



International Human Rights Provision under REDD+

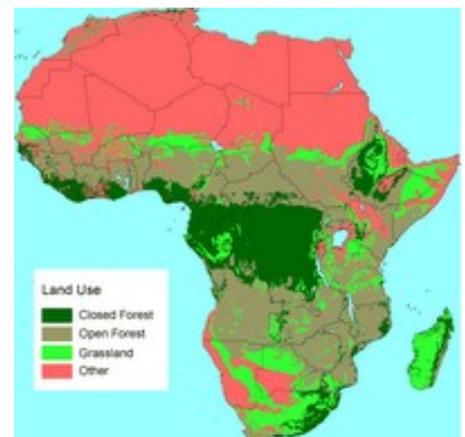
Policy summary

Agreements and declarations within international human rights and environmental law contain provisions that could hold relevance for communities affected by REDD+ by addressing the impediments vulnerable groups and individuals face when seeking benefits from REDD+ schemes. However, the relevance of existing provisions is qualified rather than unconditional, being reliant on the binding or declaratory nature of the agreements in which they are found as well as resistance, corruption, available resources and the interpretation, ability and willingness of REDD+ actors to integrate, contextualize and use them. Still, the conditional relevance that international human rights provisions do possess is a sufficient foundation on which to further develop protections for vulnerable communities within future REDD+ schemes.

Background

Promoting terrestrial carbon sequestration and reducing carbon released from the destruction or degradation of floral and soil sinks has become an especial point of interest for an international community increasingly concerned with the detrimental effects of rising levels of atmospheric carbon. In particular, the high-carbon sequestration and storage capacity of forests and their soils has led to the ascent of 'Reducing Emissions from Deforestation and forest Degradation' and associated activities (REDD+) as a key response to the risks of climate change.

One prominent strategy used to achieve REDD+ aims has been Payments for Environmental Services (PES), wherein external beneficiaries of forest services (e.g. carbon sequestration and storage) make payments to resource providers in exchange for practices that secure forest conservation and restoration. The success of REDD+ as an emissions mitigation mechanism or development mechanism may hinge on the distribution of these payments or 'benefits', but unfortunately many communities characterized by (1) underrepresentation and/or discrimination in social (including political and decision-making) systems, (2) limited fixed and liquid assets, and (3) limited access to education and information are often excluded from REDD+ benefits, whilst still bearing many of the costs.



Additionally, there is of yet no prescribed benefit sharing system within the United Nations Framework Convention on Climate Change, leaving three essential questions largely unanswered:

- who should receive benefits?
- what forms should benefits take?
- how should benefit sharing be managed?

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The Results

The relevance of international human rights provisions within the context of this research relied upon how provisions relate to the three key questions of benefit sharing in promoting or prohibiting vulnerable communities' access to and acquisition of benefits within REDD+. This study showed how provisions could help secure benefits for once marginalized groups and individuals, and in select cases address some of the factors that initially led to their exclusion.

To explore the question of relevance, this research undertook a comprehensive review of international agreements and declarations within the REDD+-related fields of human rights and environmental law. Those that did not address the main elements of benefit sharing in their main subject matter and those that did not affect REDD+ countries or regions were not explored further, whereas those that prima facie appeared to apply were further examined and their provisions documented. These provisions were then subjected to a secondary analysis in which real-world conditions and challenges affecting benefit sharing and the practical application of law were applied to further determine their relevance.

Conclusion

This research found that many agreements and declarations within international human rights and environmental law inform benefit sharing – containing numerous provisions that could hold relevance for communities affected by REDD+ by addressing the impediments vulnerable groups and individuals face in accessing or acquiring benefits within PES schemes. Collectively, the provisions possess a prima facie relevance, offering guidance on each of the key questions and components of benefit sharing. However, this research additionally argues that this relevance is qualified rather than unconditional, for the provisions vacillate between being cryptically broad and restrictively tailored, and are always reliant on the binding or declaratory nature of the agreements in which they are found as well as practical limitations.

This research also contends that the conditional relevance that international human rights provisions do possess is a sufficient foundation on which to further develop protections for vulnerable communities within future REDD+ schemes. Ideally, international law would be expanded to especially provide for vulnerable peoples in REDD+, so closing some of the gaps in the existing framework that have become apparent in the course of research. Perhaps most importantly, the conditional protections that international human rights provisions do provide are simply a baseline, not a ceiling. Their language and binding force may be limited, but the behavior they can motivate in REDD+ actors is boundless. To this degree, provisions bear an inspirational and normative relevance, reliant only upon our ability to engage with, discuss, meet and even exceed the baseline rights and duties these provisions provide.

The Cambridge Centre for Climate Change Mitigation Research (4CMR) studies the interconnected economic, energy and environmental policies at the heart of climate change policy.

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