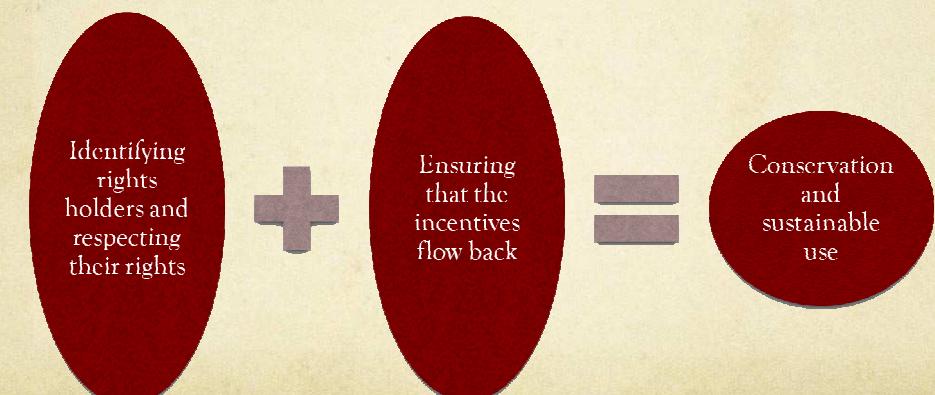




# Lessons for the development of REDD+ safeguards from CBD

Kabir Bavikatte  
Natural Justice (Lawyers for Communities and the Environment) [www.naturaljustice.org](http://www.naturaljustice.org)

## The rights and incentives approach to conservation of common pool resources



## The development of safeguards

Carbon (REDD+)

Biological resources, genetic resources, traditional knowledge (CBD)

Safeguards in the context of corporate activities in lands and waters traditionally occupied by indigenous and local communities

## Safeguards under REDD+

Decision 1/CP.16 – The Cancun Agreement

Para 72- requiring developing countries to address safeguards identified in Para 2 of Annex 1 in their strategy plans

Annex 1 Para 2: Full and effective participation of IPLCs and respect for rights and relevant international obligations

UN-REDD: Social and Environmental Principles and Criteria

CCBA REDD+ Social and Environmental Standards

World Bank FCPC Guidelines on Stakholder Engagement in REDD+ Readiness / Common Approach

## Decision X/33 of CBD COP on Biodiversity and Climate Change

With regard to REDD+ requires the Secretariat of the CBD to collaborate with the Secretariat of the UNFCCC and other relevant organizations to provide advice to the 11<sup>th</sup> meeting of the CBD COP on relevant safeguards for biodiversity based on effective consultation with Parties and their views, and with the participation of indigenous and local communities, so that actions are consistent with the objectives of the Convention on Biological Diversity and avoid negative impacts on and enhance benefits for biodiversity

## Cross-leveraging of rights between the Rio Conventions

Akwé: Kon guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities

The Tkarihwaié:ri code of ethical conduct to ensure respect for the cultural and intellectual heritage of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

Safeguards

## **Akwe: Non guidelines- Everything in Creation**

The Guidelines suggest a ten-step process for impact assessment of proposed development as follows: 2004, COP 7, Kuala Lumpur

1. Notification and public consultation of the proposed development by the proponent; 2. Identification of indigenous and local communities and relevant stakeholders likely to be affected by the proposed development; 3. Establishment of effective mechanisms for indigenous and local community participation, including for the participation of women, the youth, the elderly and other vulnerable groups, in the impact assessment processes; 4. Establishment of an agreed process for recording the views and concerns of the members of the indigenous or local community whose interests are likely to be impacted by a proposed development; 5. Establishment of a process whereby local and indigenous communities may have the option to accept or oppose a proposed development that may impact on their community; 6. Identification and provision of sufficient human, financial, technical and legal resources for effective indigenous and local community participation in all phases of impact assessment procedures; 7. Establishment of an environmental management or monitoring plan (EMP), including contingency plans regarding possible adverse cultural, environmental and social impacts resulting from a proposed development; 8. Identification of actors responsible for liability, redress, insurance and compensation; 9. Conclusion, as appropriate, of agreements, or action plans, on mutually agreed terms, between the proponent of the proposed development and the affected indigenous and local communities, for the implementation of measures to prevent or mitigate any negative impacts of the proposed development; 10. Establishment of a review and appeals process

## **The Tkarihwaié:ri code of ethical conduct – The Proper Way**

COP Decision X/42, Nagoya, October 2010

**General Ethical Principles:** 1. Respect for existing settlements; 2. Non discrimination; 3. Transparency and full disclosure; 4. FPIC; 5. Fair and equitable sharing of benefits; 6. Precautionary approach

**Specific considerations:** 1. Recognition of sacred sites, culturally significant sites and lands and waters traditionally occupied or used by indigenous and local communities; 2. Access to traditional resources; 3. No arbitrary removal or relocation; 4. Traditional guardianship or custodianship; 5. Recognition of social structures- extended families, communities, nations; 6. Restitution and compensation; 7. Subsidiarity and decision making; 8. Full and effective participation

## CBD COP Decisions IX/18 and X/31

**Para 6, Decision IX/18:** Establish effective processes for the full and effective participation of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, in the governance of protected areas, consistent with national law and applicable international obligations;

Further develop and implement measures for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas and make protected areas an important component of local and global sustainable development consistent with national legislations and applicable international obligations;

**Para 31, Decision X/31:** Establish clear mechanisms and processes for equitable cost and benefit-sharing and for full and effective participation of indigenous and local communities, related to protected areas, in accordance with national laws and applicable international obligations;

Recognize the role of indigenous and local community conserved areas and conserved areas of other stakeholders in biodiversity conservation, collaborative management and diversification of governance types;

Thank you

kabir@naturaljustice.org.za