations in a more sustained and institutionalized manner on its REDD+ planning. The way forward is shown by its positive attitude and action in connection with the Forest Investment Programme (FIP). A stakeholder consultation workshop was held in Vientiane on September 9, 2011 to finalize the national plan for the FIP. In addition to representatives of different line Ministries, provincial government agencies, the semi-governmental mass organisations Lao Womens' Union and the Lao Front for Construction, bilateral and multilateral programs, local

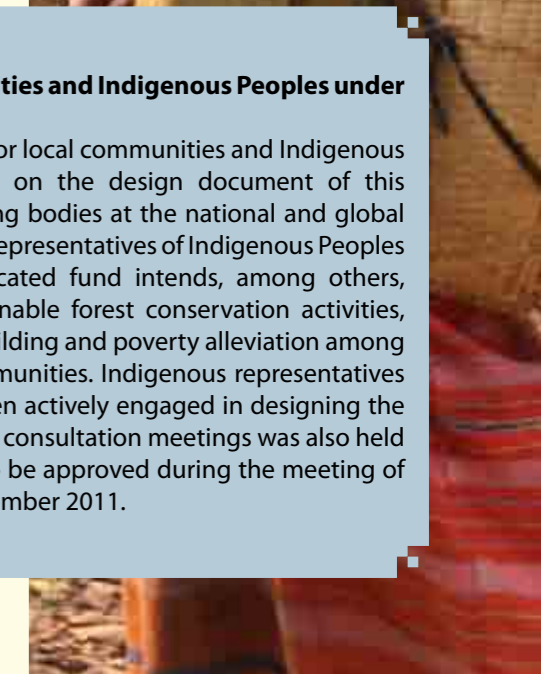
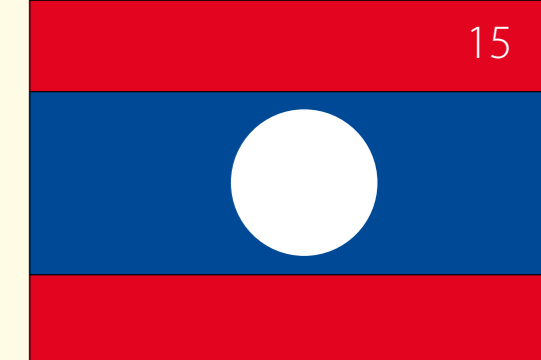
NGOs (officially called Non-Profit Associations), International NGOs and the private sector were invited to participate.²³

Undoubtedly, the ASEAN has a lot to share both on challenges for forest conservation and success stories. Through its ASEAN Social Forestry Network (ASFN), it can play a leading role, particularly in sharing experiences with and the promotion of community-based approaches in REDD+. RECOFTC believes that "ASFN is uniquely positioned to link government forestry policy makers with leaders in civil society, research, academia, and the private sector. Working under the auspices of ASEAN, the network helps to inform senior forestry officials' policy agendas and builds synergies among ASEAN's regional knowledge networks."²⁴

Furthermore, priority 11 "Promoting Sustainable Forest Management (SFM)" in section D of the Blueprint for the ASEAN Socio-cultural Community (2009-2015) includes action viii, which seeks to "Promote forest management involving the community living within and surrounding the forest for the sustainability of the forest and prosperity of the people".

Dedicated fund for local communities and Indigenous Peoples under FIP

Under the FIP, a dedicated fund for local communities and Indigenous Peoples has been created. Based on the design document of this dedicated fund, the decision-making bodies at the national and global levels shall be composed largely of representatives of Indigenous Peoples and local communities. This dedicated fund intends, among others, to enhance and strengthen sustainable forest conservation activities, sustainable livelihoods, capacity building and poverty alleviation among Indigenous Peoples and local communities. Indigenous representatives from the different regions have been actively engaged in designing the dedicated fund. One of the regional consultation meetings was also held in Lao PDR. The fund is expected to be approved during the meeting of the FIP Steering Committee in November 2011.





CONCLUSIONS AND RECOMMENDATIONS

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. They are apprehensive about implementing REDD+ because such imposition has led to conflicts, physical and economic displacements, food insecurity and loss of income, and loss of biodiversity and traditional knowledge due to prohibitions of their traditional livelihoods, resettlement or eviction.

On the other hand, independent studies have shown that biodiversity and forest conservation 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. Another key lesson learned over the past decades of experiences with biodiversity and forest conservation is that community forest management and conservation are more sustainable and benefits are more equitable if community land rights are recognized and protected.

These are important findings which must be taken into account in the development of National REDD+ Strategies. REDD+ offers opportunities for scaling up community forestry through policy, legal, and institutional reforms that strengthen the protection of land and forest rights of indigenous and other forest communities. It also enables capacity building of the respective support structure within the responsible government agencies.

Therefore, it has been widely recognized that the ASEAN, above all



through the ASFN, should actively promote and support the application of a community-based approach and the social and environmental safeguards currently being developed in national REDD+ strategies among its member states.

Indigenous Peoples and their organisations in particular recommend that in its engagement with REDD+ the ASEAN should promote:

- The recognition of the right of indigenous communities to Free, Prior, and Informed Consent (FPIC)
- The recognition and protection of the rights of indigenous and other forest communities to their land and forests
- The full and effective participation of indigenous and other forest communities, and their representative organizations, in REDD+ at all stages and at all levels, as well as forest management planning and decision making
- To ensure that fair and equitable benefit sharing mechanisms are established under REDD+ that reward indigenous and other forest communities for forest protection, and compensate them for lost revenues from alternative land uses; and that they have the freedom to collectively decide on the form and terms of benefit sharing.

With respect to the ASEAN's engagement in climate change, Indigenous Peoples of the region made the following recommendation to the ASEAN:

- To establish a mechanism for sustained consultation and engagement of Indigenous Peoples and civil society organizations in processes relating to climate change that is transparent and inclusive
- To abide by its international obligations and commitments with regard to the respect for the rights on Indigenous Peoples
- To ensure the full and effective participation of Indigenous Peoples in development of measures and programmes relating to climate change mitigation and adaptation
- To facilitate and provide funds and appropriate resources to support the initiatives of Indigenous Peoples on climate change adaptation and mitigation





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