



SEEING REDD

**Complaint and Grievance Redress
Mechanisms**

Access to Justice and REDD+

Table of Contents

REDD+ Complaints, Dispute Resolution and Compliance Mechanisms	4
World Bank – Forest Carbon Partnership Facility (FCPF)	6
World Bank – Forest Investment Programme.....	7
UN-REDD	8
A National Example: Indonesian Safeguards Principles, Criteria, and Indicators – PRISAI	10
Complaints on the ground - KFCP Demonstration Activities – Central Kalimantan.	12
Access to Justice.....	14
Recommendations.....	15

Leonard, S, Bernadius, S, Boom, K & Tan, L, Seeing REDD: Complaints and Grievance Redress Mechanisms. Access to Justice and REDD+, Climate Justice Programme (2013)



© 2013

www.climatejustice.org.au

This report is based on publicly available and up-to-date information to the best of the authors' knowledge at the time of research and writing.

This report is not intended to be legal advice. The Climate Justice Programme (and its respective affiliates, officers, members, partners and employees) do not make any representations or warranties as to the accuracy, suitability or content of this report and have no liability or responsibility for any damages or losses resulting out of its use in any individual case in any jurisdiction. It is the sole responsibility of the reader to ensure that the information in this report is accurate, applicable to, and suitable in his or her particular situation before making any decision based upon this information.

Use of this report, does not create a lawyer-client relationship between any person and the Climate Justice Programme. It is strongly recommended that the reader consult with a lawyer to determine whether specific information contained in this report is relevant to the reader's particular situation, and to seek appropriate legal and professional advice before entering into any transaction or from taking any steps arising from the information contained herein.

List of Acronyms

REDD+	Reducing Emissions from Deforestation and Forest Degradation
FPIC	Free Prior and Informed Consent
CITES	Convention on International Trade in Endangered Species
UNFCCC	United Nations Framework Convention on Climate Change
FCPF	Forest Carbon Partnership Facility
FIP	Forest Investment Programme
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
KFCP	Kalimantan Forests and Climate Partnership
DP	Delivery Partner
FMT	Facility Management Team
SCF	Strategic Climate Fund
MDB	Multilateral Development Bank
CGRM	Complaints and Grievance Redress Mechanism
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
CBD	Convention on Biological Diversity
UNDG	United Nations Development Group
R-PP	Readiness Preparation Proposal
COONAPIP	National Coordinating Body of the Indigenous Peoples of Panama
MEA	Multilateral Environmental Agreement
PRISAI	Indonesia Safeguards Principles, Criteria, and Indicators
LPP	Laporan Pelaksanaan PRISAI (the PRISAI report)
ALPP	Auditor Laporan Pelaksanaan PRISAI (evaluation of the PRISAI report)
NGO	Non Government Organisation
SIS	Safeguards Information System



REDD+ Complaints, Dispute Resolution and Compliance Mechanisms

Effective implementation of REDD+ will necessitate governance reform and legal preparedness, including in many cases strengthened institutional, legal and policy frameworks and law enforcement capacity. Existing laws will need to be reformed and new ones developed. Areas of law most likely to require reform include:

- rights to forests, land and carbon;
- the recognition of customary rights;
- definitions of REDD+ terminology and culturally sensitive communication methods;
- drivers of deforestation and degradation;
- the harmonization of sectoral laws;
- institutional coordination;
- access to information;
- judicial reforms;
- public participation and free prior and informed consent (FPIC);
- benefit sharing and incentives; and
- private and public investments and ensuring such investments are not prioritised over the interests of indigenous peoples and local communities.

Many of these reforms will need to be undertaken during the design and readiness phase to mitigate risk and to ensure adherence to the requisite Safeguards. Effective safeguards are necessary where there is potential for development activities to have detrimental impacts on society and the environment. Significant funding has been pledged to support the development of REDD+ through bilateral arrangements such as the Norway-Indonesia REDD Partnership and the Kalimantan Forests and Climate Partnership (KFCP) between Australia and Indonesia and through multilateral forums such as the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), the Forest Carbon Partnership Facility (FCPF), and the Forest Investment Programme (FIP). The REDD+ Safeguards agreed at the Cancun conference of the United Nations Framework Convention on Climate Change (UNFCCC) are possibly the most important pillar of REDD+ (Cancun Safeguards). They provide an international framework from which national level governance, law reform and social and environmental standards should flow and generate multiple benefits. The language of the UNFCCC REDD+ safeguards differs from traditional safeguards in that in addition

to establishing minimum standards to address certain risks (i.e. “do no harm”), they provide a mandate for realizing positive benefits or incentives.

In addition to substantive legislative reform required during the design and readiness phase, legal institutional frameworks to resolve disputes will also need to be created and established and such mechanisms will be essential to the implementation and reporting of the Safeguards. Preparatory work to establish these ‘dispute resolution mechanisms’ - variously referred to as ‘complaints mechanisms’, ‘grievance redress mechanisms’, ‘recourse mechanisms’, ‘accountability mechanisms’ and ‘conflict resolution mechanisms’ - is gradually emerging at international and national levels.

There is a growing range of international dispute resolution and compliance options ranging from judicial forums such as the International Court of Justice or the International Criminal Court, to quasi-judicial processes such as the World Trade Organization dispute settlement procedure and human rights complaints avenues. In addition to these ‘mechanisms’, environmental and human rights agreements incorporate systems to ensure Parties’ compliance with their obligations. These include various reporting, review, verification and assessment requirements that enable a transparent response to non-compliance with international obligations, which can range from facilitation and capacity building to the imposition of trade sanctions such as under the Convention on International Trade in Endangered Species (CITES). Such an approach could even be considered in the context of carbon trading under the UNFCCC.

Given the urgency to reduce emissions, and the impact REDD+ will have on the lives of so many disadvantaged people, it is essential that serious consideration be given to new appropriate measures and mechanisms that can be implemented at the national and international level to resolve disputes. REDD+ will be implemented in many countries where national legal systems may be lacking in effectiveness; since it is facilitated by multilateral and bilateral arrangements, together with national governments and stakeholders, streamlining and linking the national and international systems for dispute resolution would be advisable. They should be complementary and facilitative and contribute to transparency and international reporting obligations, such as through the Safeguards Information System (SIS) and funding mechanisms including the Forest Carbon Partnership Facility (FCPF) Carbon Fund and the Green Climate Fund. The systems should provide advice and guidance, resolve disputes, ensure transparency and accountability, and grant enforceable remedies. Mechanisms at national and international level should be efficient and easily accessible to indigenous peoples, local communities and civil society and work to minimize the risks associated with REDD+ and improve social and biodiversity outcomes on the ground. The effectiveness of these new mechanisms and measures may determine the ultimate success or otherwise of REDD+.

Analysis of information collected through Complaints and Grievance Redress Mechanisms (CGRMs) can identify the adverse impacts of REDD+ and help to address and minimize human and environmental harm. It can contribute to resolving conflicts efficiently and enable decision-makers to improve REDD+ policies or programs both nationally and internationally. Whilst international legal avenues already exist, they are not adequately equipped to deal with the full scope of REDD+-related claims, considering the potential impacts and diversity of stakeholders involved. A comprehensive and streamlined system dedicated to resolving REDD+ disputes at different levels, is needed to avoid and minimize adverse impacts to rights, livelihoods and biodiversity while reducing emissions from deforestation and forest degradation.

This publication is intended to provide insight into some of the relevant CGRMs that are being developed at the international level as well as providing an example of a well advanced national level system in Indonesia drawing on examples from a demonstration activity also in Indonesia. Part of this document contains material drawn from extensive field research and interviews that the Climate Justice Programme has undertaken in Central Kalimantan with affected local people, which we hope to publish together with case studies in coming months.

World Bank – Forest Carbon Partnership Facility (FCPF)

Safeguards under the FCPF are recognized through the Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners (“Common Approach”) and their Strategic Environmental and Social Assessment, otherwise known as Strategic Environmental Assessment. The Common Approach ensures that where a Delivery Partner (DP) has a more stringent or protective safeguards policy than the World Bank, then that DP’s policy will apply. FCPF financing can be delivered through a number of possible DPs, which include the United Nations Development Programme (UNDP), the Inter-American Development Bank and the Food and Agricultural Organisation. Each of the DPs has its own set of safeguards, standards and procedures. The SESA process aims to integrate environmental and social considerations into strategic decision making and includes an Environmental and Social Management Framework as a distinct output that is designed to provide guidelines for managing and mitigating the environmental and social risks related to future REDD+ investments and carbon finance transactions.

The FCPF identified a need for the capability to resolve potential disputes during the early development of strategies of REDD+ readiness. This would enable the identification of potential risks and, importantly, provide a means to address the issues in a constructive and preventative manner. During 2011, the FCPF assessed the costs related to the use of accountability mechanisms and made recommendations, which resulted in the Facility Management Team (FMT) approving an additional \$13.4 Million towards the development of CGRMs at the national and the international levels. In 2014, the FMT will evaluate the impact and success or otherwise of this additional funding.

A Joint United Nations Development Programme – World Bank FCPF Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Resolution Mechanisms was produced in March 2013. It remains in draft form and still needs to be reviewed and/or commented on by the agencies, the Bank internally, and the DPs of the FCPF. The draft guidance provides proposed principles to guide the design of a CGRM which include: *legitimacy ensuring fair conduct and prevention of interference; accessibility and removing barriers such as lack of awareness of the mechanism, language, literacy, costs, physical location and fears of reprisal; predictability with clear procedures in place; equity to ensure a fair process; transparency through provision of updates, information and ongoing support to complainants; consistency with international human rights; enabling continuous learning; and full and effective participation of all stakeholders in the design and performance.*

Importantly, the FCPF Carbon Fund’s methodological framework in development requires that a country has a CGRM in place to be eligible to access finance from the Carbon Fund. There are currently 36 countries participating in the FCPF with a further 17 countries expressing interest in becoming participants. The FCPF is therefore an important space to watch on this evolving issue.

World Bank Safeguards Review

In September 2012, the World Bank officially launched a two-year process to review and update the Bank's environmental and social safeguard policies. Many civil society organisations have expressed concern that the review could weaken social and environmental protections so the Bank can remain competitive with emerging lenders that have no similar policies; until the review has been completed a number of uncertainties arise as to the way in which Safeguards will be applied through the FCPF and the FIP. In the context of this review, and the inconsistencies between the World Bank Safeguards and the Cancun Safeguards, the FCPF has received complaints from indigenous peoples and civil society in Honduras, Surinam and Panama about violation of Bank standards on public participation and contravention of its own participation and consultation guidelines

World Bank – Forest Investment Programme

The Forest Investment Program (FIP) is a programme established under the Strategic Climate Fund (SCF) to catalyse policies and measures and mobilize finance to facilitate REDD+. An important objective of the SCF is to maximize co-benefits of sustainable development, particularly in relation to the conservation of biodiversity, natural resources, ecosystem services and ecological processes.

The World Bank acts as the trustee of the Program and the implementing agencies are the Multilateral Development Banks (MDBs). The FIP governing body has established safeguards that must be applied by the MDBs in addition to their own policies, including the safeguarding of natural forests and the prevention of support for industrial logging, conversion of natural forests to tree plantations or other large-scale agricultural conversion. Guidance on safeguards is mostly related to the inclusion of relevant stakeholders in the development of country level FIP investment strategies, as well as to the transparency of the process and the need to make available all documents related to proposed programmes/projects for public review and comment. The safeguards included at the project level under the FIP depend on the partner MDB implementing the project. It has been recognized that this approach may result in a lack of coherence and application of different standards as well as increased transaction costs as different MDBs enforce different policies and procedures. There is also the risk that since the FIP is a funding mechanism parallel to the FCPF rather than integrated with it, this may lead to a lack of coherence creating overlaps and gaps. However, in Mexico for example, which is participating in both the FCPF and the FIP, the national level CGRM is considered to be applicable and for the purposes of both programmes.

Further, the newly developed \$50 million dedicated grants mechanism for indigenous peoples and local communities presents a further aspect relating to the FIP and CGRMs. As a part of this mechanism there is to be a CGRM designed which will enable complaints to be raised concerning awards of grants, non-compliance with MDB or World Bank policies and relating to the decisions and actions undertaken by the national and international coordination bodies. To be developed during 2014, it is intended that complaints may be made at the national or the international level.

UN-REDD

UN-REDD was created in 2008 to assist developing countries build capacity to reduce emissions and participate in REDD+. This programme seeks to ensure that design and implementation is consistent with the UNFCCC REDD+ Framework and the UNFCCC REDD+ Safeguards. Arising from concerns about the impact of REDD+ activities on indigenous peoples and local communities and the challenges faced by anticipated large financial transactions, the Programme seeks to support robust and transparent systems for providing information on how the Cancun Safeguards are addressed and respected.



A rights-based approach is widely recognized as the most appropriate for REDD+, consistent with the Cancun Safeguards. This necessitates appropriate avenues for complaints to be heard, particularly those relating to allegations of breaches of human rights. There are already several international instruments that seek to protect the rights of people including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention 169, the Convention on Biological Diversity (CBD), the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Further, there is widespread international support of the rights to culture, religion and sacred sites, which contribute to the protection of property rights of communities as cultural and religious practices that are often connected with the land.

UN-REDD has expressly adopted a human rights-based approach with particular reference to the UN Development Group (UNDG) Guidelines on Indigenous Peoples' Issues. It seeks, through its readiness programme, to develop common standards concerning stakeholder engagement principles and grievance mechanisms and includes information to be derived from recourse mechanisms to indicate and verify its own outcomes and performance. Core elements and benefits of a grievance procedure have been identified, but progress to put such a mechanism in place has been slow. The core elements of this grievance procedure include:

- provision of information to stakeholders on how to file a complaint;
- harmonized screening;
- assessment and response procedures;
- focal points at national, regional and international level;
- timeframes in which to screen, assess and respond to complaints; and
- procedures in place to deploy resources to respond and for inter-agency communications.

UN-REDD has also developed a set of Social and Environmental Principles and Criteria (SEPC) which are intended to address social and environmental issues in UN-REDD National Programmes and other UN-REDD Programme funded activities, and support countries in developing their national approaches to

REDD+ safeguards in line with the UNFCCC. The SEPC are coherent with and draw from the guidance provided by the Cancun agreements. A draft Benefit and Risks Tool has been developed to apply the SEPC in the formulation of national REDD+ programmes and initiatives seeking UN-REDD support in order to minimise the risks and enhance the multiple benefits from readiness activities.

Projects being implemented under UN-REDD must ensure that policies and procedures protect human rights and comply with UNDRIP which should be applied by all multilateral and bilateral arrangements concerning REDD+ implementation.

UN-REDD has not been immune however to complaints. In February 2013, the National Coordinating Body of the Indigenous Peoples of Panama (COONAPIP) issued a Resolution announcing their withdrawal from the UN-REDD National Joint Programme in Panama on the basis of a lack of guarantees for the respect of indigenous rights and the full and effective participation of indigenous peoples. An investigation is being undertaken into these complaints and all new activities under the Programme have been suspended in Panama pending the outcome. The draft Mid-Term Evaluation Report prepared by the Independent Investigation and Evaluation Team dated August 2013 has found inter alia that the activities with COONAPIP have failed and the resources to complete the project were underestimated, while complexity of the decision making and administration and financial management processes have made management difficult. It has been recommended that the programme remain suspended and negotiations and consultations are ongoing concerning programme extensions, agreements and any future participation from indigenous peoples.

UNFCCC – A New Complaints Mechanism

There is currently no mechanism within the UNFCCC to address REDD-related allegations of harm to livelihoods, ecosystems, or processes whereas a CGRM should be established at the international level under the UNFCCC to receive complaints, including from indigenous peoples and local communities affected by the implementation of REDD+ activities. Work undertaken to date under the FCPF and UN-REDD in particular can contribute to the development of such a mechanism.

The question then arises in the context of current negotiations at the UNFCCC. A CGRM established under the UNFCCC would need to be linked with matters concerning safeguards implementation, with particular emphasis on human rights violations, results based finance and the GCF and should also be considered in the context of any ongoing discussions concerning institutional arrangements including any international institutional advisory body or framework.

As REDD+ moves into phase 3 the discussion concerning CGRMs should become a matter of high priority. The REDD+ CGRM could be linked with any CGRM developed as a part of the GCF, however due to the unique complexities associated with REDD+, in particular those related to the Cancun Safeguards a separate mechanism with specific REDD+ expertise should be established and could guide the GCF.

The Readiness Preparation Proposal (R-PP) Template – UN-REDD & FCPF

The readiness preparation procedures for UN-REDD countries submitting National Programmes and for FCPF REDD-plus Country Participants submitting revised or new R-PPs to the FCPF provides guidance concerning baseline requirements of a grievance mechanism at the national level. The R-PP Template for use in both the UN-REDD and FCPF processes provides that a grievance redress mechanism is:

- a process for receiving and facilitating resolution of queries and grievances from affected communities or stakeholders related to REDD+ activities, policies or programs at the level of the community or country;
- a mechanism to focus on flexible problem solving approaches to dispute resolution through options such as fact finding, dialogue, facilitation or mediation; and
- not intended to be a substitute for legal or administrative systems or other public or civic mechanisms; or remove the right of complainants to take their grievances to other more formal recourse options.

The question then arises as to the enforceability such mechanisms at the national level are expected or intended to have, hence giving rise to questions as to their effectiveness?

A National Example: Indonesian Safeguards Principles, Criteria, and Indicators (PRISAI)

INDONESIA has sought to become a global leader in the fight against climate change and in particular REDD+. In 2009, the President, Susilo Bambang Yudhoyono announced an ambitious goal for the reduction of Indonesia's greenhouse gas (GHG) emissions of 26% by 2020, and up to 41% with international support. The vast majority (said to be around 80%) of Indonesia's GHG emissions result from deforestation and land use change throughout areas of forest supporting the livelihoods of up to 30 million people and some of the most diverse biodiversity on earth.



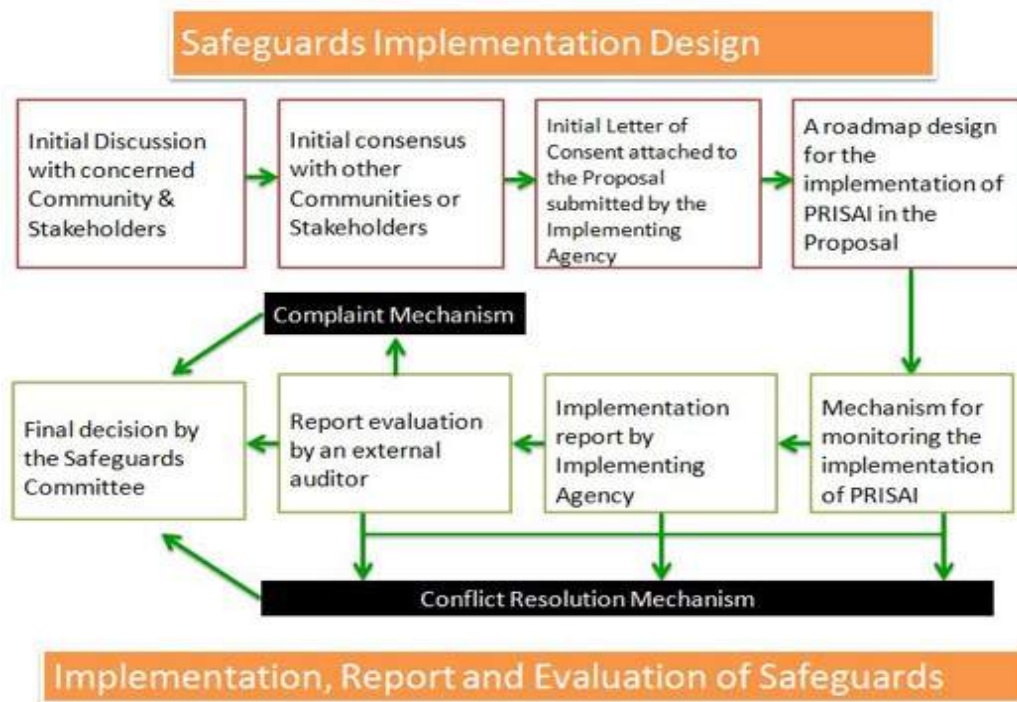
As States 'have the primary obligation to implement human rights and to provide recourse to vulnerable groups, resolution of disputes should primarily occur domestically'. On this assumption and where a complaint is handled on a national level seeking a domestic remedy, if that fails then there should be the opportunity to elevate the claim to an international level. Further, resolution of complaints at a national level may not be viable because of 'power differences, lack of access to justice, political instability or a range of other reasons'. However, trying to resolve disputes at a national level is preferable with the international dispute mechanism serving as a means of appeal if the initial decision is not satisfactory.

In Indonesia, a complaint and dispute resolution mechanism has been developed under the Safeguards Principles, Criteria, and Indicators known as PRISAI (Prinsip, Kriteria, Indikator *Safeguards* Indonesia). The PRISAI was developed by incorporating lessons learned, existing standards and national and international legal frameworks. The implementation of safeguards is not only limited to obtaining financial support, but must also be present throughout all stages of the REDD+ implementation cycle. All REDD+ project implementers must comply with PRISAI. Indonesia has a number of national regulations, policies or programs related to forestry or other land-based sectors, however safeguards related to social aspects are not clearly stated in various national laws. For this reason, there is a need to formulate implementation regulations and various legal instruments related to social safeguards, including human rights, access to justice, legal recourse and good governance in land-based development activities. PRISAI was developed as a means of implementation of the safeguards requirements as set out in the UNFCCC COP 16 Decision in Cancun and consists of the following 10 social and environment principles, which are intended to reflect the Cancun Safeguards in the National context as follows:

1. Verification of the status of rights to land and territory.
2. Complements, or is consistent with, the target of reducing emissions, and related conventions and international agreements.
3. Improves forest governance.
4. Respects and empowers indigenous and local peoples' knowledge and rights.
5. Full and effective stakeholder participation and consideration of gender equality.
6. Strengthening conservation of natural forests, biodiversity, and ecosystem services.
7. Action to manage the risk of reversals.
8. Action to reduce the displacement of emissions.
9. Fair distribution of REDD+ benefits to all relevant holders of rights and stakeholders.
10. Guarantees transparent, accountable, and institutionalized information.

The implementation of PRISAI consists of various phases, including: pre implementation, implementation, monitoring, and reporting and evaluation. The implementation of PRISAI generally adheres to the following flow diagram.

Figure 1 PRISAI Implementation Mechanism



A conflict resolution mechanism exists to address issues related to areas within the REDD+ project scope. Similarly, a complaint mechanism in regards to the PRISAI report (*Laporan Pelaksanaan PRISAI - LPP*) and evaluation (*Auditor Laporan Pelaksanaan PRISAI - ALPP*) also exists. The Safeguard Committee is authorized to facilitate

conflict resolution in the implementation of REDD+ and in verifying any complaints made by the public towards the LPP which is prepared by the REDD+ implementer, or towards the evaluation of the LPP by the ALPP.

The LPP is a report from the REDD+ implementer to the Safeguard Committee that looks at how far the REDD+ implementer has followed the PRISAI implementation plan in accordance with the initial proposal. This report also describes changes in the phases and methods of PRISAI’s implementation, as outlined in the proposal, and provides reasons for the changes. If changes are made based on a consensus among stakeholders, the report must include evidence of such consensus. This report is made in accordance to the project payment cycle. The format of the report is issued by the Safeguard Committee. The LPP is the main reference in determining the implementation of safeguards mechanisms to be reported through the Safeguards Information System required by the UNFCCC. PRISAI becomes the substance of safeguards implementation reports under the SIS institution to evaluate to what extent the safeguards have been implemented and what improvements can be made to ensure that safeguards are complied with and respected.

The LPP is evaluated by the ALPP who is accredited by the Safeguard Committee. This evaluation process includes: methods and processes undertaken in implementing PRISAI; data, and methods of collecting data, presented in the PRISAI implementation report; compliance towards PRISAI principles; and arguments as well as agreements between involved stakeholders that justify changes made in the implementation of PRISAI, if applicable. This evaluation is delivered to the Safeguard Committee and subsequently opened for public comment, to provide an opportunity for related stakeholders to request clarifications or complaints towards the report. Based on the PRISAI implementation report written by the REDD+ implementer, the ALPP evaluation, verification from the public, and results of any complaints made, the Safeguard Committee shall determine the results of the implementation of PRISAI by the REDD+ Project implementer. Should they decide that the implementation of REDD+ has fulfilled the principles of PRISAI, the Safeguard Committee shall issue a recommendation to the Board of Trustees. The implementation of PRISAI is one of the most important considerations for the Board of Trustees in determining the payment for the REDD+ implementer.

Stakeholders directly involved with the project who may feel disadvantaged by the LPP or evaluation of the LPP may make any complaints. Complaints are made to the Safeguard Committee or to a third party appointed for the purpose of settling complaints. The Safeguard Committee may directly facilitate conflict and complaint settlement, or appoint a third party that meets certain requirements including integrity, capacity, non-partisan, and experience in the related issue. In facilitating conflict resolution, the Safeguard Committee or the appointed third party shall immediately verify field facts, bring together the conflicting parties, and call for the opinion of experts or other parties involved in the conflict.

In managing complaints, the Safeguard Committee or the appointed third party may conduct direct verification of the REDD+ implementer, ask for expert opinions, invite the parties filing a complaint to meet, and if necessary conduct a field examination. The Safeguard Committee shall release a procedure for conflict and complaint settlement that is free of charge, effective, efficient, and in laymen's terms. If a third party appointed to resolve conflicts and complaints has its own existing procedures of conflict and complaint settlement, the Safeguard Committee may recommend the use of such procedures, or suggest some changes according to the conflict or complaint faced.

Complaints on the ground - KFCP Demonstration Activities – Central Kalimantan

In Central Kalimantan on the island of Borneo, Indonesia, there has been extensive deforestation in peat swamp forest lands in an attempt to convert them into rice fields. This failed initiative, known as the Mega Rice Project was developed by the former President Suharto in 1996. The Mega Rice Project involved the removal of at least half a million hectares of primary peat swamp forest, the extermination of around 5,000 orangutans and countless numbers of other wildlife, and the creation of more than 4,600 kilometres of channels. These channels remain in place and are slowly draining and drying out the peat swamps, making them extremely prone to fire. Shortly after the project began, in 1997, an exceptionally severe El Nino climatic event caused significant forest and peatland fires in the region. Between half a million and three million hectares of vegetation burned, much of it on peat. The fires penetrated into the dried-out surface peat to a depth of up to 1.5 metres. At least one billion tonnes of carbon were released into the atmosphere - more than that released by the fossil fuels the European Union burns in a year. These peat lands continue to be drained and dried and the annual fires continue to cause significant emissions.

In 2008, Australia and Indonesia formed a partnership known as the Indonesia Australia Forest Carbon Partnership (IAFCP) providing a bilateral agreement to develop, demonstrate and work in partnership towards the implementation of REDD+. The IAFCP's main aim was to support Indonesia in their efforts in the reduction of greenhouse emissions through reducing deforestation and degradation. Consequently, Australia pledged \$AUD100 to the Kalimantan Forests and Climate Partnership (KFCP) which 'is one of the most advanced, large-scale REDD+ demonstration activities of its kind in Indonesia.' One of its main goals was to protect and rehabilitate large areas of peatlands in the Kalimantan region. It was announced in 2013 that the demonstration activity will not be ongoing.

Initially the KFCP projects set bold targets to protect 70,000 hectares of peat forests, re-flood 200,000 hectares of dried peat land and plant 100 million trees in Central Kalimantan. Unfortunately, the project did not achieve these targets. An extensive review of the IAFCP's projects in Indonesia addressed several issues arising from the REDD+ pilot programs, one of which was the KFCP. The review found the KFCP is a complex project because of several diverse stakeholders. Further, the project has proved difficult and costly. The review found the project required a larger implementation team and a significantly longer timeframe to generate real results, as certain goals could not be achieved in the time allocated. A number of complaints have also been raised, making this demonstration project particularly important as a learning ground to inform effective complaints and grievance redress mechanisms for REDD+.

In a public statement, the KFCP announced that it had developed a grievance mechanism in consultation with villagers that reflects, in part, traditional approaches used by the Dayak (indigenous) communities, who make up the majority of those living in the project site. The mechanism was said to be agreed by both parties and was part of the Village Agreements. Between 2010 and 2012, complaints concerning the project emerged from people living at Katunjung Village, Mantangai Hulu and Sei Ahas, including from indigenous leaders, local people, academics and NGOs. The CJP has investigated seven publicly lodged complaints to the KFCP between 2010-2012 (**Listed in Annex 2**) that have been reported by media. However, other issues have been raised besides published complaints, which should be seen as latent complaints that are likely to be further pursued and should not be ignored.

The main concerns of the grievances raised could be categorized as follows:

1. Land tenure and benefit sharing arising from a history in this area of projects being implemented by government and international and national civil society organisations that has created much uncertainty concerning access to land and tenure. Further, KFCP has indicated that engagement in this project and REDD+ will provide financial reward which has never eventuated.
2. Participation and free prior informed consent, raising matters such as absence of communities' consent before the project was approved, the lack of knowledge and understanding of REDD+ that made communities unable to participate effectively, and participation based on payment that reduces the meaning of participation to only labour without substance. It is alleged that some of the communities did not have any experience of FPIC with KFCP.
3. The scope, depth, accuracy, consistency and validity of information, seeking project transparency concerning the proposed pilot area, status of trees and land tenure in the longer term, compensation, value of materials and the validity and accuracy of reporting;

Under the Village Agreements, the grievance mechanism is established as part of a safeguards policy for the project. The Village Agreements specify local institutions for handling grievances. Community members may complain to any one of six appointed people who are: the Chair of the Activity Implementation Team; the Project Implementer; KFCP Contract Manager; KFCP Village Facilitator; the Peoples representative at the village level (Badan Perwakilan Desa); and the Mantir Adat (Adat (customary) leader at the village level).

The different mechanisms set out in the different Village Agreements provide for slight variations in terms of the process (which is Annexed to the Village Agreements); nevertheless, a mechanism of this nature entrenched at local level could provide a good basis to ensure Safeguards implementation on the ground. The written procedure, however, remains unclear concerning important matters such as payment of costs incurred where complainants are from a remote area, time periods and anti-corruption measures. By way of example, the procedure for the Mantangai Hulu village is included at **Annexure 1**.

The major concern remains that there has been a lack of response from KFCP to the complaints, which is seen as a lack of sensitivity to the root of political problems at the village level. It is alleged that there has been reluctance on the part of village facilitators of KFCP to answer the grievances.



Access to Justice?

Regardless of the complaints and grievance redress mechanisms that are put in place at a national, local or international level, without adequate financial support for Access to Justice it may become meaningless. People who will be impacted by REDD+ are remote forest communities in developing countries. Legal support, advice, capacity building concerning legal rights and access to legal institutional infrastructure such as Courts or Tribunals is difficult and in many circumstances impossible. The costs and inconveniences associated with travel, time and receiving legal advice are prohibitive to many. The complexities associated with legal issues, interpretation, procedure and processing of claims and complaints is often inaccessible. In this context it should be noted that the preamble to the 1998 Convention on Access to Information expresses concern that effective judicial mechanisms should be accessible to the public, including organizations, so that its legitimate interests are protected and the law is enforced. Article 1 states:

“In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.”

Taking Indonesia as the example, legal support for remote communities is provided largely by Indonesian civil society organisations such as HuMa, WALHI and AMAN. There are around 200 public interest lawyers registered with HuMa, which acts as a legal hub providing support to communities and in other parts of Indonesia. Meanwhile, the Legal Aid Foundation has several branch offices. WALHI has so far tried unsuccessfully several times to get legal assistance improvements for communities. There is no Legal Aid Foundation in Kalimantan and the Public Interest Lawyers are mostly Jakarta-based which makes it costly and difficult to get dedicated lawyers to provide legal support in Kalimantan. The injustice and the difficulties with access to lawyers are particularly bad in Kalimantan. Here, communities are denied justice simply because of the high costs and the challenges of getting lawyer/s to represent them.

The international donor community and REDD+ countries should ensure that adequate financial support is provided to ensure Access to Justice for indigenous peoples and local communities and those affected by REDD+.

Recommendations

It is clear that REDD+ provides many legal challenges, which, if not properly addressed will stand in the way of the success of a mechanism that does have the potential to reduce emissions from deforestation and forest degradation. To assist with this process, the CJP makes the following recommendations:

1. Implementation of CGRMs at the local, national and international level should be prioritized and financially supported during the design and readiness phase and should form a central part of the implementation and reporting of the Cancun Safeguards through the SIS.
2. CGRMs should be designed and implemented at the national level and available to receive complaints as a necessary precondition to a Country being entitled to access results / performance based payments including payments from the FCPF Carbon Fund and the Green Climate Fund.
3. A CGRM should be established at the international level under the UNFCCC to receive complaints, including from indigenous peoples and local communities affected by the implementation of REDD+ activities.
4. The international donor community and REDD+ countries should ensure that adequate financial support is provided to ensure access to justice for indigenous peoples and local communities and those affected and potentially affected by REDD+.
5. The FCPF draft guidance concerning National CGRMs should be progressed as soon as possible and its completion prioritized.
6. There should be greater coherence between the FIP and the FCPF concerning the application of Safeguards to avoid confusion and the application of different standards.
7. Inconsistencies between the World Bank Safeguards and the Cancun Safeguards should be resolved as a priority, adopting the higher standards where any inconsistency exists.
8. Local, National and International CGRMs should:
 - a. adopt a human rights approach, provide advice and guidance to complainants, resolve disputes, ensure independence, credibility, transparency and accountability;
 - b. be free of charge, culturally and gender sensitive, and easily accessible to indigenous peoples, local communities and civil society, particularly to those disadvantaged and in remote areas and work to minimize the risks associated with REDD+ projects and improve social and biodiversity outcomes on the ground;
 - c. be complementary, linked and streamlined;
 - d. contribute to international reporting obligations, such as through the Safeguards Information System (SIS) and funding mechanisms including the FCPF Carbon Fund and the Green Climate Fund; and
 - e. be linked to national legal systems for the purpose of granting enforceable remedies including compensation and injunctive relief.

9. Local and National level CGRMs should

- a. Handle complaints including but not limited to:
 - i. Allegations of non compliance with safeguards and standards;
 - ii. Financial, fiduciary and benefit sharing disputes;
 - iii. Land tenure and customary rights;
 - iv. Rights to carbon;
 - v. Participation and FPIC;
 - vi. Access to information; and
 - vii. Adequacy and the independence of reporting from project implementers and local, provincial and national governments including on information provided to the SIS
- b. Be developed in consultation with indigenous peoples and local communities so they reflect traditional approaches;
- c. Seek expert opinions where necessary;
- d. Invite parties to a complaint to meet and conduct mediations and alternative dispute resolution;
- e. Conduct field examinations and undertake hearings in villages and ‘on country’ and in remote locations; and
- f. Enable access free of charge, and provide clear, culturally appropriate, unambiguous material in plain language concerning procedure.

10. Offices / Registries set up to handle complaints should:

- a. review all claims they receive;
- b. consider whether they should handle complaints or refer them onto another more appropriate expert body;
- c. undertake the review and respond to the complainant within a timely and efficient manner;
- d. provide advice and guidance for the complainant; and
- e. ensure access to justice.

11. Those in the position of reviewing and evaluating complaints received must:

- a. be well qualified, preferably of a legal background with international mediation and litigation experience;
- b. be sensitive to the needs and cultural sensitivities of indigenous peoples;
- c. be able to be held accountable to avoid corruption;
- d. report directly to senior legal decision makers; and
- e. report back to the complainant at regular intervals providing updates on the status of the complaint.

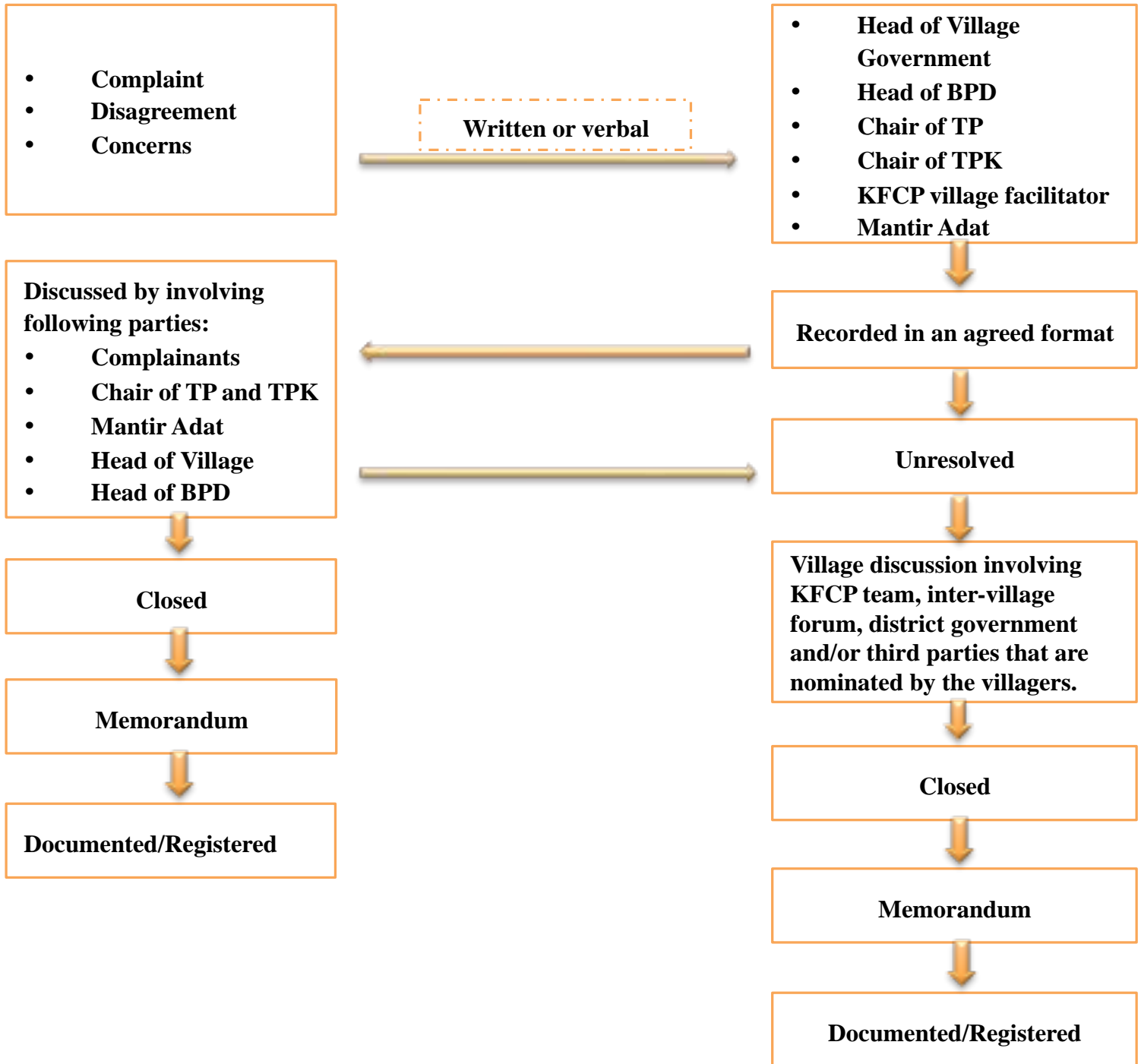
12. Evaluations and reports should be written and made easily available to the public in a culturally sensitive manner respecting confidentiality where appropriate.

13. In addition to social and environmental considerations, complaints and grievance redress mechanisms should address fiduciary/financial safeguards to prevent corruption, collusion and nepotism.

14. Unresolved complaints at a local level should have rights of Appeal to the national and in certain circumstances direct to the international level; and unresolved complaints at a national level should be entitled to elevate the claim to an international level.

Annex 1

KFCP Procedures of Complaint in Mantangai Hulu Village



ANNEX 2

COMPLAINTS MADE RELATING TO THE KFCP DEMONSTRATION PROJECT

Complainant	Intended Organization/Forum	Main Concern	Demands and Recommendations	Response from KFCP
<p>Ten of Mantir Adat (Custom Keepers) of Kadamangan Mantangai, Katunjung 8 June 2011</p>	<p>24 public organizations including parliament of Australia and Indonesia, Minister of Environment Indonesia, Minister of Forestry Indonesia, National Council on Climate Change, Government of Central Kalimantan, Sub-District Head and Damang in Mantangai and Timpah.</p>	<p>Concerns are based on findings from the monitoring and evaluation of the development of the KFCP since 2009 to June 2011:</p> <ul style="list-style-type: none"> • The location of the 120,000 hectares project area had already been decided without notifying the community or having any consultation with the Dayak community whose customary lands are located inside the project; • The REDD+ project has brought unrest and conflicts to the community. People are suspicious of each other and the tranquility and peace, which we once had in the villages, are gone. 	<ul style="list-style-type: none"> • Reject REDD projects because it is a threat to the rights and the livelihoods of Dayak community in the REDD project area and urgently appeal to the President of the Republic of Indonesia (RI), and the Prime Minister of Australia to stop the project; • Appeal to President of RI to confirm through a Presidential Decree the rights of the Dayak community to their traditional land in the Aliran Sungai (DAS) Kapuas region; and • Appeal to President to recognize the Dayak's role in mitigation of climate change and it should not be forgotten and ignored in any quest for solution to address the crisis of climate change, over and above REDD mechanism.. 	<p>There is no direct response from KFCP either published by media or publicly accessible .</p>
<p>AMAN of Central Kalimantan, 17 June 2011</p>	<p>President of RI, Government of Central Kalimantan, all the REDD+ project proponents in Central Kalimantan.</p>	<ul style="list-style-type: none"> • Lack of project transparency and participation of indigenous peoples; • FPIC for indigenous peoples is completely ignored in all REDD+ initiatives including KFCP; 	<ul style="list-style-type: none"> • Clear commitment from the government to recognize and protect the Rights of Indigenous Peoples in Central Kalimantan, in accordance with UNDRIP; • Establishment of mechanisms and inclusion of indigenous peoples in REDD+ bodies and 	<p>There is no record that KFCP replies this letter</p>

		<ul style="list-style-type: none"> • Lack of capacity building for indigenous peoples in order to equip them with necessary knowledge; • Existing laws and policies are not adequate to recognize the rights of indigenous peoples. 	<p>processes;</p> <ul style="list-style-type: none"> • All parties socialize and disseminate information to Indigenous peoples in forms understood by them to be carried out in timely manner; • All parties shall be directly engaged with the identification, documentation and inventory of traditional knowledge and innovations of Indigenous Peoples in forest management as the basis for forest management; • Demand for the full implementation of Presidential Decree Number 2 (2007) regarding Rehabilitation and Revitalization of the Ex Central Kalimantan One Million Hectares Peat Land Mega Project. 	
<p>YPD supported by eleven organizations</p>	<ul style="list-style-type: none"> • Australian Delegation to Central Kalimantan February 2011; • Copy to 15 public authorities including President of Indonesia, Australian Prime Minister, The Indonesian REDD+ Task Force, Minister of Forestry Indonesia, Minister of Agriculture Indonesia, Minister for Climate Change and Energy Efficiency Australia. 	<p>Concerning nine issues based on YPD's independent monitoring and analysis of the KFCP activities in the districts of Mantangai and Timpah (with a total of fourteen villages and hamlets):</p> <ol style="list-style-type: none"> 1. Bias reporting of the KFCP project progress; 2. Lack of recognition and respect for customary rights; 3. Lack of recognition of the Dayak customary wisdom; 4. Absence of effective community consultation and engagement and lack of inclusion of community input in the project and activity design; 5. Lack of understanding of what REDD or 	<ul style="list-style-type: none"> • Withhold funding from the KFCP project until the issues raised in this letter are resolved; • Work with the Indonesian Government to rescind existing concessions in carbon rich forests and peat-lands and impose an effective moratorium on future conversion concessions of natural forests; • Providing incentives to protect forests and to support low- carbon human and economic development initiatives. 	<p>Jacqui De Lacy as a Minister-Counsellor and Senior Representative AusAID responded to the concerns.</p> <p>KFCP basically rejects all the concerns of YPD.</p> <p>Point No 1: KFCP does not believe that KFCP's staff reporting is distorted.</p> <p>Point No 2: KFCP does not agree with the assertion that this government to government partnership implies any disregard or disrespect for customary (or other) rights.</p> <p>Point No 3: KFCP disagree with the concern because KFCP is working to empower communities to manage their own lands and forest resources and many of the KFCP staff and partner organisations are Dayak including Ngaju Dayak, themselves.</p>

		<p>Carbon is;</p> <ol style="list-style-type: none"> 6. Lessons learnt not captured; 7. No confidence in the international NGOs contracted to implement the pilot project; 8. No confidence in the Community Facilitator (CF). 		<p>Point No 4: KFCP agree to some extent that it cannot tackle larger-scale problems in isolation, but aims to inform potential solutions to these problems. But KFCP also disagrees since this project will contribute for larger picture as lessons that contribute to the REDD+ pilot province initiative to the rehabilitation of the ex-mega rice project area.</p> <p>Point 5: KFCP disagree with the concerns. According to KFCP, full and effective <i>consultation</i> with local communities has been the primary focus of initial activities under the KFCP. KFCP is undertaking significant capacity building at the community level. All interventions on community lands are planned with the participation of community members.</p> <p>Point 6: Agree that REDD+ is complicated. However, KFCP is keen to say that KFCP is contributing in big efforts to ensure that people understand the specific interventions, commitments, and benefits that will affect their communities.</p> <p>Point 7: KFCP disagree since the evaluation has been done for livelihood in two villages. A similar independent evaluation has been designed for the two pilot payment activities.</p> <p>Point 8: KFCP disagree because it has implementing partners that were selected based on their strong past performance and experienced staff, many of who are from the area are native Ngaju speakers. KFCP is confident in their ability to carry out their duties in a professional manner. KFCP has also engaged specialist expertise in</p>
--	--	---	--	---

				<p>hydrology, reforestation, silviculture and rehabilitation to support the activities and ensure the work is undertaken to a high scientific standard.</p> <p>Point 9: KFCP also disagrees. It has a full confidence in the work of KFCP's community facilitators, as they have achieved a great deal in gaining the trust and partnership of communities. Most of the community facilitators originate from the project area and are native Ngaju speakers.</p>
<p>PUSAKA and Forest Peoples Program, 24 March 2011</p>	<p>Indonesia-Australia Forest Carbon Partnership, specifically to Timothy C. Jessup Forest and Climate Specialist</p>	<p>Concerns come up based on surveys, workshops with the communities and village meetings. It is clear that KFCP faces some serious challenges in its dealings with the communities. The KFCP is coming into an area that has experienced over 15 years of outside interventions by logging companies, the Rice Mega-Project, plantations, other top-down conservation projects none of which, in the view of the community members we have met, paid adequate attention to their welfare, livelihoods and rights. Given this history, and the fact that some initial experimental activities under the KFCP project have been done without careful community preparations, a major investment of effort is needed by the KFCP consortium if it is to gain the trust of the communities.</p>	<p>FPP and PUSAKA suggest some very detailed inputs to improve the KFCP performance.</p> <ul style="list-style-type: none"> • The KFCP should make clear who in the project the communities can address themselves and who can actually make decisions about suggestions that they have made. • Make a clear written commitment to the communities that the project agrees to treat them as owners of their customary lands and no project activities will go ahead on their lands without their free, prior and informed consent (FPIC). • Make sure that the communities have understood all written texts provided for them in Bahasa Indonesia and texts in Bahasa Indonesia and English both have the same meaning (good translation from English to Indonesia). • Ask each community to elect a representative group to coordinate between themselves and the project. • Hold minuted meetings in each community agreeing to the process that the project will pursue in the future to ensure FPIC and respect for land rights prior to 	<p>No response?</p>

			<p>implementing further actions.</p> <ul style="list-style-type: none"> Such a process should include a clear, documented sequence of agreed actions which might include the elements such as (1) Participatory mapping, or review of participatory; (2) Mechanisms for insuring communities against risks; (3) Meetings to clarify the legal status of the land from the government point of view and proposed changes in its legal status; (4) Provision of information about the project and its intentions; (5) Participatory procedures for monitoring and assessing project performance; (7) Grievance mechanism. 	
<p>Open letter from 16 concerned activists 29 August 2012</p>	<p>Governor of Central Kalimantan</p>	<ul style="list-style-type: none"> Local communities' rights to land and natural resources are not secured since the project status and area is not clear. However, in Kalumpang, villagers are already banned to open certain areas as they have been claimed as KFCP's area. Lack of communities' participation. Peoples participation are motivated by payment not because of an understanding over the project's objective. Side effect is horizontal conflict within communities. In Katimpun village KFCP's team and some of villagers were in a physical fight. In Sei Ahas village, there has been a cold war between those for and against the project. In 	<p>Appeal to the Governor of Central Kalimantan to do the following matters:</p> <ul style="list-style-type: none"> Facilitate conflict resolution between an oil palm company PT. Rezeki Alam Semesta Raya and communities in Katimpun village, Sei Ahas dan Pulau Kaladan. Facilitate re-negotiation of KFCP project planning based on FPIC in an inclusive and participatory manner to determine and decide on the future of KFCP project. Communities' decision is taken into account to determine the continuity of the project as well as new agreements in project development. Urging the government to develop policies and programmes that support communities' initiatives to save and protect the environment, forests and peat lands using local knowledge and community 	<p>A discussion was held internally within the Central Kalimantan government to have an evaluation for KFCP. No evaluation has been made yet.</p>

		<p>Mantangai Hulu, KFCP's criticsizers are condemned as criminals. Communities are treated as labourers not owners or even stakeholders. All designs should be in line with KFCP's program. In Mantangai, the communities' proposal on a livelihood program was totally rejected by KFCP.</p> <ul style="list-style-type: none"> • Canal blocking has closed the communities' access to their field crop and hunting areas. KFCP compensated the loss. However, the blocking was done without consent of the communities living around the area. Flooding from blocking eventually impacted their rubber plantation. Logs used to equip the canal blocking are from the forest area. • Grievance mechanism and conflict resolution have not been established yet. In Mantangai Hulu, the complainants were reported to the Police and the army was invited to secure the meeting with villagers. Upper management did not follow up grievances that were reported to local officers of KCFP. The situation deteriorated and became further confused because local officers responded to grievances by giving unclear and 	<p>rights.</p> <ul style="list-style-type: none"> • Urging KFCP project developer to 23fulfil their promises of alternative livelihood to increase community's income, especially rubber plantation development • With regards to the planned visit of the Australian Ambassador of Climate Change in mid-September 2012, urging the government to make an inclusive invitation for all communities to have a dialogue with the Ambassador and the Government. 	
--	--	--	--	--

		<p>fluctuating information.</p> <ul style="list-style-type: none"> • KFCP was silent against the deforestation activities triggered by drivers such as palm oil. 		
<p>Scientists from University of Palangkaraya</p>	<p>KFCP</p>	<p>The plan KFCP to implement hydrological rehabilitation (canal blocking) through deployment of heavy equipment such excavators in the Block A and E of the ex Mega Rice Project (ex-MRP) should be rejected. The reason is based on scientific and technical considerations as well as potential negative impacts in terms of ecological, economic and social aspects that may occur if the plan is still implemented on the ground.</p>	<p>UNPAR's scientists and practitioners recommend the following points:</p> <ol style="list-style-type: none"> 1. KFCP's plan to do hydrological rehabilitation by using excavator in the Block A and E of the ex-Mega Rice Project much be cancelled; 2. Urge the governments of Kapuas District and Central Kalimantan Province as well as Central Government to re-examine whether or not the Project has conducted appropriate and deep Environmental Impact Assessment (EIA) study upon its hydrological rehabilitation plan. If EIA study has been completed, it is highly recommend to do re-examination and re-evaluation upon the study result; and 3. If the project is stick with its own plan to implement the hydrological rehabilitation through the deployment of heavy equipment (excavator), hence, it is recommended that both provincial and central governments need to carry out overall evaluation upon the implementation of KFCP as REDD demonstration activity in the ex Mega Rice Project, as it is seen against the efforts of protecting peatland and curbing emissions released from this fragile ecosystem. 	<p>There is no record that KFCP replies this letter</p>

<p>Women Solidarity (Solidaritas Perempuan)</p>	<p>KFCP and Government of Indonesia</p>	<ul style="list-style-type: none"> • KFCP does not appreciate the community-based efforts and local culture • KFCP as demonstration activities have an impact in the form of internal conflict • The difference between promises with the realization. KFCP told that the price of the seeds of the tree 1,600 IDR the realization for the women is only of 600 IDR. More than 50 % is lost without explanation 	<p>The Government shall</p> <ul style="list-style-type: none"> • Issue a policy that guarantees the recognition and protection of local community initiatives and protecting the rights of women. For example, the right to information, right to participate, and consider the views of the community as a cornerstone in the project approval • Ensure the analysis of social, political, economic, and gender before establishing a territory into REDD+ project 	<p>There is no record that KFCP replies this complaint</p>
---	---	--	---	--

References

Legal Analyses of Cross-Cutting issues for REDD+ Implementation, lessons learned from Mexico, Vietnam and Zambia, UN-REDD Programme, 2013. See also UN-REDD Programme 2011 – 2015 strategy

REDD+ Safeguards Working Group Briefing Paper concerning Providing Incentives and Addressing Methodological Issues – Non Carbon Benefits in REDD+, May 2013

Kristen Hite et al, A Complaint Mechanism for REDD+: A report for the Center for International Environmental Law and Rainforest Foundation Norway, May 2011

Forest Carbon Partnership Facility Readiness Fund Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners as Revised dated 9 August 2012;

Loayaz, F, Strategic Environmental Assessment at the World Bank, Learning from Recent Experience and Challenges, September 2012;

FCPF Decision PC/10/2011/4 (FCPF);

FCPF Resolution PC/Electronic/2012/1, February 20, 2012, Enhancing Capacity for Dispute Resolution;

Climate Investment Funds, Design Document for the Forest Investment Program, A Targeted Program under the SCF Trust Fund dated 7 July 2009;

Safeguarding REDD+ Finance - Ensuring transparent and accountable international financial flows, Global Witness, February 2012

UN-REDD Programme 2011 – 2015 strategy

Andrew Green and Tracey Epps, 'Is There a Role for Trade Measures in Addressing Climate Change' (2008 – 2009) 15 The UC Davis Journal of International Law and Policy

CoP Resolution 11.3 (Rev. CoP14) deals with non-compliance under CITES yet does not explicitly provide for trade suspensions. Nonetheless, trade suspensions are used as an enforcement mechanism by the CITES Secretariat.

Rosalind Reeve, 'Policing International Trade in Endangered Species: The CITES Treaty and Compliance' (Earthscan / Royle Institute of International Affairs, 2002

Elisabeth McOmber, 'Problems in Enforcement of the Convention on International Trade in Endangered Species (2002), 2 Brooklyn Journal of International Law

Fact Sheet Norway-Indonesia Partnership REDD+, 25 May 2010.

Indrarto, G.B., Murharjanti, P., Khatarina, J., Pulungan, I., Ivalerina, F., Rahman, J., Prana, M.N., Resosudarmo, I.A and Muharrom, E. 2012 The Context of REDD+ in Indonesia: Drivers, agents and institutions. Working Paper 92. CIFOR, Bogor, Indonesia;

CIEL, 'Some options for complaint resolution and recourse for UN-REDD' p 9.

A complaint mechanism for REDD+. A report from the Center for International Environmental Law (CIEL) and Rainforest Foundation Norway (RFN)

Indonesia CSO's Common Platform on Saving Indonesia's Forest to Protect the Global Climate, October 2010

Beyond Carbon: Rights-Based Safeguards Principles in Law, HuMa 2010.

Forest Carbon Partnership Facility (FCPF) Readiness Fund Common Environmental and Social Approach Among Delivery Partners, March, 2011,

Indonesia DKN and UN-REDD Programme documents, March 2011, Policy Recommendation: FPIC Instrument for Indigenous Peoples and/or Local Communities to be Affected by REDD+ Activities in Indonesia,

Patrick Anderson, February 2011, *Free, Prior, and Informed Consent: Principles and Approaches for Policy and Project Development Bangkok, RECOFTC and GIZ*

Climate Community and Biodiversity, Project Design Standard, February 2012 edition,

AMDAL (*Analisa Mengenai Dampak Lingkungan / Environmental Impacts Analysis*)

KLHS (*Kajian Lingkungan Hidup Strategis / Strategic Environment Assessment*),

SVLK (*Sistem Verifikasi Legalitas Kayu / Timber Legality Verification System*).

UU No 32 Year 2009 on Environment Protection and Management;

Resolution of COP 16, FCCC/CP/2010/7/Add.1 or the Cancun Agreement

Input in PRISAI Public Consultation draft nil dated 19 January 2012

Australian Government, *Action under the International Forest Carbon Initiative* (30 October 2012)
Department of Climate Change and Energy Efficiency

<http://www.insideindonesia.org/feature-editions/kalimantans-peatland-disaster>;

<http://www.insideindonesia.org/feature-editions/kalimantans-peatland-disaster>

<http://www.climatechange.gov.au/government/initiatives/international-forest-carbon-initiative/action.aspx>>.

<http://www.climate-standards.org/standards/>

http://www.recoftc.org/site/uploads/content/pdf/FPICinREDDManual_127.pdf

<http://www.redd-indonesia.org/pdf/FPICIndoversi.pdf>

http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Mar2011/FCPF%20WB%20IDB%20UNDP_%20Common%20Approach%2003-08-11.pdf

<http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Mar2011/FCPF%20WB%20IDB%20UNDP%20Common%20Approach%2003-08-11.pdf>

http://www.forestclimatechange.org/fileadmin/downloads/norad2011/HuMa_Social_Safeguard.pdf.

<http://www.greenpeace.org/seasia/id/PageFiles/110812/Indonesia-CSOs-common-platform-11OCT-en.pdf>

http://www.redd-standards.org/files/pdf/lang/english/REDD_Social_Environmental_Standards_06_01_10_final-English.pdf

<http://www.norway.or.id/PageFiles/404362/FactSheetIndonesiaGHGEmissionMay252010.pdf>

http://www.un-redd.org/multiple_benefits/sepc_bert/tabid/991/default.aspx;

<http://www.climatefundsupdate.org/listing/forest-investment-program>;

http://www.forestcarbonpartnership.org/sites/fcp/files/2013/Joint%20Guidance%20Note_GRM_Draft_for%20printing.pdf

