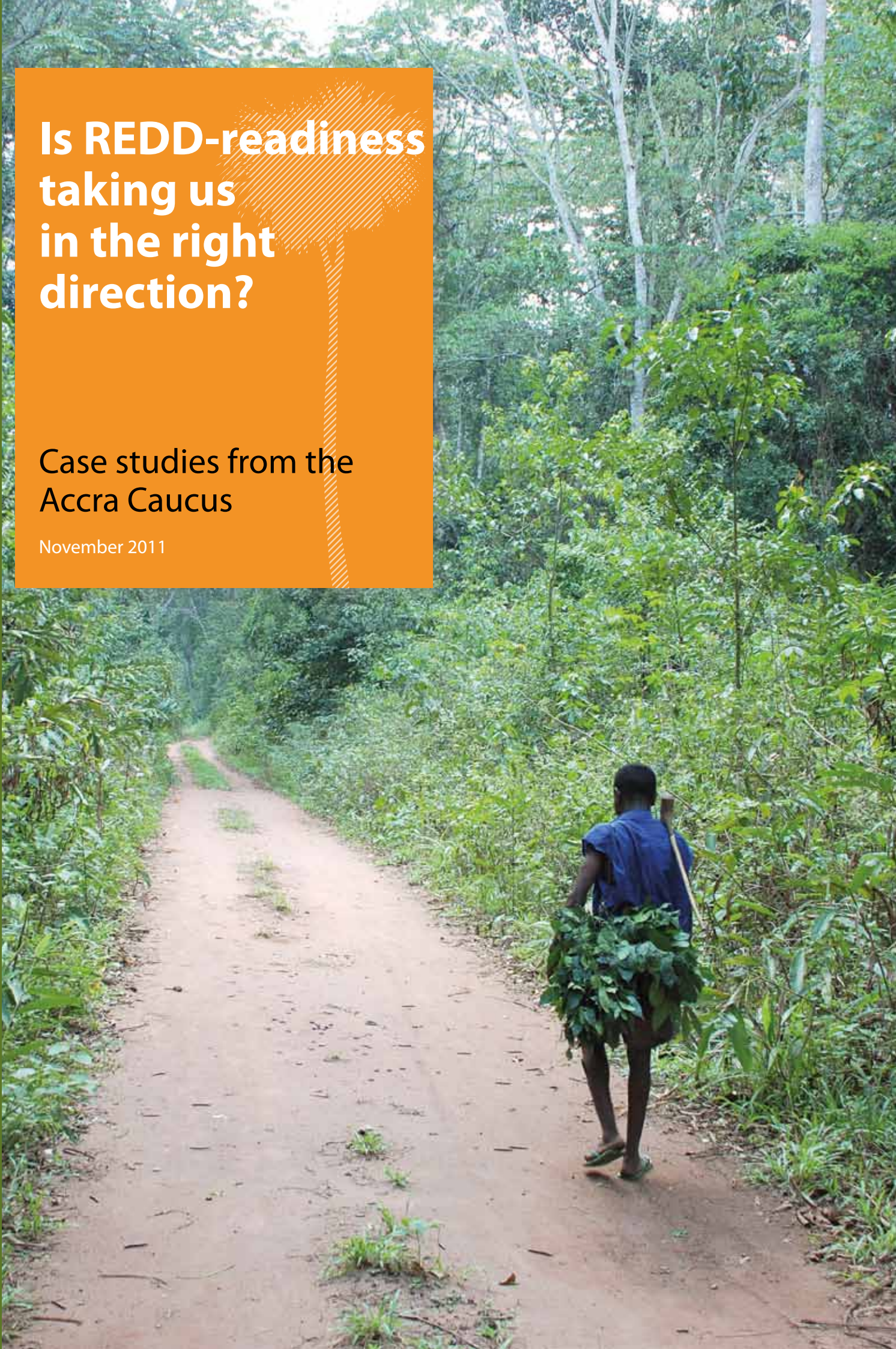


Is REDD-readiness taking us in the right direction?

Case studies from the Accra Caucus

November 2011



The Accra Caucus on Forests and Climate Change is a network of around 100 southern and northern civil society and Indigenous Peoples' organizations from 38 countries, formed at the United Nations Framework Convention on Climate Change (UNFCCC) meeting in Accra, Ghana in 2008.

The Caucus works to place the rights of indigenous and forest communities at the centre of negotiations on Reducing Emissions from Deforestation and Degradation (REDD), and to ensure that efforts to reduce deforestation promote good governance and are not a substitute for emission reductions in industrialised countries.

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An indigenous Bayaka man gathering kokoo (gnetum) leaves in south-west Central African Republic.
Photo by Nat Dyer

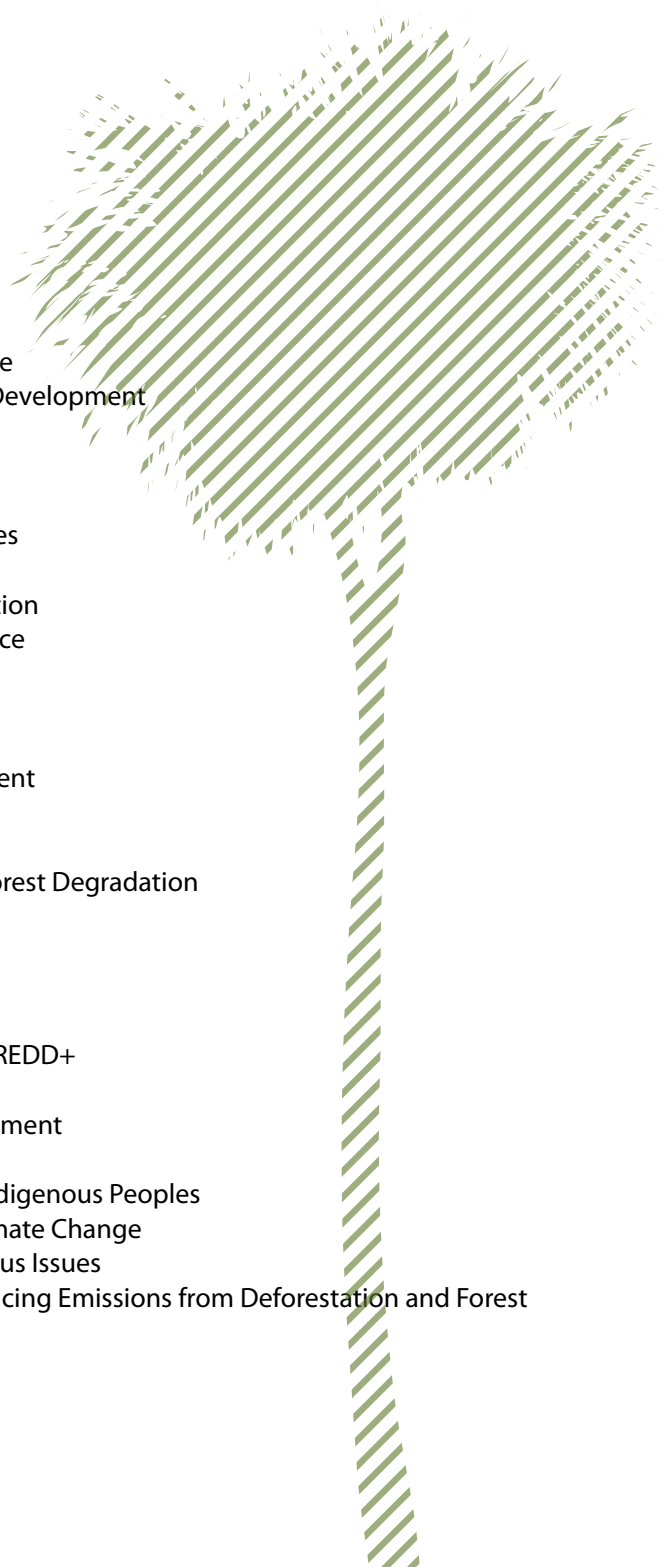
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Acronyms

AAC	annual allowable cut
AFD	French Development Agency
ANP	African National Park
ANSAB	Asia Network for Sustainable Agriculture and Bio-Resources
CAR	Central African Republic
CBO	community-based organisation
CCDS	Climate Compatible Development Strategy
CBD	Convention on Biological Diversity
CFA	Coopération Financière en Afrique Centrale
CFM	Community Forest Management
CFUG	Community Forest User Group
COP	Conference of the Parties
CR	Civic Response
CREMA	Community Resource Management Area
CSO	civil society organisation
DA	District Assembly
DEC	Department of Environment and Conservation
EFF	Eco-Forestry Forum
FCA	Forest Clearance Authority
FECOFUN	Federation of Community Forest Users, Nepal
FCPF	Forest Carbon Partnership Facility
FCTF	Forest Carbon Trust Fund
FIP	Forest Investment Programme
FLEGT	Forest Law Enforcement, Governance and Trade
ICIMOD	International Centre for Integrated Mountain Development
ILO	International Labour Organisation
INA	Institute of National Affairs
MRV	monitoring, reporting and verifying
NEFIN	Nepalese Federation of Indigenous Nationalities
NGO	non-governmental organisation
NORAD	Norwegian Agency for Development Cooperation
NREG	National Resource and Environment Governance
OCCD	Office of Climate Change and Development
ONFI	Office National des Forêts International
PC	Participants' Committee
PNAR	Projet National d'Afforestation et de Reboisement
PNG	Papua New Guinea
PNOK	Odzala-Kokoua National Park Project
REDD+	Reducing Emissions from Deforestation and Forest Degradation
RoC	Republic of Congo
R-PIN	Readiness Preparation Idea Note
RPP	Readiness Preparation Proposal
RRI	Rights and Resources Initiative
RSC-REDD+	Civil Society Network for Climate Change and REDD+
SABL	Special Agriculture and Business Lease
SESA	Social and Environmental Sustainability Assessment
TAP	Technical Advisory Panel
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UNPFII	United Nations Permanent Forum on Indigenous Issues
UN-REDD+	United Nations collaborative initiative on Reducing Emissions from Deforestation and Forest Degradation
VPA	Voluntary Partnership Agreement
WNBP	West New Britain Province



Introduction

In June 2010 the Accra Caucus on Forests and Climate Change released case studies from a range of countries which were preparing for the UNFCCC's programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+). Here we present a new set of case studies showing how the REDD+ process has been experienced on the ground. While governments are still debating the form that REDD+ will take, including substantive details such as safeguards, the monitoring of results and finance for REDD+ activities, many countries are pressing ahead with "REDD+ readiness" with the support of bilateral and multilateral donors.

Preparations for REDD+ are taking many forms. Many countries are engaged in drafting national strategies for REDD+ in the form of Readiness Preparation Proposals (RPPs), in order to gain access to the World Bank's Forest Carbon Partnership Facility (FCPF), or are preparing national REDD+ strategies with the support of the United Nations collaborative partnership on REDD (UN-REDD). Some countries are already contemplating changes in their legal frameworks to clarify issues of land tenure and carbon entitlements related to REDD+. A number of governments and non-governmental organisations (NGOs) have started pilot initiatives to test the mechanisms by which forest carbon payments can be made. Meanwhile private sector actors are positioning themselves for the investment opportunities offered by REDD+.

Despite the diversity of experience, there seems to be one common aspect: the REDD+ readiness process is focused much more strongly on attracting carbon income than on protecting the environment or the rights of forest-based peoples and communities. The provisions for REDD+ contained in the Cancun Agreements are explicit about the need for safeguards to be an integral part of the REDD+ process, ensuring the full and effective participation of relevant stakeholders, especially indigenous peoples and local communities (see Box 1), yet the experience to date in many countries has not been encouraging.¹

The case studies from **Ghana** and the **Central African Republic** tell a familiar tale of civil society being excluded from the consultations on their respective national REDD+ policies. This is in clear contradiction of the countries' agreement to promote and support the right to full and effective participation.² Other studies which examine REDD+ readiness processes such as the

1 The Cancun Agreements can be found at: http://unfccc.int/meetings/cop_16/items/5571.php

2 See Cancun Agreements, Annex I, para. 2(d); see also Box 1 for an explanation of what is meant by full and effective participation.

FCPF have shown that this situation is widespread.³ Yet there are encouraging examples of how a determined civil society and its allies can work to make a positive change. In **Ghana**, for example, REDD+ has become part of the national environmental governance framework, after starting off as an exclusive process confined to a handful of actors. In **Papua New Guinea**, civil society has succeeded in persuading parliament to launch an inquiry into land tenure abuses. The engagement of the government of **Nepal** in the detailed implementation of a pilot programme has increased the potential to influence national REDD+ policy on related revenue distribution.

But many challenges remain. Governance reform is a key element which must be taken seriously by implementing governments.⁴ Until it is addressed, planned and budgeted for in the preparedness plans for REDD+, there is reason to believe that the readiness process is already resulting in a form of REDD+ that is fixated on carbon, while ignoring the rights of forest dwellers and heralding environmental destruction. In the absence of a regulatory framework to ensure that the rights of forest peoples are respected and protected, and environmental protection ensured, many early REDD+ projects are likely to have a negative impact. This is well illustrated by the case study from the **Republic of Congo**.

Governance is a broad and often poorly defined term, yet good governance is essential to enable forested countries to achieve lasting reductions in deforestation. Generally accepted principles of good governance include: **transparency** (of process and outcome); **participatory** (by ensuring meaningful and effective input from stakeholders); **equitability** (by ensuring affected peoples and communities can engage in a process on fair and equitable terms); **accountability** (of institutions towards all stakeholders, for the roles they assume in decision-making); **rule of law** (including enforcement capacity); **coordination** between institutions, and **capacity** (efficiency and effectiveness) of both governments and civil society. Creating rules and regulations for safeguards is necessary, but it is not enough. There must also be the capacity to enforce them; otherwise, as the Congo case study shows, well-intentioned words are not translated into practice. Communities must have a way of seeking redress when things go wrong. The case of Papua New Guinea shows how the failure of adequate governance has put vast

3 See Dooley K, Griffiths T, Martone F, Ozinga S (2011) 'Smoke and mirrors: a critical assessment of the World Bank's Forest Carbon Partnership Facility'. Moreton-in-Marsh, UK: FERN/FPF. Ongoing reviews of country submissions to the FCPF and UN-REDD from the World Resources Institute can be found at <http://www.wri.org/publication/getting-ready>

4 See Cancun Agreements, Annex I, para 2(b) at http://unfccc.int/meetings/cop_16/items/5571.php

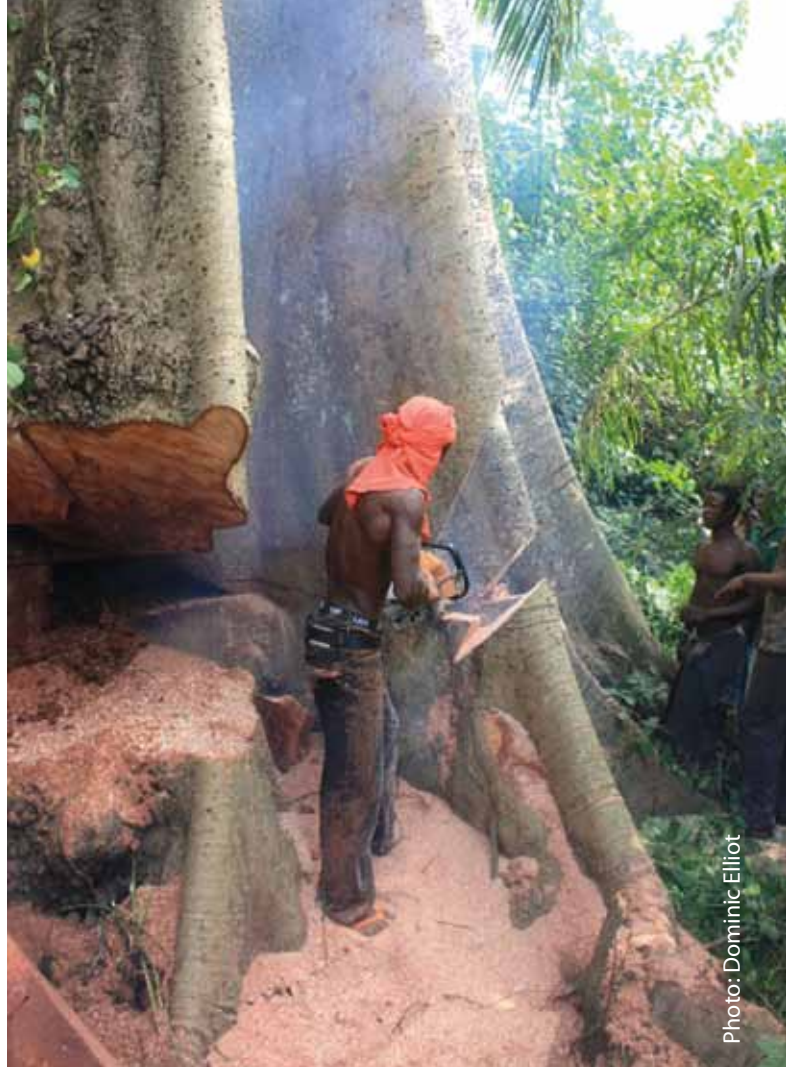


Photo: Dominic Elliot

Chainsaw logging, though considered illegal in Ghana, is the primary source of domestic supply of timber.

areas of forest in the hands of those intent on destroying them: yet communities have no recourse except through the courts, which is a costly and lengthy process.

The case studies presented here reinforce a key message which emerged from the first volume of case studies from the Accra Caucus: that one of the most important principles of good governance is **participation in decision-making**. Box 2 explains the concept of full and effective participation, which according to the Cancun Agreements applies to all stakeholders who will be affected by a policy or decision-making process. The full and effective participation of indigenous and local communities is essential for ensuring outcomes which respect the rights of forest-dependent peoples and have the buy-in of local actors.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which is noted in the Cancun Agreements on REDD+, includes the principle of **free, prior and informed consent** (FPIC, see Box 3). The reference to UNDRIP was included after strong lobbying by indigenous peoples' representatives, with support from like-minded NGOs and civil society. FPIC is derived from the right to self-determination and the collective rights

which indigenous peoples hold to lands, territories and other resources. In some instances, where the way of life and dependence on land and natural resources is similar to that of indigenous peoples, FPIC has been applied to local communities to successfully prevent destruction of resources and displacement of peoples.⁵

Initiatives to improve forest governance such as the EU's Forest Law, Enforcement, Governance and Trade plan (FLEGT) have shown that the full and effective engagement and participation of stakeholders improves the quality of discussions and outcomes, and increases the chances of successful implementation.⁶

An important issue which emerges from this collection of case studies is the urgent need for **land tenure reform**. Research shows that collectively managed forest land, including indigenous territories, is more effective in limiting deforestation than other forms of forest management, yet most REDD+ countries do not recognise customary tenure or collectively held land, or have ongoing conflicts related to land tenure.

These case studies also demonstrate the need to develop equitable **benefit-sharing** mechanisms, to ensure that people who live and depend on forest land for their livelihoods benefit from forest-related revenues.

Negotiations on REDD+ at the United Nations Framework Convention on Climate Change (UNFCCC) focus mainly on safeguards, monitoring carbon and setting reference levels to determine performance-based results. Financing for REDD-readiness is being sought to fast-track countries to the stage when they can quantify their carbon emissions reductions, in many cases ignoring the fact that any successful initiative to reduce deforestation and forest degradation must begin with appropriate governance reforms. There is now a very real danger that REDD+ will follow in the footsteps of previous failed initiatives to halt tropical deforestation. It is not too late, but we are fast running out of time to take a rights-based approach to REDD, which puts peoples and forests before profit.

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⁵ See for example: Forest Peoples Programme (2009) 'Indigenous Peoples' Rights and Reduced Emissions from Reduced Deforestation and Forest Degradation: The Case of the Saramaka People v. Suriname.' Moreton-in-Marsh, UK: FPP. <http://www.forestpeoples.org/topics/rights-land-natural-resources/publication/2010/indigenous-peoples%E2%80%99-rights-and-redd-case-saram>

⁶ 'Lessons learned from FLEGT for REDD: why ignoring key lessons from initiatives to control illegal logging will lead REDD to a dead-end.' Moreton-in-Marsh, UK: FERN.

Box 1 REDD+ Safeguards in the Cancun Agreements

The agreement on REDD+ reached at COP 16 in Cancun states that the following safeguards should be promoted and supported:

- (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;
- (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 decision⁷;
- (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 benefits⁸;
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions.

⁷ Paragraph 70 describes the scope of REDD+; paragraph 72 refers to national strategies and action plans.

⁸ 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.

Box 2

What is “full and effective participation”?

The Cancun Agreements call on Parties to ensure the full and effective participation of stakeholders, especially indigenous peoples and local communities, in the development of all aspects of their REDD+ strategies and safeguards (Para. 72 and Appendix I). In practice the experience of participation has varied widely during REDD+-related processes, often being reduced to sporadic meetings with a seemingly random selection of “stakeholder representatives” used to legitimise an otherwise non-consultative process.⁹

No initiative to reduce deforestation can work without the trust and buy-in of local groups. Experience has shown that this can be best achieved by involving all affected stakeholders from the start of the decision-making process. “Full” participation means that it covers all stages of the REDD+ process; “effective” means that the views, needs and rights of participants influence the REDD+ programme.

The starting point for full and effective participation is political will on all sides for a proper consultation process. Participation which results in real dialogue serves the dual purpose of improving the quality of the policy outcome and involving those who will be directly affected. For this to happen, there must be effective platforms which allow for the dissemination of information from the national level to the provinces and local communities. In countries where these are not already in place, the building of effective civil society platforms must be a priority.

Conversely, uneven bargaining power between interest groups and insufficient sharing of knowledge lead to poorly planned processes that result in only token efforts at participation. This is often manifest in inadequate lead-in times for meetings, or rushed and arbitrary deadlines which do not allow for proper dialogue. It takes time to build trust between the different stakeholder groups and the government. Without a trust-building process, little progress can be expected.

Key steps to full and effective participation include:

- identifying the relevant stakeholders, and ensuring that there are independent civil

society platforms to enable them to participate appropriately

- establishing processes and structures that allow such groups, from the national to the local level, to participate in programme design, implementation and evaluation
- allowing stakeholders, especially indigenous peoples and local communities, to establish the modes of participation that are effective for them, including selection of their own representatives
- ensuring and enabling representatives to inform and be informed by the constituency they represent
- raising awareness and building the capacity of stakeholders, including providing relevant and timely information
- creating opportunities for taking advantage of traditional and indigenous knowledge related to forest use and conservation
- establishing mechanisms for receiving feedback and resolving grievances and disputes arising from the implementation of REDD+
- finally, but crucially, devoting sufficient time and resources to conducting the participation in a full and effective manner.



Nepal – Advisory committee members discussing REDD payment criterias.

⁹ Dooley et al. (2011), op. cit.

Box 3

What do we mean by free, prior and informed consent (FPIC)?

“Free, prior and informed consent”, as stated in the UN’s 2007 Declaration on the Rights of Indigenous Peoples, can be understood as follows:

- “free” should imply the absence of coercion, intimidation or manipulation
- “prior” should imply that consent has been sought well in advance of any authorisation or commencement of activities, and has respected the time requirements of indigenous consultation/consensus processes
- “informed” should imply that information is provided that covers (at a minimum) the following aspects:
 - a. the nature, size, pace, reversibility and scope of any proposed project or activity
 - b. the reason(s) or purpose 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 impacts, 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 and government employees)
 - g. procedures that the project may entail.

Consent

Consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith. The parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect in good faith, and full and equitable participation. Consultation requires time and an effective system for communicating among interest-holders. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. It is essential to include a gender perspective (see below). The process may include the option of withholding consent. Consent cannot be considered to have been given to any agreement unless indigenous peoples can be shown to have understood it adequately.

When?

FPIC should be sought sufficiently in advance of commencement or authorisation of activities, taking into account indigenous peoples’ own decision-making processes, as well as the length of time needed for assessment, planning, implementation, monitoring, evaluation and closure of a project.

Who?

Indigenous peoples should specify which representative institutions are entitled to express consent on behalf of the affected peoples or communities. In FPIC processes, indigenous peoples, UN agencies and governments should ensure a gender balance and take into account the views of young people and children, if appropriate.

How?

Information should be accurate and in a form that is accessible, easily understood, and in a language that the indigenous peoples will understand. The format in which information is distributed should take into account the oral traditions of indigenous peoples and their languages.

International Labour Organisation (ILO) Convention 169

Through ILO 169, indigenous peoples have the right to “decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development”. Consultation should be undertaken in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Source: adapted from the Report of the International Workshop on Methodologies Regarding Free, Prior and Informed Consent E/C.19/2005/3, endorsed by the UNPFII at its Fourth Session in 2005.

More recent guidance on the application of FPIC can be found in: the Report of the Expert Mechanism on the Rights of Indigenous Peoples, U.N. Doc. A/HRC/EMRIP/2010/2.

Respecting safeguards

The case of Ghana's REDD+ process

By Abdul-Razak Saeed, Civic Response, Ghana.

One-third of Ghana is covered with forests, but these are fast disappearing due to a combination of agricultural expansion, timber extraction, settlement and mineral exploitation. In 2008 it was one of the first countries selected to receive World Bank Forest Carbon Partnership Facility funds to prepare for REDD+, in recognition of the need to curb the annual deforestation rate of 2 per cent.

Forest governance in Ghana

Forests play a very important role in the socio-economic life of Ghanaians, particularly the 60 per cent of the population who live in rural areas. Revenues from forests are also a major contributor to foreign exchange earnings.¹⁰ However, forest-sector policy-making has been dominated by big business and state elites, and the benefits of production accrue predominantly to the timber industry at the expense of forest communities and the wider public who rely on forests for food, medicinal herbs, spices, fuel, the protection of water supplies and much else.

The state allocates forest resources and regulates forest production with little or no involvement on the part of the forest communities that depend on these resources and legally own them.¹¹ This managerial and policy failure has seen the forests of Ghana dwindle from 8.2 million hectares to less than 1.5 million hectares in under a century, with most of this loss having occurred over the last two decades. Two major reasons are forest/tree tenure and revenue sharing which excludes local communities and farmers. For instance, prior to the 1962 Concessions Act, two-thirds of the gross revenue from forest reserves went to the land-owning communities. The Act annulled this entitlement, and revenues were used to pay the Forestry Department's running costs, with only a proportion of any remaining amount being given to communities and local authorities.¹²

In the 1980s, forest loss was worsened by the Export Rehabilitation Programme under which Ghana sought to expand value-added timber exports. This led to over-

10 Osei-Tutu P, Nketiah J, Kyereh B, Owusu-Ansah M, Faniyan J (2010) 'Hidden forestry revealed: characteristics constraints and opportunities, for small and medium forest enterprises in Ghana.' IIED Small and Medium Forest Enterprise Series, no. 27. London, UK: Tropenbos International and International Institute for Environment and Development.

11 Forests are generally 'stool lands' or 'skin lands', i.e. held in trust and managed by chiefs for various ethnic communities.

12 Mayers J, Maginnis S, Arthur E (2010) 'REDD readiness requires radical reform: prospects for making the big changes needed to prepare for REDD-plus in Ghana.' New Haven, Connecticut, USA: The Forests Dialogue.

capacity in the industry, logging in excess of the Annual Allowable Cut (AAC), and under-supply of the domestic market, spurring the growth of a small-scale illegal chainsaw industry that sought to supply the domestic market.

There have been various initiatives to address the problems of deforestation and degradation in Ghana. The most significant include the Natural Resource and Environmental Governance (NREG) framework and the FLEGT programme, with its Voluntary Partnership Agreement (VPA).

The focus of these initiatives has been to improve governance in the forest sector. For instance, the NREG framework provides five-year multi-donor sector budget support to the forest sector to facilitate a review of the forest-sector policy and legislation. FLEGT for its part aims at “strengthening forest peoples’ tenure rights, increasing transparency in decision making processes, ensuring participation of civil society in policy making”¹³ and to ensure that only legal timber is sourced by the European Union.

Implementing REDD+ in Ghana should build on recent efforts to improve forest governance and respect social and environmental safeguards. But is the REDD+ readiness process in Ghana really contributing to a new and improved system of governance?

The REDD+ process in Ghana

10 In 2008 Ghana submitted a Readiness Preparation Idea Note (R-PIN) to the World Bank. As it had been drafted and submitted without any community or civil society involvement, many civil society organisations (CSOs) were less than enthusiastic about it. Despite this, the World Bank approved Ghana’s R-PIN and asked Ghana to prepare an RPP to enable access to the FPCF funds.

In 2009 the World Bank mission involved in preparing the RPP was rescheduled because some CSOs, expressing concern at the poor outreach by the authorities to the relevant stakeholders, asked for more time for civil society to mobilise itself and organise discussions around the REDD+ mechanism at community level. Forest Watch Ghana – a coalition of 40 NGOs, CBOs and CSOs – organised a two-day convention for civil society actors interested in forest governance, to create awareness about the REDD+ process and its implications for forest governance in Ghana.

The resulting mission involved a comparatively higher involvement of CSOs. Over the course of the week long mission, there were discussions on the policy and legal

framework, consultation and participation, and technical issues. Participating NGOs and CSOs emphasised the need for the FCPF mission and the national REDD+ process to be significantly more consultative, participatory and inclusive than they had been. Civil society concern was that the limited consultation in Ghana’s REDD+ process represented a step backwards from the high consultation standards established in the forestry sector during negotiations for the VPA. Indeed, the government of Ghana had formally endorsed that process and declared its intention to build on the standards achieved within the environment and natural resource sector: but this seemed to have been forgotten when REDD+ commenced.

During the period between the post-FCPF mission and the prevalidation of Ghana’s RPP, the government organised three workshops, in the northern, middle and southern belts of Ghana. The government claimed these were “consultations”. However, CSOs complained that the sole purpose of these meetings was for the government to say what it was going to do, and that stakeholders were not given time to process and react to the issues before the government road-show moved on.

The Forestry Commission blamed the poor consultation on a lack of funds, and funding is certainly important for effective consultation. However, it is pointless to complain about its absence at the implementation stage; it should have been included in the conceptual and planning stages. Lack of funding should not be an excuse to limit stakeholder involvement in decision-making. Funding to undertake consultation and to allow involvement of multi-stakeholders would not have been an issue if consultation and participation had been built into the design of Ghana’s RPP from the initial planning stages.¹⁴

Another consequence of treating the participation of stakeholders as an afterthought is that the “consultation” processes that occurred while Ghana’s RPP was being designed were under severe time constraints, making it impossible for stakeholders to review documents and limiting the number of days available for reflection and discussion. Again this could have been avoided if consultation had been built into the initial planning.

Governance

The REDD+ process was initially divorced from other forest initiatives in Ghana. Initiatives such as the VPA were governed under the NREG framework, where all

¹⁴ Ghana’s R-PP has a total budget allocation of US \$2,490,000 to “develop a reference scenario”, while “consultation and participation” has an allocation of US \$824,000, and “social and environmental impact assessment” has US \$177,000 (pp 11, 12).

¹³ FERN (2010), op. cit.



Communities meet to discuss their rights in the face of several forest sector initiatives in Ghana.

the funds in the sector were pooled and controlled by the Ministry of Finance and Economic Planning. The appropriate authorities could access them only if they could prove that they had met their triggers. Yet the REDD+ process, starting with the R-PIN, suffered from a duplication of activities and poor supervision. Following concerns from CSOs and some government authorities, steps have now been taken to bring REDD+ under the NREG framework. This illustrates the importance of the safeguards under the Cancun Agreements, which include a call for REDD+ actions to complement or be consistent with the objectives of a country's national forest programme and other relevant international conventions.

As former initiatives in the forest sector have shown, it will be important to clarify property rights and enable local enterprise development, if REDD+ is to have an effect in reducing deforestation and forest degradation.¹⁵ Early investments must be channelled towards improving and strengthening governance systems.

Yet in the case of Ghana, REDD+ readiness under the FCPF seems to be concentrating much too heavily on the issue of storing and monitoring carbon. For instance, in January the Forestry Commission – on behalf of the government of Ghana – used the national press and its own website to invite project proposals from any “individuals, various companies and institutions, including NGOs, as well as the general public engaged in any REDD/REDD+ project **aimed at carbon stocks**

trading”.¹⁶ They received sixteen proposals, but since most of these were not up to standard, the Forestry Commission¹⁷ is making preparations to undertake capacity-building on REDD+ for these applicants, to enable them to implement their projects. The focus is being placed on a handful of actors interested in implementing REDD+ projects, at the expense of broader governance reforms and monitoring the impacts of REDD+ on local communities.

The Forest Investment Programme in Ghana

11

In March 2010, Ghana was selected to benefit from the Forest Investment Programme (FIP), with current possible funding of US \$30–50 million, to help achieve fundamental reform of the forest sector. Prior to the World Bank FIP mission, Forest Watch Ghana held a meeting to educate civil society participants on the FIP and other forest initiatives in Ghana, enabling them to have an input into the national REDD+ process.

On the last day of the mission, stakeholders present were asked to say which elements of the FIP they believed were most and least important, as the country prepares its national investment strategy. The preliminary findings¹⁸ show the **highest priority** issues to be:

- clarifying a tree and carbon tenure regime, i.e. reviewing and promulgating a tree rights act to

¹⁶ http://76.12.220.51/assets/file/Publications/Climate%20Change/REED+/advert_registration_redd_project_edited.pdf (accessed 05/09/2011).

¹⁷ Bamfo R (2011) Personal statement.

¹⁸ FIP Mission (30 May–3 June 2011), Miklin Hotel, Accra, Ghana.

¹⁵ RRI (2008) October Policy Brief.

reform tree tenure in off-reserve areas, to ensure effective community participation

- establishing a benefit-sharing system that gives direct economic benefit to communities/farmers to compensate for input into tree management
- law enforcement and conflict management, and strengthening of the legal framework
- forest protection: capacity-building for monitoring and enforcing compliance at resource areas; and building the capacity of front-line staff in the Forest Services Division, and traditional authorities and communities, to reduce the pressure on forests and engage in sustainable land use and agri-practice.

Issues that received **low priority** action from the exercise included:

- putting in place a forest protection and surveillance system
- estimation of a baseline performance scenario
- capacity enhancement in carbon estimations
- developing pilot models to show completed carbon transactions.

In other words, there is a general consensus among stakeholders that improving forest governance and recognising safeguards is more important than directing resources towards monitoring, reporting and measuring carbon.

In Ghana, clarifying tenurial arrangements is important, as the constitution assumes one body of customary law (the Akan traditional system) for the whole country, though this is not what is found in practice. However, measures such as reviewing and clarifying tenurial arrangements, benefit-sharing, strengthening law enforcement and adopting a new model of forest management should not be used to further marginalise local forest communities. In south-western Ghana there are already Community Resource Management Areas (CREMAs) which have shown the positive role that communities can play in ensuring that forest cover and biodiversity can be maintained without negatively impacting on livelihoods and socio-cultural systems.

Reviewing benefit-sharing mechanisms under REDD+ is also critical, as the current system of benefit-sharing in the forest sector is inadequate. Along with reports about the difficulty of benefits reaching communities in some parts of the country, there is also a failure on the part of some District Assemblies (DAs) and Traditional Authorities to account to their constituents on how the monies are used. This is exacerbated by the fact that the 1992 Constitution says nothing about what the DAs should use the royalties for. Benefit-sharing in REDD+ cannot be based on a similarly flawed governance system.

Conclusion

Civil society organisations such as Forest Watch Ghana will continue to push for REDD+ preparedness to recognise community rights, improve forest governance and ensure that the necessary social and environmental safeguards are in place for REDD+ implementation.

There are various opportunities in Ghana for achieving this. The country is currently undergoing a legal and policy reform in the forest sector. There is also an ongoing national constitutional review process which local communities and civil society at large can use as a platform to push for community resource control, appropriate tenurial arrangements and a just, transparent and accountable system of benefit-sharing. And given that REDD+ is now part of the NREG framework, there is an opportunity for parallel reporting from civil society to hold the authorities accountable for the safeguards needed under REDD+.

This requires that the UNFCCC must finally agree on the systems required to share information on how safeguards are respected as a core part of the REDD+ mechanism. This needs to be in a form that supports REDD+ countries to meet their existing international obligations regarding human rights and environmental integrity, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on Biological Diversity (CBD). REDD+ readiness is about more than building the capacity to measure carbon. It also requires countries implementing REDD+ to enshrine their international obligations into national law in a way that improves forest governance and transparency, and increases the participation and decision-making of local stakeholders in natural resource management. That will be the only way to permanently reduce deforestation and secure environmental benefits.

Civic Response (CR) is an NGO that works in the area of Natural Resources and environmental governance and policy in Ghana. CR provides advocacy and networking support to self-organised citizens' groups seeking to change social arrangements that entrench marginalisation, exclusion and division. CR is the secretariat for Forest Watch Ghana, a coalition of about forty NGOs and individuals working in the forest and environment sector in Ghana.

Land-grabbing and deforestation in Papua New Guinea

Implications of Special Agriculture and Business Leases on REDD+ and rights

By Justin Ondopa and Thomas Paka, PNG Ecoforestry Forum, Papua New Guinea.

Forests cover 70 per cent of the land mass of Papua New Guinea (PNG), and contribute over 5 per cent of the world's biodiversity in less than 1 per cent of the earth's land mass. 97 per cent of PNG's total land area is held under customary ownership and is protected by law, including the country's constitution on customary tenure.

Indigenous ownership of the land is further recognised by the 1996 Land Act, under which traditional landowners have absolute ownership and user rights over customary land, unless a lease is granted to the state. However, this apparently strong legal basis has proved inadequate in the fight against illegal logging and land-grabbing, which have been fuelled by the controversial practice of issuing Special Agriculture and Business Leases (SABLS).

Will SABLS damage REDD+?

SABLS are allocated under the 1996 Land Act, ostensibly to stimulate development. The process has been fraught with controversy, however: many traditional landowners were not involved in the leasing process, and did not consent to any lease agreements. As SABLS were granted over intact forest areas, they are being used by loggers to grab land for logging under the pretext of agro-forestry and development projects. Due to weak governance and the flouting of legal safeguards, large portions of forest have been issued with Forest Clearance Authorities (FCAs) for logging.

PNG's environment and forests are regulated by the 1991 Forestry Act, the 1996 Land Act and the 2010 Environment Act, all of which place emphasis on environmental protection. The problems are ongoing weak governance, and the lack of enforcement and monitoring of environmental impacts.

While the Land Act provides for a double consent process, whereby the landowners must consent to both (1) the land being leased to the government, and (2) the identity of the recipient of the lease, it has been documented that consent has regularly been manipulated, fabricated or falsely presented, as companies seek to secure tenure over customarily held lands.¹⁹

¹⁹ Centre for Environmental Law and Community Rights, Friends of the Earth PNG, the Bismark Ramu Group, Greenpeace Australia Pacific and the Forest Peoples Programme (2011) 'Request for consideration under the urgent action/early warning procedure to prevent irreparable harm to indigenous peoples' rights in Papua New Guinea.' Submission paper, 78th Session of the Committee on the Elimination of Racial Discrimination, pp 5–6.



Building permanent bridges for the locals?..or a quick route to export illegally harvested logs.

Loggers have conspired with “city landowners” to speed up the processes to acquire the FCAs, and also to claim adjacent boundaries designated for conservation. Upon the signing and gazettal of the leases, frequently without the prior knowledge or informed consent of the majority of customary owners, the land automatically becomes alienated, and landowners are powerless to stop forest clearance or oil palm expansion. If landowners wish to protect their forests from being destroyed, they have to go to court: an expensive and time-consuming process.²⁰

14 Many landowners have been taken off-guard when, for instance, barges laden with logging equipment anchor at small rural jetties in customary territories. In the words of Paul Pavol, a landowner from the Pomio district in West New Britain Province (WNB), where the use of SABLs is rife: “We were caught by surprise when these big bulldozers rolled into our traditional land, and when we tried to find out what was going on and who authorised them, they told us to go to the forestry office.” The free, prior and informed consent of local landowners had evidently not been obtained.

PNG was one of the first countries to pilot the UN-REDD programme, but the inception of REDD+ in 2009 did little to halt deforestation in the face of SABLs issued for 5.2 million hectares of pristine forest. What this means is that about 17.9 per cent of all PNG’s forested land has been signed off for logging without following the proper procedures or obtaining the free, prior and informed consent of landowners.

While the government did little to halt or reduce deforestation through World Bank forest conservation funds in the past, the prospect of additional logging is now being used to argue the case for the need for

REDD+ in the future – a new form of “additionality” for anyone prepared to compensate the PNG government for the costs of forest conservation.²¹

In the face of widespread criticism, the government recently announced that it would consider a moratorium on all logging activities. This shifted the loggers’ focus from industrial logging to more SABLs and agro-forestry projects. Agro-forestry project leases typically cover very large forest areas, ranging from 20,000 to 500,000 hectares, for 99 years. SABLs now threaten to overwhelm the forestry sector. In 2010 alone, SABLs were granted for a total of 2.6 million hectares of customarily owned pristine forest land.

Ambiguous policies and public confusion

Because government policy can at best be described as ambiguous, it is not surprising that ordinary people are still confused about SABLs and REDD+, thinking they can coexist and serve the same purpose. One community representative, Levi Iriso from Collingwood Bay in Oro Province, said that some of his tribesmen were arguing that they want both REDD+ and logging projects.

In a REDD+ workshop organised by the Institute of National Affairs (INA), a private-sector think-tank, many participants highlighted the need to identify the objectives of REDD+. It was clear that the issuing of FCAs for logging is overshadowing REDD+ activities. “These two mechanisms are confusing the people,” said one delegate, Tony Power. “Even some senior government ministers and parliamentarians are pro-logging and agro-forestry, while their other colleagues favour REDD+.” And he added: “Whether it is REDD+ or SABLs, they must recognise local peoples’ inherent rights to their lands and resources, and respect their legitimate authority to require that project proponents enter into an equal and respectful agreement.” Another participant, Nalau Bingeding, condemned the way that the SABLs have hastened deforestation: “SABLs are out there to destroy your forests and your livelihood,” he said, “while we expect REDD+ to protect your forests and keep your environments safe.”

In January 2010, INA’s executive director published an article in the *Post-Courier* newspaper suggesting that SABL was now little more than a scam that was “jeopardizing landowners’ customary rights over vast areas of the country, without their apparent informed consent”.²² In October 2011 Greenpeace blockaded a Chinese ship carrying what it says are illegally-acquired

21 Filer C (2011) ‘REDD+ plus at the crossroads in Papua New Guinea.’ East Asian Forum.

22 Barker P (2010) ‘Land rights vital.’ PNG Post-Courier, 7 January.



Illegal logs ready to be exported. Gangai Kokona, one of the best NGO forest activist and anti-logging guy who revealed the illegal entry of equipments.

logs from the Papua New Guinean island of New Britain, taken from land covered by a SABL.²³

Pushing back

SABLS are confusing what should be the purpose of REDD+: to protect forests through strengthening customary land rights. Illiterate people in the villages are promised money, improved services and better infrastructure, but these fail to materialise, while their forests disappear. This has prompted one activist, Nalau Bingeding, to challenge the Office of Climate Change and Development (OCCD) in one of the local papers, not to stand idly by while SABLS take custody of the major forests, but to take action to protect forests. "I will continue to raise my hand and fight against SABLS that undermine landowners," he pledged.

Many traditional landowners believe that SABLS have nothing to do with development, and are actively harming local people and the REDD+ process. In a recent REDD+ workshop, Matilda Pilakapiyo, a human rights advocate and landowner from Milne Bay Province, declared her view that forest clearance without support from the local communities is threatening any potential for REDD+ to bring increased security and recognition of rights to traditional land owners. Participants from areas affected by SABLS also pointed out that environmental damage, water pollution, human rights abuses and threats to biodiversity are commonplace. Communities which showed interest in REDD+ activities admit that they can do little when loggers insist that their FCAs are genuine. Jacob Samo of Talasea district, West New Britain Province (WNBP), an area under the impact of

oil palm plantations, said: "We strongly feel that this is a scam when Asian loggers were so defiant with us. This is a crime because we haven't given them any permission to enter our traditional land." It is also claimed that the loggers sometimes use rogue elements of the police to deter landowners from questioning the legality of the FCAs and consent approval documents.

Yet while the REDD+ programme is going through a capacity-building and awareness phase, the issuing of SABLS has escalated. Some of these SABLS were issued over land designated as potential REDD+ pilot sites, such as Pomio in WNBP, and Kamula Doso in the Western Province. PNG does not have a climate-change policy, and this is a major problem when faced with industrial loggers and bogus oil palm developers. It places enormous challenges on the OCCD and threatens to increase deforestation. The ability of REDD+ to reduce forest loss in PNG is at stake, with no sign of a decrease in the rate of SABLS and logging concessions being issued without the prior knowledge of customary landowners.

The OCCD has admitted that REDD+ activities in the country are being put under pressure by the recent increase in SABLS and FCAs. It also states that landowners are important stakeholders, and they are working closely with other state agencies to call for a moratorium on logging and carry out a compliance audit and review all existing SABLS.²⁴ The call for a moratorium was long overdue, but there are serious concerns on the impartiality and transparency of a process led by two agencies, OCCD and the Department of Environment and Conservation (DEC), both of which have long-standing passive complicity with the logging industry.

23 'Greenpeace blockades logging ship off PNG,' Herald-Sun, 24th October 2011. <http://www.heraldsun.com.au/news/breaking-news/greenpeace-blockades-logging-ship-off-png/story-e6frf7jx-1226175486680>

24 OCCD (2011) 'Terms of reference for a consultant for the compliance audit and review of the approval process for the Special Agriculture Business Leases and Forest Clearance Authorities.' Technical Working Group Discussion Agenda Paper.

The DEC issues the environmental permit which is necessary before the FCA is granted.

Accordingly OCCD's proposal for a moratorium on SABLs was rejected by PNG's Ecoforestry Forum (EFF) and other stakeholders, who pushed instead for parliament to announce a moratorium and call for an inquiry. After a lengthy fight, the EFF succeeded in getting a commission of inquiry on SABLs set up through parliament. The Commission of Inquiry commenced in August 2011 and will end in March 2012.

REDD+ and SABLs: fighting over the same forests

One of the working documents developed by the OCCD states that the Climate Compatible Development Strategy (CCDS) aims to promote environmentally sustainable development as a mitigation option. It further mentions that to promote REDD+, PNG will implement carbon abatement opportunities through sustainable forest management, forest protection and conservation over the next two decades.²⁵

These objectives of REDD+ are threatened by the ever-increasing rate of deforestation. Agro-forestry projects and oil palm expansion have taken up huge amount of forests and are still continuing and FCAs have been issued for forest zones designated for REDD+ pilot schemes.

Mary Teresa Boni, a lawyer who represents landowners in the Waowi Guavi logging area in the Western Province, has said that the main problem with the agro-forestry leases is that they are granted over existing intact forests. "These are not genuine agro-forestry or agriculture projects but illegal logging activities," she says. Once the developers have obtained the SABLs, they then apply for FCAs which allow them to clear-cut large areas of natural forests.

In some cases the developers' proposals have promised to undertake replanting and sustainable oil palm projects after the forests have been cleared, but this has not materialised. Most of the loggers have gone with the harvest, leaving people with nothing but heavily cleared and degraded lands.

In the face of this, forest conservation activities in PNG are in difficulty. The OCCD, as the central coordinating agency on REDD+, is doing little to abate illegal forest loss. In a Terms of Reference created for a compliance audit and review of SABLs, it admitted that significant areas of forests are expected to be clear-felled under

SABLs as part of the land development process.²⁶ The government can do little to curb deforestation or try to implement REDD+ demonstration projects while powerful logging conglomerates have their sights set on the same forest areas.

Can forests be protected for REDD+ activities?

While the OCCD asserts that it has been working with the Forestry Authority and the DEC to halt the issuing of FCAs and to protect the forests, in order to implement the REDD+ pilots, the government maintains that agricultural development is critical for national food security and economic development.²⁷ Joined-up policy-making, which is crucial for REDD+ readiness, is lacking.

In a context where SABLs have been used as an avenue for logging and have become major drivers of deforestation and forest degradation in PNG, the ability to introduce programmes which successfully reduce forest loss in PNG is being put to the test. The findings of a commission of inquiry on SABLs set up by the government will give some indication about what the future holds. In the meantime, PNG will continue to lose forests. A recent study found that three-quarters of the country will be deforested if current trends go unchecked, and most of its natural forests will be lost.²⁸

The Papua New Guinea Eco-forestry Forum is a not-for-profit non government organization. It is an umbrella organization that has a membership of more than 20 national and international organisations. The organization was formed in 1999 to represent the views of its members at the national policy making level and to disseminate useful information to build and enhance local capacity to help local communities and resource owners make informed decision. The overall goal of the Forum is to promote genuinely sustainable management of forests and good governance in the forestry sector. www.ecoforestry.org.pg

26 OCCD (2011) 'Terms of reference for a consultant for the compliance audit and review of the approval process for the Special Agriculture Business Leases and Forest Clearance Authorities.'

27 OCCD (2011) 'REDD+ and MRV working papers. Technical Working Group meeting agenda items.' 22 April.

28 Shearman PL, Bryan JE, Ash J, Hunnam P, Mackay B, Lokes B (2008) 'The state of the forests of Papua New Guinea: mapping the extent and condition of forest cover and measuring the drivers of forest change in the period 1972–2002.' Port Moresby, Papua New Guinea: University of Papua New Guinea.

25 OCCD (2010) 'Interim action plan for climate compatible development.' Government of Papua New Guinea.

Are forest peoples really involved in the national REDD+ process in the Central African Republic?

By Bienvenu Florentin Kemanda-Yogo, Maison de l'Enfant et de la Femme Pygmée (MEFP), Central African Republic.

Central African Republic (CAR) is a landlocked country in the heart of Africa approximately the size of France. It has 4.2 million people and forests (including savannah forests) cover approximately half of the national territory. In 2010, CAR became the first African country to ratify ILO's Convention 169 on the Rights of Indigenous and Tribal Peoples.

This case study looks at CAR's preparation for REDD and the role played by civil society up to the approval of the REDD Readiness Preparation Proposal (RPP) in October 2011.

CAR is a member of the Forest Carbon Partnership Facility (FCPF) and its preparation for REDD has been in two main stages: approval of the Readiness Plan Idea Note (R-PIN) and drafting of the RPP. CAR began work on an R-PIN in late 2007, and the first two versions were rejected by the Participants Committee of the FCPF for failing to meet minimum standards. The third version of the R-PIN was approved in December 2008. This phase of the process did not include the participation of national NGOs, local communities or indigenous peoples.

The second stage of the preparation phase or "stage of development of the RPP" was officially launched on 3 September 2010 by the CAR government. Some members of civil society were invited to this workshop to officially launch the REDD process in Central Africa. Unlike most other countries, the development of the RPP was financed by the French Development Agency (AFD); these funds are managed by the CAR office of the World Wide Fund for Nature (WWF). Drafting of the RPP was supported by French consultants from ONFI (Office National des Forêts International) together with national consultants.

Informal submission in March 2011 and civil society statement

The initial phase of the preparation lasted only four months and the RPP was submitted informally to the FCPF in January 2011. The process was rushed and there was a lack of civil society participation: out of ten consultation workshops held, only one took place outside the capital, Bangui. Forest dwelling Bayaka and pastoralist Mbororo indigenous peoples, despite being key stakeholders, were not specifically consulted.

Around thirty national NGOs and indigenous peoples' organisations came together for a three-day workshop in March 2011 and issued a statement highlighting some other major concerns with the RPP:²⁹

29 Available on the FCPF website in English and French under the title, 'Statement of CAR Civil Society concerning the R-PP of the Central African Republic:' <http://www.forestcarbonpartnership.org/fcp/Node/167>

- pastoralism (nomadic herding), shifting cultivation and gathering of non-timber forest products were highlighted as primary causes of deforestation and forest degradation, whereas industrial logging does not appear in the RPP as a direct cause of deforestation and forest degradation
- a proposal to introduce industrial logging (sustainable forest management) into the south-eastern forested area of CAR was included in the RPP
- lack of plans to bring REDD activities into line with ILO Convention 169 on indigenous and tribal peoples and insufficient budget allocated to social and environmental monitoring: only 0.3 per cent of the total budget.

Civil society organisations in CAR working on environmental and human rights organised themselves as part of a Platform of Central African Civil Society for the Sustainable Management of Natural Resources and Environment (La Plateforme de la Société Civile Centrafricaine pour la Gestion Durable des Ressources Naturelles et l'Environnement) to lobby for respect of the rights of local and indigenous communities. The Platform held two workshops in forest provinces in the south-west of the country in November and December 2010 (Mbaiki and Nola) and one in September 2011 (Boda). These workshops brought together local authorities, local NGOs and indigenous and local community representatives. Further training and awareness raising workshops have been held with national NGOs in Bangui.

- 18** Following the FCPF Participants Committee (PC) meeting in Vietnam in March 2010, and recommendations from the Technical Advisory Panel (TAP) of the FCPF for wider consultation and participation of civil society and communities, the government carried out a further two consultations in the south-west forested area. However, they can more accurately be described as information sharing meetings rather than true consultations, as background information was not given before the meetings and adequate time was not given to identify the participants or to prepare.

Results of formal submission in October 2011

The RPP was formally submitted to the FCPF PC meeting in Berlin in October 2011. NGOs from CAR held another three-day workshop to see whether their comments from March had been taken into account in the latest RPP. Unfortunately, they realised that very few of their concerns had been addressed and they reissued a statement outlining major concerns with consultations and proposed governance of REDD in CAR. These included land and resource rights, benefit-sharing, the causes of deforestation and the proposed

strategy options.³⁰ The statement recognised the positive increase in the number of indigenous peoples representatives in the National REDD+ Committee which had been called for in March.

The Participants Committee approved the RPP for \$3.6 million of funding, subject to the following key issues being addressed, or reflected in a revised version of the RPP:

1. A more comprehensive study into the drivers of deforestation that does not exclude the role of industrial logging
2. A participatory analysis of the best way to ensure multi-stakeholder participation in managing REDD+ funds
3. Information on concrete joint activities between FLEGT and REDD+
4. Increased funding for social and environmental assessments and monitoring, and to ensure that the National REDD+ Committee can "ensure effective, representative multi-stakeholder oversight of the implementation of the R-PP".³¹

CAR civil society remains open to dialogue and discussion with all stakeholders and hopes that REDD+ can follow the examples of positive engagement of the government in natural resource management and community rights shown in the FLEGT process, the ratification of the ILO Convention 169 and steps taken towards community forests. We look forward to the results of the Berlin meeting being shown in an RPP that is good for CAR's forests and forest peoples.

Founded in 2000, Maison de l'Enfant et de la Femme Pygmée (MEFP) is based in Bangui, Central African Republic. MEFP is an NGO that has extensive knowledge of the situation forest communities face and works to address indigenous peoples rights issues through of civil society groups, ongoing contact with indigenous communities and through dialogue with key actors at the national level.

³⁰ Also available on the FCPF website in English and French under the title, 'Civil Society Statement on Central African Republic R-PP:' <http://www.forestcarbonpartnership.org/fcp/Node/167>

³¹ Resolution PC/10/2011/2, Central African Republic's Readiness Preparation Proposal, FOREST CARBON PARTNERSHIP FACILITY (FCPF), TENTH PARTICIPANTS COMMITTEE MEETING, October 18-19, 2011, Berlin, Germany



CAR – Press conference in Bangui in March 2011, following a three-day civil society workshop, just prior to the informal submission of the CAR RPP at the Vietnam Participants Committee of the FCPF.



Nepal – Community members sharing ground experiences with international participants.

Piloting REDD+ in community forestry in Nepal

Some early lessons

By Nabaraj Dahal, Federation of Community Forestry Users Nepal (FECOFUN), Nepal.

Community Forest Management (CFM) has done much to restore previously degraded forest land in Nepal, though much more still needs to be done to halt the trend towards deforestation and forest degradation nationally. If REDD+ recognises the role of CFM, and can develop governance and payment mechanisms that are robust and transparent and benefit local communities and indigenous peoples, it could provide an incentive to bring larger areas under sustainable management of forests.

Nepal is a world leader in mainstreaming CFM practices into forestry policy. More than 14,000 community groups, representing around 1.6 million households (i.e. about 35 per cent of the country's population), are successfully managing 25 per cent of Nepal's forests (1.2 million hectares). The Forest Act 1993 gives them rights over the resources of forests that have been designated community forest by the government. The Federation of Community Forest Users, Nepal (FECOFUN) represents community-based forest users from all over the country. It has a strong record of helping Community Forest User Groups (CFUGs) to manage their forest resources in a sustainable and inclusive way, and to lobby the government to defend their rights.

The REDD+ pilot in Nepal

Since July 2009 a pilot project to set up a national governance and payment system for emissions reductions through sustainable forest management³² has been implemented by the International Centre for Integrated Mountain Development (ICIMOD), the Asia Network for Sustainable Agriculture and Bio-Resources (ANSAB) and FECOFUN. In turn FECOFUN has put together a consortium of organisations, including the Nepalese Federation of Indigenous Nationalities (NEFIN) and other CSOs, and has collaborated closely with the government. The project strengthens the capacity of civil society actors to participate in the planning and preparation of national REDD+ strategies; it establishes a Forest Carbon Trust Fund (FCTF); and it develops methods to monitor carbon flux in community-managed forests. As a pilot, it aims to develop a model that can be replicated globally wherever CFM is practised.

The project areas are located in three ecologically different watersheds of Nepal, ranging from tropical to temperate and covering a total area of 27,789 hectares, more than 10,000 hectares of which are community forests managed by 105 different CFUGs.

32 'Design and setting up of a governance and payment system for Nepal's Community Forest Management under Reducing Emissions from Deforestation and Forest Degradation (REDD+).' Funded by the Norwegian Agency for Development Cooperation (NORAD).

In the first two years the project has concentrated on capacity-building and education on REDD+ for all stakeholders, including indigenous peoples, from the local to the national level. It has developed community-friendly educational materials and trained local facilitators to enable CFUGs to take their own decisions in relation to REDD. It has also developed a robust community-based forest carbon monitoring and verification system, as well as establishing a good governance structure for the FCTF.

As a result, the project was able to pilot its first payments to communities in 2011.

Payments to communities under REDD+

All payments to communities are managed through the governance system of the FCTF which ensures transparency, accountability and participation in the way that resources are allocated. In the early years of this pilot project, the payments are donor-funded from the project budget; in future, they will come from whatever international mechanism is agreed for REDD+ finance. Distributing seed grants to the project communities gives a good indication of how the REDD+ mechanism may work.

The basic unit for managing REDD+ benefits to the community is the Watershed REDD Network, made up of the CFUGs that are in a single watershed (as the name suggests). This is a subset of the district-level FECOFUN

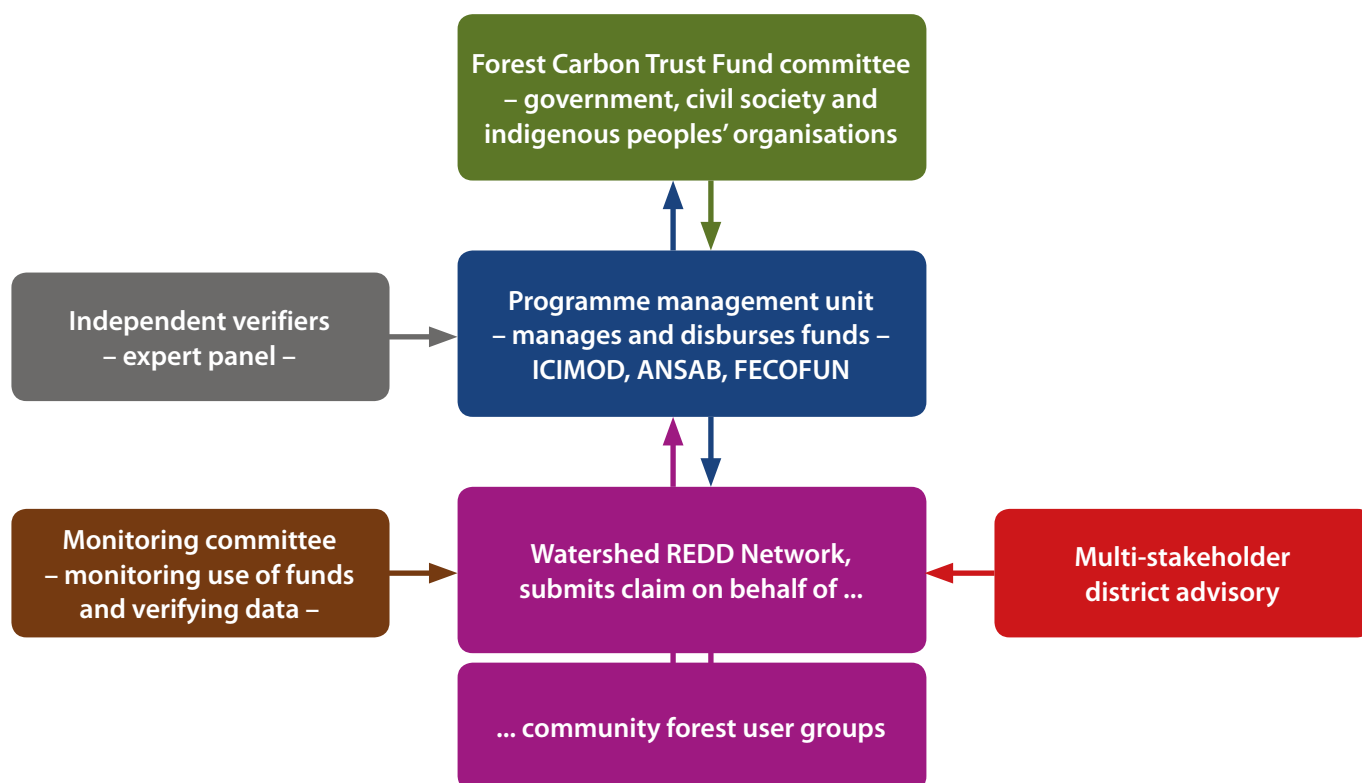
chapter, since a single district contains many watershed areas.

The critical innovation is that the FCTF takes account of both social and (simplified) carbon data when calculating the entitlement of communities to REDD+ funds. The increment in forest carbon stock in the first year carries only a 40 per cent weighting. The remaining 60 per cent is allocated according to social criteria: gender, level of poverty, and the number of indigenous households and Dalit households (of the so-called 'untouchable' caste).

The guidelines also provide for the decentralisation of decision-making about payments. Based on the agreed criteria, the national advisory committee decides how much money each watershed receives. In the first year, US \$100,000 was available in the budget for the three watersheds. Then the respective district advisory committees met, interpreted the national criteria, assessed the real condition of each community forest and finally decided how much money to give to each CFUG.

Using the enhancement of forest carbon within a year as a trigger for REDD+ payments, the intention is to demonstrate that community forests are able to generate a range of social and environmental benefits whilst reducing deforestation and forest degradation.

Fig 1: A simple framework of community trust fund



Challenges

Despite the progressive nature of the pilot system being set up in Nepal, the REDD+ process faces pressure from many interest groups locally, nationally and globally.

Some of the challenges include:

- (1) *Conflicting ownership claims.* In the case of community forests, the right to the soil is held by the government, while the rights to forest products are owned by the communities. Disagreement about ownership rights, particularly for forest carbon, is a possible stumbling-block which would need to be resolved if REDD+ payments are to be based on carbon.
- (2) *Possible duplication of management systems.* Because many community forests are so small, it is not feasible to link them all individually to investors. This may make management systems and structures for traditional community forest management, as recognised by the Forest Act, unsuitable for private investment.
- (3) *Increased costs for collecting data.* Although CFUGs have shown their expertise in collecting ground-level forest carbon data, some stakeholders argue that monitoring, reporting and verification are high-level functions requiring external technical expertise. Not only would this increase the investment required for REDD+: it would weaken ownership by the users over the whole REDD+ process and possibly undermine it altogether.
- (4) *Conflicts of interest between district FECOFUN networks and watershed-level REDD+ networks.* The Watershed REDD+ Network was established primarily to serve as a bridge between CFUGs and district stakeholders in REDD+ activities, and serve as a channel for REDD+ funds. In some cases, FECOFUN district chapters have seen the narrow scope of the network as a threat to the wider interests of CFUGs. Reconciliation over this apparent conflict of interest has demanded a high level of local consultation and education throughout FECOFUN and the REDD+ networks.
- (5) *Restriction of forest activities.* CFUGs are understandably concerned that enhancing the carbon stocks in community forests will invariably require communities to reduce the collection of forest products, including fuel wood and timber. Where forest-dependent peoples have to compromise their right to collect forest products, it may be hard for them to find alternative sources of income.
- (6) *The difficulty of seeing solid outcomes.* CFUGs received their first cash payments after submitting their general plan of fund utilisation, which is also supposed to be used for poverty reduction. But it may be hard to see solid outcomes, particularly in reducing poverty, through the investment of a nominal sum of money in one year. Participating CFUGs now have some expectation that the national and international provisions of REDD+ will result in

continued funding into the future, allowing the social objectives to be met over time.

Lessons learned

Community Forest Management can contribute to REDD+, through reducing deforestation and degradation, and increased social benefits. It remains to be seen whether the converse is true: that REDD+ contributes significantly to Community Forest Management.

Moreover, working together at a landscape or watershed level strengthens the voice of communities in relation to other stakeholders, as well as bringing the practical advantages of reducing transaction costs and addressing leakage. While individual local communities can participate in implementing REDD+ programmes it is useful for them to be part of local REDD-specific associations to represent CFUGs in relation to other district-level stakeholders.

In Nepal the involvement of a wide variety of stakeholders, including government, in the FCTF process has generated a widespread sense of trust and shared ownership and the Nepal Federation of Indigenous Nationalities (NEFIN) is part of the consortium of organisations brought together by FECOFUN to represent the interests of local communities and indigenous peoples in this pilot project. However, it takes more than a successful pilot project to prepare a country for REDD. Notwithstanding the encouraging collaboration and synergy achieved at local level, there remain considerable challenges in developing an effective national REDD strategy that puts the needs of community forest users uppermost. Indigenous peoples and their organisations, in particular, would like to see ILO Convention 169, which Nepal has ratified, being mainstreamed into the REDD preparation process and more focus on awareness-raising and capacity-building in order to improve the currently weak engagement of communities in the national strategy. The more distant from reality on the ground, the more difficult it becomes to achieve consensus and unity of purpose between government departments and other stakeholders. Incorporating some of the key lessons so far into the national REDD+ strategy remains a challenge.

FECOFUN, the Federation of Community Forest Users, Nepal is a social movement organization dedicated to promoting and protecting forest users' rights. www.fecofun.org

Participation and respect for community rights in forest carbon projects in the Republic of Congo

By Maixent Fortunin Hanimbat Aimecas, Forum pour la Gouvernance et les Droits de l'Homme (FGDH), Republic of Congo.

The Republic of Congo (RoC) has been committed to the REDD+ process since 2008, and it submitted the latest version of its REDD+ readiness plan in September 2011. This case study considers two carbon-related projects launched in 2011: the National Afforestation and Reforestation Project (*Projet National d'Afforestation et de Reboisement*, or PNAR), and the Odzala-Kokoua National Park Project (*Projet du Parc National d'Odzala-Kokoua*, or PNOK).

The National Afforestation and Reforestation Project (PNAR)

At the time of writing, this project was due to be launched on National Tree Day, 6 November 2011.

The overall objective is to create one million hectares of forest and agro-forest plantations, including state-owned forests of local and exotic forest species, privately owned intensive plantations of fast-growing species, plantations of fast-growing and multiple-use species belonging to the local communities, and privately owned palm groves. The programme, which will cover 70 per cent of the nation's forests, aims to increase stores of carbon and to tackle deforestation and forest degradation.

This vast forest planting project has a dual aim: (1) to develop and diversify the economic activity of people living in rural and urban fringe areas, and to improve their income through the production and sale of forest products; and (2) to involve indigenous peoples in the creation of multiple-use plantations and in meeting their food requirements. It will cover all of RoC's departments. The programme also aims to create opportunities to promote biofuels, paper pulp mills, medium- and high-density fibreboard, and essential oils.

Funding for the programme will be provided by the RoC's government (200 billion CFA francs,³³ on average 20 billion CFA francs per year from equity capital, loans or debt reimbursement), a variety of financial backers and donors (1,000 billion CFA francs, at 100 billion per year, from private funding for the production of biofuels and wood pulp, the World Bank, the African Development Bank, the French Development Agency, Norway, Great Britain, Canada, China, Japan, Australia, Italy, the Clean Development Mechanism, REDD+, etc.), and private investors and promoters.

The Odzala-Kokoua National Park Project (PNOK)

The Odzala-Kokoua National Park, situated on RoC's border with Cameroon and Gabon, was created in 2001.

33 200 billion CFA francs is equivalent to €3 million.

It covers 1,354,600 hectares and includes 39 villages and four urban centres, with a total of around 57,000 inhabitants.

In 2010 the management of the park changed hands, when the government signed an agreement with the private company African Network Park (ANP) dealing with a new mechanism for managing and financing the Odzala-Kokoua National Park. The agreement makes the park management body responsible for the sale of the park's carbon stores. It will receive all revenue from payments for ecosystem services, including carbon sales.

Both projects – PNAR and PNOK – set out to increase carbon stores, improve conservation, and combat deforestation and forest degradation. In principle, therefore, they are in line with the objectives of REDD+.

Participation and community rights in the current projects

The Republic of Congo is not a country with a good history of respecting international obligations related to human rights and the environment when it comes to the implementation of donor projects or international aid programs

According to studies carried out in protected zones, people have encountered a variety of problems and setbacks, including exclusion from a share in benefits, lack of adequate consultation, failure to recognise customary property rights, and obstacles to the exercise of users' rights. This explains the numerous conflicts between communities and conservationists. In 2009, for instance, three villagers were killed by eco-guards in Konkouati-Douli Park, in the village of Youbi.³⁴

In the agricultural sector's major modernisation and development programme, several companies – from South Africa and Israel in particular – have become involved in large-scale agricultural projects in several departments of the RoC. Land belonging to rural communities has been allocated to multinational companies without prior consultation or adequate compensation of the communities which claimed ownership. Most of these communities expressed their dissatisfaction, but gave in because the state was too powerful, and because they did not want to be accused of opposing the country's development.

The World Bank recently threatened to suspend its Agricultural Development and Rural Roads Rehabilitation

Project, partly because of non-compliance with social and environmental safeguards.

In the two projects currently under development, the main safeguards are those set out in the Application Decree 2009-415 of 20 November 2009, on social and environmental impact assessment. Unfortunately the mechanism set up by this decree has three principal weaknesses: (1) the studies only cover environmental impact, not social impact; (2) the terms do not permit the identification of impacts such as the long-term effect of monoculture on soils and biodiversity; and (3) impact assessment is limited to observing the foreseeable consequences of projects, without offering any solution.

Another of the relevant safeguards is the law on the promotion and protection of the rights of indigenous populations. According to Article 3 of this law: *The State ensures that the indigenous populations are consulted in a suitable manner and implements culturally appropriate mechanisms for those consultations before any consideration, formulation or implementation of legislative or administrative measures, or development programmes and/or projects which are likely to affect them directly or indirectly.*

The consultations with the indigenous populations must be conducted:

- (1) *Through institutions representing the indigenous populations or by representatives they have chosen.*
- (2) *By appropriate procedures taking into account their modes of decision making.*
- (3) *By ensuring the participation of indigenous men and women.*
- (4) *In a language understood by the indigenous populations.*
- (5) *By ensuring that all information about the proposed measures be provided to the indigenous populations, in terms that are understandable to them.*
- (6) *In good faith, without pressure and threat with the aim of obtaining free, prior and informed consent.*

A decree of the Cabinet shall set the procedures for consultation and participation of the indigenous populations.

This measure is clearly formulated to be an acceptable safeguard where the participation, consultation, and free, prior and informed consent of indigenous peoples are concerned. The problem now is the lack of any decree to set out the procedures and practical tools to implement these safeguards. In the absence of such a decree, the safeguards to protect the indigenous peoples cannot function.

We may conclude that there is not yet any robust operational safeguard to guarantee community rights and environmental integrity. It is against the background of this lack of robust, operational safeguards that the two REDD+ projects are being developed.

³⁴ See: www.mampouya.com/archive-12-2009.html and: Local studies on land and tenure rights of forest communities in the RoC, Report RFUK-FGDH, August 2010, p. 16. www.over-blog.com/.../38-Les_Amis_du_Congo_Brazza.html

According to a telephone survey of inhabitants in the ten departments affected by PNAR, rural populations had not been informed about the project, let alone consulted. Respondents knew nothing about what was going to be done, or how they were supposed to benefit from the project.

As for the Odzala-Kokoua National Park project, village communities living within the park (Ebana, Bossouaka and Mbandza) said that although they had been informed of the change of legal entity managing the park, they had never been told that the new legal entity was now authorised to sell the carbon stored within the park. Nor had these communities ever heard of REDD+ or the constraints and benefits it may bring.

Analysis and recommendations

The RoC is committed to the REDD+ process under the FCPF regime (it has also become a member of UN-REDD), and its REDD+ readiness plan was submitted to the Participants' Committee for the second time in March 2011. It ought to have been approved but the PC has as yet made no decision clearly indicating the conclusive status of the Congo's RPP. The RPP is a document that sets out the procedure for formulating the REDD+ strategy, which is in fact the framework for implementing all REDD+ projects. This brief review may be analysed as follows:

- "Carbon" projects are already being developed with the support of partners such as the World Bank, even though the national REDD+ strategy has not yet been formulated. This means that countries can engage in REDD+ activities outside the FCPF and UN-REDD+ framework. In theory, however, the national REDD+ strategy should be the only framework for implementing all projects to improve carbon stores and combat deforestation and forest degradation. This raises the question of whether the REDD+ process as advocated by the FCPF is efficient and strict enough to channel all REDD+ activity, and above all to protect environmental integrity and the interests of forest communities. The fact that the World Bank supervises the FCPF, while at the same time funding REDD+ activities outside the FCPF mechanism, suggests that it may be more concerned with "business" than with the effectiveness of REDD+.
- The RoC's national RPP distinguishes clearly between social and environmental safeguards. One of the aims of social safeguards will be "to measure socioeconomic damage, damage to culture and community life, damage to property rights or access to resources and other rights recognised in national and international legal documents. They must be used with the involvement of all parties concerned. They must also be accompanied by corrective measures which aim to remedy or compensate for the negative consequences. These measures



Meeting of consultation of the indigenous communities to the MBOUA village in the Department of the Sangha.

themselves should be identified and validated with the participation and consent of the communities affected by the projects." Developing REDD+ projects outside the process set in motion by the RPP thus deprives communities of an important opportunity to implement robust safeguards. This situation also raises the question of whether it is worth investing a great deal of effort in developing national REDD+ strategies without being certain that they will be respected and applied.

- The national RPP raised several questions that have not yet been resolved, but which ought to be dealt with before any transactions involving forest carbon are undertaken: e.g. about the legal nature of carbon, the question of carbon ownership, and more generally the question of the ownership of forested land, aspects of governance in carbon management, and what carbon transactions are possible. Clear answers are needed to establish what rules and safeguards should be in place. At present, projects are being implemented in the context of a lack of clarity as to the rules and mechanisms used to develop REDD+ projects.
- The Cancun Agreements clearly indicated that REDD+ activities must be "consistent with the conservation of natural forests and biological diversity", and must not result in "the conversion of natural forests". Yet the projects reviewed in this study were drawn up under an environmental impact assessment system that fails to take account of the conversion of natural forest into forest plantations. This failing is contrary to the spirit of the Cancun Agreements.

Forum pour la gouvernance et les droits de l'Homme (FGDH) is a Congolese civil society organisation created by lawyers and journalists aiming to advocate, research, mobilise and build capacities in the areas of sustainable management of natural resources, the respect for local community rights and indigenous peoples depending on these resources. FGDH is an active member of the Congolese civil society platform on sustainable forest management.

Conclusion

The case studies presented here underline the need for a broad approach to reducing deforestation and degradation which addresses the primary causes of forest destruction. The wider literature³⁵ affirms that the key drivers to deforestation in non-industrialised countries are exacerbated by unclear land-tenure and weak forest governance. Experience has shown that good governance in the forest sector revolves around principles such as transparency, participation, accountability, coordination and capacity building, the need for which is amply illustrated by the case studies presented in this report.

Recognising the need for governance reform as a first step to reducing deforestation calls for a rethinking of the proposed architecture of REDD+. The notion of “performance-based” being measured through emissions reductions needs to be reconsidered. Instead there should be a framework that enables investment in specific programmes to tackle the major structural problems that underlie much of deforestation in potential REDD+ countries.³⁶

The race by governments to reach the narrowly-defined “performance-based” third phase of REDD can already be seen to be undermining the investment, in both time and other resources, in the structural reforms needed in the forest sector to achieve lasting reductions in deforestation. These activities are not immediately linked to emission reductions, and so are not likely to be supported by top-down performance-based payments to national governments. Rather, a variety of initiatives which aim to support the improvement of forest governance are needed: increasing participation, tackling corruption, improving the enforceability of existing laws and drafting new ones. This is a process of institutional reform which involves actors at all levels, from local to the national, and from forest-dwellers to industry and government. There is a need to trigger public investment in this kind of wide ranging policy and institutional reform.

The themes emerging from these case studies across five different countries reinforce the need for forest governance and legal reform, in particular increased stakeholder **participation** in decision-making; nationally led **land tenure reform**; and the need for **benefit-sharing** mechanisms to ensure that forest revenues benefit local communities and indigenous peoples.

The case studies from Ghana and PNG show that forest sector policy-making continues to benefit timber industries at the expense of communities. Benefit-sharing in REDD+ cannot be based on similarly flawed

35 ‘Forest governance and climate change mitigation.’ A policy brief prepared by ITTO and FAO; 2009. FERN (2010) ‘Lessons Learned from FLEGT for REDD’ Moreton-in-Marsh, UK: FERN. <http://www.fern.org/node/4963>

36 Karsenty, A., Ongolo, S (2011) Can “fragile states” decide to reduce their deforestation? The inappropriate use of the theory of incentives with respect to the REDD mechanism. Forest Policy and Economics.

governance systems. REDD-readiness needs to learn from existing policies in the forestry sector, whether positive (such as FLEGT in Ghana) or negative (such as the SABLs in PNG), and lead to coherence across all natural resource management systems within a country.

The case from PNG further illustrates the need for enforcement of existing laws, another key aspect of good governance. The various environment and land acts which govern PNG's forests emphasise environmental protection, yet there is a systematic lack of monitoring, compliance and enforcement of the laws stipulated under these acts. The Republic of Congo case study highlights another example of where adequate laws are in existence, but without any procedures to implement them. Recent law in the RoC provides for participation, consultation, and the free, prior and informed consent of indigenous peoples, yet without a decree to ensure its implementation, it does not constitute a robust operational safeguard.

The lack of participation and consultation appears to have become endemic in REDD preparedness in many countries, as illustrated by the cases studies for Ghana and CAR in this report. The Nepal case study has shown how this can be overcome locally, through multi-stakeholder bodies working at the level of individual watersheds, but nevertheless begs the question about whether a similar spirit of cooperation can be achieved at more central levels.

A successful REDD+ would represent a fundamental overhaul of the natural resource sector in most participating countries: from elite capture to community ownership, from exclusion to participation in decision-making, and from outdated and conflicting land tenure systems to genuine engagement in the slow process of recognising rightful land owners. This is perhaps more than national governments bargained for when voluntarily engaging in an initiative to receive payments in return for forest protection. It is certainly more than the international community envisaged in the enthusiasm that protecting forests could be the "cheapest and most efficient" way to tackle climate change. But past lessons and efforts to save tropical forests show us that doing anything less will result in certain failure.

Recommendations

- The Accra Caucus stresses the need for a binding international agreement that takes account of all aspects of mitigation, starting with ambitious and legally binding commitments to reduce emissions in industrialised countries of at least 40 per cent by 2020. This will mitigate the greatest threat to forests through the onset of climate change.
- Governments should establish clear and robust guidelines on the way information about REDD+ safeguards are communicated, ensuring a participatory approach to the way these safeguards should be drawn up by each party. Monitoring requirements for performance-based payments should be simple, cost-effective and participatory, without requiring the development of expensive monitoring, reporting and verifying systems.
- The international climate agreement should protect standing forests by guaranteeing funding for improved forest governance and addressing the drivers of deforestation, rather than focusing on the mechanics and technicalities of carbon measurement for the purpose of carbon transactions. This would require up-front funding for policies and measures to invest in governance reforms, rather than so-called performance-based payments for reduced emissions.

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Governments and agencies around the world are now preparing to implement programmes on Reducing Emissions from Deforestation and Forest Degradation (REDD+). The Accra Caucus for Forests and Climate Change is a coalition of civil society and indigenous peoples' organizations from the Global North and South, which have followed the negotiations at the UNFCCC since 2008. In this report the Caucus looks at examples of readiness in its various forms, including national REDD+ strategies, legal reforms, pilot projects and funding.

It shows how the implementation of REDD+ projects, policies and plans is being shaped by a readiness process which is focused on attracting carbon income rather than on protecting the environment or the rights of indigenous peoples and local communities.



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