

REDD+ and Human Rights: Sketching Historical and Conceptual Contours



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Abbreviations

BAP	Bali Plan of Action
CESCR	Committee on the Economic, Social and Cultural Rights
COP	Conference of Parties
CRN	Coalition for Rainforest Nations
RED	Reducing Emissions from Deforestation
REDD	Reducing Emissions from Deforestation and Forest Degradation
REDD+	Reducing emissions from deforestation and forest degradation, and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks
SBSTA	Subsidiary Body for Scientific and Technological Advice
SID	Small Island Developing States
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries

1 Introduction

Reducing emissions from deforestation and forest degradation, and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks (REDD+) is an important response to climate change in Africa. Forests cover

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675 million hectares forming 23% of land area in Africa.¹ Humid forests are especially significant in West Africa, Central Africa, while the Congo Basin is the second largest forest in the world. Equally, dry forests are significant in the Sahel, Southeast and North Africa and represent 42% of tropical forest area in the continent.² Forests are crucial to the livelihood of local populations. More than half of the continent's population rely directly or indirectly on forests for their livelihoods in Africa.³ However, Africa has been the continent experiencing the highest rate of deforestation, with 0.49% per year representing some 3.4 million hectares lost annually.⁴ In climate change discussions and Africa, as a response to climate change, REDD+ consists of five different activities: (1) reducing deforestation, (2) reducing degradation, (3) promotion of conservation of forest carbon stocks, (4) incentivising sustainable management of forests, and (5) the enhancement of forests as holders of stocks of carbon in developing countries.⁵ Countries in Africa, namely Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Guinea Bissau, Kenya Liberia, Madagascar, Malawi, Morocco, Nigeria, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe have been partners in different stages of United Nations Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD).⁶ REDD+ has evolved in the negotiation of international climate regulatory framework with different relevance and gradations.

2 REDD+ and International Climate Regulatory Framework

The evolution of REDD+ is borne out of the necessity that forests play important role as carbon sinks and reservoirs in the climate change agenda. Forests fall within the definition as both a 'source' and 'sink' of greenhouse gases, not least because, as science has shown, the felling of forests for whatever purposes releases carbon dioxide into the atmosphere and this situation contributes approximately 17–20%

¹World Bank, 'Forests, Trees, and Woodlands in Africa' https://www.profor.info/sites/profor.info/files/Africa-Forests-Trees-ActionPlan_0_0.pdf.

²Siyum (2020), pp. 1–16.

³African Union (2020); Somorin (2010), p. 103.

⁴AFDB (2016).

⁵Centre for International Environmental Law (2014), p. 5; UNFCCC 'Report of the Conference of the Parties on its 13th session', held in Bali from 3–15 December 2007, Addendum, Part Two, Action Taken by the Conference of Parties at its 13th session (2008) FCCC/CP/2007/6/Add.1; REDD may also offer to forest communities opportunity for poverty alleviation and thereby having some adaptation utility, see Kowero (2010), p. 23.

⁶'Partner Countries' <https://www.un-redd.org/our-work/partners-countries?f%5B0%5D=regions%3A940>.

of total greenhouse gas emissions.⁷ The protection of forests and their nurturing also serve as a ‘sink’ in that it can remove carbon dioxide from the atmosphere.⁸ Besides, forests are a significant storehouse of biodiversity.⁹ Forests provide services for Indigenous Peoples and local communities who rely on them for services, including food, shelter, clean water and climate prediction.¹⁰ Thus, it is not a surprise that scholarship show that it is difficult to meet the commitment to limit global warming without encouraging developing countries to keep their forests ‘standing’.¹¹ Particularly, economists view that reducing forest loss offers a low option in terms of cost for reducing global climate change.¹² Hence, since it was proposed as a forest-based mitigation strategy for a post-2012 Kyoto climate regime, REDD+ seeks to operate as an incentive for the developing countries to protect and better manage their forest resources, by creating and recognising that standing forests have a financial value.¹³ This financial value which will arise from the carbon stored by forests is expected to evolve over time and, when traded, could attract similar or greater profits than the profits from logging, monoculture plantations, and agriculture which are drivers of deforestation.¹⁴

To attain its current status in international climate change regulatory framework, REDD+ evolved from two previous forms: Reducing Emissions from Deforestation (RED) and Reducing Emissions from Deforestation and Forest Degradation (REDD).¹⁵ It has been engaged in negotiation debates of a range of Conference of Parties (COP) meetings starting from when RED was proposed by Costa Rica and Papua New Guinea on behalf of the Coalition for Rainforest Nations (CRN) at the 2005 COP 11 in Montreal.¹⁶ Subsequently, the countries that were mostly affected by forest degradation and not deforestation, contended the need for RED to address degradation. Leading this point were the countries in the Congo Basin which convinced others that it was technologically possible to account for carbon credits from reducing forest degradation.¹⁷ Consequently, the focus in international climate change discourse shifted from RED to ‘Reducing Emissions from Deforestation and

⁷ Van der Werf et al. (2009), p. 737.

⁸ Van der Werf et al. (2009), p. 737.

⁹ Wilson (2006).

¹⁰ Brunner et al. (2010), p. 2.

¹¹ Den Besten et al. (2014), p. 40.

¹² Eliasch (2008).

¹³ Corbera and Schroeder (2011), p. 89.

¹⁴ Brunner et al. (2010), p. 5.

¹⁵ Den Besten et al. (2014), p. 40; Humphreys (2008), p. 433.

¹⁶ Other participating countries working under the CRN include: Bangladesh, Central African Republic, Cameroon, Chile, Congo, Colombia, Costa Rica, DRC, Dominican Republic, Ecuador, El Salvador, Fiji, Gabon, Ghana, Guatemala, Honduras, Indonesia, Kenya, Lesotho, Malaysia, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Samoa, Solomon Islands, Thailand, Uruguay, Uganda, and Vanuatu, see Brunner et al. (2010), p. 5; Constance et al. (2012), p. 64.

¹⁷ Brunner et al. (2010), p. 5; Constance et al. (2012), p. 64.

Forest Degradation’, or REDD, with ‘forest degradation’ indicating the additional ‘D’. This change was required to tackle the problems of overgrazing and the degrading effects of deforestation which are peculiar to the forests system of developing countries.¹⁸ The conceptual shift to REDD was officially recognised at the Subsidiary Body for Scientific and Technological Advice (SBSTA) in 2006.¹⁹ Later, there was consensus on the need to extend the scope of REDD to cover three elements, namely conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries, which became the ‘+’ in REDD. It was officially recognised in 2007, at COP 13 in Bali, which adopted the Bali Plan of Action (BAP).²⁰ The Copenhagen Accord, which is the singular outcome of the event at COP 15, 2009, made progress in relation to issues, including its scope, guiding principles and safeguards of REDD+. Signed by 114 nations amidst much disagreement regarding other matters on the agenda, the Copenhagen Accord sets the stage for REDD+ as a global initiative to decelerate the alarming rate of deforestation.²¹

Following negotiations, the contribution of COP 16 in 2010 at Cancun to the development of REDD+, is reflected in the Cancun Agreements: ‘Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’ (Cancun Agreements).²² Reinstating the elements of REDD+, paragraph 70 of Cancun Agreements encourages parties from developing countries to contribute to mitigation actions in the forest sector by undertaking five activities, namely (a) Reducing emissions from deforestation; (b) Reducing emissions from forest degradation; (c) Conservation of forest carbon stocks; (d) Sustainable management of forests; (e) Enhancement of forest carbon stocks. Importantly, the Cancun Agreements affirm, in implementing the activities mentioned under paragraph 70, that developing country parties should promote the safeguards referred to in paragraph 2 of appendix 1 of the agreement.²³

At the Durban Climate Change Conference, COP 17, in 2011, the COP addressed REDD+ in key decisions. For instance, Decision 2/CP.17 discussed financing of REDD+ activities and advised that the implementation of REDD+ should be

¹⁸Den Besten et al. (2014), p. 43; Brunner et al. (2010), p. 5.

¹⁹UNFCCC SBSTA ‘Reducing Emissions from Deforestation in developing countries: Approaches to Stimulate Action’ (2006) FCCC/SBSTA/2006/MISC.5.

²⁰UNFCCC CP ‘Bali Action Plan’ Decision 1/CP.13, FCCC/CP/2007/6/Add.1.

²¹UNFCCC CP ‘Copenhagen Accord’ Decision 2/CP.15, FCCC/CP/2009/11/Add.1.

²²UNFCCC CP ‘The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’ Decision 1/CP.16, FCCC/CP/2010/7/Add.1 (Decision 1/CP.16) paras 2(c) and (d).

²³UNFCCC CP ‘The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’ Decision 1/CP.16, FCCC/CP/2010/7/Add.1 (Decision 1/CP.16) para 69.

consistent with the safeguards in appendix I of the Cancun Agreements.²⁴ The decision also considered that ‘appropriate market-based approaches’ for results-based actions,²⁵ and noted that non-market-based approaches, such as joint mitigation and adaptation approaches, could be developed.²⁶ In another decision, titled ‘Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels as referred to in decision 1/CP.16’,²⁷ the COP affirms that systems for providing information on safeguards should be transparent and flexible and requires that the safeguards are to be respected.²⁸

At COP 18 in 2012, decisions were adopted regarding policy approaches and positive incentives on REDD+. Particularly, section C of Decision 1/CP.18 deals with finance for REDD+ activities.²⁹ Notably in 2013, decisions reached at COP 19 highlighted that the information with respect to compliance with safeguards should be done voluntarily, and be possibly included in national communication or other communication channels including the UNFCCC web platform.³⁰ Other decisions relate to results-based finance for REDD+,³¹ mitigation actions in the forest sector,³² forests monitoring systems,³³ and Development of alternative policy approaches, including joint mitigation and adaptation approaches for the integral and sustainable management of forests were part of the focus at COP 21.³⁴ Also, there

²⁴UNFCCC CP ‘Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’ Decision 2/CP.17, FCCC/CP/2011/9/Add.1, para 63 (Decision 2/CP.17).

²⁵Decision 2/CP.17, para 66.

²⁶Decision 2/CP.17, para 67.

²⁷UNFCCC CP ‘Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels as referred to in decision 1/CP.16’ Decision 12/CP.17, FCCC/CP/2011/9/Add.2 (Decision 12/CP.17).

²⁸Decision 12/CP.17, paras 2–5.

²⁹UNFCCC CP ‘Agreed outcome pursuant to the Bali Action Plan’ Decision 1/CP.18, FCCC/CP/2012/8/Add.1.

³⁰UNFCCC CP ‘The timing and the frequency of presentations of the summary of information on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected’ Decision 12/CP.19, FCCC/CP/2013/10/Add.1 (Decision 12/CP.19) paras 3 and 4.

³¹UNFCCC CP ‘Work programme on results-based finance to progress the full implementation of the activities referred to in decision 1/CP.16, paragraph 70’, FCCC/CP/2013/10/Add.1 Decision 9/CP.19.

³²UNFCCC CP ‘Coordination of support for the implementation of activities in relation to mitigation actions in the forest sector by developing countries, including institutional arrangement’ FCCC/CP/2013/10/Add.1 Decision 10/CP.19.

³³UNFCCC CP ‘Modalities for national forest monitoring systems’ FCCC/CP/2013/10/Add.1 Decision 11/CP.19.

³⁴UNFCCC CP ‘Alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests’ FCCC/CP/2015/10/Add.3 Decision 16/CP.21.

was emphasis on the need to ensure transparency, consistency, comprehensiveness and effectiveness in the implementation of the REDD+ safeguards.³⁵ At COP 22, a number of decisions were adopted to integrate forests-related considerations into climate finance, where appropriate.³⁶ It resurfaced substantially at COP 26 in Glasgow, where states pledged to halt and reverse forest loss and land degradation by 2030, and agreed on the urgency of ensuring the integrity of all ecosystems, including the forests.³⁷ At COP 27 held at Sharm El Sheikh in Egypt, states were urged to ‘collectively aim to slow, halt and reverse forest cover and carbon loss’ and ‘consider, as appropriate, nature-based solutions or ecosystem based approach’.³⁸ At that forum, it was announced that of the \$12 billion pledged to protect, restore and sustainably manage forests over five years (2021–2026), \$2.67 billion was already spent.³⁹ Also, the Forests People Climate collaborative was established which committed \$400 million of philanthropic funding to forests.⁴⁰ The foregoing development signifies that REDD+ activities are more than a nature based solution to climate change, the activities stemming from the initiative have potential implications for the livelihood of populations who depend on forests.

In the discourse on global climate change response measures, the significance of REDD+ is further reflected and boosted by key provisions in the pillar instruments which constitute the international climate change regulatory framework. The provisions which carve the primacy of forests in climate change mitigation and adaptation are evident in the Article 4 of the United Nations Framework Convention on Climate Change (UNFCCC) which enjoins parties to take measures to address human-induced emissions by sources and removals by sinks of all greenhouse gases.⁴¹ The UNFCCC further defines ‘source’ as ‘any process or activity that releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere’. It defines a ‘sink’ as ‘any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere’.⁴² These provisions of UNFCCC are reinforced by the Kyoto Protocol which requires each of the parties listed under Annex 1 to implement policies and measures aimed at protecting sinks and enhancing reservoirs of greenhouse gases not

³⁵UNFCCC CP ‘Further guidance on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected’ FCCC/CP/2015/10/Add.3 Decision 17/CP.21.

³⁶See for instances, UNFCCC CP ‘Report of the Standing Committee on Finance’ FCCC/CP/2016/10/Add.1 Decision 8/CP.22; UNFCCC CP ‘Report of the Green Climate Fund to the Conference of the Parties and guidance to the Green Climate Fund’ FCCC/CP/2016/10/Add.1, Decision 10/CP.22.

³⁷UNFCCC CP ‘Glasgow Climate Pact’ FCCC/PA/CMA/2021/10/Add.1 Decision 1/CMA.3; COP26: Together for our planet <https://www.un.org/en/climatechange/cop26>.

³⁸UNFCCC CP ‘Sharm el-Sheikh Implementation Plan’ FCCC/CP/2022/10/Add.1 Decision 1/CP.27 paras 50 and 51.

³⁹World Resources Institute (2022).

⁴⁰Alayza (2022).

⁴¹UNFCCC, Art. 4.

⁴²UNFCCC, Art. 1(8) and (9).

prescribed under the Montreal Protocol, ‘taking into account its commitments under relevant international environmental agreements’.⁴³ Also, forests are recognised in Article 5(1) of the Paris Agreement, which requires parties to ‘take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases. . . including forests’.

3 Relevance of Human Rights Approach to REDD+

REDD+ is more than an environmental initiative for the climate system; it is an initiative of human rights importance to landowners, Indigenous Peoples, local communities, as well as affected individuals who may hold rights that could be impacted by its policies and legal framework at the domestic level. Hence, the implementation of REDD+ in African states that are united in their common quest for economic development is a delicate experiment. It involves the balancing of multiple objectives including resource exploitation, land management, agriculture, food and fuel production, ecosystem services, biodiversity, and more importantly, the protection of peoples’ livelihoods, amenities, and sacred sites of forest dependent populations. An effectively implemented REDD+ initiative could positively impact the livelihoods of communities whose livelihood are dependent on forests. Conversely, an ineffectively implemented REDD+ could negatively impact on rights to which these communities are entitled under national and international human rights law. Issues around governance, tenure security, gender equality and stakeholder engagement which are core to the successful implementation of the REDD+ programme are no less significant to the rights of populations likely to be affected by the programme. Hence, choices made in balancing multiple objectives associated with the implementation of REDD+ may have both negative and positive implications on states as duty bearers, as well as groups and individuals as rights holders in Africa.

States, as duty bearers of rights have responsibility to ensure the implementation of REDD+ in a manner that aids and not hinder human rights in Africa. The obligation to comply with internationally recognised human rights requires three levels of duty from states: the duty to respect, protect and fulfil human rights. The conceptualisation of these obligations owes its introduction and current influence on international human rights law to the pioneering work of Shue and Eide.⁴⁴ The tripartite obligations have since gained international traction, in the broader area of economic, social and cultural rights,⁴⁵ where the Committee on Economic, Social and Cultural Rights (CESCR) emphasises that the protection of ‘all human rights,

⁴³ Kyoto Protocol, Art. 2(1)(a)(ii).

⁴⁴ De Schutter (2013), p. 5; Shue (1980), p. 52.

⁴⁵ General Comment No. 12: The right to adequate food, U.N. ESCOR, Comm. on Econ., Soc. & Cult. Rts., 20th Sess., 14–20, U.N. Doc. E/C.12/1999/5 (1999) (United Nations General Comment

imposes three types or levels of obligations on state parties: the obligations to respect, protect and fulfil'.⁴⁶ Also, it has been shown that these layers of obligation apply to civil and political rights.⁴⁷ The obligation to respect signifies that states must refrain from interfering with or hindering the enjoyment of human rights. The obligation to protect demands that individual and groups should be protected from human rights abuses, especially by non-state actors. The obligation to fulfil requires states to take positive action to facilitate the enjoyment of basic human rights.⁴⁸

The African human rights system, as defined by a set of main human rights instruments that are admitted by states as binding and the quasi-judicial and judicial treaty monitoring bodies human rights instruments and monitoring mechanisms,⁴⁹ offers four layers of obligations. In *Ogoniland* case,⁵⁰ the African Commission on Human and Peoples' Rights (the Commission), a quasi-judicial monitoring body for the African Charter on Human and Peoples Rights (African Charter),⁵¹ in the context of environmental claims over the degradation of the land of Ogoni people, developed jurisprudence on a four-layer of obligation in respect of the rights, civil, political and socio-economic rights, guaranteed under the African Charter.⁵² These are obligation to 'respect', 'protect', 'promote' and 'fulfil'.⁵³ According to the Commission, the obligation to respect entails that states should not interfere in the enjoyment of human rights. Also, it signifies that there should be respect on the part of the state for 'right-holders, their freedoms, autonomy, resources, and liberty of their action'.⁵⁴ In relation to the situation of a collective group, the obligation to respect entails that resources collectively belonging to this group should be respected.⁵⁵ In discussing the obligation to protect, the Commission enjoins the state to adopt measures, including legislation, and provide effective remedies in protection of right holders 'against political, economic and social interferences'. It further requires the regulation of non-state actors to ensure that their operation does not hinder the realisation of rights.⁵⁶ Corresponding to the obligation to protect human rights, according to the

No. 12); General Comment No. 13: The right to education, U.N. ESCOR, Comm. on Econ., Soc. & Cult. Rts., 21st Sess., 46–48 (1999) (United Nations General Comment No. 13).

⁴⁶ Committee on Economic, Social and Cultural Rights Report on the 22nd, 23rd and 24th Sessions, E/2001/22E/C.12/2000/21 para 33.

⁴⁷ Nowak (2005), pp. 37–41.

⁴⁸ De Schutter (2013).

⁴⁹ Mutua (2000).

⁵⁰ *Social and Economic Rights Action Centre (SERAC) and Another v Nigeria* (2001) AHRLR 60 (ACHPR) (*Ogoniland* case).

⁵¹ African (Banjul) Charter on Human and Peoples' Rights, adopted on 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force on 21 October 1986.

⁵² Committee on Economic, Social and Cultural Rights Report on the 22nd, 23rd and 24th Sessions, E/2001/22E/C.12/2000.

⁵³ *Ogoniland* case para 45.

⁵⁴ *Ogoniland* case para 45.

⁵⁵ *Ogoniland* case para 45.

⁵⁶ *Ogoniland* case para 46.

Commission, is the obligation to promote the enjoyment of all human rights,⁵⁷ which entails that the state should ensure ‘that individuals are able to exercise their rights, for example, by promoting tolerance, raising awareness, and even building infrastructures’.⁵⁸ The obligation to fulfil, according to the Commission, requires the state to mobilise ‘its machinery towards the actual realisation of the rights’.⁵⁹

In the context of implementing REDD+ in Africa, arguably, the failure by a state to formulate appropriate legislation for the protection of populations whose livelihood depends on forests is incompatible with the levels of duties imposed on states by human rights law. It offends the obligation to respect because it signifies that states in Africa are involved in REDD+ without an appropriate legal basis to address its negative consequences, such as the loss of land tenure, displacement, lack of respect for gender and other vulnerability status, denial of benefits from carbon storage. Furthermore, it is in breach of the obligation to protect because an ineffectively implemented REDD+ reflects that states are unable to regulate different actors involved in the implementation of REDD+ including the non-state actors. This means that the negative consequences of the involvement of non-state actors may remain largely unchecked. The failure by states to effectively implement REDD+ is inconsistent with the obligation of states in Africa to promote the enjoyment of rights. Contrary to the promotion of a culture of tolerance and awareness—raising that the obligation entails, a weak implementation signifies that there remains a lack of tolerance for diversity, for instance, the culture and lifestyle of local and forest dependent communities in the context of responding to climate change. It sends a wrong signal to non-state actors and international organisations involved in its implementation, demonstrating that respect for the identity and rights of these communities is not a priority in Africa.

It is difficult to imagine that a weak legal framework for the REDD+ may support the mobilisation of the ‘machinery towards the actual realisation of the rights’ of populations whose livelihood is dependent on forests, as required by the obligation of the state to fulfil human rights.⁶⁰ For instance, a range of human rights as shown later in the book will be undermined where implementation of REDD+ leads to displacement, exclusion from carbon payments, discrimination or other abuses at the national level. Such developments will hinder the obligation of states to provide these peoples with the necessary access to survival amenities. This edited volume is a collection of critical and reflective analysis on the implementation of REDD+ in Africa with a particular focus on its implications for human rights of those populations whose livelihood depends on forests.

⁵⁷ *Ogoniland* case para 46.

⁵⁸ *Ogoniland* case para 46.

⁵⁹ *Ogoniland* case para 47.

⁶⁰ *Ogoniland* case para 47.

4 Key Themes

The edited book consists of four parts and sixteen chapters dealing with cross-cutting issues in the implementation of REDD+ in Africa.

Part I: REDD+ and Human Rights: Sketching Historical and Conceptual Contours

The introductory chapter which foregrounds the edited volume sketches the evolution of REDD+ and its implications for state obligations under human rights law. In doing so, it offers a conceptual basis for specific issues in Africa addressed in the edited volume. REDD+ is a project of human rights importance to landowners, Indigenous Peoples, local communities, as well as affected individuals who may hold rights that could be adversely impacted by weak legal framework and practices at the domestic level. The tripartite obligations to respect, protect and fulfil rights are established in human rights law.

Part II: REDD+ and Protection of Human Rights

The five chapters in this part analyse normative and practical issues of human rights significance which typify some of the topical emerging outcomes in the implementation of REDD+ in selected states in Africa.

In chapter ‘Forest-Dependent Communities and a Rights-Based Approach in the Implementation of REDD+ in Nigeria’, Ezekiel and Komiti discuss the nexus of global inflation, a pandemic-ruined economy, and high demand for cheap food and household energy with high rate of deforestation in Nigeria. While admitting that REDD+ aims at responding to forests depletion and address climate change, they rely on the importance of food and energy consumption rights to explain the implications of REDD+ projects on human rights of local populations. The authors recommend that for REDD+ projects to be a successful climate solution as projected, the need for a human rights approach in their implementation in Nigeria is a *sine qua non*.

In chapter ‘Land Rights of Indigenous Peoples and Local Communities in the REDD+ of the Republic of Congo’, Kone analyses the impact of land tenure insecurity on customary rights, non-compliance with international human rights commitments and examine the vulnerability of Indigenous Peoples and local communities in the context of REDD+ in the Republic of Congo. The chapter recommends that REDD+ implementation phase should apply a systematic human rights approach to climate change, which means to recognise and protect collective and customary land tenure systems and adopt strong enforceable safeguards for Indigenous Peoples and other land-dependent communities. A mechanism of direct representation should be established during the consultations with communities on ground to supplement the action of national and local platforms.

In chapter ‘Customary Land Rights of Local Communities and the Implementation of REDD+ in Cameroon’, Ashukem and Keluh argue that Cameroon’s legal framework on REDD+ does not protect the socio-economic rights of local communities nor does it ensure sustainability. The legal framework of Cameroon on REDD+ is assessed to determine its viability for the protection of local communities’

human rights during REDD+ projects. Based on the assessment, the chapter concludes that Cameroon's legal framework has failed to protect the rights and interests of local communities and needs to be reviewed. It would be disingenuous not to acknowledge the remarkable symbiotic relationship between forest tenure and the rights of forestry communities in the context of REDD+ in Cameroon.

In chapter 'Village Cores, Rights, and the Implementation of REDD+ in Benin', Landry and Guedegbe engage with village cores, representing a part of the population that rely on the fruits and products of the forest for their survival in Benin. The authors argue that measures by the government against deforestation and degradation do infringe sometimes on the fundamental rights of the villagers, including the right to property. They recommend the recognition of the rights of village cores in the implementation of REDD+. In addition, authors view that while a landscape approach at the policy and field intervention levels may limit the impact on the integrity of forests and strengthen the resilience of ecosystems, it may impact on the standard of living of the village cores.

In chapter 'REDDs+ and the Right of Local Populations to Carbon Payments in Africa', Jegede and Ashukem interrogate whether carbon payments are linked to human rights, and if so, what evidence exists on how payments may respond to the plight of local communities and therefor aid the realisation of their rights in the context of REDD+ in Africa. Drawing from an array of substantive and procedural rights, their chapter demonstrates the link between carbon payments and human rights. It shows the weaknesses in the legal environment on carbon payments and explores practices that have worked for ensuring carbon payments to local communities in the implementation of REDD+ in Africa. The authors conclude that carbon payments present both challenges and opportunities for Africa, and it is the duty and responsibilities of African States to address these challenges to enable all relevant stakeholders, including local population and forest dependent communities benefit from carbon payments in Africa.

Part III: Gender, Decision-Making and REDD+

The implementation of REDD+ in Africa states should neither be gender insensitive nor neutral. The importance of gender-responsive climate policies and equitable participation of women and men in the UNFCCC process and provisions were the subject of a COP decision in 2016.⁶¹ Hence, part three interrogates gender, contested relevance of existing legal framework and decision-making related features of REDD+.

In chapter 'Gender and REDD+ Governance in Malawi: Enhancing Women's Right to Participation', Mbano-Mweso focuses on Malawi and establishes that prevalent gender inequality undermines women's opportunity and ability to influence policy decisions on forest management and the implementation of activities under the REDD+ process. The author investigates gender and governance of the REDD+ project in Malawi with a focus on the legal guarantees and platforms of participation for women. Mbano-Mweso further demonstrates. how the

⁶¹UNFCCC CP 'Gender and climate change' FCCC/CP/2016/10/Add.2 Decision 21/CP.22.

implementation of REDD+ may enhance agency, legitimacy, and equity through women's right to participation. Promoting genuine participation, as the chapter shows, will require a necessary institutional frame that links the different relevant local government institutions and central government with clear mechanisms for accountability.

In chapter 'Gender and the Implementation of REDD+ in Uganda', Ukuni discusses the relationship between climate change and human rights, affirming that climate change affects women and men differently in Uganda. The opportunity provided by REDD+, as the author argues, is useful in addressing the deficit of gender consideration which is noticeable in the implementation of REDD+ in Uganda. With a specific reference to the general lack of women to registered land titles, the author reasons that deliberate and proactive measures must be put in place to ensure that women benefit from the promises of REDD+ in Uganda.

In chapter 'The Role of the Parliament in the Implementation of REDD+ in Ghana', Agyemang notes that Ghana started implementing the REDD+ initiative since 2008 but with little success due to challenges including the non-recognition of the right of local populations to carbon rights and incentives or benefits for supporting the REDD+ initiative as well as weak enforcement of forest laws. Against this background, the author argues that through its legislative and oversight powers, the Parliament can help overcome the above challenges for a successful implementation of the REDD+ programme in Ghana.

In chapter 'REDD+ and the Rights and Forest Crimes Mix in Nigeria', Bamgbose and Jegede demonstrate that while the implementation of REDD+ is not without promises, the human rights of local communities whose livelihood depends on forests is a main concern and is exacerbated by crimes that are regularly associated with forests. Their chapter engages with the mix of rights and forest crimes as they may interface with the implementation of REDD+ and the rights of forest dependent populations in Nigeria. The chapter concludes that except laws that safeguard forest territories are effectively enforced to guarantee rights, it will be difficult to harness the expected outcomes in the implementation of REDD+ in Nigeria.

In chapter 'Legal and Institutional Frameworks on the Implementation of REDD+ in South Sudan', Monying finds that South Sudan lacks comprehensive legal framework for implementing REDD+. The chapter contends that institutional and policy gaps also exist in the implementation of REDD+. On a note of optimism, Monying demonstrates that regardless of the impeding factors, there are possibilities that may be explored for the realisation of REDD+ aspirations in South Sudan.

Part IV: Sustainable Development, REDD+ and New Grounds

REDD+ is a development issue for states already in the process of implementation or should potentially be involved in its implementation in Africa. Contributions in this part explain what REDD+ signifies in the context of sustainable development in Africa.

In chapter 'REDD+ and Agenda 2030 in Africa: A Green Criminology and Rights-Based Perspective', Raftopoulos examines the linkages and synergies between REDD+ and the SDGs, which through a range of economic, social, and environmental goals purport to provide a roadmap for sustainable development.

Adopting a green criminological perspective which allows scholars to analyse discourses related to environmental harm, laws and regulations within a model of environmental justice, the author discusses the opportunities and challenges African states face in advancing a rights-based approach to REDD+ alongside the 2030 Agenda and fulfilling their human rights obligations.

In chapter 'Leveraging SFM-REDD+ Synergies Towards Sustainable Development in African Small Island Developing States', Mohee submits that the management of natural resources, particularly forests, are salient features of the sustainable development agenda of Small Island Developing States (SIDS). While arguing that REDD+, an incentive-based climate-related forestry mechanism with an emphasis on the promotion of sustainable forest management (SFM) offers a potent opportunity for boosting drivers of development in SIDS, the author indicates that African SIDS have not adequately engaged in REDD+. Consequently, the chapter explores the scope for leveraging SFM instruments and mechanisms for enhancing REDD+ readiness and implementation in African SIDS and concludes that enhanced REDD+ readiness and implementation can be achieved by strengthening partnerships with SIDS-led organisations.

In chapter 'Balancing Interests: The Right to Development and the National REDD+ Strategy in Mozambique', Machava explores the contestation around the right to development in the context of the implementation of REDD+ initiative in Mozambique. The Mozambican government approved the national REDD+ Strategy with developmental objectives, which can be seen as reflecting the pursuit of the right to development. Thus, the author assesses how the approach mediates the tension between environmental protection and the right to development of the local communities, where the REDD+ projects are implemented. The conclusion of the chapter is that the local communities' participation in the REDD+ projects is an important window for the realisation of the right to development in Mozambique.

In chapter 'A Case for the Participation in the REDD+ to Address the Natural Resources Use and Governance in Botswana', Moeti, Mogomotsi and Mogomotsi analyse the risks and trade-offs between natural resources, climate change and human rights using the case study of the San in Botswana. Making a case for the participation of Botswana in REDD+, the authors argue that participation, particularly of Indigenous Peoples in the programme may address the climate change risks that exacerbate vulnerabilities and inequities which characterise current natural resource governance regimes in Botswana. The involvement of Indigenous Peoples may aid synergies, cost-effectiveness, and effective management approaches that may serve as a springboard for the San to issue tailor made demands to their government.

In chapter 'Towards Implementing REDD+ in South Africa: A Human Rights Perspective', Mokoena submits that Forests offer a livelihood to the world's significant population and South Africa is no exception to these realities. Yet, South Africa is not yet involved in the REDD+ initiative. Considering its involvement in developing a National Strategic Framework for the project and the White Paper on climate change which demonstrates its support for REDD+, the author interrogates and

analyses how REDD+ may advance or impede on human rights of the people depending on forests in South Africa.

5 Conclusion

Overall, due to the development associated with climate change related interventions, the implementation of REDD+ has received remarkable attention in Africa in the last decade. The extent to which this attention has translated to the protection of human rights of local populations whose livelihood depends on forests is disputed. Nor is the link of the implementation of REDD+ to development well clarified. Except for isolated incidents, the implementation of REDD+ continues to largely follow the traditional environmental law regime of governance which is state driven. As evident from the contributions in this edited volume, states retain clear dominance and or control over land tenure system, participation, incentive payments and general legal framework related to the implementation of REDD+. This approach does not always work out positively for the protection and fulfillment of the rights of local populations. Yet, states also bear the responsibility to respect, protect, fulfil and promote rights of populations in the context of REDD+. The general theme which resonates all through the contributions in this edited book is that normative and institutional measures and changes are inevitable for a durable protection of human rights in the context of implementing REDD+ in Africa.

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