# REDD
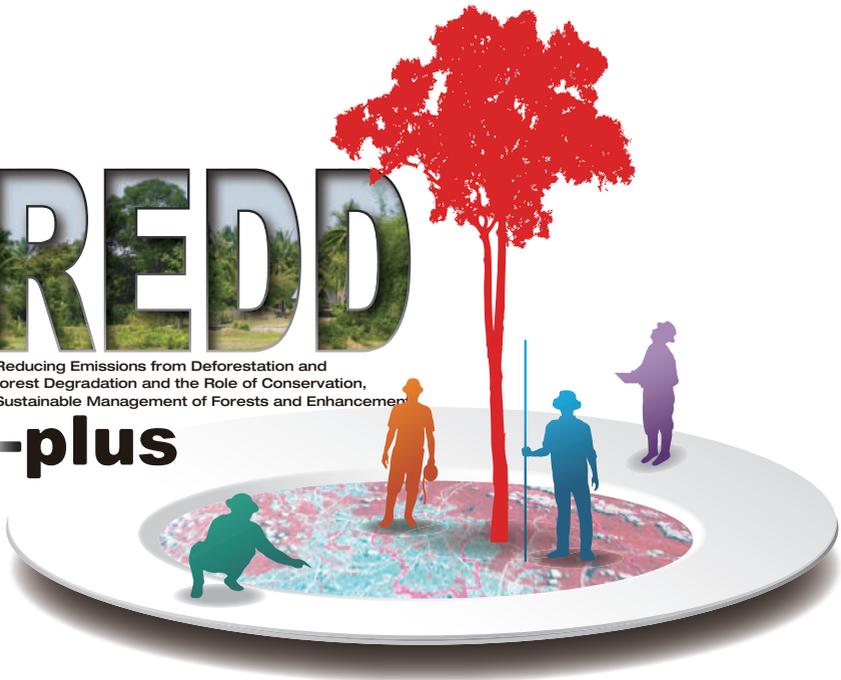
**Reducing Emissions from Deforestation and
forest Degradation and the Role of Conservation,
Sustainable Management of Forests and Enhancement**

## -plus

# COOKBOOK
# ANNEX

### Research Manual Vol. 3
### Social Safeguards

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# Preface

The basic concept of REDD-plus is to provide economic incentives such as funding or credits to developing countries for REDD activities (reducing emissions from deforestation and forest degradation) and "plus" activities (reducing $CO_2$ emissions and $CO_2$ levels in the atmosphere by carbon sequestration). Thus, in order to estimate the changes in the amount of carbon stored in forests, monitoring using scientific approach is essential.

The REDD Research and Development Center, Forestry and Forest Products Research Institute compiled the "REDD-plus Cookbook" (hereinafter referred to as the *Cookbook*) in 2012; an easy-to-understand technical manual covering basic knowledge and techniques required for REDD-plus with the main focus on forest carbon monitoring. In the Cookbook, knowledge and techniques required for REDD-plus were compiled in units called "Recipe." Its main intended readers included policy makers, practitioners and experts working on REDD-plus implementation and field activities.

As the Cookbook focused on the basic knowledge and techniques required for REDD-plus, detailed information supporting on-site activities was not necessarily covered. Thus, we decided to publish a series of technical manuals called the "REDD-plus Cookbook Annex" with detailed and practical information of each "Recipe." In this manual, fundamental concepts to address and respect safeguards are explained. This manual is intended to be used as a textbook for capacity building, and we recommend to read it in conjunction with the Cookbook.

We hope this manual will contribute to the promotion of REDD-plus in many parts of the world.


March, 2017

REDD Research and Development Center
Forestry and Forest Products Research Institute (FFPRI)

# Contents

## 1  Outline

### 1.1  Purpose of Cookbook ANNEX (Vol. 3)

The REDD-plus Cookbook, which was compiled in 2012 by the Forestry and Forest Products Research Institute, is an easy-to-understand technical manual on basic knowledge and techniques required for REDD-plus. This REDD-plus Cookbook ANNEX Vol. 3 explains REDD-plus safeguards with a focus on social aspects that are roughly outlined in the Cookbook. The explanations take into account differences in national circumstances and include considerations that might be necessary when developing and implementing REDD-plus. Annex Vol. 3 is intended for project developers (and potential developers), but we hope students who are studying forest sociology and NGOs interested in REDD-plus also find it useful.

### 1.2  Recipes covered by Cookbook Annex (Vol. 3)

This annex complements the explanations on safeguards provided in the REDD-plus Cookbook. Recipes covered by the Cookbook are shown in **[      ]** for reference. Also, detailed information on safeguards is provided in "Guidebook for REDD+ Safeguards" (compiled by the REDD-plus Safeguards Research Project commissioned by the Forestry Agency; in Japanese; http://www.maff.go.jp/j/kokusai/kokkyo/yosan/pdf/sg_guide.pdf), which this annex will also complement.

### 1.3  What are REDD-plus safeguards?

The basic concept of safeguards was first proposed at the Declaration on Human Environment adopted by the United Nations (UN) Conference on the Human Environment held in Stockholm, Sweden, in 1972 and then developed as the bases for investment in the World Bank and other organizations since the 1980s (Davis et al. 2013). The fundamental principles are to "conserve the effects of measures" and to "do no harm," but safeguards could also include expectations to further contribute to various social, economic, and environmental aspects of REDD-plus. REDD-plus safeguards are often classified into two categories: social safeguards and environmental safeguards. Another common classification provides three categories: the development of forest governance, the conservation of biological diversity, and the considerations for indigenous peoples and members of local communities (Source: The Forestry and Forest Products Research Institute, REDD Research and Development Center) **[*See Recipe-P03, page 38*]**.

**<Key points of REDD-plus safeguards>**
· Safeguards are requirements to be met when implementing REDD-plus activities to prevent negative social, economic, and environmental impacts and to reduce any risks that could undermine climate change mitigation measures.
· Under the UN Framework Convention on Climate Change (UNFCCC), countries are required

to promote and support the safeguards throughout the implementation of REDD-plus activities and provide a summary of information. National circumstances should be taken into account when determining the specific contents of the information and criteria and indicators for identifying the achievements.

· Information on effective approaches and methods of setting objectives for safeguards is expected to be updated based on analyses of REDD-plus activities in the near future.

### 1.4  REDD-plus safeguards under the Cancun Agreement

The 16th Session of the Conference of the Parties (COP16) of UNFCCC held in Cancun, Mexico, in 2010 was an important turning point for REDD-plus. The seven items of REDD-plus safeguards that should be taken into consideration when implementing REDD-plus (see below) were identified in the so-called Cancun Agreement. Since then, these safeguards have been perceived as the fundamental requirements when implementing REDD-plus at the national level **[*See Recipe-P03, page 38*]**.

The seven safeguards identified in the Cancun Agreement (Cancun Safeguards) (1/CP.16, Paragraph 2 of Appendix I) are the following:

(a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;

(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;

(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances, and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples [UNDRIP][1];

(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision[2];

(e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits[3];

(f) Actions to address the risks of reversals;

(g) Actions to reduce displacement of emissions.

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1   UNDRIP defines the individual and collective rights of indigenous peoples. UNDRIP also emphasizes to respect their customary laws, cultures, and traditions and to seek the development of their livelihood. UNDRIP is not legally binding, but it is noted here based on its international support.

2   Activities for reducing emissions from deforestation and forest degradation, as well as conservation, sustainable management of forests and enhancement of forest carbon stocks.

3   "Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day." (1/CP.16, Footnote of Paragaraph 2(e), Appendix I)

## 2  Social safeguards

Among the seven Cancun Safeguards, items (c) and (d) are categorized as social safeguards (Table 1) because these two items focus on the stakeholders who engage in REDD-plus activities, particularly indigenous peoples and members of local communities. Cancun Safeguard (e) also places importance on indigenous peoples and members of local communities. Thus, this annex will focus on Cancun Safeguards (c), (d), and (e) (Table 1). **[See Recipe-P03, pages 39 and 40]**

**Table 1. Categorization of Safeguards in the Cookbook and the focus of this annex**

| Cancun Safeguards Item | Category |
|---|---|
| (a)<br>(b) | Forest governance |
| (c)<br>(d) | Social safeguards |
| (e) | Environmental and social safeguards |
| (f)<br>(g) | Climate change |

\* This annex covers green items only.

Outline and key points of the above three items are explained in the following sections.

### 2.1  Cancun Safeguard (c)

"Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples" (1/CP.16, Paragraph 2 (c) of Appendix I)

● **Outline**

Many indigenous peoples and members of local communities live in forests and depend on them for their livelihoods. They are the most vulnerable to the complications of the conservation and sustainability of forests and forest resources. When implementing REDD-plus, the knowledge of indigenous peoples and members of local communities and the rights to maintain and protect their knowledge need to be respected. The implementation of REDD-plus should be based on the agreements and relevant international obligations adopted by each country while noting that UNDRIP was adopted by the UN General Assembly. Furthermore, national circumstances related to the knowledge and rights of indigenous peoples and members

of local communities and the legal system developed based on these circumstances also need to be respected.

The traditional knowledge of indigenous peoples and local communities has two aspects: as the cultural heritage of indigenous peoples and as knowledge and practices relevant to the conservation of ecosystem and the sustainable use of forests. The rights associated with REDD-plus include the rights to lands and resources; the rights to revitalize, use, develop, and transmit to future generations their culture and tradition; the rights to property; the legal rights; the rights to be free from all forms of discrimination; the rights to self-determination; the rights to equitable distribution of benefits; and free, prior, and informed consent (FPIC) as procedural rights.

### 2.1.1 Indigenous peoples

In developing countries, indigenous peoples and members of local communities have often sustainably managed the forest on the basis of their traditional and locally adapted knowledge on the use of forest resources, including genetic resources. Some countries might have identified all indigenous peoples who claim their traditional rights and established legal systems that give them appropriate authority within the national framework. However, some countries face difficulty when identifying indigenous peoples because of issues that may affect national existence and independence.

In the Indigenous and Tribal Peoples Convention, 1989 (No. 169) (ILO169), both objective and subjective definitions of indigenous peoples are provided (ILO 2013). The objective definition includes (i) historical continuity, (ii) territorial connection, and (iii) distinctive and specific social, economic, cultural, and political institutions. The subjective definition is based on collective self-identification as indigenous peoples. According to UN-REDD and the Forest Carbon Partnership Facility (FCPF), these definitions should be followed in ratifying countries.

UNDRIP specifies that indigenous peoples have the rights to self-determination and "by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" (UNDRIP Article 3). ILO169 and UNDRIP invite countries to establish national laws to recognize the self-awareness and self-determination of indigenous peoples. However, the legal status of indigenous peoples varies by country depending on whether the country ratifies the international convention or whether the national laws are in place. In addition, conflicts over the rights to lands and resources might still take place between the country and indigenous peoples, between indigenous peoples and the local community, between different groups of indigenous peoples, and between different origins of peoples in the same community. Even if individuals or groups claimed their status as indigenous peoples on the basis of self-awareness, the rights to self-determination as indigenous peoples require recognition under the national law. As Cancun Safeguard (c) includes "take into account the

national circumstances and laws," those who are referred to as "indigenous peoples" in REDD-plus are considered to be groups recognized by countries on the basis of national laws.

### 2.1.2 Local communities

The definition of "members of local communities" implies a wide range of people just like indigenous peoples defined by the subjective definition. Article 8(j) of the Convention on Biological Diversity (CBD) states that "indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity" are those who should be respected when pursuing the conservation and sustainable use of biological diversity. In the Cancun Agreement, "members of local communities" refers to individuals who may not be recognized as indigenous peoples but should be respected. In addition, members of local communities and "indigenous peoples" are always written together to suggest that the rights and knowledge of these people be respected, while at the same time they are obliged to follow national sovereignty and national laws (Cancun Safeguard (b)). In this case, "members of local communities" means not only individuals who have been recognized as indigenous peoples by the national laws, but as groups that have lived in the land traditionally or over a certain period of time and rely on the land or watershed for long time rather than all people living in a certain area. Furthermore, the guidance of the expert group meeting on Article 8(j) of the CBD (UNEP/CBD/AHEG/LCR/1/2) recognizes that members of local communities are not limited to individuals or group of people who have legal personality and collective legal rights recognized by the nation.

Issues regarding indigenous peoples and members of local communities may develop into a regional conflict or an independence issue if not handled appropriately. Therefore, project developers should bear in mind that REDD-plus could awaken such sensitive matters if not approached with enough care. Some issues are easily identifiable by outsiders, including the project developers, and some are not. Information on past conflicts from more than one local news source and from more than one local collaborator familiar with the local situation might be useful. Furthermore, when the problem is too complicated for project developers to handle, it may be wise to reconsider the project.

### 2.1.3 Vulnerable groups

Those who need to be respected in a REDD-plus project include all stakeholders in broad terms (see 2.2 Cancun Safeguard (d)). In particular, indigenous peoples and members of local communities who have the knowledge and rights relevant to REDD-plus, women, and vulnerable groups should be respected. People who move seasonally from one place to another like no-mads are also included among them. Existing institutions might grant the rights to participation or decision making to only one sex based on national, local, and religious customs or traditional

culture. Under such circumstances, a gender-sensitive approach would be important to avoid reinforcing any pre-existing gender discrimination. Furthermore, when different roles, rights, needs, problems, knowledge, and ability between men and women are not reflected in the project, the low social status and poverty related to gender can be entrenched or even worsen. This negative impact of the project that might impair expected project outcomes needs to be pre-assessed and avoided. The knowledge and rights of vulnerable groups should also be respected. "Vulnerable groups" include individuals or groups that have limited access to social, cultural, and economic or natural assets they depend on for their livelihood, in particular, those with physical and intellectual disabilities and those who are in the discriminated class, such as slaves, and widows, who are left out of the decision making. Indigenous peoples, people of discriminated gender, and disadvantaged groups who are not classified in these categories are also included. Human rights related to gender and those regarding vulnerable groups have received greater attention over the years as reflected in the code of conduct in corporations, such as the UN Guiding Principles on Business and Human Rights, the UN Global Compact[4], and the OECD Guidelines for Multinational Enterprises. REDD-plus should be implemented recognizing that human rights in corporate activities are a subject of growing concern.

### 2.1.4  Knowledge

Indigenous peoples and members of local communities possess a wide range of knowledge that has been inherited by many generations. According to Article 8 (j) of the CBD, knowledge includes innovations and practices of indigenous and local communities. Article 31(1) of UNDRIP states that "[i]ndigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts." Their traditional knowledge has two aspects: as the indigenous cultural heritage that should be protected and as the important knowledge and technology for the conservation and sustainable use of forest and other ecosystems. The knowledge of traditional medicine, including the use of medicinal plants, traditional ways of life for forest conservation, plant genetic resources, spiritual value of the forest, and other importance of flora and fauna, are particularly related to REDD-plus.

### 2.1.5  FPIC

ILO169 and UNDRIP recognize that indigenous groups have procedural rights in addition to

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4  Corporate sustainability initiative launched by the UN consisting of ten principles in the areas of human rights, labor, the environment, and anti-corruption.

the same right as that of the general public. This right is called FPIC, based on the "Permanent Forum on Indigenous Issues" reported by the UN Economic and Social Council (E/C.19/2005/3). According to this report (paragraph 46), the definitions of "free," "prior," and "informed" of FPIC are as follows:

- *Free* should imply that there is no coercion, intimidation or manipulation.
- *Prior* should imply that consent has been sought sufficiently in advance of any authorization or commencement of activities and that respect is shown for time requirements of indigenous consultation/consensus processes.
- *Informed* should imply that information is provided that covers (at least) the following aspects:
  a. The nature, size, pace, reversibility and scope of any proposed project or activity;
  b. The reason(s) for or purpose(s) of the project and/or activity;
  c. The duration of the above;
  d. The locality of areas that will be affected;
  e. A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit-sharing in a context that respects the precautionary principle;
  f. Personnel likely to be involved in the execution of the proposed project (including indigenous peoples, private sector staff, research institutions, government employees and others);
  g. Procedures that the project may entail.

"Consultation" and "participation" are the key components of the process of "consent." Consultation needs sufficient time and an effective system for dialogues among relevant stakeholders, and it should be carried out in good faith. Furthermore, "participation" needs to be full and effective (Cancun Safeguards (d)).

The relevant international laws and UNDRIP recognize the procedural rights in the following cases:

- When there are plans of relocating indigenous peoples from their lands or territories (Article 16 of ILO169, Article 10 of UNDRIP);
- Matters related to indigenous peoples' cultural, intellectual, religious, and spiritual property taken in violation of their traditions and customs in their territories (Article 11 of UNDRIP);
- Before the adoption of legislation or administrative policies that affect indigenous peoples (Article 19 of UNDRIP);
- Before the storage or disposal of hazardous materials on indigenous peoples' lands or territories (Article 29 of UNDRIP);

- Before undertaking projects that affect indigenous peoples' rights to land, territory, and resources, including mining and other utilization or exploitation of resources (Article 32 of UNDRIP);
- Before accessing genetic resources and traditional knowledge held by indigenous and local communities (national laws in accordance with Articles 6, 7, and 12 of CBD Nagoya Protocol)

### 2.1.6 Rights

When starting a REDD-plus project, identifying the geographic extent that will be affected by the proposed project and engaging potential rights holders as early as possible are necessary to clarify the rights to be applied (Hite 2014). In particular, mapping the distribution of forest resources at different levels of administrative units (from national to community boundaries) and identifying the designated land use areas (e.g., territories of indigenous peoples, protected areas, and boundaries of common lands) are important (Fig. 1). Among others, the following information should be identified in advance: (i) statutory frameworks of forest governance and land tenure, (ii) customary forest rights (including unwritten ones) of indigenous peoples and local communities, and (iii) international laws and treaties related to REDD-plus that the host country is obliged to follow. In addition, conducting an environmental and social impact assessment in the project area would be effective.
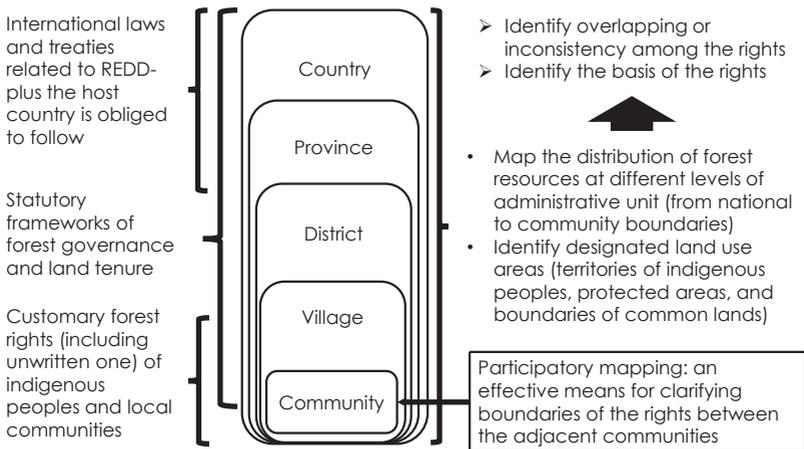


**Figure 1  Forest rights at different administrative levels and examples of methods to identify them.**

In the next step, analyzing how these laws are applied to the rights holders is important. By ensuring the participation of relevant stakeholders in accordance with administrative procedures and procedural rights, the project is expected to be carried out without causing any unnecessary conflicts between the relevant rights holders. The rights of women and vulnerable groups should also be taken into consideration. At this stage, the basis of each right needs to be clarified, and its relationship should be clarified. Overlapping or inconsistency among the rights is often found. These issues are likely to occur when the national and international laws are not consistent and might take a long time to solve. Thus, careful attention needs to be paid so that the project does not worsen any conflict. Participatory mapping is considered an effective means of clarifying the boundaries of the rights between adjacent communities (Hite 2014). The participatory process may be costly and time consuming, but it will reduce infringement on rights by engaging the rights holders from an early stage of the project. As a result, participation is expected to enhance the permanence of the project and its climate benefits.

When conflicts associated with any rights arise, the conflicts should be settled through a fair and lawful process based on conflict resolution measures. Identification and clarification of the source of rights and the rights holders would aid the implementation of appropriate relief measures. A spectrum of measures exists to address and resolve disputes according to its context and complexity; such measures include dialogue, fact finding and report, mediation, arbitration, and court order (Hite 2014). Also, an ombudsman or grievance mechanisms (see 2.2.7 for details) should be utilized before a dispute rises to a formal judicial case, which is usually costly and time consuming.

### 2.1.7 Rights to lands and resources

The rights relevant to REDD-plus projects can be categorized into rights to lands and resources (tenure rights) and human rights. Tenure rights are complex, and their systems vary by countries or regions and generally consist of a combination of five elements, as shown in Table 2 (Hite 2014).

Table 2  Five rights to lands and resources (Hite 2014)

| Category of Rights | Content |
|---|---|
| Access | Rights to access a resource and use it on location without depletion |
| Withdrawal | Rights to extract a resource without necessarily replenishing it |
| Exclusion | Rights to control who has access to a resource (closely associated with ownership) |
| Alienation | Rights to sell, transfer, or lease a tenure right |
| Management | Rights to regulate or provision the use of a resource |

Each element of tenure rights in the same parcel of land can be possessed by different individuals or groups. For example, individuals may have the rights to access, while rights to alienation and management might be held by the government. Tenure rights could be possessed publicly by the government or privately by individuals, legal entities such as companies, or groups (collective rights) like indigenous peoples. When implementing the project, identifying who has what rights and who has the authority to impose sanctions against the infringement of rights is important. The rights to tenure could be granted by the state on the basis of the constitution or national laws, granted based on customary laws (either written or unwritten), or enforced by precedent laws decided by the court. When customary laws that are not recognized by the government in the project area exist, project developers should carefully examine potential inhibiting factors of the project while taking into account the host country's legislations and socially sensitive matters regarding human rights.

Most indigenous peoples have strong relationships with their traditional lands and territories that are often considered sacred or have spiritual value (ILO 2009). ILO169 and UNDRIP recognize indigenous peoples' rights to the lands, territories, and resources that they have traditionally owned or otherwise occupied or used and rights to redress (including restitution) when any damage has taken place (Article 13–15 of ILO169, Article 25–28 of UNDRIP). No removal or relocation of the indigenous peoples shall take place without FPIC (Article 16 of ILO169, Article 10 of UNDRIP). It is important to note that lands can be managed by communities or individuals, corresponding to collective and individual rights, respectively (ILO 2009). ILO169 and UNDRIP place importance on the promotion and protection of the collective rights of indigenous peoples to maintain, control, protect, and develop their own practices, customs, customary laws, and relevant matters recognizing their social, economic, cultural, and political distinctiveness from other members of society (ILO 2009).

### 2.1.8  Human rights

Human rights consist of substantive rights and procedural rights. Substantive rights imply the rights to natural resources and cultural and spiritual interests, which include the rights to anti-discrimination, protection of cultural and traditional identity, and equitable benefit sharing. The procedural rights are called FPIC, and "consultation" and "participation" are particularly important. What FPIC implies on the ground might vary as the World Bank applies "consultation" for the "C" of FPIC and eases FPIC from consensus building to consulting relevant stakeholders, while third-party certificates such as the Climate, Community & Biodiversity Standards (CCBS) explicitly specifies "C" of FPIC as "consent." In addition, NGOs sometimes highlight "the right to veto" to avoid forced participation. When implementing the process of FPIC, the social stratification of the community should be taken into consideration. For example, vulnerable groups (women and slaves class) could be given opportunities to freely talk and

discuss separately from the community elite, or a separate FPIC process could be applied to the youth who might be influenced by the project in the long run but have limited voice in front of the elderly.

ILO169 and UNDRIP recognize that human rights of all people, including indigenous peoples, should be respected in a non-discriminatory manner. Article 1 of UNDRIP states that "[i]ndigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law." This statement also applies to members of local communities. Article 11 of UNDRIP also recognizes indigenous peoples' rights to protect, practice, and revitalize their self-awareness, customs, traditions, and systems.

### 2.1.9 Equitable benefit sharing

The CBD invites all member Parties to recognize that indigenous peoples have the right to receive fair and equitable sharing of benefits derived from the utilization of genetic resources and of such knowledge, innovations and practices (Article 8(j) of CBD, Article 7 of CBD Nagoya Protocol). Benefits may consist of both monetary and non-monetary benefits and may include up-front payments, milestone payments, payment of royalties, training, education and capacity building. Individuals or groups who would be affected by the arrangements should have an active role in its design to accomplish a fair and equitable share of benefits.

Benefit sharing based on carbon rights is also related to the rights to lands and resources. Depending on the laws and the terms of contract, owners of aboveground forest resources and land holders might hold the rights to receive benefits generated from the carbon stored in trees. The concept of carbon rights emerged relatively recently, so different rules may apply depending on the legal system of the host country. Benefits generated by the REDD-plus project can be monetary and non-monetary and are determined by the net profit after deducting the cost associated with the project (Pham et al. 2013). Benefit sharing is considered one of the most difficult issues in REDD-plus. Some might choose to share benefits according to the amount of emissions reductions on the basis of the effectiveness and efficiency of REDD-plus activities, while others might prioritize equitable benefit sharing to gain the recognition of the project from relevant stakeholders. Different viewpoints and shortcomings of equitable benefit sharing are shown in the following table (Table 3; Pham et al. 2013).

Table 3  Different viewpoints and shortcomings of equitable benefit sharing (Pham et al. 2013)

| Type | Arguments |
|---|---|
| Benefit sharing based on legal rights | Benefit sharing based on legal rights to lands and resources. It is effective when the rights are well defined; however, benefits may be concentrated toward the government and large-scale forest holders. Vulnerable groups, including indigenous peoples, members of local communities, women, and marginalized people, are often excluded. |
| Benefit sharing to forest stewards | Benefit sharing to those who have conserved forests while reducing emissions. The benefits are likely allocated to indigenous peoples and members of local communities whose rights are less respected, but the additionality of the REDD-plus project is expected to be low, thereby resulting in less emissions reduction. |
| Benefit sharing to those incurring costs | Benefit sharing in accordance with the cost burden of REDD-plus activities regardless of emissions reductions. When the cost burden of REDD-plus activities among stakeholders is clear, the transparency of benefit sharing will increase and investment will be promoted from the initial stage of the project. However, the efficiency and effectiveness of emissions reduction might be reduced. |
| Benefit sharing to effective facilitators | A fixed amount of benefits will be allocated to stakeholders who take leadership and promote REDD-plus activities, such as the government or project developers. This may promote the project from the initial stage, but determining if the return is fair and worth the risk of project failure is difficult. |

## 2.2  Cancun Safeguard (d)

"Full and effective participation of relevant stakeholders related to activities referred to in Paragraph 70 and 72 of this Decision" (1/CP.16, Paragraph 2(d) of Appendix I)

● **Outline**

Cancun Safeguard (d) emphasizes the importance of establishing a system that will ensure full and effective participation of relevant stakeholders, especially indigenous peoples and members of local communities who depend on forests for their livelihoods, when implementing the five REDD-plus activities referred to in Articles 70 and 72 of the Cancun Agreement (1/CP.16). "Stakeholders" refer to individuals who are deeply related to the forest, for example, those who have the rights under national laws or contracts, those who do not have such rights but depend on the forest for their livelihoods in the project area, and those who have customarily used the forest. With respect to "full and effective participation of stakeholders," due consideration should be given to access to information through an appropriate language and method, consultations, appropriate opportunities for cooperation and decision making, consensus building, as well as grievance mechanisms, conflict resolution measures, and access to judicial mechanisms.

Effective stakeholder participation in all stages of the project is essential for achieving

concordance with international development goals and environmental actions. More recently, it is considered a fundamental element for transparent and democratic governance (Roe et al. 2013). Reflecting a number of past failures of top-down decision making in forest management, "participation" is often considered necessary and important, but this idea may not always hold. Cases of forced participation against people's will, participation without access to decision making, and management failure resulting from the "Tragedy of the Commons[5]" exist (Sato 2003). Nonetheless, stakeholder participation is expected to produce various benefits, such as securing transparency and improving social trust, preventing people who are left out of decision making from being ignored, enhancing empowerment of stakeholders (over the decision making of REDD-plus project; see below), effectively responding to the needs and priorities of the community, and increasing people's awareness (Reed 2008). In other words, effective participation is promoted by such actions.

### 2.2.1 Stakeholders

"Stakeholders" imply not only individuals who have the rights under the laws but also all individuals who are involved in the project regardless of legal rights. FCPF/UNREDD Programme (2012) defines stakeholders "as those groups that have a stake/interest/right in the forest and those that will be affected either negatively or positively by REDD+ activities." Stakeholders of a REDD-plus project include relevant government agencies, forest users (both formal and informal), the private sector, indigenous peoples, and members of local communities who depend on the forest. Women, children, the youth, and vulnerable people are also considered stakeholders.

Relevant stakeholders include all people living in the locality. To prevent displacement of emissions (i.e., leakage), people living in the buffer zone of the project should also be included. Also, nomadic people who occasionally use the forest and urban people who take an interest in the project can be included in "stakeholders" (Figure 2).

According to the UN Environment Programme, those who are not the target of REDD-plus, such as local authorities, farmers, labor union, businesses, NGOs, and scientists/experts, can be potential stakeholders (UNEP 2013). Stakeholders can include "anybody who wants to be" (NOAA Coastal Services Center 2007), encompassing a wide range of people who are likely to be affected by the project and those who take interest. Nonetheless, forest-dependent communities living in the project area, especially vulnerable groups and those who are susceptible to negative impacts of the project, should be given explicit explanations regarding obligations and the rights that arise from being stakeholders.

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5 "Tragedy of the Commons" occurs when individuals pursue the greatest benefit from the common resource on a first-come, first-served basis, thereby leading to overexploitation and depletion of the resource.
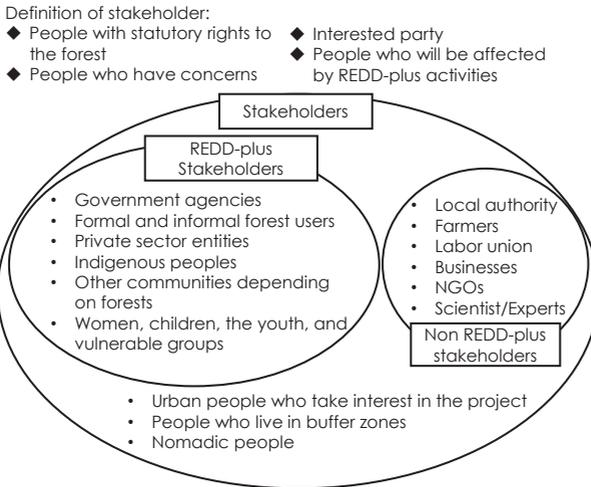
Definition of stakeholder:
◆ People with statutory rights to     ◆ Interested party
   the forest                         ◆ People who will be affected
◆ People who have concerns              by REDD-plus activities

Stakeholders

REDD-plus
Stakeholders

• Government agencies
• Formal and informal forest users
• Private sector entities
• Indigenous peoples
• Other communities depending
  on forests
• Women, children, the youth, and
  vulnerable groups

• Local authority
• Farmers
• Labor union
• Businesses
• NGOs
• Scientist/Experts

Non REDD-plus
stakeholders

• Urban people who take interest in the project
• People who live in buffer zones
• Nomadic people

**Figure 2  Definition and scope of stakeholders
(based on FCPF/UN-REDD Programme 2012; UNEP 2013).**

### 2.2.2  Full and effective participation

REDD+SES (2012) states that "'[f]ull and effective participation' means meaningful influence of all relevant rights holders and stakeholders who want to be involved throughout the process, and includes consultation and free, prior and informed consent." The Rio Declaration stresses the need to respect traditional decision making and political system and to provide access[6] to the legal procedure in its process (information sharing, consultations, and FPIC).

Full and effective participation of relevant stakeholders does not mean just to give an "opportunity" of participation, such as in a meeting. It is a process of ensuring that stakeholders are able to voice their opinions during consultations, that stakeholders are able to influence decision making, and that stakeholders have the capacity to engage in effective decision making (Reed 2008) (However, engagement of stakeholders in the decision-making process is a difficult task even in developed countries). Education to acquire the necessary knowledge and to cultivate confidence is imperative for meaningful participation. A phased approach for stakeholder participation includes (i) information sharing, (ii) consultation, (iii) collaboration, (iv) joint decision making, and (v) empowerment (Foti et al. 2008; Daviet 2011) (see 2.2.3–2.2.6 for details).

In addition to consideration for indigenous peoples and members of local communities referred to in Cancun Safeguard (c), further consideration is needed for a wide range of stakeholders in the context of "participation." The participation of relevant stakeholders would allow

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6 Effective access to legal and administrative procedures, including compensation and remedy. Grievance mechanisms and conflict resolution measures are particularly relevant to REDD-plus.

individuals who are not granted the rights under the national laws or customary laws to be incorporated. Also, incorporating people who are likely to be affected by the project and those who take interest could reduce risks of leakage.

When developing a project, one should first think thoroughly of those who are participating. Some could be indigenous peoples with statutory recognition, and others without. As explained in the section on Cancun Safeguard (c), project developers need to identify any claims regarding legal or customary rights of individuals or collectives and any conflicts over forest rights in the project area so that the project can take necessary measures (Figure 3). Participatory approaches such as "transect walk" and "participatory observation" could be useful (see JICA

Stakeholders

People who have the rights under the national laws or contracts

People who do not have the rights but depend on the forest for their livelihoods in the project area

People who live in the buffer zone of the project to prevent leakage

Project developers need to identify if any people are not granted statutory rights they claim to hold and to confirm whether there have been conflicts over the rights in the project area

When issues are identified, how should they be respected?

- Respect indigenous peoples and members of local communities
- Take power balance among stakeholders into account
- Enable vulnerable people to participate in information sharing, grievance mechanisms, conflict resolution, FPIC, and decision-making
- ✓ Access to information through appropriate language and methods
- ✓ Participation in consultations
- ✓ Appropriate opportunities to cooperate and decision-making
- ✓ Participation in decision-making
- ✓ Grievance mechanisms, conflict resolution measures and access to judicial mechanisms

Methods

- Participatory poverty mapping and listing
- Participatory research and learning methods

**Figure 3  Steps for full and effective participation.**
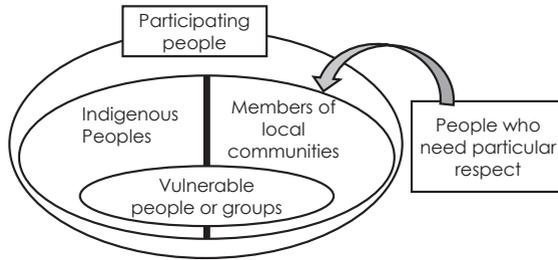
**Figure 4  People to be respected in "participation."**

(2007) for details of the methods). Indigenous peoples, members of local communities, and vulnerable groups (women and vulnerable people or groups who suffer from discrimination and detriment) referred to in Cancun Safeguard (c) in particular should be taken into consideration (Figure 4). The use of appropriate language and communication methods is required for these people to participate in information sharing, grievance mechanisms, conflict resolutions, FPIC, and decision making. The power balance among stakeholders is often biased, and projects are encouraged to particularly respect those who are discriminated against, such as indigenous peoples, members of local communities, and vulnerable people and groups, as well as inequality among gender and age groups. Participatory poverty mapping and listing are also effective measures. Utilizing participatory research and participatory learning methods such as trips to the project site by small groups of experts with different professions, as well as using visual teaching aids and providing pointers or markers to those who are most vulnerable during community consultation are crucial for stakeholders with diverse backgrounds to be able to voice their opinions, exchange opinions, and build a relationship of mutual trust (Chambers 1994a, b; Sato 2003). Many participatory approaches, including participatory workshop (participatory learning methods), have been developed as an effective tool. The key to participatory approach is that participants are voluntarily involved in the dialogues to identify the problems and make their own decision without the influence of external actors. The details of the approach are shown in "Methods and instructions of social research" (JICA 2007; especially method of module B-2 social research). Participation by a wide range of stakeholders is expected to create adaptive decisions and lead to more socially and environmentally conscious decision making (Reed 2008).

To ensure effective participation, participation in the project from an early stage (from the concept building or planning of the project) is important (Reed 2008). However, in many cases, stakeholders are allowed to participate only in the decision-making process of the implementation phase. To facilitate participation in an early stage, improving stakeholders' understanding is crucial. If the stakeholders' awareness has improved through national or sub-national

REDD-plus readiness phase, then project developers could take advantage of this opportunity. An increasing trend of stakeholder participation with the progression of a project has been observed, especially in the evaluation stage, including monitoring. Full and effective participation in decision making requires stakeholder participation in all stages of the project, including concept development, planning, implementation, monitoring, and evaluation.

### 2.2.3  Information sharing, access to information

Information sharing is the most important component for effective stakeholder participation. The right to access to information is recognized as a basic right under a number of international conventions and regional agreements, and the provision of access to information is recognized as a public duty. The purpose of information sharing is to secure transparency and to promote legitimacy of the project.

To promote participation from the early stage of a project, information sharing and disclosure should be carried out with respect to indigenous peoples and members of local communities as they do not necessarily understand the importance of stakeholder participation, including the rights to access to information. Information relevant to the project should be disclosed at an early stage and over a wide area. The target areas for providing information should be determined with support from someone from the host country or project area who is familiar with the locality. All information related to project activities, such as a summary of the proposed activity, compliance with national and international laws, duration and schedule of the activities, contact address, areas and communities that will be affected by the project, environmental, social, and cultural impacts that may be posed by project activities, and availability of public consultations, should be provided (The secretariat of CBD 2004). Information can be provided through the internet, newsletters, press release, and announcements. In addition, information should be provided through culturally appropriate methods (using local languages and through appropriate communicators) for effective participation. Communication through representatives elected by stakeholders based on customary decision making processes might be a necessary part of stakeholder participation.

### 2.2.4  Consultations

Consultation is the next step after the setup of relevant information sharing measures toward decision making. Unlike information sharing, which is a one-way flow of information from the project developer to the stakeholders, both parties exchange information and opinions in consultation. Consultation will not only help the process of consensus building, but also support the appropriate implementation of a sustainable project. Consultation with stakeholders, particularly indigenous peoples and members of local communities, is essential and should be free from gender discrimination.

As stated in the section on Cancun Safeguard (c), "consultation" is different from the "C" of FPIC, which stands for "consent." Consultation is considered essential in all stages of the project and is especially important in areas where consensus building is expected to be difficult. Exchanging ideas and views with stakeholders is important rather than providing a one-sided explanation from the project developer. Although participation is important for the success of a project, stakeholders have the right not to participate or agree in each stage of participation. Prior explanation and consensus building processes are important; as in the past, a case occurred in which stakeholders who felt they were deprived of their rights and property set fire on the project area forest out of spite.

### 2.2.5 Collaboration and joint decision making

Collaboration means not only receiving feedback from stakeholders in problem solving, planning, monitoring, and evaluation, but also inviting stakeholders to be involved in these processes. When collaboration extends to decision making, it is called joint decision making and is one step advanced than collaboration.

Collaboration is a stage where project developers still dominate decision making. Stakeholder participation in project activities or monitoring is an example of collaboration. Participatory monitoring is not only sought in safeguard monitoring, but is often carried out in carbon monitoring depending on the situation in each host country. Joint decision making is particularly useful when stakeholders' knowledge, ability, and experience are needed to achieve the objectives of the project, for example, when selecting a sustainable forest management approach suitable for the locality (Daviet 2011).

### 2.2.6 Empowerment

Empowerment in REDD-plus is to transfer the rights to decision making and control over resources and project activities from project developers to stakeholders. This process is effective when members other than the project developer are able to independently achieve the objectives of the project according to their own interests without the intervention and supervision of the government. Transfer of power is not the main purpose of a REDD-plus project, but it could be held as a complementary objective to lead stakeholders in the host country to independently implement REDD-plus.

Capacity building to promote understanding and technology acquisition is needed for those to whom the power will be transferred. The transfer of power is better discussed from the beginning of the project in some cases, and in other cases, it is better discussed in the course of the project. The former process is effective when stakeholders have sufficient capacity and when a good relationship exists between the project developer and stakeholders, including the government. However, stakeholders are expected to understand that REDD-plus activities

may involve risks and that negative impacts that may be posed by project activities need to be addressed. Without this understanding, the risks of reversal or displacement of emissions will arise.

### 2.2.7  Grievance mechanism and conflict resolution

Grievance mechanism in REDD-plus includes a system for accepting and processing claims before they develop into a court dispute, as well as general measures to address conflicts between more than two parties (Rey et al. 2013). Generally, conflict resolution refers to a process of solving a dispute once it has developed from an unresolved claim received through a grievance mechanism until it is solved legally through the court. However, distinguishing between grievance and conflict is not always easy. Grievance refers to a claim that reflects one side of the involved parties. A well-organized grievance mechanism and conflict resolution are crucial processes to secure appropriate stakeholder participation (Roe et al. 2013). These two processes are related to Cancun Safeguard (b) because they should be carried out in accordance with existing administrative procedures and national laws. They are also related to Cancun Safeguard (c) because they are part of the process of respecting the rights of indigenous peoples and members of local communities (see 2.16).

As stated in the section on Cancun Safeguard (c), the customary rights of indigenous peoples and members of local communities and the rights inherited from their ancestors are not always clearly defined under national laws or they could be inconsistent with what people claim. Thus, the rights to lands and resources, especially those of indigenous peoples and members of local communities, require special attention. In addition, disagreements over the rights may arise during consultation. To facilitate participation, a fair and accessible grievance mechanism and conflict resolution should be established (FCPF/UN-REDD Programme 2012). To respond to grievance and conflicts, a grievance desk or something similar (for example, a grievance box or a system that accepts anonymous grievances through e-mail or phone to avoid any social sanction) should be provided (Figure 5). When a grievance is not immediately settled, conflict resolution that generally starts from negotiation, intervention, and arbitration should be carried out. Establishing a system to provide these processes or confirming whether existing system is available is necessary. Identifying customary laws or traditions for arbitration and sanction is important to settle grievance or conflicts to prevent double punishment among indigenous peoples and local communities. Utmost care should be taken when handling these matters.

When a grievance or conflict is not settled, legal or quasi-legal measures (judicial or administrative procedures) should be taken. Establishing its own system is usually not feasible for a project. Thus, systems provided by the local government should be identified to organize necessary processes. Specifically, clarifying the scope of responsibility as a project developer and preparing a response manual, especially with regard to access to appropriate judicial and
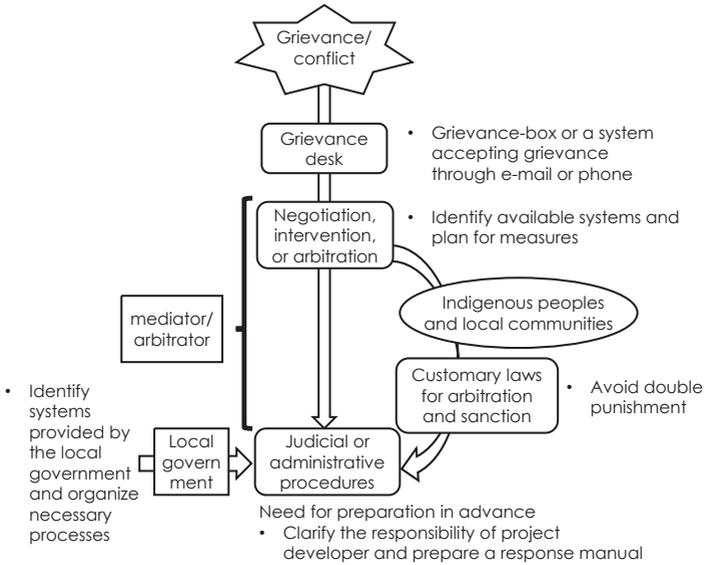
Figure 5  Grievance and conflict redress.

administrative institutions, are important. It is usually the responsibility of the local government to notify how the judicial process can be accessed and to make the process available. In case a grievance is filed against the project developer, a third party who will serve as a mediator or arbitrator should be appointed in advance.

### ▌2.3  Cancun Safeguard (e)

"That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the con-version of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits" (1/CP.16, Paragraph 2 (e) of Appendix I)

* Cancun Safeguard (e) includes environmental and social aspects. This annex covers the social aspect.

● **Outline**

REDD-plus should prevent any negative impacts on biodiversity and ecosystem services through its activities. REDD-plus activities should not only convert natural forests but also prevent negative impacts of displacement of emissions and afforestation on forests and other ecosystems with low carbon density but high biodiversity value.

More importantly, unlike other items of the Cancun Safeguards that seek to prevent negative impacts, item (e) stresses to promote and support actions to enhance the social and envi-ronmental co-benefits of REDD-plus activities. Understanding the objectives and actions of the CBD and ensuring consistency with REDD-plus activities will facilitate the conservation of biodiversity and ecosystem services. REDD-plus is expected to promote and support activities that will enhance social and environmental benefits while taking account of forest resources that indigenous peoples and members of local communities depend on.

#### 2.3.1  Enhancement of social and environmental benefits

Many indigenous peoples and members of local communities in developing countries depend on the forest for their livelihood, and forest conservation may facilitate poverty alleviation and improvement of food security. Thus, REDD-plus is expected to contribute to the enhancement of the benefits for indigenous peoples, members of local communities, women, and vulnerable groups. To enhance other social and environmental benefits while conserving biodiversity in REDD-plus, a combination of measures is needed, such as conserving biodiversity in the course of participatory forest management (Rey et al. 2013). Removing hunting traps while patrolling the forest is an example. Integrating social and environmental goals into the planning and implementation of a REDD-plus project from the initial stage may be more efficient and effective than pursuing them as additional objectives afterwards (Panfil and Harvey 2014).

Even when conserving biodiversity and ecosystem services through REDD-plus, respecting the knowledge and rights of indigenous peoples and members of local communities and giving due consideration not to affect their livelihoods are important. The framework of HCV (High Conservation Values) used by private environmental certifications such as the CCBS, the FSC

(Forest Stewardship Council), and RSPO (Roundtable on Sustainable Palm Oil) requires that the opinions from indigenous peoples and members of local communities to be reflected when identifying target areas or resources for conservation and protection. Social and environmental benefits created by REDD-plus may not only contribute to the conservation of ecosystem services but may also improve the well-being of people through three approaches: the provision of opportunities (job, income, and education), the improvement of security (the rights to land and resources and ecosystem services), and empowerment (participation in decision making in land use and development) for indigenous peoples and members of local communities (Figure 6; Lawlor et al. 2013). Thus, when conserving biodiversity and ecosystem services through REDD-plus, considering Cancun Safeguards (c) and (d) from the planning stage is important to balance tradeoffs among beneficiaries (especially when the many bear the cost of the few) and to enhance social and environmental benefits.
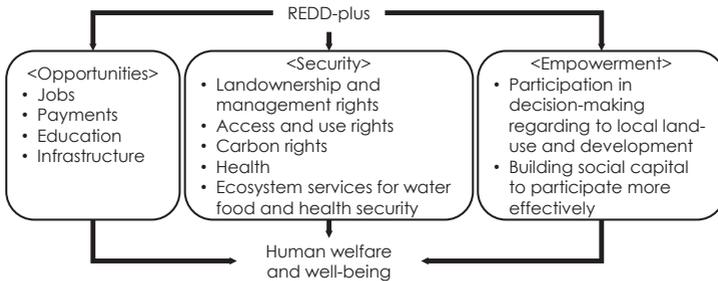


**Figure 6  Three approaches to improve the well-being of people through REDD-plus (Lawlor et al. 2013).**

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## 5. Notes

This annex is a revision of a part of the "Guidebook for REDD+ Safeguards" (in Japanese) published in March 2016 by the Forestry Agency of Japan.