

Beyond Carbon:



Bernadinus Steni
September, 2011

Rights-based Safeguard
Principles in Law

Involved Organizations/Networking in Discussion

- HuMa
- Civil Society Forum on Climate Justice (CSF)
- Bank Information Center (BIC)
- WALHI
- Kemitraan (Partnership)
- KpSHK
- ICEL
- Samdhana Institute and
- AMAN

9 Basic Rights (NAIS)

1. Basic right to information,
2. Right to participate,
3. Right to forest resources,
4. Right over values and customs relating to forest,
5. Rights to benefit-sharing,
6. Right to compensation and environmental restoration,
7. Right to free and prior informed consent,
8. Right not to be terrorised and to protection under the law,
9. Right to a healthy environment.

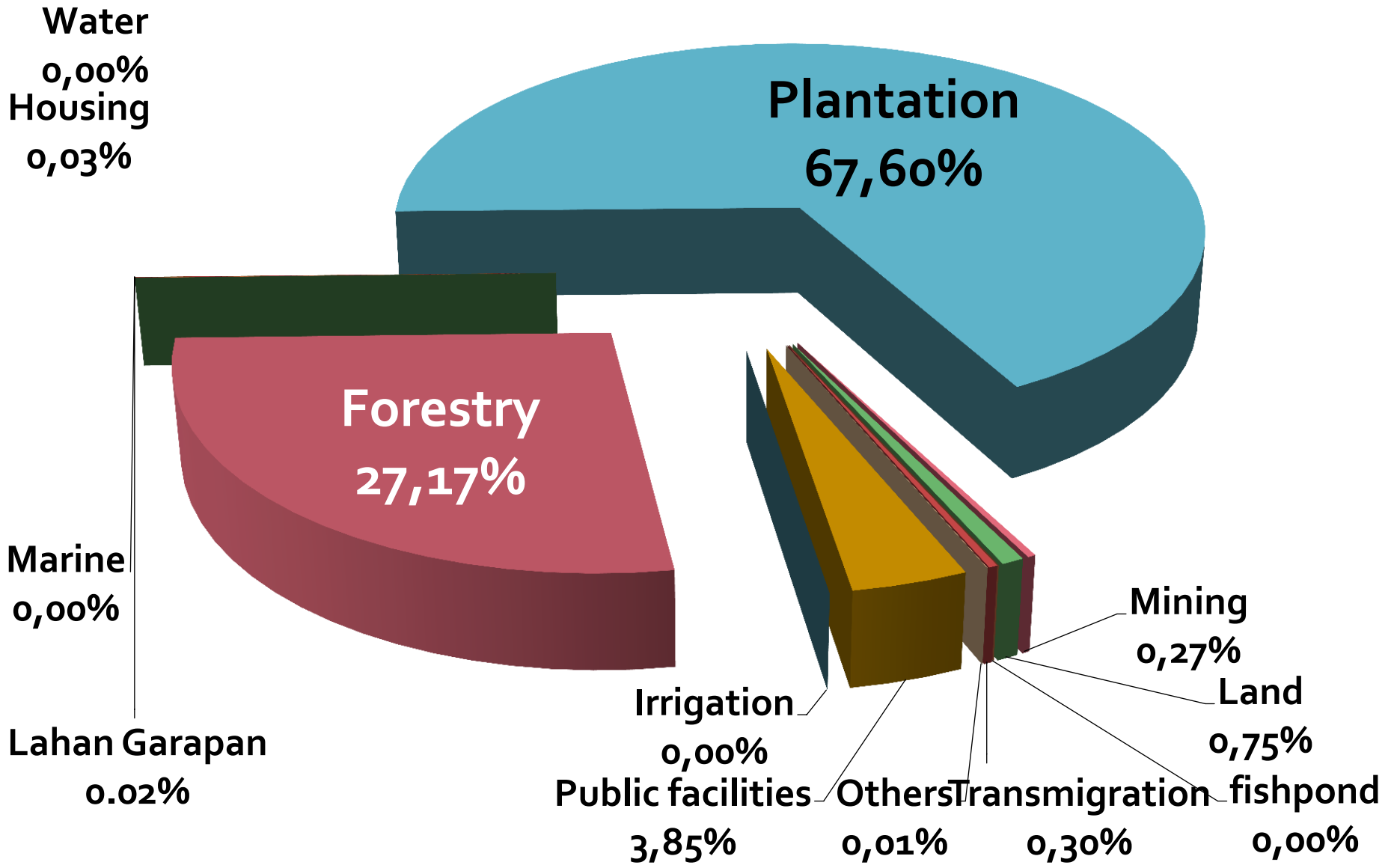
WHY Rights-Based Safeguard (RBS)

1. Forest Conflict is a conflict of rights

- Victims are forest communities (last ten years more than 20 forest communities dead without proper legal process)

Conflict Based on Sectors

- Data Base HuMaWin HuM
- Data Base KPA
2011



- Legal reason: The RBS are not invented but are already provided for in existing nationally and internationally applicable legislation

**Law No. 32 year 2009
about Environmental
Management and
Protection**

“Information system is conducted in integration and coordinately and is obligatory to publish to the people”

**Law No. 39 year 1999
about Human Rights**

Everyone reserves the right to communicate and get information needed to develop personal and social environment.

Structure of Safeguard

- a. Realities, needs: explain reasons why a certain principle is proposed
- b. Key principles: taken from the legal principles and experience
- c. Legal basis: international and national legal basis

Stakeholders Engagement

- Dialogue with donors, multi-lateral banks
- The dialogues between parties have taken place. However, it seemed that there was still reluctance to talk openly and honestly about particular issues, like the rights of communities to accept and reject REDD+.
- On one hand, such reluctance had reasons because it was related to the Government authority. On the other hand, it hampered the dialogue process.

Policy Engagement

- Promoting RBS into national policy. Some of RBS has been accommodated in the draft of National Strategy

**Nasional Strategy on
REDD+**

FPIC

NO REASON TO DELAY

Portrait of FPIC in REDD+ Demonstration Activities
project in Central Kalimantan and Central Sulawesi

Terima Kasih