

Indigenous Women and Benefit Sharing in the Emission Reductions Programs



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Published by:



With support from:



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Published by

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Printed in the Philippines
by Valley Printing Specialist
Baguio City, Philippines

ISBN 978-971-0186-42-6

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ACKNOWLEDGEMENT

For their invaluable assistance and inputs to this publication, we are extremely grateful to:

Marissa M. Cabato

Hairudin Alexander

Yurni Sadariah (Migi Saing Puak)

Ida Tutu Rusintan (Paser Pematang)

Layen Darmayanti (Dayak Benuaq Ohokng Sangokng)

Dediyana (Dayak Benuaq Telimuk)

Ribka Diana (Jumetn Tuoyatn)

Margaretha Seting Beraan (Dayak Bahau Busang)



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Acronyms

AIPP	Asia Indigenous Peoples Pact
ALTA	Agricultural Landlord and Tenant Act
ANSAB	Asia Network for Sustainable Agriculture and Bioresources
BNP	Bardia National Park
BSM	Benefit Sharing Mechanism
BSP	Benefit Sharing Plan
BZFUGs	Buffer Zone Forest User Groups
CBD	Convention on Biological Diversity
CBMIS	Community Based Monitoring and Information System
CBP	Capacity Building Program for Forest-Dependent Indigenous Peoples and Southern Civil Society Organizations
CEDA	Center for Economic Development and Administration
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CFUGs	Community Forest User Groups
CIPRED	Center for Indigenous Peoples Research and Development
CNP	Chitwan National Park
CO ₂ e	Carbon Dioxide Emission
COP	Conference of the Parties (to the UNFCCC)
CSOs	Civil Society Organizations
DBFCC	Drawa Block Forest Communities Cooperative
DFO	Division Forest Office
DPMU	District Project Management Units
DOFSC	Department of Forest and Soil Conservation
ER	Emission Reductions
ERP	Emission Reductions Program
ERPAs	Emission Reductions Payment Agreements
ERPDs	Emission Reductions Program Documents
ESMF	Environmental Social and Management Framework
ESMG	Environmental Social and Management Guidelines
FCP	Forest Carbon Program
FCPF	Forest Carbon Partnership Facility
FCTF	Forest Carbon Trust Fund
FDF	Forest Development Fund
FECOFUN	Federation of Community Forest Users Nepal
FGDs	Focus Group Discussions

FPIC	Free, Prior and Informed Consent
FRTC	Forest Research and Training Center
GAD	Gender and Development
GESI	Gender Equality and Social Inclusion
GoI	Government of Indonesia
GoN	Government of Nepal
HIMAWANTI	Himalayan Grassroots Women's Natural Resource Management Association
ICIMOD	The International Center for Integrated Mountain Development
ILO	International Labor Organization
IPCC	Intergovernmental Panel on Climate Change
IPs	Indigenous Peoples
IPBES	Inter Governmental Science-Policy Platform on Biodiversity and Ecosystem Services
IPOs	Indigenous Peoples' Organizations
KII	Key Informant Interview
LOU	Land Owning Unit
LUU	Land Use Unit
MoF	Ministry of Finance
MoFE	Ministry of Forest and Environment
MRV	Measurement, Reporting and Verification
Mt	Metric ton
NEFIN	Nepal Federation of Indigenous Nationalities
NFDIN	National Foundation for Development of Indigenous Nationalities
NGOs	Non-Government Organizations
NIWF	National Indigenous Women's Federation
NLTB	Native Land Trust Board
NTFP	Non-Timber Forest Products
PA	Protected Area
PES	Payment for Environmental/Ecosystem Services
REDD+	Reducing emissions from deforestation and forest degradation, forest carbon stock conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
RL/REL	Reference Level/ Reference Emission Level
RIC	REDD+ Implementation Center
R-PIN	REDD+ Readiness Plan Idea Note
R-PP	Readiness Preparation Proposal
RTL	Register of iTaukei Lands
SESA	Strategic Environmental and Social Assessment
SRETF	Small Recipient-Executed Trust Fund
TAL	Terai Arc Landscape
TEBTEBBA	Indigenous Peoples' International Center for Policy Research and Education
TLC	iTaukei Land Commission
TLTA	iTaukei Land Trust Act
TLTB	iTaukei Lands Trust Board
TNK	Turaga ni Koro
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
USD	United States Dollar
PC	Participants Committee
WB	World Bank



Synthesis

Indigenous Women and Benefit Sharing in the Emission Reductions Programs

By Raymundo D. Rovillos, PhD

I. INTRODUCTION

A. RATIONALE AND BACKGROUND

Established in 2007, the Forest Carbon Partnership Facility (FCPF) is a global partnership of governments, donors, private sector, civil society, and indigenous peoples (IPs) focused on reducing emissions from deforestation and forest degradation, forest carbon stock conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries (REDD+). The FCPF, managed by the World Bank (WB), has two separate but complementary funding mechanisms: the Readiness Fund and the Carbon Fund. “The Readiness Fund supports tropical and sub-tropical developing countries in preparing themselves to participate in a future, large-scale, system of positive incentives for REDD+”.¹

“The Carbon Fund is set up to pilot incentive payments for REDD+ efforts in developing countries. FCPF participant countries that have made considerable progress in their REDD+ readiness endeavors may be selected to participate in the Carbon Fund which became fully operational in May 2011. Carbon Funds payments are designed to help countries and their stakeholders achieve long-term sustainability in financing forest conservation. They are intended to help reduce climate change impacts from forest loss and degradation by making forests more valuable standing than cut down. The Carbon Fund remunerates participant countries in accordance with negotiated contracts for verifiable emission reductions (ERs)”.²

Among the social and environmental safeguards that were agreed under REDD+ is the right of IPs to participate fully and meaningfully in REDD+ related processes and to ensure

that their collective rights to their lands and territories are safeguarded during its design and implementation. To facilitate this, IPs requested the FCPF in their regional and global dialogues for an allocation for capacity building activities specifically for IPs. This request was approved by the FCPF Participants Committee (PC) as the Capacity Building Program (CBP) of the Readiness Fund on REDD+ for forest-dependent IPs, Southern Civil Society Organizations (CSOs) and other forest dwellers.

The objective of the CBP is to provide beneficiaries with information, knowledge, and awareness on REDD+ to enhance their understanding and enable them to engage more meaningfully in the design and implementation of REDD+ readiness activities and emission reductions programs. The aim is to support activities that empower and enable these stakeholder groups to enhance and influence REDD+ development outcomes and to strengthen mechanisms for inclusion, accountability, and participation.

Phase 1 was implemented from 2008-2015 through the WB's general procurement system while **Phase 2** was implemented in accordance with the WB's Procedure for Small Recipient-Executed Trust Fund (SRETF) grants. For IPs in the Asia-Pacific, Tebtebba Foundation (Indigenous Peoples' International Centre for Policy Research and Education), a non-government organization in special consultative status with the UN-ECOSOC based in the Philippines, was chosen as the Recipient and implementer of the project. Tebtebba continued as the Recipient and implementer for **Phase 3**.

One activity under Component 2 of the project of the FCPF Capacity Building Project is a regional research on 'Indigenous Women and Benefit Sharing in Emission Reductions Programs (ERPs) Implementation'. This was undertaken in Fiji, Indonesia and Nepal which submitted their Emission Reductions Program Documents (ERPDs) and signed Emission Reductions Payment Agreements (ERPAs) with the WB as Trustee of the Carbon Fund of the FCPF.

The research built on the principles and views articulated by Tebtebba in its work on REDD+:

- The last remaining tropical forests in developing countries are those controlled or owned by indigenous peoples. These forests have been managed, protected, and conserved mainly because forest dwelling and forest-dependent indigenous peoples have fought against deforesters, policies and programmes of governments that threaten to displace them from or adversely impact on their territories.
- The defense and sustenance of their strong and deeply rooted historic cultural, socio-economic, and spiritual relationships with their lands and territories persist up to the present, even amidst various efforts of modern society to denigrate these.
- Tebtebba passionately believes that these efforts of indigenous peoples to protect and conserve their forests and to sustainably manage these proves that they are the ones who have contributed significantly to reducing emissions from deforestation and forest degradation, even before REDD came into the picture.³
- If indigenous peoples' customary institutions and sustainable forests and other resources management practices are reinforced, their contributions in reducing emissions from deforestation and forest degradation, conservation and enhancement of carbon stocks will be further enhanced. In the same light the persistent gender gaps must be addressed noting the significant roles of indigenous women, in climate change mitigation and adaptation based on their diverse knowledge and lifeways.

B. RESEARCH OBJECTIVES

REDD+ comes with a Benefit Sharing provision through “the distribution of results-based finance, a critical component of greenhouse gas emission reduction initiatives, including FCPF emission reductions programs. Equitable and transparent benefit sharing arrangements ensure that all stakeholders, including indigenous peoples and communities, are recognized, and rewarded for their role in reducing emissions, including through forest conservation and sustainable forest management.”⁴

Several REDD+ countries in the region are at various stages of developing their Emission Reductions Programs with some having advanced to draft their Benefit Sharing Schemes.

Noting the significant role of indigenous peoples (IPs) in emission reductions, the research focused on:

- a. identifying existing indigenous peoples’ sustainable forest management practices and the customary laws and institutions governing these, considering: gender differentiated roles, access to resources, land, benefits, and decision-making that contribute to reduced emissions from deforestation and forest degradation, that may enhance emission reductions, and how these are or should be acknowledged in the development of benefit sharing mechanisms; and
- b. the development of country-specific benefit sharing schemes for IPs in general while ensuring equitable sharing of benefits by indigenous women.

These research objectives are met by:

- Identifying IP communities covered and/or affected, whether directly or indirectly, by ERP implementation and their existing contributions to emission reductions and barriers to sustaining these;
- Analysing existing opportunities, actions, mechanisms, etc. that can drive or constrain equitable benefit sharing for IPs, especially women; and
- Recommending how IPs’ practices can enhance benefit sharing arrangements to reduce carbon emissions and propose a design for equitable benefit sharing to IPs with attention to indigenous women

C. SCOPE OF WORK

The research covered the following:

1. Distinct practice/s, particularly indigenous women, in a particular forest ecosystem which contributes to reduced emissions from deforestation and forest degradation, sustainable forest management, forest conservation, enhancement of carbon stocks, promotion of cultural diversity and biodiversity illustrating IPs’ holistic view and multifunctional use of forest, e.g., cultural, spiritual, food, medicine, among others;
2. Prevailing government policies and programmes on forest and forest management and how these reinforce or hinder/weaken the practice and transfer of IPs’ forest and forest management practices and/or drive emissions and existing implementation of tenurial⁵ and customary governance systems on forest and their vitality and viability;
3. Existing traditional and/or formal benefit sharing schemes or results-based incentives – their strengths, challenges, gaps, and risks in relation to IPs and particularly women;

4. Recommendations on addressing the gaps and challenges in relation to IPs and indigenous women and, in this regard, a benefit sharing design ensuring equitable benefits to IPs and in particular, indigenous women.

D. CONCEPTUAL FRAMEWORK: INDIGENOUS AND GENDER ANALYSIS

Data from the country case studies were analyzed through the lens of indigenous peoples' rights as stipulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and their expression or articulations in the international processes and declarations in relation to the REDD+ and ERP. Three (3) of the most important frameworks are: the REDD+ in the Cancun COP16, the Warsaw Framework on REDD+ and the Paris Agreement. These are discussed briefly below.

Due to intense lobbying by indigenous peoples' organizations and NGOs, the UN Framework Convention on Climate Change (UNFCCC) adopted the Cancun safeguards on REDD+ during the 16th Session of the Conference of Parties (2010), some of which explicitly related to indigenous peoples (Martone 2019, 13). This represents the minimum benchmark for climate finance for forests. The Cancun Safeguards contain at least three (3) elements that relate to indigenous peoples, and hence are especially important when defining REDD+ programs as well as related Results-Based Payments (RBPs). The UNFCCC recognizes the need to respect indigenous peoples' traditional knowledge and rights, as well as to ensure the full and effective participation of indigenous peoples (Martone 2019, 14).

The Warsaw Framework on REDD+, adopted at the Warsaw Conference of the Parties of the UNFCCC in 2013, is a sort of "toolbox" of instruments and conditions to be respected to access Results-Based Finance (Martone, 2019). More popularly referred to as the Warsaw Framework on REDD+, it contains a set of guidelines and ways to implement REDD+ activities and access related payments, offering a framework for fulfilling the criteria for a results-based approach to finance mitigation. The Warsaw Framework also reaffirms that funding can come from various sources, public or private, and from different financing institutions. In addition, it lists the criteria for obtaining Results-Based Finance for REDD+, notably that the country has a National Strategy/Action Plan and has set a National Forest Emission Level (REL/RL), a National Forest Monitoring System in place, as well as a Safeguards Information System.

The Paris Agreement emphasizes the role of REDD+ for the achievement of the climate goals, and deals with RBPs, reaffirming the principles contained in the Warsaw Framework but also recognizing among others, the importance of "non-carbon" values and the key role of the Green Climate Fund. The Conference of the Parties also invited the Green Climate Fund: "to enhance [its] consideration of local, indigenous and traditional knowledge and practices and their integration into adaptation planning and practices, as well as procedures for monitoring, evaluation and reporting." (Martone, 2019).

The gender dimension of the ERP (and the whole REDD+) was analyzed from a Gender and Development (GAD) approach within the overarching framework of Indigenous Peoples' Rights-Approach. Caroline Moser (1993) encouraged development advocates and practitioners to pay attention to:

- gender roles in production, reproduction and community managing roles;
- access to and control over resources; and
- strategic gender needs and practical gender needs.

In analyzing the ERP's benefit sharing schemes, we adopted Moser's (1993) and Overholt's (1985) definition of and differentiation between access to and control over resources and benefits. The concept of control is different from the concept of access in the sense that "access to resources and benefits does not necessarily lead to control over the same (Overholt, 1985:7). Moreover:

To control a situation is to impose one's own definition upon other actors in the situation. In other words, access can be determined by others, but control implies that one is the determining force (Overholt, 1985:7).



It is also important to distinguish between strategic gender and practical gender needs when we assess the effects and impacts of ERP carbon and non-carbon benefits on indigenous women. Strategic Gender Needs:

Are those needs that women identify because of their subordinate position to men in their society. Strategic gender needs vary according to particular contexts. They relate to gender divisions of labour, power and control and may include such issues as legal rights, domestic violence, equal wages, and women's control over their bodies. Meeting strategic gender needs helps women to achieve gender equality. It also changes existing roles and therefore challenges women's subordinate position (Moser, 1993: 39).



To illustrate strategic gender needs more concretely, Moser quotes Molyneux:

The abolition of the sexual division of labour; the alleviation of the burden of domestic labour and childcare; the removal of institutionalized forms of discrimination such as rights to own land or property, or access to credit; the establishment of political equality; freedom of choice over childbearing; and the adoption of adequate measures against male violence and control over women (Molyneux by Moser, 1993: 39).



Practical Gender Needs, in contrast, are:

The needs women identify in their socially accepted roles in society. Practical gender needs do not challenge the gender divisions of labour or women's subordinate position in society, although rising out of them. Practical gender needs are a response to immediate perceived necessity, identified within a specific context. They are practical in nature and often are concerned with inadequacies in living conditions such as water provision, health care, and employment (Moser, 1993: 40).



Ideally, a project should be able to address both the practical as well as the strategic gender needs of women.

The literature on REDD+ and indigenous women emphasize the need to empower women to enable them to participate meaningfully and effectively in the REDD+ processes from program and project conceptualization, implementation, monitoring and evaluation. (UN REDD Programme, November 2013; UN REDD Programme, August 2013). It is therefore imperative that we analyze the implementation of the ERP based on this metric, i.e., indigenous women's meaningful and effective participation in the ERP, specifically on the benefit sharing mechanisms/ schemes.

E. RESEARCH DESIGN

Methodology

The research adopted indigenous and gender sensitive research methods for both primary and secondary data-gathering which included key informant interviews, focus group discussions (FGDs), rapid appraisal, document analysis and literature review. These methods ensured that diverse perspectives among stakeholders were generated. Data-gathering activities adhered to international and national COVID-19 related restrictions and protocols in community outreach to ensure safety of research partners and country researchers/coordinators. Interviews and focus group discussions were conducted either face-to-face or through virtual teleconferencing platforms.

Data analyses anchored primarily on a rights- and -ecosystems -based approaches that surface the recognition, respect, and protection of indigenous peoples' rights to their lands and territories, identity, culture, traditional knowledge systems, practices, customary governance and institutions, social justice, and self-determined development, and the protection and sustainable management of the natural environment. These highlight the principles and views articulated by Tebtebba in its work on REDD+ as earlier stated and substantially bring out the critical roles of indigenous women.

A major limitation of this study is that the data-gathering phase transpired at a time when the first tranche of carbon funds from World Bank have not been transferred to the three countries (Fiji, Indonesia and Nepal). Hence, this study focused on the Benefit Sharing Plans (BSPs) and the initial experiences of Fiji and Nepal on carbon payments that are not attributable to the FCPF. The latter was included in the reports from Fiji and Nepal if only to draw lessons from these experiences on the ground.

Research Areas

Case study areas in forest ecosystems were identified jointly by Tebtebba and its project country partners in the Republic of Fiji, Republic of Indonesia, and Nepal. However, in the process of implementation, the contracted researcher from Indonesia was not able to carry out her major tasks when she started getting ill. Unable to immediately find a replacement (hoping that the researcher would soon get better), the research team leaders decided to rely on secondary sources of data and virtual FGD in the case of Indonesia. This, admittedly, is a major limitation of this study.

II. COUNTRY PROFILES

Three (3) countries were selected in this study, namely: Republic of Fiji, Indonesia, and Nepal. They were chosen mainly on the basis and assumption that they have started implementing their Emission Reductions Programs (ERP) in indigenous territories/communities or areas where there are significant population of indigenous peoples/communities. As noted above, the case study of Indonesia was not completed due to unforeseen circumstances.

NEPAL

Nepal is home to 59 different indigenous groups, scattered around different geographical regions; Hilly, Himalaya, and Terai (Bhattachan, Sherpa, & Sherpa, 2015). According to the 2011 census, the indigenous population constitutes 35.6% of Nepal's total population. Of the total population, females comprise 51.05% of which 18.67% are indigenous women. Due to these diversities, the knowledge heritage of Nepal is also very rich. People of different communities living in different regions have different traditional practices and knowledge that have helped them to flourish and survive through ages. The indigenous peoples have also been successful in preserving and protecting their environment (Bhattachan, Sherpa, & Sherpa, 2015).

Nepal was one of the first countries to implement REDD+ following the adoption of REDD+ decisions by the UNFCCC at COP 13 in Bali, Indonesia in December 2007. Nepal prepared a REDD+ Readiness Plan Idea Note (R-PIN) and submitted it to the World Bank's FCPF in April 2008 requesting for financial and technical support. Based on the R-PIN, the FCPF asked Nepal to prepare a REDD+ Readiness Preparation Proposal (R-PP). In March 2011, the World Bank and the GoN signed a REDD+ Readiness Preparation Grant Agreement for USD 3.4 million to help the country get ready for REDD+ as proposed in the R-PP through technical studies, consultations, and capacity-building activities (Poudel & Koirala, 2018).

With the USD 3.4 million grant, Nepal has completed several critical analytical studies, conducted institutional and capacity building activities, and identified measures to strengthen forest management and governance. The completion of these activities led the country into piloting a performance-based emission reductions programme. The report by Poudel & Koirala also stated that the implementation of activities has increased the level of understanding of REDD+ among stakeholders (Sherpa, 2022).

The ERP Area

A Benefit Sharing Plan (BSP) has been developed for the implementation of the Emission Reductions Program (ERP) in the 13 districts of the Terai Arc Landscape (TAL) area of Nepal. The ERP area in the TAL area covers 13 districts, an expanse of about 2 million hectares that span the districts of Rautahat, Bara, Parsa, Chitwan, Nawalparasi (East of Bardaghat Susta), Nawalparasi (West of Bardaghat Susta), Rupendehi, Kapilvastu, Dang, Banke, Bardia, Kailali and Kanchanpur, in five provinces. The ERP area is home to diverse social groups and castes. IPs comprise about 31% of its total population, while Dalits and Muslims represent 12% and 8.6% respectively (Sherpa, 2022).

REPUBLIC OF FIJI

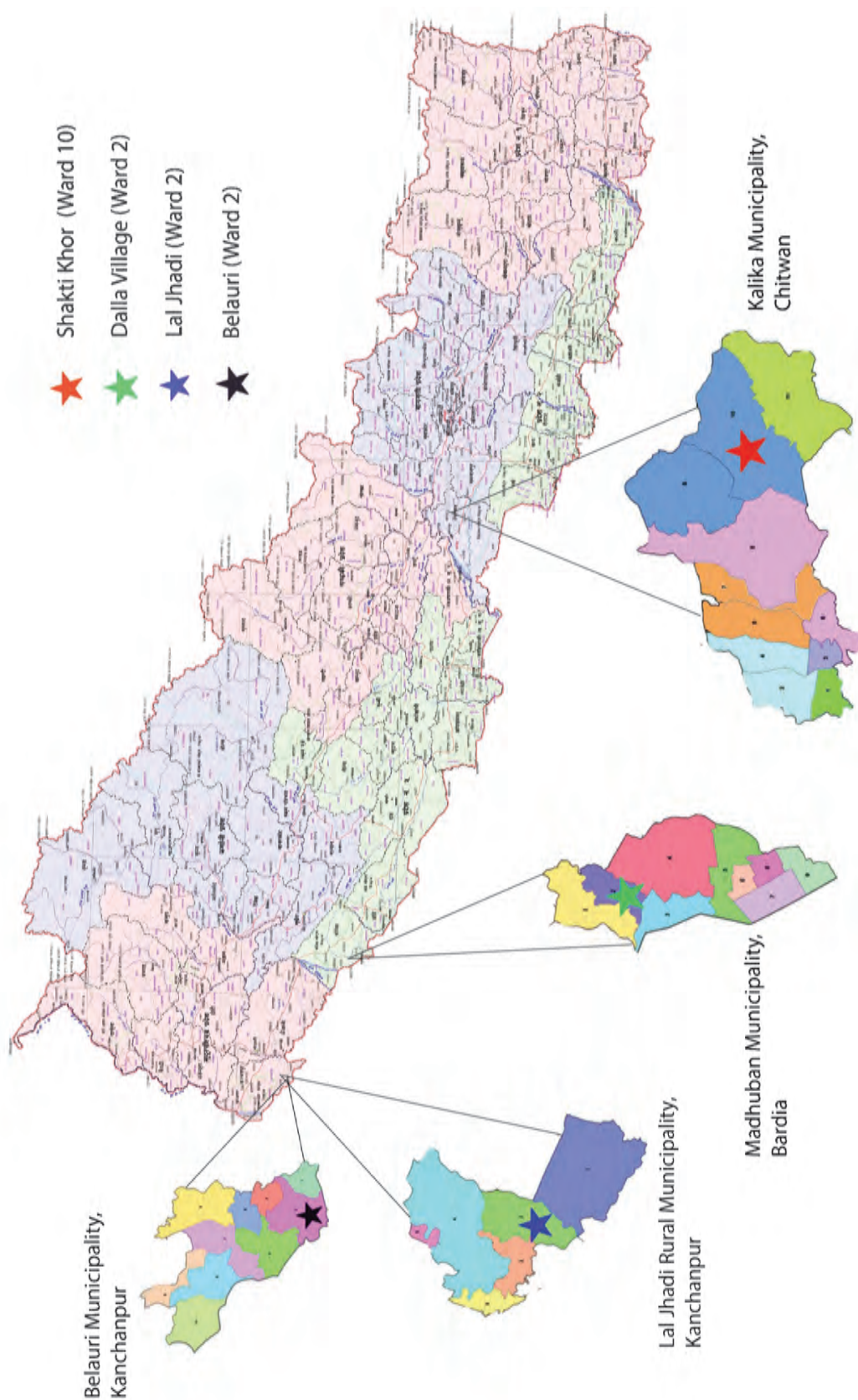
The Republic of Fiji is a group of some 300 islands in the Southwest Pacific Ocean of which one third is inhabited. The two main islands are Viti Levu (10 388km²) on which Suva the capital of Fiji is situated. Vanua Levu (5 587km²) is situated at the north of the group. The ERP accounting areas cover 11 of the 14 provinces and include both Viti Levu and Vanua Levu as well as Taveuni, the third largest island (cited by Tarabe, 2022).

In its last census in 2017, Fiji's population stood at 884 887⁷. Although Fiji is a multi-ethnic society, the census had no ethnic breakdown, but in 2007 of its 837 272 population, about 57% were indigenous Fijians known as iTaukei⁸. The second largest ethnic group are Indo-Fijians of Indian origins whose ancestors came to Fiji to work on sugar cane plantations during the Indentured Labour System of the British empire which colonized Fiji from 1874 to 1970. The rest of the population is made up of Pacific Islanders. Ninety-seven percent of Fiji's population live in Fiji's ERP accounting area.⁹

Men make up 50.7 per cent of the population, and women 49.3 percent. While the proportion of males was higher below the age of 59 years, the female population was higher in the age groups above 60, indicating greater female longevity. Fiji has more urban than rural population due to the extension of town boundaries and the movement of people from rural to urban areas.

Fiji has a total land mass of around 18 333km². About 55% of Fiji's total area is under forest. The forest includes native forests, mangroves and forest plantations of pine and mahogany. Like in other parts of the world, these forests have become popular offsetting schemes for reforestation and conservation around the country (Tarabe, 2022).

Map 1. ERP area in Nepal: Pictures retrieved from the Ministry of Land Management, Cooperatives and Poverty Alleviation.⁶



The ERP Area

In its ERP, the Fiji government targets the iTaukei because its ERP accounting area covers about 90% of Fiji's land mass, which is owned by the iTaukei and 94% of it is under forest cover. The ERP accounting areas cover native forests, mangrove forest and forest plantations of mahogany and pine trees. With credit benefits under the Emission Reductions Payment Agreement, credits are created based on either the carbon captured by new trees or the carbon not released through protecting old trees.¹⁰ Apart from carbon trade, forestry projects bring other benefits such as protecting ecosystems, wildlife, and social heritage that matters to indigenous communities.

The key drivers of deforestation and forest degradation are: forest conversion to agriculture, conventional logging, poorly planned infrastructure development, invasive species, traditional use of forests and mining.¹¹ The main underlying cause of deforestation in Fiji is the high demand for agricultural products such as the root crop dalo (*Colocasia esculenta*) for export and local consumption, as well as yaqona (*Piper methysicum*) also known as kava, a traditional drink which fetches very high prices in Fiji and overseas. Dalo is an esteemed crop and is presented in ceremonial functions in iTaukei social gatherings. Its local demand therefore is very high as well as the overseas demand by Fijians and other Pacific Islanders who live abroad, as dalo also forms staple diet of many indigenous Fijians (Tarabe, 2022).

Map 2: ERP Area in Fiji





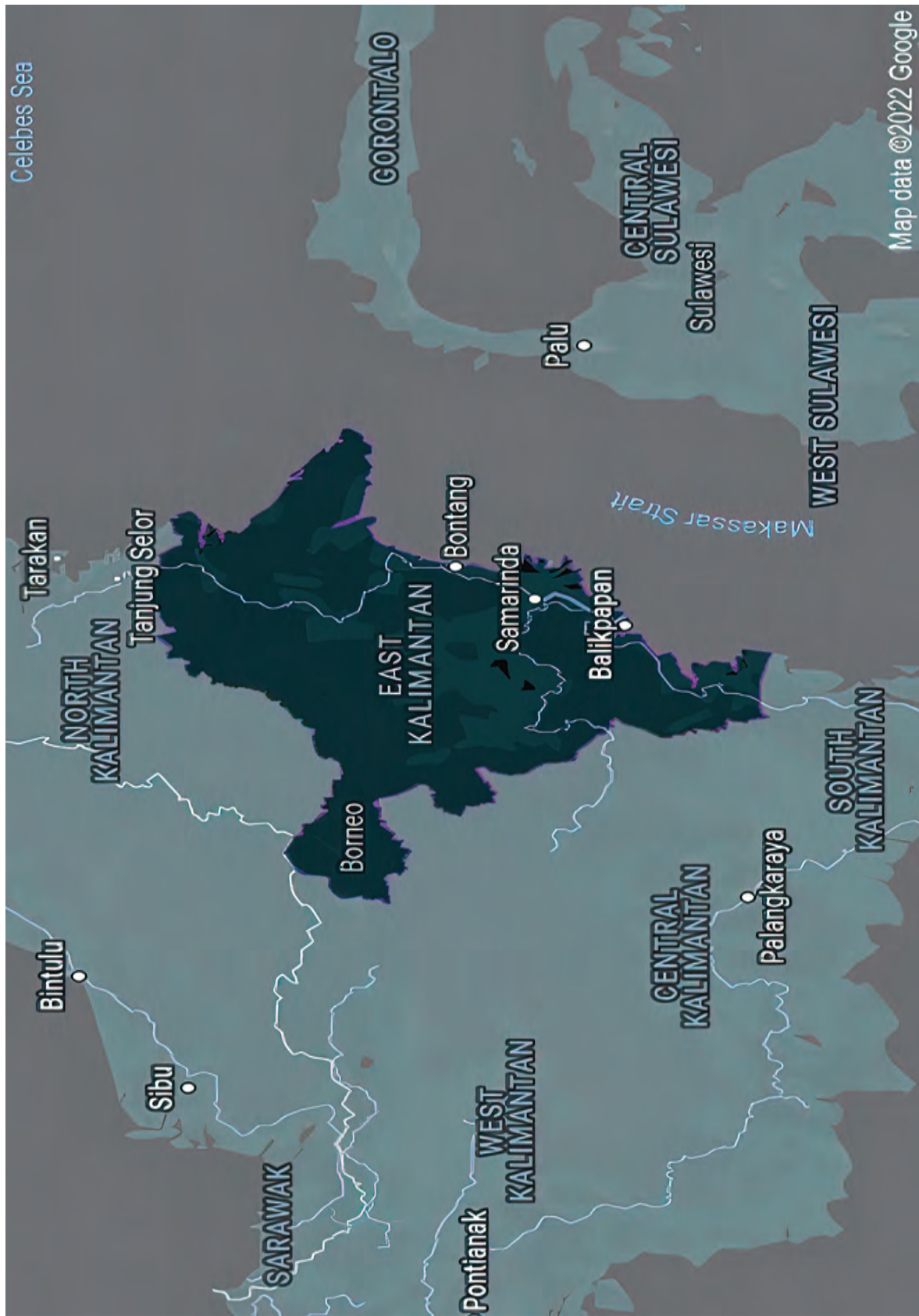
Source: Google Maps

INDONESIA

Indonesia has more than 130 million hectares of forests covering 70 percent of its land area, thus it qualified to be one of the implementing countries of REDD+. “It is in Indonesia’s interests to implement REDD+ programs to reduce substantial emissions from land use including forestry by significantly reducing the rate of deforestation and forest degradation. Indonesia also has an interest in participating in efforts to curb global warming because of its vulnerability to climate change impacts.” (Indonesia National Strategy).

REDD+ will be applied within the low carbon and green economy framework to ensure that efforts to mitigate land use-driven climate change are conducted in line with Indonesian policies and need for sustainable development. Indonesia is committed to reducing emissions by 26 percent from the ‘Business as Usual’ development scenario by 2020 through utilization of its own funds and without sacrificing development in other sectors, or by 41 percent with international assistance. The government expects to accomplish this while aiming for 7 percent annual economic growth. To fulfil this commitment, the government has issued Presidential Regulation 61/2011 concerning the National Action Plan for Reduction of Emissions of Greenhouse Gases and Presidential Regulation 71/2011 concerning the Implementation of a National Greenhouse Gases Inventory. REDD+ supports the achievement of these targets through management of forests, peatlands, and agricultural areas. (Indonesia National Strategy).

Map 3: ERP Area in Indonesia (East Kalimantan)



The ERP Area

The following is lifted from the Indonesia National Strategy:



The East Kalimantan Jurisdictional Emissions Reduction Program (ER Program) is a national project to reduce deforestation and forest degradation. This program covers 12.7 million ha in East Kalimantan Province of which 6.5 million ha (54%) is still covered by tropical rainforests which are home to a wealth of globally significant biodiversity, and that support indigenous and other local communities. Between year 2006 and 2016, around 15% of that forest was lost mainly due to the expansion of oil palm areas, timber plantations and mining. It is expected that those drivers will be addressed in this ER Program by improving land governance, improving livelihood of local communities, developing & implementing policy that supports habitat and species protection, and enabling active participation by stakeholders in reducing deforestation and forest degradation in their areas. The ER Program will support a combination of enabling conditions and promotion of sustainable management practices to address the underlying drivers of emissions. As much as 86.3 million tCO₂e of (gross) emission will be reduced over a five-year period (2020-2024) by this ER Program 1. The Accounting Area for the ER Program covers the entire boundary of the East Kalimantan Province, covering seven districts and three cities, 103 sub-districts, and 1,032 villages (BPS, 2017), and is not only limited to the state forest in the East Kalimantan Province.

The ER Program will be implemented by all beneficiaries with the Ministry of Environment and Forestry (MoEF) and the East Kalimantan Provincial Government as the responsible bodies for managing the proposed ER Program. Relevant agencies in the central, provincial, and districts governments will be involved in the project implementation following the directions of the MoEF and East Kalimantan Provincial Government. Private sectors and local communities within the East Kalimantan Province jurisdiction will also implement the ER Program according to the specific roles and responsibilities agreed and written in the Emissions Reduction Program Document (ERPD) The non-government institutions will be involved and become the government's partners in implementing the ER Program.



III. INDIGENOUS OR CUSTOMARY KNOWLEDGE, SYSTEMS AND PRACTICES ON FOREST AND FOREST MANAGEMENT

All three (3) countries in this study have documented the persistence of indigenous customary knowledge, systems and practices on forest and forest management, especially in the cases of Nepal and Fiji whose authors had published works on the topic with Tebtebba (Sherpa, 2018; Tarabe, 2018). They have shown the continuities and discontinuities of customary knowledge as an outcome of their colonial and post-colonial (nationhood period) experiences.

That the forests in these ERP areas are intact, despite actual and potential threats of degradation, affirms the now generally known and accepted fact that indigenous peoples are the guardians of the forest. Customary knowledge and practices have been vital and instrumental in sustaining the forests. However, colonial rule altered the indigenous socio-political institutions and the impact of this endures up until today. Tarabe (2022) vividly illustrates the colonial experience of Fiji when she writes:

Under the British colonial administration, the land system of iTaukei society was effectively reorganized so that the mataqali became the land-owning group. The iTaukei social structure was identified into units of yavusa (the largest unit), mataqali (the second largest unit which is also the land-owning unit), and tokatoka (the smallest unit which is made up of a few households of the extended family). Each tokatoka is given a kanakana (literally eating place) by the mataqali where a male member of the tokatoka can plant food garden for his own and his household's use. In these kanakana women forage the forest for wild vegetables and fruit, fish in its rivers and gather firewood and traditional medicine while men cut trees to build houses, plant new food gardens, dig wild yams and hunt for wild pigs. These activities are guided by their knowledge of the forest and the traditional calendar which is based on the maturity of both the forest food products and the sea products. These practices protect the forest that sustain them.

In the case of Nepal, author Sherpa (2022) writes about customary governance systems, thus:

Indigenous peoples share special relationship with the natural resources. For many generations the IPs have collectively and customarily owned, used, and managed these resources. The livelihood of indigenous peoples and the culture is interlinked with the natural resources, so they need these resources to sustain their livelihood and cultural practices. They have been managing the natural resources through customary resource management system in different parts of the country through their own unique ways. Thus, through these traditional practices, indigenous peoples have been contributing to the conservation of natural resources (Tebtebba Foundation, 2018).

As gleaned in the reports, customary knowledge and practices maybe characterized as holistic (not dualistic or fragmented), oriented towards the benefit of everyone in the community, sacred (invoking the human and natural connection with the spirits and ancestors) and trans-generational (also see Alangui, 2018; Abayao, 2020). They are also generally egalitarian, albeit we can already see differentiations based on social status and rank, and some structural (i.e., culture-based) bases of women's subordination to men.

Nation-states such as Nepal and Fiji, in crafting their national policies and programs on forest management, appear to have disregarded the customary knowledge, practices and institutions of indigenous peoples, as seen in the reports in this study. More to the point, these are not considered/integrated in national laws and policies. This may be attributed to what James Scott (1998) calls the nation-states' (following western modern states) desire to standardize and simplify rules and processes to better "control" their people and spaces.

ROLE OF INDIGENOUS WOMEN IN FOREST MANAGEMENT

The case studies from Nepal and Fiji provide substantial representation and insights on the role/s of indigenous women in forest management, therefore contributing to the literature on the subject matter (UN REDD Programme, 2013; Shiva, 1988; Boserup, 1970). Indigenous women in both countries play considerable roles in relation to sustaining natural resources, including forest management. Their relationship with nature/forest is intimate and inextricable, being the primary subsistence farmers and caretakers of the forest resources. Because of this relationship with the forest and the farming system, indigenous women possess thorough knowledge on the flora and fauna in their ecosystem. This extends to their extensive knowledge on medicinal and edible plants and other organisms that are found in the forest (see for instance Tanabe's ethnographic description on gender roles in forest management).

It can be observed (from the case studies and elsewhere) that while indigenous women have access to land and resources such as the forests, control over the same may not necessarily be shared equally with men. The narratives on gender roles and relations in Fiji and Nepal show that their society is patrilinear or patriarchal. In more nuanced instances, as in the case of Fiji, indigenous women who do not belong to indigenous structures, such as the mataqali, are also excluded from having access to and control over resources and benefits derived from them.

Tarabe's account is succinct:

Indigenous Fijian or iTaukei society is patrilineal and much of the decision making is done by men as heads of households and clans. Through the codification of the land tenure system by the British colonial government, land ownership is passed through the male line where women are generally excluded from inheritance rights to customary land even though they are registered as members of a mataqali (clan) under the Vola ni Kawa Bula or Indigenous Fijian Register (Tarabe, 2022).



Like Tarabe, Sherpa argues that the subordination of women under a patriarchal society is a contrast to their indigenous society wherein customary institutions made women “visible” and considered equal to men:

Unlike in our mainstream patriarchal society, the role of indigenous women within the customary institution is visible. The customary institution like Badghar is led by a leader, who has been selected based on the collective consensus among the communities, including people from each village. Since the selection of the leader depends on the nomination of the communities, it can be men or women. However, the general practice has been the selection of the men apart from a case, where a woman has become a Badghar leader.



In the present societal context, women in Nepal and Fiji are less visible in decision-making structures and processes. While Sherpa explains that the multiple roles and the heavy workload of women prevent them from effectively participating in the public sphere, Tarabe posits that structural constraints imposed by the patrilineal social system prohibit the participation of women in decision-making structures and processes:

The legal structure that accommodates an extinct mataqali, displaces the particular mataqali women and excludes them from accessing benefit sharing from land leases that could have been rightfully theirs. Under this structure a female is an unseen living member of the clan just because there are no male members alive.



CUSTOMARY LAWS AND PRACTICES ON BENEFIT-SHARING

Indigenous peoples continue to observe and practice customary knowledge and ways of sharing the benefits derived from nature and from individual and collective labor. These are always context-specific, culture-based, and site-specific. Still, we can derive general observations based on these case studies as well as the related literature on the theme (Brett 2019, Wiber, 1986). Indigenous peoples’ customary laws and practices on benefit sharing may be characterized as reciprocal, mutually beneficial and inclusive.

These features are clearly established in the case of Fiji. Tarabe (2022) intensely captures these, thus:

In the iTaukei context, customary benefit sharing mechanisms is intricately linked to the principles of 'vanua'¹² which uphold the values of veivewekani (relationships), veinanumi (thinking of others) and veidolei (reciprocity). This means that the natural benefits of the environment are collectively gathered, accumulated, and redistributed to everyone in the community based on these values. For example, the communal fish drive called yavirau is an event that calls for the community's collective participation for a special event. All the fish caught is later redistributed to every household so that no one is left out. The principle also applies to the harvest of the first fruit called seu. The land product such as yams is harvested and presented to the chief and the chief reciprocates by giving back yams and pigs. This is not accumulated by the chief or any one clan member but are redistributed to the community. The practice blesses the giver and the receiver of the harvest with sautu, which is the status of good health and quality of life.



In the case of Nepal, Sherpa (2022) describes an equitable distributive/allocative system in the Badghar, an indigenous institution among the Tharus:

Badghar is also involved in the allocation of resources from the forest: In Bardiya, the community forest users committee together with Badghar decide on the date to open the forest for one day, twice every year for firewood and other forest product collection. The Chowkidar¹³ informs everyone in the community about the confirmed date. One member from each household can go to the forest to collect resources like wood. By the evening, the gathered wood is sorted into equal-sized stacks. Each stack is assigned a number, and Badghar selects a number at random from the lottery system for a household, and that stack is gladly accepted by the community member. Further, to maintain the equity and social justice in benefit sharing, families receive the benefits of the forest products based on their contribution (Begaari, volunteer service) in the forest management activities. Single parents, senior citizens, the disabled do not need to do the Begaari.



IV. GOVERNMENT/STATE LAWS AND POLICIES, PLANS AND PROGRAMS

All three (3) countries extensively presented their respective government/state laws and policies on forests and forest management, as per their respective national strategy papers and the country reports from Nepal and Fiji. What is clear and common among these reports is that all countries have adopted the modern and modernizing nation-state notion that the forest lands are “owned” and/or managed as eminent domains of the state. Indigenous peoples, who have their customary laws and practices, are considered by these nation-states as mere stewards or caretakers of the state-owned lands, forests, and the resources therein.

Thus, it follows that the laws, policies, plans, and programs adopt a nestled-down approach, including those that pertain to benefit sharing plans and mechanisms, as discussed below. The nation-statist character of these laws and policies is perceived by indigenous peoples, including the authors of this study as “othering” or marginalizing and discriminatory of indigenous peoples. Sherpa laments:

However, the existing forest laws fail to recognize the contribution of indigenous peoples, particularly the role of indigenous women, in sustainable management of natural resources. Customary forest tenure systems in Nepal are not recognized by law although these have been practiced by indigenous peoples for generations and have successfully contributed to sustainable management of the forest, which is also deeply linked to their social, cultural, and economic life. This has resulted in forced eviction, a crisis of livelihood, and violation of the cultural rights of indigenous women and youth.



State laws/policies on forests are also perceived (and experienced) as focusing more on the conservation of the forests and less on recognizing the rights and welfare of indigenous peoples (Sherpa, 2022 and Tarabe, 2022). Narratives of indigenous peoples in this study and elsewhere are replete with lamentations of being prohibited from accessing the resources within and around their forests. Some are even discouraged from practicing their indigenous livelihood systems (Sherpa 2018; Tarabe, 2018).

However, it is interesting to note that there seems to be a “paradigm shift” among the three countries regarding indigenous peoples and gender equity/equality, apparently because of, or in response to, the international policy frameworks/instruments concerning REDD+, including the guidelines from the World Bank's Forest Carbon Program. Since 2008, the national and sub-national governments have enacted entirely new and/or amended previous/existing/old laws which now includes sections on or cross-cutting themes on indigenous peoples' roles and contributions to forest management and benefits to be given to them for conserving the forest. Some countries like Indonesia however do not use indigenous peoples in their official documents; instead, they use local communities including *adats* to refer to indigenous peoples.

The supposed paradigm shift seems to appear good on paper only. A content analysis on the national and sub-national policies in Nepal (Sherpa et al. 2022) shows that, overall, Indigenous

Peoples' rights to their ancestral domains/territories and to self-determination have not been recognized. The same observation seems to hold true also in Indonesia, based on our FGD on September 9, 2022, and Republic of Fiji, as reported by Tarabe (2022). Moreover, Indigenous Peoples' participation in the ERP, including BSP processes are indeed recognized and encouraged, even as these processes and mechanisms are dominated by non-indigenous persons in government bodies.

V. BENEFIT SHARING PLANS/SCHEMES ON FOREST MANAGEMENT OR EMISSIONS

Benefit sharing is generally understood as allocating, administering, and providing benefits to multiple actors for certain activities or results through some form of positive incentive, opportunity, payment, rent/profit, or other compensation—whether financial or non-monetary. (Hite, 2015, 1). There are three (3) models of benefit-sharing mechanisms, and these are: 1) payments for services, 2) managed fund and 3) collaborative resource management.

The payments for services model is typically a contract between an investor or donor and landowner or resource manager. Under this model, “benefits are generally proportional to the level of effort (input) or demonstration of results (output) based on a certain criteria such as new trees planted or standing hectares of forest.” (Hite, 2015: 1).

The managed fund models are frequently used in sectors such as extractive industries that concentrate natural resources into a central revenue stream. This model disperses cash benefits for specific purposes and often provides final beneficiaries with additional, non-cash benefits.” (Hite, 2015: 1). There are two approaches under this model: the budget approach or a trust-fund approach.

The collaborative resource management model “involves participatory resource management or community-based natural resource management.” (Hite: 2015:1). In this model, outside actors and the community generally share decision-making authority.

In the context of REDD+, benefit sharing means allocating, administering, and providing benefits to various actors (public and private) who contribute positively to reduced carbon emission by protecting or enhancing the forest. The ultimate goal is to mitigate the adverse impacts of climate change.

In this section we present and analyze the benefit sharing plans and schemes/mechanisms that were prepared by the three countries and presented to and approved by the Forest Carbon Program. Table 1 summarizes the models/strategies adopted by Nepal, Fiji and Indonesia.

Table 1: Benefit-sharing Schemes of Nepal, Fiji and Indonesia

Country	Benefit-Sharing Plans/Schemes
Nepal	<pre> graph TD A["First-level of beneficiaries (based on legal/institutional forest management responsibilities (De jure and de facto), forest management contribution, forest dependency, and social justice)"] B["Government-managed forests"] C["Community-managed forests"] D["Forests managed by private owners"] E["Forest-dependent communities and households not belonging to a forest group"] F["Intra-group beneficiaries (second level of beneficiaries-households and individuals) Contribution to forest management, forest dependency for survival, social and economic situation (social justice); intra-group benefit distribution is based on each group's policies"] A --> B A --> C A --> D A --> E C --> F </pre>
	Sherpa (2022) reports: According to the benefit sharing plan, out of the total emission reductions payment, 80% is given for the performance-based allocation. It involves monetary benefit which will be given to forest user groups such as community forest user groups and communities managing the forest based on customary forest management practices and to government agencies (DFOs). The ER benefits are awarded based on the total forest area (ha) where ER activities have been implemented as reflected in the Annual Plan (DFO) and the Investment Plan (forest user groups) respectively. These plans are mandatory for receiving ER benefits. The forest user groups disburse payments to the member households based on the current distribution guidelines and provisions of 2019 Forest Act. The 2019 Forest Act stipulates that 25% of the total income of community forests should go to forest development, conservation, and management activities. Of the remaining 75% half should go to poverty reduction, women empowerment, and the development of forest-based enterprises (in consultation with the local government), and the other half to group welfare activities. For the remaining 20% of the total performance-based allocation; 5% of the performance –based allocation will be distributed to private forest owners for their contribution in protecting their private forest lands; 15% is allocated for covering the operational and transaction costs, and remaining 5% is the basic allocation given to forest-dependent households/communities who do not belong to a forest group. The allocation is non-monetary benefits; goods and services to support livelihoods are provided to reduce dependence of the community on the forest. The allocation for the Indigenous Peoples and local community households not belonging to a forest group is very minimal. The allocation to be provided would be non-monetary, such as but activities supporting their livelihood in order to replace dependence on forest resources with options like briquette, biogas, and improved cook stove, collection of firewood from nearby rivers, medicinal processing technology and materials.

Republic of Fiji	Tarabe (2022) reports: To ensure that the landowners are benefitting from the ERP and REDD+ incentives, the Ministry of Forestry uses six existing models of Benefit Sharing Mechanisms (BSM) including: 1. the iTaukei Lands Trust Board Lease Payment Distribution under the iTaukei Land Trust Act; 2. Ministry of Lands – Land Bank Lease Payment Distribution under the Decree 2010; 3. Ministry of Lands Distribution of Mineral Royalties under the Fair Share Mineral Act 2018; 4. Trust and Charitable Trust under the Trustee Act or Charitable Fund Act; 5. Company/ not for profit organizations under the Companies Act 2015 and 6. Co-managed cooperatives under the Cooperative Act 1996. The six models above are supported by policies and guidelines which ensure equitable, transparent transactions that respect the rights of all resource owners. Of particular interest to this report are the first two models and the 6th model which recognize that iTaukei or indigenous people own almost 90% of land in Fiji and should therefore benefit from their resources. Model 1: The iTaukei Lands Trust Board Lease Payment Distribution under the iTaukei Land Trust Act This BSM model focuses on the responsibility of iTaukei Lands Trust Board (TLTB) to protect and manage iTaukei land ownership rights according to the iTaukei Land Trust Act. There are specific guidelines for the control of iTaukei land including provisions for transfer, granting of leases or license and transfer of iTaukei lands. The board is also responsible for facilitating commercial transactions relating to leases and licenses. TLTB collects land payments, leases, and distributes to its Land-Ownning Unit (LOU) that issues them to the landowners. Interesting to note that TLTB pays out land rental benefits in equal amounts to the bank account of each individual member over 18 years of the Land-Ownning Unit (LOU). Monetary benefits for those under 18 are invested to generate interest which are issued to them once they reach the age of 18 years. Model 2: The Ministry of Lands – Land Bank Lease Payment Distribution under the Decree 2010 The Land Bank is an option for iTaukei landowners to have their lands administered by the government on the condition that 60% of the members agree. Under this arrangement, LOU elect members who are approved by the Prime Minister to act as trustees, representing the interest of the LOU. The trustees receive payments on behalf of the LOU and are then responsible for its distribution according to the specifications in their Deed of Trust.
	Model 6: Co-managed cooperatives under the Co-operatives Act 1996 Model 6 is based on shared management through cooperatives which seeks to advance socio-economic interest and provision of benefits for members. Cooperatives are managed by a board of directors who meet annually and are guided by internal regulations. Cooperatives have the option to apply for tax exemption status for a period of 8 years. This particular benefit sharing model is guided by the Fiji Co-operative Acts No.16 1996 which is further guided by the International Labor Law.

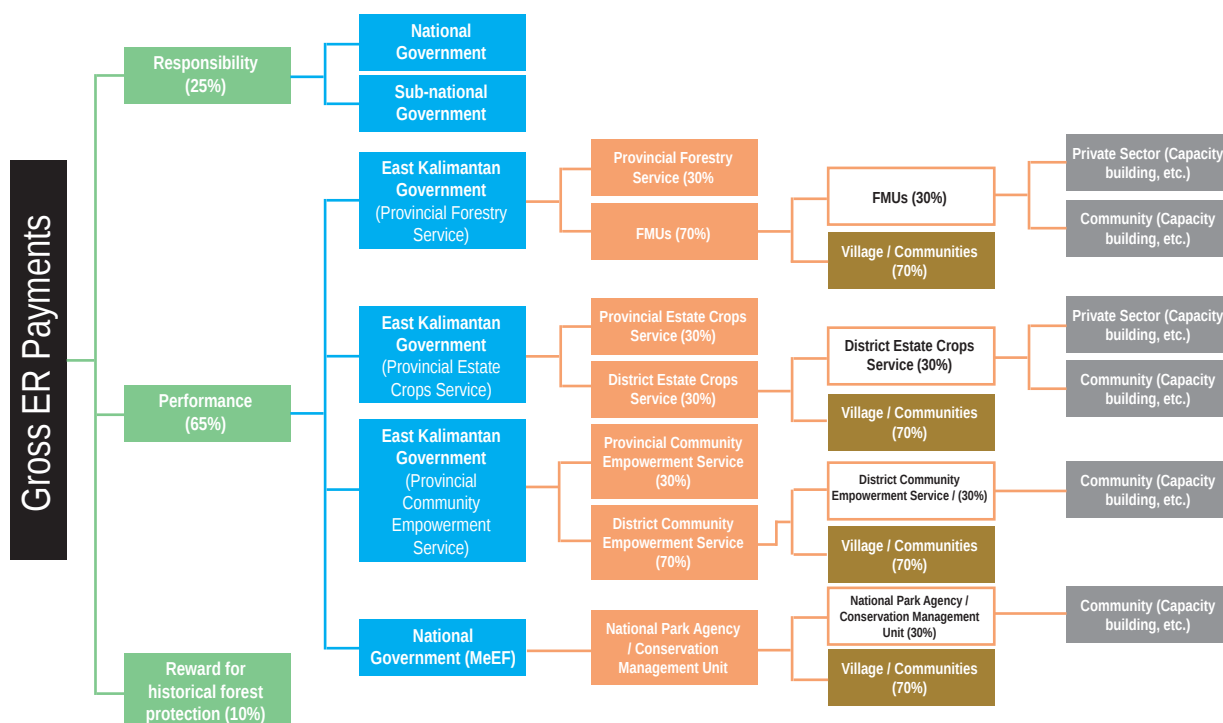
Indonesia

Indonesia's BSP states:

Funding for the Program's ER activities will be covered by the Government of Indonesia's (GoI) budget, private sector, and by development partners leaving the entire value of the ER payments for distribution as monetary and non-monetary benefits. Thus, monetary benefits are defined as cash, funded with ER payments, which is received by beneficiaries; and non-monetary benefits are goods, services, or other benefits funded with ER payments. Benefits will be culturally appropriate and socially inclusive, and the specific strategies to deliver them will be included in the final BSP. This will be accomplished primarily through the selection of benefits by each beneficiary group (based on Table 3.1). Through the FPIC process, these benefits have been socialized with beneficiaries.

All beneficiaries will be eligible to receive monetary benefits, except, the private sector in East Kalimantan which expressed their preference through stakeholder consultations with the sub-national government to only receive non-monetary benefits as part of the BSP. The private sector's interest is more on the ease of business, and the enabling conditions to maintain business in their areas. For other beneficiaries, the use of monetary benefits will be determined through ER contracts which will specify the eligible and ineligible uses of these benefits. The National and Sub-national Governments will channel benefits to the beneficiaries. It is expected that the ER Program will generate significant levels of benefits that will be directly received by the beneficiaries. Not only the monetary and non-monetary benefits funded by ER payments, but also non-carbon benefits from participating in ER activities, such as increased capacity, and improved livelihoods; and benefits derived from improvements in governance, such as greater legal certainty, and reduced costs associated with conflict.

The plan discusses in detail the identified beneficiaries (i.e., national, sub-national, village level institutions/actors and private sectors, their corresponding roles, and the specific monetary and non-monetary benefits they shall receive for accomplishing/performing their tasks (see figure below).



We can find some commonalities among the three (3) country cases, and these are:

Performance/output based. The ERP obviously applies market-based principles and mechanisms. The principle of “rational choice” evident in offering options (monetary and non-monetary benefits) that are expected or assumed to be better options compared to the benefits derived from the existing practices and behaviors of indigenous peoples or local communities towards the forest and the resources within and around it. The model is adopted from the payment for environmental services (PES) approach, wherein:

Payments for Services typically involve private contracts between an investor or donor and a landowner or resource manager, as is often the case for environmental service projects as well as some projects generating carbon credits.³ Generally, a contract offers a defined benefit (often cash) in exchange for an activity to be performed or refrained from. Conservation easements and payments for ecosystem services (PES) generally follow this model, where typically the national or provincial government compensates communities or households for their contributions to protecting natural habitats.



Under a payment for services model, benefits are generally proportional to the level of effort (input), or demonstration of results (output) based on certain criteria such as new trees planted or standing hectares of forest. Environmental service payments are more often input-based, providing rewards based on an agreement to undertake or refrain from a certain activity. Carbon credits tend to be output-based. Input-based activities have less complicated monitoring and reporting requirements, but they also depend on a reasonable level of confidence that the actions agreed to are likely to lead to the desired results. Whether input- or output-based, these contracts typically require a beneficiary to demonstrate their right to manage a resource or land consistent with the expected outcomes. Illegal logging, disputed tenure rights, and potentially unclear carbon rights all could complicate the end results (Hite, K. (2015)).

Because they are performance and output-based, plans are structured along horizontal and vertical logical frameworks, time-bound, and may run (as it in fact already does) the risk of setting aside (or undermining) indigenous concepts and practices of time and space. Dr. Padmapani Perez (2018), a Filipina anthropologist who conducted her ethnographic research in Indonesia, calls this “timescapes” and processes. The latter is seen in the three cases, wherein indigenous women complain that up until now, majority of them are still unaware and not involved in the ERP processes, much less on its avowed Benefit Sharing Program and mechanisms. So, while the national government may have been able to report its output/deliverables (MRVs) to its external partners, these are not felt and seen at the grassroots level.

The apparent disconnect between indigenous processes and timescapes versus performance/output-based mechanisms is most evident in the case of indigenous women in Nepal, where there is a phenomenon called “time-poverty,” i.e., women are hindered from participating in ERP-related activities due to their multiple and heavy workload (Sherpa, 2022).

Is “rationale choice” (market-based mechanisms) working towards the goals and objectives of the ERP? Data from the three country cases tend to show that indigenous peoples’ sentiments are mixed. On a positive note, Tarabe (2022) reports that overall, the REDD+/ERP has benefited the indigenous peoples in Fiji in that:

Since the conservation program through REDD+ activities started, the community has experienced natural benefits from their environment. This point was affirmed by the district representative in Dreketi who mentioned that fish caught in the river now tastes better than before....



In summary, forest conservation has increased their opportunity for food security. The REDD+ program has led to the conservation of Lutukina’s many native hardwood trees such as vesi, dakua, dakua salusalu and buabua trees that also have close cultural links to them. The vesi tree, for example, is the village’s totem tree and the local rugby club is called Vesinawa (Floating Vesi) affirming their identity and meaning in the sports. The use of totem in this scenario underscores the central place of customs and values in forest conservation.

The positive experience of Fiji does not seem to resonate with that of Nepal, where indigenous peoples are reportedly further marginalized for the sake of forest conservationist programs, including the REDD+. Sherpa (2022) reports cases of indigenous peoples, particularly women, who were displaced from the forest where they used to dwell and are now prohibited from entering the forest at the risk of their lives (there are documented cases of IPs being killed by the armed personnel of the state) and are therefore unable to engage in their traditional/indigenous livelihood activities.

Centrally-Managed. All three countries manifest a hybrid of payments for services model and managed funds model in their Benefit Sharing Programs. Funds are managed by the government at the national down to the sub-national and local levels. Hite (2015) elaborates this approach thus:

Fund-based models are frequently used in sectors such as extractive industries that concentrate natural resources into a central revenue stream. This model disperses cash benefits for specific purposes and often provides final beneficiaries with additional, non-cash benefits. As discussed below, funding is either allocated through central budgets or through a trust fund, and subsequently invested, spent on goods and services, or distributed as cash payments.⁸ The scope of benefits can range from general public expenditures to specific payments for either projects or private beneficiaries.



All the BSPs in this study are managed and therefore controlled by the state, especially in the case of Nepal, where indigenous peoples' customary institutions on forest and natural resource management are not recognized, both in law and in practice. Sherpa (2002) reports that there may be some spaces opened to indigenous women, but because of their lack of capacity in engaging with state bodies/structures of decision-making, they are not able to participate meaningfully and effectively in these mechanisms and processes.

The privileging of state bodies/structures is also evident in the benefit sharing itself. We noted that across three (3) countries, the national and sub-national government bodies get the lion's share (80% in Indonesia and Nepal) of the BSP pie. Moreover, in the three countries, indigenous peoples appear to be at the bottom of the benefit-sharing hierarchy with the smallest share, i.e., a fraction of the 5-15%. It is worth mentioning also that the benefits given to indigenous peoples are usually in the form of non-cash benefits, such as: infrastructure projects (bridges, roads, and school building), seed, tree saplings and animal (goat) dispersal projects. Indigenous peoples, including women have expressed also wanting to avail of cash benefits from REDD+ programs and projects.

THE ERP AND CUSTOMARY KNOWLEDGE, PRACTICES, AND INSTITUTIONS ON FOREST/ NATURAL RESOURCE MANAGEMENT

The ERPs across the three countries privilege state institutions and structures/bodies. Indigenous customary knowledge, practices and institutions are not substantively acknowledged, even as they are mentioned in official documents submitted to the FCPF, such as the National Strategy Plans and Benefit Sharing Plans. On the ground, our researchers and country study leaders report that customary practices and institutions on forest/resource management are not recognized, therefore diminishing and marginalizing the roles and contributions of indigenous peoples in forest conservation. The persistence of these customary practices and institutions in Nepal and Fiji is demonstrated in this report.

The implication of the continuing statist approach to REDD+/ERP could be the continued marginalization of indigenous peoples, which tend to contradict the policy statements of nation-states in this study. One of the many documentary requirements of governments is proof of ownership of lands, such as land title and bank account. This (especially land titles) works against the indigenous peoples who do not have state titles on their lands but continue to rely on customary law as proof of land ownership. To our mind, this is one clear effect of state's non-recognition of indigenous customary laws and practices on forest and other natural resources within their territories.

Another hindrance to indigenous peoples' effective participation in the ERP is the tedious bureaucratic government processes that many indigenous peoples tend to avoid. This observation is most evident in the report on Nepal by Sherpa (2022).

THE REDD+/ERP AND INDIGENOUS WOMEN

We analyze the gender dimension of the REDD+/ERP based on the following concepts (as discussed above): women's access to and control over resources (forest and benefits derived from ERP), participation in decision making structures and processes and women's practical and strategic gender needs.

Indigenous Women's Access to and Control Over Resources and Benefits

Even before the introduction of REDD+/ERP in the three countries, indigenous women already experienced structural and systemic constraints especially in the aspect of control over resources such as land and forest resources. This is attributed by the authors Sherpa (2022) and Tarabe (2002) to the patriarchal system even in the context of indigenous/customary laws in the case of Fiji and/or introduced by mainstream society that is patriarchal in the case of Nepal. Tarabe illustrates how this patriarchal system impacts indigenous women (2022):

Indigenous Fijian Women are generally excluded from inheritance rights to customary land even though they are registered as members of a mataqali (clan) under the Vola ni Kawa Bula or Indigenous Fijian Register. The iTaukei society is patrilineal and land ownership is passed through the male line. Therefore, much of the decision making is done by men as heads of households and clans.



She adds:

Part of the problem for Lutukina women's participation in REDD+ activities is women's own standing in society where their contribution is often reduced to domestic and nurturing roles. In this case the raising of seedlings equates to women's role in raising children where traditionally women's role is about reproduction and nurturing children. The danger lies when this role is trivialized and women's participation is almost unrecognized, hence the almost forgotten seedlings in their pots. In addition, there was no proper nursery to ensure a continuous, generous supply of seedlings that could bring a substantial income to the women allowing them a more visible role in reforestation. Each woman planted her own seedlings, some in polythene bags while others in ice cream containers - small patches of carbon capture in the REDD+ activities.



The argument that the subordination of women to men is “an influence of mainstream society” is advanced by Sherpa, et al, in describing the customary institution Badghar, they write:

However, the general practice has been the selection of men apart from a case where a woman has become a Badghar leader. This could be the influence of mainstream society where men are given the priority. But there is another reason, which is women’s having multiple responsibilities such as household chores and childcare that leave them little time to carry out the role and responsibilities of the Badghar.



Indigenous women’s role and status in land tenurial regimes (whether based on customary laws or introduced/western/national laws) have implications on their access to and control over land and resources. This nuanced gender dimensions do not seem to be recognized by the benefit sharing policies and practices in the three countries in this study.

Lack of access to full and appropriate information:

Regarding benefits derived from the REDD+/ERP, the data from the three countries do not seem to show signs of or reasons for jubilation by indigenous women yet. Majority of indigenous women interviewed in this study were not aware of the REDD+/ERP, nor have they heard, seen or experienced its actual activities in their community. Those who were aware complained they did not fully grasp its meaning and implications on their lives. This is perhaps due to the technical elements of the ERP like the quantitative MRV. This may be gleaned in this summary of our focused group discussion with the indigenous women from Indonesia, reflected in Table 2 below:

Table 2: Summary notes of the FGD with Indigenous Women from Indonesia. 9 September 2022

Questions	SETING	YURNI	LAYEN	RUSINTAN
1: What projects or activities related to the Emission Reductions Program (ERP) have you seen, observed, or heard of in your community? Kindly elaborate your answer.	Aware of the ERP; heard about the DDPE from AMAN (national IP federation) since AMAN is member of DDPE but local organization is not aware of the ERP; no information brought to the community	Knows some information about the ERP from the internet only; village have never received information about this.	Heard from an acquaintance who has family forest that family forest owners can get benefit, but they don't exactly know how.	Never heard
2: Have you received any kind of benefits from the ERP in Indonesia? If so, what kind? Who (what organization or agency) gave these benefits? Who else received these benefits? How do you feel about these? PROBE: Did the women receive benefits? If so, what were these? What are the effects so far on women?	Never heard of the BSP and no felt benefits so far. - DDPE is working with 100 communities in East Kalimantan but heard some communities stopped engaging; program is establishing partnerships with village forests not customary forests. - expects no benefits unless they engage customary forests; process is not favorable to IPs because benefits are not directly going to them; benefits are managed not by IPs who own customary forests and geared towards building of infrastructures	Agrees with Setting, refusal by IP communities because of the lack of full information about the ERP and the benefits. one organization came to talk about REDD+ & carbon program in the community but was not very clear		
3: Are there (still) existing customary/indigenous ways of sharing benefits to the community? Were these utilized by the government in the benefit-sharing process under ERP? How do you feel about these?	"Arisan" – customary self-help and sharing. - not expecting benefits from ERP especially from the government but hope benefits will redound to them through other implementing organizations/agencies; still waiting. - why should others get and manage the benefits? community want direct management because these benefits are coming from their own customary forest	"Gotong royong;" No knowledge of any benefits especially coming into their community	Customary benefit sharing exists including in labor provision in farming/rubber tree harvesting where 70% of harvest may be shared among the laborers/volunteers and 30% to the owner. - we do not know about benefits, but we want to benefit. - if benefits come from the government, we want to know the mechanics	Already mentioned by earlier pax

4: What are your recommendations on the improvement of benefit sharing processes/mechanisms?	Benefits should go directly to IP communities; from what I heard, benefits come in kind i.e., infrastructures like school buildings; if it is like this, these are only one-time benefits. • If benefits are monetary, this should be continuous if they conserve their forests; it should be given directly to communities for use in their education and other livelihood needs. • direct to communities because money will be wasted on 3rd parties/agents.	Monetary benefits should be directly given to communities to use and manage especially for their daily needs. • If in kind, use for scholarships and community capacity building i.e., community social enterprise. • infrastructure development is important, but we need to improve the community's capacity and longer-term programme for such		
Other comments	ERP must involve/engage indigenous women. • need for regulation to specifically provide for this and • develop specific program that is responsive to indigenous women			

The fact that majority of indigenous women are unaware of the ERP, much less its benefit sharing mechanisms, resonates with the report from Nepal and Fiji. The women respondents who were somehow informed of the ERP said they were aware of benefits, mostly non-monetary such as school buildings, tree and other plant seedlings/saplings, apiary, animal (goat) dispersal and the likes. In Fiji, Tarabe (2022) observes that projects and activities given or assigned to women are related to their traditional role as subsistence farmers and care givers to their family. She further notes that women's initiatives are not fully supported by men in the community (e.g., the toilet bowl initiative of women) and the program implementors, like in the case of the nursery and apiary projects that failed due to the pandemic.

Indigenous Women's Participation in the ERP

As mentioned earlier, the observed lack of indigenous women's awareness of the ERP is indicative of their lack of participation in decision-making structures and processes of the ERP in Indonesia. This observation is also reflected in the reports from Nepal and Fiji where women face socio-cultural/structural barriers in taking part in decision making structures and processes, including those related to ERP—that is, the patrilineal and patriarchal nature of both indigenous (Fiji) and mainstream (Nepal) society and culture.

Two other factors constrain indigenous women from fully, effectively, and meaningfully participating in the ERP decision-making structures and processes. One is the lack of time or “time poverty” as cited by Sherpa (2022) in the case of Nepal, where women are already overloaded with multiple tasks in production (work in the field) and reproduction (work at home as mothers), thus restraining them from engaging in public/community life. Another factor is the lack of capacity to participate fully and effectively in the male-dominated structures and processes, which is also emphasized in the Nepal report of Sherpa (2022).

Women’s Practical vs Strategic Needs

The ERP projects and activities mentioned in the reports are largely geared towards forest conservation, such as reforestation (tree planting), nursery, apiary, and the like. Projects that address women’s practical needs include those that relate to food security, such as goat dispersal, seedling dispersal, toilet bowl provision (sanitation projects), school buildings for their children’s education, among others. However, none of the reports cited projects that seek to address the strategic needs of women, which should have addressed the subordinate position of women. Indigenous women respondents (see FGD summary notes above) have expressed their yearning to be trained to enable them to effectively participate in decision making structures and processes—a strategic gender need.

VI. CHALLENGES/GAPS

Our preceding discussion has surfaced the main challenges/gaps regarding the conceptualization/planning and implementation of ERP in Nepal, Republic of Fiji, and Indonesia. In summary these are as follows:

- The performance-based/result-based and centrally-managed approaches of ERP may have incentivized the efficient, timely delivery of expected outputs and outcomes (results) but may have relegated indigenous processes and timescapes (indigenous notions and realities of time). The approach, being state-centered, continue to undermine indigenous customary knowledge, practices and institutions on forest conservation and management. The ERP reifies the dichotomy between state laws and practices and customary institutions, instead of narrowing the gap through more collaborative approaches.
- Government requirements like possession of land title and a bank account in Nepal and Fiji prevent indigenous persons and communities from fully accessing and enjoying the benefits derived from the ERP. Again, this is the result of the government’s non-recognition of customary practices on land tenurial regimes and forest conservation.
- Governments have not considered/integrated customary laws, practices and institutions in their policies and programs on benefit sharing schemes. These indigenous customary laws, practices and institutions have proven to be holistic, among other positive attributes, and are characterized by the value and principles of equity and reciprocity.
- Women’s meaningful and effective participation in decision-making structures and processes are limited, if not totally hindered by structural/systemic constraints. These constraints may be seen in culture-based beliefs and values, as in the case of Fiji, or introduced/influenced by mainstream or dominant society and culture as in the case of Nepal.

- The ERP may bring benefits to the indigenous communities in terms of infrastructure development, forest conservation and food security, but women's practical needs for cash, health, sanitation, decreased workload and participation in decision-making leave much to be realized. Addressing women's strategic needs, that is, addressing their subordination under a patriarchal system are not manifested in the ERP.
- Indigenous women's effective and meaningful participation in decision-making structures and processes is hindered by structural constraints (e.g., patriarchy) that relegate the role of women in the public sphere. These "gender gaps" should be addressed by policy makers, project implementers and community organizers (NGOs and IPOs) in all three countries.

VII. CONCLUSION

Indigenous peoples' practices in sustainable forest management and benefit sharing still exists as well as the customary laws and institutions governing these. We discussed some of the interesting institutions in this report, namely: *Badghar* in Nepal, *Vanua* in Fiji and *Arisan* and *Gotong Royong* in Indonesia. Although customary laws and institutions may vary based on the unique cultural and societal contexts of each indigenous community, we can tease out their common characteristics: holistic, integrated, equitable, communal, consensual, sacred, and most importantly, they are sustainable. This study affirms the globally recognized fact that indigenous peoples/indigenous communities are indeed the guardians, stewards, and purveyor of sustainable management practices. Evidence to this is the fact that the forested areas in most countries in all global regions are found in indigenous peoples' territories.

This study also affirms the fact that indigenous women play important roles and contribute a lot to sustainable forest management. They are the primary subsistence farmers, ensuring food security of their households and kin. They gather fodder and food from the forest and have knowledge of medicinal plants because of their intimate relationship with the forest and natural resources. While women may have access to land and resources, in some countries like Fiji, they may not have control over the same because of structural constraints, i.e., the patrilineal/patriarchal system prevailing in the republic. Indigenous women in all three countries are not able to participate fully and meaningfully in decision making structures and processes due to said structural obstacles and the multiple burdens in their production, reproduction and community managing roles.

Overall, Nepal, Fiji and Indonesia have not fully recognized the existence/persistence of indigenous forest resource practices and management, despite their government's pronouncements and policy statements in official documents submitted to external audience like the World Bank's FCPF. This absence or lack of recognition results to the relegation of indigenous knowledge, practices and institutions as seen in the benefit sharing schemes in the three countries. Indigenous communities are at the bottom of the BSP decision-making hierarchy (which is top-down) and obtain, if at all, the smallest fraction of the benefit sharing pie. Indigenous peoples, especially women, are further marginalized in the ERP as they lack voice and representation in the decision-making structures and processes in the ERP.

The notions and strategy of gender sensitivity and gender equity are highlighted in the National Strategy Plans and Benefit Sharing Plans of the three countries. However, as of the

duration of this study, the full benefits promised by the ERP have not reached the IP communities, especially the indigenous women because the BSPs have not been implemented yet. The BSPs have not disbursed any benefits to date (and first ER payments from the Carbon Fund have not been made (Fiji and Nepal) or only just recently been made (Indonesia). Moreover, majority of them (IPs) have not even heard yet of the REDD+/ERP. Those who did, still do not fully understand what it is all about.

There are favorable and positive feedback from Fiji (increased food security due to enhanced forest conservation). In Nepal and Indonesia, indigenous women claim they have received benefits from ERP like the school buildings, other infrastructure projects and reforestation projects. However, they have not been given capacity building activities to increase their voice and representation in the ERP decision-making structures and processes.

VIII. RECOMMENDATIONS

e reiterate the country-based recommendations as presented below:

REPUBLIC OF FIJI

1. **Incentives for women to participate:** Since the ERP is implemented by the Fiji government, the following actions are highly recommended to encourage indigenous Fijian women to participate:

The ERP and BSP should fund the forest conservation activities for indigenous women with additional funding to be sought from donors, including the World Bank (WB).

The government of Fiji should create a BSP model that is separate from the existing lease payment model to allow all indigenous women to benefit directly from the carbon fund.

2. **Information Sharing Equity**

As the research findings show, the disparity in the knowledge of forest conservation is gendered and therefore requires targeted measures to bridge the gap. The following actions need serious commitment for its implementation to be successful:

- i. Develop a policy to guide a 50/50 representation of men and women who are gender sensitized to be members of decision-making bodies in the ERP and BSP.
- ii. Implement programs for capacity building and awareness raising on ERP and BSP, utilizing existing organizations such as the Indigenous Fijian Women's Association, Indigenous Fijian Business Council, Civil Society Organisations and church organizations.
- iii. Support capacity building activities through funding from ERP and BSP with additional funding from donors and WB.

3. Activate Fiji's Blue Carbon Plan in ERP

The Fiji government's current ERP plan includes mangrove conservation but is not part of its ERP implementation. A large part of indigenous women's livelihood and sustenance is dependent on mangrove forest, therefore, Fiji's blue carbon plan needs to be activated. The following actions should take place:

Create a special department within the Ministry of Forestry to look after mangroves and to ensure that the overlapping of ministerial roles in its current status, is avoided.

Allocate funding specifically targeting mangrove forest conservation.

4. Legal instruments to review or revisit

This study emphasizes that legal instruments determine the success and failure of forest conservation goals and in particular these three (3) legal documents mentioned below:

- i. Qoliqoli Bill 2006: Considering that the majority of indigenous women live along the coastal ERP areas, their right to access a fair benefit sharing can be protected if the Qoliqoli Bill 2006 is revived and enacted as mentioned in page 62 of this report.
- ii. Bill 17: Withdraw Bill 17 because it subtly removes indigenous Fijian's rights to their land which in turn affects indigenous women's access to equitable benefit sharing (see page 46 of this report).
- iii. Review of legislation regarding land ownership. Archaic land acts that displace women and exclude them from inheritance rights should be reviewed and amended for ERP to be successful.

5. Ratification of International Law on Indigenous People

Fiji must ratify the United Nations Declaration on the Rights of Indigenous People (UNDRIP) as briefly discussed in page 46.

INDONESIA

1. **Direct benefits to indigenous women and their communities:** Benefits should go directly to IP communities, not through intermediaries.
2. **Monetary and non-monetary benefits:**
 - a. If benefits are monetary, this should be continuous if they conserve their forests. It should be given directly to communities for use in their education and other livelihood needs.
 - b. If in-kind, use for scholarships and community capacity building i.e., community social enterprise. Infrastructure development is important, but we need to improve the community's capacity and longer-term programme for such.
3. **Inclusive Policy and Program:** ERP must involve/engage indigenous women. There is a need for regulation to specifically provide for this and develop specific program that is responsive to indigenous women.

NEPAL

1. Forest Governance

- a. The strengthening of the customary institutions within and outside the BSP forest regimes, and their recognition as direct beneficiaries of carbon fund, is crucial to the sustainability of the ERP, since these govern the protection of indigenous knowledge, skills and cultural values that contribute to the sustainable management of the resources, protection of biodiversity and ecosystem.
- b. For Municipal and Rural Municipalities to implement Local Operational Act, 2017, recognizing indigenous customary institutions and land tenure rights to enable customary institutions to become legal entities and beneficiaries of carbon funds in the 13 districts covered by the ERP where the majority are indigenous communities. The ERP should further provide continuous information, capacity building and sensitization on IP and gender concerns for local elected bodies, community leaders and other concerned stakeholders, including, local governments on this regard.
- c. In line with Forest Regulation, 2022 and the BSP, the Forest Development Fund Operation Committee should account for the specific roles and contribution of indigenous women especially in the practice and transmission of traditional knowledge and cultural values to the youth that sustains forest resources, therefore, carbon sequestration.
- d. The ERP should invest in the urgent documentation of customary institutions and traditional governance systems of IPs to show how these have played crucial roles in protection of the natural resources, forests, biodiversity, and climate change adaptation and mitigation. These should as well be accounted for in BSP and the emissions payment.
- e. A responsive conflict resolution mechanism should be established within the ERP. Existing policy and programmatic conflicts in ERP areas should be clarified and resolved, in relation to and in consultation with the indigenous peoples concerned, within and outside of the BSP forest regimes. The Tharus lost their livelihoods in favor of the Suklaphanta Wildlife Reserve. Having no titles to prove ownership, they have been legally rendered as illegal settlers in the land and forest they that have nurtured since time immemorial. The BSP specifically includes national parks as direct beneficiaries but not the “Budghar”, the Tharu customary institution, which was and is instrumental in preserving the forest prior to the establishment of the national park. This loss and other impacts, including human-wildlife conflicts should be addressed by the ERP through the BSP.

2. Empowerment of Indigenous Women and their Communities

- a. The ERP should provide targeted resources to effectively implement a meaningful capacity building program for indigenous women to ensure the representation of their issues and concerns within and outside their own forest regimes, and, access to equitable share of benefits from forest conservation. These include the Tharu indigenous women who are involved in buffer zone forest user groups which have significantly contributed to the growth of the forest. The women's leadership and contribution have led to healthy and dense community forest. They have also

been coordinating with the Bhalmansa before making any decisions. However, indigenous women face multiple challenges in relation to presence in meetings and leadership position. Therefore, dedicated and women-sensitive programs that respond to overcoming traditional gender barriers should be incorporated in the ERP and the BSP.

- b. ERP should provide meaningful interventions towards the empowerment of indigenous women, youth and differently abled persons. This may come as non-monetary benefits, specifically, among these are :
 1. Community Enterprise development based on indigenous knowledge and skills in support of socio-economic development while protecting and transmitting knowledge, culture and skills;
 2. Promote skill-based carpentry, sewing, homestay and herbal medicine enterprises and link to the market.
- c. Sensitization of newly elected local government representatives on the issues and concerns of indigenous peoples particularly indigenous women and support for their meaningful participation in the discourse on forestry sectors and other development initiatives.
- d. Frequent, regular and meaningful local and district level consultations with relevant stakeholders and agencies on the human-wildlife conflicts in the protected areas and buffer zones as well as issues and concerns within community forests.

3. Recognition

- a. The recognition of customary institutions within and outside forest regimes for protection of indigenous knowledge, skills and cultural values that have contributed to the sustainable management of the resources, protection of biodiversity and ecosystem is crucial in sustaining ERP initiatives, especially, in IP territories.
- b. Use the provision of Local Operational Act, 2017 as an opportunity to develop local laws by the municipality or rural municipality for legal recognition of indigenous customary institutions and land tenure rights. This would open spaces for customary institutions to become legal entities and beneficiaries of carbon funds in the ERP area within the 13 districts where the majority are indigenous communities.

ENDNOTES

¹ <https://www.forestcarbonpartnership.org/readiness-fund>.

² <https://www.forestcarbonpartnership.org/carbon-fund>.

³ We distinguish reduced emissions from deforestation and degradation (in small letters) from REDD (in capital letters). The one in small letters is the generic practice that is done by indigenous peoples and other forest peoples in terms of defending their forests from deforesters and practicing their traditional forest management systems which are strictly regulated by customary laws. The REDD/REDD+ is the term used in the UNFCCC.

⁴ <https://www.forestcarbonpartnership.org/redd-benefit-sharing>.

⁵ Both state and customary policies.

⁶ <https://www.dos.gov.np/downloads/nepal-map>.

⁷ Fiji Bureau of Statistics, 2018.

⁸ Fiji Bureau of Statistics, 2007.

⁹ Conservation International REDD+ and Fiji Carbon and Emissions Reduction Program Benefit Sharing Plan.

¹⁰ Goodall, J. 2022. <https://www.masterclass.com>.

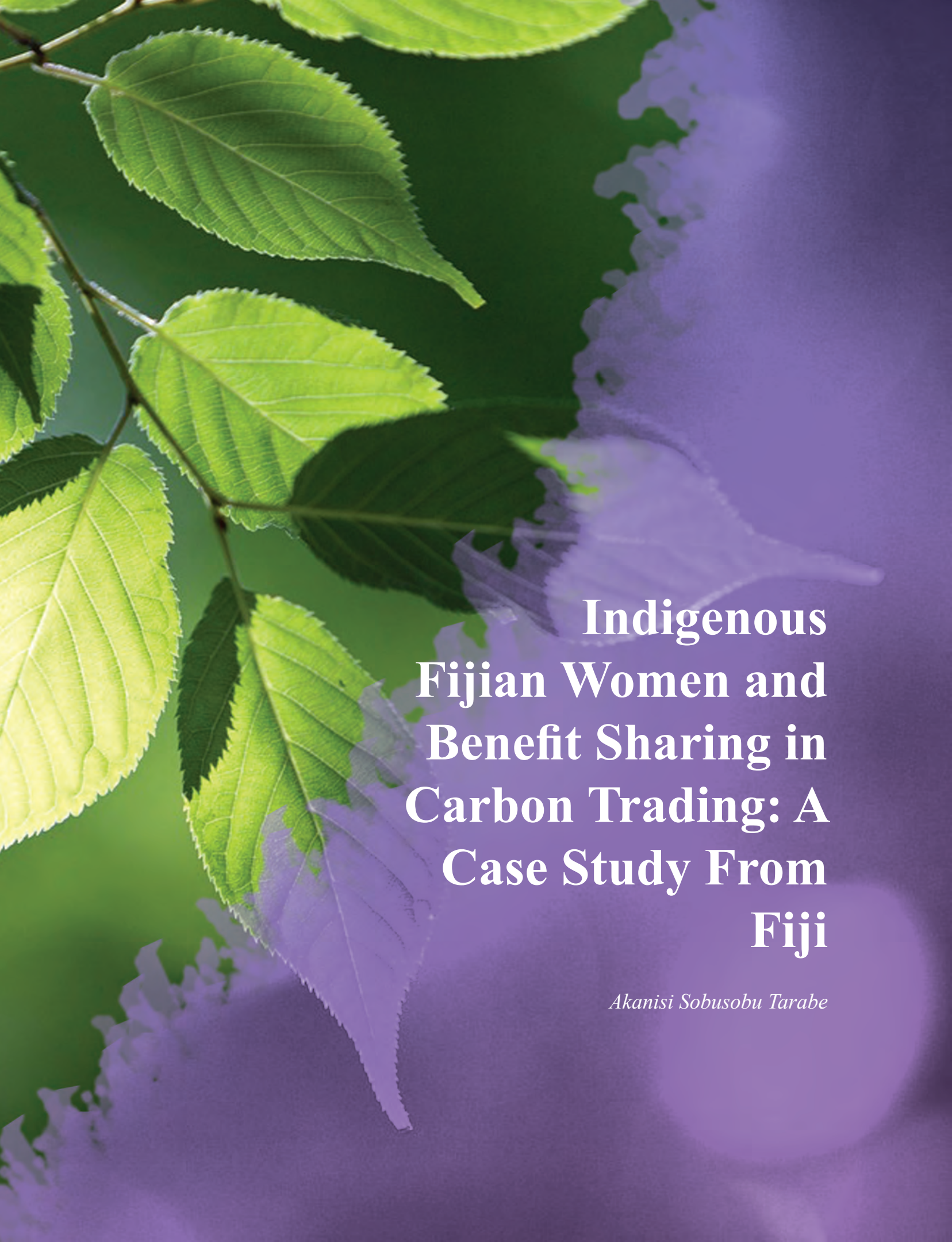
¹¹ Fiji country Paper, Forest Carbon Partnership Facility 20th Carbon Fund Meeting Washington D.C. July 8-11, 2019.

¹² Vanua is an indigenous Fijian concept that shapes the way of life of an iTaukei. It includes relationships with each other and their environment.

¹³ Chowkidar refers to as gate keeper/ person with duty to watch/take care.

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Indigenous Fijian Women and Benefit Sharing in Carbon Trading: A Case Study From Fiji

Akanisi Sobusobu Tarabe

STUDY LOCATION MAPS



The Fiji islands



Vanua Levu

INTRODUCTION

Benefit sharing provision through the distribution of results-based finance is a critical component of greenhouse gas emission initiatives through the Forest Carbon Partnership Facility (FCPF) emission reductions programs (ERP). The FCPF adopts a socially inclusive approach which ensures that equitable and transparent benefit sharing arrangements include women, indigenous peoples (IPs) and communities (social groups that are usually excluded). The approach guarantees that these social groups are fairly recognized and rewarded for their role in reducing emissions, through forest conservation and sustainable forest management.¹ It includes these groups as partners engaged in the planning, operation and utilization of funds in the climate finance.

Forest conservation and sustainable forest management is not new to IPs. In fact, their conceptualization of the forest tells us of their lifelong experiences and relationships with it that have been passed down through generations. These experiences shape the way they care and engage with the forest. The concept has been with IPs for thousands of years making them the best conservators of forests rather than being contributors to their destruction. Indigenous peoples' collective management and conservation systems allow them a fair inheritance as they share its benefits in comparison to the individualistic of a capitalist/western property regime.

From the perspective of IPs, the forest is a living community that has a relationship with them. This relationship goes beyond the framings of science and economics which are concerned with the forest's immediate use, and as something that can be owned and extracted. However, to IPs the forest has its own rhythm, life and is part of themselves. To the outside world, the forest is simply an object to be protected, but to IPs the forest is being 'used' even when no one seems to be using it.

Note that IPs view their environment as priceless and irreplaceable so that this dimension of thinking needs to be considered when conserving the forest. Therefore, the capitalist's system of assessing the forest in terms of its dollar value comes up short of what it is actually worth in regard to its socio-cultural value to IPs. Studies by environmental scientists on Pacific Islands ecosystems² agree that there needs to be an alternative valuation of the Pacific Islands ecosystems in order to recognize their social value, and only then will climate change adaptation strategy be more efficient. This will truly be an inclusive approach to equitable and transparent benefit sharing arrangements.

PURPOSE OF THE STUDY

Considering the contributions of IPs in emission reductions, this study focuses on identifying existing indigenous peoples' sustainable forest management practices and the customary laws and institutions governing these taking into account the following factors: gender differentiated roles; access to resources, land, benefits; decision making that contributes to reduced emissions from deforestation and forest degradation; and how these should be acknowledged in the development of benefit sharing mechanisms.

SPECIFIC OBJECTIVES

1. Identifying indigenous Fijian communities covered and/or affected, whether directly or indirectly, by ERP implementation and their existing contributions to emission reductions and barriers to sustaining these;
2. Analyzing existing opportunities, actions, mechanisms, that can drive or constrain equitable benefit sharing for indigenous Fijians, especially women; and
3. Recommend how practices can enhance benefit sharing arrangements to reduce carbon emissions and propose a design for equitable benefits sharing to indigenous Fijians with attention to indigenous women

THE REPUBLIC OF FIJI: THE STUDY CONTEXT

The Republic of Fiji is a group of some 300 islands in the Southwest Pacific Ocean of which one third is inhabited. In total, it has a land mass of around 18 333km². The two main islands are Viti Levu (10 388km²) on which Suva the capital is situated while Vanua Levu (5 587km²) is situated at the north of the group. The ERP accounting areas³ cover 11 of the 14 provinces and include both Viti Levu and Vanua Levu as well as Taveuni, the third largest island.

A BRIEF HISTORY OF FIJI

Prior to the coming of Europeans, indigenous Fijian's social structure was fluid, and therefore leadership was not hereditary. People often moved around for different reasons and there were different land tenures for different parts of Fiji⁴. The arrival of European traders and planters brought many changes to the indigenous peoples of Fiji (iTaukei) which eventually led to Fiji becoming a British colony from 1874-1970. The British Administration, through governor Sir Arthur Gordon, resolved the issue of different land tenures for the European planters and traders by designing a land tenure system that could be used for the whole country. It was also meant to protect the indigenous Fijians from the greed of white settlers, but many iTaukei now agree that this system has worked against them in many ways in terms of their socio-economic advancement.⁵



Women of Vuo (Photo credit: Akanisi Tarabe)

Gordon redefined the social structure and its land systems where he “cut corners, bulldozed opinion and had to rely to a large extent on his own propensities and prejudices to interpret and to codify custom”⁶. Part of Gordon’s ruthless method was the amalgamation of weak clan units or tribes into one unit or the bifurcation of tribes that were too big.⁷ The bifurcation and the amalgamation of clan units gave rise to new problems where even today some clans still maintain their identity of belonging to their original clan even though by law the particular clan does not exist.⁸ This also led to uneven distribution of land where one land owning unit could have thousands of acres of land while another with similar population count within the same clan or village may have much less. Despite all these differences, the land system was accepted as customary.

France (1969) noted that indigenous Fijians’ customary land tenure or ‘traditional’ land tenure has been modified, shaped and reshaped so many times that what was originally customary is unrecognizable. Most importantly, women’s right to hold land titles was removed.⁹

Five years after Fiji became a British colony, another important change took place and that was the recruitment of indentured labourers from India in 1879 to work for European planters in the sugar cane fields. The Indentured Labour System continued until 1916 when the labourers were given options to return to India at their own expense or work for five years with a free passage to India or remain in Fiji a free citizen.¹⁰ For those who remained, their descendants form about 30% of Fiji’s multi-cultural population, and many continue to be sugar cane farmers today and are major contributors to Fiji’s economy. For a long time, sugar was Fiji’s main export and some of the farmers still live on freehold or leased land.

THE iTAUKEI SOCIETY

The result of Gordons's work is the current iTaukei social structure comprising of *yavusa* (the largest unit) which traces descent from a common ancestor known as *vu*, a smaller unit called *mataqali* (the land owning unit) and *tokatoka* (the smallest unit). A *tokatoka* can even be represented by an adult male and his children¹¹. A *koro* (village) is usually composed of one or more *mataqali* and many *tokatoka* depending on the size of the village. In other cases, several villages would make up a *yavusa*; each village being a *mataqali* would be made up of several *tokatoka*.

Each *tokatoka* is given a *kanakana* (literary eating place) by the *mataqali* where a male member of the *tokatoka* can plant a food garden for his own use and his household's use. In these *kanakana*, women forage the forest for wild vegetables and fruit, fish in its rivers and gather firewood and traditional medicine, while men cut trees to build houses, plant new food gardens, dig wild yams and hunt for wild pigs. These activities are guided by their knowledge of the forest and the traditional calendar which is based on the maturity of both the forest and sea food products. These practices protect the forest that sustain them.

INDIGENOUS FIJIAN WOMEN AND iTAUKEI SOCIETY

Indigenous Fijian women are generally excluded from inheritance rights to customary land even though they are registered as members of a *mataqali* (clan) under the *Vola ni Kawa Bula* or Indigenous Fijian Register. The iTaukei society is patrilineal and land ownership is passed through the male line. Therefore, much of the decision making is done by men as heads of households and clans.

However, studies show that historically, women owned land for different reasons such as land gifting upon marriage known as *'ovu'ovu in Cu'u*, in Vanua Levu or *Lewe ni Tabenaga* in Draubuta, Nadroga/Navosa.¹² In other parts of Fiji this land gifting is known as *covicovi ni draudrau* or *sovisovi ni draudrau*.

In spite of the fact that indigenous Fijian women are excluded from land inheritance rights, many iTaukei women are well educated, leaders and professionals in their own fields, well supported by their families and communities. The presence of women's groups such as the Indigenous Women's Association, Fiji Women's Rights Movement, The Fiji Women's Crisis Centre and women's church groups indicate the strong support for indigenous women's advancement in Fiji.

Fiji's current population

At its last census in 2017, Fiji's population stood at 884 887¹³. Although a multi-ethnic society, there was no ethnic breakdown in Fiji's 2017 census but in 2007 Fiji's population was 837,271 of whom about 57% of the population were iTaukei¹⁴. The second largest ethnic group are Indo-Fijians or Fijians of Indian origins whose ancestors came to Fiji to work on sugar cane plantations during the Indentured Labour System of the British empire. The rest of the population is made up of part Europeans, Pacific Islanders and Chinese. Ninety seven per cent (97%) of Fiji's population live in the ERP accounting area.¹⁵

The 2017 census recorded that men make up 50.7 per cent of the population and women make up 49.3 percent.¹⁶ While the proportion of males was higher below the age of 59 years, the female population was higher in the age groups above 60, indicating greater female longevity. Fiji has more urban population than rural due to the extension of town boundaries and the movement of people from rural to urban areas.

LAND SYSTEMS IN FIJI

There are two types of land systems decreed by the iTaukei Land Trust Act: a western tenure system and a traditional or customary tenure system. Under these systems are three main types of land holding: freehold lands, state lands, and iTaukei lands.

THE WESTERN TENURE SYSTEM

Under the western tenure system, the administration of lands lies with the Department of Lands and the Registrar of Titles for Freehold and state lands. The leasing and any legal dealings related to iTaukei lands are dealt with by the iTaukei Land Trust Board (TLTB) which used to be known as the Native Land Trust Board (NLTB) when it was set up in 1940.¹⁷ The TLTB is a statutory body under the iTaukei Land Trust Act whose task is to administer all iTaukei lands for the benefit of the iTaukei. The downside of this arrangement is the weakening of the landowners' control of their land and is one of the causes of land disputes today.

The western tenure system has an emphasis on individual ownership and is based on European styled, capitalist-oriented concepts. Included in this system are freehold lands, state lands and a portion of iTaukei lands that are leased out as iTaukei Leases.¹⁸

Freehold lands are lands that are held individually or corporately in fee simple and are guaranteed by the government.

State lands are all public lands in Fiji and include: all lands below high water mark, including mangrove swamps and all foreshores; those held by the State for public purposes, such as roads, reservoir dams, drains; and those held by the State for leasing either residential, commercial, industrial or agricultural purposes. It currently includes those lands that had not been claimed by indigenous Fijians when Fiji became a British colony in 1874 (State schedule 'B' Land) and iTaukei lands for which the mataqali have since become extinct (State Schedule 'A' Land).

Freehold and state lands account for only 16 percent of Fiji's total land area. This figure is misleading because value wise this 16 percent includes the best urban, commercial and agricultural lands.

iTaukei leases are those iTaukei lands that have been leased out largely to allow the lands that were not being used by the iTaukei landowners to be utilized by other people of Fiji including non-landowning units. This land makes up 31 percent of all iTaukei lands and is found in the sugar cane farming areas and near the main urban centers. In other words, this land is the most accessible and arable of iTaukei lands.

TRADITIONAL/CUSTOMARY TENURE SYSTEM

The customary tenure system of indigenous Fijians relates to the concept of *vanua* which means land but also extends to mean a sacred concept that embrace culture, identity, people and spirit. This is why iTaukei people guard their land from alienation with various *vanua* values guiding their resolve. The following concepts are relevant in governing customary tenure system in Fiji: *veiwekani* (relationships), *veimanumi* (caring/thinking of others) and *veidokai* (respecting each other).¹⁹

ITAUKEI LAND

iTaukei land means lands that belong to the iTaukei, the indigenous Fijians and are based on their customs and traditions, including all unalienated iTaukei lands. These customs and traditions were modified many times during the British colonial era. This type of land is alienated when it becomes iTaukei Lease. iTaukei lands make up 84 percent of Fiji's total land area, 31 percent of which is accessible and arable while the rest, about 33 percent, which is left to indigenous Fijians are found in difficult terrain, inaccessible and of poor quality and marketability.²⁰

TYPES OF LAND USE UNDER ITAUKEI LANDS

Included under iTaukei lands are those that are used by indigenous Fijians for their subsistence and commercial use as well as iTaukei Reserves. iTaukei Reserves are those lands that have been set aside to be used exclusively by indigenous Fijians subject to the Forest Decree, the Mining Act, the State Acquisition of Lands Act, and the Petroleum (Exploration and Exploitation) Act (S 9 iTaukei Land Trust Act). Some of these lands have been leased out to both iTaukei and non-indigenous Fijians under the *vakavanua* arrangement.

Vakavanua arrangement is one where an individual requests permission from the *taukeyi* to use the land. The request is normally made by a ceremonial presentation of *sevusevu*, where *yaqona*, supplemented with *tabua* or cash is offered to the *taukeyi*. The onus is then on the individual to pay or 'share,' voluntarily or as agreed upon with the *taukeyi* landowner, a part of the proceeds of his use of the land. (Rakai et al. 1995: 260).

REGISTER OF ITAUKEI LANDS

Land under the customary system is communally owned, which means ownership is vested in the mataqali (tribal group) as registered in the Register of iTaukei Lands (RTL) rather, than individually. However, mataqali members are registered individually in the Vola ni Kawa Bula (VKB, indigenous Fijian Register). The RTL records the names of the mataqali, the iTaukei Land Commission (TLC) map reference, the size, and the lot number of the land that a particular mataqali owns. The RTL is maintained by the Register of Titles.

ITAUKEI LAND COMMISSION

All customary land has been surveyed and charted on iTaukei Land Commission (TLC) maps. The TLC was established by the British Colonial Administration in 1905 under the iTaukei Land Ordinance to investigate the land tenure system in Fiji. These topographical surveys resulted in the production of TLC maps which are still being used today. The TLC has two main functions: to maintain the Vola ni Kawa Bula (indigenous Fijian Register) and to solve disputes in land and fishing rights.²¹

iTaukei lands cannot be sold but they can be officially leased out with the consent of mataqali members. For any mataqali, dealings with iTaukei lands such as lease require the approval of the majority of mataqali members who are 21 years of age and above. The final approval of these dealings is made by the iTaukei Land Trust Board. The land falls under the western tenure system once it is leased out.

LAND ACTS

ITAUKEI LAND TRUST ACT

The iTaukei Land Trust Act (TLTA) Cap 134 transfers all rights from the mataqali to the iTaukei Land Trust Board. Section 4 says, “The control of all native land shall be vested in the Board and all such land shall be administered by the board for the benefit of the Fijian land owners” (s 4(1) iTaukei Trust Act).

It has often been argued that because of the role it plays, the iTaukei Land Trust Board is the real owner of iTaukei lands rather than the indigenous Fijians.²² The TLTB is the key to all leasing in Fiji, and as such indigenous Fijians are left with a steward type of role rather than as owner. In other words, the legal ownership of the land in Fiji remains with the landowning unit or mataqali while the control of iTaukei land is with the TLTB.²³

However, other clauses in the iTaukei Land Trust Act demonstrate that the absolute power of control is not always with TLTB such as in the leasing of the iTaukei Land Reserves. Reserves were designed in 1940 to ensure that Land Owning Units (LOU) had sufficient land to support their members. The leasing of a Reserve can only be approved at the consent of LOU and only to other iTaukei, which means that land can only be de-reserved if 60 percent of the LOU consents and have good reason to do so (iTaukei Land Trust Act (Cap134), s16 (2)).

AGRICULTURAL LANDLORD AND TENANT ACT

The purpose of the Agricultural Landlord and Tenant Act (ALTA) was to regularize the occupation of iTaukei land by iTaukei and non-iTaukei and to provide a basic set of guidelines implied in leases of agricultural land. This arose out of the fact that because iTaukei lands cannot be sold but only leased, it was viewed as not being advantageous for Fiji’s economy and in particular the Indo-Fijian farmers, descendants of farmers of the Indentured Labour System. As a result, the ALTA was passed in 1977 to rectify this problem, enabling agricultural leases to extend to 30 years. This was a more secure tenure of lease.

LAND USE DECREE

One of the recent land acts and policies is the Land Use Decree which was signed into law in 2010 because it was deemed to be for the best interest of iTaukei land owners. The Land Use Unit (LUU) then was established to facilitate the leasing of customary land, making LUU a direct competitor of the iTaukei Land Trust Board (TLTB) even though TLTB may say it is not so.²⁴ But from a closer look at the way the two bodies run, we can make a sound conclusion that they are competitors for the same piece of cake.

The Land Use Unit uses a process beginning with the designation of iTaukei land before lessees can apply for it. After receiving approval from LOU members, it is given to the Prime Minister for approval which is then entered into a register known as the Land Use Bank. In summary, the Land Use Decree declares that once iTaukei land is designated, the Land-Ownning Units have no say in how the land shall be used and have granted the Director of Lands the power to lease the land. This means that he/she does not require the consent of the members of the LOU and neither can the LOU use any legal rights to occupy or use the land while it is designated. Neither can they challenge the government in court regarding their land.²⁵ Having discussed the land acts, I will now turn to international laws and their implications on the rights of Indigenous Fijian women.

INTERNATIONAL LAWS AND IMPLICATIONS ON THE RIGHTS OF INDIGENOUS FIJIAN WOMEN

Fiji has signed agreements with international bodies in recognition of the rights of its citizens. In particular, the protection of women's rights is guided by Fiji's commitment to international conventions on women and gender equality such as:

1. Convention on the Elimination of all forms of Discrimination against Women (CEDAW 1979, UN)
2. Convention on the Rights of the Child
3. Convention on the Rights of Persons with Disabilities
4. ILO conventions

However, the protection of the rights of indigenous peoples through international laws and organizations has strong implications on security of land for indigenous peoples and in turn the security for women in many ways. The Fijian government has not ratified the UN Declaration on the Rights of Indigenous Peoples. It claims that there is no immediate need to do so, as it feels that the indigenous peoples and their ownership of land are protected under the 2013 Constitution and are under no threat. Furthermore, the government reasons that Fiji's colonial experience is different from other countries such as Australia and the USA. This is arguable and challenge-able as colonial experiences everywhere have a common thread and that is the domination and abusive extraction of natural resources that are part of the identity of indigenous people. The UN Declaration on the Rights of the Indigenous People (UNDRIP) need to be ratified by the Fiji government if indigenous women's right to benefit sharing is to be successful. Fiji's non-support of UNDRIP is a weak link in Fiji's ERP considering that indigenous Fijians are the resource owners.

Furthermore, the passing of Bill 17 in parliament in 2021 has further complicated land ownership for the indigenous peoples. The controversial bill which was brought into parliament at the height of the budget debate in July 2021 focuses on the interest of investors and lessees rather than on the landowners themselves. Suva-based lawyer, Graham Leung's opinion of Bill 17 supports the view of many indigenous Fijians who opposed it. Leung had this to say:

Whether intended or not, TLTB's rights as a landlord are diminished by the proposed amendment... I believe this is a significant change which weakens the TLTB's control and oversight over indigenous land. I don't think the explanation for these changes are convincing.... Money that will change hands by virtue of mortgages, charges and other encumbrances will not go to the landowners but instead to the tenant.²⁶

In its emission reductions program (ERP), the Fiji government targets the iTaukei because its ERP accounting area covers about 90% of Fiji's land mass and 94% of it is under forest cover. With credit benefits under the Emission Reductions Payment Agreement, credits are created based on either the carbon captured by new trees or the carbon not released through protecting old trees. Apart from carbon trade, forestry projects bring other benefits such as protecting ecosystems, wildlife, and social heritage that matters to indigenous communities has a large area under forest, it's benefits as a carbon sink plays a central role in its conservation.

FIJI'S COMMITMENT TO ERP

Fiji's commitment to emissions reductions is so critical that in January 2021 the small island state signed an Emission Reductions Payment Agreement (ERPA) with the Forest Carbon Partnership Facility (FCPF), an operational arm of the World Bank. The agreement will guide Emission Reductions Programs (ERP) for the next 5 years and hopes to conserve 94% of forest area that is available for carbon storage in Fiji. The agreement is the culmination of work traced back to 2011 when the REDD+ Policy on forest emissions reduction was launched and in Fiji's inclusion in 2013 as a participant country in the FCPF with the World Bank.

The country's drive to reduce carbon emission is grounded on the fact that forests are an important carbon sink, as both trees and forest soils are able to store large amounts of carbon for a long period of time. Forests, therefore, are essential elements of the earth's ecosystem and must be conserved and protected. Fiji's Emission Reductions Programs promote integrated land use planning, native forest conservation, and sustainable pine and mahogany plantations as strategies to address the issues of deforestation and forest degradation. An important part of the intervention activities also includes agroforestry and alternative livelihood to sustain Fiji's 884,887 population.²⁷

MAINSTREAMING GENDER INTO ERP FOR FOREST DEPENDENT PEOPLES

About 50% of iTaukei living in the rural villages rely on the forests for agriculture, horticulture and livestock. For iTaukei women to be really included in the ERP, certain obstacles need to be considered and addressed accordingly, such as how women are placed on the social scale so that their contribution can be sustainable and worthwhile.

BENEFIT SHARING

Benefit sharing refers to the action of giving a portion of benefits derived from the use of landowners' resources to resource providers. According to the International Union for Conservation of Nature (IUCN,) Benefit Sharing systems should offer effective incentives for actions and build support and legitimacy for REDD+ mechanisms.²⁸

MONETARY AND NON-MONETARY BENEFITS

Monetary benefit sharing involves cash received by beneficiaries while the non-monetary benefits include goods, services, or other benefits funded with ERPA payments. Examples of non-monetary benefits include technical assistance, capacity building, and in-kind investments such as seedlings, equipments and buildings. Non-monetary benefits directly relate to the implementation and operation of the ERP and are normally part of the formal Benefit Sharing Plan.

To ensure that the landowners are benefitting from the ERP and REDD+ incentives, the Ministry of Forestry uses six existing models of Benefit Sharing Mechanism (BSM) including:

1. The iTaukei Land Trust Board Lease Payment Distribution under the iTaukei Land Trust Act;
2. Ministry of Lands – Land Bank Lease Payment Distribution under the Decree 2010;
3. Ministry of Lands Distribution of Mineral Royalties under the Fair Share Mineral Act 2018;
4. Trust and Charitable Trust under the Trustee Act or Charitable Fund Act;
5. Company/ not for profit organizations under the Companies Act 2015; and
6. Co-managed cooperatives under the Co-operatives Act 1996.

The forests here have big, tall trees that are strong. A pine logging company wanted to cut down these trees for timber. The landowners on the other side of the river wanted to give their land to this company but when they learnt that there is more money in buying air (carbon) they cancelled this arrangement with them... so we started carbon trading and other related activities with them.

Taniela (Lutukina man)

The six models above are supported by policies and guidelines which ensure equitable, transparent transactions that respect the rights of all resource owners. Of particular interest to this report are the first two models which recognize that iTaukei or indigenous peoples own almost 90% of land in Fiji and should therefore benefit from their resources. In addition, the 6th model is mentioned as a point of interest because of its relevance to the case study in this report.

THE ITAUKEI LAND TRUST BOARD LEASE PAYMENT DISTRIBUTION UNDER THE ITAUKEI LAND TRUST ACT

This BSM model focuses on the responsibility of iTaukei Land Trust Board (TLTB) to protect and manage iTaukei land ownership rights according to the iTaukei Land Trust Act. There are specific guidelines for the control of iTaukei land including provisions for transfer, granting of leases or license and transfer of iTaukei lands. The board is also responsible for facilitating commercial transactions relating to leases and licenses. TLTB collects land payments, leases and distributes to its Land Owning Unit (LOU) that issues them to the landowners.

Interesting to note that TLTB pays out land rental benefits in equal amounts to the bank account of each individual member over 18 years old of the Land Owning Unit. Monetary benefits for those under 18 are invested to generate interest which are issued to them once they reach the age of 18.

THE MINISTRY OF LANDS – LAND BANK LEASE PAYMENT DISTRIBUTION UNDER THE DECREE 2010

The Land Bank is an option for iTaukei landowners to have their lands administered by the government on the condition that 60% of the members agree. Under this arrangement, LOU elect members who are approved by the Prime Minister to act as trustees, representing the interest of the LOU. The trustees receive payments on behalf of the LOU and are then responsible for its distribution according to the specifications in their Deed of Trust.

CO-MANAGED COOPERATIVES UNDER THE CO-OPERATIVES ACT 1996

This is based on shared-management through cooperatives which seeks to advance socio-economic interest and provision of benefits for members. Cooperatives are managed by a board of directors who meet annually and are guided by internal regulations. Cooperatives have the option to apply for tax exemption status for a period of 8 years. This particular benefit sharing model is guided by the Fiji Co-operatives Act No.16 1996 which is further guided by the International Labor Law. Lutukina, a case study in this report uses this benefit sharing model in its REDD+ activities.

My husband belongs to the mataqali Nakase but he is not registered in the Vola ni Kawa Bula the iTaukei register. He is here because his grandmother was from the mataqali Nakase. So as it is my husband is not entitled to a share in the carbon money. But when the carbon money comes, the chief of the mataqali calls every member of the mataqali, including those like my husband, to a meeting for the sharing out of carbon money. They will remember us in the sharing—these people are always veinanumi (thinking of us)—so our family will also have a share. The oldest man in our extended family receives a share too and he will veinanumi to those that look after him every day and give them a share too.

Teai – Lutukina woman

COMPLEXITIES IN LEGAL ISSUES

When applying the above models to REDD+ Benefit Sharing Mechanisms especially in dealing with carbon rights, the complexity of the legal instruments involved in safeguarding the landowners becomes an issue. For example, the TLTB regulations under the iTaukei Land Trust Act (TLTA) and iTaukei Land Trust, define benefits that landowning units (LOU) may claim from their lands including premium payments, rent for leased land, and royalties for the timber harvesting, forest concessions and gravel extraction licenses. Improvements made through the Land Use Decree 2010 became an alternative process demanding that all land must

be “designated” before it is made accessible for the lessees. This means that the land must be free before it is available for leasing. A similar precondition also exists for the Land Bank which requires that land must be free from all encumbrances before engaging in land leases with titles that determine the entities having the rights to generate, transfer, receive finance and benefit from emission reductions.²⁹

Aligning with the TLTB principles of equitable distribution of shares of no less than 80% for land owners, the ERP performance payment plan outlines that beneficiaries share 85% of the net carbon benefit after 10% operational cost and 5% performance buffer are set aside. The manifestation of these benefits in these proportions are yet to be seen. Payments are still to be done considering that the ERP agreement between Fiji and FCPF was only signed recently in 2021.

These formal instruments designed to protect the indigenous peoples’ resources are biased towards monetary benefits which can easily be manipulated by the people in power considering the complexities of the legal issues involved. Nevertheless, indigenous Fijians have customary laws that guide the benefit sharing of their resources, which is absent from the BSM mentioned above. The formal mechanisms, therefore, demand vigorous attention.

NON-CARBON BENEFITS

While the formal benefit sharing mechanisms and models focus on monetary benefits and non-monetary benefits discussed above, noteworthy is the exclusion of Non-Carbon Benefits from the Benefit Sharing Plan for the Emission Reductions Program. Much of the non-carbon benefits involve indigenous Fijian women and their exclusion from benefit sharing plan means their exclusion from fully benefitting in the ERP.

Non-carbon forest benefits are categorized as tangible and intangible. Tangible forest resources such as wood, leaves, grasses, fruits, medicinal plants, fish and meat from hunting, sustain existing livelihoods. Intangible forest resources include fresh air, flowers and pollen from the forest, erosion prevention, nutrient supply and fresh cool water.

Even though it is difficult to attach monetary values to these resources, these non-carbon benefits serve a multitude of users. An example is when the forests protect the soil and reduce soil erosion from degrading steep slopes, the neighboring farming communities directly benefit under the non-carbon benefits category. Other non-carbon benefits are linked to economic opportunities including access to non-timber forest products (NTFP) such as medicinal plants, beekeeping and ecotourism. Again, these opportunities benefit the communities through wealth creation, improving food security and empowering communities

We were really eager at the beginning to plant seedlings of indigenous plants like vesi, cau ‘uro, si’eci, fruit trees like ‘avi’a, wi ‘acu, gadoa. The Ministry of Forestry bought these from us for \$3. I think they sell it at Colo i Suva for \$5.00. The NGO Live and Learn helped us too... then our project with Live and Learn ended and Tropical Cyclone Yasa came and destroyed our seedlings then COVID-19. Now, we do not know what to do, the seedlings are almost bearing fruits now.

Focus group - Lutukina Women

to be self-sufficient and self-reliant. Non-carbon benefits have sustained indigenous Fijians for thousands of years through a unique benefit sharing mechanism that is sustained by living it out through their traditions and customs.

CUSTOMARY BENEFIT SHARING MECHANISMS

Customary BSMs refer to the natural benefits of the environment that are collectively gathered, accumulated and redistributed to everyone in the community based on *vanua* values. The harvest of the first fruit called *sevu* is an example of the principle discussed here. Land product such as yams is harvested and presented to the chief. In Vaturova in Vanua Levu, the chief reciprocates the good deeds by giving back yams and pigs.³⁰ The land product is not accumulated by the chief or any one clan member but is redistributed to the community. The practice blesses the giver and the receiver of the harvest with *sautu*, which is the status of good health and quality of life. This makes the land more valuable than its monetary benefits. In spite of this valuing, the owners have no control over the usage or the rental. Unfortunately, this leads to the devaluing of customs which in turn leads to the extractive and abusive practices on the environment through deforestation and forest degradation.

DRIVERS OF DEFORESTATION AND FOREST DEGRADATION



Part of a dalo plantation intercropped with yaqona plants in Vanua Levu. (Photo credit: Akanisi Tarabe)

The key drivers of deforestation and forest degradation are: forest conversion to agriculture, conventional logging, poorly planned infrastructure development, invasive species, and mining.³¹ The main underlying cause of deforestation in Fiji is the high demand for agricultural products such as the root crop dalo (*Colocasia esculenta*) for export and local consumption. Dalo is an esteemed crop and is presented as food gifts in ceremonial functions in iTaukei social gatherings. The other agricultural product is yaqona (*Piper methysficum*) also known as kava, a traditional drink which fetches very high prices in Fiji and overseas. It is a key element in iTaukei ceremonial presentation. For both dalo and yaqona the local and overseas demands are very high from iTaukei and Pacific Islanders.

This report provides evidence of the impact of benefit sharing mechanisms on indigenous Fijian women's participation in emission reductions. To achieve this, two indigenous Fijian communities in Vanua Levu were used as case studies.

CASE STUDY 1 - LUTUKINA: A VILLAGE IN MACUATA UNDER REDD+ ACTIVITIES



A view of Lutukina village from the hills. (Photo credit: Akanisi Tarabe)

Lutukina is a village in the district of Dreketi in Macuata province on the island of Vanua Levu, a part of Fiji's ERP accounting area. From the main Nabouwalu-Labasa highway, Lutukina can be reached by driving along a bumpy dirt road for about 1 1/2 hours. Nestled among cool green forests, Lutukina is situated on the upper parts of the bank of Fiji's deepest river, the Dreketi River.

The village of Lutukina is made up of 5 land owning units within the yavusa (largest social unit) Lutukina. While the mataqali Nakase and Tonikula are engaged in REDD+ activities, the rest of the mataqali: Rokotoru, Qaranigata and Nabouwaqa are not involved.

At the time of this research, Asivorosi Namasoko was the head of the mataqali from the chiefly clan of Nakase. Interestingly, the mataqali Tonikula is legally defined as extinct because there are no male members alive even though it has living female members. Tonikula is an example of how indigenous Fijian women are placed at a disadvantage because of their exclusion from inheritance rights to land.

Because there are no living male members, Tonikula land now belongs to the yavusa and as a consequence to this any benefits from REDD+ activities will be shared by all members of the yavusa rather than the Tonikula women only.

In 2021 land owners from the Sovi Basin came here to exchange information on conservation and carbon trading. After explaining to the turaga ni mataqali and the community elders about the benefits we get from REDD+ activities, they were shattered. Sovi Basin has been conserving their forest for 20 years; for us we started in 2019. All they get is the normal lease benefit of 40/60 from TLTB compared to what we get from REDD+ activities.

Gabiriele (Lutukina man)

LUTUKINA AND THE DRAWA BLOCK FOREST COMMUNITIES COOPERATIVE

Lutukina has ventured into a cooperative under the Fiji government's benefit sharing model that is guided by the Co-operatives Acts 1996. It has joined with other land owning units to form the Drawa Block Forest Communities Cooperative (DBFCC). The DBFCC went into agreement with a Pacific Islands regional network called the Nakau Programme to protect their rainforest and eligible logging areas through a conservation lease of 30 years with the iTaukei Land Trust Board (TLTB).

The DBFCC consists of 8 land owning units from the villages of Lutukina, Narailagi, Drawa, Vatuvonu and Batiri. Included in the cooperative is one (1) collective women's group and one collective youth group from these villages. DBFCC is the first independent conservation and carbon project to be endorsed by the Fiji Government. Under this project the DBFCC holds the REDD+ payment for ecosystem (PES) rights as the REDD+ project owner. Live and Learn, a local NGO, provides technical assistance, business and governance support.

According to Lutukina villagers, the 30-year lease is an advantage for them because they can still have the control of their land and enjoy the benefits within their lifetime. In contrast, the option of a 99-year lease is too long and seems unrealistic because this lease agreement does not allow short term opportunities for review of their agreement if the arrangement does not work to the landowners' favour.



Honey Storage Facility of DBFCC (Photo credit: Akanisi Tarabe)

POPULATION

Below are the demographic details of Lutukina village between January-April 2022 as submitted by the Turaga ni Koro (the village representative to government) to the Macuata Provincial Office.

Category	Age group							
	0-10	11-20	21-30	31-40	41-50	51-60	61+	Total
Female	29	14	18	8	7	4	3	83
Male	23	25	22	7	12	7	6	102
Total	52	39	40	15	19	11	9	185

Source: Lutukina Turaga ni Koro Report – Macuata Provincial Office

An iTaukei village is called a koro and each koro has a turaga ni koro who is usually elected in a village meeting. The Turaga ni Koro (TNK) is a member of the village playing an important role as the Fiji government's focal point. The TNK updates the government through the local provincial office by submitting quarterly reports under the following headings:

1. Good Governance
2. Well-being and Quality of Life
3. Village Developments
4. Conservation of Natural Resources & Village Needs
5. Strengthening of the Vanua community and Leadership

PROTOCOLS TO REACH LUTUKINA



*The Vunivalu, the Traditional Chief of Dreketi, receiving our sevusevu from Tomasi Tarabe, our protocol person for the research.
(Photo credit: Akanisi Tarabe)*

To reach Lutukina for this research a series of communications took place that involved the government and traditional leaders for approval. Firstly, permission from the Permanent Secretary for iTaukei Affairs was sought as required by law to enter a koro for research. The Permanent Secretary effectively organized the logistics through the Roko Tui at the Macuata Provincial Office who in turn mobilized the Dreketi District Representative by contacting the Turaga ni Koro of Lutukina.

The day before visiting Lutukina, a courtesy call was made to the Macuata provincial office by presenting a sevusevu to the Roko Tui Macuata. Secondly, traditional permission through a sevusevu was sought from the paramount chief, the Vunivalu of Dreketi. This was necessary because Lutukina was part of his vanua and his approval and blessings were important for the success of this research. Our entry protocol to the paramount chief of Dreketi required the support of Semi Luvuiwai, the Dreketi District Representative as protocol personnel.

At the time of this research, the turaga ni koro for Lutukina was 31 years old Iliapi Raramasi who took up this position in February 2021. Iliapi prioritized the protection of fishing ground and the conservation of trees and safeguarding them from fire as village needs. This village structure is an enabling factor in effectively facilitating REDD+ activities for Lutukina.

LUTUKINA WOMEN'S PARTICIPATION IN REDD+ ACTIVITIES

Forty-three percent (43%) of the Lutukina population between the ages of 21 and above 61 are women.³² Their contribution to the carbon trading is through carbon capture by planting indigenous plant seedlings. The arrangement with the Ministry of Forestry to buy these seedlings for \$3 was affected by the COVID-19 pandemic in 2021; at the time of the research these seedlings were overgrown in their pots and there had been no sales for many months.

Part of the problem for Lutukina women's participation in REDD+ activities is women's own standing in society where their contribution is often reduced to domestic and nurturing roles. In this case the raising of seedlings equates to women's role in raising children where traditionally women's role is about reproduction and nurturing children. The danger lies when this role is trivialized and women's participation is almost unrecognized, hence, the almost forgotten seedlings in their pots. In addition, there was no proper nursery to ensure a continuous, generous supply of seedlings that could bring a substantial income to the women, allowing them a more visible role in reforestation. Each woman planted her own seedlings, some in polythene bags while others in ice cream containers - small patches of carbon capture in the REDD+ activities.

Sales were inconsistent and the Ministry of Forestry had not done any revisit to ensure that the production of seedlings and sales continue. Unless women's participation and contribution are recognized as important and mechanisms are put in place to ensure this is so, iTaukei women's participation in Fiji's ERP will always be undermined.

While men proudly discussed their participation in REDD+ activities by giving accounts of the different indigenous trees in the forest that have been conserved for the future generation or the choices they made to switch to carbon trading, women's participation is almost invisible. It goes to show that physical afforestation and reforestation undertaken by men have a more prominent place in REDD+ activities in comparison to women's participation.

Lutukina women like the rest of the women in the Drawa Block community also participated in bee keeping as an alternative livelihood to keeping their forest from logging. It was meant to develop economic resilience and provide an enabling environment for women's participation in business.

After cyclone Winston in 2016, the bee keeping venture folded when the apiary farm at Lutukina was damaged and has never really found its way back to a thriving business once more.



Sikeci seedlings raised by a woman in Lutukina. (Photo credit: Akanisi Tarabe)

In 2018, Live and Learn handed over ownership of the project to the Drawa Community. At the time of the research, the honey processing centre at Narailagi was struggling.

Generally, women's participation in making alternative livelihood such as honey production is side lined in emission reductions activities. This exacerbates women's engagement in food security as their access to non-carbon forest products is now limited.

BENEFIT SHARING FOR WOMEN

Women tend to view benefits of REDD+ activities differently from men. They tend to look at how money could benefit the whole community rather than individually as men would normally do. Women's preference for a tangible evidence of the carbon benefits to be witnessed throughout the village was important to them. For example, when women of Lutukina received a total of \$1,800 from carbon trading in 2021, they thought of spending that money in upgrading village hygiene standard by providing flush toilets for each household in the village rather than dividing the money among themselves for their own use. The women had an understanding that each household would build the toilet frame and the women would provide the toilet set. A set of flush toilet facility costs \$230.

One of the draw backs they found was when the first 6 flush toilets were given out, it took a long time to set up the toilet frame. It is men who build houses as well as toilet frames, so the laxity in building these structures can be attributed to the way men view women's projects. Interestingly, some households were motivated to build their own facility rather than waiting for the women to provide them with the toilet. This, again can be interpreted to mean avoiding



Some beehives that belong to the DBFCC. (Photo credit: Akanisi Tarabe)

handouts from women. Women agreed during the focus group discussion that a better alternative would be to set up their toilet frames first before giving out the flush toilet set.

One of the benefits of engaging in REDD+ activities is through the payment of land lease from the iTaukei Land Trust Board (TLTB), the government's BSM, where both men and women registered in the mataqali have equal shares in the lease payment. At the time of this study, the ERPA had only covered 2 years out of the 5 year agreement and the monetary benefit through the Fiji government's TLTB was yet to be paid to the people of Lutukina. However, this legal arrangement has a downside because women who are married into the mataqali do not have the same direct benefit as their counterparts who are registered members. The sharing of benefits, therefore, is selective because it excludes certain group of women who contribute substantially to the life of the village community. In addition to this, the TLTB does not protect women whose mataqali have become extinct as their rightful inheritance is distributed to the whole of the yavusa.

NATURAL BENEFITS

Generally, forest conservation is about protecting existing trees rather than cutting them down for timber. For the people of Lutukina, it is about conserving their natural resources to benefit themselves now and their future generations. They have learnt some hard lessons over the years from extraction of forest



A vesii tree. (Photo credit: Akanisi Tarabe)

timber through intensive logging that damaged their environment. These lessons have motivated them to change from sustainable forest management practices to protecting and safeguarding their forest.

However, since the conservation program through REDD+ activities started, the community has experienced natural benefits from their environment. Affirming this point, the district representative in Dreketi mentioned that fish caught in the river now tastes better than before.

There are 2000 hectares of forest under REDD+ activities. Helped by the Ministry of Agriculture and Live and Learn, the village has mapped out their agricultural reserve for their food gardens and their native reserve as well. In summary, forest conservation has increased their opportunity for food security.

Carbon trading has empowered us to improve our quality of life. We have received two lots of monetary benefits. The first was \$800 and the second \$1000. We discussed what we as women could do as evidence of the benefit we received from carbon trading. We decided to finance the building of flush toilets for every household. Usually, 5 households could be sharing 1 flush toilet but now our plan is to provide each family with a flush toilet. Currently 6 flush toilets are being built. This project has motivated some families to build their own even before our help reaches them.

*Women's group Treasurer
(Lutukina Village)*

The REDD+ program has also led to the conservation of Lutukina's many native hardwood trees such as vesi, dakua, dakua salusalu and buabua, trees that also have close cultural links to them. The vesi tree, for example, is the village's totem tree and the local rugby club is called Vesinawa (Floating Vesi) affirming their identity and meaning in the sports. The use of totem in this scenario underscores the central place of customs and values in forest conservation.

WOMEN AND FOREST INFORMATION SYSTEM.

Forest information system is gendered. While women are endowed with rich knowledge of the forest because they interact with it constantly, their input is often left out in forest conservation discussions. In this study, women mentioned raising fruit trees such as kavika, ivi and sikeci for body oil as some of the knowledge women hold about non-carbon forest products. Sadly, this knowledge remains with women and could easily be excluded in forest conservation programs where men dominate the decision making.

At the other end of the spectrum, women can be left out of the knowledge held by men. An example is the case of the masiratu tree (*Degeneria vitiensis*), a rare tree up to 30 meters tall that grows only in Fiji. This tree grows in the Lutukina REDD+ conservation area.

The research showed that details of the masiratu were common knowledge with men whereas women were ignorant about it. While men were well aware of the masiratu, its rarity and the fact that it is found on Fiji's five-dollar note, women were hearing it from the researcher for the first time. This knowledge is scientific, contributes to botany and holds high status due to the plants rarity, therefore, the knowledge holders of such important information will always be men.

The masiratu thrives at 30 and 1,150 metres above sea level in Viti Levu, Vanua Levu, and Taveuni, Fiji's ERP areas.³³ Found deep in the forest, the plant can be difficult to spot but one can trace where it is growing when it sheds its flowers and fruits between February and May.

14 years ago, there were only 2 kinds of fish in the river, the bali and duna. Now we see other kinds of fish, the kind you usually find in the sea. They have started to come up the river...fish like saqasaqa and mullet because the river was declared tabu (protected) for some years."

*Women's Focus Group
(Lutukina Village)*

A 100 year old tree is valuable, imagine, it takes 5 minutes only for 1 husqavana chainsaw to destroy, to cut down the tree that has survived for a hundred years... oh how painful! You have to wait another 100 years for you to have a big tree like that.

Gabiriele Soke (Lutukina man)



Masiratu- the rare flora species in Lutukina. (Photo credit: Auckland War Memorial Museum)

CASE STUDY 2 - VUO: A POTENTIAL VILLAGE FOR BLUE CARBON TRADING



Vuo Village. (Photo credit: Akanisi Tarabe)

Vuo is a village in the yavusa Wasavulu whose traditional leader is the Tui Labasa. The village has 3 mataqali (land owning unit): Kakaravu, Ligaulevu and Nubuilagi. Vuo is about 4 km from Labasa town, one of the 2 urban centres in Vanua Levu. The surrounding area is grassland and rocky hills. Nearby, Indo Fijian and iTaukei farmers plant sugar cane fields that feed the Fiji Sugar Corporation's Labasa Sugar Mill.

Certain developments have taken place around Vuo. For example, about 2 kilometers from the village is Malau Port. The land around Malau belongs to the mataqali Ligaulevu and is leased by the Fiji Sugar Corporation (FSC). The port (at the time of the research) is still used to ship sugar to the markets locally and overseas. Sugar was once Fiji's top industry but after the collapse of world sugar prices, the sugar industry is now struggling to survive.

In addition, Malau had a thriving timber sawmill during the 70's and the 90's. The sawmill also provided the Vuo community employment for decades. At the close of the sawmill many people in Vuo lost their employment and turned to fishing for source of their livelihood. The thick mangrove forest that guards the foreshore became a safety net for their survival.

The interest in this study is grounded on the understanding that mangrove soils are highly effective carbon sinks, restoring vast amounts of carbon for the ecosystem. Studies confirm that mangrove forests can store up to 50 times more carbon per hectare than tropical forests.³⁴ Fiji's mangrove conservation plan to protect an estimated 43,650 has of mangrove for carbon sink is grounded on such knowledge. In particular, mangroves are known to produce and sequester "blue carbon" which has some of the highest values of carbon stock per hectare.³⁵

For the Vuo community, the mangrove forest as a carbon 'storehouse' is new knowledge learnt from this research. In everyday living, the mangrove forest is an important part of their



Two women leaders in Vuo. (Photo credit: Akanisi Tarabe)

livelihood and demands a close study of how the people benefit from it.

People engage with the mangrove forest differently and this is reflected in the diverse views they hold of it.

When 72 year old Seruwaia was asked about her opinion of mangroves, she mentioned that it provided them with crabs for their family meals and also for their source of money. A similar view was expressed by men who acknowledged that the mangrove forest is a rich fishing ground which provided their families food as well as money when they sell their catches.

Generally, the Vuo women revealed the unique knowledge they hold about mangrove being the best burning wood for open fire cooking and traditional medicine produced from titi, the aerial root of the mangrove. Women are also enriched with creative knowledge and skills for craft such as the production of salusalu (garland) from the shavings of the inner bark of mangrove. These findings are consistent with other studies which show that women are more inclined than men towards producing home related objects such as organic gardens, timber tree sapling, textiles and handicrafts.³⁶

Furthermore, women's valuing of the mangrove forest defines the way they respond towards natural disasters. In spite of the destruction caused by Cyclone Yasa in 2020, women of Vuo still found the mangrove forest a protective wall from tidal waves. When sharing their stories, the women's focus group mentioned that without the mangrove forest the huge waves would have swept them away. The other side of the story revealed an adverse reaction towards the same event by men where they captured a totally different picture. In sharing his cyclone experience,

Vereti mentioned how the safety of his family was threatened by flying mangrove branches. Men's view of mangroves was reflected in their decision making in solving the problems caused by the natural disaster. Penisoni explained that they had to break through the wall of mangroves in order to drain out flood waters that remained after the cyclone. The protective function of the mangrove forest was never considered as an alternative solution to their problem in the aftermath of Cyclone Yasa.

Such gender-biased decisions could continue in the destruction of mangrove forests. The conservation of mangrove ecosystem is therefore critical for Fiji and its protection, management and expansion should be promoted as a priority. Apart from providing a valuable nursery habitat

for countless marine organisms including fish and crustaceans, mangroves serve to protect the coasts against tsunamis, hurricanes, sea level rise and erosions.



Seruwaia – a key research informant in Vuo. (Photo Credit: Akanisi Tarabe)



Breaking the mangrove wall to drain flood waters after Cyclone Yasa in Vuo. (Photo Credit: Akanisi Tarabe)

CONCLUSION

The evidence presented in this study shows that REDD+ activities can bring many positive changes to indigenous Fijian communities as drawn from the Lutukina and Vuo case studies. There was an increase in knowledge and awareness of people's connectedness to the environment as a sustainer of their livelihood, cultural identity and cultural continuity. The research process itself became a tool for increasing knowledge and important information for the participants and the researcher regarding REDD+ and ERP activities. Although the Vuo community was already enjoying the non-carbon benefits of mangrove forests, the people were now alerted on its carbon potential.

Furthermore, the role each individual played was acknowledged as useful, contributing to the strengthening of the communities such as in the formation of the youth rugby club in Lutukina. The women were also empowered to raise the standard of their well-being and quality of life from the carbon monetary benefits. All these reflect vibrant and cohesive communities in development through emission reductions activities.

On the downside, indigenous Fijians' participation in reducing emissions through forest conservation and sustainable forest management is not always smooth sailing. While their contribution to emission reductions is substantial, indigenous Fijian women, however, are generally left out in the formal benefit sharing process. There are several reasons for this anomaly which includes their low status in society, the legal structures that define equity in benefit sharing and the patriarchy system that characterizes the indigenous Fijian society. Since indigenous women form half of the Fijian society, the low recognition of their contribution to ERP processes gives benefit sharing a dubious equity.

Considering that customary laws exist and are practiced by indigenous Fijians, it would make sense to include these laws in Fiji's benefit sharing scheme. Another strategy is to involve women at all levels of decision making including leadership roles so that women are not a silent presence in meetings. The research shows that both women and men hold important knowledge of the forest but it is men's knowledge that is emphasized more in conservation and formal discourses while women's knowledge is given less importance.

Currently, mangrove is not included in the implementation of Fiji's ERP activities even though it is part of the ERP plan. This research shows that a large number of indigenous Fijian women who depend on mangrove forests such as in the Vuo village community, for their livelihood are at risk of being left out in the benefit sharing scheme. In addition, there are complexities in the management of the customary fishing ground or *qoliqoli* which includes the mangrove forest. This could further displace indigenous women from accessing fair and equitable benefits from ERP.

RECOMMENDATIONS

Considering the findings in this research, the following recommendations are put forward:

- 1. Incentives for women to participate:** Since the ERP is implemented by the Fiji government, the following actions are highly recommended to encourage indigenous Fijian women to participate:

The ERP and BSP should fund the forest conservation activities for indigenous women with additional funding to be sought from donors, including the World Bank (WB).

The government of Fiji should create a BSP model that is separate from the existing lease payment model to allow all indigenous women to benefit directly from the carbon fund.

- 2. Information Sharing Equity**

As the research findings show, the disparity in the knowledge of forest conservation is gendered and therefore requires targeted measures to bridge the gap. The following actions need serious commitment for its implementation to be successful:

- i. Develop a policy to guide a 50/50 representation of men and women who are gender sensitized to be members of decision-making bodies in the ERP and BSP.
- ii. Implement programs for capacity building and awareness raising on ERP and BSP, utilizing existing organizations such as the Indigenous Fijian Women's Association, Indigenous Fijian Business Council, Civil Society Organisations and church organizations.
- iii. Support capacity building activities through funding from ERP and BSP with additional funding from donors and WB.

- 3. Activate Fiji's Blue Carbon Plan in ERP**

The Fiji government's current ERP plan includes mangrove conservation but is not part of its ERP implementation. A large part of indigenous women's livelihood and sustenance is dependent on mangrove forest, therefore, Fiji's blue carbon plan needs to be activated. The following actions should take place:

Create a special department within the Ministry of Forestry to look after mangroves and to ensure that the overlapping of ministerial roles in its current status, is avoided.

Allocate funding specifically targeting mangrove forest conservation.

- 4. Legal instruments to review or revisit**

This study emphasizes that legal instruments determine the success and failure of forest conservation goals and in particular these three (3) legal documents mentioned below:

- i. Qoliqoli Bill 2006: Considering that the majority of indigenous women live along the coastal ERP areas, their right to access a fair benefit sharing can be protected if the Qoliqoli Bill 2006 is revived and enacted as mentioned in page 62 of this report.
- ii. Bill 17: Withdraw Bill 17 because it subtly removes indigenous Fijian's rights to their land which in turn affects indigenous women's access to equitable benefit sharing (see page 46 of this report).

- iii. Review of legislation regarding land ownership. Archaic land acts that displace women and exclude them from inheritance rights should be reviewed and amended for ERP to be successful.

5. Ratification of International Law on Indigenous People

Fiji must ratify the United Nations Declaration on the Rights of Indigenous People (UNDRIP) as briefly discussed in page 46.

ENDNOTES

¹ <https://www.forestcarbonpartnership.org/redd-benefit-sharing>.

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⁵ See Nayacakalou, R.R (1955) The Fijian System of Kinship and Marriage Part 1 in The Journal of the Polynesian Society Vol. 64, No. 1 (March, 1955), pp. 44-55.

⁶ Chapelle, T. 1978 Customary Land Tenure in Fiji: Old Truths and Middle-aged myths in The Journal of the Pacific Society, Vol 87 (2) p. 71.

⁷ Chapelle 1978; Nayacakalou 1955.

⁸ See Tarabe, Akanisi 2018 for a discussion of this type of land.

⁹ Nayacakalou 1955; Ravuvu, A. 1983. Vakaitaukei The Fijian Way of life, Suva: Institute of Pacific Studies of the University of the South Pacific.

¹⁰ Lal, 2004.

¹¹ See Nayacakalou 1957.

¹² Tarabe, A. 2018.

¹³ Fiji Bureau of Statistics, 2018.

¹⁴ Fiji Bureau of Statistics, 2007.

¹⁵ Conservation International REDD+ and Fiji Carbon and Emissions Reduction Program Benefit Sharing Plan.

¹⁶ Fiji Bureau of Statistics, 2018.

¹⁷ This statutory body was for a long time (since its inception) known as the Native Land Trust Board (NLTB) until 2010.

¹⁸ See Rakai, Ezigbalik and Williamson 1995.

¹⁹ Naisilisili, S 2017.

²⁰ Rakai et al. 1995.

²¹ See Rakai et al. 1995.

²² For example, see Shah 2004.

²³ Crosetto 2005; Dodd 2012.

²⁴ Dodd 2012:12.

²⁵ See Land Use Decree 2010, Decree No.36, Part 2, 4.

²⁶ The Fiji Times » A discussion about Bill 17 of 2021.

²⁷ Fiji Bureau of Statistics, 2018.

²⁸ https://www.iucn.org/downloads/benefit_sharing_english.pdf.

²⁹ https://www.forestcarbonpartnership.org/sites/fcp/files/fiji_final_bsp-07-1-2021.pdf.

³⁰ See Tarabe, Akanisi 2020 for a discussion of *sevu* in Vatuva.

³¹ Fiji country Paper, Forest Carbon Partnership Facility 20th Carbon Fund Meeting Washington D.C. July 8-11, 2019.

³² Turaga ni Koro Lutukina Report to the Macuata Provincial Council.

³³ Masiratu - Blog - Tāmaki Paenga Hira (aucklandmuseum.com)

³⁴ EcoAmericas: A monthly report on development and the environment in Latin America. <https://www.ecoamericas.com/issues/article/2020/7/FCEE5759-DF51-4C3B-AEFC-7C57296878FA>.

³⁵ National Biodiversity Strategy and Action Plan 2020 – 2025.

³⁶ <https://forestsnews.cifor.org/54754/redd-benefits-men-want-cash-women-want-development?fnl=en>.

³⁷ Government of Fiji Qoliqoli Bill, 2006.

³⁸ Government of Fiji 2005.

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Indigenous Women in REDD+ Benefit Sharing in Nepal

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ABSTRACT

This paper presents the status of the REDD+ process in Nepal with emphasis on the later phase of the results-based payment through the Emission Reductions Program (ERP) in 13 districts and how IPs, particularly indigenous women, are benefitted by REDD+. The study also covers the role and contribution of indigenous peoples' customary institutions and the status of indigenous women within the customary institution, and the existing forest regimes—government and community managed forests and protected areas—based on relevant literature and field work in three districts: Chitwan, Bardiya, and Kanchanpur.

The outcome of the study shows the pilot REDD+ project has been helpful in improving the livelihoods of IPs, but it has not focused on building their capacity particularly of indigenous women to make their unheard voice heard in the decision making process within the forest regimes including community forest. The ERP's benefit sharing plan presents customary institutions as one of the forest governance systems but does not cite them as benefit sharing institutions like community forestry. The plan does not provide a dedicated funding mechanism for IPs particularly indigenous women through customary institutions, thus there is no guarantee of their being beneficiaries of the ERP in Nepal.

INTRODUCTION

Nepal is home to many indigenous peoples (IPs) known as *Adibasi Janajati*. The government of Nepal has officially recognized 59 Indigenous Groups in the country (NFDIN, 2002). According to the National Census 2011, there are 125 castes/ethnic groups. The IPs represent 35.6 percent of the total national population of 26,494,504, which has increased to 29,192,480, according to the 2021 National Census preliminary results. They have been living in different geographical regions of the country with their distinct cultures, identity and values. The important contribution of IPs in the sustainable management of forests, biodiversity and other natural resources has been highlighted by indigenous leaders in the discourse on REDD+ both at international and national levels and the earlier REDD discussion in the 13th UN Framework Convention on Climate Change (UNFCCC) Conference of Parties (COP) in Bali in 2007. After COP 13, Nepal initiated various REDD+ readiness activities. The Ministry of Forest and Environment (MoFE) submitted a REDD+ Readiness Plan Idea Note (R-PIN) to the Forest Carbon Partnership Facility (FCPF) of the World Bank in March 2008. Nepal's REDD Forestry and Climate Change Cell, now called the National REDD+ Implementation Center (RIC), was also established under the Ministry of Environment. As a member of the RIC working group, the Nepal Federation of Indigenous Nationalities (NEFIN), along with members of different ministries and the Federation of Community Forestry Users Nepal (FECOFUN), has raised the issues and concerns of IPs in REDD+, emphasizing securing of safeguards and benefit sharing under the Nepal REDD+ Strategy that was finalized in 2018.¹

The Government of Nepal submitted its Readiness Preparation Proposal (RPP) to FCPF in April 2010 which the FCPF Participant Committee endorsed in June that same year. As planned in the RPP, different studies have been carried out including Strategic Environmental and Social Assessment (SESA), Environmental Social and Management Framework (ESMF) and other relevant documents including Measurement, Reporting and Verification (MRV) and Reference Level/Reference Emission Level (RL/REL). The representatives of IPs in the RIC working group, steering committee and multistakeholders' forum have been raising strong concerns on the recognition of the rights of IPs through strong safeguards in line with ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which the Government of Nepal voted for in 2007.

The national REDD+ Strategy also highlights the incorporation of the Cancun Safeguards² in the REDD+ architecture with full respect for the knowledge and rights of IPs and members of local communities.

Nepal prepared a Readiness Package through a multistakeholders' self-assessment process that was endorsed by the FCPF in 2016. After completion of the readiness phase, Nepal developed its Emission Reductions Program Document (ERPD) at subnational scale in 13 districts of the Terai Arc Landscape (TAL) that was approved in February 2018. The Benefit Sharing Plan (BSP)³ that was recently revised in June 2022 is the important document under the ERPD; its main aim is to achieve an emission reduction (ER) of 34.2 Mt CO₂e over a period of 10 years, with 2018 as the base year. Nepal intends to trade a total volume of 9 Mt CO₂e to the FCPF Carbon Fund over the term of the Emission Reductions Payment Agreement (ERPA).

The BSP intends to ensure that the monetary benefits from the emission reduction mentioned above are distributed to the identified beneficiaries in an efficient, equitable, clear, and transparent way through inclusive institutional bodies managing the flow of funds. Indigenous peoples for generations have been living in symbiotic relationship with the forest and have in-depth, varied and locally rooted knowledge of the natural world. Moreover, traditional indigenous lands and territories contain some 80 percent of the planet's biodiversity. Thus, it is necessary to acknowledge, recognize and support the roles and contributions of IPs which are crucial in managing natural resources.

Although the country's Forest Regulation 2022 cites that carbon trading would not have any negative impacts on customary practices, it does not mention how these can be protected and recognized. The BSP has dimly presented customary institutions as one of the beneficiaries along with community managed forest, but the structures presented are such that IPs have to go through existing forest regimes, either community forest or religious forest. The benefit goes through protected areas, such as conservation and national parks, as if there were no role and contributions of IPs.

Therefore, it is crucial to depict how IPs, particularly indigenous women, are advantaged or not by the monetary and non-monetary benefits from the emission reduction payment from the carbon fund. The REDD+ pilot project in community forests in three watersheds of Nepal was implemented from 2009-2013 by a consortium of three agencies. This study highlights the results of the benefit sharing mechanism for REDD+ incentives under this pilot project on the IPs particularly indigenous women in Chitwan, Gorkha and Dolakha districts.

THE STUDY

This study aims to show, through the gender perspective, how indigenous peoples (IPs), especially indigenous women have been contributing to the sustainable management of the natural resources, particularly forest, through customary laws and institutions and self-governance practices in the ERP area of Nepal. It also explores how IPs got benefits from the REDD+ pilot project in community forests in three watersheds in Nepal from 2009-2013, including how the benefit sharing schemes under the ERP had been developed. Further, it explores how indigenous women have engaged and received benefits from the existing forest regimes: Community Forest, Leasehold Forest, Collaborative Forest, Religious Forest, National Park and Conservation Areas. The study highlights the customary institutions and the role of indigenous women.

REDD+ has a benefit sharing provision through the distribution of results-based finance, a critical component of greenhouse gas emissions reduction initiatives, including FCPF emission reductions programs. It emphasizes equitable and transparent benefit sharing arrangements to ensure that all stakeholders, including IPs and communities, are fairly recognized and rewarded for their role in reducing emissions through forest conservation and sustainable forest management.⁴ However, it has no specific indication for indigenous women, thus chances are high that they will remain in the shadow of the benefit sharing mechanism of the carbon fund in Nepal.

Several REDD+ countries in the region are at various stages of developing their Emission Reductions Program, with some close to drafting their Benefit Sharing Schemes. In Nepal, the REDD+ pilot project in community forests in three districts established the Forest Carbon Trust Fund (FCTF) in 2011 to institutionalize the REDD+ payment mechanism; carbon payments were utilized based on the different headings under FCTF guidelines (Community Forestry REDD+ project Nepal, 2011). Although IPs had been part of the social and ecological criteria for results-based payment, there was no specific priority for indigenous women. In the phase of implementing the BSP in 13 districts of ERP areas, it is important to make sure indigenous women are not left behind in terms of meaningful participation and equitable benefit sharing from the results-based payment in ERP areas.

The study is based on qualitative and quantitative data collected from both primary and secondary sources. The field survey gathered primary information using methods that included focus group discussion, key informant interview, observation and case study. The relevant literature includes published and unpublished research reports, journals, articles and forest acts, policies and regulations, benefit sharing plan in ERP, and lessons learned from the REDD+ pilot project in community forests in three watersheds of Nepal on IPs' rights, particularly continuation of traditional livelihoods and customary governance systems over natural resources.

Prior to the field work, the research team members consulted different indigenous leaders including women, government representatives, and key experts in the field of REDD+ in Nepal.

In the field, qualitative information was generated from IPs and local communities: *Rana Tharu* and *Chaudhary Tharu*, *Chepang*, *Tamang*, *Gurung*, *Dalit*, *Brahmin* and *Chhetri* from Bardiya, Kanchanpur and Chitwan districts. Information was also collected from social and political leaders, *Badghars* (also known as *Bhalmansars* and *Mattawas*), customary institution leaders of Tharus, community elders, women groups, Community Forest User Groups, Buffer Zone Forest User Groups, Department of Forest and Soil Conservation (DOFSC), Warden of Bardiya National Park, district REDD+ focal points, district chair of FECOFUN, Chair of the district coordination

council of Nepal Federation of Indigenous Nationalities (NEFIN), and other concerned stakeholders. The study used FGD and KII guide questions provided by TEBTEBBA and localized in the context of Nepal.

The result of the study has been analyzed from gender and indigenous world views. The final report incorporated case studies, comments, feedback, and recommendations by the indigenous men and women leaders from national and community levels.

STUDY AREA

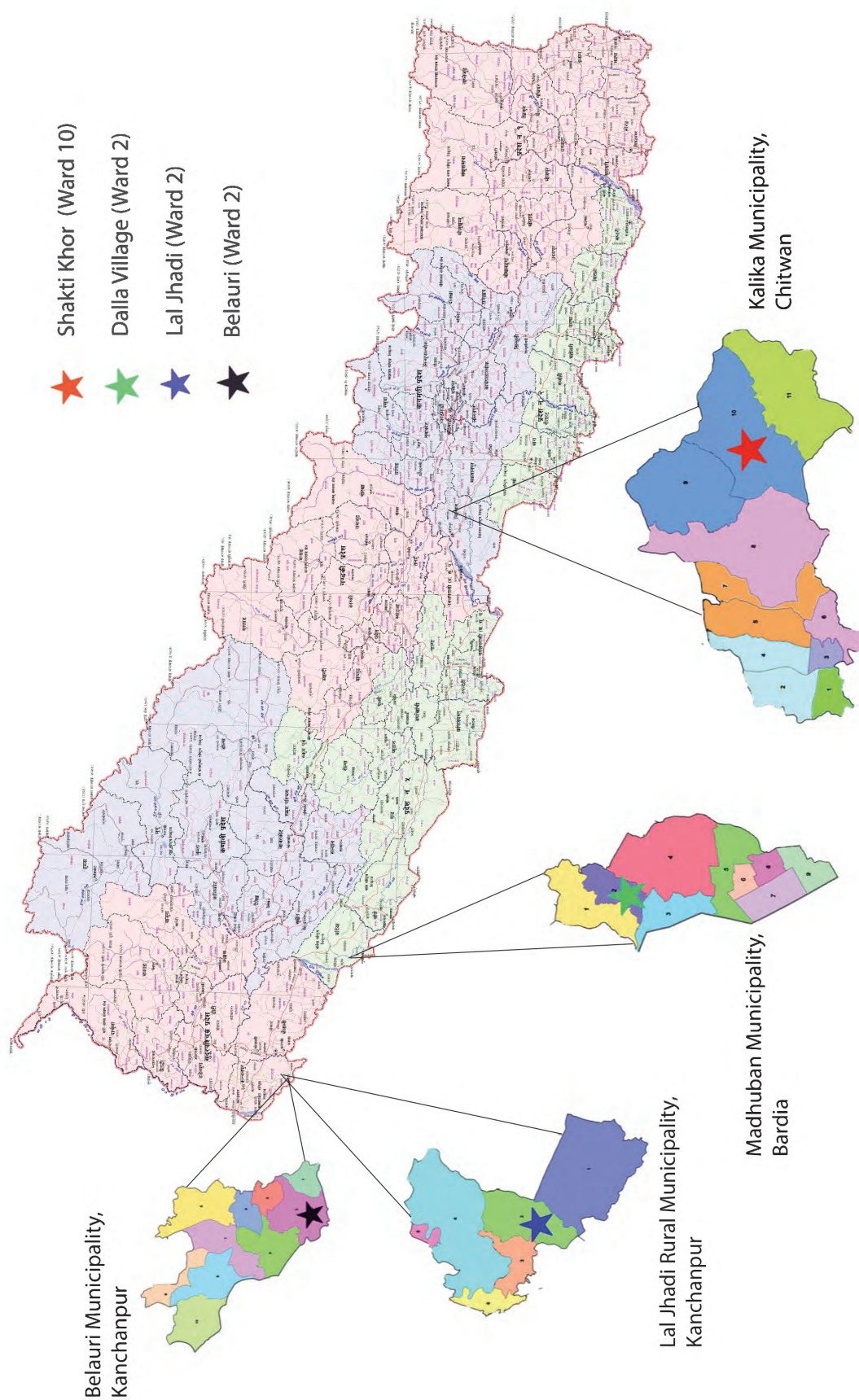
The research covered Madhuban Municipality in Bardia District, Laljhadi Rural Municipality in Kanchanpur District, and Ratna Nagar Municipality in Chitwan District. It involved the indigenous groups Rana Tharu, Chaudhary Tharu, Tamang, and Chepang communities in these three districts.

The study area was purposefully selected; Chitwan, Bardia, and Kanchanpur districts which have a majority of indigenous peoples (IPs) in the Emission Reductions Program (ERP) in 13 Terai Arc Landscape (TAL) districts. The information on Chitwan was based on our consultation with the district chapter of the National Chepang Association in Ratna Nagar Municipality and also on the earlier study on *Customary Tenure Systems and REDD+: Ensuring Benefits for Indigenous Peoples* carried out by CIPRED in 2018 (Sherpa, Sherpa, Rai & Sherpa, 2018) in Kalika Municipality in Chitwan district.

Table 1: Study Area

District	Municipality	Village	Indigenous Peoples
Chitwan	Kalika	Shaktikhor, Ward no. 10	Chepang, Tamang, Magar, Tharu
Bardiya	Madhuban	Dalla village, Ward no. 1	Rana Tharu, Chaudhary Tharu, Gurung, Dalit (LC), Brahmin & Chhetri (LC)
Kanchanpur	Belauri	Ward no. 2	Chaudhary Tharu, Dalit (LC), Tamang, Brahmin & Chhetri (LC)
	Laljhadi		

Figure 1: Map of Study Area



(Source: Ministry of Land Management, Cooperatives and Poverty Alleviation)⁵

The following table presents a profile of the research area including forest coverage, changes in forest area, and demographic and ethnic composition and status of IPs in each district.

Table 2: Research Area Profile

District	Land Area	Forest Coverage	Change in Forest Area	Total Household/ Population ⁶	Indigenous Peoples Household/ Population	Women/ Indigenous Women
Chitwan ⁷	2,238.39 km ² (864.25 sq mi)	Chitwan National Park 952.63 km ² (367.81 sq mi) Buffer zone area: 766.1 km ² (295.8 sq mi)	Increase in forest cover in protected area and community managed forest	Population: 579,984 (279,087 male and 300,897 female) Household: 132,462	Chebang, Tharu, Tamang, Gurung, Magar, Bote, Dhimal, Newar	female 300,897
Bardia ⁸	2,025 km ² (782 sq mi)	Bardiya National Park 968 km ²	Increase in forest cover in protected area and community managed forest	Population: 426,576 (male 205,080 & female 221,496) Household: 83,176	Chaudhary Tharu, Rana Tharu, Sunwar, Bote, Majhi	female 221,496
Kanchanpur ⁹	1,610 square km ² (620 sq mi)	Shuklaphanta National Park: 305 km ² (118 sq mi) Buffer zone: 243.5 km ² (94.0 sq mi)	Increase in forest cover in protected area and community managed forest	Population: 451,248 (male 216,042 & female 235,206) Household: 82,152	Rana Tharu, Chaudhary Tharu Tamang Magar	female 235,206

RESEARCH FINDINGS

The relevant literature review has been helpful in elucidating the existing REDD+ in various stages and the development of the Emission Reductions Program (ERP) and benefit sharing schemes in relation to indigenous peoples (IPs), including whether indigenous women got benefits from the REDD+ pilot project in community forests in three watersheds. The study depicts the structural challenges within the community forest for indigenous women, their meaningful participation, and policy discourse on equitable benefit sharing particularly on access to the results-based payment of the carbon emissions program.

CUSTOMARY INSTITUTIONS AND SELF GOVERNANCE SYSTEM

Indigenous peoples living in Nepal have a long history of customary institutions with laws and practices such as *Badghar* of Tharu, *Nawa* of Sherpa, *Ghapu* and *Dhebu* of Dolpo, *Kipat* of Limbu, *Riti-thiti* of Magar, *Mirchang* of Thakali, *Mithewa* of Ngisyangwas, *Mukhiya* of Mustang, and many others. These customary institutions with self-governance systems have been contributing to the sustainable management of forests, lands, and pasture lands by maintaining a symbiotic relationship with their territories and natural resources. Indigenous peoples, who depend on their ecosystem not only for their livelihood but also for their cultural and spiritual values, have been managing their ecosystem and maintaining its integrity and complexity in a sustainable and culturally appropriate way for generations. Their customary resource management systems are based on their endemic traditional knowledge and skills and have proven to be ecologically sustainable and efficient (Sherpa, 2015).

Different studies show the important role and contribution of IPs' knowledge, skills and cultural values governed by customary institutions for the protection of biodiversity, ecosystems, and natural resources as a basis for climate change mitigation approaches like REDD+. Comprising 6.2% of the world population, IPs have been contributing to safeguarding 80% of the planet's biodiversity (IPBES, 2019)¹⁰ and to climate change mitigation by sequestering 24% carbon from the atmosphere¹¹ (Mamo, 2020). The majority of IPs living in rural areas in Nepal also have a symbiotic relationship with nature and continue protecting and managing the resources through traditional knowledge and cultural practices. However, the role and contribution of their customary institutions and government system are barely known by authorities of forest regimes, national parks, conservation areas, including community forestry, collaborative forestry, and leasehold forestry. Instead, IPs are often presented as illegal settlers and drivers of deforestation and forest degradation.

Thus, the rich indigenous knowledge, skills and cultural values are slowly disappearing given the existing forest regimes. Indigenous peoples have a bitter experience of not being able to continue their traditional livelihoods and cultural practices, both in community- and government-managed forests. Their situation is worse in protected and conservation areas where IPs are victimized and criminalized for continuing their traditional livelihoods. For example, Rajkumar Chepang was beaten to death by army personnel merely for collecting Gongi (shell) in Chitwan National Park during the pandemic.¹² More recent are the death of Kaushika Shahi, a Tharu woman attacked by a tiger in the buffer zone of Bardiya National Park¹³ and the fatal shooting of 18-year-old Nabina Tharu and injury of two siblings by police.¹⁴ (Further discussed in subsequent section)

Indigenous peoples have been continuously suffering since the introduction of the Forest Nationalization Act 1957 when all forests including those customarily managed came under government control. This was the beginning of IPs losing their customarily managed forests (Sherpa, Rai & Sherpa, 2018).

Consequently, the customary institutions and land tenure rights of IPs are hardly reflected in relevant forest laws, policies, and regulations. As a result, the ERP Benefit Sharing Plan 2022 fails to recognize customary institutions as one of the beneficiary institutions, like community or religious forestry.

The case study on Badghar (Case 1) shows the importance of legal recognition by relevant local laws of the protection and promotion of indigenous knowledge, skills, and cultural values that contribute not only to sustainable livelihoods but equally to protection of forest and biodiversity.

Case 1: Badghar Customary Institution of Tharu Communities

For many generations, the Tharu communities in the districts of Bardiya and Kanchanpur have been practicing their customary *Badghar* system. According to them, the word Badghar means member of a big house. Thus a Badghar is a village head who is responsible for the development of the community, maintaining social order, social harmony and unity as well as preserving and continuing its social, cultural and religious rites, rituals and practices.

Badghar is one of the traditional customary institutions of the Tharu community. This institution is known as *Badghar* among the Chaudhary Tharu community in Bardiya district, and as *Bhalmansa* and *Mattawa* among the Rana Tharu community in Kanchanpur and Dang districts, respectively.

The Badghars have a one-year tenure period. The Badghar is selected in the first week of Magh month (third week of January) by a consensus of the community members, participated in by men, women and youth. During the same week, the *Chowkidar*, assistant Badghar in Bardiya district, and *Guruwas* (priests) are also selected through a consensus of community members. Although the institution has provision for women to be the Badghar, in practice apart from one woman Badghar so far, the rest of the time it has been led by men.

The Badghar is involved in all of the community's major events from birth to death rites and rituals, and plays an important role in decision making in development activities, conflict mediation, utilization and conservation of natural resources as well as in organizing cultural festivals. The cultural rites and rituals are performed by local priests known as *Guruwa* among Chaudhary Tharu in Bardiya district and *Bharra* among Rana Tharu in Kanchanpur district. The Badghar, along with the *Guruwa*, decides the date of cultural rites and informs the Chowkidar who disseminates the information to the community members.

The Badghar is also involved in the allocation of resources from the forest. In Bardiya, the community forest users committee together with the Badghar decide on the date to open the forest for one day twice every year to collect firewood and other forest products. The Chowkidar¹⁵ informs everyone in the community about the confirmed date. One member from each household can go to the forest to collect resources like wood. By the evening, the gathered wood is sorted into equal-sized stacks. Each stack is assigned a number, and the Badghar selects a number at random from the lottery system for a household, and that stack is gladly accepted by the community member. Further, to maintain equity and social justice in benefit sharing, families receive the benefits of the forest products based on their contribution (*Begaari*, volunteer service) in the forest management activities. Single parents, senior citizens, the disabled do not need to do *Begaari*.

The ward chairperson (local unit of municipality) recognizes the role of the Badghar and invites him/her to be part of the team to assess the needs of the community, prioritize development activities and implement the development plans. However, not all Badghars in Tharu villages have experienced such opportunities. This depends on the locally elected bodies and how they see the role of Badghars in the village.

Legal recognition of customary institutions in local laws has recently started and inspired many indigenous communities. For instance, Barbardiya Municipality in Bardiya district and Suklaphanta Municipality in Kanchanpur district have legally recognized *Badghars* as a traditional institution of Tharu communities. This has provided opportunities for Tharu communities not only to protect their indigenous knowledge and cultural values but also to get the legal recognition and opportunity to access benefits from the local government as well as from the Emission Reductions Program. The provision has inspired other municipalities like Laljhadi Rural Municipality with more than 80% of Tharu representatives to initiate the process of legalization of the Badghar in their district.

The case study shows the holistic role customary institutions like Badghar play not only in maintaining the festivals, ceremonies, and rituals but also in keeping intact the social, cultural, and spiritual values among the communities. These are the main foundations for maintaining the indigenous knowledge, skills, and practices in resource management as well as in benefit allocation and sharing among the communities. In the absence of recognition of the Badghar by relevant government agencies including conservation bodies and national parks, IPs like the Tharu, Chepang, Bote, Majhi, and others continue to struggle to maintain their customary government system.

Unlike in our mainstream patriarchal society, the role of indigenous women within the customary institution is visible. The customary institution like Badghar is led by a leader who has been chosen through collective consensus among the communities that include the men and women from each village. Since the selection depends on the nomination of the communities, the leader can be a man or a woman. However, as cited earlier, the general practice has been the selection of men apart from a case where a woman has become a Badghar leader. This could be the influence of mainstream society where men are given the priority. But there is another reason, which is women having multiple responsibilities such as household chores and childcare that leave them little time to carry out the role and responsibilities of the Badghar.

As a study shows, women in general have workloads within and outside the heavy household responsibilities that lead to “time poverty” (Shrestha. et al., 2017), and consequently face multiple challenges in community leadership. In comparison to mainstream women leadership, indigenous women have been facing three layers of challenges: as women, as indigenous peoples, and as indigenous women. This has been one of the hindrances encountered by indigenous women in becoming leaders, in securing their rights for continuing their traditional livelihoods, and in accessing benefit sharing from forest resources including ERP.

INTERNATIONAL LEGAL INSTRUMENTS

Various international legal instruments provide for the rights of indigenous peoples, including rights to natural resources. Among these are ILO Convention 169, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Convention on Biological Diversity (CBD), and Cancun Safeguards under the United Nations Framework Convention on Climate Change. The UN Permanent Forum on Indigenous Peoples has recognized land as the basis of the lives and cultures of IPs all over the world, while ILO Convention 169 declares land as a fundamental criterion for self-determination of IPs in their respective countries (Article 1). Articles 14 and 15 of the ILO Convention give special importance to the cultural and spiritual value attached to their lands or territories and to safeguard traditional rights of ownership and land use. Article 26 of UNDRIP further states that IPs have “the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.” It creates an obligation for state parties to give such legal recognition and protection.

The Cancun Safeguards (Para 2 c and d) respects the knowledge and rights of IPs and calls for full and effective participation of relevant stakeholders, in particular IPs and local communities. In a similar vein, CBD’s Article 8j and 10c call on states to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities and to protect

and encourage the customary use of biological resources for the conservation and sustainable use of biological diversity.

According to NEFIN, Nepal has at least 40 common and special national laws, some of which focus on natural resources that are discriminatory towards the indigenous communities (Lawoti, 2001 cited in Maharjan 2016). Under the Nepal Treaties Act of 1990, in case of divergence between the provisions of Nepalese law and those of an international treaty to which the country is a party, the latter shall apply (Raja Devasish Roy and John B. Henriksen, 2011). As such, Nepal is legally obliged to implement its international commitments including under ILO Convention 169, UNDRIP, CBD, Universal Declaration of Human Rights, International Covenant on Economic Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of all Forms of Racial Discrimination, and UNFCCC Cancun Safeguards.

The government is duty bound to incorporate these international laws in its national laws and implement them effectively. It is the obligation of signatory states to submit reports to the United Nations Human Rights Committee regarding measures taken to ensure the enjoyment of these rights by their citizens. Although the international legal instruments such as UNDRIP, ILO Convention 169, and others give emphasis to the recognition of indigenous knowledge, cultural values and practices and continuation of the rights over ancestral territories and resources, there has been hardly any revision of national laws, policies, regulations, plans, and programs in line with their essence and provisions.

GOVERNMENT LAWS, POLICIES, REGULATIONS, PLANS, AND PROGRAMS

Indigenous peoples' traditional knowledge, skills, and cultural values are rooted in the sustainable management practices of the natural resources, ecosystem, and biodiversity. As mentioned earlier, more than 80% of the biodiversity in the world is found in the territories of the IPs.

Among indigenous communities, traditional knowledge is embedded and expressed in their languages, cultural values, rituals, folklore, land-use practices, and community level decision making process. It is inextricably linked to indigenous peoples' identity, their experiences with the natural environment and their territorial and cultural rights; in these communities this knowledge is usually collectively owned and is transmitted orally from generation to generation. Passing this knowledge on to future generations is therefore considered to be very important to sustain their knowledge as well as their culture and identities (Parrotta & Trosper, 2012).



While the traditional forest-related knowledge and cultural practices of IPs are crucial for sustaining communities, ecosystems and cultural biodiversity, these are orally transmitted from one generation to another. This has been a major challenge for IPs and indigenous women in effectively advocating policies to have these knowledge and practices including customary institutions recognized in relevant laws, policies and regulations. Consequently, in the absence of recognition, IPs' knowledge, values, and cultural practices that remain the foundation for nature-based solutions, climate change resilience, biodiversity protection, and traditional livelihoods are on the verge of disappearing.

The latest Intergovernmental Panel on Climate Change (IPCC) Report 2022 highlighted the importance of recognizing the inherent rights of IPs as integral to successful forest adaptation in many areas through cooperation and inclusive decision making process with IP local communities.¹⁶ Indigenous issues and concerns are being heard more in the global discourse on climate change and conservation such as in UNFCCC and CBD. Consequently, the participation of IPs in national forest-related events is gradually becoming visible. However, in relevant forest laws and policies, their voice is barely present.

Although different studies and community experiences show the importance of indigenous knowledge and cultural practices in sustaining the natural ecosystem, biodiversity and for climate change adaptation and mitigation, the present Nepal National REDD+ Strategy 2018,¹⁷ Forest Act and Policy 2019,¹⁸ Forest Regulation 2022,¹⁹ and Benefit Sharing Plan 2022,²⁰ along with other relevant laws and policies, hardly reflect the need for their protection, promotion and recognition.

The Constitution of Nepal emphasizes the principle of inclusivity; however, it is not explicit about the recognition of IPs' rights to continue traditional governance and livelihood systems. Similarly, other important federal, state and local laws, such as the (Inter-Relations Management) Act 2020, Local Government Operation Act 2017, National Parks and Wildlife Conservation Act 1973, Environment Protection Act 2019, Land Use Act 2019, The Lands Act 1964, Land Revenue Act 1978 and Land (Survey and Measurement) Act 1963, are silent on IPs' rights in line with international treaties and conventions such as UNDRIP and ILO Convention 169. Other pertinent laws, policies and programs and their impact on IPs' rights are the following:

Table 3: National forest-related laws, policies, programs and impact on Indigenous Peoples' rights

Laws Policies, Regulations, Plans and Programs	Provisions relating to rights of Indigenous Peoples and Indigenous Women
Constitution of Nepal 2015 ²¹	• To decentralize the power to three levels; federal, provincial, and local levels • To protect the egalitarian society and increase inclusive representation and promote identity; based on equality • To transfer the right for formulation of local laws on forest and biodiversity using both exclusive and shared/concurrent rights • However, Article 57 clearly stipulates that the local level should formulate local laws on any issue in a manner that does not conflict with federal and provincial laws » This clause hinders the recognition of Indigenous Peoples' rights, especially in conservation areas and national parks because the Constitution gives the mandate to the federal government. » Since local laws need to be consistent with federal and provincial laws, on matters related to conservation and national parks the local government is reluctant to develop any laws in relation to the rights of Indigenous Peoples that are not addressed by the provincial and federal laws. Thus, Indigenous Peoples' issues and concerns especially recognition of their right to continue their traditional livelihoods, knowledge system, and cultural practices within national parks and conservation areas have hardly been addressed.
National REDD+ Strategy 2018 ²²	• Development of Strategic Environmental and Social Assessment, Environmental and Social Management Framework, Measurement Reporting Verification, Reference Level/ Reference Emission Level • Development of Emission Reductions Program Document at subnational scale in 13 districts of the Terai Arc Landscape • Identification of tenure rights, access to traditional forest resources, carbon rights, forest governance, benefit distribution, and safeguards • The Constitution of Nepal recognizes "carbon service" as the right of the federal government. However, the Benefit Sharing Plan 2022, in line with Forest Regulation 2022, provides that 80% goes to the forest management institution (government managed-forest and Community Forest User Groups), 5% to the owner of the private forest, and the remaining 5% to the households who are not in CFUGs but whose livelihoods depend on the forest close to the communities. • Gender equity emphasizes the need to maintain gender equality at all levels of forest governance but there is no specific indication of Indigenous Women. • Social inclusion is one of the Strategy's priorities for inclusion of different social groups, gender, classes for access to benefit sharing, considering 80% of the rural households depend on forest products for livelihoods. • National REDD+ Strategy recognizes Forest Research and Training Center, formally the Department of Forest Research and Survey (DFRS), as the national Measurement Reporting Verification agency and tasks it with carrying out MRV of the Emission Reductions Program in coordination with RIC. • The community based "Community Based Monitoring Information System" will be integrated with the mainstream MRV process by mobilizing local communities and Indigenous Peoples in the ERP area. • However, the MRV team led by FRTC are not aware of CBMIS and are more focused on activities related to carbon stock enhancement, changes in forest coverage and Emissions Reduction Plan

Federal/ State/ Local Government Act 2020 ²³	• The local level has to consult with the Federal and Provincial governments in formulating the law on the issues included in the list of concurrent power of the Constitution and its own and other levels. • The local level should follow the procedures mentioned in the law-making process of the Village Assembly and Municipal Assembly formulated by the concerned state government in accordance with Article 226(2) of the Constitution of Nepal. • In this process, suggestions should also be sought from the Indigenous Peoples and local communities based on their full and effective participation in the local law-making process.
Local Government Operation Act 2017 ²⁴	• Article 11 provides the rights to rural municipalities and municipalities to formulate laws on various subjects. These provisions have been an opportunity for Indigenous Peoples to develop their local laws with assurance of recognition of customary institutions. » CIPRED has worked in partnership with local governments in five municipalities and rural municipalities in Lamjung and Gorkha districts, and they have come up with forest local acts that recognize Indigenous Peoples' customary institutions and traditional governance. » » Indigenous Peoples in other districts are in the process of getting legal recognition of their customary institutions: ◇ Tharu communities in Suklaphanta municipality of Kanchanpur district had the customary institution of <i>Badghar</i>,²⁵ also known as <i>Bhalmansa</i> among Rana Tharu in Kanchanpur, legally recognized. ◇ Chaudhary Tharu in Barbardia municipality in Bardia district also succeeded in having <i>Badghar</i> recognized by local laws.
Forest Act 2019 ²⁶	• The national forest should be managed by the government as government-managed forest, forest conservation area, community forest, collaborative forest, leasehold forest and religious forest.²⁷ • The Act does not directly address the traditional forest management system that is being protected locally on the basis of traditional practices. • The Act gives insignificant authority to Indigenous Peoples and local communities in the management of resources as well as direct benefits to communities. • However, Section 18(1), (2) and (3) provide for forest handover procedures for community forest, which offers a ray of hope for recognition of traditional practices. However, in the given forest regime, including community forestry, recognition of customary institutions and self-governance systems of Indigenous Peoples is hardly promoted and documented.
Forest Policy 2019 ²⁸	• To ensure equitable distribution of benefits from all types of forests • To ensure the rights of Indigenous Peoples, women, Dalit, deprived and all the constitutionally identified communities in forest management. However, this provision is not reflected in Forest Regulation 2022, which has been the basis for the implementation of forest acts and policies. • To develop community based protected areas. This provision is possible for policy advocacy for the rights-based protected area with equal benefit sharing mechanism to customary institutions and continuation of customary governance systems to protect indigenous knowledge, cultural values and practices.
Forestry Sector Strategy 2016- 2025 ²⁹	• Prioritize action to recognize community-based forest management for sustainable management of the forest based on integrated land use approach, gender equality, social and economic upliftment of the users group. • However, the Indigenous Peoples and Indigenous Women often lack representatives in decision making bodies of community based forest management. • Customarily managed forests have almost disappeared in the forest regime, including community forest management due to the absence of legal recognition of Indigenous Peoples' customary land tenure rights.

Forest Regulation 2022³⁰	• The regulation covers the national forest (national parks and conservation areas) and community managed forest (community forest, leasehold forest, buffer zone community forest, and religious forest). • Chapter 13: Provisions relating to carbon service indicate protection of the existing natural forest, biodiversity, ecosystem, the social, economic and cultural rights of local communities, traditional or customary knowledge and practices or innovative knowledge. • Chapter 13: In provision related to Forest Development Fund, Program selection and implementation committee, Indigenous Peoples are not part of the proposed seven members representing different ministries and community forest. • The Fund does not cover promotion and protection of traditional knowledge and values of Indigenous Peoples but focuses more on physical development sectors, community development, water resources, plantation, biodiversity and ecosystem, management of human-wildlife conflict, climate change mitigation and adaptation and wildfire, study on forest, environment, wildlife, and biodiversity, and for the necessary conservation, the vulnerable communities be displaced and their lands converted into national forest. • This provision, which could cause displacing Indigenous Peoples and local communities from their traditional territories in the name of conservation, would not only violate their rights to live in their ancestors' land but further lead to the disappearance of traditional knowledge, skills, and cultural values attached to the lands and resources. • Chapter 13: Provision on the allocation of benefits from carbon trade provides 10% to the management of the Forest Development Fund, 80% to the forest management institution (government managed forest and Community Forest User Groups), 5% to the owner of the private forest, and remaining 5% to households who are not in CFUGs. • The provision on allocation of benefits does not mention customary institutions as one of the beneficiaries, thus there is little chance of Indigenous Peoples receiving benefits. • The provision indicates Indigenous Peoples need to struggle to benefit from the carbon fund either through government managed forest or CFUGs. In both cases Indigenous Peoples have hardly any participation in the decision making bodies. Moreover, the government managed forest such as national parks often presents Indigenous Peoples and Indigenous Women as illegal settlers. (Indigenous Women's stories and experiences within national parks are discussed in section <i>Indigenous Women and Challenges</i>.) • Chapter 17: Provision related to forest seed gardening focuses on modern research and traditional knowledge of local communities. This could be an opportunity for Indigenous Peoples to advocate the need for documenting traditional knowledge and cultural values.
National Parks and Wildlife Conservation Act 1973³¹	• To not adversely affect the environment, forest or wildlife in the National Parks or Reserves, Section 5(2) suggests the embankment of the traditionally used roads, indigenous pastures, drinking water, irrigation in the park areas or reserves. • Arrangements have been made to allow the local people to collect wild vegetables, roots and fish as prescribed by the Act. • Although there is a need to make detailed arrangements for the facilities to be provided through the regulations, adequate provisions for their use have not been made.

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| | <ul style="list-style-type: none"> • In view of these provisions, various provisions may be made in the Local Level Forest and Biodiversity Act to recognize the traditional rights of Indigenous Peoples and local communities over natural resources. • Article 6A of the National Parks and Wildlife Conservation Act, 2029 (1973) provides that any person, body, users committee or local level, with the consent of the Ministry of Forests and Environment, can be involved in the maintenance of religious, historical, cultural or archaeological sites within national parks, reserves, conservation areas or buffer zones without changing their originality. • Arrangements have been made to carry out maintenance work without any problem. Although no clear provisions have been made on the procedures for obtaining consent for such actions, the local level may include provisions in its Forest and Biodiversity Law to facilitate such consent. • Chitwan National Parks Rules, 2030 (1974) and Wildlife Reserve Rules, 2034 (1977): As per Rule 10 and Schedule 1 of the Chitwan National Parks Rules, 2030 (1973), the local people of <i>Bote</i>, <i>Darrai</i>, <i>Kumal</i> and <i>Tharu</i> castes who traditionally make a living by fishing are allowed to fish for an annual fee. The system, to some extent, respects the traditional way of life and profession of these groups and other Indigenous Peoples. However, as mentioned earlier Indigenous Peoples have been suffering under the park management, even for collecting resources from the forest and river. • Under the National Parks and Wildlife Conservation Act, 2029 (1973), three different regulations related to conservation area management have been formulated. These include the Conservation Area Management Rules, 2053 (1996), Conservation Area Government Management Rules, 2057 (2000) and Kanchenjunga Conservation Area Management Rules, 2064 (2008). The last two Regulations include various rules and schedules to create community and religious forests in the conservation area management plan to preserve the original and traditional knowledge and skills of Indigenous Peoples and local communities. • Various arrangements have been made for the local resource users to collect and use required forest products. Similarly, Rule 14 of the Conservation Area Management Rules, 2053 (1996) mentions • That protection of cultural resources related to natural resources be included in the conservation area management plans. Based on these various regulations, the local levels within the conservation area can make necessary arrangements for the recognition of the rights of Indigenous Peoples and local communities and traditional institutions when formulating local laws on forest and biodiversity. |
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Although these national legal provisions are not in line with international agreements, the REDD+ related safeguards and other benefit sharing mechanisms touch on the essence of IPs' rights enshrined in ILO Convention 169, UNDRIP, and Cancun Safeguards. The REDD+ Strategy, the social and environment safeguards system developed in line with Cancun REDD+ safeguards, has been the basis for REDD+ implementation.

REDD+ PILOT PROJECT³²

Nepal implemented the REDD+ pilot project in community forests in three watersheds from 2009-2013. The project introduced the Forest Carbon Trust Fund to institutionalize the REDD+ payment mechanism and carbon payments in three districts where the project was carried out. Since the project aimed to reflect the lessons learned in the national REDD+ strategy, the provision of REDD+ payment mechanism has been a foundation not only for developing the REDD+ strategy but also for a benefit sharing plan in the ERP areas.

The REDD+ pilot project covered 10,000 hectares of community forests in Charnawati watershed in Dolakha district, Ludikhola watershed in Gorkha district, and Kayar Khola watershed in Chitwan district. The project entitled "Design and setting up of a governance and payment system for Nepal's community forest management under REDD+" was implemented by International Center for Integrated Mountain Development, Asia Network for Sustainable Agriculture and Bioresources, and Federation of Community Forestry Users, Nepal. The project aimed to demonstrate an innovative mechanism for governance and benefit sharing of the REDD+ payments in the community forestry sector, which involved strengthening the capacity of civil society to participate in the REDD+ process (Shrestha, Karki & Karki, 2014). As shown in Figure 2, the project covered 112 community forest users groups from 18,000 households with 90,000 people.

The Forest Carbon Trust Fund was developed as part of the project implementation to institutionalize the REDD+ payment mechanism and carbon payments based on incremental carbon and socio-economic indicators.

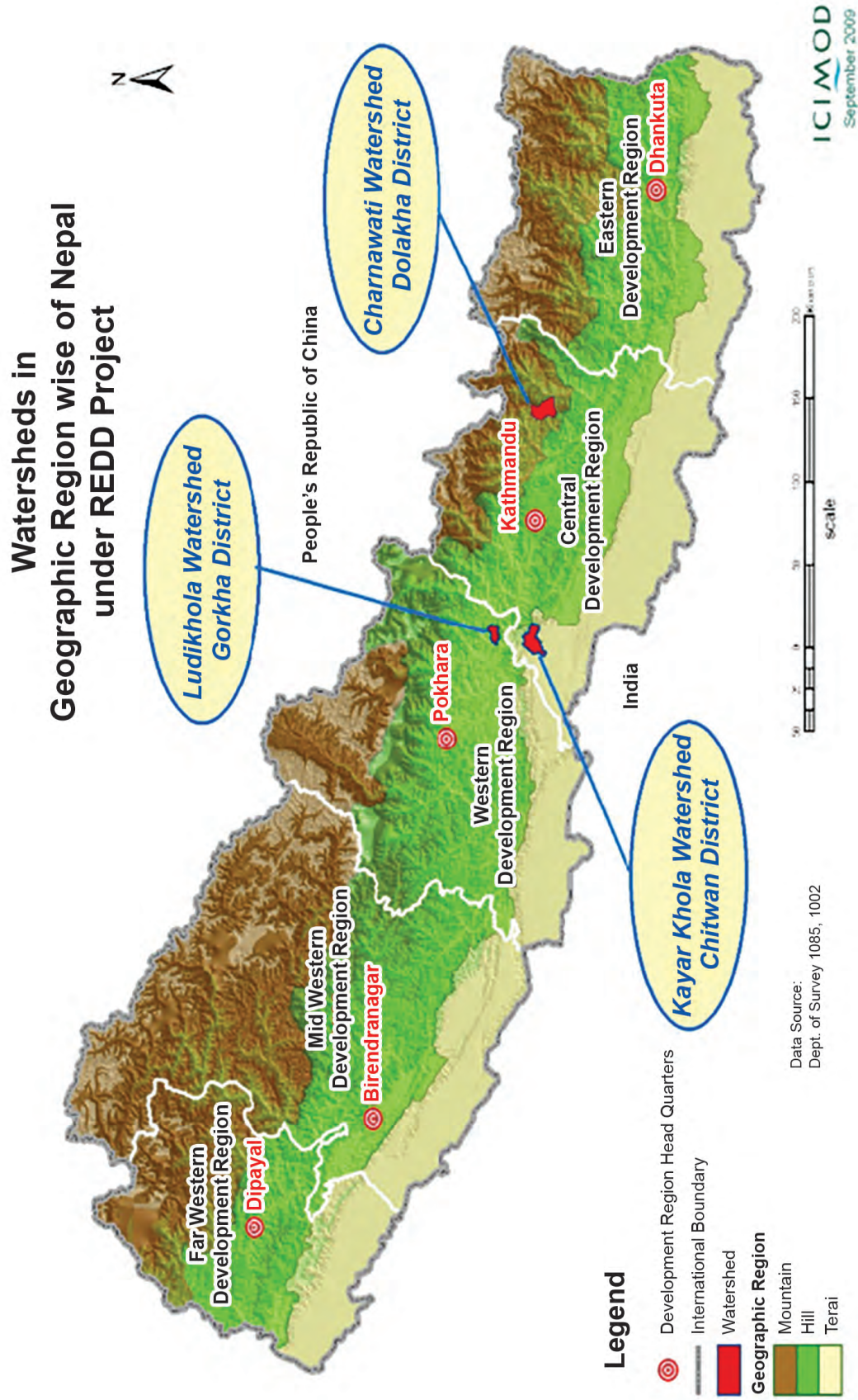
Table 4 shows the criteria for REDD+ payment for communities: 40% was allocated for achievement from enhancement of the carbon stock, 10% for indigenous households, 15% for Dalit households, 20% for poor households and 15% for women. The measurements were carried out at watershed level with carbon measurements plots laid out in every community forest user's group and demarcated individually within the watershed.

Table 4: Criteria for REDD+ Payment

Criteria for Payment	Percentage
CF Carbon Stock	24%
CF Carbon Increment	16%
Indigenous Peoples' Household	10%
Dalit Household	15%
Poor Household	20%
Women Population	15%

The total payment disbursed is shown in Table 5. A minimum payment of USD 100 was introduced after the first year to increase the incentives to participate. The Chepang and other indigenous communities in Chitwan district, who participated in the pilot project, expressed dissatisfaction with the REDD+ benefit sharing mechanism. A limited fund amount was provided to a limited number of Chepang households and the process of accessing the benefits created

Figure 2³³. Watersheds in Geographic Regions of Nepal under REDD Project



confusion and misunderstanding among the recipients. The recipients were proportionately selected from certain clusters and the chances were that a selected beneficiary of one household cluster could be better off than a non-beneficiary household in another cluster. Due to the fund's lengthy bureaucratic process, the communities preferred to have direct access to it rather than go through an intermediary entity (Sherpa, et al., 2018).

A case study carried out by CIPRED in 2018³⁴ showed the following: In Siddhi, Shakti Khor villages of Chitwan district received Rs. 15,000 (USD 118)³⁵ for goat farming under the REDD+ pilot project. With the money a Chepang family bought four goats and returned the seed amount to the community forest committee within the year. After six years the family was able to increase the number of goats to 32. The fund they received from the REDD+ project helped to enhance their livelihood. But the reimbursement mechanism was not strictly applied by the community forestry. As a result, many other beneficiaries who received the support, on condition they return the seed money, have failed to do so.

During a consultation among members of the Nepal Chepang Association in Chitwan district, Chepang communities shared they have been unable to continue their traditional occupation of *Khoriya*³⁶ (shifting cultivation), as they used to do in the past. Their cultivation area has been squeezed in the name of different forest regimes including community forest where they are not welcome to practice khoriya. And in the name of shifting cultivation, they are provided with degraded land under the leasehold forestry mechanism. They have consequently experienced low production, with their food crops not enough to support their families.

Table 5: REDD+ Payment Disbursement according to Criteria in Three Districts

Watershed (District)	No. CF	Total (USD)	Payment According to Different Criteria (USD)						
			Carbon Stock (ton)	Carbon Increment	IP HHs	Dalit HHs	Women	Poor	Basic
Kayarkhola (Chitwan)	16	72,255	16,573	11,049	6,905	10,359	10,359	13,811	3,200
Charnawati (Dolakha)	58/65*	132,879	28,939	19,293	12,058	18,086	18,086	24,116	12,300
Ludikhola (Gorkha)	31	79,866	17,679	11,787	7,366	11,050	11,050	14,733	6,200
Total	105/112*	285,000	63,192	42,128	26,330	39,495	39,395	52,660	21,700

*in Charnawati, 58 CFs in 2011/2012 and 65/ in 2013

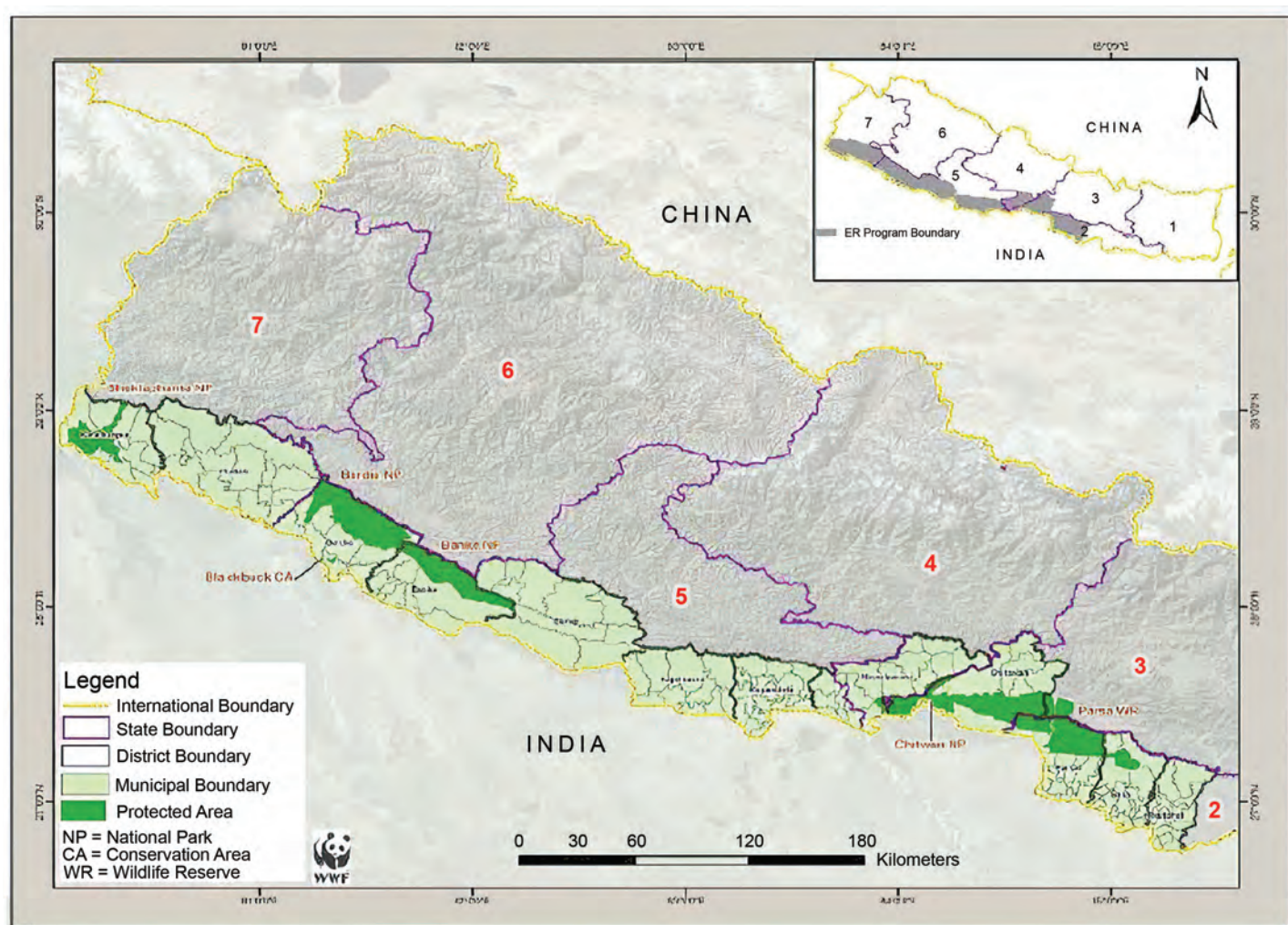
INDIGENOUS WOMEN IN REDD+ PILOT PROJECT

The REDD+ pilot project was implemented under the architecture of community forest user groups, with the payment mechanism providing for disbursement annually based on incremental carbon and socio-economic indicators. While indigenous women could access possible carbon payment benefits under the pilot project through the criteria—indigenous households, poor households, and women—their low presence in the decision making bodies of forest regimes including forest user groups gave them little chance of getting a share of the benefits. Because of these factors—non-inclusion in criteria and low chance of getting benefits—it is hard to determine how many indigenous women had benefited from the REDD+ pilot project.

BENEFIT SHARING MECHANISM IN REDD+

The Cancun Agreement in 2010 clearly states that all REDD+ activities should enhance social and environmental benefits, incentivize conservation of natural forests and their ecosystem services, and promote an effective forest governance mechanism. A Benefit Sharing Plan was developed for the implementation of the Emission Reductions Program in the 13 districts of the Terai Arc Landscape area of Nepal. The ERP area covers about 2 million hectares that span the districts of Rautahat, Bara, Parsa, Chitwan, Nawalparasi (East of Bardaghat Susta), Nawalparasi (West of Bardaghat Susta), Rupandehi, Kapilvastu, Dang, Banke, Bardia, Kailali and Kanchanpur, in five provinces (Figure 3). The ERP area is home to diverse social groups and castes. Indigenous peoples comprise about 31% of its total population, and Dalits and Muslims, 12% and 8.6% respectively.

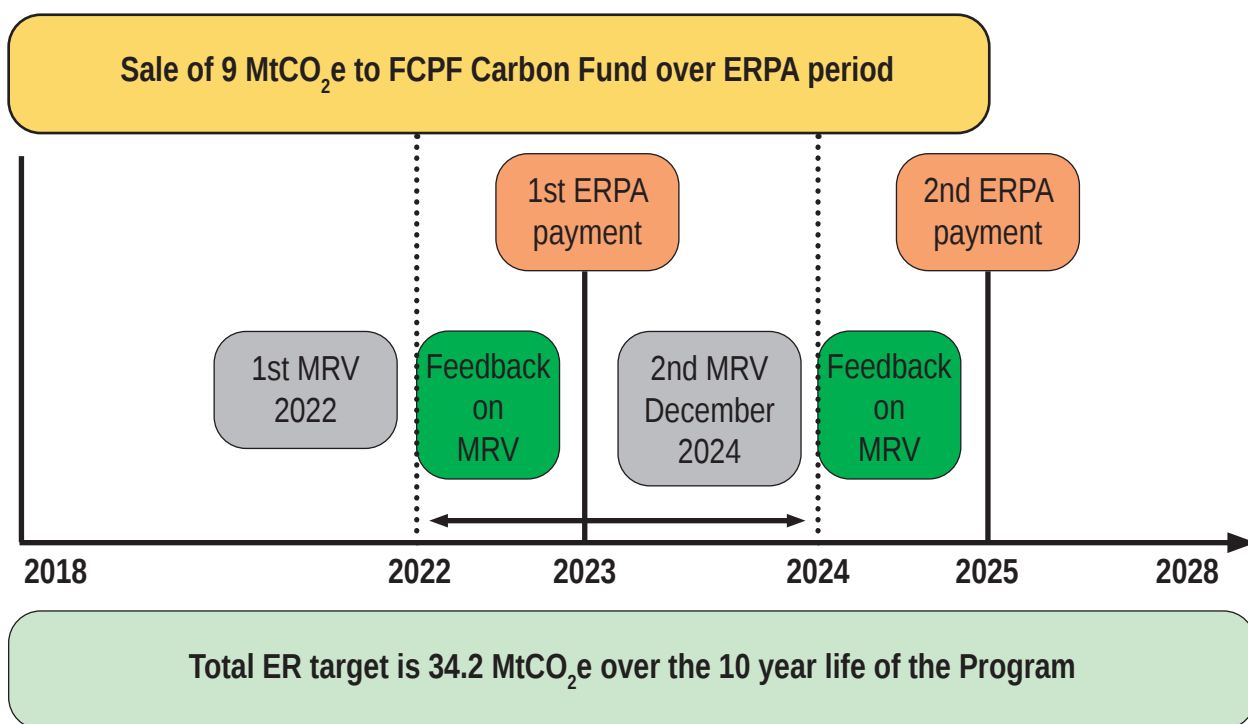
Figure 3³⁷: 13 Districts of Terai Arc Landscape area of Nepal



BENEFIT SHARING PLAN IN ERP³⁸

The benefit sharing plan of the 2 million ha ERP area includes 1.17 million hectares of forest managed by the government and local communities and 144 local government bodies and municipalities. The program aims to reduce around 34.2 metric tons CO₂e (Carbon Dioxide emission) in a span of 10 years starting from 2018. Additionally, Nepal intends to trade a total volume of 9 MtCO₂e (excluding a performance buffer) to the FCPF Carbon Fund over the term of the Emission Reductions Program Agreement, which covers the emission reduction performance achieved since the ERPD approval date (June 2018).

Figure 4: MRV and Payment Milestones of Emission Reductions Program

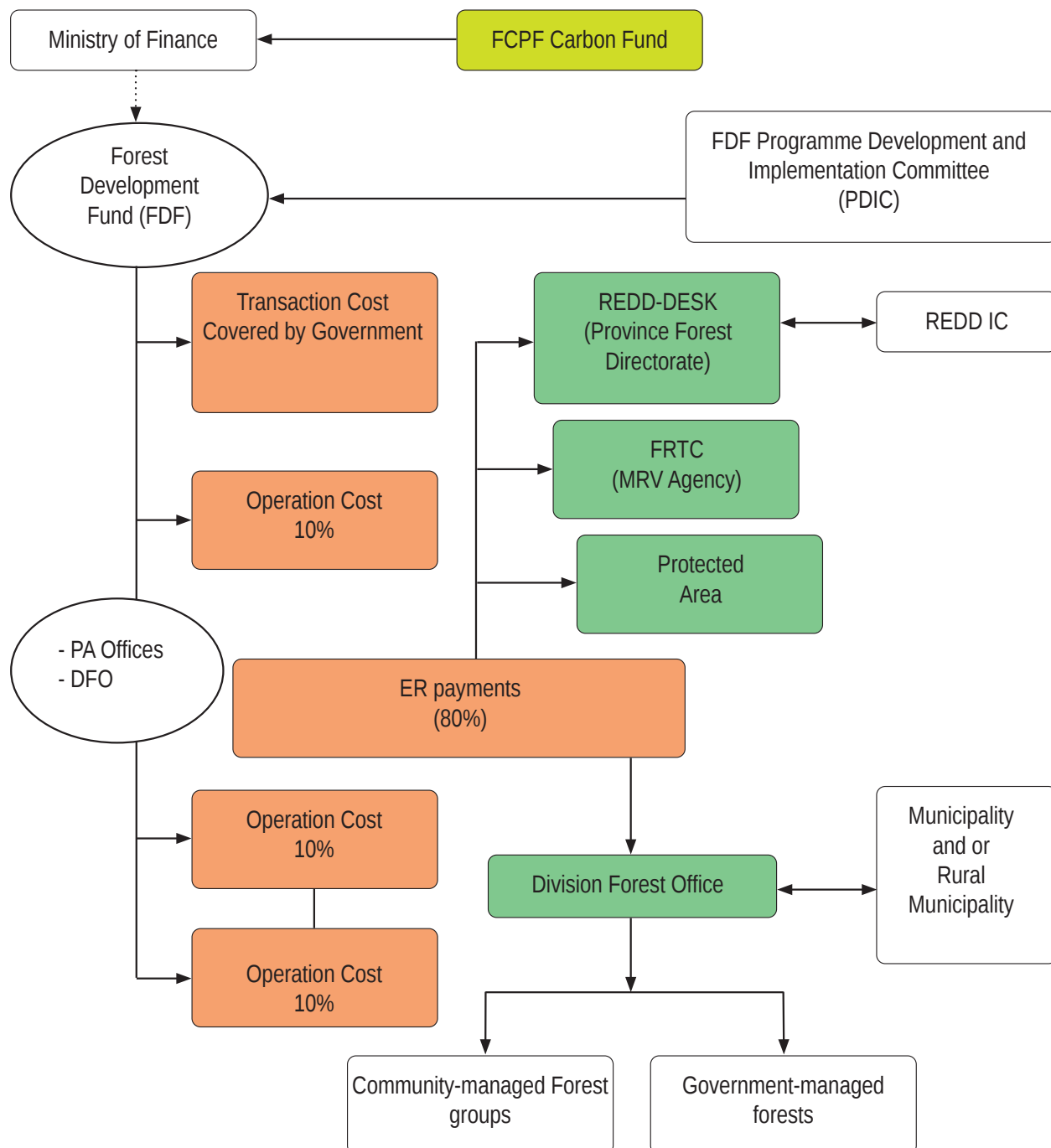


The government of Nepal is working on Measurement, Reporting and Verification (MRV) based on the activities to determine the amount of carbon sequestration and the status of forest increment, based on which the first ERPA payment is carried out (Figure 4). Although the benefit sharing plan mentions the incorporation of a Community Based Monitoring and Information System as part of MRV, the MRV team led by the Forest Research and Training Center has been more focused on MRV technical aspects rather than engaging IPs and local communities from the local level. This could influence the outcome of the MRV in the absence of community engagement and any issues and concerns in relation to the ERP's benefit sharing process. In CIPRED's recent field visit to Chitwan, Bardia, and Kanchanpur, consultations with IPs, indigenous women, and local communities showed the low level of information on REDD+ and the ERP's benefit sharing plan.

DISTRIBUTION OF ER PAYMENT

Although there has been little information about benefit sharing plans at the community level, the government has already finalized the distribution of emission reduction payments through the Forest Development Fund.

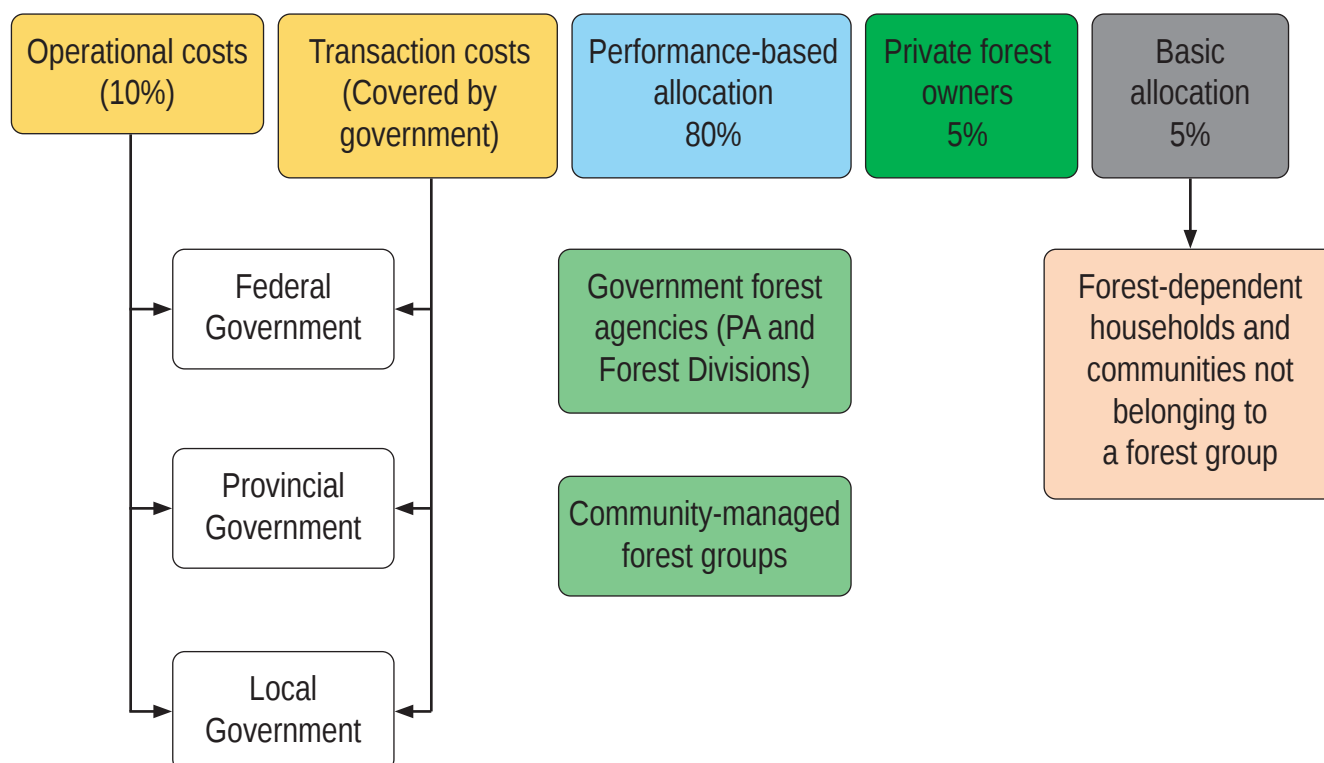
Figure 5³⁹: Distribution of ER Payments through Forest Development Fund



As shown in Figure 5, the Ministry of Finance transferred the Forest Carbon Partnership Facility carbon fund to the Forest Development Fund. The FDF Program Development and Implementation Committee (PDIC) reviews and approves all allocation and disbursement of the fund. Of the total budget received by FDF, 80% goes to ER payments through the Division Forest Office (DFO). The DFO then disburses the results-based payments to the community managed forest groups and government managed forest groups in coordination with the Municipality and Rural Municipality. This ER payment distribution structure has little space for IPs and indigenous women to raise their voice for equal benefit sharing within the existing forest regimes, whether community managed- or government managed-forest groups.

DISTRIBUTION OF BENEFITS

Figure 6⁴⁰: Benefit Distribution Process



The process for distribution of benefits (Figure 6) does not specifically indicate customary institutions of IPs as one of the beneficiaries of the ER payment. The existing beneficiary categories (Figure 7) show the payment distribution is based on legal/institutional forest management responsibilities (de jure and de facto), forest management contribution, forest dependency, and social justice. However, social justice for IPs and indigenous women has not been included along with recognition of customary institutions which have played a crucial role in the sustainable management of the forest and other resources for generations.

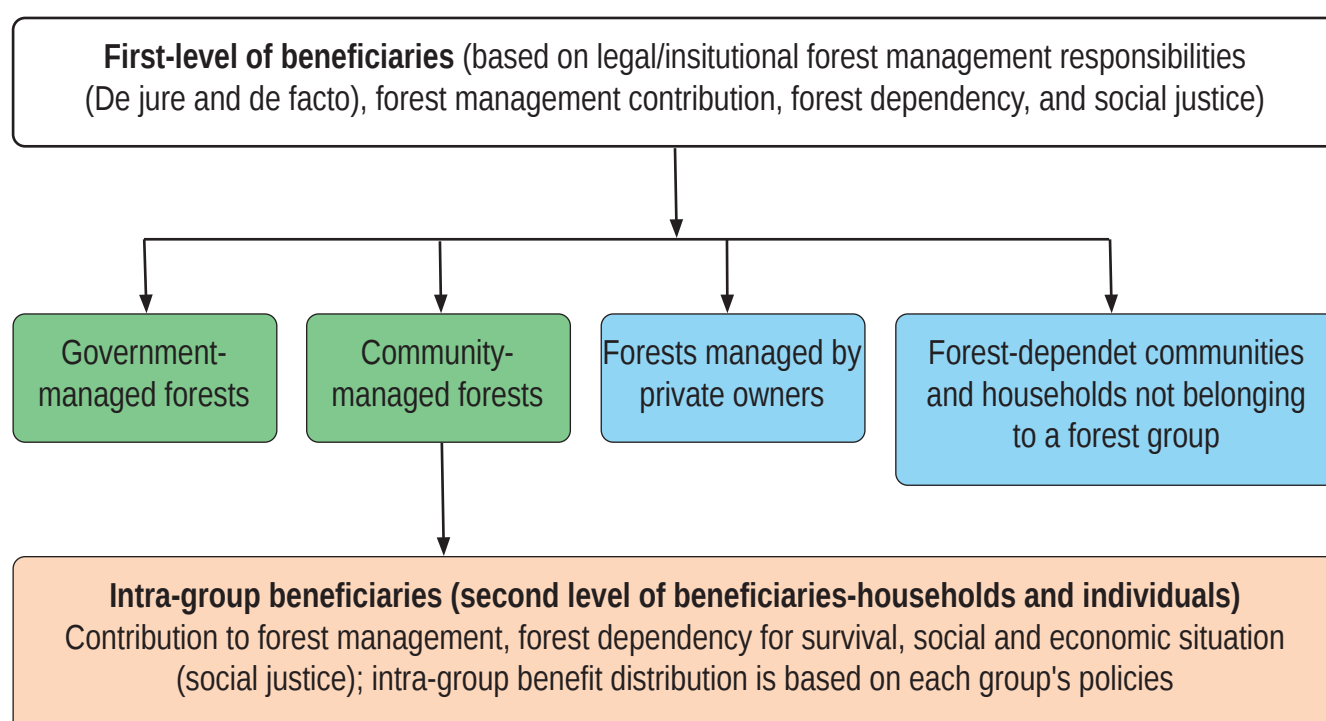
To be eligible for benefits, each forest user group needs to submit an investment plan, with details on planned forest activities, the use of benefits, and a tentative approach for the intra group benefit distribution within the required time frame. The IPs particularly indigenous women, however, have little chance to be involved in this process, since they lack capacity to work with local communities and women from mainstream societies and to prepare investment plans would simply be beyond the limits of indigenous women. The government's lengthy bureaucratic process to access the benefits would be a nightmare for them.

BENEFICIARY CATEGORIES

The first level of beneficiaries (Figure 7) are government managed forests, which have more than half of the forest coverage of the ERP area. This shows that of the 80% received from FDF most of the benefits go to government entities rather than to communities.

The existing forest regimes within the community managed forest (community forest, leasehold forest, collaborative forest, buffer zone community forest, and religious forest) does not include customarily managed forest. This is one of the obstacles impeding IPs and indigenous women to get access to benefits from existing forest regimes.

Figure 7⁴¹:Beneficiary Categories



The BSP provision of basic allocation of 5% of the ER payment goes to forest dependent communities who do not belong to forest user groups. Despite IPs' voices being barely heard due to their low presence in forest users groups' decision making bodies, this provision gives some hope to indigenous women of getting some benefits from the ERP. This opening, however, also depends on the investment plan developed by the forest users' group before they allocate the monetary and non-monetary benefits to the community. There is slim hope, therefore, for indigenous women to benefit from the existing structure of the REDD+ ERP benefit sharing plan.

INDIGENOUS WOMEN IN ERP AREA

National Indigenous Women's Federation (NIWF) chairperson Chini Maya Majhi notes,

Recently, a member of NIWF with a disabled husband was attacked by a tiger and filed for compensation. It has already been two years that she has been lingering in the complicated process of getting compensation from the government, as she could not afford for the lawyer to speed up the process for compensation. The lengthy process of getting compensation from the government indicates the slim opportunity for indigenous women to get benefits from the ERP. (Personal Communication, 5 July 2022)



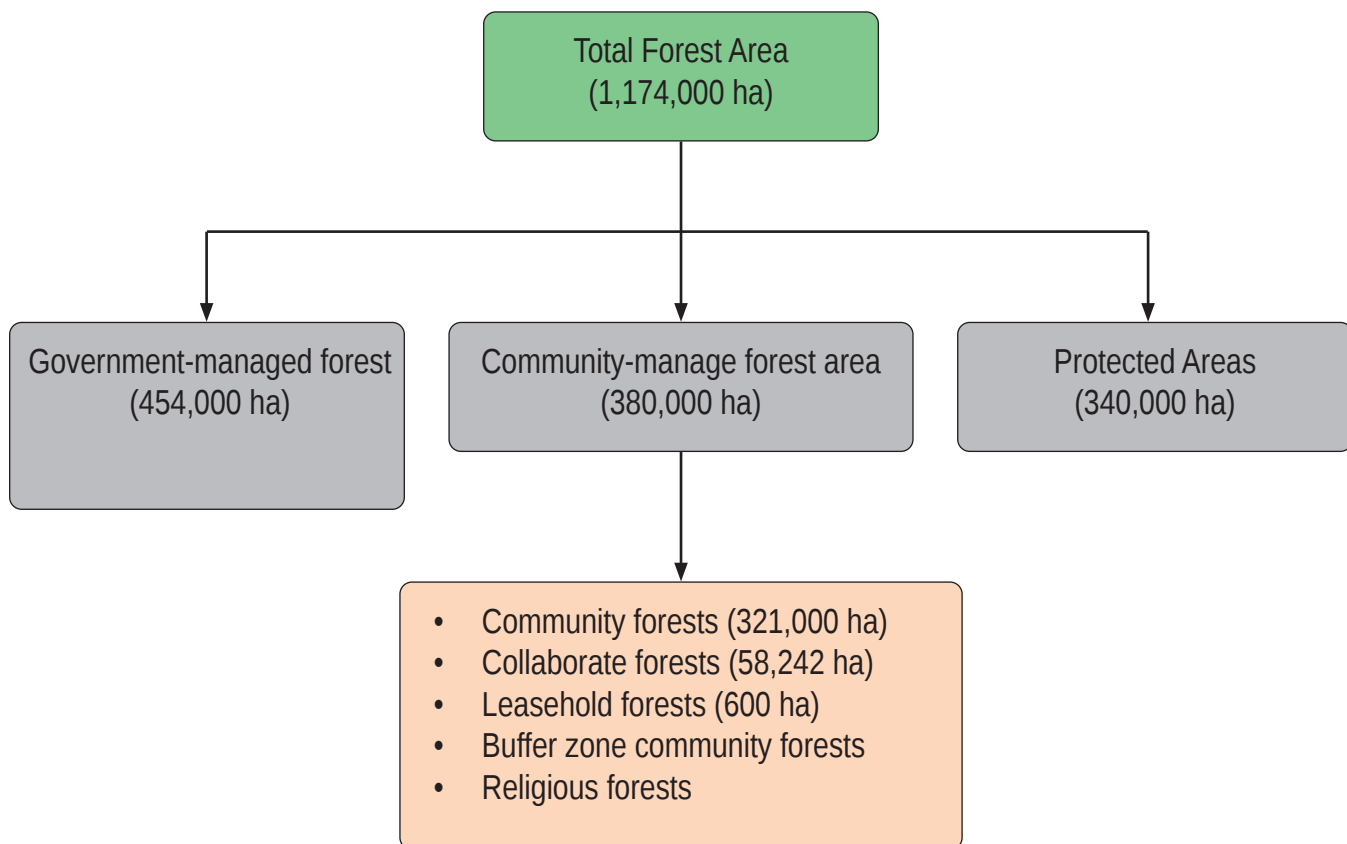
The experience of indigenous leaders like Chini Maya Majhi is similar to that of indigenous women at the community level. Our consultation on the ERP benefit sharing plan among indigenous customary leaders, indigenous women, women's groups, and youth as well as members of Community Forestry User Groups, Buffer Zone Forestry User Groups shows the communities are completely unaware of the REDD+ program. One of the indigenous women in a focus group discussion said, *"This is the first time we have heard about REDD+ and do not know anything about benefit sharing plans in ERP."* Apart from a few leaders from the district headquarters, the majority of the IPs and indigenous women at the community level are not informed about the REDD+ program. This shows the urgent need of building awareness on the REDD+ prior to the distribution of ER payment in the 13 districts of the ERP area.

STATUS OF CUSTOMARY INSTITUTIONS IN ERP

Of the total carbon fund received by the Forest Development Fund from the Ministry of Finance, 80% is allocated as ER payment based on "Performance based allocation" in the community, which considers forest coverage and amount of carbon sequestered. Of the total forest area of 1,174,000 hectares in the ERP area, the majority is under government managed forest (454,000 ha) and protected areas (340,000 ha) (Figure 8). Only 380,000 hectares are managed by the community under the different forest regimes. Although users of customary forest management practices are indicated under community forest management groups as beneficiaries for

both monetary and non-monetary benefits, these are not specifically cited in the beneficiary categories or in the distribution of benefits. This provision is also one of the main obstacles that has prevented IPs including the women to claim for the benefits under the ERP.

Figure 8: Forest Area and Forest Regimes



MONETARY AND NON-MONETARY BENEFITS OF ERP

In the distribution of benefits, the government managed- (protected areas, forest division) and community managed- forest user groups that receive most of the 80% allocation of monetary benefits based on emission reduction performance are also included as beneficiaries of the non-monetary benefits. Households and communities outside the forest user groups and private forest owners receive only non-monetary benefits (Table 6).

The beneficiary categories do not indicate how IPs and indigenous women can get monetary and non-monetary benefits from ERP. Although the category of community managed forest group includes users of customary forest management practices, it is not clear how they can get benefitted. The National REDD+ Strategy, 2018 speaks of integrating Community-Based Monitoring and Information System (CBMIS) in the mainstream Monitoring, Reporting and Verification (MRV) process by mobilizing local communities and Indigenous Peoples in the ERP area. However, the MRV team led by FRTC are not aware of CBMIS and are more focused on ac-

tivities related to carbon stock enhancement, changes in forest coverage and Emissions Reduction Plan. There are existing CBMIS initiatives among IP communities which could be adopted and developed further to include disaggregated data reflecting the roles and contributions of indigenous peoples, particularly women, in carbon sequestration. Customary institutions should be engaged and the CBMIS should inform the MRV and the Forest Development Operation Committee which decides on ER Program payment distribution. This way, IP, especially women, their and their contributions can be accounted for in the BSP as direct beneficiaries whether in monetary or non-monetary form.

Table 6: Monetary and Non-Monetary Beneficiaries of ERP

SN	Beneficiaries	Monetary	Non-monetary
1	Government forest agencies (PA Authorities and DFOs)	✓	✓
2	Community-managed Forest groups including users of customary forest management practices (CFUGs, CollFUGs, LHFUGs, BZCFUGs, and RFUGs)	✓	✓
3	Households and communities outside the forest user groups	x	✓
4	Private forest owners	x	✓

CONTRIBUTIONS OF INDIGENOUS WOMEN IN ERP AREA

The Rana Tharu and Chaudhary Tharu communities in Bardiya and Kanchanpur districts have a symbiotic relationship with the forest and natural resources. The forest is not only the source of sustainable livelihoods but is also attached with social, cultural and spiritual values. The land, forest and rivers are worshiped as a sacred space that is integral to their customs, traditional practices and cultural values that have been the basis for their contribution to the sustainable management of the forest, natural resources, ecosystem and biodiversity.

It is a custom among the Rana Tharu and Chaudhary Tharu community members to perform *Bhumi* (land) Puja to honor mother earth before starting the first plantation. Three days prior to a marriage ceremony, they worship the forest and bring tiny pieces of wood which are considered auspicious for the preparation of food for the ceremony. The community members perform *Bhumi puja* (land worshipping) followed by worshipping the river near their village. They also worship *Vanaspati devi* (Vegetation female goddess) located in the forest before beginning a long journey for their safe travel. The Tharu women also have diverse knowledge on use of vegetation, such as *Babiyo*, a grass used during childbirth whose paste is applied on the baby's navel after the umbilical cord falls to avoid any infection.

Two different kinds of wood are collected from the forest, *Dhariya* wood and *Gannari* wood, which are rubbed together to produce flame that is considered the purest form of fire for all the customary rites and rituals. The community members have also been sustainably using herbs and plants that serve many medicinal purposes such as *Khayar* grass, which is boiled and its soup taken to heal stomach pain and diarrhea. Similarly, the *Madaar* plant's leaf, when slightly burnt over fire and put on swollen muscles, immediately heals the swelling. *Phutki* is another herb known to the community members; when ground and put on an open wound, it heals the wound.



Meeting with Tharu women's group in Bardiya district

The Tharu women are involved in the collection of fodder, firewood, wild vegetables (fiddle-head, wild mushrooms), medicinal herbs, leaves (leaves of *Shorea Robusta* tree) and fishes as part of their social roles and responsibilities. Fishing is central to the way of life of Tharu, and fish is one of the main items required in all the rites and rituals in their different festivals and ceremonies. For instance, during the marriage ceremony it is a tradition for the groom to bring fish tied on a stick to the bride's house and served on traditional plates made by community women from Saal (*Shorea Robusta*) leaf. Similarly, special fish dishes are prepared by women during childbirth ceremonies and also offered to the deities in different festivals and ceremonies like *Bhumi Puja*.

Fish has been the normal dish of Tharu community members. Regardless of their socio-economic condition, everyone in the community has access to catching fish in the river. They have their own traditional fishing net and fishing basket to catch bigger fish and allow small ones to remain in the river. For instance, *Dhadiya* is a traditional handmade basket which has openings for small fish to escape so only big fishes are caught.

Although community forestry user committees have access to the river, most of the indigenous communities including indigenous women living inside or in the buffer zone of national parks, still have to get permission from park authorities before entering the forest. They are not always entertained as this depends on the park officials. In most cases the community members are restricted from collecting natural resources from the national park, which are the basis for their sustainable livelihoods. Park authorities' control over the land and forest has been one of the root causes for disappearing traditional cultural values, knowledge and skills of Tharu communities and for more struggles in sustaining their lives.



Tharu Indigenous women & men returning back from fishing in nearby river.

Case 2: Struggles of Tharu communities in Bardiya National Park

The Tharu have been living in the forest for centuries practicing their own norms and values even prior to the establishment of the Bardiya National Park. Tharu community members from 13 villages of Madhuban Municipality-1 and Thakur Baba Municipality-9 have been gathering together to worship the spring, the source of both drinking water and water for the field. However, after establishment of the park, the source of water was demarked and the communities' access to worship and clean the spring has been completely forbidden. After an earthquake blocked the flow of the spring with stones, the communities wished to get permission to enter the park to clear the stones for the water to continue flowing. But their wishes have not been heeded. Consequently, the water is drying up and the communities are experiencing scarcity of water. The communities believe this could be one of the reasons of increasing wildlife entering the human settlement, in search of water.⁴²

Case 2 presents the struggles of Tharu indigenous communities in the Bardiya National Park, which falls in the ERP area and is the recipient of 20% of total benefits from FDF for carbon sequestration. Since IPs inside the national park have been finding it hard even to access water, it is unimaginable that they would be beneficiaries of the carbon fund from national park authorities.

CHALLENGES FACED BY INDIGENOUS WOMEN IN CHITWAN

Indigenous peoples particularly the women have continuously struggled for survival with the introduction of forest regimes in Nepal, either within community forests or national parks. The level of struggle varies but in all forest regimes they have similar stories of encountering difficulties in continuing their traditional livelihoods, cultural values and practices. For instance, the Chepang including the women living in the Chitwan district have been practicing *khoriya* for many generations. This type of shifting cultivation has been one form of subsistence farming for Chepang communities. However, the practices have been forbidden in the national park and there are no provisions under community forestry to protect their traditional livelihoods. This has severely impacted indigenous women, limiting sufficient food and nutrition for their children.

In the hilly regions of Chitwan district, predominantly inhabited by Chepangs, *khoriya* is still practiced by their communities as part of their traditional livelihood. Prior to the establishment of the Chitwan National Park, each household had a fair share of *khoriya* land to themselves, which was enough to carry out cultivation of traditional crops, fruits and herbs. After cultivating, the land was left to regenerate and Chepangs shifted to another location where they had been sowing their crops. This integrated farming system has been contributing to forest conservation while also providing for the livelihood of Chepang communities. However, under the current community forestry, a 2-5 hectare leasehold forest is given to a few selected poor Chepang households but only to cultivate fruits and trees. There is no space for them to grow crops to support their families. This indicates that in the community forest, the focus is more on growing trees than in saving the Chepang's traditional livelihoods and spiritual and cultural values attached to their shifting cultivation. Based on the past experience of benefit sharing from the carbon fund in the pilot project in Chitwan, the Chepang are skeptical of the ERP's benefits to their communities. They believe most of the fund they have received centered more on standing trees rather than protecting their values and traditional livelihoods. Consequently, they have been losing their traditional occupation and cultural values that are deeply rooted in shifting cultivation.

The Chepang communities have also been completely barred from entering the forest and continuing their traditional livelihoods after the Chitwan National Park was established. They were assured, however, by the government that they would still be able to live in their native land even after the park's establishment. (Personal conversation with National Chepang Association members). Indigenous women have been severely affected by the eviction and burning of Chepang homes by army patrol teams. The communities were not aware of the importance of registering the *khoriya* land as they did not know that one day their traditionally managed land would fall under the national park and they would be kicked out from their homeland.

Furthermore, Chepang communities are considered landless squatters in their own land, so the government Land Issue Resolving Commission has given each household 1.25 hectares of *Bhilarlo Pakha* (small steep) land that is not ideal for shifting cultivation.



Meeting with National Chepang Association in Chitwan district

Case 3: Chepang community and shifting cultivation in Chitwan National Park

Bhim Praja, Chairperson of National Chepang Association, Chitwan district: *'We have been practicing khoriya pratha for many generations now. It is part of our identity. The leasehold forests given are already in poor condition with no fertility. Also, the leasehold forest has to be returned to the government after a period of 40 years, so it is a big challenge for us to sustain our traditional livelihood in such a constrained situation.'* (Personal communication, 21 June, 2022)

“Outcome number five” of the Benefit Sharing Plan states that the traditional forest-based skills of Chepangs, which is shifting cultivation, would be respected and promoted by the investment plan that would be made by the forest users groups and Division Forest Office in close coordination with the local municipality. However, the Chepangs are a highly marginalized community with low representation in both forest user groups and in the local municipality. Their voice has been hardly heard. Their wishes and demand have been to get their land back rather than receiving funds to keep the trees standing. This situation has forced them to work as cheap labor in the cities and foreign countries.

The discourse on climate change adaptation and mitigation, particularly in the REDD+ process in Nepal, has highlighted the incorporation of gender issues. The Gender Equality and Social Inclusion (GESI) strategy and gender action plans are already in place with indicators

and activities within six categories of activities of the Emission Reductions Program Document to achieve gender integration in the Nepal Emission Reductions Program (WOCAN, 2017). The gender strategy and action plan emphasize the need for maintaining gender equality in the REDD+ process, considering women's role and contribution in management of the natural resources and success of REDD+ implementation. However, their focus is more on women in general. A study shows that "Socially, economically, and politically-advantaged women benefit more than other women from forest-related activities; women from socially and economically marginalized groups such as Dalits, Botes, Mahjhis, and Mushars have very little access and influence over community decision-making processes and resources" (WOCAN, 2017). From the study it is clear that having a gender strategy and action plan in ERPD does not guarantee the inclusion of distinct issues and concerns of indigenous women.

Indigenous women are the primary food producer, gatherer, and manager. They have an immense contribution to food production through their traditional knowledge and skills. (NEFIN, 2010)

- As the number of emigrating men for wage-labor is increasing every day, women's responsibilities in agriculture have grown immensely. Women grow vegetables in the nearby farm in addition to field agricultural work. Indigenous women are not only working hard to secure food for their family but also guiding the consumption pattern for generations. Therefore, women's participation in food production is especially higher than men.
- They also possess knowledge of gathering and processing wild fruits, nuts, berries and wild vegetables from the forest.
- After producing and collecting food, they also use their traditional expertise in processing and preparing them.
- Though women are not specialized healers, they hold rich knowledge regarding medicinal resources found in forests. Both men and women possess knowledge regarding the collection, processing and use of medicinal herbs. When the family members are sick, women are usually the one to pick the herbs from the forest and prepare it, sometimes drying or boiling it. Collections are also often chopped, dried and mixed with salt to make it long lasting and for future use.
- Indigenous women possess traditional and sustainable livelihood practices such as rotational agriculture, livestock raising, and also great knowledge regarding the nutritional and medicinal value of the plants found inside their forest. They are the subsistence food producer and gatherer and are the organic farmers. Among many forest-dependent IPs, indigenous women play a central role in forest conservation and management; they are a repository of traditional knowledge on non-timber forest products and herbal medicine and are often the keepers of seeds and thus in charge of preserving domesticated plant varieties. These invaluable roles and contributions of women for the wellbeing of their families and communities are not properly acknowledged and recognized (AIPP, 2014).

However, the existing forest laws fail to recognize the contribution of IPs, particularly the role of indigenous women, in sustainable management of natural resources. Customary forest tenure systems in Nepal are not recognized by law although these have been practiced by IPs for generations and have successfully contributed in sustainable management of the forest, which is deeply linked to their social, cultural and economic life. This has resulted in forced eviction, crisis of livelihood, and violation of the cultural rights of indigenous women and youth.



Community forest area in Bardiya district that had recent tiger attacks

HUMAN-WILDLIFE CONFLICT IN BARDIYA NATIONAL PARK

Also faced by IPs is the threat of wildlife attacks in national parks. According to statistics, three people are attacked by tigers every month in and around national parks and buffer zones in Nepal. In the last three fiscal years, 62 people have died in 104 tiger attacks reported inside national parks and buffer zones;⁴³ meanwhile the number of tigers in Nepal have tripled by 2022.⁴⁴

Bardiya National Park (BNP) is one of the five protected areas in Nepal that harbor tiger populations. The BNP is the largest national park spread across 958 square kilometers in the lowland plains. According to the 2018 census, the number of tigers in the BNP and the buffer zone increased fivefold from the recorded 18 tigers in 2009 (DNPWC, 2018).

Rana Tharu indigenous communities are the local inhabitants in the buffer zone area of Bardiya National Park. In recent years, they have been experiencing frequent attacks by tigers and wild elephants. The community members live in constant threat, as wild animals attack them and their livestock and also damage their homes and agricultural crops. Rana Tharu women especially are mostly found to be the victims of fatal attacks (See Case 4).

The current conservation modalities of the Bardiya National Park are focused on the conservation of wildlife over human welfare. Community members living in the park's buffer zone and particularly the corridor area are fatally attacked by tigers even when they are near their homes or grazing their livestock in the community forest. Indigenous women have been the victims of

these wildlife attacks as women are obligated to fulfill all the social roles in the absence of men. The compensation given to victims by the Bardiya National Park is in the form of relief support, but the procedure is very complex and takes a long time. The community members have to present land certificates and other documents in cases of livestock loss from wildlife attacks. However, most of the Tharu community members do not have land certificates and have officially become illegal settlers in the national park where they have been staying for generations even before the park was established.

When human-wildlife conflicts occur with casualties, hardly had there been support from the park authorities. The communities are not also assisted in maintaining their traditional livelihoods and cultural values. Therefore, they have little hope of possibly getting support from the ERP carbon fund to sustain their lives and heal their pain.

Case 4: Tharu community women in Bardiya National Park

The latest victim of wild animal attack is Kaushila Pal, 49, a local of Sonaha village, Madhuban Municipality-2. A single mother of two young children, she was solely responsible for providing for her family, gathering firewood and fodder and grazing animals in the forest. On May 24, 2022, she was fatally attacked by a tiger when she was grazing her cows inside the community forest. A week later, Asmita Tharu, 42, of the same village, was also attacked by a tiger early in the morning while she was working in a field near her home. The tiger tried to drag her by the neck but missed the chance and grabbed her arm instead. Being daytime, the villagers quickly gathered and joined hands that made the tiger flee into the forest. But the tiger had already badly injured Asmita's arm. While Asmita got 20,000 rupees and medical assistance from BNP, it has not been enough as she still needs further medical treatment to fully recover from her injuries.



Asmita (picture above) says, *"I am still young and can work in the fields and could do so much more work for the family, but after this incident I have lost my hopes to ever recover again and be able to work like before. The twenty thousand compensation money given is not enough for the damage it has caused to my future."* (Personal communication, 19 July, 2022)

In response to constant tiger attacks, community members launched a protest demanding protection from wildlife. In the name of diffusing the protest, police opened fire, resulting in the death of Navina Tharu, 18, who died on the spot; two of her siblings survived bullet injuries.

Like Asmita and Kaushila, women in the village are responsible for all the outdoor and indoor chores as the male members of the village have migrated to nearby towns and Indian northern cities for daily wage work. As a result, women are more prone to wildlife attacks, and the case depicts a higher number of indigenous women being victims of tiger attacks.

In regard to REDD+, Asmita and other community members have not heard of either the program or the Benefit Sharing Plan, so the effectiveness of the BSP mechanism is highly doubtful.

CUSTOMARY LEADERS AND CHALLENGES IN KANCHANPUR

The Tharu indigenous peoples, who are the local inhabitants of Kanchanpur district, have also been displaced by a national park. They lived in the forest area, now under the jurisdiction of the Shuklaphanta National Park, also known as Sukhlaphanta Wildlife Reserve. Tharu communities used to have easy access to the forest to collect wild herbs, fodder, firewood as well as to carry out cultural rituals to protect the forest and fulfill their traditional livelihood as part of their customary practices and cultural belief system. All these activities were carried out under the leadership of *Bhalmansa*.⁴⁵ The Bhalmansa took all the important decisions with regards to community management for organizing festivals, rituals, division of roles and responsibilities within the community, and community development initiatives.

Tharu communities were soon evicted from their own traditional territories for the establishment of the Sukhlaphanta National Park. In the process, many Tharu became landless while many were resettled in new locations far from the forest. Entry into the national forest is strictly prohibited. Army personnel have been deployed to patrol the national park area to protect endangered animals and nature conservation. If anyone is found inside the national forest area without permission, they are bound to be punished by the army (See Case 5). With the relocation of the Tharu community outside the forest area, the present generation only have a vague memory of herbal plants used by their families to cure ailments. Similarly, customary practices such as worshipping the forest (*Ban devi*), water sources, *Vanaspati devi* (vegetation god) are all on the verge of disappearance as the community members can no longer perform such rituals in the forest like before. Due to the unemployment, the trend of migration among young men and women to the cities and abroad has been rising. Consequently, the importance of the Bhalmansa among the youth has also been declining.

Case 5: Situation of Tharu Indigenous Women in Suklaphanta National Park

Tharu community members once lived in areas such as Padao, Bhojpuri, Arjuni located inside the forest. These areas are now part of Suklaphanta Wildlife Reserve. The Tharu village in Arjuni has been replaced by Army barracks and a checkpoint to secure the entrance and exit of the park. When the government evicted Tharu communities from their homeland and converted it into the Suklaphanta National Park, they were forced to squeeze into a new area not enough for them to even sustain their livelihoods.

Since then, the Tharu community members have been strictly restricted from entering the forest without permission. They have a hard time entering the forest buffer zone to carry on their traditional livelihoods since collecting fodder, firewood and herbal plants and fishing have also been prohibited. The community members are often taken into custody by army personnel whenever they are found cutting grass or fishing inside the forest. Since the buffer zone forest only opens twice every month for collection of fodder, the Tharu women have no choice but to enter to get food for their cattle, often being arrested by the army.

Similarly, Beldandi village located in Kanchanpur district is surrounded by the Shuklaphanta National Park. The community members are now paying NRs.500 (around US\$ 4) to collect herbal plants from the forest. If they collect herbs without permission, they would be arrested and charged the fine even if they paid the collection fee .

Premwoti Rana, former chairperson of NEFIN, Kanchanpur district said, *“Earlier we had so many livestock which we would take to graze inside the forest and yet the forest remained healthy and dense. Now we are completely restricted from entering the park forest area for grazing the cattle but yet the forest is not as dense as before.”* (Personal communication, 21 July, 2022)



Bhalmansa leaders from different villages of Kanchanpur district.

The displaced Tharu communities have not yet received proper compensation. Many households still do not have land certificates of the relocated land, and those who have hold a temporary certificate with no provision to sell or transfer the land. They can no longer carry out their traditional livelihood as before, as the relocated land is hardly enough for the communities to live in together.

Since being barred from the national park, the Tharu communities have faced multiple difficulties and challenges in continuing their traditional knowledge and cultural practices. For instance, community members now have to pay a fee to even just collect herbal and medicinal plants from their ancestral lands. This has discouraged them from going to the forest, with the young generations consequently losing the traditional healing practices.

Indigenous peoples and women have been struggling to get back their rights to continue their traditional livelihoods, but in such a situation they have little hope of securing their rights and possible benefits from the carbon fund to meet their only wish of "access to the resources and continuing their traditional livelihoods."

LESSONS LEARNED FROM REDD+ BENEFIT SHARING MECHANISM

The effectiveness of the benefit sharing mechanism in the REDD+ program depends on the success of REDD+ implementation on the ground. The beginning of the REDD+ architecture in Nepal that started in 2008 created confusion among IPs and local communities. There has been clear indication that results-based payment through the ERP would be based on the seven Cancun Safeguards in line with international treaties and conventions, among these, the UNDRIP and ILO Convention 169. This would make sure indigenous peoples and indigenous women would continue enjoyment of traditional livelihoods and spiritual and cultural values in symbiotic relationship with the forest and land. In addition to continuing their livelihoods, REDD+ benefits, both in monetary and non-monetary form, would be additional values to enhance their customary institutions, skills and livelihoods.

The experience of IPs in the REDD+ pilot project in Chitwan, Gorkha, and Dolakha districts showed that the REDD+ payment mechanism and carbon payments supported livelihood initiatives in kind but no efforts were made for institutionalizing customary institutions and protecting indigenous knowledge and cultural values. In the absence of legal recognition of the customary institutions of IPs, it is highly likely that indigenous knowledge, skills, and cultural values that have been the basis for nature-based solutions and sustainable management of the forest, natural resources, ecosystem and biodiversity will disappear.

Although the distribution of the ERP's results-based payment through the Forest Carbon Partnership Facility would be based on a benefit sharing plan, the existing criteria for beneficiaries do not include customary institutions as other beneficiary forest regimes within community forest, such as community forest user groups, collaborative forest, leasehold forest, buffer zone community forest, and religious forest. This has been one of the hindrances for IPs and indigenous women to claim the benefits from the Emission Reductions Program. The only possible provision for doing so is either through the existing forest regimes or the 5% provision of basic allocation for households that do not fall within the community forest users group. However, to

access the benefits from the existing mechanism by working with mainstream communities and following lengthy bureaucratic processes would be simply beyond the means for IPs, particularly for indigenous women.

In our field visits in Chitwan, Bardiya, and Kanchanpur districts and through community consultations with the indigenous customary leaders, indigenous peoples, indigenous women, local communities and government agencies, apart from a few district leaders, the majority of the indigenous communities in the villages were not aware of REDD+ and the provision of the benefit sharing mechanism in the ERP. This includes the Tharu communities in the ERP area who do not know about the benefit sharing mechanism from the carbon fund in their communities. Indigenous peoples and indigenous women, more often, have been victimized even for entering the national parks and collecting resources for their livelihoods. Indigenous women are becoming illegal settlers in the eyes of the government when they have been staying in their ancestral land prior to the establishment of the different forest regimes such as national park, conservation and community forestry.

This also shows IPs, particularly, indigenous women could have either missed the opportunity to participate in the REDD+ benefit sharing process in ERP areas or those who have joined the program have not informed or shared with their communities about the REDD+ and benefit sharing mechanism. Even if the opportunity has been offered, indigenous women with layers of responsibilities at home and society, would have been struggling with time management for meetings and programs and could not leave their home like their husbands or brothers. The provision of non-monetary benefits related to capacity building might be helpful for IPs and indigenous women to strengthen their advocacy for the recognition of customary institutions and provision of benefit sharing mechanisms for IPs and indigenous women directly through customary institutions. However, it is very important that they should be aware of the provision and benefit sharing mechanism of REDD+ and how it works and how their issues and concerns can be addressed.

The provision of developing investment plans by forest user groups with low presence of IPs and indigenous women in decision making bodies would be unlikely to address indigenous issues and concerns in the investment plan. Furthermore, the process of approving the investment plan by the Division Forest Office would be a lengthy and challenging process for IPs. Moreover, the experience of the REDD+ pilot project shows the benefits from the REDD+ focused more on forest management activities and livelihoods rather than building the capacity for policy advocacy to make sure IPs' unheard voices are heard. If the ERP also follows the general trend of implementation of government-led programs that are based on existing forest regulations and is reluctant to incorporate IPs' rights over resources and recognition of customary institutions, chances are high of following the "business as usual" model of project implementation. And in this model of implementation, IPs and indigenous women are invited as participants rather than welcomed to share their issues and concerns, particularly the hope and wishes for continuation of their traditional livelihoods, knowledge, skills, and cultural practices.

WAY FORWARD

The national REDD+ strategy has provided some space for recognition of the issues and concerns of IPs through the layers of consultation during the REDD+ readiness phase in line with Cancun Safeguards and UNDRIP. However, the engagement and consultation with IPs in the later phase of results-based payment of ERP have declined both at national and community levels. This would be a big challenge for IPs particularly indigenous women in relation to understanding the process of REDD+ and providing their valuable suggestions for the Benefit Sharing Plan and for the effective implementation of ERP through recognition of customary institutions and continuation of traditional livelihoods. Based on the literature review and community field visits in three districts, the following points are recommended as a way forward.

1. Forest Governance

- a. The strengthening of the customary institutions within and outside the BSP forest regimes, and their recognition as direct beneficiaries of carbon fund, is crucial to the sustainability of the ERP, since these govern the protection of indigenous knowledge, skills and cultural values that contribute to the sustainable management of the resources, protection of biodiversity and ecosystem.



Focus group interview with Indigenous Women on provision of temporary land certificate.

- b. For Municipal and Rural Municipalities to implement Local Operational Act, 2017, recognizing indigenous customary institutions and land tenure rights to enable customary institutions to become legal entities and beneficiaries of carbon funds in the 13 districts covered by the ERP where the majority are indigenous communities. The ERP should further provide continuous information, capacity building and sensitization on IP and gender concerns for local elected bodies, community leaders and other concerned stakeholders, including, local governments on this regard.
- c. In line with Forest Regulation, 2022 and the BSP, the Forest Development Fund Operation Committee should account for the specific roles and contribution of indigenous women especially in the practice and transmission of traditional knowledge and cultural values to the youth that sustains forest resources, therefore, carbon sequestration.
- d. The ERP should invest in the urgent documentation of customary institutions and traditional governance systems of IPs to show how these have played crucial roles in protection of the natural resources, forests, biodiversity, and climate change adaptation and mitigation. These should as well be accounted for in BSP and the emissions payment.
- e. A responsive conflict resolution mechanism should be established within the ERP. Existing policy and programmatic conflicts in ERP areas should be clarified and resolved, in relation to and in consultation with the Indigenous Peoples concerned, within and outside of the BSP forest regimes. The Tharus lost their livelihoods in favor of the Suklaphanta Wildlife Reserve. Having no titles to prove ownership, they have been legally rendered as illegal settlers in the land and forest they that have nurtured since time immemorial. The BSP specifically includes national parks as direct beneficiaries but not the “Budghar”, the Tharu customary institution, which was and is instrumental in preserving the forest prior to the establishment of the national park. This loss and other impacts, including human-wildlife conflicts should be addressed by the ERP through the BSP.

2. Empowerment of Indigenous Women and their Communities

- a. The ERP should provide targeted resources to effectively implement a meaningful capacity building program for indigenous women to ensure the representation of their issues and concerns within and outside their own forest regimes, and, access to equitable share of benefits from forest conservation. These include the Tharu indigenous women who are involved in buffer zone forest user groups which have significantly contributed to the growth of the forest. The women’s leadership and contribution have led to healthy and dense community forest. They have also been coordinating with the Bhalmansa before making any decisions. However, indigenous women face multiple challenges in relation to presence in meetings and

leadership position. Therefore, dedicated and women-sensitive programs that respond to overcoming traditional gender barriers should be incorporated in the ERP and the BSP.

- b. ERP should provide meaningful interventions towards the empowerment of indigenous women, youth and differently abled persons. This may come as non-monetary benefits, specifically, among these are :
 - 1. Community Enterprise development based on indigenous knowledge and skills in support of socio-economic development while protecting and transmitting knowledge, culture and skills;
 - 2. Promote skill-based carpentry, sewing, homestay and herbal medicine enterprises and link to the market.
- c. Sensitization of newly elected local government representatives on the issues and concerns of indigenous peoples particularly indigenous women and support for their meaningful participation in the discourse on forestry sectors and other development initiatives.
- d. Frequent, regular and meaningful local and district level consultations with relevant stakeholders and agencies on the human-wildlife conflicts in the protected areas and buffer zones as well as issues and concerns within community forests.

3. Recognition

- a. The recognition of customary institutions within and outside forest regimes for protection of indigenous knowledge, skills and cultural values that have contributed to the sustainable management of the resources, protection of biodiversity and ecosystem is crucial in sustaining ERP initiatives, especially, in IP territories.
- b. Use the provision of Local Operational Act, 2017 as an opportunity to develop local laws by the municipality or rural municipality for legal recognition of indigenous customary institutions and land tenure rights. This would open spaces for customary institutions to become legal entities and beneficiaries of carbon funds in the ERP area within the 13 districts where the majority are indigenous communities

ENDNOTES

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- ⁷ https://en.wikipedia.org/wiki/Chitwan_District.
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- ¹⁸ <https://www.un.org/esa/forests/wp-content/uploads/2019/12/Nepal.pdf>.
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- ²⁰ https://www.forestcarbonpartnership.org/system/files/documents/final_bsp_nepal_june_2022_0.pdf.
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- ²² <http://redd.gov.np/post/nepal-national-redd-strategy-2018>.
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Authors Biography



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Akanisi is an indigenous Fijian and a devout Christian who has a keen interest in re-examining interpretations of biblical texts that are often used to justify the oppression of women.



The ERP projects and activities mentioned in the reports are largely geared towards forest conservation, such as tree planting, nursery, apiary, and the like. Projects that address women's practical needs include those that relate to food security, such as goat dispersal, sanitation projects, seedling dispersal, school buildings for their children's education, among others. However, none of the reports cited projects that seek to address the strategic needs of women, which should have addressed the subordinate position of women. Indigenous Women respondents have expressed their yearning to be trained to enable them to effectively participate in decision making structures and processes — a strategic gender need.

