

## Rights abuse allegations in the context of REDD+ readiness and implementation

### A preliminary review and proposal for moving forward

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#### Key messages

- This review reveals multiple allegations of abuses of the rights of Indigenous Peoples in the context of Reducing Emissions from Deforestation and forest Degradation (REDD+) readiness and implementation.
- Findings from the review should be transformed into opportunities for REDD+ to promote and strengthen the rights of Indigenous Peoples.
- A rights-based approach to REDD+ requires engagement with indigenous men and women as rights-holders, rather than as project beneficiaries.
- Parties should be pressed to investigate abuse allegations, enable access to justice, and develop grievance mechanisms within REDD+ processes.
- REDD+ risks exacerbating issues of unsecured rights and pre-existing conflicts over land in the contexts in which it is being readied and implemented, unless it is re-oriented to enhance the rights of Indigenous Peoples. Evidence suggests Indigenous Peoples' undefined tenure rights will negatively impact REDD+ targets.
- Ensuring the consistent participation of indigenous men and women throughout REDD+ processes is imperative, following clear guidelines for Free, Prior, and Informed Consent (FPIC), and with capacity-building efforts for their effective participation.
- Rather than being seen as a tool to discourage negative impacts, REDD+ safeguards must be reframed to recognise, inter alia, the key role of Indigenous Peoples in climate change initiatives and protecting forests.

#### Introduction

This Infobrief presents illustrative examples of allegations of rights abuses made by Indigenous Peoples, scholars, and activists, in the context of readiness and implementation of the United Nations Framework Convention on Climate Change's (UNFCCC) REDD+ Framework.<sup>1</sup> It is intended as a follow-up to early warnings that REDD+ might violate indigenous rights (Griffiths 2007; Larson 2010), to provide input into on-going related discussions in international fora. The brief is based on the preliminary results of a

systematic search of academic literature (and not legal cases). Although the review cannot verify the accuracy of any specific allegation, the findings highlight important considerations for REDD+ readiness and implementation.<sup>2</sup>

The review aims to understand the potential risks that REDD+ poses to the rights of Indigenous Peoples, based on evidence derived from experience to date, and to propose mitigating measures. It is motivated by recent policy and scholarly efforts, reflecting demands from grassroots movements, calling for greater attention to the

<sup>1</sup> The REDD+ framework is aimed at slowing, halting, and reversing forest cover and carbon loss through five activities: (1) reducing emissions from deforestation; (2) reducing emissions from degradation; (3) conservation of forest carbon stocks; (4) sustainable management of forests; and, (5) enhancement of forest carbon stocks.

<sup>2</sup> As this review refers only to published sources, it does not include more recent allegations or attempts to evaluate the veracity or present status of each case (including whether corrective measures have since been taken), nor is it intended to be exhaustive. In this preliminary version, it does not distinguish between projects and programmes or policies. The review seeks to derive lessons and recommendations as to how future REDD+ efforts could be adjusted to address a problematic context and to contribute to relevant policy discussions, which are progressing rapidly.

link between human rights and climate change,<sup>3</sup> and the Paris Agreement itself, which calls on Parties to ‘respect, promote and consider their respective obligations on human rights [and] the rights of indigenous peoples<sup>4</sup> when taking action to address climate change. This position (see Macchi 2008) reveals the threats that climate change may have on the rights of people globally, acknowledging how these negative impacts are more likely to affect Indigenous Peoples and others that live in precarious environments, and who are not historically large contributors to greenhouse gas emissions.

The examples found in the review demonstrate that, with regard to REDD+, a lack of attention to the specificity of socio-cultural, historical, and political contexts is detrimental to already complex rights situations in the Global South. REDD+ has produced divided opinions over its potential impacts on the rights of forest-based communities (see Cavanagh and Benjaminsen 2014; Nel 2014). Based on the evidence, we argue that this division stems from three main issues: (1) REDD+ focuses on tropical forests in countries with weak systems of governance, and histories of land tenure conflicts, structural discrimination and violence towards Indigenous Peoples (see Luttrell et al. 2014); (2) REDD+ is highly technical, which further problematizes Indigenous Peoples’ participation throughout its process, unless there are concerted efforts for capacity-building at the grassroots (see de Sy et al. 2016); and, (3) although payment schemes require clearly defined safeguards and benefit sharing schemes, these are not being properly implemented by governments or enforced by the international community.

The examples presented here not only illustrate the different layers of rights-related issues on which REDD+ is being readied and implemented, but also reveal the potential to transform this situation, due to the current interest in reversing forest cover and carbon loss. They serve as a reminder that REDD+ is being carried out in forests that are seeing increased violence against environmental defenders in on-going conflicts over territory and resources that pre-date current climate change agreements.<sup>5</sup> In 2016, at least 201 forest defenders were murdered (almost 10% more than in 2015) in different conflicts over land and resources, of which 40% were indigenous (Global Witness 2016). Female land and human rights defenders are less often murdered but more often subject to sexual violence and are less likely to denounce these abuses.<sup>6</sup>

3 <http://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>

4 [https://unfccc.int/files/meetings/paris\\_nov\\_2015/application/pdf/paris\\_agreement\\_english\\_.pdf](https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/paris_agreement_english_.pdf)

5 <https://www.theguardian.com/environment/ng-interactive/2017/jul/13/the-defenders-tracker>

6 <http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/HRDefenders.aspx>

The specific examples described in this brief should be considered in the following light: allegations of rights abuses are rarely litigated. That is, with the exception of very few claims that result in court decisions declaring them to be human rights violations, it is not possible to provide academic documentation of violations, but only of accusations. It is also important to remember that (1) REDD+ has not been fully implemented yet; (2) grassroots and international movements (and related media like *REDD-Monitor*) have successfully publicised claims of rights abuses, likely preventing others; and (3) the number of alleged accusations captured by our research would likely increase if victims of rights abuse perceived the justice system equipped and willing to address their cases. All illustrative cases serve as examples of deep-seated concerns and ongoing risks that will be exacerbated by the growing interest by international bodies to fund a scaling up of REDD+, or to streamline private sector participation. Reflecting on this, several studies (e.g. Krause et al. 2013; Krause and Nielsen 2014) refer to the prioritisation of carbon outcomes, the relegation of non-carbon benefits, and the lack of clear safeguards or strict guidelines for key issues such as Free, Prior, and Informed Consent (FPIC). Thus, the review reveals the issues that may arise from the underlying socio-political and historical contexts of interactions between states and their forest-dependent citizens in which REDD+ will be implemented.

## Methods

Using EBSCO PUCP<sup>7</sup> and Google Scholar, a search was undertaken for journal articles that self-identified as addressing REDD+, using combinations of the following key terms: REDD, REDD+, human rights, human rights violations, human rights abuses, indigenous peoples, indigenous rights. The resulting articles were screened for information, and their bibliographies were checked for further relevant background, including grey literature, after which the search was expanded to include the following terms: eviction, displacement, forced relocation, land rights, land tenure, FPIC, and prior consent (in conjunction with the term REDD+). A total of 85 relevant journal articles dealing with REDD+ processes and projects were considered to fit the criteria for the review.<sup>8</sup> For this brief, we selected claims that had sufficient sources to understand the alleged rights transgressions they described and that would allow for snapshots of different stages of REDD+ in the three key regions: Africa, Asia, and the Americas. Further research was carried out on specific allegations, as needed, through additional journal articles and grey literature such as blogs,

7 <http://biblioteca.pucp.edu.pe/recurso-electronico/ebSCO-discovery-service/>

8 This includes mention of the keywords and the elimination of articles that only referred to the topic in passing without reference to a particular case.

reports, and news articles. This brief presents only a small portion of the results and should be considered preliminary.

Following the UN Special Rapporteur on the Rights of Indigenous Peoples (Tauli-Corpuz, pers. comm.), we consider any actions that violate United Nations Human Rights conventions<sup>9</sup>, the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), or the International Labour Organisation’s Covenant 169 (ILO 169), as abuses of the rights of Indigenous Peoples (see Lyster 2011 for the declarations and agreements over the rights of Indigenous People that apply to REDD+). To simplify, to different degrees the 85 articles can all be categorized to exemplify transgressions of key rights under UNDRIP (see Table 1). Few allegations are heard in court for multiple reasons, including cost, the difficulty of engagement, and the presence or absence of national mechanisms to denounce abuses, as well as political will to investigate and prosecute abuses. As mentioned previously, then, all examples discussed here are *allegations* of rights violations, unless otherwise noted.

**Table 1. Types of rights abuse allegations mentioned in review articles**

| Right (as per UNDRIP)   | # of articles |
|---|---------------|
| Self-determination  | 59            |
| Protection from cultural destruction  | 9             |
| Freedom from forced removal from their lands  | 23            |
| Participation in the decisions that affect them   | 52            |
| Recognition and protection of their lands and resources   | 41            |
| Redress for lands and resources taken or damaged without consent                                | 8             |
| Use and develop their lands and resources, and consultation on projects that would affect these | 28            |

## Findings

This section summarizes a small yet illustrative sample of allegations of rights violations in different REDD+ contexts, at different stages of the development of national emissions reduction strategies, and in countries with diverse histories regarding indigenous rights. Examples are taken from Ecuador, Indonesia, Kenya, Peru, and Tanzania. In spite of these many differences, the evidence demonstrates

common rights concerns in the context of REDD+. The allegations emerge from a subset of the 85 journal articles (noted in the references with an asterisk); other sources are only used for additional context.

Studies argue that Ecuador’s REDD+ strategy and lack of clarity in its land laws have resulted in a series of alleged rights abuses. Indigenous Peoples occupy 65% of Ecuador’s forests, and 37.5% of these groups still hold no legal ownership over this land (Loayza et al. 2017). Ecuador’s REDD+ strategy was met with early opposition from Indigenous Peoples due to the lack of clear safeguards for their territories and autonomy (CONAIE 2011). Loayza et al. (2017) write that even if Ecuador’s REDD+ approach has improved significantly, its implementation will be complicated, as ‘political determination is needed to clarify processes regarding land rights, benefit sharing and consultation mechanisms.’ The mismatch between *de jure* and *de facto* land rights complicate things further, as even if ‘existing legal frameworks provide constitutional rights (...), holding a land title does not mean secure administration and control over the corresponding territories’ (Loayza et al. 2016). Novo (2014) argues that Ecuadorian legislation on indigenous autonomy and self-determination is contradictory and difficult to implement, and that no serious attempt has been made to implement it. Erazo (2013) states REDD+ is at odds with indigenous plans for the protection and consolidation of their traditional territories, which are threatened by illegal logging and mining, oil extraction, and inclusion within national parks.<sup>10</sup> Researchers report this has exacerbated inter-community conflicts over boundaries in areas with REDD+ prospects (Cova, pers. comm.). Although the Ecuadorian government ruled that carbon rights are state-held, weak local understanding of REDD+ led communities to sign commercialization agreements with ‘carbon cowboys,’<sup>11</sup> such as the case of the investor that signed a contract with the indigenous Huaorani organisation, before it was subsequently disputed by local communities and cancelled (Reed 2011).

REDD+ safeguards in Indonesia have advanced tenure recognition, but the process has been delayed by complex and overlapping regulatory systems and a lack of political will (Royo, pers. comm.). Sources argue that the deficient involvement of Indigenous Peoples in the REDD+ process is a key challenge in Indonesian REDD+ projects (e.g. Sunderlin et al. 2013). In 2012 the Forest Peoples Programme (FPP) reported that sub-national REDD+ project developers had not applied FPIC (e.g. Sumatra and Central Kalimantan; Galudra et al. 2011), or had side-lined traditional authorities (e.g. Aceh; Friends of the Earth 2011). A year earlier, FPP (2011) reported on local governments and NGOs that were committed to FPIC but struggled to implement it due to a lack of a clear

9 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx>

10 <http://www.redd-monitor.org/2012/11/06/ecuadors-conflict-between-oil-extraction-indigenous-rights-and-redd/>

11 In the context of REDD+ and carbon markets, ‘carbon cowboys’ are ‘actors who are willing to push the limits of established negotiation mechanisms to gain control over forest areas’ (Aguilar-Støen 2017).

understanding of the process. Despite advances in the development of FPIC guidelines,<sup>12</sup> evidence demonstrates that without clear political will to apply them, REDD+ is less likely to bring real benefits to key rights-holders (see Howson 2017). Finally, a failure to address rights to territory may lead to elites seizing land and forests (Murdiyaso et al. 2012), affecting Indigenous Peoples' livelihoods. Nevertheless, a recent government commitment to both agrarian and forest tenure reform in more than 20 million hectares offers an important new opportunity; and a recently published socio-legal analysis of REDD+ and rights attributes indigenous rights recognition in Indonesia to the 'transnational legal process for jurisdictional REDD+' (Jodoin 2017).

In Kenya, Chomba et al. (2016) report that a REDD+ pilot chose to work in a location where Indigenous Peoples had been evicted from their traditional territories based on the argument that they were responsible for accelerated forest degradation<sup>13</sup>. Ogiek people were evicted in 2014 from the Mau Forest as part of a forest conservation and reforestation programme (Cabello and Gilbertson 2012; Cavanagh et al. 2015; IEN 2014), which the African Court on Human and Peoples' Rights has since ruled was a violation of their land rights.<sup>14</sup> Similarly, more than 10,000 Sengwer people were evicted from their traditional territories in the Embobut forest and Cherangany Hills (FPP 2011).<sup>15</sup> Based on interviews with Sengwer people, Chepkorir (2016) reveals that these evictions disproportionately impacted women. A World Bank investigation recognised its own responsibility — as it funded the Natural Resource Management Project for Kenya (NRMP)<sup>16</sup> — in its failure to protect Sengwer people from eviction in the context of REDD+ readiness.<sup>17</sup> The NRMP (2014) reported prior evictions in 2007 and 2009.

Indigenous Peoples have a mix of formal titles and disputed claims to 40% of the Peruvian Amazon (White 2014). Indigenous organisations have criticized REDD+ in Peru for the lack of spaces for meaningful participation in readiness and implementation, and use of the few spaces that exist as tools for communication rather than consultation (AIDSESP 2011; Latinamerica Press 2012). Early lack of knowledge of REDD+ exacerbated incursions by 'carbon cowboys', as with the indigenous Matses people (Espinoza and Feather 2011; De Jong 2014). Equally, REDD+ is seen to pose a

threat to indigenous territorial rights (Litvinoff and Griffiths 2014), and indigenous organizations have criticized insufficient political commitment to indigenous land tenure (Ludlow et al. 2016). Despite a current move to formalise 5 million hectares for Indigenous Peoples under a REDD+ agreement between Norway, Germany, and Peru,<sup>18</sup> titling and formalisation is a means to an end, rather than a policy shift<sup>19</sup> (see Humphreys et al. 2016). This formalisation process is controversial because communities in more-contested areas are being left out of the titling process. This has been reported by FECONAU, representing Ucayali River indigenous communities, in a statement asserting that the land demands of communities pressured (through dispossession and open violence) by illegal logging and agro-industrial expansion remain unaddressed.<sup>20</sup> Also reported are invasions of titled indigenous territories by non-indigenous people granted overlapping titles by subnational governments.<sup>21</sup> Despite donor demands and some positive responses among a few national government offices, the wider REDD+ effort has not yet been able to tackle such concerns, and therefore risks exacerbating this rights situation.

Scheba and Rakotonarivo (2016) report REDD+-related land-use conflicts in Tanzania as part of the wider REDD+ effort. Raftopoulos (2016) reports on one REDD+ project that led to the enclosure of common forests, sparking conflicts between and within villages over land ownership and access; this followed an announcement that community compensation would depend on the area of forest protected (see Ngendakumana et al. (2013) for a similar case in Cameroon). In this context, Beymer-Farris et al. (2012) reveal how punitive conservation efforts have been supported by a discourse that portrays Indigenous Peoples as recent migrants that destroy forests, reflecting a complex and contested history regarding both indigeneity and migration. A history of exclusive conservation means some communities fear REDD+ will do the same (Kijazi et al. 2017), while regulations conflate illegal and informal trade in forest products. Expanding on this, Vatn et al. (2017) report that REDD+ pilots affect local livelihoods by limiting charcoal production, and forcing communities to relocate to less fertile areas. Some affected communities are reported to have received scant information about REDD+ projects (Bolin 2012). Nevertheless, some projects led directly or indirectly to the clarification of community tenure rights (Jodoin 2017), and, recently, the contested interpretation of 'village lands' appears to have been resolved in favor of communities (Kijazi et al. 2017).

12 [http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/63\\_26\\_130613718354385715-Indonesian%20submission%20on%20REDD+%20safeguards.pdf](http://www4.unfccc.int/submissions/Lists/OSPSubmissionUpload/63_26_130613718354385715-Indonesian%20submission%20on%20REDD+%20safeguards.pdf)

13 [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/71/229](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/229)

14 <http://en.african-court.org/images/Cases/Judgment/Application%20006-2012-%20African%20Commission%20on%20Human%20and%20Peoples%E2%80%99%20Rights%20v.%20the%20Republic%20of%20Kenya.pdf>

15 <https://www.theguardian.com/environment/earth-insight/2014/jul/03/world-bank-un-redd-genocide-land-carbon-grab-sengwer-kenya>

16 <https://www.theguardian.com/global-development/2014/sep/29/world-bank-kenya-forest-dwellers>

18 <http://www.bosques.gob.pe/declaracion-conjunta-de-intencion>

19 <https://www.regnskog.no/en/news/peru-and-norway-sign-major-agreement-for-forest-protection>

20 [archive.org/stream/MemorialFeconau050617/MEMORIAL.FECONAU\\_05.06.2017\\_djvu.txt](http://archive.org/stream/MemorialFeconau050617/MEMORIAL.FECONAU_05.06.2017_djvu.txt)

21 <http://larepublica.pe/politica/1104216-otro-comunero-es-amenazado-de-muerte-en-ucayali>

## Discussion

As can be seen from the findings, some allegations of rights abuses emerge from REDD+ implementation itself, and others emerge from the pre-existing context in which REDD+ is unfolding, and which it may exacerbate. Both of these are problematic. The cross-cutting findings can be grouped into three main arenas of concern: safeguards, FPIC, and rights to territory and self-determination.

**Safeguards**<sup>22</sup>: The UN-REDD's Operational Guidance on Engagement of Indigenous Peoples and other Forest Dependent Communities sets out three principles: a rights-based approach to UN-REDD activities; adherence to FPIC; and assurance such Peoples are represented throughout all stages of UN-REDD Program activities. The Cancun Agreements adopted at UNFCCC COP16 include a set of social safeguards for REDD+ that refer to 'respect for the knowledge and rights of indigenous peoples and members of local communities' and the 'full and effective participation of relevant stakeholders.' Other international safeguard initiatives include the World Bank's Operational Policies and Procedures, which govern the activities of the Forest Carbon Partnership Facility (FCPF 2010), and the Social and Environmental Principles and Criteria developed by the UN-REDD Programme. Both multilateral organizations have also released related tools and guidance materials, including the UN-REDD Programme Guidelines on Free, Prior and Informed Consent and the UN-REDD/FCPF Joint Guidelines on Stakeholder Engagement. Finally, there are a number of non-governmental and hybrid initiatives that provide safeguards for jurisdictional REDD+ (such as the REDD+ SES)<sup>23</sup> and for project-based REDD+ activities (such as the CCBA). Although it has recently announced a \$500 million fund for REDD+ results-based payments, the Green Climate Fund has not yet approved its Indigenous Peoples Policy.<sup>24</sup>

Based on our illustrative examples, we find three key challenges hindering fulfilment of the Cancun Agreements. Firstly, the review demonstrates a varied understanding and application of the rights established in UNDRIP and ILO 169, leading to a vague reproduction of key rights to self-determination, participation, and territory recognition in the safeguards. Secondly, research shows that the national-level implementation of safeguards is affected by country-specific political, economic and social priorities (Pham et al. 2015), and by existing legal interpretations of relevant rights (Jodoin 2017). As REDD+ initiatives are framed within country-specific legal systems based on different histories of interactions between states and their citizens, long-standing discriminatory and exclusionary decision-making

practices may be reproduced through REDD+. Thirdly, whilst the UNFCCC's adoption of safeguards for REDD+ is laudable, they only provide that countries should promote and support safeguards in their REDD+ activities (UNFCCC 2011: 26), rather than legally require them to do so. It is worth noting that the Warsaw Framework requires countries to maintain Safeguard Information Systems as a pre-condition to receive results-based payments for REDD+, but it remains to be seen how this will work in practice. Furthermore, the World Bank's operational policies currently do not require FPIC, applying a lower standard of free, prior, and informed consultation.

**FPIC**: A recent systematic review of REDD+ studies found that most projects had not applied FPIC, took decisions prior to community consultation, and purposefully withheld information to manage community expectations (Saeed et al. 2017). We argue that it is self-defeating to include FPIC in REDD+ safeguards without clear and strict guidelines as, even in countries that have legislated and regulated FPIC due to ILO 169, UNDRIP, or donor responsibilities, it has consistently been applied for communication purposes rather than inclusive decision-making (see Airey and Krause 2017; Bayrak and Marafa 2016). Even if FPIC implementation were to follow the spirit of ILO 169 or UNDRIP, REDD+ consultations would still likely be based on an as-yet-undefined initiative, raising doubts about informed consent. Without strict guidelines, FPIC application in REDD+ processes will present great, even contradictory, variation from country to country. Furthermore, even if required, such processes may omit key community actors in REDD+ process in countries where Indigenous Peoples are not recognised as such by national law. Importantly, based on our review, we stress that whilst respect of FPIC is key, it must include a parallel move to secure land rights. A failure to do so obstructs FPIC processes, for example, with regard to the territories within which FPIC would apply.

**Territory and self-determination**: Our review demonstrates how REDD+ may exacerbate land-related tensions in tropical forests. A study by Sunderlin et al. (2014), which includes Indonesia and Tanzania, reveals that REDD+ is often implemented in contexts where land tenure is neither clearly defined nor enforced (see also Awono et al. 2014). Similarly, Saeed et al.'s (2017) systematic review of REDD+ projects found that even if REDD+ discourse places great emphasis on tenure clarity and security, little has been done in this regard. This is concerning, given that more than half of the world's tropical forests comprise the traditional territories of Indigenous Peoples who are struggling to defend their rights.<sup>25</sup> Although self-determination and land rights are central to UNDRIP and ILO 169, significant gaps are evident between these goals and the implementation of REDD+ in the national legal systems in many of the cases reviewed. Jacob et al. (2017) argues that REDD+'s monetary incentives can potentially enable powerful private and state actors to claim indigenous untitled lands or marginalise their claims.

22 Special thanks to reviewer Sebastien Jodoin for providing specific text on safeguards in this section.

23 <http://www.redd-standards.org>

24 <http://www.greenclimate.fund/500m>

25 <http://www.landmarkmap.org/>

Following pressure from grassroots movements, donors now recognise the centrality of land tenure for assurance of the REDD+ process and achievement of its targets (see Awono et al. 2014; Resosudarmo et al. 2014), as well as the broadening of the actors allowed into related participatory decision-making spaces. Yet, current titling processes have not signalled a pro-rights transformation of the relationship between states and their indigenous citizens. This goes beyond rights, into the effectiveness of the same issues that REDD+ was intended to tackle, as recent academic studies on deforestation conclude that areas occupied by Indigenous Peoples are more likely to be conserved than those that are not (e.g. Blackman et al. 2017; Schleicher 2017 et al.). Regardless, the 2016 Report by the UN Special Rapporteur on the Rights of Indigenous Peoples confirmed that the violation of indigenous rights in the name of conservation is a global constant.<sup>26</sup>

## Steps towards a rights-based REDD+

The potential of REDD+ safeguards to prevent transgressions of the rights of Indigenous Peoples must be understood within the context of on-going conflicts over resources and land throughout the Global South. REDD+ is evolving in a context of rights abuses, displacement and dispossession, threats and harassment over territories, and the repression and assassination of environmental activists by state and private forces. Our review found that REDD+ has often proven ill-prepared to navigate these fundamental rights. While some countries have made advances since the allegations in this Infobrief were recorded, the 85 studies emphasise the human rights risks that REDD+ continues to face. A recent letter from rights defenders in 29 countries demanded that the UN press governments for better legal protection from violence: 'We need global action to counter the threats we face. This is not just a struggle for resources, it's a struggle for justice and social equality.'<sup>27</sup>

It is unclear how Indigenous Peoples will benefit from REDD+. The tension between conserving carbon stocks on the one hand, and providing rights and livelihoods, on the other, has not been solved. As stated recently by the coordinator of COICA, a pan-Amazonian indigenous organization, because areas held by Indigenous Peoples are more likely to be conserved, they may be left out of REDD+ initiatives, since incentives will target those who deforest rather than those with long-term experience caring for forests (Vasquez, pers. comm.). Evidence suggests that REDD+ will likely exacerbate already complex rights challenges, unless it is applied as a framework to promote rights. Because it focuses on forests historically occupied by Indigenous Peoples, REDD+ can be

an opportunity to promote and enhance their rights (see also Jodoin 2017).

In calling for a rights-based approach to REDD+ we recommend that:

- allegations of rights abuses around REDD+, and the context in which it will be implemented, are more dutifully researched and registered; Parties are urged to enable access to justice, and build formal and credible grievance mechanisms throughout the process of readiness and implementation of emissions reduction strategies, including but not limited to REDD+.
- Indigenous Peoples – men and women – are actively engaged as rights-holders, not stakeholders or project beneficiaries.
- socio-cultural safeguards are reframed to recognise Indigenous Peoples' important contributions to climate change initiatives and roles in conserving forests, rather than as a tool to avoid negative impacts on passive beneficiaries. The current implementation of the Green Climate Fund's Indigenous Peoples Policy is a key opportunity to address this.
- active participation of Indigenous Peoples throughout the REDD+ process is recognized as imperative. This requires clear and strict FPIC guidelines that: go further than calls for 'full and effective participation' to reflect the spirit of ILO 169 and UNDRIP; include a clear and upfront disclosure of the extent to which indigenous representatives and community members, including women, are included in decision-making processes (e.g. consultation, communication, negotiation, decisions); ensure consultations are implemented throughout the REDD+ process, rather than at one moment in time; and involve capacity-building efforts at the grassroots to support engaged participation.
- a concerted effort is undertaken to enable the implementation of titling and/or formalization initiatives where there are unfulfilled claims to territory.
- climate change strategies reflect an awareness of how unresolved land rights claims can negatively impact attempts to implement FPIC as part of a national strategy.
- attention is placed on existing and innovative transformational proposals like REDD+ Indígena Amazonica (Indigenous Amazonian REDD+)<sup>28</sup>, which places UNDRIP-recognised rights at the core of REDD+, encouraging non-carbon benefits and the holistic management of territories. We stress the need for international bodies to fund pilots, and scale up similar transformational proposals.
- REDD+ funders shift their attention from early to long-term results to avoid rushed project implementation with unclear safeguards, lax grievance and redress mechanisms, and unresolved land claims.

<sup>26</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/71/229](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/229)

<sup>27</sup> <http://www.civicus.org/index.php/media-resources/media-releases/open-letters/2939-joint-statement-from-environmental-rights-defenders-workshop>

<sup>28</sup> [http://www.proyecto-cbc.org.pe/admin/recursos/publicaciones/c4073-REDD\\_Indigena\\_En\\_EL\\_Peru.pdf](http://www.proyecto-cbc.org.pe/admin/recursos/publicaciones/c4073-REDD_Indigena_En_EL_Peru.pdf)

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