

UN-REDD Programme
**Establishing an independent civil society advisory group and
transparent global learning on forest, livelihoods and climate change**

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TABLE OF CONTENTS

1. Background	3
2. Civil Society Initiatives	4
3. Elements of Independent Advisory and Learning	4
4. Context for the establishment of the Independent Civil Society Advisory Group on Forests, Livelihoods, and Climate Change	5
5. Structure and current status	5
5.1. Objective	5
5.2. Current Membership of the Civil Society Advisory Group	5
5.3. Organization and Rotation	6
5.4. Criteria for Membership	6
5.5. Basic Principles	6
5.6. Initial analytical work	7
6. Proposed Terms of Reference for CSAG	7
7. Proposed Responsibilities of UN-REDD Programme	8

1. Background:

A number of new funding mechanisms and initiatives have been established to address climate change mitigation and adaptation. Programs to promote reduced emissions from deforestation and forest degradation (REDD) as part of global mitigation efforts are likely to have some of the most significant impacts on forest communities. Moving towards Copenhagen, governments party to the UNFCCC are preparing plans that will include forests in a global framework for addressing climate change mitigation. Well designed REDD interventions will have the potential to deliver several benefits to local communities as well as the global community, including monetary and non-monetary incentives for verified emissions reductions, sustained natural ecosystems, and increased recognition of their historic role as the caretaker of forests. While there is optimism that REDD programs can slow deforestation, bring benefits to forest communities and protect biodiversity, there is also recognition that the new initiatives risk being ineffective and may spur conflicts unless they are conducted in a manner that strengthens rights and governance and encourages transparency and accountability in policy development.

The pervasive poverty, corruption and social tension in forest areas have not only generated violent conflict and a concentration of forest wealth, but create a situation where new, additional investments risk catalyzing new discord and conflict unless they are carefully and equitably targeted. There is also a great risk of overly diffuse and dispersed investments unless these initiatives and the learning to support them are well coordinated. Effective action on climate change is now too urgent for major missteps.

The establishment of civil society advisory groups, and open fora for frank consultation have become best practice. For example the Convention on Biological Diversity (CBD) has evolved a robust dialogue with civil society around the implementation of the convention articles on traditional practices and traditional peoples and land tenure (Articles 8j, 10 and 11) and International Tropical Timber Council (ITTC) has benefited by having a Civil Society Advisory Group. There is an urgent need to have a similar forum to assist climate deliberations that brings together serious, credible, evidence based information and perspective from social actors for its consideration.

Designing climate change interventions in forest areas is a complex task that requires social and political as well as technical input and these initiatives will need to be adjusted over time as all stakeholders learn. There has been some movement towards NGO representation in policy bodies of various schemes and funds, but these developments have not yet coalesced into a system for global learning. There is thus an urgent need for a comprehensive approach by the global community that is self-correcting over time. Basic elements of such an approach consist of: (1) support at the country level to establish an equitable legal and regulatory framework for land and resources; (2) establish accountable funding mechanisms to ensure that incentives go to the right people; (3) establish monitoring systems that monitor more than carbon and which are transparent and easily accessible to the public; and (4) establish national and international mechanisms to ensure independent advice and performance review. Independent advice and transparent monitoring provide inputs to adjust the funding arrangements and country systems over time.

Strong property rights and forest governance are required to ensure that forest owners have the incentive to invest in maintaining their forests as well as a prerequisite to target effective public compensation for reduced emissions and maintenance of carbon stocks. Strategies that prioritize incentives for communities will avoid discouraging local conservation, will efficiently

exercise use of public funds, and will diminish the risk of catalyzing conflicts and undermining social progress. Transparent monitoring of impacts is necessary to track whether climate goals are being met, and to ensure that carbon projects strengthen forest peoples' rights and promote development. Yet, better information alone will not be enough unless there is also independent guidance on programs, impacts and performance at the national and global level.

2. Civil Society Initiatives

A number of international organizations and initiatives have raised awareness of the need to safeguard the interests of all stakeholders in forest landscapes (local people, host governments, potential investors) and allow for robust and fair legal transactions to take place in each context of climate change mitigation, adaptation, and related development interventions. Some of them have also organized side meetings in conjunction with UNFCCC seeking to channel local voices and specialized knowledge on these issues, but this has not led to a clear body of understanding or clear set of alternative options. Concern over these issues and the urgent need to share experiences on how to operationalize governance reform led to preparation of a major conference on Rights, Forests, and Climate Change in Oslo in October 2008. In this conference, speakers from around the world shared experiences with climate change negotiators, donors, leaders of civil society, and representatives of intergovernmental organizations. The conference produced two key outcomes:

1. A policy brief with recommendations (Foundations for Effectiveness/ Policy Brief, RRI 2008); and
2. Establishment of a Civil Society Advisory Group on Forests, Livelihoods, and Climate Change

3. Elements of Independent Advisory and Learning:

The objective of independent advisory and learning is to provide negotiators, their governments and inter-governmental organizations independent advice and a clear framework for action to ensure that responses to climate change promote forest peoples' rights and national social and economic development. It aims for transparent global learning on forests and climate change and in ensuring that independent advisory and credible review of funds and schemes is available at global level. There are three interlocking elements that help in achieving the objectives of independent advisory and learning:

1. Establish an Independent Civil Society Advisory Group on Forests, Livelihoods, and Climate Change to (i) offer formal advice to the UN-REDD Programme, FCPF, REDD Contact Group, and other groups, as invited; (ii) respond to ad hoc requests and demands from international actors, and (iii) design and organize meetings to review and share global experiences on forests, livelihoods, and climate change. The objective is to provide perspective on developments in different countries as they begin to test various REDD options, integrate civil society perspectives into the program design and review stream, vet standards as they are formulated and implemented at various levels, and share insights and provide advance warning and guidance on emerging issues;
2. Organization of Chatham House style meetings ensuring that cutting edge analysis is available and that all stakeholders are able to participate candidly and share learning while informing CSAG analysis and guidance. In 2009, at least two such meetings are proposed: one tentatively focusing on REDD (architecture and options) and the second

focusing on the review of forest related climate funds (commissioned by NORAD) to be held in Oslo. It is proposed that these meetings be designed under the auspices of CSAG;

3. Encourage and review research, audits and analyses to inform the CSAG guidance and the Chatham House meetings (to be conducted by credible international institutions).

4. Context for the establishment of the Independent Civil Society Advisory Group on Forests, Livelihoods, and Climate Change

There is an active engagement by Civil Society in sharing and learning on these issues. Rights and Resources Initiative, Rainforest Foundation-Norway and UK, FPP, FERN, InterCooperation, RECOFTC, ACICAFOC, Civic Response, TEBTEBBA, and the CGIAR System-wide Program on Collective Action and Property Rights are working together to generate a shared understanding of the social dimensions of climate change and its impact on the rights, livelihoods and social systems of forest peoples and communities.

It was in this context that RRI and RFN in collaboration with Ministry of Environment, Norway and NORAD invited more than 100 delegates representing various governments, civil society from developing and donor countries, Indigenous Peoples, research community, and multilateral institutions to the Conference on Rights, Forests, and Climate Change (15-17 October, 2008, Oslo, Norway). The participants called on the Steering Committee (of the Conference) to begin the process of creating an independent civil society advisory and auditing group to advise, guide and monitor the international negotiations and funds on forest related climate change mitigation and adaptation.

5. Structure and Current Status

5.1. Objective

The Independent Civil Society Advisory Group will engage with the UN-REDD Programme, FCPF, and REDD contract group to provide independent advice and analysis towards ensuring that climate investments in forest areas are effective and support forest peoples' rights and development.

5.2. Current Membership of the Civil Society Advisory Group

The current membership of the Group consists of a diverse set of institutions from Africa, Asia, Europe, Latin America and the research and advocacy communities:

- Asociación Coordinadora Indígena y Campesina de Agroforestería Comunitaria Centroamericana (ACICAFOC)
- CGIAR System-wide Program on Collective Action and Property Rights (CAPRI)
- Civic Response (CR)
- Forests and the European Union Resource Network (FERN),
- Forests Peoples Programme (FPP)
- Indigenous Peoples' International Centre for Policy Research and Education (TEBTEBBA)
- InterCooperation (IC)

- Rainforest Foundation-Norway (RFN)
- Regional Community Forest Training Center for Asia and the Pacific (RECOFTC)
- Rights and Resources Initiative (RRI) (currently serving as secretariat),

5.3. Organization and Rotation

The group has been established with a core membership and will expand over time by accepting new members (see “criteria for members”). This initial and interim group will develop the governance structure during its next meeting. Positive aspects of this approach consist of a quick start (given the tempo of activities), nimbleness (can deliver multiple results at multiple locations), cohesion (a track record of working together on rights issues), ease of evolution, and effectiveness. The group will rotate the location of secretariat to different member organizations depending on the exigencies of work and effectiveness. A website (www.rightsandclimate.org) exists and will be used to ensure that the CSAG process is transparent and widely available.

5.4. Criteria for Membership

Membership in the group is only open to non-profit, non-governmental organizations. The existing members of the Group will admit new members on the basis of:

- Their experience and expertise on the issues of forests, human rights, and/or land tenure;
- Credibility of the organization and commitment to constructively engage with UNFCCC, UN-REDD Programme, FCPF etc.;
- Ability to work constructively with a wide range of organizations and issues.

5.5. Basic Principles

Basic principles for creating this group were outlined during the conference and were broadly accepted, such as:

- i. Do not attempt to be representative; this Group will not supplant any other civil society or community group working for similar objectives nor will it play a representational role. In particular, this group does not represent Indigenous Peoples who have their own rightful historical, moral and legal claims for representation in international arena;
- ii. Be completely transparent and accountable; membership of the group, its negotiation positions, policy briefs, minutes of deliberations etc. will be available to every one and will be widely publicized and posted on the web (www.rightsandclimate.org), and the Group will be responsive to requests and positions presented by civil society and Indigenous Peoples’ organizations globally
- iii. Plan to evolve rather than create an elaborate structure; it should be flexible, nimble and dynamic given the tight time-table leading to Copenhagen;
- iv. The group will have a self-determined structure which will work with a wide array of social actors without diluting its effectiveness;

- v. The group will operate upstream of REDD and Carbon Funds (e.g. the UN and World Bank), as an advisory to governments investing in these funds, government negotiators and ideally and eventually the UNFCCC;
- vi. The Group will focus on climate change mitigation and adaptation measures with direct implications for forest areas, forest peoples and communities.

5.6. Initial Analytical Works

Members of the Group are separately supporting a number of activities that are already generating credible evidence, empirical foundations, and analysis to inform the above-mentioned processes. For example, members are supporting the following analytical works (it is not an exhaustive list):

- Practical tools to ensure the rights and tenure of forest peoples are incorporated into REDD schemes and their implementation, including rules and practices around contracts, FPIC, engagement of social movements and their organizations, etc.
- Concrete mechanisms for realizing rights through development interventions complementary to climate change interventions in key countries and regions, including responses to land speculation and land grabbing, and adjustments in legal and regulatory frameworks and their implementation.
- Analysis of the adaptation challenges which are predicted or already evident due to climate change and the concrete approaches consonant with forest dwellers' social, cultural, and livelihood aspirations.
- Legal dimensions of rights to forest and soil carbon, land and livelihood compensation issues, land restitution, and underlying institutional structure (legal, judicial, regulatory) of REDD contracts.
- Development of standards governing Voluntary Carbon Markets to ensure they respect local rights and benefits.
- Ensuring that institutions and norms governing forest carbon funds and forest trust funds enhance forest peoples rights and benefits and have sufficient checks and balances to redress grievances
- Role for sub-national and local mitigation and adaptation initiatives on forests and climate change

6. Proposed Terms of Reference for CSAG

The following proposal has emerged through a series of conversations with CSAG member organizations and representatives of UN-REDD Programme:

1. On agreement with UN-REDD Programme (and possibly with FCPF and REDD contact group) the Independent Civil Society Advisory Group will provide its analysis and recommendations to the UN-REDD Programme Policy Board;
2. The advice so provided will be completely independent and not binding on UN REDD program or other affiliated bodies;
3. The Group will be free to share its advice with civil society actors to ensure transparency;
4. The Group will not seek any funding from the UN-REDD Programme except its cost of participation in meetings and other mutually agreed events;

5. The Group will prepare a plan to ensure the active participation of national and local-level Indigenous and civil society organizations in the Civil Society Advisory Group and its activities.

7. Proposed Responsibilities of UN-REDD Programme

1. UN-REDD Programme will issue formal terms of reference for Civil Society Advisory Group and invitation to regularly address its policy deliberations;
2. Provide funds for cost of travel and lodging for at least one representative of Civil Society Advisory Group to attend the meetings of UN-REDD Programme Policy Board;
3. Provide the Group with the Policy Board meeting agendas and documentation on the condition of confidentiality until the documents are made public by the UN-REDD Programme.