

News flash

From the Mongolovian
Independent Press Service

18th June 2010

News flash

- The Mongolovian Government has just signed a Memorandum of Understanding with the Norwegian Government for US \$230 million for its national climate change mitigation plan (REDD + + +)
- The MoU offers only vague sureties on IPs' rights

Breaking news

- The MoU between the two Governments requires that a mutually agreed independent financial institution will handle the transfer of money to ensure 'due diligence'
- The Government of Norway suggests the World Bank.

Breaking news

- The President of Mongolia is very upset as the World Bank says that, if it is to handle the money, then it must apply its 'safeguards'. Why is he upset?
- Because twice in the last 10 years Mongolia has failed to secure World Bank / GEF grants for its proposed protected area system, as the Government of Mongolia could not comply with the World Bank's safeguard on indigenous peoples (OP 4.10)

Shock announcement

- On June 4th, the Mongolovian President announces to the press that the Norwegian Government has agreed that the World Bank will, after all, **not** apply its safeguards but will instead use 'innovative mechanisms' to deal with the financial transfers.....

Guess who?

- Actually this is a true story: can you guess which country we are talking about ?

Advice to the State of Mongolia from the 'Informed' Group

UNREDD and FPIC meeting, Hanoi
18th June 2010

Our Group's Question

What should Mongolovian government do to make FPIC effective for implementing REDD+, in terms of being 'informed'?

Principles 1

- FPIC and information sharing must be set in an adequate legal and policy framework which respects rights
- Government should recognize and respect indigenous peoples' rights (eg UNDRIP)
- Government must implement existing agreements eg human rights treaties, CBD, ILO
- State laws should be amended to be compatible with these international treaties

Principles 2

- State laws should recognise customary laws, customary rights and customary institutions (and ensure 'legal personality')
- Government will recognise, indigenous peoples' / customary owners' rights to own manage and control their lands, territories, forests and natural resources
- State laws will recognise that customary owners of forests/ lands/ natural resources have rights to the carbon (and as 'tradable asset')

Principles 3

- Must have legal security for the full and effective participation of IPs according to their own processes of decision-making
- Laws must also ensure media and citizens have freedom of expression/ freedom of information/ right to information/ and must allow the use of indigenous languages.

Implementation 1

- Government will set up an open, transparent consultation process to involve rights holders
- This 'REDD Committee' must be equitable and must include IPs through self-selection, government officials and independent international agencies (eg NGOs and UN) eg 1/3rd each (ie not just one token IP)
- Government should develop a proper system to share information in all parts of the country

Implementation 2

- Mechanism must safeguard open, transparent, independent, balanced and comprehensive information sharing
- Government must train officials and build capacity to understand and implement this process
- To verify that rightsholders understand the information before they are asked to make decisions, 'contact groups' should be sampled
- 'Contact groups' of officials could also be used to assess officials' comprehension (ie was training adequate).

Implementation 3

- REDD Committee should agree a staged programme of work to develop, agree on and then implement plan
- FPIC should be verified during implementation not just at the beginning as FPIC is iterative
- Committee must ensure that documentation of the process is verified and agreed before being shared (to avoid inaccurate minutes for example)