



Forest Management, Women's Rights and **REDD+** in Myanmar

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In Myanmar, women manage forests and depend on them for their livelihoods, but their tenure over these forests is insecure. Women often have distinct roles in managing forests as compared to men, and therefore also have expert knowledge about forests and different priorities for how forests are managed. Despite their distinct knowledge and priorities, women in Myanmar are under-represented in decision-making processes about forests at all levels.

National commitments, including the National Strategic Plan for the Advancement of Women (NSPAW) and the National Land Use Policy (NLUP) affirm the rights of women to land and the rights to participate in policymaking, land use planning, resource management, and environmental protection. International conventions including CEDAW, UNDRIP, and climate change agreements through the UNFCCC also affirm women's tenure and management rights over land and forests.

REDD+ must affirm and strengthen women's rights to land and forests in accordance with these national policies and international commitments. Gender must be considered in all aspects of developing, implementing, and monitoring a national REDD+ programme and strategy. Safeguards must consider gender in order to mitigate the risks that REDD+ poses to women, especially Indigenous women, while the national strategy as a whole must ensure that women will equitably benefit. These goals can only be achieved with the full and effective participation of women, so that women's knowledge, skills, and priorities will contribute to effective, efficient, and equitable forest management and climate change mitigation.

Commitments to the Full and Effective Participation of Women

Around the world, women and men tend to have separate but complementary roles in managing forests. Though it varies by country, women are often responsible for subsistence activities, including collecting forest foods, medicinal plants, fuelwood, and water, while men are more likely to be involved in activities like cash cropping, extracting timber, and hunting.¹ These patterns seem to hold relatively true in Myanmar, according to findings from POINT's workshops² and the topics women have chosen to focus on when documenting local knowledge.³ However, research on the role of women in forest management is limited and women's roles should not be assumed to be consistent across Myanmar's many diverse cultures and forest types⁴. Such research is essential to understand how forest use and tenure vary by gender to inform a gender-responsive approach to REDD+ where both men and women will benefit.

Women often have distinct roles in forest management, which means that they also have different expert knowledge about forests, and different priorities and preferences for how forests are managed. Research to understand these differences is essential to assess the impacts of forest and land policies and projects on women. The most effective way to incorporate women's knowledge, skills, and priorities, however, is to ensure the full and effective participation of women throughout the process.

Women's Role in Decision Making in Forest Management

Although women have distinct knowledge, needs, and priorities regarding forest management, they are under-represented in decision-making about forests both globally and in Myanmar. Fewer women hold elected offices; women make up 9.7% of the national parliament and 12.80% of the state and regional parliaments. While some ministries have closer to equal numbers of male and female staff, fewer women hold high positions of authority in line departments. This pattern holds true for the ministries that are most

¹ For global comparative information on women's role in forest management, and the importance of forests for livelihoods, see the results of the Poverty and Environment Network (PEN) research published by CIFOR, which generated and compared data from 24 different countries (<http://www.cifor.org/pen/>)

² POINT regularly includes gender components in its workshops on the environment and held two workshops focused on women and forests in 2017

³ For example, women are documenting their knowledge about traditional medicines and vegetables in Tanintharyi Region, TRIP NET 2016.

⁴ Globally, women tend to be responsible for fuelwood collection. In a 2012 UNDP study on gender around Inle Lake, Pa-O and Taung-yoe communities reported that both men and women collect fuelwood in the forest, while Danu and Inn-thar communities reported that fuelwood is mostly collected by men. Many of these communities are not heavily dependent on fuelwood from forests, which may influence the findings.

involved in developing and implementing REDD+, including the Ministry of Natural Resources and Environmental Conservation (MONREC), the General Administration Department (GAD), and other departments involved in land and resource management.⁵ Local administrative positions are almost entirely held by men, including township administrators and ward and village tract administrators.⁶

“The key objective is to strengthen systems, structures and practices to ensure women’s meaningful participation in the management and safeguarding of natural resources, the environment and in adapting to climate change.”

-NSPAW, *Women and the Environment*

The role of women in decision-making and leadership varies between different Indigenous groups in Myanmar. Indigenous peoples in Myanmar manage land according to their customary tenure systems, which designate responsibilities to customary institutions like village councils and village chiefs. Decisions are often made through discussion at village meetings. In some cultures, it is usual to have a mix of men and women attend village meetings and contribute to discussions, while in others typically only men attend and participate in the meetings. Regardless of whether they attend village meetings, women tend not to hold customary village leadership positions. According to a study of customary tenure across different ethnic nationalities conducted by ECDF, out of all of the customary village chiefs, village committees, and land, forest, and water committees in their case study villages, only 6% of these elected positions were held by women.⁷

Some development projects aim to strengthen the role of women in decision-making. NGOs establishing community forests often encourage women’s participation and their membership on community forestry executive committees. The World Bank National Community Driven Development Project requires half the members of the project Village Tract level committees to be women. However, in interviews women have reported that they are often in supporting positions, taking notes and keeping the financial accounts, on these committees. Women also have difficulty travelling to meetings outside of their village, as they explained that it is not considered acceptable for a single woman to travel alone.⁸

⁵— Namati 2016

⁶— Heads of households elect leaders of 10 household groups, who in turn elect the ward or village tract administrator. Heads of households are usually men, and only 42 of the 16,785 tract administrators were women, around 0.25% percent.

⁷— ECDF 2016

⁸— Interviews conducted by POINT with community members in Rakhine State

Commitments to the Full and Effective Participation of Women

Myanmar has commitments in both national policy and international conventions to promote the full and effective participation of women in policy development regarding forest and land management.

The NLUP specifies that inclusive, participatory land use planning shall include both men and women (Part III, Chapter I, para 19c). Part IX lays out the equal rights of men and women to land tenure and management rights, and the right to represent their community in land issues.

The National Strategic Plan for the Advancement of Women (NSPAW) (2013-2022) includes a section on women and the environment, where it defines its key objective as strengthening women's participation in natural resource management, conservation, and climate change, including increasing participation in relevant departments, agencies, and committees and in the development and implementation of policies. The Ministry of Social Welfare, Relief and Resettlement is responsible for implementing and monitoring the NSPAW.

The National Environmental Policy of Myanmar and the draft Strategic Framework⁹ directs the integration of gender equality and the empowerment of women and girls into all aspects of environmental protection and management.

CEDAW establishes the right of women to participate in the formulation and implementation of government policy and hold political offices (Article 7) and the right of rural women to participate in the development and implementation of development planning (Article 14).

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

Myanmar signed the Convention in 1997, committing itself, along with the other signatory countries, to undertake “a series of measures to end discrimination against women in all forms... political, economic, social, cultural, civil or any other field.” Referred to as the international women's bill of rights, CEDAW recognizes the rights of women to equality in work, politics, property, marriage, and maternity issues, among other topics.

⁹ — The draft as of the time of this report publication

Women's Land Tenure Rights in Myanmar

Women's tenure over land and forests is constrained by lack of legal recognition as well as by social and cultural norms that restrict access to land. Indigenous women's tenure rights are particularly insecure, because their customary tenure rights are not recognized, and because their land tenure rights are constrained by cultural norms within both the government and customary systems.

Under the government system, the land titles that have been granted under the 2012 Farmland Law have been registered primarily to men.¹⁰ Statistics for how many titles and how much land has been titled to women using Form 7 are not available. However, paralegals trained by the NGO Namati helped over 2,000 households in 9 states and regions to submit Form 7 applications, and about 20% of these forms were submitted using a woman's name.¹¹ The cases submitted by these paralegals had a similar rate of being resolved and receiving a land use certificate, with 56% of women's forms and 60% of men's forms resolved.

Joint titling, which can be done by putting multiple names, for example both the husband and wife's name, on Form 7, is possible but not widely known about or practiced.¹² Namati found that so far, joint title applications have a low success rate of being resolved and a land use certificate granted; only 18% of the joint title applications that Namati has facilitated have been resolved, compared to resolution rates on individual titles of 56% for women and 60% for men.¹³ If obstacles for granting joint titles, and titles to women, are not addressed, granting land use certificates primarily to the male heads of households could reduce women's access and ownership over land.

There is not yet a mechanism in the government system that is intended to suitably recognize customary tenure. While customary tenure varies across different ethnic nationalities, some aspects are shared. The village¹⁴ is often an administrative unit and within the customary boundaries land is managed with an integrated approach to agriculture and forestry with a mix of tenure arrangements over different land use types. Households hold tenure over permanent agricultural plots like rice paddies, orchards, gardens, and woodlots, while communities share access and management responsibilities over forests, water, and other community resources.

¹⁰—Namati 2016

¹¹— Namati, 2018. Personal Communication.

¹²— Faxon 2015.

¹³— Tim Millar, Namati. 2018. Personal Communication.

¹⁴— Or a cluster of closely related villages

Inheritance practices determine what land and resources women can use and own. Inheritance in customary tenure systems is guided by cultural and traditional norms. Some customary systems practice patrilineal inheritance, including Chin, Kachin, and Naga systems. In other customary tenure systems, like those practiced by Karen and Kayah communities, parents pass on land to both sons and daughters.¹⁵ In societies where patrilineal inheritance is practiced, some women and men have been promoting changes in customary norms to strengthen the tenure rights of women.

In both patrilineal customary systems and in the government land titling system, which in practice grants titles to men, a woman's access to land and resources depends upon her relationships to men. First, she has access to her father's land, and after marriage to the land her husband has inherited. A household may manage land together, but in patrilineal systems men may have more control over management decisions.¹⁶ If a woman is widowed or divorces, she may manage the land until her son can inherit it, or she may lose management rights and become dependent on the land of a male relative. When a woman's access to land is based on her relationship with men, it is inherently less secure than the tenure that men claim directly in their own right. In other countries, research has found that this type of tenure insecurity makes women relatively more dependent on community and shared resources, including forests, which are also the land use types whose tenure is least recognized under the current legal framework.¹⁷

Myanmar's Commitments to Women's Land Tenure Rights

The NLUP states that the law should provide men and women with equal land tenure and management rights, equal rights to own property, and equal rights to inherit land and management rights. It also includes equal rights to land if a spouse dies or a couple divorces, and states that recognizing, registering, and protecting customary land use rights are not dependent on marital status. Myanmar is a signatory to CEDAW, which also affirms equal rights to land for women and between spouses (Articles 14 and 16).

"To ensure equal opportunities for men and women over land resources, tenure rights and participatory decision making."

-NLUP, Part I, Chapter III, Basic Principles

¹⁵— ECDF 2016

¹⁶— Pa-O, Inn-thar, Danu, and Taung-yoe communities around Inle Lake reported in interviews that while men and women have similar levels of access to land, men tend to have more control over the land. UNDP 2012.

¹⁷— Agarwal 2001.

The NLUP also recognizes customary land tenure systems (Part VIII), which are essential to the livelihoods and cultures of Indigenous women, whose land claims are rooted in customary tenure. It also addresses inequality in women's participation and power within customary systems by specifically directing that women should participate in decision-making processes involving customary land (Part VIII para 67).

The right to free, prior, and informed consent (FPIC) of communities is recognized in the NLUP and the Ethnic Rights Protection Law. The NLUP directs FPIC to be incorporated into the National Land Law and land administration system (Part 4, Article 43). It also requires prior notification and feedback from stakeholders when granting leases and concessions on land at the disposal of the government, which would apply to classification of VFV land as forest estate or as a business concession. Public consultation, negotiation and participatory decision making are required when relocation is involved for public purpose, and when relocation is involved in grants for private purpose the preferences of stakeholders will be given priority (Part 4, Articles 30-33).

These articles in the NLUP are steps towards fulfilling some of Myanmar's commitments to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which affirms the right of Indigenous peoples to their customary land and resources, and their right to FPIC over projects that will impact their land.

FPIC in Myanmar Law, Policy, and Plans

Ethnic Rights Protection Law Chapter 4 Article 5 and bylaws Chapter 4 Article 13
National Land Use Policy Public consultation and participation in decision making about land is a basic principle. Part IV directs FPIC to be included in the National Land Law and land administration system (Article 34).

Environmental Impact Assessment (EIA) procedures requires public consultation and information sharing. Projects which may have an adverse impact on IPs shall comply with specific procedures, and until those procedures are issued shall comply with best practice of international financial institutions (Chapter II Section 7).

Social and Environmental Safeguards for REDD+ recognize the right to FPIC

Strategic Framework for National Environmental Policy The public has the right to access information and to participate in decisions that could affect their lives and property

NBSAP Target 18.2: By 2020, FPIC principles are institutionalized in government, private sector, and donor programmes

Women's Forest Tenure

The national legal framework for forest management prioritizes the ownership and management of forests by the government, with limited but growing room for community management. Forests designated as part of the Permanent Forest Estate (PFE) under the Forest Law (1992) are under the management of the Forest Department. Reserved Forests (RF) are managed to produce timber, and Protected Public Forests (PPF) are designated as buffer zones. Protected Areas are managed for conservation and cover 5.75% of the country's land area. Some trees, including valuable timber species and pines, are considered restricted species and are also under the management of the government. Forests that are not within the PFE may be classified as Vacant, Fallow, or Virgin Land and considered "at the disposal of the state" and may be granted as a business concession. According to the Forest Law, village forest use can be recognized through community forestry, which is receiving increasing government support, and village fuelwood plantations.

Community Forestry (CF) is the most commonly used method to recognize community tenure over forests in Myanmar. A Community Forestry Certificate gives 30 years of subsistence and commercial use rights to a community forestry user group. The CF Instruction (CFI) was approved in 1995 and revised in 2016. According to the 2016 CFI, CF can be allocated over "forest lands traditionally managed by the local community according to the culture or customs" (5.f) with boundaries "decided according to local customs and norms" (11.b). The CFI also no longer prohibits gardening or shifting cultivation on community forest land. These revisions could make CF more effective in recognizing tenure and management as it is practiced on the ground for areas where customary tenure is not being practiced. However, CF is not suitable for recognizing customary tenure, because it does not recognize customary decision-making institutions and practices, and is a lease for 30 years rather than recognition of inalienable land tenure rights. Forest tenure and management in customary systems is also more detailed and complex than CF management plans and include forests managed by the whole community, by clans, and by households, rather than by a single user group. CF user groups usually only include a smaller group within the larger community, which may concentrate forest tenure into the hands of elites and marginalize women and others with less access to government institutions. These social justice issues are well-documented in Nepal, where the third phase of community forestry has focused on inclusion of women and marginalized groups.¹⁸ Despite these constraints, some communities have chosen to use CF as an interim measure to protect their customary forests from urgent threats.

¹⁸ — Giri 2012.

CF must be implemented with a specific focus on women's empowerment. The CFI does not specifically mention women or gender. In Myanmar to date, some CSOs keep track of how many women are members of CF user groups and encourage or even require some women to be included in the CF management committee. If CF is implemented without a commitment to women's empowerment, CF may instead entrench and formalize control over forests and forest products into local elite, male hands.

The Myanmar National Forestry Master Plan (2001-2031) targets designating 30% of Myanmar's land area as Reserved Forest and Public Protected Forest, and 10% as Protected Areas. An additional 6 million ha would be required to meet these targets. These area targets are included in Myanmar's Intended Nationally Determined Contribution (INDC) for mitigating and adapting to climate change under the UNFCCC Paris Agreement. The expansion of protected areas is also included in Myanmar's Biodiversity Strategy and Action Plan (NBSAP) which lays out the national contributions to the global Aichi Targets under the Convention on Biological Diversity (CBD).

Without suitable recognition of customary tenure and local management of forests, the expansion of RF, PPF, and PAs may significantly restrict the access of women and communities to the forests they depend upon. The expansion of the PPFs in recent years according to the National Forestry Master Plan has already caused conflict with forest-dwelling communities, who have lost both access to forests and to areas they rely upon for rotational agriculture. PPF has also been designated over villages, orchards, and permanent farmland.¹⁹ There are also cases where the establishment of a PPF has prompted deforestation by undermining the customary tenure system that sets rules and responsibilities for sustainable forest management.

Forest Classification	Land area (2015)	Target land area (2030)
Reserved Forest (RF)	18.01%	
Protected Public Forest (PPF)	6.05%	
Total RF and PPF	24.06%	30%
Protected Area Systems (PAS)	5.75%	10%

Forest Classification Data (2015) from Myanmar Forest Department, published in NBSAP

Expansion of the PFE without recognizing customary tenure and providing for local needs could criminalize the work women do for their and their family's survival, including collecting fuelwood, medicinal plants, and other forest products. Tenure insecurity over rotational agriculture land and forests may also disproportionately impact women who are more dependent on community land.

In order to protect the forest tenure rights of women and their communities, it is necessary to recognize customary tenure systems including over forest areas, degazette village and agricultural land within the PFE, and ensure that new forest areas are designated only with the free, prior, and informed consent of communities that hold customary claims to the area.

¹⁹—Such cases have occurred throughout the country. Conservation Alliance of Tanawthari, for example, has documented case studies in southern Myanmar, including on Katan Island where 23 villages are within a PPF area.

Myanmar's Commitments to Women's Forest Tenure

When the NLUP and UNDRIP recognize customary land tenure, this includes forests that are managed and protected under customary systems. National social and environmental safeguards for REDD+ (described in the following section on REDD+) recognize customary tenure, including over forests and specifically over carbon.

The NBSAP does not include women's rights specifically, but includes targets that relate to forest tenure for women who are part of Indigenous and local communities. NBSAP targets include recognizing customary tenure (Target 3.1 and Target 18.1), FPIC (Target 18.2), community forestry and fisheries (Targets 6, 10, and 15), and community conserved areas (Target 11).

The Convention on Biological Diversity (CBD) recognizes the contributions of traditional knowledge for conservation in Article 8(j) and for sustainable use of resources in Article 10(c). Women, who often have the primary responsibility for caring for children, play an essential role in passing on traditional knowledge to future generations. Target 18 in the NBSAP reflects these values by setting targets to document, recognize, promote and protect traditional knowledge by incorporating it into school curricula (Target 18.4) and protected area education and outreach (Target 18.3). Women and youth groups are specifically identified in Target 18.4 for environmental awareness raising and engagement.

Gender and Women in the Climate Change Policy

The Climate Change Policy Draft (2016) has inclusive development, including of women, as a guiding principle. The Policy includes a section on gender that outlines the specific impacts of climate change on women, including lack of tenure rights. According to the strategy, gender must be considered when integrating climate change into the agriculture, livestock, and fisheries sectors, into environmental policies, and into disaster risk reduction plans. More studies should be conducted to understand the gender-specific risks and vulnerabilities to climate change in order to inform these sectoral goals. The Action Plan also specifically targets women for awareness raising and mobilization about climate change and for training on climate-smart technologies.

No women, no peace

The full and effective participation of Indigenous women, and the recognition of their rights and dignity, is essential to build a just and lasting peace. Women's participation in the 21st Century Panglong Peace Conference has not met the target of 30% women participation. The 3rd session of the conference included points about women, including that there must be no discrimination on the basis of gender differences and policy must be established for equality. The government must establish and implement policies to prevent gender based violence, enact laws that provide for the rights of handicapped persons, children, elders, and expecting mothers, and implement programs to ensure child's rights. The government must also establish an education system and a universal healthcare system that are accessible by all and are all-inclusive. A minimum of 30% involvement of women in each sector is encouraged, and attempts must be made towards having at least 30% participation of women in decision-making stages of resettlement, development, and social development matters, while proposed 30% quotas were not approved. The political sector basic principle agreement also included increasing the capability of women to support gender equality.

Women's Rights and REDD+

*"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".*

- The Paris Agreement 1/CP.21

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 give them incentives to protect and regenerate forests. A successful REDD+ program is effective at sequestering carbon, efficient at using funds for the greatest impact, and equitable in sharing the benefits as well as protecting the poor and marginalized from risk.

MONREC is leading the government initiative to develop a REDD+ national strategy that is suited to the current national context. International REDD+ safeguards have been agreed upon to reduce the risks of REDD+ and each country should recognize these safeguards. MONREC has already developed Social and Environmental safeguards for REDD+ that establish principles and criteria to translate the international safeguards into Myanmar's national context.²⁰ A REDD+ Safeguards Roadmap is currently being developed by MONREC, the UN-REDD Programme, and the Technical Working Group on Stakeholder Engagement and Safeguards to outline the national approach to REDD+ safeguards.

According to the UNFCCC framework agreements and international conventions, REDD+ should not only mitigate the risks it poses to women but also should ensure that it has a positive impact in promoting women's rights and gender equality.²¹

The REDD+ national and international safeguards, as well as the UNFCCC framework agreements and UN-REDD technical guidance, directs that gender must be considered in the content and process of REDD+:

- The distinct roles and needs of both women and men in using and managing forests must be assessed, understood, and incorporated into each aspect of REDD+.
- REDD+ processes must be designed to ensure the full and effective participation of women at each step in order to integrate their knowledge and priorities.

²⁰ — MOECAF (MONREC) and ITTO. 2015. Social & Environmental Safeguards for REDD+ Programme in Myanmar.

²¹ — UN-REDD+ guidelines call for "gender-responsive" programs that not only minimize the risk of negative impacts to women but actively strengthen women's rights and work towards gender equality.

The Risks and Implications of REDD+ for Women

REDD+ is implemented both by developing policies that address the drivers of deforestation and by enabling direct payments to forest owners. While sustainable forest management has positive benefits for communities and for women, both REDD+ policies and projects have the potential to restrict women's access to the forests that they depend upon. Women are particularly vulnerable because their tenure and role in decision-making is constrained both by laws and by social and cultural norms.

Women's insecure tenure over land and forests, especially those claimed through customary tenure, is a significant barrier to implementing REDD+ in a way that will have positive social and environmental benefits. Until customary tenure is recognized in the law, Indigenous women and their communities are at risk of having their customary forests and rotational agriculture land allocated to a REDD+ project without their consent. REDD+ may include gazettement more areas under the PFE, which will restrict local access, and can also drive land speculation and land grabs by investors and companies looking for carbon offsets. These restrictions of access can have serious implications for women's livelihoods, food security, and health, as communities lose access to fuelwood, wild foods, medicinal plants, and other essential resources.

Access restriction without the consent of the community has negative implications for the community as a whole, but may impact women particularly hard. Women may rely more on common resources, though more research is needed to understand if this is the case in Myanmar. If forest use is restricted but households remain dependent on those resources, activities necessary for survival like collecting fuelwood are criminalized. Women may be especially vulnerable to harassment when meeting their family's basic needs becomes a criminal act.

Rotational agriculture, also called shifting cultivation, is a low-input agricultural system that uses fallow periods to regenerate soil fertility and to control pests and weeds. This traditional agricultural system has been blamed for causing soil degradation, deforestation, and even causing climate change, in spite of a preponderance of scientific evidence showing that this is not the case.²² Any REDD+ strategy that attempts to sedentarize shifting cultivation by designating it as forest area, and considers rotational agriculture as a driver of forest degradation rather than an agricultural system that maintains tree cover, is a threat to rural upland livelihoods. Women plant a large variety of vegetables and other crops in shifting cultivation fields, which provide a diverse and healthy diet for their families. Women also typically select, save, and exchange seeds, maintaining high levels of crop diversity that may provide the essential genetic material for adapting to climate change and maintaining the on-farm diversity that can reduce risk from increasingly severe weather.

Many customary systems in Myanmar also provide shifting cultivation fields first to widows, the elderly, and other households that need particularly accessible and fertile farming areas. If shifting cultivation is “stabilized” and converted to agroforests, women who benefit from this system may lose access to land as households with more labor and better connections to government titling programs register the best land.²³

REDD+ Safeguards

REDD+ safeguards are intended to mitigate the risk of further marginalizing women, especially Indigenous women, and instead strengthen their role in sustainable forest management. If REDD+ focuses on safeguards and the rights of women and Indigenous peoples, in accordance with national policies and UNFCCC agreements, it has the potential to strengthen local forest tenure and sustainable local environmental management.

Fulfilling international and national REDD+ safeguards would require multiple reforms, including

- Recognition Indigenous people’s rights in law and policy, including land and forest law and related government administration systems.
- Recognition of customary tenure systems, including over forests, in the law and on the ground
- Effective implementation of FPIC for REDD+ projects
- Full and effective participation of women, including IP women, In REDD+ policy and measures project development

Gender and Women in the Climate Change Policy

The Cancun Safeguards were agreed at the Cancun Conference of Parties 16 in 2010 and are listed in Appendix 1 of the Agreement. These seven safeguards are put in place to reduce the risks of REDD+ having negative social or environmental impacts, including land grabs, speculation, corruption, replacing natural forests with plantations, and other risks. The three safeguards most directly relevant to women’s rights are to support:

²² — MSee POINT’s brief on REDD+ and Shifting Cultivation (POINT 2017) for more information on this and further resources.

²³ — See Li, T. 2014 for a case study of the results of conversion of shifting cultivation land to household agroforests, accompanied by restricted access to forests, in Sulawesi, Indonesia.

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

Each country is responsible for reporting to the UNFCCC about how the Cancun Safeguards are being implemented and respected (1/CP.16, para 71(d)). Guidance from COP17 on how these safeguards should be reported explicitly include gender considerations as a topic for reporting (12/CP.17, para 2).

Myanmar National Social and Environmental Safeguards for REDD+

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 in 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. The most relevant principles of the national REDD+ safeguards for gender are summarized below.

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 the customary tenure rights of Indigenous peoples and local communities over land, forests, and other resources. Customary tenure systems include 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, and is particularly important in Myanmar to protect local forest tenure and 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 to ensure that 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 peoples, and vulnerable groups to ensure that the program improves their lives and does not further marginalize them.

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 and UNDRIP. 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. UNDRIP recognizes the rights of Indigenous peoples to their lands and territories and the right to FPIC. Together, these conventions establish the right of women, especially Indigenous women, to own, manage, and make decisions over their lands and forests.

Encouraging the Active Participation of Women

- *Hold women-only group discussions and interviews when developing the project, establishing FPIC, and monitoring and evaluating the project.*
- *Hold meetings at times when women are available to attend*
- *Record the number of men and women who attend all meetings and consultations to monitor progress towards increasing women's active participation*
- *Provide information in locally appropriate media and languages*

Women's Participation in REDD+

In accordance with the international and national REDD+ safeguards, the NLUP, NSPAW, and CEDAW, women must fully and effectively participate in the development and implementation of REDD+ at all levels, from strategy development to implementation to evaluation. The participation of women in developing a REDD+ national strategy is essential to integrate women's knowledge, perspectives, and priorities in national planning. Participation is also essential to ensure that women are engaged in efforts to adapt to and mitigate climate change.

The UNFCCC framework for REDD+ “recognizes the need to engage a broad range of stakeholders at the global, regional, national and local levels... and that gender equality and the effective participation of women and Indigenous peoples are important for effective action on all aspects of climate change” (1/CP.16, para 7).

Women's Participation in FPIC

Myanmar's national safeguards, NLUP, and Ethnic Rights Protection Law all recognize the right of Indigenous peoples and ethnic nationalities to FPIC. Myanmar's national safeguards include the right to choose their own representatives in accordance with their own procedures and institutions. What if these local processes do not include women?

Myanmar's REDD+ safeguards require that the community's FPIC process must take the views of all community members into account, including women and marginalized peoples (1.3.2). The Protection of Ethnic Rights Law requires FPIC (Chapter 4 Article 5) and the draft bylaws specify that consultation must be held with both men and women (Chapter 4 Article 13).

The NSPAW, the NLUP, and CEDAW also recognize and promote the rights of women to have an active voice in policy implementation, development, and land use planning, which also applies to FPIC processes. The NLUP's basic principles include promoting inclusive public participation and consultation in decision making processes related to land, and to ensure equal opportunities for men and women over land resources, tenure rights, and participatory decision making (Part I, Chapter 3).

In situations where women are left out of decision-making about forests, therefore, REDD+ must take positive steps to fully include women, rather than disavowing responsibility for local practices that leave women out.

Gender and Benefit Sharing

REDD+ projects may provide fund to communities for working on the project, for monitoring forests, and to compensate for maintaining forests rather than converting forests to another land use type. There are two major considerations for equitable benefits sharing in REDD+:

- To ensure that local and customary forest tenure rights are recognized and communities receive equitable benefits for their role in protecting and restoring forests. This is also necessary to safeguard against land grabs by companies and investors interested in the carbon trade. The national REDD+ safeguards address this risk and state that carbon ownership should be based on customary tenure as well as formal land titles (1.4).
- To ensure that benefits are shared equitably within the community, including with the poor, marginalized, and those most impacted by restricted access to forests. The national REDD+ safeguards address this by stating that the people receiving benefits will decide what kind of benefits they will receive and how they will be distributed (2.2).

Experiences in other countries with community forestry and payments for ecosystem services (PES) demonstrate that how the funds are distributed has repercussions on who benefits within the community. For example, in Nepal 35% of revenue from community forestry enterprise must be spent to benefit the community, which can include public works, healthcare expenses, and scholarships²⁴. In Myanmar projects should consider how well women will benefit from different methods of distributing REDD+ fund to the community. The national REDD+ safeguards address this issue by stating that beneficiaries will decide what benefits they want to receive and how those benefits will be distributed and delivered (2.2). It specifically notes that these decisions must be made transparently and must include women and marginalized and vulnerable groups.

Further resources for gender-responsive REDD+ from the UN-REDD Programme

[Guidance Note on Gender Sensitive REDD+](#)

[Methodological Brief on Gender](#)

[Guidelines on Free, Prior and Informed Consent](#)

[UN-REDD Social and Environmental Principles and Criteria](#)

²⁴ — Giri 2012.

Conclusion

In order to protect the forest tenure rights of women and their communities, it is necessary to:

- Promote equal rights to land and natural resources for men and women in accordance with national policy and international conventions and standards.
- Recognize customary tenure systems, including over forests, in across all relevant laws and policies.
- Recognize, respect, and promote Indigenous peoples rights in climate change and forest sector law, policies, and programs, including the NDC and National Forestry Master Plan.
- Provide an accessible and transparent process that includes both men and women, for degazetting village and agricultural land within the PFE.
- Ensure that new PFE areas are designated only with the free, prior, and informed consent of communities, both men and women, that hold customary tenure rights to the area.

Integrate the UNFCCC Gender Action Plan into all projects, plans, and programs implemented by government, UN agencies, INGOs, NGOs, and IP organizations. Myanmar's National REDD+ programme must do the following to comply with international conventions and guidance, as well as national policy:

- The distinct roles and priorities of both women and men in using and managing forests must be assessed, understood, and incorporated into each aspect of REDD+. The distinct roles and priorities of Indigenous women must be specifically addressed.
 - Conduct research needed to inform a gender-responsive approach to REDD+
 - Design the REDD+ national strategy, safeguards, and policies and measures to promote women's rights and gender equality.
 - Integrate a gender perspective into the design, implementation, and monitoring and evaluation of the REDD+ programme and REDD+ projects.

Recognize and promote the roles of Indigenous women in REDD+ and climate change adaptation and mitigation, including their contributions through customary tenure and as custodians of traditional knowledge and culture.

- REDD+ processes must be designed to ensure the full and effective participation of women, including Indigenous women, at each step to integrate their knowledge and priorities.
 - Promote the representation of women on committees and in leadership positions related to REDD+.
 - Monitor the participation of women in REDD+ and related processes and understand barriers to their effective participation.
 - Address barriers to full and effective participation of women in REDD+, especially Indigenous women who may face distinct challenges to their participation.