

REPORT

**Asia-Pacific Indigenous Peoples Dialogue with the Forest Carbon Partnership Facility
(FCPF)**

September 25-28, 2012
Empress Hotel, Chiang Mai, Thailand

Submitted by:

Indigenous Peoples Foundation on Education and Environment (IPF)
October 19, 2012

TABLE OF CONTENTS

Introduction	3
Indigenous Peoples Closed Door Meeting	4
Indigenous Peoples Dialogue with the FCPF	6
Community Field Visits.....	10
SUMMARY RECOMMENDATIONS OF INDIGENOUS PEOPLES TO FCPF	11
Annexes.....	13
Annex A: List of participants (See attached file)	13
Annex B: Agenda of the dialogue (See attached file)	13
Annex C: Asia-Pacific Indigenous Peoples’ Action Plan (See attached file)	13
Annex D: Translated of key FCPF documents in 6 local languages (See attached file).....	13

Asia-Pacific Indigenous Peoples Dialogue with the Forest Carbon Partnership Facility (FCPF)

September 25-28, 2012
Empress Hotel, Chiang Mai, Thailand

Introduction

As part of the Guna Yala Action Plan of Indigenous Peoples, the Asia-Pacific Indigenous Peoples Dialogue with the FCPF was conducted in Chiang Mai, Thailand in September 25-28, 2012.

The objectives of the dialogue were as follows:

1. To increase the knowledge and understanding of FCPF key documents, guidelines with regards to indigenous peoples in Asia
2. To discuss and exchange views and experiences on REDD+ issues and concerns of indigenous peoples and governments and other stakeholders (civil society organizations)
3. To collectively draw up recommendations, resolutions and plan of action towards building effective participation of indigenous peoples and partnerships in the implementation of the safeguards in REDD+.

Around 52 indigenous representatives from 12 countries in the Asia and the Pacific region participated in the dialogue. This includes two (2) IP observers from Latin America and Africa. Aside from the IP delegates, 14 government representatives from 5 countries in Asia and seven (7) representatives from civil society organizations attended the dialogue. A total of 41 representatives from the governments, World Bank, concerned UN agencies and civil society organizations likewise attended the dialogue. This brings the total number of participants to the dialogue to 93.

The activity started with a closed-door meeting among the participating indigenous peoples. The dialogue proper followed suit for two days and was capped with community visits to three (3) indigenous communities in Chiang Mai.

The Indigenous Peoples Foundation hosted the dialogue for the Environment and Education (IPF) with support from the Asia Indigenous Peoples Pact (AIPP).

Indigenous Peoples Closed Door Meeting

September 25, 2012

Around 45 participants, which includes some IP observers from other regions and representatives from the civil society attended the closed door meeting. It was conducted for the IP participants of the dialogue to share the results of the preparatory meetings at the country level, and to gain a common understanding of what FCPF is and map out key issues on FCPF and REDD+ that IPs are facing.

The meeting started off with presentations from the FCPF countries (Cambodia, Indonesia, Lao PDR, Thailand, Nepal and Vietnam) on the results of their preparatory meetings at the country level.

The following documents were translated to six (6) languages (Thai, Laos, Nepalese, Vietnamese, Khmer and Bahasa-Indonesia) and were used during the country level preparatory meetings:

1. The Common Approach to Environmental and Social Safeguards for Multiple Delivery partner;
2. Guidelines on Stakeholders Engagement in REDD+ Readiness;
3. Kuna Yala Action Plan: Indigenous Peoples Action Plan regarding the FCPC; and
4. Introducing the FCPF R-Package and the Carbon Fund

The country presentations contained the outputs of their country level meetings; the role of their government/FCPF/UNREDD Programme in the awareness raising; the consultation processes undertaken by their government and FCFPF/UNREDD; the representation mechanisms; the concerns and challenges faced by indigenous peoples on the R-package in relation to Safeguards and the Carbon Fund; and their plan of action and recommendations.

From the presentations, below are the common experiences of Indigenous Peoples in Asia-Pacific:

1. Awareness raising

- The kinds of activities and materials that have been conducted or produced for information dissemination to communities are not sufficient, accessible and understandable for indigenous peoples especially at the grassroots level
- Outside those reached by indigenous organizations and NGOs doing information dissemination on REDD+, there is little awareness about REDD+ and its possible implications to indigenous peoples that hinders full and effective an engagement along with government and other REDD+ actors
- There are some initiatives for awareness raising, capacity building and information dissemination on REDD+ in the both national and local level but these are too few and insufficient
- Information is beyond access and reach of IPs of many indigenous communities.
- Information provided are not in a language and form understood by the community and is insufficient
- There was a commitment for support to awareness raising but it has not yet been provided to date

- Lack of understanding among relevant government agencies on REDD+ as well as its implications to indigenous peoples and local communities

2. Consultations process

- Consultation processes, time, space, communication and consultative mechanism, and outreach method, which is mentioned in the guidance of effective consultation is yet to be implemented fully and properly
- Indigenous peoples organizations and communities lack sufficient capacity to engage fully and effectively in consultation processes
- The specific concerns of indigenous peoples such as land tenure and their forest-dependent livelihoods were raised in consultations but remain not responded to
- Separate and direct consultations only with indigenous peoples, based upon their distinct needs and concerns, has yet to take place in many countries
- There was no prior information on the consultations conducted for the IPs in some areas causing confusion on the purpose/intent and topics to be discussed in the consultations
- Decision-making are being done without conducting any consultation with the communities
- In some communities, there were no public consultation processes but rather only the socialization of SESA and FCPF, MRV, FIP by the National Forestry Council.
- Indigenous peoples in FCPF countries are not aware of the World Bank's IP Policy (OP 4.10) and its implementation is very limited

3. Representation mechanisms

- Some countries do not have representation in national REDD+ structures
- Lack of support to indigenous representatives
- There is lack of proper structures and mechanisms to ensure representation of indigenous peoples at the the national and local levels relating to REDD+
- There is no recognition to customary institutions in selecting representatives of indigenous peoples and no representation of customary rights holders in most FCPF countries
- No self-selected representation in a number of countries
- Need capacity building for indigenous peoples to have effective representation

4. R-Package in relation to Safeguards

- In Cambodia, the R-Package was developed under the Forestry Law No. 41/1999 which does not recognize IP Rights.
- The R-package clearly does not address land tenure issues
- FPIC is not included as part of the preparedness processes.
- Stakeholder engagement, action to policy changes and benefit sharing are not yet clear
- Lack of legislation and mechanisms on communal land title management

5. Carbon Fund

- Information about the carbon fund is very limited and the engagement of IPs in this is yet to be clarified

- A mechanism for consultation processes on the Carbon Fund with Indigenous Peoples have to be set up

6. IPs Concerns on the FCPF

- There is a need to harmonize the FCPF, FIP and UNREDD+ Programme to avoid confusion and to compliment each other's initiatives and technical and financial resources. FIP processes seem to be moving faster than the FCPF even though proper and thorough consultations are still to be conducted.

Indigenous Peoples Dialogue with the FCPF

The two-day dialogue was participated by 93 delegates composed of indigenous peoples representatives from the Asia and Pacific region and representatives from the governments, World Bank, concerned UN agencies and civil society organizations. The dialogue had three components which are as follows: (1) Presentations/inputs; (2) Plenary Discussions and (3) Workgroups on different themes

The Presentations were as follows:

- Cancun Agreement (COP 16) and Durban Outcome (COP 17) on REDD+ by Dr. Suchitra Changtragoon
- Overview of the FCPF and Engagement with Indigenous Peoples by Mr. Benoit Bosquet
- Key Issues and Concerns of Indigenous Peoples in REDD+ and FCPF
- Concrete Examples of Stakeholder Engagement in REDD+ Readiness: View from the FCPF and UN-REDD by Mr. Kenn Rapp
- Progress of Stakeholder Guidelines for REDD+ in Indonesia by Dr. Etti Ginoga
- Implementation of the Joint Stakeholder Guidelines: Experiences of Indigenous Peoples by Mr. Tungga Rai
- Overview of the R-Package by Mr. Kenn Rapp
- Proposed Structure and Process for R-Package Preparation in Nepal by Mr. Resham Dangi
- FCPF Capacity Building Programs by Mr. Benoit Bosquet

The presentations were followed by plenary discussions. In general, the presentations were very informative and interesting. Indigenous peoples and government representatives were both active in raising questions and comments to the presentation resulting to a more enriched understanding on the different themes and concerns on FCPF and REDD+ in general.

For the Workgroups, the participants were divided accordingly to include indigenous peoples, governments, and FCPF representatives. The facilitators were from amongst the participants.

The first set of workgroups done on the first day was on the recommendations to the FCPF on the following points:

- Awareness raising and information dissemination

- Consultations
- Representation

The summary results of workgroups are as follows:

1. Awareness raising/capacity building

- Awareness raising should be done in the national up to the local levels and should be conducted not just with indigenous communities but also with concerned government agencies and institutions. Develop a clear communication and outreach plan.
- Awareness raising should not just be on FCPF/REDD+ etc. but also on IP rights, traditional knowledge of IPs, etc.
- Information provided should include the impacts of the project and not just the benefits that communities can get and the available redress and grievance mechanisms
- Materials for awareness raising should be simplified and translated in a language understood by them
- Maximize all avenues for awareness raising (media, etc.) and produce popular materials that are culturally appropriate
- Funds for awareness raising should also be channeled to organizations and reputable civil society organizations

2. Consultations

- Consultations should be conducted in all levels (national and local) and must ensure the full and effective participation of women
- A mechanism to monitor consultations being conducted should be set up
- Provide space for the participation of IPs in the formulation of plans and activities of the project and not limit it to those CSOs who are registered with the government.
- Information should be provided in a language understood by the community prior to the consultation
- Consultations should not be time bound. Enough time should be given for the community to study the project, inquire additional information about the project and discuss among themselves.
- The participation of IPs in consultations and in all aspects of the project should be explicitly stated in the criteria/guidelines.
- Have a baseline information on existing IPOs and traditional structure in a country.
- Dialogues should be conducted between the relevant government agencies, CSOs and indigenous peoples on the recognition of the rights of IPs to their land and natural resources. Funding support should be provided for this.
- Ensure and guarantee the full and effective participation of IPs in REDD+ process at all levels, governance system, and in institutional settings, respecting the processes based on consultation and FPIC in accordance with the Cancun agreement. Special provisions should be set for inclusion of indigenous women and youth.
- WB to facilitate discussion between government and IPs about representation of IPs at different levels
- Decision making process should be on consensus building, not voting, since IPs are very small and not equal in number.

3. Representation

- Representatives of indigenous peoples in the structure and mechanism at all levels of REDD+ process should be based on the Indigenous Peoples customary laws and practices, and on their own established system of selection
- Ensure the full and effective participation of IPs in every development activity of National REDD+ strategy /policy
- Recognize the role of informal institutions of IPs

The second set of workgroups, which was held in the second day, was on the following:

- Policy reforms relating to addressing causes of deforestation and forest degradation; respect for traditional knowledge and rights of indigenous peoples
- Mechanisms on the engagement with and participation of IPs including IP women in the process of formulating/drafting R-package

<p>Policy reforms relating to addressing causes of deforestation and forest degradation; respect for traditional knowledge and rights of IPs</p>	<ul style="list-style-type: none"> • Review of laws and policies that are inconsistent with the UNDRIP with the view of revoking/repealing such laws and policies • Joint researches between the government and community based organizations should be promoted • Policy reform should be to done in national and local level • Indigenous Peoples and forest dependent communities have to be involved in the policy making process – multi stakeholder engagement in national and local level. A mechanism has to be established for this engagement. • There’s a need to fill the gap on policy in national and local level - decentralization of decision making process • The rights of indigenous peoples and forest dependent communities have to be recognized in the laws and policies of governments (national and local) and other institutions including traditional knowledge on forest management system. • Indigenous institutions have to be involved in law enforcement and monitoring. • The policy on land tenure has to recognize collective rights of indigenous peoples over their territory. • Traditional forest management and government systems of IPs should be recognized, respected and legitimized • Formulate policies ensuring local level planning and
---	---

	<p>implementation of Social & Environmental safeguards</p> <ul style="list-style-type: none"> • Governments should formulate and promulgate the following policies: <ul style="list-style-type: none"> - Infrastructure investment policies to create supportive environment for forest management (e.g. irrigation) - Policy on alternative livelihood support, employment, for non-forest dwellers (not city dwellers) who currently depend on forests for livelihoods - Policy on forest management roles and responsibilities clarified: common understanding of roles of IPs, forest companies, local government, etc. • Ensure the proper implementation/enforcement of good laws and policies
<p>Mechanism on the engagement with and participation of IPs including IP women in the process of formulating/drafting R-package</p>	<ul style="list-style-type: none"> ▪ A consultation process has to be conducted in the national and sub national level for indigenous peoples and forest dependent communities, including women. ▪ Simple information materials on R-Package have to be developed and distributed to indigenous peoples and forest dependent communities ▪ Alternative sources of livelihood options and income generating sources should be provided ▪ Full and effective participation of IP including IP women in all processes of the R-packages through their self-selected IP representatives
<p>R-package and Carbon Fund</p>	<ul style="list-style-type: none"> • Simplification of the R-Package information and translate them into different local languages • IP self-assessment report on R- Package should be considered and recognized. • On carbon fund: non-carbon values and multiple functions of forests should be taken into consideration. • R-Packages should address drivers of deforestation and degradation, land tenure issues (including conflicts), spatial planning. • R-Packages should address issues on corruption and the strategy to combat corruption. • Ensure equitable benefit sharing and for sustainable livelihoods - which must be sufficient to cover forest management duties and alternative livelihood opportunities

The discussion on the Asia Pacific Indigenous Peoples Action Plan culminated the dialogue proper.

Community Field Visits

Fields visits to three (3) indigenous communities exhibiting good practices in forest management and sustainable traditional livelihoods were conducted on the third day of the dialogue. The three communities are as follows:

1. Hin Lad Nai

Ban Hin Lad Nai is a small village situated in the valley of Khun Jae National Park Mountainous forests. This village is located Ban Pong Sub district, Wiang Pa Pao District, Chiang Rai Province. This village exhibits good practices on the following:

- Community Natural Forest Management
- Rotational forming
- Carbon footprint

Fifteen (15) participants joined in the visit to this community.

2. Mae Sa Mai village

Mae Sa Mai is a Hmong village situated in the administrative area of Moo 6, Pong Yaeng Sub-district, Mae Rim District, Chiang Mai province. In 1981, the village and surrounding area was included within the boundaries of Doi Suthep-Pui National Park.

In addition, in the early 1990's some village members established the Natural Resource and Environment Conservation Club of Mae Sa Mai. This group encouraged other village members to use the forest resources sustainably. Among the practices of this community witnessed by the field visit participants are as follows:

- Transition from cash cropping agriculture to agro-forestry
- Traditional knowledge transmission to children through formal education
- Traditional weaving technique using 'Hemp'.

Twenty seven (27) participants joined the field visit to this community.

3. Khun Tae

Khun Tae or '*Mae Tae Kee*' in Pgakeuyaw (Karen) language is a Karen village in the administrative area of Moo 5, Doi Kaew Sub-district, Chom Thong District, Chiang Mai province. Khun Tae areas fall under the National Forest Reserve and Ob Luang National Park. Among the practices witnessed by the participants who joined the visit in this village are as follows:

- Natural resource management undertaken by Khun Tae and other communities in the highland under the Highland Nature Conservation Club (HNCC) and Mae-tia Mae Tae watershed are very important. This could be called 'REDD' or 'community based REDD+' under the concept of REDD+ that was discussed at the UNFCCC and promoted by various agencies.
- Community Forest Management

Twenty two (22) participants joined this visit to Khun Tae.

SUMMARY RECOMMENDATIONS OF INDIGENOUS PEOPLES TO FCPF

I. AWARENESS RAISING/CAPACITY BUILDING

- Awareness raising should be done in the national up to the local levels and should be conducted not just with indigenous communities but also with concerned government agencies and institutions.
- Develop a clear communication and outreach plan.
- Awareness raising should not just be on FCPF/REDD+ etc. but also on IP rights, traditional knowledge of IPs, etc.
- Information provided should include the impacts of the project and not just the benefits that communities can get and the available redress and grievance mechanisms
- Materials for awareness raising should be simplified and translated in a language understood by them
- Maximize all avenues for awareness raising (media, etc.) and produce popular materials that are culturally appropriate
- Funds for awareness raising should also be channeled to organizations and reputable civil society organizations

II. CONSULTATION

- Consultations should be conducted in all levels (national and local) and must ensure the full and effective participation of women
- A mechanism to monitor consultations being conducted should be set up
- Provide space for the participation of IPs in the formulation of plans and activities of the project and not limit it to those CSOs who are registered with the government.
- Information should be provided in a language understood by the community prior to the consultation
- Consultations should not be time bound. Enough time should be given for the community to study the project, inquire additional information about the project and discuss among themselves.
- The participation of IPs in consultations and in all aspects of the project should be explicitly stated in the criteria/guidelines.
- Dialogues should be conducted between the relevant government agencies, CSOs and indigenous peoples on the recognition of the rights of IPs to their land and natural resources. Funding support should be provided for this.
- Ensure and guarantee the full and effective participation of IPs in REDD+ process at all levels, governance system, and in institutional settings, respecting the processes based on consultation and FPIC in accordance with the Cancun agreement. Special provisions should be set for inclusion of indigenous women and youth.
- WB to facilitate discussion between government and IPs about representation of IPs at different levels

- Decision making process should be on consensus building, not voting, since IPs are very small and not equal in number.

III. REPRESENTATION

- Representatives of indigenous peoples in the structure and mechanism at all levels of REDD+ process should be based on the Indigenous Peoples customary laws and practices, and on their own established system of selection
- Ensure the full and effective participation of IPs in every development activity of National REDD+ strategy /policy
- Recognize the role of informal institutions of IPs

IV. R-PACKAGE IN RELATION TO SAFEGUARDS

- Governments should respect and strengthen the implementation of relevant national land and forestry laws and revise laws and policies that are not environmentally and IP friendly and ensure that they be consistent with the UNDRIP and other international instruments
- Recognition and application of international instruments such as the UNDG (2008), UNDRIP, CBD (1992), Cancun Agreement of UNFCCC
- Governments should develop a law on REDD+ and establish the mechanism for monitoring the implementation (REDD+ & Climate Change),
- Support policy reform initiatives at the national level.
- The System Information Safeguards (SIS) has to go for the highest/maximum standard for Safeguard.
- FCPF has to recognize the traditional knowledge and innovation of IPs on forest management system
- R-Package has to be in line with the National Strategy on REDD+
- Indigenous peoples customary laws and traditional practices on land and resource use should be fully recognized
- Indigenous peoples livelihood, culture and spiritual beliefs are attached with land and forest related natural resources therefore they have the right to unreservedly perform activities related to their spiritual and cultural beliefs
- Local, regional and national level REDD+ programs and activities should have FPIC of IPs. It should be ensured that without FPIC, no REDD+ readiness or implementing activities should be conducted and organized. Inclusion of women, youths and marginalized should be ensured in the process of FPIC
- International agreements made in Cancun should be complied with at the national level

V. Grievance Mechanism

- Grievance mechanisms should be established in local, national and international level, ensuring full, effective and institutional representation and access of IPs in the Grievance Mechanism

Annexes

Annex A: List of participants (See attached file)

Annex B: Agenda of the dialogue (See attached file)

Annex C: Asia-Pacific Indigenous Peoples' Action Plan (See attached file)

Annex D: Translated of key FCPF documents in 6 local languages (See attached file)

- The Common Approach to Environmental and Social Safeguards for Multiple Delivery partner;
- Guidelines on Stakeholders Engagement in REDD+ Readiness;
- Kuna Yala Action Plan: Indigenous Peoples Action Plan regarding the FCPF; and
- Introducing the FCPF R-Package and the Carbon Fund