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**Development of national FPIC guidelines for REDD+:  
Experiences from Cameroon**

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**Abstract**

Reducing Emissions from Deforestation and forest Degradation (REDD+) has received significant attention under the UNFCCC and many tropical forest countries are preparing national REDD+ strategies in the hope that REDD+ will form part of the future post-2015 climate regime. In the interim, bilateral and multilateral REDD+ finance has proliferated, with donor countries supporting the preparatory and investment phases of REDD+. At the same time, criticism of REDD+ is building as many caution that the lack of clearly defined benefit sharing mechanisms, carbon, land and forest tenure rights risks harming and marginalising forest communities. In this context, ensuring compliance with strict social safeguards and obtaining the consent of communities has become central to the development and implementation of REDD+ projects, programs and policy processes. This case study paper draws from the process of developing Free, Prior and Informed Consent (FPIC) guidelines for REDD+ in Cameroon – a forest country where human rights and environmental justice on the effective participation of local communities in national policy-making remains challenging. After briefly summarizing the theoretical origins of FPIC and its nascent application to REDD+, the authors explain and discuss the challenges and opportunities of achieving FPIC in Cameroon and provide recommendations for the future climate change regime under the UNFCCC.

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## 1 Introduction

Free, Prior and Informed Consent (FPIC) is a culmination of principles and ideas that epitomize the fundamental rights intrinsic to all humans: the right to information, self-determination, and participation in the governance of natural resources when it comes to matters directly or indirectly affecting one's life and well-being. The oft-cited description of FPIC as the right to say no (or yes) to specific development projects (Edwards et al. 2012) does not do justice to the complexity of nuanced practices and premises underpinning FPIC. Many civil society and indigenous group representatives believe consent is not a one-time agreement but rather a tool through which effective participation and empowerment of marginalized groups is achieved and sustained. However, given the current state-driven systems of governance in most tropical forest countries, realizing FPIC would require radical reforms to natural resources management decision-making processes. Social safeguards coalitions are increasingly pushing their rights-based development agendas through the extensive array of actions and processes embodied by the climate mitigation mechanism REDD+, or Reducing Emissions from Deforestation and forest Degradation in developing countries, PLUS the role of conservation, sustainable forest management, and forest carbon stock enhancement. With the hopes that there is potential for climate finance through REDD+ to engender such sweeping reforms. Thus, the call for "no REDD+ without FPIC" can be heard throughout the world. But whether these safeguards coalitions achieve progress in their plight depends on domestic actor constellations, historical contexts and contemporary political economies.

In this paper, we examine Cameroon as a case study to paint a realistic picture of the challenges in institutionalizing FPIC as a rights-based approach to participatory natural resource management, specifically through its application to national REDD+ strategy-building. We link this national process to international climate policy-making, specifically REDD+ and the instruments for implementation currently under discussion for a post-2015 UNFCCC climate change regime. After stating objectives and clarifying key terms, the paper provides a synopsis of the origins of FPIC and its application to REDD+ implementation, internationally and in Cameroon. Thereafter, we provide a brief account of how FPIC guidelines for REDD+ were developed in Cameroon and the current status of the application of these guidelines. In the discussion, we analyse the challenges and opportunities moving forward and draw conclusions and recommendations for the international REDD+ community of policy-makers and practitioners.

### 1.1 Problem statement, objectives and importance of paper

The objective of this paper is to describe, analyze and draw conclusions on how national REDD+ processes can advance national environmental justice objectives, using Cameroon as a case study. Cameroon may be considered emblematic of other REDD+ countries in the Congo Basin as Cameroon's legal framework resulting from 1994 forest sector reforms has been used as a model for many countries of the Congo Basin (Topa et al. 2009). Thereafter, we reveal the significance of these guidelines for Cameroon, not only in the context of

REDD+ but also broader in terms of participatory natural resource management and Indigenous Peoples' rights.

While Cameroon has recognized the need for reform (i.e. forest and tenure laws currently under reform), the REDD+ process has sparked the call for strengthening of local rights in the absence of a legal framework that clearly recognizes the rights of local communities to effectively participate in natural resource management (NRM) and the lack of effective participation in decision-making processes over land use allocation decisions affecting lands (Assemble 2013).

## 1.2 Definitions

Each word comprised in FPIC contributes to the collection meaning of the notion. Consent means that the relevant collectivities have the choice to accept or refuse the project at hand, in this case the given REDD+ initiative, whether a national program or specific forest carbon project. Here the distinction is often made between the term **consent** and “*consultation* leading to broad community support,” the latter falling under the World Bank’s Operational Policy (OP) 4.1. As many REDD+ countries, including Cameroon, receive financial support for national REDD+ processes through the World Bank-facilitated Forest Carbon Partnership Facility (FCPF), World Bank safeguards apply to FCPF-funded activities and adherence to the stricter safeguard notion of FPIC would be either a nationally legislated safeguard requirement or stem from another donor’s set of safeguards. **Free** means that there must be no coercion, intimidation or manipulation and if the community does say “no,” there must be no repercussions. **Informed** means there has been a complete disclosure of all information related to the development plans in a language and medium that is comprehensible and easily accessible by the affected communities, including the ability to seek more information if requested. Informed also means that consent must be founded on an understanding of the full range of issues arising from the activity or decision in question (Colchester and MacKay 2004). **Prior** means that consent must be sought and obtained before engaging in any activity on community land and that enough time must be given for communities to appreciate the proposed activities. In the specific context of REDD+, prior also means that communities must be engaged during the early conceptualization and development phases of projects and activities that seek to reduce forest-related emissions on their land.

Together, these words form a very powerful collection of principles that project implementers and other practitioners may see as posing a real barrier to implementing REDD+. However, most interpretations of ensuring respect for FPIC does not consist of giving individual veto power to anyone potentially affected by a REDD+ project and does not require the agreement of specific individuals. See for example, the World Bank’s latest draft Environmental and Social Framework where it is explained that FPIC does not require unanimity and may be achieved even when individuals or groups explicitly disagree (World Bank 2014). Instead, FPIC is in principle based on collective considerations, where deliberative dialogues at the community level lead to consensus, agreement and eventually consent. It should also be

stated that in most cases consent is not a one-time occurrence but rather an on-going process that requires the continuous implication of local affected communities.

Also of pertinence to this paper is the term “indigenous,” whose meaning holds numerous underlying assumptions and different interpretations in the Cameroonian (and many other African countries) context. The understanding of this term is important to highlight because FPIC is often thought to apply only to indigenous people. In Cameroon, no community or group of people are officially recognized as indigenous people. However, two groups – the Mbororo pastoralists and the so-called “Pygmy” groups, which include Baka, Bakola, Bagyeli and Bedzang – have officially completed the process of self-identification as indigenous, as their cultures and lifestyles differ significantly from those of the dominant society and the survival of their traditional lifestyles depends largely on their rights and access to customary land and natural resources (Tchoumba 2005). These groups have also been recognized by the African Commission on Human and Peoples’ Rights as indigenous communities of Africa (AU 2005). However, the term is often contested and many assert that a distinction should not be made between indigenous and non-indigenous. Thus, the concept of FPIC Cameroon applies to all local communities and indigenous peoples (whether forest or non-forest) that may be directly or indirectly affected by REDD+. Essentially we are looking at marginalized people.

## **2 Background and origins of FPIC, safeguards and REDD+**

The risks and adversities of REDD+ may entail recentralization of forest governance at the expense of local communities, including exclusion from decision-making and participation, displacement from forest land held by indigenous groups or denied access to traditional use of natural resources and elite capture (Phelps et al. 2010; Jagger et al. 2012; Ribot & Larson 2012). Safeguards are mechanisms to mitigate risks and potential negative impacts of REDD+ (McDermott et al. 2012). The range of safeguard approaches for REDD+ have been disaggregated into four categories: preventive safeguards, mitigative safeguards, promotive safeguards and transformative safeguards (Arhin 2014). FPIC is categorized under the promotive category, implicating that REDD+ should not only ‘do no harm,’ but should proactively ‘do good’ by improving livelihoods and welfare of people to promote long-term environmental and social benefits such as poverty reduction (ibid.). Promotive REDD+ safeguards emphasize promoting or enhancing opportunities as well as spaces for forest people and communities to contribute to decision-making.

Free, Prior and Informed Consent (FPIC) is not a new concept and has its historical origins outside of the context of environment and development, in the fields of medicine. In the 1980s, advocates for indigenous peoples rights adopted the term, mainly with regards to the right to self-determination (Colchester & Ferrari 2007). The term ‘free and informed consent’ appeared in the International Labor Organization (ILO) Convention 169 regarding indigenous and tribal people (Hanna & Vanclay 2013). Over time the concept has evolved to be applied to the development context, where it is used by advocates for self-determination, specifically with regards to the rights of indigenous people to determine whether and what type of

development happens to their land (Colchester & Ferrari 2007). It is often used as a tool in contexts where the traditional collective land holdings are not recognized by statutory law. FPIC proponents include environmentalists and human rights advocates who are preoccupied by the fact that many marginalized (indigenous) peoples, especially in rural areas, have very limited influence on public authorities and powers wielders. Consequently, these peoples do not have their interests taken into account when land use and natural resource management decisions affecting their native lands are taken (Anderson 2011). In theory, respect of the right to FPIC applies to all policies and projects that affect the life of local communities but in practice it is most often used in the context of land and natural resource development, e.g. mining, forestry, agroindustry and hydro dam development, etc.

With relation to REDD+, FPIC falls under the safeguards discourse, specifically social safeguards, whereby donors and REDD+ country governments require adherence to a given set of safeguard standards when planning, implementing and evaluating REDD+ (pilot) projects, programs and strategies. At the level of the United Nations Framework Convention on Climate Change (UNFCCC), Cameroon along with other REDD+ countries agreed in 2010 to address and respect a set of seven social and environmental safeguards to implement REDD+ (Cancun decision 1/CP.16). While in practice international REDD+ finance has thus been contingent on donor-defined safeguards, the UNFCCC broad set of REDD+ safeguards reinforces the sovereignty rights of countries, as the later are encouraged to establish their own 'country-led' safeguard priorities (Visseren-Hamakers et al. 2012; Rey et al. 2013). Four of the seven UNFCCC safeguards are related to social safeguards. REDD+ countries are further expected to put in place a transparent, consistent, accessible and regularly updated safeguard information system (SIS) on how and whether safeguards are being addressed and respected (Decision 12/CP.17, para. 2). Recently in 2013 during COP19, REDD+ countries arrived at seven decisions for implementing REDD+ known as the Warsaw Framework on REDD+. These decisions amongst others included the timing, frequency and nature of reporting on safeguards.

### **3 Cameroon context**

Cameroon has been engaged in REDD+ since 2005 and over time has developed a national vision for its REDD+ activities; namely, at the national level there is consensus that REDD+ should be a sustainable development tool that will support the country in achieving its 2035 Emerging Economy Vision in a way that does not comprise responsible forest and natural resource management (ROC 2013). The main focus of this development is the rural sector, which includes agriculture, forestry and fisheries. In parallel, Cameroon has clearly stated that REDD+ must be inclusive and developed based on multi-stakeholder participation, placing special emphasis on involvement of indigenous people (ibid.). Local participation is also seen as an element essential for the success of REDD+, as the improved forest management most often relies strongly on the involvement of local people. In essence however, REDD+ is an exogenous mechanism that introduces a financial value for environmental services, principally forest carbon. Requiring FPIC not only safeguards

REDD+ projects and programs to have local credibility, but also helps to ensure REDD+ does not only generate carbon benefits but also a wide range of non-carbon benefits (NCB), which is also a priority for Cameroon.

Cameroon has ratified numerous international conventions and declarations that have direct relation to the respect of FPIC of local communities. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly in September 2007 and signed by Cameroon that same year clearly articulates FPIC as an inherent right of all indigenous communities. The UNDRIP Declaration enshrines the right of indigenous communities to have full control over the development of their lives and lands. Cameroon officially adheres to a range of other international covenants and charters that call for respect to FPIC principles, including the International Covenant on Economic, Social and Cultural Rights (1976), the African Charter on Human and Peoples' Rights (1981), the Rio Convention (1992) and the Convention on Biological Diversity (1992). Specifically to the Congo Basin region, Cameroon is a member of *Commission des Forêts d'Afrique Centrale* (COMIFAC), whose Convergence Plan includes directives to reinforce local stakeholder participation, including through their consent. In 2010, COMIFAC members signed the "Regional Directives on the Participation of Local and Indigenous Populations and NGOs in the Sustainable Management of Central African Forests. Although these Directives include FPIC, the effectiveness of these directives depends on their ratification into national legislation and subsequent implementation, which has been difficult for COMIFAC governments (Assemble 2013).

The national legal framework also includes a number of texts and laws that explicitly protect the rights of local and indigenous communities and safeguard their participation in national policy-making, including with regards to forest and environment management. The 1996 Constitution protects minorities and indigenous peoples and calls all citizens to participate in environmental protection. The 1994 Forest Law grants user rights to riparian communities for subsistence purposes (not commercialization) as well as the right to participate in the management of natural resources found on customary owned land. The Forest Law also includes clauses allowing for community forestry, which is seen as a tool for local development through participation in NRM. The Forest Law also requires 30% of national territory to be covered by permanent forest and the process for classifying these permanent forests requires local community consent (Article 26). Although other legal texts may not explicitly call for consent, many laws and programs in Cameroon form the institutional basis for the free, prior and informed aspects of FPIC. For example, the Environmental Legal Framework (1996) calls for local stakeholder consultations for environmental impact assessments and the Orientation Law for the Land Use Planning and Sustainable Development (2011) calls for local participation in all decisions regarding land allocation and use. Cameroon's Voluntary Partnership Agreement's (VPA)<sup>§</sup> Annex 7 (or so-called 'transparency clause') demonstrates the Government's promise to render public information

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<sup>§</sup> Under the European Union's Forest Law Enforcement, Governance and Trade (FLEGT), Cameroon signed the VPA in 2010 and ratified in 2012, meaning that this Agreement has now become national law.

relevant for forest management. Despite these apparently strong legal frameworks, local stakeholder participation has remained weak in Cameroon and some consider Cameroon to have weak environmental governance (Mvondo 2009; Njamnshi et al. 2009). Some argue this is largely due to the lack of implementing decrees that spell out the procedures for access to environmental and forest information and clear steps for involving local people in land use planning (Njamnshi et al. 2008).

However, since 2008 Cameroon is engaged in a series of law reform processes that are fundamental for REDD+, including the reform of its forest and land tenure laws. During the stakeholder consultations for these legal reforms, national and international civil society groups placed significant pressure on the government of Cameroon to respect international legal obligations such as UNDRIP by enshrining the full bundle of rights to forest communities and to indeed make FPIC law (Carodenuto et al. 2014). At the same time, the MINEPDED has designed and validated national FPIC guidelines that will now be enshrined as a legal instrument for REDD+ implementation.

#### **4 The development of FPIC guidelines for REDD+ in Cameroon**

Cameroon has been involved in REDD+ readiness since 2008, but only recently in 2014, Cameroon officially launched the process of developing its national REDD+ strategy, which is spearheaded by the Ministry of Environment and Sustainable Development (MINEPDED). Due to longstanding issues of community access, rights and tenure and possibly some exasperation with the lengthy legal reform process, civil society actors in Cameroon strongly advocated for the development of FPIC guidelines in the national REDD+ strategy (Somorin et al. 2011).

The process of developing FPIC guidelines is supported by a variety of technical and financial partners, with different agencies supporting different aspects of the process. The *Deutsche Gesellschaft für International Zusammenarbeit* (GIZ), the World Wildlife Fund for Nature (WWF) and a local non-governmental organization (NGO) Center for Environment and Development (CED) together decided to support MINEPDED in the development of FPIC guidelines for REDD+ implementation. The process started in March 2013, with a total of roughly forty governmental agencies, community-based, national and international environmental NGOs and development partners\*\* coupled with five indigenous peoples' groups (Baka, Mbororo, Bagyeli, Bedzang, Bakola) and diverse local communities where involved at different stages. Key aspects of the process involved the following:

- Organization of several planning and coordination meetings by WWF, CED, GIZ and MINEPDED;
- Elaboration of an orientation document on existing FPIC standard as well as national and international frameworks relevant to the process;

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\*\* MINEPDED, WWF, GIZ, CED, RainForest Foundation UK, UNIQUE, REDD Platform, MINFOF, IUCN, Projet REDD+, REFACOF, CEFAID, CADER, FPP, CIFOR, CIRAD, Réseau Communautaire, MINAS, COMIFAC, World Bank, FAO, ICRAF, JICA, JAFTA, EHCJP, SNV, AFD, University of Buea, WCS, AFDB, CARPE, KFW, USAID, Forest Life, WildLifeWorks, APED, OKANI, MBOSCUDA, USFSE (CBFP), Independent Consultant.

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- Organization of workshop to consult and discuss with civil society and indigenous peoples on appropriate and culturally sensitive methods to consult indigenous peoples and local communities;
- Consultations and discussions with indigenous peoples and local communities in the five agro-ecological zones of Cameroon on their views regarding the different aspects of FPIC;
- Compilation of field reports including information on the steps to be followed and the principles, criteria and indicators to include context-specific guidance for certain groups;
- Development and circulation of first FPIC draft for general comments and input for the development of a second draft;
- Validation by stakeholders including representatives of indigenous peoples and local communities of the final national FPIC guidelines for REDD+ implementation;
- Translation, printing and distribution of the French and English version of Cameroon's national FPIC guidelines for REDD+ implementation.

In terms of roles and responsibilities, the REDD+ Technical Secretariat under MINEPDED supervised the process throughout from the start to the end by the WWF, GIZ and CED coordinated the entire process in close collaboration with all the institutions, indigenous peoples and local communities involved. The WWF and CED played a key role in defining the structure of the guideline document and also the tools, methods and ways of consulting and engaging with indigenous peoples and local communities. These institutions also organized the field consultations to ensure local communities and indigenous peoples had their views translated and integrated into the document. International organizations and development partners involved in the forest sector and the REDD+ process also reviewed the document and provided additional comments and inputs. The Ministry of Social Affairs (MINAS), which is the government agency responsible for indigenous peoples issues, played a key role to ensure the process was in line with existing standards and practices related to the consultation of local communities and indigenous peoples.

The adopted national FPIC guidelines consist of principles, criteria and indicators for FPIC implementation and verification (MINEPDED et al. 2014a&b). The guideline is now the standard for how potentially affected local communities are consulted during the development and implementation of the REDD+ strategy in Cameroon. They will also be required for all REDD+ programs, projects and actions in order to ensure that the consent of affected communities has been properly acquired.

As per the validated document, the ten guiding steps to undertake FPIC for REDD+ in Cameroon include: Establishment of a technical team for FPIC field consultations (step 1); Analysis of the physical, socio-economic, cultural and legal context of the REDD+ zone (step 2); Development of an information and communication strategy for engaging and working with communities (step 3); Taking appointments with communities following existing cultural norms and respecting local activities (step 4); Information and sensitization meetings with the communities including capacity building and trainings on REDD+ as deemed necessary (step 5); Negotiating with communities to obtain consent for REDD+

implementation in their locality (step 6); Formalizing agreements between parties in the case where communities accept and give their consent for REDD+ implementation (step 7); Developing a roadmap on the next stage of the REDD+ strategy, program or project implementation with clear roles and responsibilities of both the communities and the REDD+ proponent (step 8); Monitoring of activities including conflict resolution within community members and between communities and REDD+ proponent (step 9); and Verification and evaluation of FPIC implementation by both parties using established criteria and indicators and proposed means of verification (step 10).

## **5 Discussion**

### **5.1 The process and outcome of FPIC guideline development**

Through the FPIC guideline development process, REDD+ has acted as an impetus for developing national social safeguard standards for decisions affecting land and natural resources and provides the opportunity for communities to influence the design and implementation of national policy and sub-national initiatives on REDD+. Both the process for developing FPIC guidelines and the FPIC guidelines themselves however, have highlighted some strengths and weaknesses.

The strength of the process of developing FPIC guidelines is mainly related to the complementing top-down and bottom-up approaches used in engaging multiple stakeholders. The top-down approach reviewed and analyzed relevant global treaties (e.g. UNFCCC) and initiatives (e.g. UN-REDD, civil society coalitions) and existing national legal and institutional frameworks and standards that highlight general trends and legal frameworks. This top-down approach we argue provides the orientation for the national FPIC development process and also sets the national normative framework and context in relation to human rights-based approach to REDD+ and natural resources management. The bottom-up approach on the other hand focused on the participation, views, contribution, direction and leadership of the indigenous peoples, local communities and civil society in determining a context-specific and culturally appropriate content of FPIC guidelines.

The bottom-up approach also provided information on the criteria, indicators and guidance on the implementation and verification of FPIC within a REDD+ process, program or project. Both approaches enabled the development of FPIC guidelines to take into consideration both global and national norms and local realities. Moreover, the multitude of stakeholders, many of whom stemmed from rights-based advocacy groups, promoted transparency and open communication and brought credibility to the process. The transparency and credibility of the process made it easier for the REDD+ community in Cameroon to review, accept and validate the national FPIC guidelines document. The success of the two approaches can be further explained by the wide scope of field consultation that covered indigenous and local communities in all the five agro-ecological zones of Cameroon; a strong government (MINEPDED) support of the process; and a well-organized coordination team. The coordination team brought in technical expertise on REDD+ and right-based approaches to

NRM and development coupled with a good planning of activities and the respect of roles and responsibilities by different stakeholders.

The weaknesses of the process of developing FPIC guidelines are related to the limited contribution of the REDD+ project developers or implementors and the time-consuming and costly nature of the required consultations and the organization of forums that enable multi-stakeholder participation. Of the 40 institutions that participated in the FPIC development process, those with on-the-ground experience in development REDD+ projects were underrepresented. The contribution from private sector REDD+ project developers was especially limited. This limited participation can be explained by a poor history of involving the private sector in the REDD+ process and an unfavorable investment environment for REDD+ in Cameroon that in turn discourages private sector investment in REDD+. Previous initiatives to develop a REDD+ project in Cameroon were hampered in part by the absence of national standards for REDD+ investment. Paradoxically, it is in the interest of REDD+ project developers, especially those representing private sector interests, to engage in such national REDD+ safeguard development processes in order to render the FPIC guidelines more practicable and operational by providing on-the-ground experience for how REDD+ can be realistically implemented.

In general, the drawbacks of the process includes the significant amount of resources spent on bringing together stakeholders in workshops and other consultative fora, which included organizing different meetings, workshops, and field work in the five agro-ecological zones of Cameroon. Without the generous contribution of the donor and development agencies involved, the same level of multi-stakeholder consultation would not have been possible. Thus, there is a need to identify more sustainable means through which to organize such national-level REDD+ safeguard processes. Lacking internet access in Cameroon, especially for forest communities and indigenous peoples, makes online fora only an option in the long term. In the meantime, there is a need to tap into existing traditions of information-sharing and consultations at the local level so that the topic of FPIC for REDD+ can continue to be discussed and the process improved without needing to continuously rely on external funding.

For the developed FPIC guidelines and from a right based perspective (Campese et al. 2009), the main strengths of the guideline are linked to the opportunities to respect and protect the rights of communities, specifically that of self-determination. In this context, the guidelines systematically outline the steps to realize FPIC and individually address the four fundamental notions of FPIC (see Section 1.2 Definitions above). The ten steps of the FPIC guidelines take communities' rights into account when converting a community-owned land or modifying community land-use practices from logging or agricultural expansion for example to forest conservation under a REDD+ project. By implementing step two of the FPIC guidelines that entails amongst others the identification and mapping of all the different right holders (customary, statutory, traditional, individuals, collective, etc), one can argue that the project proponent is recognizing and respecting the rights of communities. Similarly in steps two and five, the identification of capacity-building needs and the development and

implementation of training programs related to the FPIC process supports the protection of communities' rights.

The main weakness of the FPIC guideline development process is that arguably the much more important challenge is implementing them. The Government of Cameroon has yet to ratify the guidelines into law and in the meantime, it remains to be seen whether project proponents will be able to follow the numerous and often cumbersome steps required to achieve FPIC. As explained above, the consent of FPIC should be seen as a staged process where communities are encouraged to take a more active role in the decision-making processes affecting their lands and territories. Local circumstances will make it impossible to obtain acceptance of all community members, but this should rather be seen as an opportunity to foster a meaningful dialogue local-level actors affected by REDD+.

## **5.2 National policy implications**

Although the interpretation and application of FPIC in the context of REDD+ is still evolving, it has the potential to shift the balance of power and rights to indigenous and local communities. This new power and rights will give these communities a strong voice in national decision-making processes and influence over the development of the national REDD+ strategy. In this context, indigenous and local communities should have the power to stop any REDD+ process linked to their territory or community forest. For this to happen however, some huddles need to be overcome.

In the short term, the concept of "indigenous and local communities" should be clearly understood by everyone involved and fully applied as defined in the national FPIC guidelines document. The document defines "community as all concerned populations without distinguishing between sociological groups, gender or social composition, whose land is covered either entirely or partly by the development zone of the REDD+ process or initiative be it in a village, town or city." Since the consent for REDD+ would be given collectively by a community, the application of the definition is very important. Experience in community forestry in Cameroon has shown that the lack of a common definition, conceptualization and application of the notion of "indigenous and local communities" has led to many local conflicts, which REDD+ FPIC process must avoid. While the FPIC document of Cameroon refers to the five groups composed of Baka, Bagyeli, Bakola, Bedzang and Mbororo as indigenous communities, the term "indigenous" is often considered controversial and avoided by public discourse. Nevertheless, MINAS is currently conducting a study to identify which groups are considered indigenous to Cameroon (Feiring 2013). If at the end, MINAS comes up with a different definition and classification, it may drastically change the special focus and attention given to these five groups and may necessitate a modification in the FPIC process at the national level including REDD+ project proponents. To maintain the current status quo, MINAS must not change the definition and classification of indigenous communities and must respect all the international charters, declarations and conventions and treaties signed and ratified by Cameroon.

To make FPIC implementation work at the national level, important lessons can be taken from past and on-going experiences on the ground. Experiences from the southern and eastern forested regions of Cameroon show that despite the existence of several REDD+ projects (especially CED and WWF projects), it may be too soon to expect both communities and project proponents to fully and strictly respect many aspects of FPIC implementation. In the case of one project, communities are given their consent in stages and it is considered as a process not a one-time “yes or no” deal. In other cases, about 80% of the communities gave their consent for the projects to go ahead but the remaining 20% withheld consent due to a lack of interest, skepticism or lack of information regarding the benefits of REDD+, or a perception that other competing land uses would provide more benefits, such as commercial logging.

In the medium to long term, both communities and REDD+ program / project proponents will need to carry out and respect their roles and responsibilities outlined in any eventual FPIC agreement. Failure on the side of communities to respect their obligations will rather weaken the prospects of supporting the protection and fulfillment of their rights over the REDD+ project zone. It will also mean less performance from the communities and less benefits from REDD+ and higher risks of failure of the REDD+ strategy, program or project. As FPIC give more power to indigenous and local forest communities, the government (national REDD+ Committee and Technical Secretariat) must encourage REDD+ proponents to put in place long term capacity building and training programs to upgrade the limited technical capacity of communities to handle complex REDD+ issues especially MRV. By respecting their obligations, communities will make a strong shift to fulfilling their rights and consolidate the ownership of their land and community forests in the eyes of the government who legally owns all lands without a registered land title in Cameroon. It is however also important to note the Government of Cameroon is slowly increasing local control over forestlands through the strengthening of local and customary rights and through private and collective ownership in community forestry. The respect of FPIC obligations by communities may further give a reason to the government to accelerate communities’ control and rights over forest and other lands.

So far, discussions on Cameroon’s FPIC guidelines and the potential emergence and consolidation of communities rights have been limited to tree and land rights and not carbon rights. While some scholars (Murray et al. 2014, Cotula and Mayers 2009, Palmer 2011) speculate that carbon rights (who own carbon?) will be a highly contested issue should forest carbon become a very expensive financial product, others dismiss the speculation (Karsentya et al. 2014). The dismissal is due to the very limited identification or mention of carbon right related issues in national REDD+ readiness plan idea notes (R-PIN) of Cameroon and many other REDD+ countries in the world (Daviet et al. 2009). Karsentya et al. (2014) argue that land or tree tenure rights are more important issues to address and that linking carbon rights to land tenure confuses social justice. In this case, if communities in Cameroon go as far as claiming their carbon rights within the REDD+ FPIC implementation, it may pose a high risk

to communities as the government may hold back their land and tree rights and possibly, as argued by Phelp et al. (2010), re-centralize forest and land tenure ownership.

### **5.3 International policy implications**

The question of “how social and environmental safeguards are addressed and respected by REDD+ countries” remains crucial moving forward with any post-2015 UNFCCC climate change regime. In terms of social safeguards, national FPIC guidelines can contribute in different areas of the UNFCCC requirements on safeguards and safeguards reporting, i.e. through SIS. It is also important to note that before addressing and respecting safeguards, countries must put in place safeguards monitoring systems. In this context, countries like Cameroon (and the Philippines) that have national FPIC guidelines can use them to inform the setting of country safeguards objectives, policies, legal and regulatory frameworks. These national FPIC guidelines can be applied in all stages in the development of country approaches to safeguards (Peskest and Todd 2013). Having national FPIC guidelines arguably facilitates the establishment of national SIS used to meet the UNFCCC safeguards reporting requirements. Overall, the operationalization of national FPIC guidelines can help countries to address and respect social safeguards issues related to the recognition and respect of the knowledge and rights of indigenous peoples and local communities, the promotion of full and effective participation of relevant stakeholders, and transparent and effective national forest governance structures.

Our analysis highlights the intention of Cameroon’s national FPIC guidelines to address the rights of indigenous peoples and local communities by for example mapping right holders and their distinct rights as well as all the stakeholders that would be affected by a national REDD+ strategy or project. To respect the identified rights, the elaboration of the national REDD+ strategy in Cameroon must integrate FPIC and issues related to the rights of indigenous peoples and local communities. The guidelines also require extensive consultations and effective participation of all the stakeholders. In another example, the Cameroon FPIC guidelines clearly state all relevant international human and indigenous people’s rights’ conventions signed by Cameroon must be respected. A country such as Cameroon with national FPIC guidelines therefore already has many relevant elements and information to report to the UNFCCC on how to address and respect safeguards. Members from civil society organizations in Cameroon can be credited for bringing early enough to light very pertinent issues linked to social safeguards that are now in the national FPIC guidelines. This is due to the effective involvement of some of the civil society organizations in Cameroon in international initiatives to promote safeguards. Notably are the REDD+ Social and Environmental Standards (REDD+ SES) and the Accra Caucus initiatives. Through these initiatives, they network with their international counterparts such as the Forest Peoples Program (FPP) and Rainforest Foundation (UK and Norway) who are very informed about most of the safeguards and FPIC issues. In this light, the civil society organizations, both local and international, remain a cornerstone and valuable asset for

effectively integrating the rights of indigenous peoples and local communities in national FPIC guidelines and safeguards systems.

## **6 Conclusion and recommendations**

The process of developing “Operational Guidelines for Obtaining Free, Prior and Informed Consent (FPIC) for REDD+ Initiatives in Cameroon” highlights the opportunities and challenges in advancing national social safeguard agendas in the context of REDD+ through national multi-stakeholder participatory processes. In Cameroon, civil society organizations involved in the guideline development actively promote bottom-up participation by involving local communities in this national process. The overall objective of these efforts is to shift the power balances away from centralized decision-making structures towards more decentralized governance. However, these efforts remain hampered by a lack of high-level commitment for reform, which is exemplified by the stalled passing of the respective legislative instruments required to render the guidelines legally binding for REDD+ proponents. Thus, the impact of the laborious and costly FPIC guideline development process remains mitigated, at least until the planned legislative instruments are successfully ratified and implemented. Past experience in Congo Basin countries has already highlighted that the effectiveness and subsequent implementation of such rights-based guidelines and multi-stakeholder processes is hindered by the lack of ratification of such guidelines into national legislation. However, the challenges for effective implementation of FPIC arguably needs more than legal reform.

The process has highlighted the diverging expectations and understandings of different stakeholders, which is exemplified by the different understandings of key terms such as the definition of consent, and when, where and for whom it is required. The development and validation of the guidelines has sparked this important discussion in the context of REDD+. However, the broad stakeholder dialogue on how to foster the participation of local communities and marginalized groups in NRM decisions continues through on-going national process, such as reforming the forest and tenure laws and the state’s formal process of identifying and officially recognizing indigenous peoples. REDD+ is thus as a venue through which these very sensitive but highly critical human rights and NRM issues are being discussed.

A survey of the global REDD+ process shows that REDD+ projects and national-level programs largely remain limited to “readiness,” with very few projects or initiatives where on-the-ground mitigation and social benefits have been achieved. The criticism of REDD+ being ‘unimplementable’ is in part driven by the stark advocacy of civil society and indigenous peoples rights organizations and their goal of pushing a sweeping package of human rights and forest governance reforms through REDD+. Leading up to the post-2015 climate agreement, more work needs to be dedicated to engaging civil society advocates, policy-makers and practitioners in a dialogue regarding the definition and extent of social safeguards for REDD+ to ensure that REDD+ is able to provide the global and local mitigation and other benefits.

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