

The REDD+ frontier and the rights of indigenous peoples: Results from a systematic search of the scholarly literature and proposals for a way forward

Juan Pablo Sarmiento Barletti and Anne M. Larson

Center for International Forestry Research

j.sarmiento@cgiar.org

Paper prepared for presentation at the “2019 WORLD BANK CONFERENCE ON LAND AND POVERTY” The World Bank - Washington DC, March 25-29, 2019

Copyright 2019 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.

Abstract

We present the findings of a systematic search of the scholarly literature dealing with how projects and national processes of the UN Framework Convention on Climate Change (UNFCCC) for Reducing Emissions from Deforestation and forest Degradation (REDD+) framework have affected, positively or negatively, the rights of indigenous peoples. Our review is intended as a follow-up to early warnings that REDD+ might violate indigenous rights, and to positions held by proponents that REDD+ can be a vehicle to achieve further recognition of indigenous rights. By exploring the question of indigenous rights in the REDD+ frontier — the national and local contexts in which REDD+ is being rolled out — we aim to inform ongoing related discussions in scholarly and practised-based circles. We also aim to understand what contextual factors affected whether REDD+ can be supportive or create challenges for the rights of indigenous peoples.

Keywords

Indigenous rights; land tenure; participation; REDD+; safeguards

Indigenous Peoples and Climate Change

It is widely accepted that climate change will have its most devastating effects on indigenous peoples, local communities, and other vulnerable groups, and even more so for women in those groups. In response, the Paris Agreement and 2030 Agenda for Sustainable Development adopted the two main international agreements over the rights of indigenous peoples—the U.N. Declaration on the Rights of Indigenous Peoples and the International Labour Organization’s Indigenous and Tribal Peoples Convention. This recognition is laudable and calls attention to the role of indigenous peoples and their territories in the global climate change effort. However, in practice, their rights — especially those related to land and resource tenure — are not always recognized or respected.

Although they represent 5% of the world’s population, the territories customarily claimed and legally held by indigenous peoples equal 38 million km²— more than 25% of the world’s land surface. These forests are central to global environmental goals, including the Convention on Biological Diversity, the 2030 Agenda and the Paris Agreement as there are a series of climate mitigation initiatives that are to be implemented in them. Furthermore, indigenous peoples occupy areas that hold at least 24% (54,546 MtC) of the total carbon stored aboveground in tropical forests. Almost half of that carbon is situated in territories lacking formal recognition.

Enough scientific evidence — as well as expectation and need to involve forested areas stewarded by indigenous peoples in climate change mitigation plans — exists to ensure indigenous peoples are central to any related global effort. However, these factors are not always reflected in action on the ground. Unlike the aforementioned international agreements, national legal and political systems have historically limited the rights of indigenous peoples to land and resources, demonstrated by the fact that only 21 countries include clear commitments in their Nationally Determined Contributions to implement land and resource tenure initiatives related to indigenous peoples and local communities.

Indigenous Peoples and REDD+

The UNFCCC’s REDD+ framework is one of the most controversial and potentially innovative climate change mitigation initiatives related to indigenous peoples and their territories. REDD+ intends to reward participating nations economically in five areas: (1) reducing emissions from deforestation; (2) reducing emissions from forest degradation; (3) conservation of forest carbon stocks; (4) sustainable management of forests; and, (5) enhancement of forest carbon stocks.

From early on there have been marked debates for and against REDD+. Some analysts and practitioners see it as a transformative solution with the potential to benefit the environment, forest-dependent communities, and governments of the Global South. Others, including grassroots movements, argue that it is only a governance mechanism that reifies government control over forests, stripping local

communities of their rights and livelihoods and excluding them from forest governance. Much of the critique of REDD+ centers on sorting out winners and losers, commonly seen as private and/or government interests (winners) versus those of local and indigenous communities (losers). On the one hand, this position has been strengthened by a series of reports on transgressions of the rights of indigenous peoples in the wider context of REDD+. On the other, indigenous peoples and local communities have taken advantage of REDD+ as a platform for putting their rights on the global agenda, and in some cases they have been able to exert significant influence over national policy, supported by initiatives including the World Bank's Dedicated Grant Mechanism for Indigenous Peoples and Local Communities. Current discussions revolve around whether REDD+ safeguards, those set by the UNFCCC and independent organizations, will be able to uphold or transform indigenous rights, especially in terms of their rights to land and participation.

The Review

Our review preliminarily reveals a series of situations in the REDD+ frontier in which the rights of indigenous peoples have been transgressed, based on international rights conventions. Although the most common allegations of rights abuses in the context of REDD+ national readiness and/or subnational implementation were related to self-determination, there were also a few cases of open violence against indigenous groups by government and private forces. Yet, although all the allegations of rights abuses in the literature may not have been caused by REDD+, there is still a need for greater awareness that the REDD+ frontier overlaps contexts of abuses, displacement, and dispossession, as well as of repression and assassination of environmental activists. REDD+ has often proven ill-prepared to navigate these tensions. Furthermore, although REDD+ may be an innovative global solution for a global problem, it must still be implemented locally. We found a lack of attention to the different political, economic, environmental, and social issues at play in the national and local contexts of REDD+, which reveals a need for a more reflective engagement with this contextual specificity. We argue that this emphasizes that whether or not a rights-based REDD+ is applied depends not on how it has been conceived at the level of the UNFCCC or project coordinators, but on the regulatory framework of the state and the level of organization of indigenous peoples in the varied contexts in which it is being readied and implemented.

We also notes cases in which the progressions of the rights of indigenous people to land and to participation in the decisions that affect them that have led from REDD+ are related to donor pressure and to the ability of grassroots organizations to use REDD+ to put rights demands on the global agenda. As such, there is still optimism that a re-thinking of REDD+ safeguards to do more than 'do no harm' may prove to be transformational for both the framework itself and the indigenous peoples on whose forests REDD+ is being and will be rolled out.