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# Status of Forest Carbon Rights and Implications for Communities, the Carbon Trade, and REDD+ Investments

Resource  
March 2014

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Resources Initiative

March 2014

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# Status of Forest Carbon Rights and Implications for Communities, the Carbon Trade, and REDD+ Investments

## INTRODUCTION

The Warsaw Framework on REDD+ adopted by Parties to the UNFCCC in November 2013 paves the way for payments to flow to developing countries for carbon emissions reductions from forests. The new framework encourages countries to set up a national entity or designated focal point for REDD+, which will be eligible to receive financing to implement REDD+ activities and strategies. The climate community has generally welcomed this decision as a landmark achievement, although there has been some criticism regarding the lack of a mechanism to implement social and environmental safeguards to protect the rights of local peoples.

A month after the Warsaw agreement, the Carbon Fund of the World Bank's Forest Carbon Partnership Facility (FCPF) finalized its Methodological Framework, which enables the purchase of "emissions reductions" from developing countries. These emissions reductions represent a new class of assets, which are inextricably linked to property rights to forest land, and yet, they can be purchased and transferred separately from other forest rights. Civil society groups have criticized the Framework for creating new property rights to carbon that impinge upon existing statutory and customary rights of Indigenous Peoples and local communities, without clear safeguards or measures to prevent conflicts and negative impacts on community rights.

It has been widely recognized that positive outcomes for REDD+ will depend on changes in the prevailing forest governance conditions in REDD+ countries, particularly in the domain of tenure reform. Moreover, it is widely acknowledged that the complex financial mechanisms needed to implement REDD+ programs tend to create opaque conditions, promote the lack of transparency, and impose high participation and transaction costs on those who can least afford them.

Recent research by RRI demonstrates that REDD+ has not been a catalyst of tenure reforms across low and middle income countries (LMICs), even though most countries with a REDD+ strategy have identified the clarification of tenure as a key component of their approach, and leading international REDD+ initiatives have

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## Summary

The brief, *Status of Forest Carbon Rights and Implications for Communities, the Carbon Trade, and REDD+ Investments*, reveals that there are very few legal protections and safeguards regarding forest communities' rights to trade carbon.

In a survey of 23 low and middle income countries, covering 66% of the developing world's forests, only Mexico and Guatemala have been found to have passed national legislation defining tenure rights over carbon, and none of the countries have a national legal framework that establishes how carbon from REDD+ should be traded.

As carbon becomes a marketable commodity, secure tenure rights to forest land and forest resources -- including carbon -- is critical. Without clarifying these rights, carbon trade will become yet another source of disenfranchisement for Indigenous Peoples and local communities, deepening the wedge between them and the forests in which they live and depend on.

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