

REDD+ Safeguards in Myanmar

The Paris Agreement
1/CP.21

“Parties should when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.

Reducing Emissions from Deforestation and Forest Degradation (REDD+) is an international initiative to fight climate change by protecting, sustainably managing, and regenerating forests. REDD+ was established through negotiations of the United Nations Framework Convention on Climate Change (UNFCCC) as a way to generate funding to keep forests standing and sequestering carbon. REDD+ implementation includes both reviewing policies and laws that drive deforestation and directly paying forest owners to incentivize them to protect or regenerate forests. A successful REDD+ program is effective at sequestering carbon, efficient at making use of funds for the greatest impact, and equitable in sharing the benefits as well as protecting the poor and marginalized from risk.

Why are safeguards needed?

The UNFCCC agreement framework has established 7 safeguards to mitigate the risks of REDD+. These safeguards are listed in Annex 1 of the Cancun Agreements, which are the outcome of COP16 held in 2010. These safeguards are non-binding guidance to countries developing national REDD+ strategies and action plans. Though they are non-binding, donors and investors may hesitate to invest in REDD+ in countries where safeguards are not adequately in place. Without safeguards, REDD+ implementation may cause loss of biodiversity, the destruction of natural forests in favor of plantations, land speculation, poverty, landlessness, food insecurity, and other serious negative impacts.

Countries are encouraged to promote and support these safeguards and are responsible for establishing a national safeguard information system (SIS) that will transparently document:

1. How the safeguards are being respected in policies, laws, and regulations
2. How the safeguards are being implemented

Countries must also periodically report their status on respecting the safeguards to the UNFCCC (1/CP.16, para 71(d)). The SIS and reporting requirements were developed at COP17 in Durban and COP19 in Warsaw.

UN-REDD has developed toolkits and guidance for countries establishing their REDD+ programs. The Social and Environmental Principles and Criteria (SEPC) and the Country Approach to Safeguards Tool (CAST) are designed to assist developing safeguards.

REDD+ Safeguards

In the Cancun Agreement, the safeguards for REDD+ are as follows:

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and support:

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

The most relevant international conventions are the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UNDRIP, and the Convention on Biological Diversity (CBD). CEDAW commits countries to take steps to end discrimination of women in all forms and recognizes the rights of women including in politics, work, family life, health, property, and education. CEDAW also specifically recognizes the importance of women in rural development and the right of women to take part in policy discussions and rural development planning.

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

This safeguard acknowledges the potential for corruption from the funding generated by REDD+. Some countries have already had negative experiences with land speculation and scams from the private sector speculating in carbon credits.

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

UNDRIP recognizes the rights of indigenous peoples to their lands and territories and the right to FPIC. This safeguard notes that UNDRIP is relevant to REDD+. Securing customary land tenure and land and forest tenure for local communities will be essential to a national REDD+ program to have positive social impacts. This is especially important for securing tenure over rotational agriculture, which is often improperly identified as degraded forest rather than appreciated as a low-input, diverse agricultural system that maintains secondary forests.

If communities do not have tenure over forests, through customary tenure or community forestry, REDD+ could cause private companies and the government to restrict local access to forests with severe impacts on livelihoods, food security, nutrition, and health.

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

REDD processes at all levels, from developing the national strategy to implementing specific projects, should encourage the full and effective participation of women, indigenous peoples, and marginalized groups within communities. Informing and including these groups will require specific attention and effort, but will strengthen

REDD+ by incorporating more perspectives and types of knowledge about forest management.

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

This safeguard acknowledges that forests and landscapes under REDD+ should not only be managed to maximize carbon sequestration, but should also consider other values, including biodiversity. Replacing natural forests with plantations, for example, would not be consistent with these safeguards. Commitments to biodiversity conservation under the CBD are also relevant to this safeguard.

(f) Actions to address the risks of reversals

How long must carbon be sequestered in vegetation in order for REDD+ to have an impact on reducing greenhouse gas emissions? Who owns the carbon in a forest, and who can sign a contract to sequester the carbon for a set period of time? Without secure tenure over forests, REDD+ cannot ensure longer term forest protection. The question of reversals, or how to understand the risk that a REDD+ payment would be made and the forest cut down afterwards, is an ongoing question as REDD+ develops.

(g) Actions to reduce displacement of emissions

REDD+ is meant to reduce emissions from deforestation and forest degradation. If deforestation is prevented in one area but the cause of deforestation, for example an agribusiness plantation, is simply moved to another forest area instead, there is no reduction in deforestation overall. How can Myanmar ensure that REDD+ causes a net reduction in deforestation, instead of displacing deforestation from pilot implementation sites onto other forests?

REDD+ Safeguards

Safeguards and Women's Rights

Countries must report on how their safeguards are considering the role of gender (12/CP.17, para 2) and promoting women's empowerment and gender equality, in accordance with the UNFCCC framework. Without safeguards and without specifically considering gender, women are vulnerable to losing access to resources that they and their families depend upon, and women's work in rotational agriculture and collecting fuelwood and forest products may become illegal under REDD+ agreements. Women may also lose access to land and forests if their names are not included in contracts and land titles. They may also be marginalized from decision-making about forests, unless their role in forests management is recognized by REDD+ implementers.

If REDD+ is designed to minimize these risks, however, and instead specifically respects and promotes the role of women in managing forests, it may have a positive effect on women's rights and livelihoods.

Safeguards and Women's Rights

The Forest Department, working with the REDD+ Core Unit and ITTO, has developed social and environmental safeguards for Myanmar's national REDD+ program. These safeguards outline the principles, criteria, and indicators for recognizing and respecting the international REDD+ safeguards for Myanmar's national context. With support from the UN-REDD Program, a roadmap and action plan are currently being developed on how to recognize and respect safeguards in Myanmar.

Principle 1: The REDD+ program recognizes and respects rights to lands, territories and resources.

In order to fulfill this principle, Myanmar's REDD+ program, policies, and land use plans must recognize and respect both land titles and the customary tenure rights of indigenous people and local communities over land, forests, and other resources. This includes a range of tenure rights, including access, management, and use, and both individual and collective rights. Identifying who has rights to which resources must be a participatory process that includes women and vulnerable groups.

The REDD+ program also requires the FPIC of indigenous peoples and local communities for any activities affecting their rights to land and resources. FPIC applies to both

the design and implementation of the REDD+ program (1.3). Communities must define a process for FPIC that takes the views of all members into account, including women and marginalized groups.

When REDD+ includes payments for carbon sequestration, the ownership of carbon rights must be based on formal land titles and customary tenure rights to land and resources (1.4). This is necessary to prevent land grabs motivated to claim carbon rights. In Myanmar, there is limited recognition of community forest tenure, so recognizing carbon ownership based on customary tenure is particularly necessary to ensure that communities receive fair benefits from REDD+.

Principle 2: The benefits of the REDD+ program are shared equitably among all relevant rights holders and stakeholders.

The REDD+ program must give special attention to women and marginalized groups during program and project design when assessing benefits, costs, and risks. Guidelines for equitable benefit sharing should ensure that women and marginalized groups also benefit from REDD+. Benefits must be shared equitably and stakeholders must help to determine how benefits will be distributed, what

kind of benefits they will receive, and how they will be delivered. For example, benefits may be delivered to a community fund with guidelines on how they will be used for the benefit of all community members.

Principle 3: The REDD+ program improves long-term livelihood security and well-being of Indigenous Peoples (ethnic groups) and local communities with special attention to the most marginalized and/or vulnerable people.

REDD+ should be designed with special attention to women, indigenous people, and vulnerable groups to ensure that the program improves their lives and does not further marginalize them.

Principle 4: The REDD+ program contributes to good governance and sustainable development

The REDD+ program must be managed transparently, with information available to the public and effective oversight and audits, to reduce the risk of corruption and misuse of funds. The REDD+ program should establish targets that aim to improve the governance of forests and other sectors that drive deforestation (4.5).

Principle 5: The REDD+ program maintains and enhances biodiversity and ecosystem services.

The REDD+ program must protect biodiversity and the environment, consistent with international safeguard (e) in the Cancun Agreement.

Principle 6: All relevant stakeholders participate fully and effectively in the REDD+ program

The REDD+ program must include the full and effective participation of all interested stakeholders, including indigenous peoples, local communities, women, and marginalized groups. These groups must participate in the design, implementation, and evaluation of the REDD+ program, and must be able to select their own representatives to attend program meetings and

consultations (6.2).

The REDD+ program must respect customary management and decision-making processes used by Indigenous Peoples and local communities and ensure that they are not undermined by REDD+. This means, for example, working with customary institutions and leaders and recognizing their rights to manage land and forests according to the customary system. Recognizing institutions and management rights is also a fundamental part of fulfilling Principle 1 on customary tenure.

Traditional knowledge, skills, and management systems must be incorporated into the design, implementation, and evaluation of the REDD+ program, and FPIC must be received for permission to use traditional knowledge (6.3).

The program must also ensure that stakeholders have the knowledge and ability to effectively participate in REDD+ (6.5). Women, indigenous peoples, local communities, and marginalized people may need targeted efforts and training to ensure that they fully participate in REDD+. Stakeholder representatives must be able to share information and coordinate inputs for the people they are representing (6.6). A grievance mechanism must be established for REDD+ (6.4).

Principle 7: The REDD+ program complies with applicable local and national laws and international treaties, conventions and statement regulations

When local or national laws are not consistent with international treaties and conventions, a process must be established to address any gaps and inconsistencies between them. As with the international Cancun Agreement safeguards, the most relevant international conventions are CEDAW, UNDRP, and the CBD to protect women, indigenous peoples and local communities, and the environment.

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