

FOUNDATIONS FOR EFFECTIVENESS

/ Policy Brief
December 2008

A framework for ensuring effective climate change mitigation and adaptation in forest areas while ensuring human rights and development



Moving towards Copenhagen, governments party to the UNFCCC are preparing plans that will include forests in a global framework for addressing climate change mitigation. In this pivotal moment, it is critical to recognize, protect and strengthen the rights of indigenous peoples and forest communities — their full participation will be essential to the success of climate intervention strategies designed here.

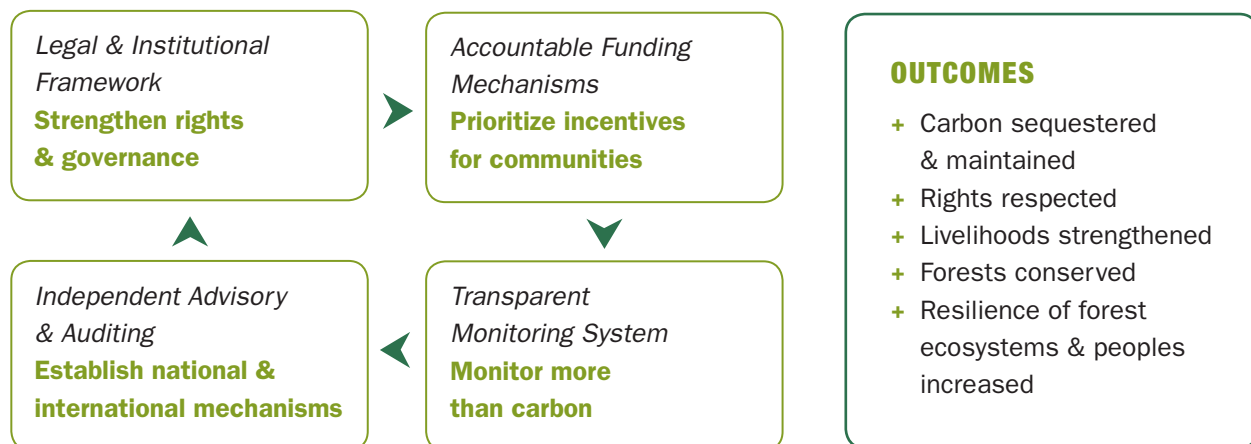
This policy brief aims to provide negotiators, their governments and inter-governmental organizations a clear framework for action to ensure that responses to climate change do not undermine national social and economic development.

Global initiatives that address the role of forests in climate change present opportunities and threats for

forest conservation and for the rights and livelihoods of indigenous peoples and forest communities. Effective investment in climate change mitigation and adaptation in forest areas will require four mutually reinforcing and self-correcting policy foundations:

- 1 / Strengthen rights and governance** — establish an equitable legal and regulatory framework for land and resources;
- 2 / Prioritize incentives for communities** — establish accountable funding mechanisms to ensure that incentives go to the right people;
- 3 / Monitor more than carbon** — establish monitoring systems that monitor more than carbon and which are transparent and easily accessible to the public; and
- 4 / Establish national and international mechanisms** to ensure independent advice and auditing.

Figure 1 / Framework of Actions for Ensuring Effective Climate Change Adaptation & Mitigation in Forest Areas



Framework of Actions

1 / Strengthen rights and governance: Establish the legal and regulatory basis for effective climate change mitigation and adaptation efforts by increasing investments in recognizing and strengthening indigenous peoples and forest communities' human rights, including land rights.

Indigenous peoples and forest communities play critical roles in maintaining forest cover and carbon, and they will provide increased climate benefits to the world when their tenure rights to land and forest resources are secure. When accompanied by new and ambitious investments to strengthen rights, major climate activities in forest areas will be more effective and avert the risks of further exacerbating conflict, poverty and corruption. Steps must be taken to:

- + **Implement forest tenure reforms** including: legal reforms to recognize the tenure rights of indigenous peoples and forest communities; mapping and delimitation of lands; formal recognition of local peoples' rights to the ecosystem services of their forests (including carbon); strengthening communities, civil society and government's capacity to design and implement reforms; and
- + **Build the capacity of communities** to devise their own mitigation and adaptation strategies and to monitor and learn from climate change initiatives.

Funding for adaptation and mitigation initiatives related to forests should be prioritized to those countries that have:

Already demonstrated progress on recognizing indigenous peoples and forest community rights, including progress on establishing systems for free, prior and informed consent; or have

Newly committed to engaging in legal and policy reforms to advance indigenous and community rights and local governance.

In countries with little demonstrated progress on indigenous peoples and forest community rights, funding should be directed towards creating and supporting spaces for dialogue on tenure rights reform.

Public and private donors should ensure that sufficient funds committed for adaptation and mitigation activities in forest areas are focused on strengthening local rights and improving forest governance. Funds committed to REDD-readiness should be used to enable countries to recognize and strengthen forest tenure rights and establish governance systems.

Governments active in the forest and climate change negotiations should lobby to make any forest and climate agreement consistent with international human rights agreements and declarations, such as the UN Declaration of Human Rights, International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights,

the Convention on the Elimination of All Forms of Racial Discrimination, the UN Declaration on the Rights of indigenous peoples, and ILO Convention 169.

2 / Prioritize incentives for indigenous peoples and forest communities: Ensure that incentive structures for climate adaptation and mitigation in forest areas prioritize indigenous peoples and forest communities.

Community-owned and managed forests are resilient systems central to reducing vulnerability to natural disasters, and increasing capacity to adapt to changing climate. Indigenous peoples and long term forest occupants play important roles in maintaining forest cover, forest function and the forest carbon. Effective long term protection of forests will only be possible when standing forests are recognized as both economically and socially valuable. Global benefits from reducing deforestation and degradation must provide real benefits for the people living in forests. Climate change mitigation and adaptation strategies that ignore these considerations will fail to deliver on investments. Funding strategies should:

- + **Prioritize the creation of incentive structures that benefit traditional owners** and other long-term residents of natural forests and agroforests within national mitigation strategies;
- + **Establish dedicated funds for indigenous peoples and forest communities;**
- + **Prioritize investments in documenting local knowledge and tenure systems** while ensuring that they are respected and promoted within national adaptation strategies;
- + **Avoid rewarding industry** for clearing and degrading forests or illegal logging.

The majority of all funds dedicated to adaptation or mitigation should go to forest communities and households.

3 / Monitor more than carbon: Establish transparent and independent monitoring systems for monitoring the status of forests, forest carbon, and impacts on rights and livelihoods.

Monitoring forest carbon is essential to successful mitigation efforts, but alone it will be insufficient given the risks of inadvertent and negative effects on local rights and livelihoods. Considerable new investments to establish credible inventories of forests and forest carbon should be accompanied by investments to:

- + **Establish credible maps and inventories of statutory and customary forest community tenure rights** and increase public knowledge of these rights in developing countries;
- + **Monitor and make transparent and easily accessible to the public at local, national and international levels**

Rationale

the status of compensation, distribution of benefits, impacts on rights and conflict, and compliance with FPIC standards;

- + **Develop cost-effective and rights-based monitoring systems** to measure the impact of forest related climate change responses on the rights and livelihoods of forest peoples including locally-based verification.

No funds should be committed to governments for monitoring without guarantees that the information generated will be easily accessible by the public and all methods, data and results transparent, and made available for independent monitoring and reporting to donors, developing country governments and their citizens.

4 / Establish international and national advisory and audit mechanisms: Establish permanent civil society advisory processes to guide, monitor and audit investments and actions at national and global levels.

Ad hoc and infrequent social inputs into national and international climate processes are inadequate to ensure effective climate change investments, risk exacerbating social tensions, and do not allow for self-correction over time. Support is needed to:

- + **Establish indigenous peoples and civil society advisory groups to formally advise the relevant bodies of the UNFCCC** and related funds and monitor the design and implementation of investments in climate mitigation and adaptation in forest areas at the global level. The groups would also formally advise the UNFCCC REDD contact group, and it would monitor and assess the UN-REDD initiative, the World Bank Forest Carbon Partnership Facility (FCPF), the Forest Investment Programme (FIP), and other relevant initiatives.
- + **Include representatives from civil society and indigenous peoples** in the oversight and management of international climate change mitigation and adaptation funds;
- + **Establish fully transparent and locally-led indigenous peoples and civil society consultation processes** to devise, guide and monitor national forest and climate strategies in forest countries.

No funds should be transferred to countries without their commitment to establish national-level, locally-led consultation processes to guide and monitor investments.

Governments active in the forest and climate change negotiations should lobby for the establishment of a Civil Society Advisory Group to the relevant bodies of the UNFCCC.

There is now wide-ranging consensus among many governments, international organizations, civil society, indigenous peoples and the private sector that forest tenure rights and governance must be addressed in any efforts to mitigate or adapt to climate change.¹ New interventions in forest areas should be tempered with the knowledge that prior international interventions have had limited effect on loss and degradation of forests — often due to the fact that there has been inadequate effort to recognize human rights, clarify property, access and use rights, enable local enterprise development, and encourage the transparency and accountability necessary for equitable markets and governance to develop.² Moreover, unless the multi-functional value of forests is recognized, the potential that forests offer to climate change mitigation and adaptation efforts will not be realized.

The pervasive poverty, corruption and social tension in forest areas have not only generated violent conflict and a concentration of forest wealth, but create a situation where new, additional investments risk catalyzing new discord and conflict unless they are carefully and equitably targeted.³ More than ever, the markets, livelihoods, and fates of forest dwellers are interlinked with those of the global community.

Clear rights and governance structures are thus not only required for investments to achieve climate goals, but unless they are in place there is a real risk of inadvertently undermining existing progress on human rights of forest dwellers.⁴ Designing forest interventions is a complex task that needs more than technical input and will need to be adjusted over time. Independent commitments to separate countries or projects by international organizations are not adequate to produce global results. There is a need for a comprehensive approach by the global community. Moreover, frameworks for ensuring rights-based mitigation and adaptation investments in forest areas will be more effective if they are based on comprehensive national strategies that include sub-national approaches taken when appropriate. To be effective and serious, international efforts to address climate change adaptation and mitigation must make clarifying and securing rights a priority.

Strong property rights and forest governance are required to ensure that forest owners have the incentive to invest in maintaining their forests. Secure rights and good governance are necessary to target effective public compensation for reduced emissions and maintenance of carbon stocks. Moreover, these conditions are prerequisites for efficient and equitable markets. Strategies that prioritize incentives for communities will avoid discouraging local conservation, will efficiently exercise use of public funds, and will diminish the risk of catalyzing conflicts and undermining social progress. Transparent monitoring of impacts is necessary to track whether climate goals are being met, and to ensure that carbon projects do not

inadvertently undermine rights and livelihoods. Yet, better information alone will not be enough unless there is also independent guidance to governments on programs, impacts and performance.

These four foundations are interdependent, mutually-reinforcing and, once established will be self-correcting over time. Inadequate effort or progress on any one of these foundations will undermine the effectiveness of the system as a whole. These ideas are not new, and indeed there are already projects underway to establish payment schemes, legal frameworks, and new monitoring mechanisms. This brief calls for a more concerted effort to understand and invest in a comprehensive approach to understanding and planning for climate interventions in forest areas. Governments and civil society must work to ensure that each of the foundations is set in place so that over time climate change investments in forest areas will be effective, and will not undermine broader progress in strengthening human and civil rights and social development.

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This policy brief is authored by the Rights and Resources Initiative and Rainforest Foundation Norway and is the result of our collaboration for the international conference on [Rights, Forests and Climate Change](#). This framework builds on the emerging consensus among civil society groups on the role of human rights within global dialogue on climate change.

Learn more: www.rightsandclimate.org

[Rights and Resources Initiative](#) (RRI) is a global coalition working to advance forest tenure, policy and market reforms, primarily in developing countries. The RRI mission is to promote pro-poor reforms that will increase household and community ownership, control and benefits from forests and trees. RRI pro-actively engages with governments, civil society and community organizations to encourage institutional reforms, advance new understanding of threats and opportunities, encourage innovative and promising new models of forest tenure and enterprise, and catalyze more effective intervention on tenure and governance. Partners in the RRI include: ACICAFOC, CIFOR, Civic Response, FPCD Papua New Guinea, Forest Peoples Programme, Forest Trends, World Agroforestry Centre, Intercooperation, IUCN, FECOFUN Nepal, and RECOFTC.

Learn more: www.rightsandresources.org

The mission of the [Rainforest Foundation](#) is to support indigenous peoples and traditional populations of the world's rainforests in their efforts to protect their environment and fulfill their rights by assisting them in: securing and controlling the natural resources necessary for their long-term well-being and managing these resources in ways which do not harm their environment, violate their culture or compromise their future; and developing means to protect their individual and collective rights and to obtain, shape and control basic services from the state.

Learn more: www.rainforest.no

- ^{1/} See, for example: Conference on *Rights, Forests and Climate Change*, Oslo 15-17 October 2008. www.rightsandclimate.org
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