

Comprehensive Guide on Rights and Transparency in Carbon Markets and REDD+ Projects



Acronyms

Why develop a guide?

LEGAL FRAMEWORK ON THE RIGHTS OF IPLCs (Indigenous Peoples and Local Communities) (Spanish acronym: PICL) LINKED TO CARBON MARKETS

Main international instruments

Associated collective rights

Right to free, prior, and informed consultation and consent

Let's talk about the right to forest carbon

When to consult to safeguard compliance with rights?

Specific cases of impacts related to carbon projects

IPLC rights to participate and be consulted

- Indigenous Peoples
- Local Communities
- Authorities, Representation, and Governance of IPLCs
- Territorial Authorities of IPLCs

Obligation to consult and ensure IPLC participation

MAINSTREAMING THE IMPLEMENTATION OF SAFEGUARDS

Let's remember the 7 Cancun safeguards

Guiding principles for compliance

Areas or levels of application

Apply safeguards in a consultation and negotiation process with IPLCs

Apply the three levels of safeguards at each step

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Enabling conditions
Agile, effective, and permanent communication

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Territorial validation on safeguard compliance

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References consulted

ACRONYMS

AMPB:

Mesoamerican Alliance
of Peoples and Forests

CBD:

Convention on Biological
Biodiversity

FPIC:

Free, Prior, and Informed
Consent

UNFCCC:

United Nations Framework
Convention on Climate
Change

COP:

Conference of the Parties

UNDRIP:

United Nations Declaration
on the Rights of Indigenous
Peoples

LCIPP:

Local Communities and
Indigenous Peoples Platform

SDGs:

Sustainable
Development Goals

ILO:

International Labour
Organization

NGO:

Non-Governmental
Organization

IPLCs:

Indigenous Peoples
and Local Communities

REDD+:

Reducing Emissions from
Deforestation and Forest
Degradation, plus Sustainable
Forest Management



WHY DEVELOP A GUIDE?

The Mesoamerican Alliance of Peoples and Forests (AMPB) is a space for coordination and exchange between territorial authorities that manage or influence the main forested areas of Mesoamerica. It works jointly with governments and international cooperation to ensure that biodiversity conservation and climate balance strategies appropriately integrate the rights and benefits of Indigenous Peoples and Forest Communities in Mesoamerica.

Over time, AMPB has developed tools to meet its proposed objectives and has committed to being a means of dialogue between international, regional, and national actors on carbon market processes in Indigenous and local communities. Since September 2021, AMPB has been making observations on the negotiations and standards employed, specifically by ART TREES, in relation to IPLCs within the carbon market.

As a result of the dialogues held over the past year, the AMPB has developed a **“Proposal for an Additional Layer to the ART TREES Standard.”** This proposal arose after identifying gaps in the procedures of the ART TREES standard. We attach the official document created by AMPB, which aims to be a tool to improve these standards.

The identified gaps are not limited to certain organizations but are widespread. Some procedures lack clarity regarding the analysis of opportunities, threats, and challenges of programs implemented in Mesoamerica.

Therefore, AMPB has worked on creating a **Guide of Principles for Carbon Markets in Indigenous Peoples and Local Communities**, aimed at fostering better dialogue between governments and communities in a preventive manner, based on compliance with social



and environmental safeguards. The Guide proposes concrete guidelines to transform these general rules into specific actions that promote relationships based on dialogue, good faith, and justice with IPLCs in Mesoamerica and worldwide.





LEGAL FRAMEWORK ON THE RIGHTS OF IPLCs (Indigenous Peoples and Local Communities) (Spanish acronym: PICL) LINKED TO CARBON MARKETS



LEGAL FRAMEWORK ON THE RIGHTS OF IPLCS LINKED TO CARBON MARKETS

Main International Instruments



ILO Convention 169

Adopted in 1989, it is the main binding international treaty on the rights of Indigenous and tribal peoples.

Its objective is to ensure respect for the identity, cultures, territories, and institutions of these peoples, promoting their participation in decision-making processes that affect their lives.

It ensures that the right to free, prior, and informed consultation for IPLCs is granted before implementing projects that impact their lands or resources, protecting their collective rights.



UNDRIP

It is the result of extensive negotiations between the parties, agreed upon on September 13, 2007.

Its objective is to ensure the protection of the collective and individual rights of IPLCs, including their rights to self-determination, to maintain their cultures, and to control their lands and resources.

It ensures that Indigenous peoples can fully exercise their rights by promoting their participation in decisions that affect them and protecting their identity, territories, and ways of life.



Safeguards of Cancun

Principles agreed upon during the 16th Conference of the Parties (COP16) to the United Nations Framework Convention on Climate Change (UNFCCC), held in November 2010 in Cancun, Mexico.

Their objective is to anticipate, minimize, mitigate, and manage potential environmental and social risks arising from REDD+ actions. They ensure that decisions made in carbon projects generate equitable benefits for IPLCs.

They prioritize the respect and protection of Indigenous peoples' rights, ensuring their full and effective participation in decision-making processes that affect their territories.



ASSOCIATED COLLECTIVE RIGHTS

Property and land tenure

IPLCs have collective rights to the lands, territories, and resources they have traditionally owned, occupied, or used.

ILO Convention 169, Articles 3-19 UNDRIP Articles 26-28

Natural Resources

IPLCs have the right to participate in the management, conservation, and exploitation of natural resources present in their lands.

*ILO Convention 169, Article 15
UNDRIP, Article 26*

Justice, Fair and Expedient Processes

IPLCs have the right to access effective and culturally appropriate dispute resolution mechanisms.

*ILO Convention 169, Article 12
DNUDPI Artículos 27 y 40*

Peaceful Conflict Resolution

IPLCs have the right to resolve conflicts through dialogue and prior consultation, avoiding escalation of tensions.

*ILO Convention 169, Articles 6 and 15
UNDRIP, Articles 19 and 30*

Traditional Knowledge and Cultural Practices

IPLCs have the right to conserve, control, and protect their traditional knowledge, innovations, and practices related to the sustainable management of natural resources, biodiversity, and climate.

UNDRIP, Article 31

Autonomy and Self-Determination

IPLCs have the right to maintain and strengthen their own institutions and forms of governance, as well as to make autonomous decisions.

*ILO Convention 169, Article 7
UNDRIP, Articles 3 and 4*

Preservation of Cultural Heritage

IPLCs have the right to maintain and protect their cultural heritage and to ensure that decisions about their resources and territories respect their worldview and spiritual relationship with nature.

*ILO Convention 169, Articles 5 and 13
UNDRIP, Article 11*

Cultural Identity

IPLCs have the right to preserve and strengthen their own cultures, languages, governance systems, and ways of life, including the right to be consulted in ways that respect their traditions and cultural systems.

*ILO Convention 169, Article 2
UNDRIP, Article 8*

Special Jurisprudence

IPLCs have the right to exercise, develop, and maintain their legal structures, customs, and practices within their territories, provided that they do not conflict with fundamental human rights.

ILO Convention 169, Article 9/ UNDRIP, Article 34



RIGHT TO FREE, PRIOR, AND INFORMED CONSULTATION AND CONSENT

The description of the rights above aligns in that the participation of Indigenous Peoples and Local Communities (IPLCs) is fundamental to ensure full access to all rights. This is why the right of IPLCs to be consulted and to give free, prior, and informed consent becomes central in the planning, execution, monitoring, and reporting of carbon projects or REDD+ actions.

Within the framework of ILO Convention 169 on the rights of Indigenous and Tribal Peoples, the United Nations Declaration on the Rights of IPLCs, and the Cancun Safeguards, this fundamental right can be broken down into three aspects:



Consultation and Consent: Free, prior, and informed consultation processes aim to achieve the consent of IPLCs or generate agreements to make changes or improvements to actions, projects, or programs promoted by stakeholders, integrating the perspective of IPLCs. (ILO Convention 169, Article 6/ UNDRIP, Article 19)

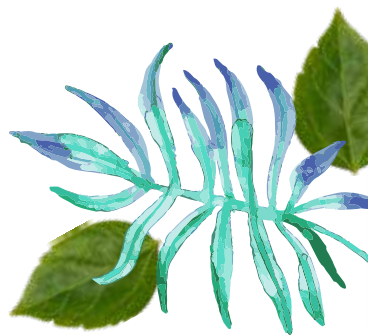


Access and Distribution of Benefits: Developing consultation processes that result in agreements with IPLCs intends to protect their direct access to benefits derived from the use of their lands, territories, and resources (including ecosystem services and carbon sequestration in forests). Additionally, consultation under the principle of effective participation, intergenerational equity, and gender equity fosters a fair distribution of these benefits among IPLCs. (ILO Convention 169, Article 15/ UNDRIP, Article 19)



Monitoring and Evaluation: IPLCs have the right not only to participation and prior consultation on actions, projects, or programs but also to participatory monitoring roles during the implementation stages, ensuring that decisions are respected and that any violations of agreements can be effectively rectified. (ILO Convention 169, Article 7/ UNDRIP, Article 32)

LET'S TALK ABOUT THE RIGHT TO FOREST CARBON



The **right to forest carbon** is a key demand of Indigenous Peoples and Local Communities (IPLCs) to assert their legitimate right over carbon credits generated from the conservation and sustainable management of their forests, as well as from the reduction of greenhouse gas emissions. This right seeks to protect IPLCs' access to the economic benefits derived from the sale of carbon credits, recognizing their fundamental role in climate action.

Currently, there is no explicitly defined and recognized concept of the right to forest carbon in international instruments. However, it is essential to advance its esta-

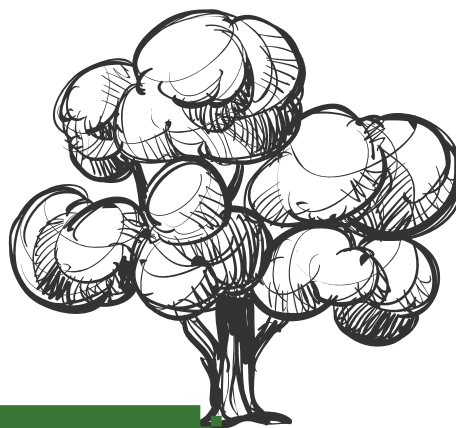
blishment to ensure the integrity of IPLCs' rights within the context of carbon markets.

In the framework of global climate action, voluntary carbon markets and REDD+ processes have linked various declarations and mechanisms where States repeatedly acknowledge the importance of IPLCs in forest conservation, sustainable forest management, and emission reduction. Among the most relevant international instruments and commitments are:

- Convention on Biological Diversity and Nagoya Protocol
- Paris Agreement (2015)
- New York Declaration on Forests (2014)
- Lima Agreements on Climate Action (COP20)
- Warsaw Framework for REDD+ (2013):
- Sustainable Development Goals (SDGs)
- Local Communities and Indigenous Peoples Platform (LCIPP)

Recognizing and respecting the rights of Indigenous Peoples and Local Communities (IPLCs) over land, territories, natural resources, and their worldview must be accompanied by acknowledging the environmental services resulting from forest conservation, as well as the carbon sequestration and storage provided by the forests managed by these communities.

WHEN TO CONSULT TO SAFEGUARD COMPLIANCE WITH RIGHTS?



When should consultation occur?

IPLCs must be consulted when any action, project, program, or administrative measure—whether public or private—poses a risk or impact to their livelihoods.

What is an impact?

An impact refers to any direct or indirect consequence that an action, project, policy, or governmental measure might have on the rights, territories, natural resources, cultures, ways of life, or identity of these peoples. This impact can be: physical (such as the occupation or degradation of their lands), economic (such as the loss of natural resources that sustain their economy), or cultural (such as the alteration of their way of life, language, or traditional practices).

What are livelihoods?

Livelihoods encompass all activities, cultural expressions, or environmental conditions that make up the traditional way of life for IPLCs.

SPECIFIC CASES OF IMPACTS RELATED TO CARBON PROJECTS

| Some Types of Impact on Livelihoods Prevented by International Mechanisms. | ILO Convention 169. | United Nations Declaration on the Rights of IPs. |
|--|---------------------|--|
| Changes in the relationship of IPLCs with the land, intrinsically tied to their worldview and spirituality. | Art 13 | Art 25 |
| Changes in their traditional forms of land ownership and use of natural resources. | Art 14, Art 15 | |
| Alteration or deterioration of traditional subsistence activities linked to the land, such as hunting, fishing, and agriculture. | Art 14 y 23 | |
| Displacement of IPLCs from their lands and territories without their consent. | Art 16 | Art 10 |
| Generation of internal conflicts and community fragmentation. | | |
| Assimilation or weakening of their identity and culture. | | Art 8 |
| Implementation of administrative measures, actions, or projects without free, prior, and informed consultation. | Art 6 | Art 9 |
| Development, use, or exploitation measures concerning their lands, territories, and resources designed and implemented without the participation of IPLCs. | Art 7 | Art 18, Art 26, Art 32 |

IPLC RIGHTS TO PARTICIPATE AND BE CONSULTED

Throughout this guide, the framework of rights and safeguard compliance is presented for the protection of two specific populations: Indigenous Peoples and Local Communities.

Indigenous Peoples

"Indigenous peoples are groups constituted by indigenous people, direct descendants of pre-Colombian civilizations with their own identity and whose social, cultural, economic, spiritual, and political conditions distinguish them from other sectors of the national community. Indigenous peoples are governed wholly or partially by their own customs or traditions or by special legislation, and, in turn, they retain all or part of their own social, economic, spiritual, cultural, and political institutions" (ILO, 2009).

Particular Qualities of Indigenous Peoples:

Identity and Culture: They possess a series of traits including their own languages, customs, traditions, and ways of life that distinguish them from other sectors of the national society.

Relationship with land and territory: The worldview of IPs is deeply rooted in their ancestral territories, which influences their ways of life and practices for protecting forests and biodiversity.

Governance: They make decisions about their territory and resources autonomously according to their own institutions and forms of representation.

Collective Rights: These are part of the cultural heritage of Indigenous Peoples and are recognized by the international legal framework through various agreements and declarations.

Local Communities

"Local communities are groups that are not necessarily indigenous but live in or depend on forested territories and, like Indigenous Peoples, play a crucial role in the conservation of natural resources. These communities, when participating in REDD+ projects, should be recognized not only for their geographical proximity to forests but also for their ability to manage resources sustainably and contribute to climate change mitigation" (Sunderlin, Larson, & Duchelle, 2014, p. 5).

Why use the concept of Local Communities?

The concept of local communities emerged from the establishment of the United Nations Framework Convention on Climate Change in 1992 and allows for the inclusion of populations such as:

- Indigenous Peoples in countries where the legal framework does not recognize their existence.
- Groups with an ethnicity different from that of Indigenous Peoples, which may engage in various activities such as agriculture, pastoralism, fishing, gathering, and forest management and utilization, and who play a crucial role in the governance of their territories.
- Groups with indigenous roots that, due to various causes such as colonization processes, forced migration, or extractive projects, have lost their identity and, in some cases, have been forced into diaspora, moving away from their original territories.

Particular Qualities of Local Communities

History and Culture: They share substantial elements of a common history, culture, and project that are clearly distinct from other social groups.

Self-Identification: Their members self-identify with the community and are recognized by it.

Territorial Management: They collectively manage a territory sustainably over time, with the perspective of maintaining or strengthening control over this management.

Self-Governance: They have their own forms of representation and governance.

AUTHORITIES, REPRESENTATION, AND GOVERNANCE OF IPLCS

WHO DO WE ESTABLISH DIALOGUE CHANNELS WITH?

The full participation of IPLCs, under the principles of free, prior, and informed consent, must be guaranteed in the contexts of Carbon Markets and REDD+ Projects. This includes the communities' own **institutions and representative organizations**, aligned with their specific cultural contexts.

Including the representative institutions or organizations of IPLCs in dialogue and negotiation processes represents:

- Respecting the customs and traditions of the peoples (ILO Convention 169, Article 6)
- Recognizing the right of peoples to maintain and strengthen their political and cultural institutions (UN Declaration on the Rights of IPs, Article 5)
- Respecting their right to decide on their own development priorities (ILO Convention 169, Article 7)
- Guaranteeing the exercise of defense and protection of their lands, territories, and resources (UN Declaration on the Rights of Indigenous Peoples, Article 27)

**ILO Convention
169, Article 6.**

**UN Declaration
on the Rights
of Indigenous
Peoples, Article 18**

Representative institutions or organizations are actors within each IPLC whose functions and nature enable them to represent their communities in various decision-making spaces. It is important to recognize two key figures within this category: traditional authorities and territorial authorities.



TERRITORIAL AUTHORITIES OF IPLCs

DEFENSE OF TERRITORY AND RESOURCES IN CARBON MARKETS AND REDD+ PROJECTS

In the context of carbon dialogues and negotiations, the territorial authorities of IPLCs are the key actors who must be integrated from the earliest stages of the process to ensure prior, full, and effective participation.

While different cultural contexts generate a wide variety of figures and organizations, it is essential to consider the following three criteria to recognize a legitimate territorial authority:

1. They are elected through internal democratic processes within each IPLC, in accordance with their culture and customs.
2. They represent the communities, especially in consultation or negotiation contexts related to territories and natural resources, following the regulations, terms of office, and direct mandates of the community or people they represent.
3. They operate under the guidance of their communities through accountability mechanisms or spaces that oversee their work.

Territorial authorities are those individuals elected by a community assembly for a defined period and are obligated to provide periodic reports to the assembly that appointed them. Their management is constantly supervised by the community.

*Levi Sucre Romero,
General Director
of AMPB.*

IPLCs play a supervisory role over territorial authorities, corresponding to their duty to act responsibly and transparently to promote the well-being of the community and protect their rights.

"The right to prior consultation implies that the authorities representing the communities must have a clear mandate to do so and must be subject to the community's internal controls, according to their customs and traditions."

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, 2009.



OBLIGATION TO CONSULT AND ENSURE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES PARTICIPATION

In the event of a possible impact (positive or negative) on IPLC, it is the responsibility of the stakeholders who propose or implement actions, projects, or programs to follow international consultation standards to protect the rights of the IPLCs.

In the context of carbon markets or REDD+ projects, various interested parties are involved, each playing roles and participating at different stages of the carbon negotiations. However, all of them must actively promote compliance with safeguards to ensure the rights of the IPLCs.

Main Stakeholders in advancing carbon markets and REDD+ projects

Carbon Brokers and Exchanges:

These are platforms and intermediaries that facilitate the trading of carbon credits, both in regulated and voluntary markets, connecting buyers and sellers of credits.

Industry and Commerce: Companies that emit greenhouse gasses and seek to meet their sustainability goals or comply with regulations purchase carbon credits to offset emissions that they cannot reduce internally.

Environmental NGOs: These organizations may act as observers to influence the creation of fair envi-

ronmental policies, helping to ensure that carbon markets respect human rights, biodiversity, and the rights of IPLCs. They can also promote carbon projects and raise awareness among companies and governments. In some cases, NGOs may act as intermediaries in the implementation of carbon projects, potentially limiting direct access of PICL to economic benefits.

Governments: They play a fundamental role with various responsibilities in the context of carbon projects and REDD+ initiatives. They are responsible for creating

and implementing national regulations and policies for the regulation of carbon markets, as well as for monitoring and verification actions to ensure compliance. Additionally, governments represent countries in international negotiations where global commitments on climate change and carbon markets are agreed upon, as well as securing access to financial resources for their funding.

Certifiers: Private organizations that define measurement criteria or standards to ensure the integrity of carbon credits within the international market. The choice of standard depends on the specific objectives of the project and the requirements of the target market.

Some certifiers present in Latin America and the Caribbean:

American Carbon Registry (ACR)

ART TREES (Architecture for REDD+ Transactions)

Verra (VCS - Verified Carbon Standard)

CarbonFix

Climate Action Reserve (CAR)

CDM (Clean Development Mechanism)

Gold Standard

Plan Vivo Standards



MAINSTREAMING THE IMPLEMENTATION OF SAFEGUARDS

LET'S REMEMBER THE 7 CANCUN SAFEGUARDS

Compliance with national legislation and international agreements.

Respect for the knowledge and rights of Indigenous Peoples and Local Communities.

Conservation of biodiversity and natural forests, promoting social and environmental benefits for the communities.

Minimize the potential negative impacts of carbon market activities on the environment and communities, and promote community resilience.



Transparent and effective governance.

Full and effective participation of Indigenous Peoples and Local Communities.

Ensuring that the protection of a forested area does not negatively impact other areas outside the jurisdiction of the actions.

In summary, the Safeguards aim to ensure that projects related to forest management and climate change mitigation respect human rights, the environment, and the needs of Indigenous and local communities.



GUIDING PRINCIPLES FOR THEIR FULFILLMENT

Intercultural dialogue

A communication process between people or actors from different cultures, aimed at preventing conflicts and promoting understanding and cooperation. In the context of carbon markets, this intercultural dialogue enables the participation of IPLCs under conditions adapted to their reality, considering their language, identity, geography, climate, governance, and representation.

Free, Prior, and Informed Consent (FPIC)

This principle establishes that IPLCs have the right to be consulted and to give their consent before projects or decisions that significantly impact their lands, resources, or livelihoods are implemented. The consultation must enable the communities to fully understand the impact or implications of the project or policy and must respect their traditional decisions and procedures.

Effective, transgenerational, and gender-equitable participation

Effective: Ensure the full and equal participation of IPLCs at all stages of projects, programs, and measures that involve them, in a manner that respects their particular needs. Securing this inclusion prevents marginalization and better reflects the needs and aspirations of the IPLC.

Transgenerational: Permanent inclusion of different generations within IPLCs in consultation, dialogue, and decision-making

processes. This principle acknowledges that the knowledge, perspectives, and experiences of younger generations, as well as those of elders, are essential to building fair and representative proposals for the peoples and communities.

Gender-Equitable: Ensure that both women and men have equal opportunities to participate in consultation and decision-making spaces. Equitable participation ensures more sustainable development and a fairer distribution of benefits for the territory. This principle also involves recognizing the specific perspectives, knowledge, and needs of Indigenous women and those from local communities, who face greater limitations to participation.

Environmental justice and benefit equity

This principle seeks to recognize and rectify the historical and ongoing inequities faced by IPLCs in the context of carbon trading. This mitigation is implemented by ensuring that IPLCs participate in decision-making processes to equitably and fairly distribute the benefits that arise from their efforts to conserve forests through carbon market-related projects. Actions must be aimed at guaranteeing the security of IPLC inhabitants against the risk of losing or limiting access to and use of their territories and natural resources, in accordance with their customs, beliefs, and relationship with the land.

Permanent monitoring

Adapted mechanisms must be established to meet the needs of IPLCs for the continuous monitoring of projects. This includes setting clear and specific stages for monitoring, which are defined by the communities themselves through a consultation process, allowing them not only to receive information but also to actively contribute to the tracking and evaluation of projects or measures, thereby improving the transparency of the processes.



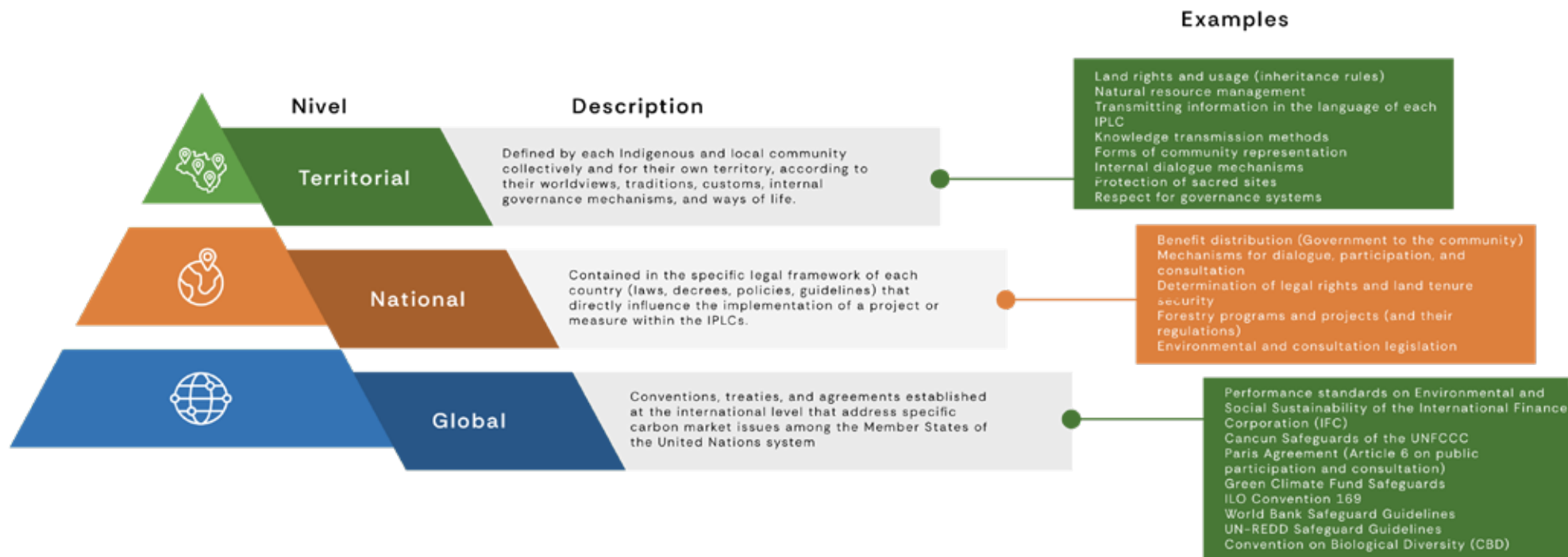
AREAS OR LEVELS OF APPLICATION

To facilitate the understanding and application of safeguards related to carbon markets and Indigenous Peoples and Local Communities, a pyramid has been developed, classifying levels where; level 1 represents the communities and territories, level 2 represents governments or national-level measures, and level 3 represents the global context. It is crucial to highlight that when sa-

feguards are met at the local level and specific realities are addressed, the execution of carbon market projects in Indigenous Peoples and Local Communities will be more productive and secure, ensuring the proper construction of processes and the effective participation of IPLCs.

interconnected way, as each element can affect and be affected by another. For Indigenous Peoples and Local Communities, this holistic perspective is natural, reflecting the continuous relationship between humans and nature and their way of protecting the forests.

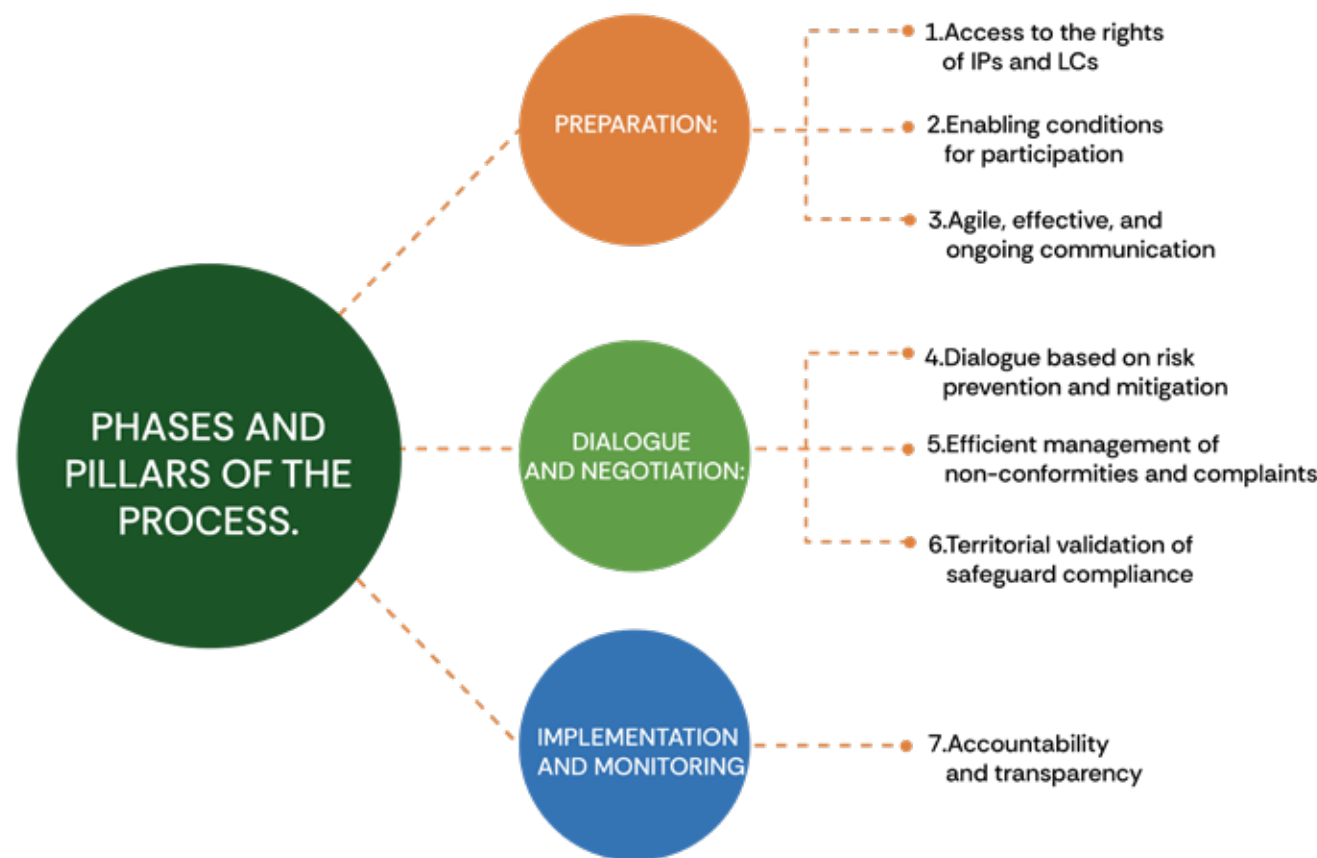
The safeguards must be understood in a comprehensive and



APPLY SAFEGUARDS IN A CONSULTATION AND NEGOTIATION PROCESS WITH IPLCS

Safeguards are essential measures to protect the rights of Indigenous Peoples and Local Communities (IPLC), ensuring that any project or initiative respects their human and collective rights. Full access to these rights requires comprehensive actions, as any potential impact on their ways of life can influence different aspects of their reality due to their close relationship with the land, governance, self-determination, culture, language, etc.

To ensure fair, culturally relevant, and good-faith relationships with IPLCs, this guide suggests a pathway for dialogue and consultation, divided into phases and stages.

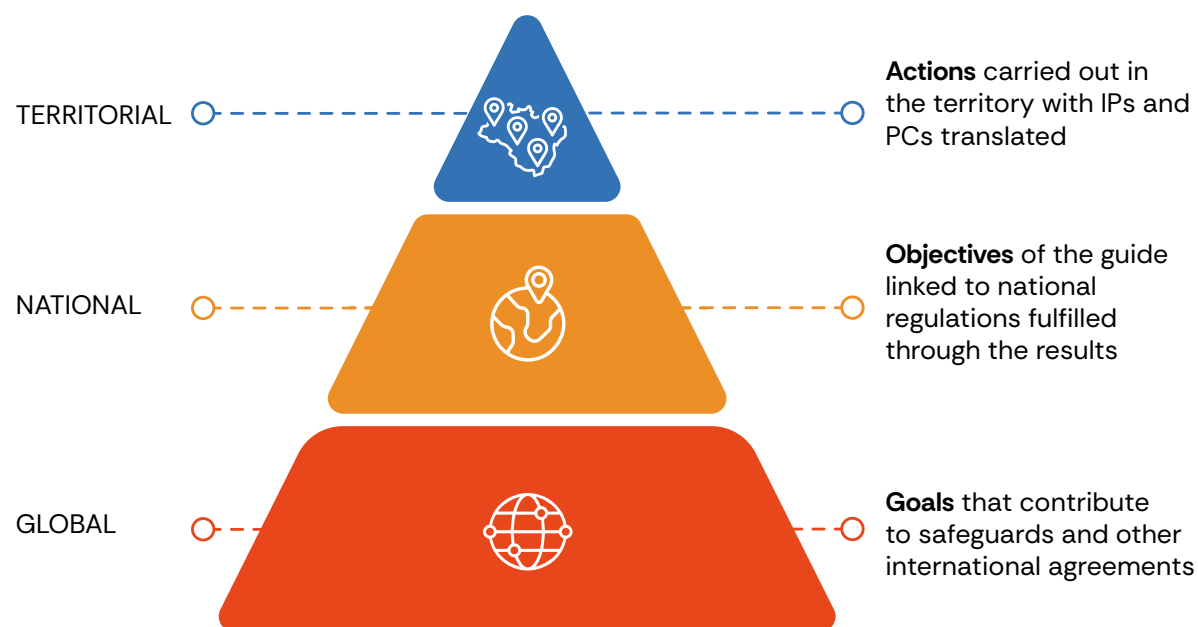


APPLY THE THREE LEVELS OF SAFEGUARDS AT EACH STEP

Each phase of the consultation includes a series of guidelines for carrying out joint actions in direct relation to the IPLCs in their own territories. The priority to prevent harm is directly focused on the communities, from their own reality and perspective, highlighting the importance of territorial safeguards.

Each core axis of the guide defines actions through compliance objectives that allow for the recording of concrete results, aligned with national regulations and procedures. This ensures that the measures adopted respect safeguards at the territorial, national, and international levels.

Finally, the objectives and results of each axis contribute to the fulfillment of a national goal, supported by international agreements and instruments that promote the enforcement of safeguards and the human and collective rights of IPLCs at the global level.



STEP BY STEP



*Credito foto: If Not Us Then Who

PHASE I. PREPARATION

Before initiating dialogue processes within the framework of carbon markets, it is essential that stakeholders (cooperators, standards, certifiers, and governments) take affirmative actions to develop a process that meets the requirements of safeguards at all levels.

Common omissions and risks in processes with IPLCs that do not carry out preparation actions for consultation and dialogue:

- **Omitting the comprehensive approach to rights.** Not recognizing the relationship between land tenure, self-determination, and traditional knowledge, undermining the autonomy and cultural heritage of communities and their livelihoods.
- **Vulnerating populations that protect forests;** national laws on land tenure that limit the jurisdiction of IPLCs over their own territories can put communities that safeguard forests at risk.
- **Delegating responsibility to IPLCs** regarding their participation in dialogue processes without considering their specific needs and conditions can generate distrust and resistance.
- **Establishing dialogue relationships with non-representative actors and leaderships** of IPLCs weakens the construction of solid and legitimate agreements.
- **The late and generic arrival of information** fosters discontent and misunderstanding among IPLCs, negatively affecting the implementation of carbon projects.



*Photo credit If Not Us Then Who

Why carry out a preparation phase?

- ✓ It respects the principle of free, prior, and informed consent in participatory processes with IPLCs.
- ✓ It advances towards recognizing the right to carbon in direct relation to the right to land.
- ✓ It guarantees the full participation of IPLCs on equal terms.
- ✓ It recognizes the self-determination and governance of IPLCs through their own organizations, leaderships, and representation mechanisms.
- ✓ It improves communication between governments and IPLCs to build relationships based on trust and reduce the risks of misinformation in the territories and communities regarding carbon projects.

Access to rights



Actiones

- ✓ Review of the national condition for real access to rights in the national context.
- ✓ Identify the existing regulatory framework regarding the rights of Indigenous Peoples and Local Communities (IPLCs) that is binding for the specific project related to the carbon market.

Expected Result

- ✓ **Diagnosis** of the access situation to the **rights of IPLCs**, especially those related to land (recognizing different categories of tenure), traditional knowledge, autonomy, and cultural heritage, identifying legal gaps.

Objetivo

- Analyze the regulatory framework on the rights of IPLCs and its degree of real implementation in specific national contexts.

Indicators

- Number of legal gaps at the national level identified that limit the full exercise of the rights of IPLCs.
- Affirmative actions to address the gaps in pursuit of the full exercise of rights in the dialogue and negotiation process.

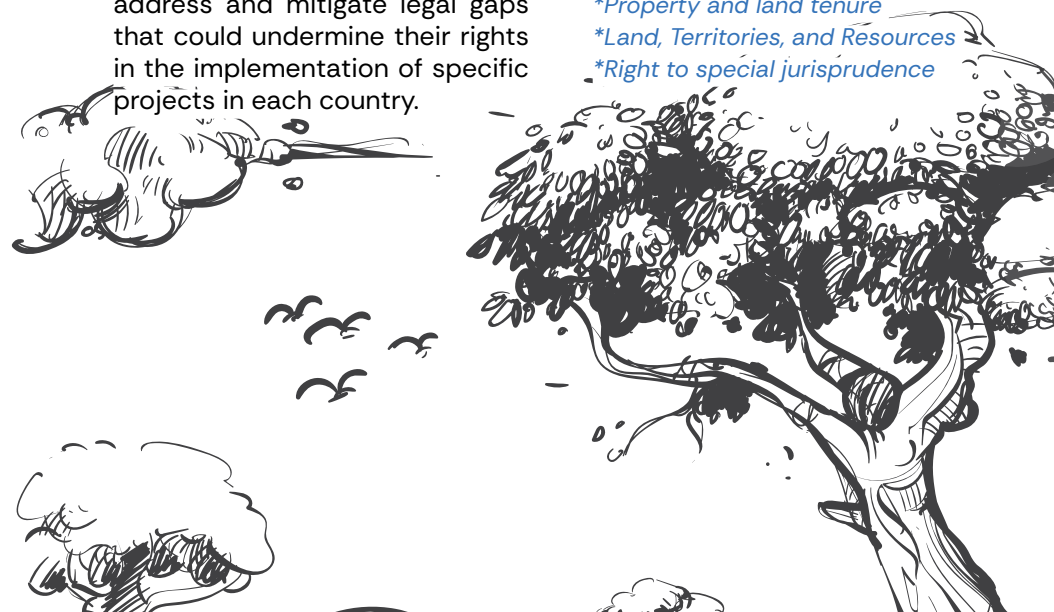
Goal

The carbon market strengthens the autonomy of IPLCs by implementing affirmative actions that address and mitigate legal gaps that could undermine their rights in the implementation of specific projects in each country.

Related Safeguard: A)

Related Rights:

- *Property and land tenure
- *Land, Territories, and Resources
- *Right to special jurisprudence





Enabling Conditions

Expected Result

A **dialogue/negotiation plan** that includes at least:

- ✓ **Validation of the actors** and representations of IPLCs participating in the process.
- ✓ **Intercultural approach:** Specific conditions and adjustments for each community or people based on their geographic, governance, and cultural context.
- ✓ **Phases of dialogue:** Presentation of information by Governments and Cooperators.
- ✓ Reasonable period for exchange, discussion, and clarifications required by IPLCs.
- ✓ Building agreements.
- ✓ Means of Territorial Validation.
- ✓ **Schedule and budget:** How and when activities and exchanges will be carried out.
- ✓ Territorial safeguards.

Actions

- ✓ Establish pre-investment funds (Governments, Cooperators, programs).
- ✓ Initial mapping: Identify spokespersons or groups that represent Indigenous and local agendas at the national level with prior and recognized experience.
- ✓ Initial link with IPLCs to provide prior information and build a dialogue and negotiation plan for each project.

Objective

To jointly plan the dialogue process, being sensitive and respectful of the specific conditions and needs of IPLCs.

Indicators

- Funds available for logistical financing (transportation, food, accommodation) for the participation of leaders.
- List of legitimate actors based on their activity and collective organization as representatives of IPLCs, supported by national legislation or international agreements.
- Schedule and budget of activities validated among the parties.

Goal

Carbon projects ensure intercultural dialogue with IPLCs, assuming the responsibility to provide guarantees for their effective participation in negotiation processes.

Related Safeguard: D)

Related Collective Rights:

- *Right to cultural identity
- *Right to justice and to an equitable process
- *Right to information

Agile, effective, and permanent communication



Actions

- ✓ **Prior information:** Disseminate information about the projects and the dialogue process in accessible formats through appropriate channels for IPLCs.
- ✓ **Strengthening of actors:** Provide training to leaders and representatives of IPLCs on specific carbon projects, the national legal framework, and the safeguards pyramid.qaw2w

Expected Result

- An information and training plan** that includes at least:
- ✓ Communication strategy with content, formats, and dissemination channels.
 - ✓ Training methodologies according to topics or content, including the safeguards pyramid.
 - ✓ Profile of target populations.
 - ✓ Schedule and budget..

Objective

To enable the conditions for the development of dialogues based on the principle of informed consent for IPLCs, strengthening territorial knowledge about carbon markets, safeguards, and the binding national regulations.

Indicators

- Number of people trained in carbon markets, rights, legal framework, safeguards, and specific projects, broken down by gender, community, or Indigenous people.
- Number of people reached by the communication strategy.

Goal

Communication in negotiations is bidirectional, both towards and from Indigenous Peoples and Local Communities, establishing informational spaces, feedback mechanisms, and strengthening local capacities. The dialogue becomes a permanent relationship between the parties rather than isolated actions.

Related Safeguards: D)

Related Collective Rights:

*Cultural identity

*Traditional knowledge

*Autonomy and self-determination

PHASE II. DIALOGUE AND NEGOTIATION

Once the products of the preparation stage (diagnosis, negotiation plan, and prior information and training actions) have been constructed, it is possible to initiate the dialogue and negotiation process. The dialogue and negotiation phase should result in agreements that ensure the protection of the interests of Indigenous Peoples and Local Communities (IPLCs), guaranteeing the protection of their rights and the fair distribution of benefits.

Common omissions and risks in dialogue and negotiation processes with IPLCs:

- Consultation is a reactive action to the dissatisfaction of populations once negotiations about carbon projects have already progressed, without having considered the effective participation of IPLCs from the beginning.
- The consultation and participation of IPLCs are integrated as isolated actions, which limits the possibility of dialogue and the construction of solid agreements.
- Consultations or dialogues are, in practice, one-way communications from Governments to IPLCs, without assessing their relevance or effectiveness.
- Governments claim to respect the autonomy of IPLCs, but in practice, they do not effectively address grievances regarding projects and internal disputes, which can escalate conflicts, deteriorate relationships, and hinder the progress of negotiation processes or the fulfillment of agreements.

How to foster the progress of an efficient and respectful negotiation with IPLCs?

- ✓ Include IPLCs from the early stages of dialogue and ensure their effective participation during and after negotiations about carbon that may affect their lands and ways of life.
- ✓ Follow the phased dialogue and negotiation plan while maintaining flexibility to make adjustments or improvements according to the needs and recommendations of IPLCs throughout the process.
- ✓ Evaluate the progress of the negotiation and the requirements for adjustments in the dialogue and negotiation plan jointly between Governments and IPLCs.
- ✓ Establish clear, rigorous, and culturally relevant mechanisms for addressing grievances and resolving internal disputes by Governments, emphasizing a preventive approach and prioritizing territorial safeguards.



Dialogue based on risk prevention and mitigation

Actions

- ✓ **Select a trained, sensitive, and experienced technical team** for facilitating dialogues, implementing safeguards, and understanding the rights of IPLCs, to guide the negotiation in a fair and equitable manner.
- ✓ **Raise awareness among government and cooperative technical teams** about intercultural dialogue, the rights of IPLCs, and safeguards.
- ✓ **Analyze potential impacts** (positive and negative) based on the scope of the project and its specific objectives.
- ✓ **Identify possible challenges and conflicts** associated with the future implementation of the project.

Expected Result

- IPLC feedback** consolidated in the reports and agreements of the dialogue process regarding:
 - ✓ **Expectations and risks** linked to the impacts (positive and negative) of the analyzed project.
- Proposals for prevention and mitigation** of possible conflicts related to the implementation of the project, from the perspective of IPLCs for implementing territorial safeguards.
 - ✓ **Evaluation of the process** based on the implementation of the dialogue and negotiation plan.
- ✓ Generated spaces for IPLCs to provide binding opinions on the preparation and submission of compliance reports for safeguards by governments.

Objective

Facilitate a transparent dialogue aimed at generating fair agreements for the implementation of carbon projects, under the principles of the right to free, prior, and informed consultation for IPLCs.

Indicators

- Qualities and competencies of technical teams facilitating the process, verified with solid criteria of training and relevant experience.
- Officials and technical links sensitized in the rights of IPLCs, safeguards, and intercultural dialogue.
- Adjustments made to the negotiation plan as a result of feedback from IPLCs regarding the conditions of the dialogue and access to information about the project.
- Temporary or permanent policies implemented to address the urgent needs of affected communities.
- Means for IPLCs to approve technical, legal, verification, and negotiation processes that are carried out with established standards, programs, or donors alongside officials and technical links.
- Activities for socializing national reports with IPLC leaders.

Goal

Stakeholders in implementing carbon projects (Governments and cooperatives) promote a transparent and responsible dialogue that integrates fair prevention, mitigation, or compensation measures in agreements with IPLCs, in accordance with their rights and ways of life.

➔ **Associated Safeguards:** B) C)

➔ **Related collective rights:**

*Free, prior, and informed consultation and consent

*Participation in benefits

*Right to sustainable development

Efficient management of complaints and grievances

Actions

- ✓ Training in conflict resolution for leaders and liaison officials in negotiation and implementation processes of projects.
- ✓ Analysis of actors and competencies in negotiation and implementation processes to define clear roles and responsibilities according to the safeguards pyramid.
- ✓ Recognize the cultural ways of IPLCs for disseminating information and resolving disputes.
- ✓ Validation with IPLCs of information mechanisms and procedures for ongoing accountability prior to their implementation.

Expected results

Dispute management and resolution mechanism designed and validated with the following characteristics:

- ✓ Ongoing information actions towards IPLCs for presenting progress and accountability in a preventive manner.
- ✓ Clear governance structure of the projects.
- ✓ Definition of types of complaints and admission criteria (what is claimable and what is not).
- ✓ Early warning system for the preventive identification of potential conflicts.

- ✓ Protocol of procedures according to the roles and responsibilities of the involved actors, respecting the safeguards pyramid (territorial, national, international), with cultural relevance according to the contexts of each IPLC.

- ✓ Established response times.

Objective

Prevent and mitigate risks associated with the implementation of carbon projects through agile, clear, and culturally relevant mechanisms to proactively manage misinformation, grievances, and internal disputes related to IPLCs

Indicators

- Agreements reached in the dialogue process to define grievance handling and conflict resolution procedures, highlighting culturally relevant aspects for their design and implementation.
- Procedure protocol validated by the IPLC.
- Number of grievances and disputes addressed using the protocol.

Goal

IPLCs have access to a permanent platform for information and for voicing their concerns, with support resources for dispute resolution related to the negotiation and implementation of carbon projects. This platform helps prevent or mitigate risks associated with misinformation, unclear governance, and lack of accountability.

→ **Associated safeguard: G)**

→ **Related collective rights**

**Peaceful conflict resolution*

**Justice and fair, expedited processes*

Territorial validation on safeguard compliance

What do we mean by “Territorial Validation”?

Territorial validation refers to the action by which territorial authorities, in their role as representatives of IPLCs, recognise and legitimize the results of the consultation, implementation and reporting process of actions or projects linked to carbon markets.

All aspects of the method (type of activities, method, place, dates, channels of dissemination, etc.) must be recorded as an agreement with the IPLCs within the Dialogue and Consultation Plan.

Why a territorial validation safeguard in carbon markets?

In some contexts of carbon negotiations involving IPLCs, it has been governments or private stakeholders who have compiled national reports on compliance with the Safeguards agreed by the parties to the UNFCCC, without involving IPLCs in this evaluation phase of the measures, projects or actions that involve them.



IPLCs have the right to participate and be consulted on measures, actions or projects that affect them, to decide on their development priorities and to also participate in the evaluation stages of the implementation of these measures.

Otherwise, it would only be the parties interested in promoting carbon markets and external to IPLCs (such as governments or private entities) who would evaluate the degree of impact, mitigation or compensation generated by their actions, putting the transparency of the process at risk and violating the rights of IPLCs.

How to ensure territorial validation in the processes of dialogue and implementation of initiatives within carbon markets?

In addition to considering this action from the beginning of the process (with the dialogue and consultation plan), the actions, results and indicators for traceability are detailed below.



Actions

- ✓ Ensure direct access for IPLCs to the benefits derived from carbon projects.
- ✓ Complement the information on safeguards compliance, produced by the Governments, with direct inputs provided by the IPLC.
- ✓ Integrate IPLC's cosmogony concerning forest protection into the construction of agreements on carbon project actions, respecting their autonomy.
- ✓ Incorporate agreements built between the Governments and IPLC as a result of the dialogue processes for the implementation and verification of carbon projects.

Expected Results

National compliance reports on safeguards, validated by IPLCs, highlight the monitoring of territorial safeguards through the agreements established during the process.



Objective

Strengthening national safeguard compliance reports by integrating territorial safeguards and the validation of IPLCs.

Indicators

- Socialization activities of national safeguard reports with the leadership of IPLCs.
- Safeguard compliance actions reported as agreements with IPLCs in the national report.
- National reports on compliance with technical processes, legal verifications, and negotiations, validated by IPLCs.

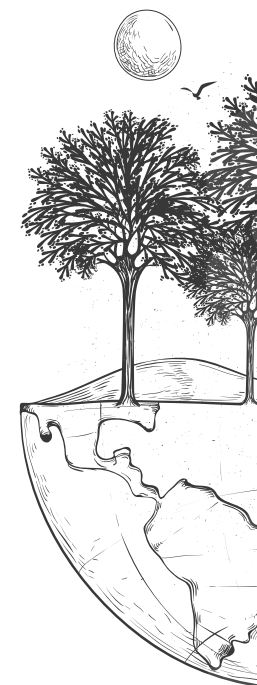
Goal

Governments promote carbon projects based on biodiversity protection and the generation of benefits for Indigenous Peoples and Local Communities (IPLCs). These are based on the implementation of territorial safeguards and the validation by IPLCs of national reports on safeguard compliance.

Associated safeguards:
E) and D)

Related collective rights:

- *Participation and conservation of the natural resources of their lands
- *Free, Prior, and Informed Consent (FPIC)
- *Participation in the monitoring and implementation of agreements



PHASE III. IMPLEMENTATION AND MONITORING

Omissions and common risks during the implementation and monitoring phases of carbon projects

- Initiating and concluding participation processes with IPLCs without having a previously defined consultation or dialogue plan, which makes it difficult for exchanges between the parties to be oriented towards building concrete agreements.
- Unilaterally establishing a dialogue and consultation path by governments or private entities promoting the project, which can coerce the outcome of the process to the detriment of the rights of IPLCs.
- Rejection or lack of recognition of the agreements reached by Indigenous Peoples and Local Communities, as these were formulated solely with the participation of leadership without including the broader community base.
- Failure to implement effective and fair agreements reached in the consultation or dialogue process due to the lack of mechanisms for monitoring and reporting by IPLCs.

How to ensure efficient implementation and mitigate risks in project monitoring?

- ✓ Plan consultation and participation processes with IPLCs based on the guiding principles of this guide, aiming to build fair agreements that facilitate the implementation of REDD+ actions and carbon projects.
- ✓ Do not limit IPLC participation in any of the stages of the consultation and participation process, thereby promoting the construction, validation, and effective implementation of the agreements.
- ✓ Establish outcome indicators for each agreement in the process that will facilitate its monitoring and compliance verification, according to the responsibilities of each party involved (governments, IPLCs, certifiers, private buyers, and partners).



Accountability and transparency

Activities

- ✓ Define **the role of IPLCs** in monitoring and reporting on the implementation of actions and projects.
- ✓ **Develop compliance indicators** regarding the agreements of the process, especially concerning the distribution and direct access to benefits for IPLCs.
- ✓ **Establish a work schedule** for monitoring the agreements, including compliance reporting and accountability to IPLCs during the project implementation phase.
- ✓ Validate or adjust mechanisms for handling complaints and resolving disputes related to project implementation.

Expected results

Participatory monitoring and follow-up strategy that includes:

Compliance indicators for each agreement that ensure, in particular, direct access and fair distribution of benefits to IPLCs.

Action schedule for monitoring, reporting, and accountability with IPLCs.

Mechanisms for handling complaints and resolving disputes related to project implementation.

Objective

Incorporate binding monitoring and reporting mechanisms to ensure compliance with the agreements established between IPLCs and other stakeholders in consultation processes regarding carbon projects.

Indicators

- Accountability documents or activities on the implementation of projects carried out within the agreed timelines.
- Territorial entities formed by IPLC leadership for project monitoring and implementation, in accordance with the agreements established during the process.
- Compliance indicators for the agreements.
- Agreed mechanisms for escalating complaints at national and international levels in cases of reported non-compliance with agreements that affect IPLCs' access to the direct benefits of the project.

Goal

Respect the self-determination and the right to Free, Prior, and Informed Consent of IPLCs by ensuring the implementation of agreements established in consultation processes, with participatory monitoring.

Associated safeguards:

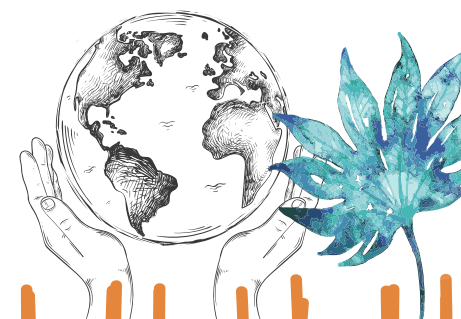
B) D) E)

Related collective rights:

**Participation in the benefits*

**Autonomy and self-determination*

**Participation in the monitoring and implementation of the agreements*



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