



April 2, 2021

To: ART Secretariat, Winrock International
From: Rights and Resources Group, Secretariat for the RRI Coalition
Subject: Comments on the TREES Standard version 2.0

Dear ART Secretariat,

We wish to thank the Architecture for REDD+ Transactions (ART) Secretariat for the opportunity to review and comment on The REDD+ Environmental Excellence Standard (TREES).

Consistent with the mission of the [Rights and Resources Initiative](#), the following observations focus specifically on factors related to the rights of Indigenous Peoples, Local Communities, and Afro-Descendant Peoples, and their implications for the realization of intended social and environmental outcomes, including planned emission reductions and removals.

1. Jurisdictional Approach

Jurisdictional approaches have the potential of promoting government accountability for the realisation of public goods at multiple scales, but they also have the potential of incentivising government capture of both ERR rights and results-based payments.

Considering that:

- More than [1 billion people](#) live in and depend on the world's tropical forests;
- Nearly [3 million people live in lands targeted for tropical forest restoration](#);
- Over [900 million people live in important biodiversity areas](#) of low and middle income countries;
- At least [64 percent \(631 mha out of a total of 986.7 mha\) of Indigenous, local community, and Afro-descendant lands have yet to be recognized](#) in 27 tropical forest countries that account for 80 percent of the total land area in FCPF participant countries;
- Few [REDD+ participant countries](#) have operational benefit sharing plans, grievance redress mechanisms, or the requisite legal frameworks to support trade in carbon;
- The vast majority of countries targeted for engagement in REDD+ transactions exhibit both high levels of [corruption](#) and weak adherence to the [rule of law](#);
- The pace of violence and criminalization of [land and environmental defenders](#) shows no signs of abating and abuses triggered by [pandemic-related economic recovery plans](#) are increasing across the global south; and

- That “*specific requirements for traditional project-level safeguards such as formal grievance processes or benefit sharing plans are not prescribed*” for TREES (p. 46. Section 2.4).

The Standard, as currently formulated, fails to address the strong likelihood of accelerated land grabs, increased human rights violations, stifled recognition of community land and resource rights, and diminished long term social, economic and ecological benefits for Indigenous Peoples, local community and Afro-descendant Peoples.

To confidently advance emission reductions under the proposed architecture, governments must imperatively be required to: (i) scale-up the legal recognition of the customary land and resource rights of forest communities—including the carbon stored therein—across proposed accounting areas; (ii) develop operational feedback and grievance redress mechanisms; (iii) adequately involve affected constituencies in the design of benefit sharing plans; and (iv) secure the free, prior and informed consent of all affected communities and associated legal transfer of ERR rights.

2. Emission reduction and removal rights

TREES underscores Participant’s obligations to demonstrate clear ownership of rights to ERRs to be issued by ART (p.72), or how such rights will be obtained in accordance with domestic law or arrangements with landowners / resource rights holders. However, provisions for the recognition, inventorying, mapping and security of the customary and statutory land and resource rights of Indigenous Peoples and local communities (Theme 2.3) stop short of calling for the legal recognition of their associated carbon rights.

As demand for land-based offsets and emission reductions increases, so will incentives for the nationalization of carbon rights and associated emission reductions. Therefore, to ensure transparent REDD+ transactions and secure equitable returns for forest communities, participant countries should be required to formally recognize the legal and customary rights of communities as legitimate landowners and holders of all associated ERRs rights and/or demonstrate how such rights were legally, openly and transparently obtained.

3. Social and environmental benefits

Proposed indicators for the realization of social and environmental benefits (Theme 5.3, p.55) are limited to the demonstration of procedural requirements. Critically, they offer no articulated means of measuring change in baseline conditions over time, nor any qualifying metrics for assessing improvements in the social and environmental wellbeing of affected communities and accounting areas, the long-term viability of proposed benefits, or the social and environmental sustainability of proposed interventions.

To be effective and equitable, benefit sharing plans must be developed in close collaboration with, and the free, prior and informed consent of, those affected by proposed interventions. Like ERR credits, the realization of social and environmental benefits requires an assessment of baseline conditions, clear goals and measurable progress indicators to monitor and support actions towards results, including dedicated channels to voice and obtain redress for grievances.

4. Participation of Indigenous Peoples and Local Communities

Beyond the need to recognize and respect the rights of Indigenous Peoples and local communities in the context of the Cancun Safeguards, effective and meaningful participation of Indigenous Peoples and

local communities in the decisions that will affect both their rights and their social, economic and environmental wellbeing remains largely aspirational and undefined across nearly all components of the ART-TREES cycle.

Drawing on experiences from the past decade, the transparent, effective and equitable involvement of communities cannot be limited to consultations and safeguards. Meaningful engagement and participation of IPLCs should be provided for across all relevant ART-TREES requirements, including validation, verification, monitoring and reporting processes.

While ART-TREES holds promise for the advancement of climate ambitions at scale, failure to adequately consider the rights of communities that customarily own and manage most if not all of the designated accounting areas for poses considerable risk risks for the realization of equitable and sustained emission reductions and removals.

We hope these comments and observations will support the Secretariat's efforts to raise ambitions and strengthen the pursuit of climate actions on the basis of equity, and in the context of sustainable development and poverty eradication.

Best regards,

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