

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

Regional UN-REDD Country Programme Teams
Information Exchange Meeting

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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
4. 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

Civil Society:

- One full member that is nominated from a group of four 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) Principles - on the rights of IPs and other forest dependent communities

2) Guidelines - for the engagement of IP and other forest dependent communities

3) Best Practice - for consultation





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

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 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

- Key government agencies and UN agencies worked closely with the Coordinating Committee for Indigenous Peoples (CAPI) and other civil society organisations to develop NPD
- 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!

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