





### Engagement of Indigenous Peoples and other Forest Dependent Communities, and Civil Society



Regional UN-REDD Country Programme Teams Information Exchange Meeting

8-10 November 2010 Bangkok



Gaya Sriskanthan, UNDP









#### **Presentation Overview**

- 1. UN-REDD and the UN Human Rights Based Approach
- 2. Governance of UN-REDD: The Policy Board
- 3. Operational Guidance on Engagement of IPs & CS: Alignment of UN-REDD and FCPF Approaches
- Free Prior & Informed Consent (FPIC) and Recourse Mechanisms
- 5. Emerging Good Practice for Consultation: Paraguay





# 1. UN Human Rights Based Approach

- UN Agencies have adopted the Human Rights Based Approach to development meaning that all policies and programmes should further the realisation of human rights
- Based on advocacy for the vulnerable and building capacity for inclusion and engagement and 'do no harm' / risk assessment perspective
- The Human Rights Based Approach is supported by other UN instruments:
  - UN Charter & Universal Declaration of Human Rights
  - •UN Common Understanding of the Human Rights Based Approach to Development
  - •The UN Declaration on the Rights of Indigenous Peoples
  - •UN Development Group Guidelines on Indigenous Peoples Issues
  - UN Committee on the Elimination of Racial Discrimination
  - •UN High Commission on Human Rights
  - ILO Convention 169 on Indigenous & Tribal Peoples





# UN Declaration on the Rights of Indigenous Peoples

**Article 19:** "States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their *free, prior, and informed consent* before adopting and implementing legislative or administrative measures that may affect them."

**Article 32:** "...States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their *free, prior, and informed consent* prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of water, mineral or other resources..."

**Article 42:** "The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and the full application of the provisions of the Declaration..."



### 2. Governance of the UN-REDD **Programme: The Policy Board**



 Composed of participating countries, donors, agencies, Indigenous Peoples, CSOs & observers



Decisions made by consensus among members



 Informed by Independent Advisory Group on Forests, Rights and Climate Change







# Civil Society and IP Representation on the UN-REDD Policy Board

ROGRAMME

#### **Civil Society:**

- One full member that is nominated from a group of <u>four</u> observers: Representatives from each of the three regions and one 'northern' NGO.
- Identified via a self-selection process facilitated by the Rights and Resources Initiative on behalf of the Advisory Group on Rights, Forests and Climate Change

#### **Indigenous Peoples & Forest Dependent Communities:**

- One full member (Chair of UNPFII)
- Three observers (one from each region), selected by the regional caucuses to Indigenous Peoples' Global Summit on Climate Change, Alaska, Apr 09



## Independent Advisory Group on Forests, Rights & Climate Change

## Established to provide independent advice and guidance to the UN-REDD Programme

#### **Initial membership:**

Organizing Committee of 'Conference on Rights, Forests and Climate', Oct 2008, (RRI, RFN, Tebtebba, FPP, ACICAFOC, Civic Response, WRI, etc)

#### **Activities:**

Presentations and advice to Policy Board; Counsel on policies and guidelines; Managed self-selection process for CSO reps to the Policy Board; Guidance on socio-economic aspects of REDD; Engagement in dialogues





# 3. Operational Guidance: Engagement of IPs & Forest Communities



Operational Guidance: Intended to inform the design, implementation, monitoring & evaluation of Programme activities at global & national level

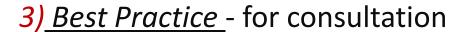
The Operational Guidance has three substantive parts:



1) <u>Principles</u> - on the rights of IPs and other forest dependent communities



2) <u>Guidelines</u> - for the engagement of IP and other forest dependent communities







#### **Principles:**

 Follow a human rights based approach and must adhere to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)



- Free, prior, and informed consent (FPIC) shall be adhered to
- Ensure there is broad representation of Indigenous Peoples, including women and youth, at all stages of its activities.



#### **Guidelines:**

- Representation
- Transparency & Access to Information
- Participation & Inclusion
- Accountability







#### Harmonization with FCPF

FCPF Guidance Note on Stakeholder Engagement R-PP template with integrated Strategic Environmental and Social Assessment (SESA) and Operational Safeguards (e.g., OS 4.10)

- + UN-REDD Programme Operational Guidance on the Engagement of IPs & Forest Dependent Communities
- = Harmonized Guidance on Stakeholder Engagement





#### Harmonization with FCPF

- Principles for Effective Stakeholder Engagement
- Operational Guidelines for Participation and Consultation
- Practical Steps for Carrying out Effective Consultations
- Annexes: Guidelines Specific to the UN-REDD Programme (FPIC)
   Relevant WB & UN Policies
   Relevant Resources & Tools





#### Harmonization with FCPF

#### **Practical Implications for UN-REDD Programme Pilot Countries:**

- One shared approach by FCPF and UN-REDD to support stakeholder engagement in readiness activities
- Streamlining of consultation processes to one shared process
- No change in UN-REDD Programme Guidelines for National Programmes:
  - Representation
  - Validation meeting
  - Consultation process
  - Activities & resources for stakeholder engagement
  - Transparency & access to information





# 4. UN-REDD Free, Prior and Informed Consent (FPIC) and Recourse Guidelines

#### In response to the request of the Policy Board:

To develop a set of concrete guidelines on how to implement FPIC and provide effective recourse mechanisms within the context of the UN-REDD Programme, so that we can build a body of knowledge and experience to inform FPIC processes and recourse mechanisms for REDD+ in the future.

#### Three regional consultations:

Asia Regional Consultation – Hanoi, Vietnam – June 2010 Latin America Consultation – Panama City, Panama – October 2010 Africa Regional Consultation – Tanzania – January 2011





#### **Hanoi Draft Guidelines - FPIC**

## Synthesized into a set of guidelines, focusing on the steps to take to ensure that consent is given that is based on:

- Access to comprehensive, objective information that takes into accounts possible benefits and risks and alternative perspectives in appropriate language and format
- Full understanding established in advance of decisions respecting traditional decision making processes and timeline
- Full participation of the rights-holders
- Comprehensive documentation of the decision making process and results
- Independent verification of FPIC process
- Access to recourse, where decisions are not upheld
- Technical and financial support for an effective process





#### **Draft Guidelines - Recourse**

ROGRAMME

To provide access to recourse for stakeholders, including indigenous peoples and forest dependent communities, a mechanism should be:

- Accessible
- Independent and impartial
- Efficient
- Effective
- Using indigenous dispute-resolution institutions with disputes addressed as to close to the administrative level where they arose as can be effectively resolved
- Adequately funded
- Able to result in necessary changes to activities, policies, and/or procedures
- Able to report to decision-makers and make recommendations for changes in policies and procedures



#### **Next Steps**

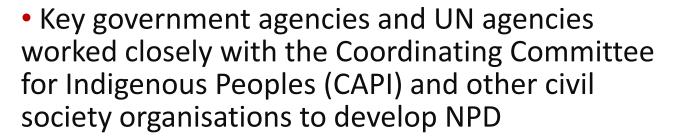
- 1. Recommendations from the Panama workshop are currently being documented and will be circulated for comment Nov 2010
- 2. Africa Regional Consultation in Jan 2011 informed by recommendations from Hanoi and Panama
- 3. The three sets of recommendations analysed for similarities and differences, one set of guidelines with regional distinctions synthesised and distributed for a public comment period March/April 2011
- 4. Guidelines will be Annexed to the Harmonised Guidance on the Engagement of Indigenous Peoples and other Forest Dependent Communities May 2011
- 5. Support to capacity building for government to implement guidelines June 2011 onwards





# 5. Emerging Good Practice for Consultation: Paraguay







 Close adherence to the Operational Guidance on IPs/Forest Dependent communities



 CAPI facilitated workshops with IP stakeholders to develop specific guidance for REDD+ activities





# **Emerging Good Practice for Consultation: Paraguay**



 High IP ownership of National Programme Document and process



 Chapter 3 specifically looks at the implementation of the National Programme in Indigenous Peoples' Territories



- Presents 14 guiding points including the need to carry out FPIC before any activity on such territories is carried out
- Approved at PB5 last week









## Thank you!



www.un-redd.org







