



**ASIA INDIGENOUS PEOPLES PACT (AIPP)
SUBMISSION ON SAFEGUARDS INFORMATION SYSTEM (SIS)**

24 SEPTEMBER 2014

SAFEGUARDS INFORMATION SYSTEM (SIS) WHAT SHOULD SIS DELIVER FOR INDIGENOUS PEOPLES?

The COP 19 decision explicitly mentions that parties are required to submit the most recent summary of information on how all the social and environmental safeguards have been addressed and respected in order to be able to access the results-based finance. However, this does not provide clarity on how effectively and to what extent these safeguards will be addressed. It also lacks the information on ways to redress the potential violation of indigenous peoples' rights resulting from the REDD+ activities. Therefore, it is vital that the parties to the United Nations Framework Convention on Climate Change (UNFCCC) in the upcoming 41th session of Subsidiary Body for Scientific and Technological Advice (SBSTA) in Peru, Lima at COP 20 should strengthen the global requirements on protecting the rights of indigenous peoples by anchoring the Safeguards Information System (SIS) to the international standard on human rights and indigenous peoples' rights, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and conventions relevant to indigenous peoples. Also, the 41 session of the SBSTA should come out with the rights based global guidance for REDD+ countries to design Safeguard Information Systems; and to implement, monitor and report on REDD+ safeguards with the full and effective participation of indigenous peoples and local communities.

I. CANCUN SAFEGUARDS: WHAT DO THEY MEAN TO INDIGENOUS PEOPLES?

1. 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 UN General Assembly has adopted the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

This safeguard provides respect for the rights of indigenous peoples. These rights include the rights to land, territories and resources, and the right to their culture, traditional livelihoods, including shifting cultivation and their customary resource management systems, as enshrined in the UNDRIP. Also, this safeguard provides a strong basis for indigenous peoples to assert for the recognition and respect of their indigenous knowledge cultivated, nurtured and transferred through generations. With these provisions of the current REDD+ agreement, governments of REDD+ countries shall demonstrate their commitment and concrete actions to implement this as critical element in the success of REDD+.

2. The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities

This safeguard calls for the full and effective participation of indigenous peoples in REDD+ in all the phases and stages of REDD+ including in REDD+ bodies, mechanisms and processes at the local, national and global levels. It also entails providing an enabling environment and technical support and assistance to indigenous peoples representatives such as translating documents to languages they understand and providing translation services, among others, especially those from the grassroots level to facilitate their effective participation and without any form of intimidation or conditions.

3. Conservation of natural forests and biological diversity and enhancement of other social and environmental benefits

This means REDD+ should not lead to the destruction of natural forests and biodiversity. Conversion of natural forest to plantations or logging of natural forests is therefore prohibited under REDD+. The multiple functions of the forests including its cultural values to indigenous peoples are to be fully acknowledged and prioritized. Likewise a fair and equitable benefit sharing mechanism and arrangement shall be negotiated with indigenous peoples, recognizing their right to free prior and informed consent shall be ensured. The benefit-sharing incentives to conserve natural forests and ecosystem services shall be commensurate to the contributions of indigenous peoples and local communities, as well as in meeting their needs and priorities without any forms of discrimination.

4. Transparent and effective national forest governance structures

The indicator of having an effective REDD+ is the establishment of a transparent and effective national forest governance structures that strengthens local forest governance systems. This shall include the respect, protection and fulfillment of indigenous peoples territorial rights and customary forest management systems as well as institutions for self-governance. Further, the bodies and mechanisms for the implementation, monitoring and reporting of REDD+ to be set up shall include accountability measures at all levels, and with the effective participation of indigenous peoples as right holders and other relevant stakeholders. It also requires policies for transparency and for independent monitoring and verification.

The other safeguards include the actions to address the risks of reversals; and actions to reduce the displacement of emissions. These safeguards are complementary to the conservation of natural forest and the need for clear measures and actions to address effectively the real causes and drivers of deforestation and forest degradation. Unless this is done, REDD+ will not succeed. In this context, indigenous peoples who are

practicing sustainable livelihoods including the practice of shifting cultivation/ rotational agriculture (7 to 10 years cycle) that is attached to their culture and identity; and gathering of non-forest timber products (NTFP) shall not be penalized and demonized. These livelihoods contribute positively to carbon sequestration, biodiversity enhancement and food security instead of being a driver of deforestation or causing carbon emission or forest degradation. Further, additional livelihood and technical support shall be provided to indigenous peoples to enable them to address their basic needs and wellbeing as they adapt to changing climate.

II. WHAT SHOULD SAFEGUARDS INFORMATION SYSTEM (SIS) CONTAIN?

1. SPECIFIC INDICATORS IN UPHOLDING THE CANCUN SAFEGUARDS: Key indicators of all the elements of the Cancun agreement relating to the rights of indigenous peoples and local communities shall be developed and adopted by REDD+ countries as part of their monitoring and reporting tools under the Safeguards Information System. These key indicators shall be developed with the full and effective participation of indigenous peoples and local communities including women. Further, the key indicators shall contain structural, process and outcome indicators relating to the respect for the rights and traditional knowledge of indigenous peoples and local communities. These rights include but not limited to the following:

- *Legal recognition, protection and implementation of the collective rights of indigenous peoples over their lands, territories and resources*
- *Recognition, protection and promotion of the traditional sustainable livelihoods including shifting cultivation (7-10 year cycle) and customary forest management systems of indigenous peoples*
- *Recognition and respect of indigenous peoples' customary laws, traditional knowledge and forest governance systems including their own system of collective decision making*
- *Appropriate and equitable representation of indigenous peoples in the decision-making bodies and processes of REDD+*
- *Equitable benefit sharing mechanism and agreements with explicit collective consent of indigenous communities*
- *Accessible and effective grievance mechanisms at the local and national levels.*

2. INTEGRATION OF TRADITIONAL KNOWLEDGE AND MONITORING SYSTEMS OF INDIGENOUS COMMUNITIES: Indigenous peoples are the real stewards of much of the world's remaining forests. They have deep historical and socio-cultural connections to their land, territories and resources. Indigenous peoples have been monitoring the biodiversity of their forests and territories in their own ways, as it is integral to their sustainable livelihoods. Indigenous peoples, particularly indigenous women know the forests and all the changes happening inside forests and can better manage with low cost than the states. However, there is a disconnection between the

communities monitoring systems and that of the states including on conservation measures and approaches. Evidence-based studies have shown that community data based on their forest monitoring are as accurate as the data gathered by the trained technical experts. Therefore, REDD+ countries should ensure the integration of community-monitoring systems while designing Safeguards Information System. Further, the effective participation of communities in generating, monitoring and validating data for SIS should be guaranteed.

3. FULL RECOGNITION AND RESPECT FOR HUMAN RIGHTS AND ESTABLISHMENT OF GRIEVANCE MECHANISM: It is essential that REDD+ countries undertake necessary national and local measures to avoid the human rights violation of indigenous peoples. REDD+ plans and programmes should be fully aligned with the UN Declaration on the Rights of indigenous peoples (UNDRIP), as well as to other international human rights obligations of states. Reports on human rights violations committed against indigenous peoples under REDD+ shall be included in the SIS report, including actions taken in response to such cases. Further, the establishment of grievance mechanisms at the local and national levels shall be reported, including their mandate, composition, budget allocation, and actions taken in response to complaints and grievances.

4. CAPACITY BUILDING INITIATIVES ON INDIGENOUS PEOPLES' RIGHTS: Many indigenous people are not aware of their collective rights to land, territories and resources. In this case, communities cannot assert their rights, including in their engagements to any plans relating to REDD+ and programmes of the government and others that affect them. It is thereby a pre-requisite for indigenous peoples to have the full knowledge and understanding of their rights as well as the implications of REDD+ in relation to the respect and protection of their rights, wellbeing and aspirations. It is also pertinent to sensitize government officials and agencies working on REDD+ about indigenous peoples' rights and their diverse cultures, customs, institutions, forms of collective decision-making and legitimate leaders and representatives.

Appropriate budget shall be provided for this, and partnerships with indigenous peoples and other relevant actors shall be developed for the appropriate planning and implementation of information and education campaigns on REDD+ and the rights and concerns of indigenous peoples, taking into account the diverse languages and levels of literacy of indigenous peoples. These key steps are critical in facilitating better understanding and constructive engagements. Hence, it is very important that SIS should contain information on the capacity building activities conducted by the states based on the above.

5. MULTIPLE FUNCTIONS OF FORESTS: The parties to the UNFCCC have recognized the importance of incentivizing non-carbon benefits for the long-term sustainability of REDD+. Forest have multiple functions including social, cultural, spiritual, environmental and economic values, which are integral to indigenous peoples territorial governance,

livelihoods, identity culture and well-being. Hence it is very important that SIS provide how REDD+ countries are recognizing, protecting and enhancing the multiple functions of forests to indigenous peoples as well as in enhancing biodiversity, watershed protection to enhance water supply and other and non-carbon benefits of forest management and protection.

III. MECHANISMS AND PROCESSES IN PREPARING THE SUMMARY OF INFORMATION

In order to get the confidence of indigenous peoples and their ownership over the system, the full and effective participation of indigenous peoples is essential while designing, implementing, monitoring and reporting of the system. This means not only ensuring the representation of indigenous peoples in the Safeguard Information System but also listening, respecting and fulfilling their voices and rights and if needed build their capacity for their effective engagement throughout the SIS process. Also, the mechanisms of the preparation should include but not limited to the following:

- *The national team to prepare the report shall be inclusive with representatives from government agencies, relevant stakeholders and at least two indigenous shall be formed*
- *The views, reports and recommendations of indigenous peoples should be duly acknowledged and reflected in the report*
- *The team should be given sufficient time to collect the information. Fast tracking of the process should be avoided*
- *The collection of data should be participatory and transparent to include members and leaders of indigenous peoples and forest-dependent communities*

IV. VALIDATION OF THE INFORMATION COLLECTED FOR SIS

The validation of the information collected for the Safeguards Information System is very essential to avoid inconsistency of data and to ensure accuracy and credibility. The validation process should include but not limited to the following:

- *An independent validation team shall be formed with representatives of indigenous peoples and forest-dependent communities*
- *The team should undertake public reviews and consultations at the national and local levels*
- *There should be sufficient time for public review and consultations*
- *The data should be made accessible in indigenous and local languages so that larger population can give inputs in the validation process*
- *The final summary of information should reflect the inputs received in the public review and consultation*

V. IS SAFEGUARDS INFORMATION SYSTEM RELEVANT ONLY FOR THE FINAL PHASE OF REDD+?

The SIS is relevant and crucial in all the phases and stages of REDD + including in the preparatory phase. This is to ensure that the overall framework, plan and strategies of REDD+ are fully aligned with the Cancun agreement including international human rights instruments and measures to address the real drivers of deforestation and forest degradation, at the outset. At the preparatory phase, the key elements for the SIS shall include policy reforms and actions in the recognition and protection of the rights and traditional knowledge with key indicators recommended above, including a moratorium on the penalization and criminalization of indigenous peoples' livelihood practices, and actions to prevent the real causes and drivers of deforestation and forest degradation, mechanisms of effective participation and representation of indigenous peoples, actions to address the real drivers of forest degradation and deforestation that is compatible to the protection of rights of indigenous peoples including programmes to enhance and support their livelihoods, among others.

The following Indigenous Peoples Organizations/Institutions and Civil Society Organizations have endorsed this submission of AIPP:

- 1) Association for Law and Advocacy for Pastoralists (ALAPA) –Tanzania
- 2) Aliansi Masyarakat Adat Nusantara (AMAN), Indonesia
- 3) Asamblea Mixe para el Desarrollo Sostenible A.C., Mexico
- 4) Borok Indigenous/Tribal Peoples Development Centre (BITPDC), Northeast India
- 5) Borok Peoples' Human Rights Organization (BPHRO), Northeast India
- 6) Centro para la autonomía y desarrollo de los pueblos indígenas (CADPI) – Nicaragua
- 7) Chirapaq, Center of Indigenous Cultures of Peru
- 8) Chin Human Rights Organization, Myanmar
- 9) Centre for International Environment Law (CIEL), USA
- 10) Cambodia Indigenous Youth Association (CIYA), Cambodia
- 11) Continental Network of Indigenous Women of the Americas – ECMIA
- 12) Centre of Research & Development in Upland Area (CERDA), Viet Nam
- 13) Center for Sustainable Development in the Mountainous Areas (CSDM), Viet Nam
- 14) Forest Peoples Programme (FPP), UK
- 15) Gender Development Association (GDA), Lao PDR
- 16) Indigenous Nationalities Women Youth Network (INWYN), Nepal
- 17) Inter Mountain Peoples' Education and Culture in Thailand (IMPECT), Thailand
- 18) Indigenous Peoples Foundation for Education and Environment (IPF), Thailand
- 19) Indigenous Peoples' International Centre for Policy Research and Education (TEBTEBBA), Philippines

- 20) Indigenous Peoples Working Group on REDD+, Cambodia
- 21) International Work Group for Indigenous Affairs (IWGIA), Denmark
- 22) Kirat Chamling Language Culture Development Association (KCLCDA), Nepal
- 23) Kirat Youth Society (KYS), Nepal
- 24) Maleya Foundation, Bangladesh
- 25) Nepal Federation of Indigenous Nationalities (NEFIN), Nepal
- 26) NGO Federation Of Nepalese Indigenous Nationalities (NGO FONIN), Nepal
- 27) Network of Indigenous Peoples in Thailand (NIPT), Thailand
- 28) National Indigenous Women's Federation (NIWF), Nepal
- 29) Naga Peoples Movement for Human Rights (NPMHR), Northeast India
- 30) Non-Timber Forest Products-Exchange Programme Asia (NTFP-EP Asia), Philippines
- 31) PNG Eco-Forestry Forum, Papua New Guinea
- 32) Promotion of Indigenous and Nature Together (POINT), Myanmar
- 33) People Unity Young Society, Nepal
- 34) Srae Chhouk Community Alliance (SCA), Cambodia
- 35) SONIA (SOciety for New Initiatives and Activities" for a Just New World), Italy
- 36) Youth Federation of Indigenous Nationalities, Nepal (YFIN), Nepal
- 37) Zo Indigenous Forum (ZIF), Northeast India

Asia Indigenous Peoples Pact (AIPP) is a regional organizations with 47 members in 14 countries in Asia, including countries implementing REDD+; namely; Bangladesh, Cambodia, Indonesia, Lao PDR, Myanmar, Malaysia, Nepal, Philippines, Thailand and Viet Nam. AIPP has been actively working on awareness raising, capacity building, policy advocacy and networking on REDD+, climate change and key issues of indigenous peoples.

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To learn more on Indigenous Peoples and their rights, please visit our websites: www.aippnet.org, www.ccmn.aippnet.org, www.iva.aippnet.org and www.iphrdefenders.net
