

A research study by the German NGO INFOE – Institute for Ecology and Action Anthropology – on the **Rights of Indigenous Peoples in Forest and Climate Protection**

... assesses the compliance with and implementation of Germany's human rights approach for development cooperation in forest-climate protection and REDD+ projects financed and/or carried out by German institutions. The study provides a snap shot on the current engagement of German institutions in forest conservation/REDD+ with a focus on the participation of indigenous peoples and local communities and the respect for their rights in the design and implementation of projects, including Afforestation, Protected Area, Payment for Environmental Services (PES) and REDD+ Pilot Projects carried out by government agencies, NGOs and private sector companies.

55 projects were screened in a desk-top research with regard to the extent to which project implementation reflects and lives up to the responsibility deriving from the human rights provisions and social standards building the framework for Germany's practical and financial engagement in the field. Through the examination of project reports, program descriptions and the compilation of practical experiences through interviews and some local research by partners for case studies, information on the participation of indigenous peoples and the respect for their rights was gathered according to six principles of a human rights-based, sustainable and effective forest climate protection.

The results of the project analysis are summarized with regard to these six principles:

1. *Recognition of and respect for fundamental rights as an imperative precondition*
> Human rights are a declared priority of projects. However, project descriptions lack comprehensible information on the observation and implementation of rights and compliance with standards.
2. *Full and effective participation in all stages and processes*
> Participation is a central element and principle of the majority of the projects. However, detailed information on the full participation of the affected indigenous and local communities at the different project stages is limited. Participation usually begins after the design phase of projects also because there is no upfront funding for participatory and consultation processes.
3. *Respect of the right to consultation and free, prior and informed consent (FPIC)*
> The importance of FPIC and consultation is widely recognized and in some projects, pilot experiences are being made. However, apart from very few exceptions, FPIC processes are not documented and in some types of projects (PES and other projects offering services such as afforestation or infrastructure measures) FPIC processes do not seem to be considered necessary or are short cut.

4. *Guaranteeing of rights to lands, territories and resources and their use*
 - > Many projects address indigenous peoples' rights to land, resources and their use and seek to promote and further secure these rights. Land rights issues are addressed as priorities in projects where they constitute an explicit objective and not just a factor of the overall project conditions.

5. *Preservation and promotion of biodiversity, traditional ways of life and sustainable development*
 - > The conservation of biodiversity is a priority in most projects and progress is usually well documented. Traditional knowledge and sustainable practices of indigenous peoples and local communities are valued in this context and often supported. However, in only a few projects they are treated as fundamental and guiding in the design of forest conservation and management practices.

6. *Transparent and equitable benefit-sharing*
 - > Modalities of benefit sharing arrangements are often clearly documented for PES and similar projects. No experiences yet exist with performance based payments of REDD+ projects of the German development cooperation. Non-carbon benefits are declared as main objectives of forest conservation and management projects.

While the importance of and the need for the recognition of indigenous peoples' rights are widely shared, a great part of the projects lack a visibly genuine human rights approach, skip over FPIC and limit participation and consultation to start once the projects have been designed. With a view to address these concerns and shortfalls, the study also looks into the potential of other approaches. Rights-based and traditional approaches including community-based forest management, bio-cultural community protocols, indigenous and community conserved areas, Amazonian Indigenous REDD+ and shifting cultivation and their main characteristics in terms of rights and participation are presented.

In comparison to the cooperation projects analyzed, issues of land and user rights, participation and support for traditional practices are the starting points and priorities in projects with a rights based or traditional approach. These approaches are closely adapted to the local situation and developed by or with the indigenous and local communities and bear a wealth of experience regarding sustainable forest management. Therefore, they hold a great potential for sustainable forest conservation and cost effective climate protection and should be made guiding approaches to be put to more systematic practical implementation. In this regard, non-carbon benefits such as the securing of land and tenure rights and traditional sustainable management systems and livelihoods of indigenous peoples need to be made a priority because they are imperative to effectively address deforestation and forest degradation.

The study as well as seven case studies can be downloaded from <http://www.infoe.de/web/projekt-indigene-voelker-und-wald/projekt-und-recherche>
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