

REDD+ Application in Southeast Asia: Legal Challenges and Indigenous Peoples' Rights in Climate Change Mitigation

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Abstract

Indigenous peoples, whose cultural and ecological connections to forests are profound, are disproportionately affected by climate change and related mitigation initiatives, including REDD+ (Reducing Emissions from Deforestation and Forest Degradation). This study critically examines the protection of Indigenous peoples' rights in REDD+ application across Southeast Asia, with particular attention to disparities in legal recognition, stakeholder engagement, and the application of Free, Prior, and Informed Consent (FPIC). Employing a doctrinal legal research methodology, the analysis draws on primary sources—such as international treaties, national constitutions, statutory regulations, and REDD+ strategies—and secondary sources, including UN and FAO reports, to evaluate both legal frameworks and practical safeguards. The findings indicate that while some countries (e.g., Indonesia, the



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Philippines, Cambodia, and Myanmar) formally recognize Indigenous peoples, participation mechanisms and FPIC enforcement remain limited; others (e.g., Malaysia, Thailand, Vietnam, and Laos) lack explicit recognition, leaving significant gaps in rights protection. The study concludes that effective REDD+ application requires harmonized treaty interactions, strengthened domestic safeguards, and the integration of Indigenous worldviews into policymaking. It recommends inclusive, rights-based approaches that position Indigenous communities as active partners, promoting both ecological sustainability and social justice.

KEYWORDS REDD+, *Indigenous peoples*, *FPIC*, *Southeast Asia*, *Nationally Determined Contributions*.

Introduction

Climate change poses one of the most complex challenges to contemporary international law, which links environmental protection, human rights, and sustainable development.¹ Forests play a pivotal role in this context, functioning as major carbon sinks that regulate global greenhouse gas (GHG) concentrations. Yet, land-use changes, particularly deforestation, account for nearly 10 percent of global GHG emissions, underscoring the need for effective forest governance mechanisms.² For more than 476 million Indigenous peoples worldwide, forests are not merely ecological assets but the foundation of cultural identity, spirituality, and livelihood.³ Therefore, the degradation of forest ecosystems and climate change mitigation efforts will pose significant risks to their collective rights and traditional ways of life if poorly implemented.

To address deforestation and forest degradation, the United Nations Framework Convention on Climate Change (UNFCCC) established the REDD+ mechanism (Reducing Emissions from Deforestation and Forest

¹ Zulkifli Aspan et al., "Strengthening Local Wisdom in Coastal Climate Resilience in Southeast Asia," *International Law Discourse in Southeast Asia* 4, no. 2 (2025): 1–47, <https://doi.org/10.15294/ildisea.v4i2.31665>.

² Lidong Li et al., "Global Land Use Change and Its Impact on Greenhouse Gas Emissions," *Global Change Biology* 30, no. 12 (2024): 1–9, <https://doi.org/10.1111/gcb.17604>.

³ Liliana Lizarazo-Rodriguez, Alice Lopes Fabris, and Doreen Montag, "Indigenous Peoples As Trustees of Forests: A Bio-Socio-Cultural Approach to International Law," *International Environmental Agreements: Politics, Law and Economics* 25, no. 1 (2025): 145–70, <https://doi.org/10.1007/s10784-024-09654-w>.

Degradation, and the Role of Conservation, Sustainable Management of Forests, and Enhancement of Forest Carbon Stocks in Developing Countries).⁴ REDD+ embodies the principle of Common but Differentiated Responsibilities (CBDR), enabling developing countries to contribute to global emission reductions with financial support from developed nations.⁵ However, while REDD+ has become a cornerstone of global climate mitigation efforts, its market-based structure and reliance on carbon credits raise critical concerns about the rights of Indigenous peoples whose territories often overlap with REDD+ project areas.⁶ Safeguard measures such as Free, Prior, and Informed Consent (FPIC) were designed to address these risks, but their implementation has been inconsistent and, in many cases, superficial.⁷

Previous studies have examined these dynamics. Larson and Petkova highlighted the political and institutional barriers that hinder effective Indigenous participation in REDD+ policy processes.⁸ Pham Thu Thuy et al analyzed REDD+ governance in Vietnam and found that while participatory frameworks exist on paper, local communities are rarely empowered to influence decision-making.⁹ Meanwhile, Rajamani emphasized the legal ambiguities surrounding the integration of human rights safeguards in climate mechanisms under the Paris Agreement.¹⁰ Collectively, these studies demonstrate the persistent gap between international commitments and domestic implementation. However, they tend to focus either on global law and policy coherence or on individual country case studies, without providing a comparative legal assessment of

⁴ Jewel Andoh and Yohan Lee, “National REDD+ Strategy for Climate Change Mitigation: A Review and Comparison of Developing Countries,” *Sustainability (Switzerland)* 10, no. 12 (2018): 1–17, <https://doi.org/10.3390/su10124781>.

⁵ Sébastien Jodoin and Sarah Mason-Case, “What Difference Does CBDR Make? A Socio-Legal Analysis of the Role of Differentiation in the Transnational Legal Process for REDD+,” *Transnational Environmental Law* 5, no. 2 (2016): 255–84, <https://doi.org/10.1017/S2047102516000182>.

⁶ Jodoin and Mason-Case.

⁷ Kathryn Tomlinson, “Indigenous Rights and Extractive Resource Projects: Negotiations Over the Policy and Implementation of FPIC,” *International Journal of Human Rights* 23, no. 5 (2019): 880–97, <https://doi.org/10.1080/13642987.2017.1314648>.

⁸ Anne M. Larson and Elena Petkova, “An Introduction to Forest Governance, People and REDD+ in Latin America: Obstacles and Opportunities,” *Forests* 2, no. 1 (2011): 86–111, <https://doi.org/10.3390/f2010086>.

⁹ Thu Thuy Pham et al., “Participation and Influence of REDD+ Actors in Vietnam, 2011–2019,” *Global Environmental Change* 68, no. July 2020 (2021): 2011–19, <https://doi.org/10.1016/j.gloenvcha.2021.102249>.

¹⁰ Lavanya Rajamani, “Integrating Human Rights in the Paris Climate Architecture: Contest, Context, and Consequence,” *Climate Law* 9, no. 3 (2019): 180–201, <https://doi.org/10.1163/18786561-00903003>.

how Indigenous peoples' rights are operationalized within national REDD+ frameworks across Southeast Asia.

Unlike sociopolitical or anthropological studies that focus on community dynamics or power relations, this article advances a legal analysis by interrogating how international climate obligations, human rights standards, and domestic legal frameworks interact to produce enforceable—or non-enforceable—protections for Indigenous peoples within REDD+ implementation in Southeast Asia. This article seeks to fill this gap by analyzing REDD+ implementation in Southeast Asian countries through a doctrinal legal lens. This study places the broader interaction between international treaty regimes on climate change, human rights, and finance in perspective. The novelty of this research lies in its regional comparative approach, which examines the extent to which the protection of Indigenous peoples' rights has been incorporated into Nationally Determined Contributions (NDCs) and REDD+ strategies, and how institutional fragmentation affects these efforts. By integrating doctrinal and comparative legal analysis, this study contributes to the ongoing scholarly discourse on aligning environmental governance with human rights obligations in developing regions.

This study aims to: (1) examine the development and legal foundations of REDD+ under international law; (2) assess how Southeast Asian countries implement REDD+ within their national legal frameworks; and (3) identify the main challenges in protecting Indigenous peoples' rights, particularly regarding FPIC and participatory mechanisms. This article is structured as follows. First, discusses climate change mitigation through forest management and the protection of Indigenous peoples' rights, focusing on the evolution and safeguards of the REDD+ mechanism. Second, analyzes REDD+ implementation across Southeast Asian countries based on their NDCs and national legal frameworks. Third, evaluates the challenges posed by the fragmentation of international law and reflects on the need to incorporate Indigenous worldviews into global environmental governance. Finally, the conclusion synthesizes key findings and proposes recommendations to enhance legal coherence and protect Indigenous rights in future climate initiatives.

This study adopts a doctrinal legal research methodology to critically examine the interactions between international climate change frameworks, forest management mechanisms, and the protection of indigenous peoples' rights in Southeast Asia. The research is grounded in doctrinal analysis of both primary and secondary legal sources to identify the doctrinal principles, obligations, and institutional structures

underpinning REDD+ implementation. Primary sources include multilateral treaties such as the UNFCCC, the Kyoto Protocol, and the Paris Agreement; national constitutions; statutory regulations; and national REDD+ strategies. Secondary sources comprise policy reports and guidelines from international organizations, including the UN-REDD Programme, FAO, and the Forest Carbon Partnership Facility (FCPF). Data were collected from journal articles, books, official websites, and various documents that specifically address indigenous peoples' rights, FPIC, stakeholder engagement mechanisms, and REDD+ implementation, thereby enabling a comprehensive evaluation of both the legal frameworks and the practical safeguards. All data is analyzed through the stages of identification, classification, interpretation, and evaluation of the legal materials obtained.

Climate Change Measures through Forest Management and the Protection of Indigenous Peoples' Rights

A. The Development and Significance of the REDD+ Mechanism

REDD+ is a mechanism implemented in developing countries for forest management, supported by financial contributions from developed nations. It is regarded as a system based on the principle of Common but Differentiated Responsibilities (CBDR), recognizing both the shared responsibility of all countries in ensuring sustainable forest management and the differences in their capacities to implement such measures. Since the late 1980s, reducing tropical deforestation rates has been identified as an important strategy for mitigating climate change.¹¹ Based on Article 4(1d) of the UNFCCC, all Parties are obligated, in accordance with the CBDR principle, to promote the sustainable management of GHG sinks and reservoirs (such as forests), to encourage their conservation (and enhancement where appropriate), and to cooperate in these efforts.

However, this Convention itself does not impose specific obligations on Parties to carry out concrete forest management or conservation activities. Moreover, under Article 3 of the Kyoto Protocol, developing countries were not assigned legally binding mitigation targets, and

¹¹ Frances Seymour and Nancy L. Harris, "Reducing Tropical Deforestation," *Science* 365, no. 6455 (2019): 756–57, <https://doi.org/10.1126/science.aax8546>.

emission reductions from forestry activities were excluded from its framework.

REDD+ was developed from a joint proposal by Papua New Guinea and Costa Rica at the 11th Conference of the Parties (COP) in 2005, following further discussions under the Subsidiary Body for Scientific and Technological Advice (SBSTA).¹² This initiative marked a shift from the initial dichotomy between developed and developing countries within the UNFCCC framework to a stronger recognition that global warming is a shared responsibility of the entire international community. It also reflected the emergence of voluntary action tailored to the capacities and circumstances of developing countries.¹³

After the REDD+ framework was established, related provisions were incorporated into Article 4 of the Paris Agreement, establishing a concrete role for developing countries in addressing climate change.¹⁴ This initiative marked a shift from the initial dichotomy between developed and developing countries within the UNFCCC framework to a stronger recognition that global warming is a shared responsibility of the entire international community. This is a collective effort shared by all Parties to the UNFCCC.

B. Safeguard Measures

The 2010 Cancun Agreement, adopted at the 16th COP, stipulated that REDD+ would be implemented in three phases: national strategy development, policy and action implementation, and results-based activities.¹⁵ This requires developing countries implementing REDD+ activities to develop national strategies or action plans, reference emission levels, national forest monitoring systems, and safeguard information systems.

Furthermore, the agreement also requires national strategies and action plans to address the drivers of deforestation and forest degradation, land rights issues, forest governance, gender considerations, and the

¹² Patrick Martin, "The Changing Climate of Development: REDD + in Papua New Guinea" (University of New South Wales, 2020), <https://scholar.archive.org/work/zdfnpznednht7lc7j5uepv4jpy/access/wayback/https://repository.unsw.edu.au/server/api/core/bitstreams/a5826dbb-d8cd-4946-a980-7bc4067eb700/content>.

¹³ Martin.

¹⁴ Marie Claire Cordonier Segger, "Advancing the Paris Agreement on Climate Change for Sustainable Development," *Cambridge International Law Journal* 5, no. 2 (2016): 202–37, <https://doi.org/10.4337/cilj.2016.02.03>.

¹⁵ Sarah L. Nash, "From Cancun to Paris: An Era of Policy Making on Climate Change and Migration," *Global Policy* 9, no. 1 (2018): 53–63, <https://doi.org/10.1111/1758-5899.12502>.

implementation of safeguards.¹⁶ To manage potential risks arising from the implementation of the REDD+ mechanism, seven safeguard measures were established:¹⁷ (1) actions that complement or are consistent with national forest programs and relevant international conventions; (2) transparent and effective national forest governance structures, taking into account national legislation and sovereignty; (3) respect for the knowledge and rights of Indigenous Peoples and local communities, considering international obligations, national circumstances, and laws, and with due regard to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); (4) the full and effective participation of relevant stakeholders, particularly Indigenous Peoples and local communities; (5) actions that are not used for the conversion of natural forests but instead enhance incentives for the protection and conservation of natural forests and their ecosystem services, and that are consistent with the conservation of natural forests and biodiversity, while promoting other social and environmental benefits; (6) measures to address the risk of reversals; and (7) measures to reduce the displacement of emissions.

Although the Cancun Agreements do not explicitly define the content of FPIC, elements closely related to it are found in points (3) and (4). The former, by calling for attention to the adoption of the UN Declaration on the Rights of Indigenous Peoples, indirectly incorporates the principle of FPIC.

C. Fragmentation of Norms Concerning the Protection of Indigenous Peoples' Rights

One of the international organizations supporting the design of REDD+ projects is the UN-REDD Programme (hereinafter referred to as UN-REDD), which was established in 2008 by the FAO (Food and Agriculture Organization), UNDP (United Nations Development Programme), and UNEP (United Nations Environment Programme).¹⁸ Although the 16th COP does not directly assign mandates to UN-REDD through its decisions, it encourages relevant organizations and institutions

¹⁶ Rita Gebert, "Policy, Laws and Regulations and the UNFCCC Cancun Safeguards : Frameworks and Gaps in the Lao PDR," 1st ed. (Bonn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2015), https://www.giz.de/de/downloads/2015-LaoPDR_PLR-Gap-Analysis_FINAL.pdf.

¹⁷ Gebert.

¹⁸ Mucahid Mustafa Bayrak and Lawal Mohammed Marafa, "Ten Years of REDD+: A Critical Review of the Impact of REDD+ on Forest-Dependent Communities," *Sustainability (Switzerland)* 8, no. 7 (2016): 1–22, <https://doi.org/10.3390/su8070620>.

to support REDD+ activities.¹⁹ Because UN-REDD operates in accordance with COP-related decisions, the two maintain a close relationship.²⁰ UN-REDD is governed by a Policy Board that has developed key documents, including guidelines for implementing FPIC during the preparation and implementation of REDD+ activities. In conducting REDD+ projects, UN-REDD is committed to upholding FPIC as stipulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).²¹

FAO, one of the founding agencies of the UN-REDD Programme, plays a key role throughout the REDD+ process—from facilitating national consultations on REDD+ strategies and supporting community participation in on-the-ground implementation to monitoring the outcomes of specific REDD+ activities.²² These efforts aim to strengthen the contributions of local communities, small-scale farmers, and indigenous peoples. With regard to FPIC, the FAO emphasizes that the terms of agreements should include provisions allowing for the withdrawal of consent, stating that “consent may be withdrawn at any stage after it has been given.”²³ Moreover, FAO underscores that the essence of FPIC lies in “enabling negotiation over the conditions for project design, implementation, monitoring, and evaluation.” The focus on the negotiation of such conditions in the formulation and implementation process indicates that FPIC is not merely intended to ensure indigenous peoples’ participation but also to allow flexibility in the form that participation takes.²⁴ Therefore, FPIC carries significant normative value as a standard of conduct for state authorities.

The Forest Carbon Partnership Facility (FCPF), established under the International Bank for Reconstruction and Development (IBRD) of

¹⁹ Mareike Well and Astrid Carrapatoso, “REDD+ Finance: Policy Making in the Context of Fragmented Institutions,” *Climate Policy* 17, no. 6 (2017): 687–707, <https://doi.org/10.1080/14693062.2016.1202096>.

²⁰ Feja Lesniewska, “UNFCCC REDD COP Decisions: The Cumulative Effect on Forest Related Law Processes,” *International Community Law Review* 15, no. 1 (2013): 103–21, <https://doi.org/10.1163/18719732-12341244>.

²¹ Abhishek Trivedi, “Implementing REDD+ Safeguards and Protecting the Rights of Tribal and Forest Communities in India: With Special Emphasis on the Principle of Free, Prior, and Informed Consent,” *Jindal Global Law Review* 16, no. 1 (2025): 179–216, <https://doi.org/https://doi.org/10.1007/s41020-025-00264-4>.

²² Soukphavanh Sawathvong, Kimihiko Hyakumura, and Taiji Fujisaki, “Stakeholder Participation in REDD+ Program: The Case of the Consultation Process in Laos,” *Land* 13, no. 8 (2024): 1–20, <https://doi.org/10.3390/land13081137>.

²³ FAO, “Free, Prior and Informed Consent: An Indigenous Peoples’ Right and A Good Practice for Local Communities-Manual for Project Practitioners” (Rome, 2016), <https://openknowledge.fao.org/server/api/core/bitstreams/8a4bc655-3cf6-44b5-b6bb-ad2aeede5863/content>.

²⁴ FAO.

the World Bank Group, provides assistance to developing countries in accordance with the Bank's operational policies and procedural frameworks.²⁵ Within the context of REDD+ and its engagement with Indigenous Peoples, participating countries are required to comply with the World Bank's Operational Policy 4.10 (OP 4.10) and Bank Procedure 4.10 (BP 4.10), both revised in 2013.²⁶ The operational principles of the FCPF underscore the importance of maintaining coherence with the "guidance of the UNFCCC on REDD+," thereby indirectly reinforcing the principles embodied in the UNDRIP.²⁷ Beyond the FCPF, international support for the design and implementation of REDD+ initiatives is also facilitated through bilateral credit mechanisms, such as the Joint Crediting Mechanism (JCM), including activities under JCM-REDD+.²⁸ Nevertheless, the diversity of institutions involved in REDD+ readiness and implementation has led to considerable variation in the application of safeguard measures pertaining to the protection of Indigenous Peoples' rights, including the principle of FPIC. Consequently, these safeguards operate within a fragmented and uneven institutional framework.

REDD+ Implementation in Southeast Asia Countries

A. Countries Whose NDCs Exclude the Engagement Form but Contain References to Indigenous Peoples

In the Nationally Determined Contributions (NDCs) submitted by the Parties to the Paris Agreement, 83% of countries refer to mitigation activities related to land use, land-use change, and forestry, including

²⁵ Independent Evaluation Group, *The Forest Carbon Partnership Facility*, 6th ed. (Washington, D.C.: World Bank Publications, 2012).

²⁶ Julia Dehm, "Indigenous Peoples and REDD+ Safeguards: Rights As Resistance or As Disciplinary Inclusion in the Green Economy?," *Journal of Human Rights and the Environment* 7, no. 2 (2016): 170–217, <https://doi.org/10.4337/jhre.2016.02.01>.

²⁷ Margaret A. Young, "REDD+ and Interacting Legal Regimes," in *Research Handbook on REDD-Plus and International Law*, ed. Christina Voigt (Cheltenham: Edward Elgar Publishing Limited, 2016), 89–125, <https://doi.org/https://doi.org/10.4337/9781783478316.00017>.

²⁸ Makino Yamanoshita, Hiromitsu Samejima, and Henry Scheyvens, "Japan's New Initiative for REDD+ Results-Based Financing: Opportunities and Challenges," *Global Environmental Research* 21, no. 2 (2017): 47–52.

REDD+.²⁹ In response to the Conference of the Parties (COP) 's request, a "reporting template to enhance the clarity, transparency, and understanding of NDCs" was developed.³⁰ However, this template does not explicitly require the inclusion of information on human rights-related issues. Nevertheless, the Implementation Guidelines of the Paris Agreement identify "the involvement of indigenous peoples," among other elements, as essential information to be included when submitting NDCs.³¹

Specifically, Section 4, entitled "Planning Processes," requests that Parties report on the planning processes undertaken in preparing their NDCs and, where applicable, on their implementation plans. These processes are expected to encompass the establishment of domestic institutional frameworks, public participation, and engagement with local communities and indigenous peoples. This section (hereinafter referred to as the "engagement form"), therefore, calls for an explanation of how public participation and the "involvement" of indigenous peoples are incorporated into the NDC formulation process.³²

However, the guidelines contain a reservation clause, stipulating that such information should be provided only "if available" and "as appropriate." Consequently, Parties are not necessarily required to provide a detailed explanation regarding the involvement of indigenous peoples.³³

As noted above, all Southeast Asian member states except Brunei and Singapore have adopted REDD+.³⁴ However, among the countries implementing REDD+, none have included the "engagement form" in their NDCs, nor have they provided explanations concerning indigenous peoples within that section.

Accordingly, the following analysis is structured as follows: (1) countries whose NDCs do not include the engagement form but make reference to indigenous peoples, namely, Indonesia, Cambodia, Myanmar,

²⁹ Jonas Hein et al., "Deforestation and the Paris Climate Agreement: An Assessment of REDD + in the National Climate Action Plans," *Forest Policy and Economics* 90, no. January (2018): 7–11, <https://doi.org/10.1016/j.forpol.2018.01.005>.

³⁰ Anik Kohli, "Making Sense of Transparency and Review in the Paris Agreement," *Yearbook of International Environmental Law* 26, no. 1 (2015): 46–67, <https://doi.org/10.1093/yiel/yvx005>.

³¹ Kanika Jamwal, "The Need to Include Indigenous Peoples As 'Expert' Consultants in India's Apex Committee for Implementation of the Paris Agreement," *Environmental Law Review* 23, no. 3 (2021): 203–209, <https://doi.org/https://doi.org/10.1177/14614529211041723>.

³² UNFCCC, "Further Guidance in Relation to the Mitigation Section of Decision 1/CP.21" (2018).

³³ Handa Abidin, "The Rights of Indigenous Peoples in Nationally Determined Contributions," *International Human Rights Law Review* 12, no. 1 (2023): 90–111, <https://doi.org/https://doi.org/10.1163/22131035-12010006>.

³⁴ ASEAN, "ASEAN State of Climate Change Report," vol. 1 (Jakarta, 2021), https://environment.asean.org/public/uploads/repositories/20230529-ASCCR-e-publication-Correction_8-June-%281%29.pdf

and the Philippines; (2) countries whose NDCs include the engagement form but do not provide explicit explanations regarding indigenous peoples, namely Malaysia and Thailand; and (3) countries whose NDCs neither include the engagement form nor make any reference to indigenous peoples—namely Vietnam and Laos. Based on this categorization, this below section examines the NDCs and REDD+-related documents of these countries to assess their status and identify common challenges to the protection of indigenous peoples' rights within the ASEAN region.

1. *Indonesia*

In Indonesia, it is estimated that between 50 and 70 million indigenous peoples live across the country.³⁵ The Indonesian Constitution in Article 18B(2) recognizes the existence of indigenous peoples and respects their traditional rights. However, for a community to be officially recognized as indigenous, it must first be acknowledged as such under the relevant local laws within the country.³⁶

Indonesia's NDC sets a GHG emission reduction target of 31.89% by 2030 compared to 2010 levels, with REDD+, including peatland management, playing a central role in achieving this objective.³⁷ In accordance with the Paris Agreement, the NDC underscores the importance of respecting, promoting, and considering human rights obligations, including those pertaining to *Adat* (customary) communities. Furthermore, through the "Social Forestry Program," which aims to promote sustainable forest management at the community level, the NDC emphasizes the need to strengthen indigenous communities' participation in social forestry development processes.³⁸ However, it does not explicitly address the rights of indigenous peoples in the context of REDD+.

The 2012 National REDD+ Strategy referred to interactions with indigenous peoples and other stakeholders under the section titled "Inclusion/Stakeholder Engagement" and, throughout the strategy, demonstrated consideration for the protection of indigenous peoples'

³⁵ Chairul Fahmi, "The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia," *AlterNative* 20, no. 1 (2024): 157–66, <https://doi.org/10.1177/11771801241235261>.

³⁶ Adrian Nugraha, "Integrated Coastal Management in the Current Regional Autonomy Law Regime in Indonesia: Context of Community Engagement," *Australian Journal of Maritime and Ocean Affairs* 16, no. 4 (2024): 508–27, <https://doi.org/10.1080/18366503.2023.2283355>.

³⁷ Salsabila Zahra Maulidina and Renitha Dwi Hapsari, "Indonesia's Climate Diplomacy in Addressing Global Climate Change (2015–2023)," *The Indonesian Journal of Social Studies* 8, no. 1 (2025): 116–31.

³⁸ Hendra Gunawan et al., "Integrating Social Forestry and Biodiversity Conservation in Indonesia," *Forests* 13, no. 12 (2022): 1–27, <https://doi.org/10.3390/f13122152>.

rights.³⁹ However, the National REDD+ Strategy 2021–2030 mentions indigenous peoples only in the context of the Cancun Safeguards.⁴⁰ In Indonesia, the inadequate protection of rights during the implementation of REDD+ has been repeatedly highlighted.⁴¹ Furthermore, the Aliansi Masyarakat Adat Nusantara (AMAN)—an organization representing more than 2,400 indigenous communities comprising approximately 17 million people—has expressed concern that the government’s policy to promote social forestry may lead to the relinquishment of indigenous peoples’ traditional land rights by classifying such lands as state property.⁴² Nevertheless, neither Indonesia’s NDC nor its National REDD+ Strategy demonstrates a strong commitment to addressing these concerns or outlining concrete measures to resolve them.

Overall, Indonesia’s REDD+ framework reflects a paper tiger. Constitutional recognition and policy references to indigenous peoples exist, yet weak enforcement, conditional recognition mechanisms, and unresolved land tenure conflicts undermine effective rights protection in practice.

2. Cambodia

Cambodia is home to 22 indigenous groups distributed across 15 provinces, representing approximately 1.26% of the national population.⁴³ Although the Constitution of Cambodia does not explicitly mention “indigenous peoples,” it affirms respect for human rights as enshrined in the United Nations Charter, the Universal Declaration of Human Rights, and other international human rights treaties.⁴⁴ Article 31 of this Constitution guarantees equal rights for all Cambodian citizens regardless

³⁹ Ashley M. Enrici and Klaus Hubacek, “Challenges for REDD+ in Indonesia: A Case Study of Three Project Sites,” *Ecology and Society* 23, no. 2 (2018), <https://doi.org/10.5751/ES-09805-230207>.

⁴⁰ Andrea Gatto and Elkhana Richard Sadik-Zada, “REDD+ in Indonesia: An Assessment of the International Environmental Program,” *Environment, Development and Sustainability* 27, no. 2 (2024): 24045–60, <https://doi.org/10.1007/s10668-024-05368-w>.

⁴¹ Silvio Hermawan, Moch Faisal Karim, and Lena Rethel, “Institutional Layering in Climate Policy: Insights from REDD+ Governance in Indonesia,” *Forest Policy and Economics* 154, no. 1 (2023): 1–10, <https://doi.org/10.1016/j.forpol.2023.103037>; Gatto and Sadik-Zada, “REDD+ in Indonesia: An Assessment of the International Environmental Program.”

⁴² Marcus Colchester, Patrick Anderson, and Sophie Chao, *Assault on the Commons: Deforestation and the Denial of Forest Peoples’ Rights in Indonesia* (Moreton-in-Marsh: Forest Peoples Programme, 2014), <https://www.forestpeoples.org/publications-resources/reports/article/assault-on-the-commons-deforestation-and-the-denial-of-rights-in-indonesia/>.

⁴³ IWGIA, “The Indigenous World 2024: Cambodia,” Cambodia, accessed November 3, 2025, <https://iwgia.org/en/cambodia/5364-iw-2024-cambodia.html>.

⁴⁴ Esther Leemann, “Who Is the Community? Governing Territory Through the Making of ‘Indigenous Communities’ in Cambodia,” *Geoforum* 119, no. 1 (2021): 238–50, <https://doi.org/10.1016/j.geoforum.2019.10.014>.

of race, color, language, or religion. Moreover, Article 25 of the 2001 Cambodian Land Law recognizes citizens' rights to land ownership and stipulates that the State shall grant collective land rights to indigenous communities.

In its NDC, Cambodia provides only a broad description of indigenous peoples' involvement in private-sector events during the NDC update process.⁴⁵ It also enumerates and reports domestic laws that serve as the legal foundation for protecting indigenous peoples' rights, particularly those related to land ownership. With respect to REDD+, the NDC merely states that "indigenous peoples are protected under the National REDD+ Strategy," without offering any details on specific actions or implementation measures.⁴⁶

The National REDD+ Strategy, however, highlights the importance of ensuring the participation and engagement of indigenous peoples in both policy formulation and implementation processes.⁴⁷ Among its guiding principles, the strategy underscores the need to secure full and effective participation of stakeholders, including indigenous peoples and other vulnerable groups.⁴⁸ It further outlines the involvement of a consultative body composed of representatives from nine constituencies in the development of the National REDD+ Strategy.⁴⁹ Moreover, the strategy explicitly includes plans to involve indigenous peoples as members of the REDD+ technical team responsible for reviewing safeguard measures and related issues, thereby demonstrating a concrete effort to ensure their meaningful participation.

In addition, the *REDD+ Action and Investment Plan* stipulates that, prior to the implementation of REDD+, individual or collective land-related rights should be comprehensively recognized as "the rights to own, use, develop, and manage land, resources, and territories that have been traditionally owned, occupied, or otherwise used or acquired, even in the absence of formal legal title."⁵⁰ Moreover, the plan sets specific targets for

⁴⁵ Chaly Y, Karen F. Hytten, and Diane Pearson, "Community Forest Management and REDD+: Pathways to Effective Implementation, Livelihood Improvement, and Climate Change Adaptation in Cambodia," *Land* 14, no. 5 (2025): 1–26, <https://doi.org/10.3390/land14051122>.

⁴⁶ Y, Hytten, and Pearson.

⁴⁷ Pheakkdey Nguon et al., "Development of National REDD+ Strategy in Cambodia, Myanmar and Thailand," in *Development and Climate Change in the Mekong Region: Case Studies*, ed. Chayanis Krittasudthacheewa et al., 1st ed. (Selangor: Strategic Information and Research Development Centre, 2019), 91–114.

⁴⁸ The Kingdom of Cambodia, "National REDD+ Strategy 2017-2026" (Phnom Penh, 2017), https://redd.unfccc.int/files/20180813_national_redd_strategy_cambodia.pdf.

⁴⁹ Cambodia.

⁵⁰ REDD+ Task Force, "Action & Investment Plan for the Implementation of the National REDD+ Strategy of Cambodia" (Phnom Penh, 2020), <https://cambodia-redd.org/wp-content/uploads/2020/07/REDD-Action-Investment-Plan-Final-version-April-2020.pdf>.

the frequency and number of meetings with stakeholders, including indigenous peoples, while also taking into account legal rights related to land tenure and participation.⁵¹ However, no specific cases of disputes with indigenous peoples over land use under REDD+ have been reported, raising concerns that the potential adverse impacts of such policies may not be sufficiently disclosed or addressed.

Cambodia's REDD+ regime occupies an intermediate position but largely resembles a *paper tiger*, as progressive safeguards and participation provisions are articulated in policy instruments, while limited transparency and weak monitoring constrain their practical effectiveness.

3. Myanmar

In Myanmar, indigenous peoples comprise approximately 40% of the national population and inhabit about 60% of the country's land area.⁵² For indigenous peoples in Myanmar, the concept of indigeneity serves as a means to secure the specific rights and privileges they are entitled to, based on Myanmar's participation in international conventions such as the UN Declaration on the Rights of Indigenous Peoples.⁵³ The Constitution of Myanmar does not explicitly recognize indigenous peoples, and under Article 37, all land and natural resources are ultimately owned by the Union. Furthermore, as evidenced by the consistent use of the term "indigenous people" in the NDC, the collective rights of indigenous groups are not sufficiently acknowledged.⁵⁴

In its 2021 NDC submission, Myanmar set a target to reduce GHG emissions by 50% by 2030 relative to the 2005–2015 baseline period, contingent upon sufficient international assistance, primarily through forest-related initiatives.⁵⁵ The NDC also acknowledges the significant role of indigenous peoples in implementing both mitigation and adaptation measures. Specifically, it expresses an intention to engage

⁵¹ Makoto Ehara et al., "Allocating the REDD+ National Baseline to Local Projects: A Case Study of Cambodia," *Forest Policy and Economics* 129, no. 3 (2021): 1–17, <https://doi.org/10.1016/j.forpol.2021.102474>.

⁵² IWGIA, "The Indigenous World 2024: Myanmar," Myanmar, 2024, <https://iwgia.org/en/myanmar/5370-iw-2024-myanmar.html>.

⁵³ Michael R. Dunford, "Indigeneity, Ethnopolitics, and Taingyintha: Myanmar and the Global Indigenous Peoples' Movement," *Journal of Southeast Asian Studies* 50, no. 1 (2019): 51–67, <https://doi.org/10.1017/S0022463419000043>.

⁵⁴ Adam Simpson and Ashley South, "Evolving Climate Change Governance in Myanmar," in *Governing Climate Change in Southeast Asia: Critical Perspectives*, ed. Jens Marquardt, Laurence L. Delina, and Mattijs Smits, 1st ed. (New York: Routledge, 2021), 112–32, <https://doi.org/https://doi.org/10.4324/9780429324680>.

⁵⁵ Myanmar's Ministry of Natural Resources and Environmental Conservation, "Nationally Determined Contributions" (Naypyidaw, 2021), [https://unfccc.int/sites/default/files/NDC/2022-06/Myanmar Updated NDC July 2021.pdf](https://unfccc.int/sites/default/files/NDC/2022-06/Myanmar%20Updated%20NDC%20July%202021.pdf).

indigenous and ethnic communities in climate change adaptation activities with international support.⁵⁶ It recognizes the role of the Local Communities and Indigenous Peoples Platform (LCIPP), an international network composed of indigenous organizations from multiple countries.⁵⁷

Furthermore, the NDC identifies indigenous peoples as stewards of biodiversity, critical ecosystems, and species, and supports their environmentally sustainable practices in land and resource use and in the management of community conservation areas—efforts intended to contribute to forest conservation and REDD+ implementation.⁵⁸ With regard to adaptation, Myanmar also expresses its willingness to share the traditional knowledge and technologies of indigenous groups, such as the Intha people, through the LCIPP.⁵⁹

However, while the policy text refers to the principle of FPIC, it does so only in general terms without detailing its implementation.⁶⁰ It also fails to provide specific consideration for women's land rights.⁶¹ Although recognition of women's land rights varies across ethnic groups, women often lack formal ownership rights.⁶² As men frequently migrate from villages in search of employment, women tend to engage in agriculture and assume responsibility for forest management—highlighting the need to strengthen protections for women's land and forest rights.⁶³

The National REDD+ Strategy addresses the identification of the interests of indigenous peoples and women in relation to REDD+, as well as the potential roles they may play during the implementation process. Myanmar is currently establishing a national safeguard system for REDD+ in accordance with the Cancun Safeguards.⁶⁴ Although the NDC does not clearly outline concrete measures to protect the rights of

⁵⁶ Conservation.

⁵⁷ Jonathan Liljeblad, *Indigenous Identity, Human Rights, and the Environment in Myanmar: Local Engagement with Global Rights Discourses*, 1st ed. (London: Routledge, 2022), <https://doi.org/https://doi.org/10.4324/9781003133728>.

⁵⁸ Saturnino M. Borras, Jennifer C. Franco, and Zau Nam, "Climate Change and Land: Insights from Myanmar," *World Development* 129, no. 1 (2020): 1–11, <https://doi.org/10.1016/j.worlddev.2019.104864>.

⁵⁹ Liljeblad, *Indigenous Identity, Human Rights, and the Environment in Myanmar: Local Engagement with Global Rights Discourses*.

⁶⁰ Win Min Paing et al., "Skeletal Forest Governance' in Myanmar: The Interplays of Forestry Ideologies and Their Limitations," *Conservation* 5, no. 3 (2025): 1–22, <https://doi.org/10.3390/conservation5030031>.

⁶¹ Paing et al.

⁶² Hilary Oliva Faxon, "Securing Meaningful Life: Women's Work and Land Rights in Rural Myanmar," *Journal of Rural Studies* 76, no. 4 (2020): 76–84, <https://doi.org/10.1016/j.jrurstud.2020.03.011>.

⁶³ Faxon.

⁶⁴ Paing et al., "Skeletal Forest Governance' in Myanmar: The Interplays of Forestry Ideologies and Their Limitations."

indigenous peoples in its implementation, the development of this national safeguard system is anticipated. Continuous monitoring will be essential to evaluate its eventual impact on indigenous communities.

Myanmar's REDD+ framework demonstrates characteristics of a *paper tiger*, where policy-level acknowledgment of Indigenous roles contrasts sharply with the absence of concrete enforcement mechanisms, gender-sensitive protections, and legally operational FPIC procedures.

4. Philippines

In the Philippines, where indigenous peoples constitute approximately 12–15% of the national population (equivalent to about 12.5–17.8 million people), their recognition is explicitly affirmed in both the Constitution and the Indigenous Peoples' Rights Act (IPRA).⁶⁵ Article II, Section 22 of the Philippine Constitution provides that the State shall recognize and promote the rights of indigenous cultural communities within the framework of national unity and development. Meanwhile, Section 2 of the Philippine Indigenous Peoples' Rights Act states that the State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) as enumerated herein, within the framework of the Constitution. The NDC submitted in 2021 sets a target to reduce GHG emissions by 75% between 2020 and 2030 relative to a business-as-usual scenario.⁶⁶ Although it references forest protection and management, it does not outline specific REDD+ measures or provide detailed sectoral reduction targets.

While the NDC acknowledges the importance of indigenous peoples' participation and underscores the State's obligation to protect their rights, its references remain abstract and lack concrete implementation measures.⁶⁷ In contrast, the National Framework Strategy on Climate Change recognizes the importance of building partnerships with stakeholders, including indigenous peoples and other marginalized groups most vulnerable to the impacts of climate change, thereby reflecting

⁶⁵ Shivancee A Dolo, "Indigenous Peoples' Legislative Representation Through the Philippine Party-List System," *ASEAS: Advances in Southeast Asian Studies* 18, no. 2 (2025): 1–16, <https://doi.org/https://doi.org/10.14764/10.ASEAS-0130>.

⁶⁶ Climate Change Commission and DENR Climate Change Service, *Implementation Plan for The Republic of The Philippines Nationally Determined Contribution (NDC) 2020–2030* (Manila: Climate Change Commission, 2023), https://niccdies.climate.gov.ph/files/documents/The_Philippines-NDC_Implementation_Plan_-_072024.pdf.

⁶⁷ Antonio G M La Viña and Jayvy R Gamboa, "Making Space for Just Transition in Climate Change Legal Instruments: Philippine Nationally Determined Contributions from Paris to Glasgow, and Beyond," *Asia Pacific Journal of Environmental Law* 25, no. 1 (2022): 77–99, <https://doi.org/https://doi.org/10.4337/apjel.2022.01.04>.

greater consideration for the participatory rights of indigenous communities.⁶⁸

Section 3(g) of the Indigenous Peoples' Rights Act (IPRA) of 1997 defines FPIC as "the consensus of all members of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), determined in accordance with their customary laws and practices, free from external manipulation, interference, and coercion, and obtained after full disclosure of the intent and scope of the activity in a language and process understandable to the community." Section 7(c) of the same Act affirms the right of indigenous peoples to remain within their ancestral domains and stipulates that FPIC must be secured in exceptional cases where relocation is deemed necessary. Communities/Indigenous Peoples (ICCs/IPs), determined in accordance with their customary laws and practices, free from external manipulation, interference, and coercion, and obtained after full disclosure of the intent and scope of the activity in a language and process understandable to the community." Section 7(c) of this Act affirms the right of indigenous peoples to remain within their ancestral domains and stipulates that FPIC must be secured in exceptional cases where relocation is deemed necessary.

The *National REDD+ Strategy* acknowledges both the application and significance of FPIC, as established under the IPRA, within the context of REDD+.⁶⁹ However, it also recognizes that many indigenous communities remain marginalized and vulnerable to irresponsible REDD+ development.⁷⁰

An evaluation study conducted in 2014 on the implementation of FPIC found that more than half of the analyzed cases followed the FPIC guidelines and procedures adequately.⁷¹ Nevertheless, the study identified several challenges, including insufficient provision of information to affected communities, the deliberate emphasis on project benefits over potential environmental impacts, and inadequate monitoring or documentation of FPIC-related violations.⁷²

⁶⁸ Emily C. Nabong et al., "Climate Change Adaptation Priority Strategies in the Philippines: Differences Between Local Government Decision Makers and Marginalized Coastal Communities," *Environmental Engineering Science* 38, no. 5 (2021): 367–376, <https://doi.org/https://doi.org/10.1089/ees.2020.0285>.

⁶⁹ Mary Ann Manahan, "Grounding REDD+ as Democratization of Environmental Policy? Insights and Lessons from the Philippines," *Environmental Justice* 17, no. 6 (2024): 395–403, <https://doi.org/https://doi.org/10.1089/env.2022.0010>.

⁷⁰ Mary Ann Manahan.

⁷¹ Sarah Rotz, "REDD'ing Forest Conservation: The Philippine Predicament," *Capitalism, Nature, Socialism* 25, no. 2 (2014): 43–59, <https://doi.org/10.1080/10455752.2013.862837>.

⁷² Rotz.

The Philippines presents a qualified paper tiger. Despite one of the strongest statutory bases for Indigenous rights and FPIC in the region, persistent implementation gaps, information asymmetries, and monitoring deficiencies weaken legal efficacy.

B. Countries Whose NDCs Exclude the Engagement Form but Contain References to Indigenous Peoples

1. Malaysia

In Malaysia, approximately 11% of the national population of about 32.4 million consists of indigenous peoples.⁷³ As a federal state composed of thirteen constituent states, authority over land and forest management rests with the respective state governments. While the states of Sabah and Sarawak demonstrate some recognition of indigenous customary land rights, most states on the Malay Peninsula provide little to no guidance on indigenous land tenure.⁷⁴

Malaysia's NDC sets a target of reducing GHG emissions by 45% by 2030 compared to 2005 levels.⁷⁵ Although it includes a framework for stakeholder engagement, the NDC makes no reference to the relationship between indigenous land rights and climate change mitigation or adaptation measures.⁷⁶

The National REDD+ Strategy underscores the importance of empowering indigenous peoples and local communities for biodiversity conservation, while emphasizing their roles in forest and natural resource management.⁷⁷ Indigenous organizations in the country have voiced concerns about insufficient recognition of FPIC, participation opportunities—particularly for women and youth—land rights, and

⁷³ Ismafatun Nabilah Ismail et al., "Planning for Quality of Life: An Assessment of Indigenous Communities in Malaysia," *Planning Malaysia* 22, no. 1 (2024): 184–93, <https://doi.org/10.21837/pm.v22i30.1433>.

⁷⁴ Isabel Inguanzo, "Autonomy of Indigenous Peoples in the Federation of Malaysia: A Tale of Three Institutional Settings," *Territory, Politics, Governance* 12, no. 5 (2024): 591–609, <https://doi.org/10.1080/21622671.2022.2056077>.

⁷⁵ Thirupathi Rao et al., "Modelling the Social Cost of Carbon for Malaysia," *Carbon Research* 4, no. 1 (2025), <https://doi.org/10.1007/s44246-024-00182-5>.

⁷⁶ Evgeny Guglyuvatyy, "Indigenous Engagement Challenges and Carbon Mitigation Activities in Malaysian Forest Policy," *Frontiers in Forests and Global Change* 7, no. 3 (2024): 1–6, <https://doi.org/10.3389/ffgc.2024.1362330>.

⁷⁷ W-Y. Liu, J.-L. Yap, and C.-C. Lin, "Balancing Conservation and Development: A Review of Navigating Malaysian Forest Policies and Initiatives," *International Forestry Review* 26, no. 3 (2024): 306–27, <https://doi.org/https://doi.org/10.1505/146554824839071607>.

traditional knowledge in climate change policies and strategies.⁷⁸ A key challenge persists: the lack of concrete measures to address indigenous peoples' participation in the NDC and related policy documents.

Malaysia's REDD+ framework approaches a legal void with respect to indigenous peoples, as stakeholder engagement mechanisms exist procedurally but lack explicit recognition, enforceable safeguards, and meaningful incorporation of customary land rights.

2. Thailand

In Thailand, approximately 6.1 million people—representing about 9.68% of the national population—are indigenous peoples.⁷⁹ Section 66 of the Thai Constitution recognizes community interests in land and resource management and provides for the protection of related rights. Although the draft Constitution initially included references to the “protection of indigenous peoples and ethnic groups,” the term “indigenous peoples” was ultimately removed from the final version, and their existence remains officially unacknowledged.⁸⁰

The NDC submitted in 2022 sets a target to reduce GHG emissions by 30% by 2030 relative to a business-as-usual scenario.⁸¹ Although this target does not include the land use, land-use change, and forestry sectors, it aims to increase the country's forest cover to 55% by 2037.⁸² Efforts to expand forest cover could potentially affect the rights of forest-dependent populations, including indigenous peoples. However, neither the NDC nor the Long-Term Climate Change Master Plan (2015–2050) addresses the role of indigenous communities in implementing these initiatives.⁸³

The Long-Term Climate Change Master Plan (2015–2050) asserts that stakeholder participation was ensured during its formulation. However, this assertion has been challenged, with some noting that

⁷⁸ Guglyuvatyy, “Indigenous Engagement Challenges and Carbon Mitigation Activities in Malaysian Forest Policy.”

⁷⁹ IWGIA, “The Indigenous World 2024: Thailand,” Thailand, 2024, <https://iwgia.org/en/thailand/5374-iw-2024-thailand.html>.

⁸⁰ Loi Thi Ngoc Nguyen, “Protecting the Human Rights of Refugees in Camps in Thailand: The Complementary Role of International Law on Indigenous Peoples,” *Laws* 12, no. 3 (2023): 1–17, <https://doi.org/10.3390/laws12030057>.

⁸¹ Bundit Limmeechokchai et al., “Scaling Up Climate Ambition Post-2030: A Long-Term GHG Mitigation Analysis for Thailand,” *Climate Policy* 23, no. 2 (2023): 168–83, <https://doi.org/https://doi.org/10.1080/14693062.2022.2126813>.

⁸² Limmeechokchai et al.

⁸³ Chitralada Chaiya, “Empowering Climate Resilience: A People-Centered Exploration of Thailand's Greenhouse Gas Emissions Trading and Sustainable Environmental Development Through Climate Risk Management in Community Forests,” *Helixyon* 11, no. 2 (2025): 1–18, <https://doi.org/10.1016/j.helixyon.2025.e41844>.

participation was either inaccurate or extremely limited.⁸⁴ Even when indigenous peoples were able to engage in the planning process, they often lacked literacy, negotiation skills, and decision-making capacity, underscoring the need to address their limited ability to participate effectively in REDD+ implementation.⁸⁵ It is therefore essential not only to explicitly recognize the existence of indigenous peoples but also to secure their meaningful participation in both policy formulation and implementation processes.

Thailand's REDD+ governance reflects a *legal void*, given the absence of formal recognition of Indigenous peoples and the reliance on generalized participation claims that fail to translate into substantive or effective legal protection.

B. Countries Whose NDCs Exclude the Engagement Form but Contain References to Indigenous Peoples

1. Vietnam

Vietnam is home to 54 ethnic groups, with the majority, the Kinh people, accounting for 86% of the population, while the remaining 53 ethnic groups constitute 14%.⁸⁶ Since the establishment of the Democratic Republic of Vietnam in 1945, the Vietnamese Constitution has not used the term “indigenous peoples.” Instead, it provides for the rights of “ethnic minorities.”⁸⁷ The constitutional provision on citizenship applies to all Vietnamese people, regardless of their ethnic minority status. Article 53 of the Constitution stipulates that the State manages land, water resources, and other natural assets as public goods. Article 54 further regulates land-use rights for organizations and individuals. Moreover, under Article 16 of the 2017 Forestry Law, the State may allocate, without charge, areas of “sacred forests traditionally managed and used” by local

⁸⁴ Nutjira Kraithong and Wachiraporn Pongjinda, “Thailand’s Implementation from Entering the Members of United Nations Framework Convention on Climate Change 1992: Thailand’s Implementation from Entering the Members of United Nations Framework Convention on Climate Change 1992,” *Journal of Posthumanism* 15, no. 4 (2025): 840–54.

⁸⁵ Ngeta Kabiri, “Public Participation, Land Use and Climate Change Governance in Thailand,” *Land Use Policy* 52, no. 1 (2016): 511–17, <https://doi.org/10.1016/j.landusepol.2014.12.014>.

⁸⁶ Ho Thanh Tam and Dinh Phuong Linh, “How Minor Immigrants Became the Dominants: The Case of the Kinh People Migrating to the Central Highlands, Vietnam in the Twentieth Century,” *Social Identities* 28, no. 5 (2022): 608–27, <https://doi.org/https://doi.org/10.1080/13504630.2022.2131512>.

⁸⁷ Nguyen Thi Hong Yen and Nguyen Toan Thang, *The Right to Political Participation of Ethnic Minority Women in Vietnam Barriers and Challenges*, *Asia Pacific Journal on Human Rights and the Law*, vol. 23, 2022, <https://doi.org/10.1163/15718158-23030001>.

communities. This law has increasingly strengthened the rights of ethnic minorities over land, forests, water, and related natural resources.

The NDC submitted in 2022 sets a target to reduce GHG emissions by 15.8% through domestic efforts by 2030, using 2014 as the baseline year, and by 43.5% conditional on international support.⁸⁸ The NDC makes no reference to “indigenous peoples,” instead referring to “ethnic minorities.”⁸⁹

Vietnam’s first Summary of Information, submitted in 2018, states that, with regard to the Cancun Safeguards on the “rights of indigenous peoples and local communities,”⁹⁰ there are no gaps in the respect for the rights and knowledge of ethnic minorities and local communities, and no measures have been reported to address any such gaps. However, as in other countries, certain groups—particularly women—remain among the most vulnerable to the impacts of climate change.⁹¹ Although the NDC emphasizes the need to ensure gender equality in adaptation measures, this has not yet been fully integrated into national policy. It is also important to recognize that the impacts of climate change vary across different groups, including men, women, youth, and children.

Vietnam represents a legal void in REDD+ implementation concerning Indigenous peoples, as climate and forestry laws prioritize state control and ethnic integration while excluding Indigenous-specific rights, participation mechanisms, and FPIC standards.

2. Laos

In Laos, the Lao ethnic group constitutes approximately half of the national population, with the remaining 49 ethnic groups classified as minorities.⁹² Article 8 of the 2015 Lao Constitution, as amended, recognizes the rights of diverse ethnic groups and protects their customs and traditions. However, the Lao government does not explicitly

⁸⁸ Dao Gia Phuc, “Carbon Pricing Trends and Policy Options for Vietnam,” in *IOP Conference Series: Earth and Environmental Science*, vol. 1511 (Vientiane: IOP Publishing, 2025), 1–16, <https://doi.org/10.1088/1755-1315/1511/1/012015>.

⁸⁹ Ho Ngoc Son et al., “Social Vulnerability, Climate Change, and Ethnic Minority Communities in the Northern Mountainous Region of Vietnam,” *The International Journal of Climate Change: Impacts and Responses* 16, no. 1 (2023): 21–44, <https://doi.org/https://doi.org/10.18848/1835-7156/CGP/v16i01/21-44>.

⁹⁰ UNFCC REDD+, “First Summary of Information on How Safeguards For Redd+ Would Be Addressed And Respected in Vietnam,” 2018, https://redd.unfccc.int/files/4850_1_first_soi_viet_nam__28eng_29.pdf.

⁹¹ Tran Thi Phuong et al., “Reframing Climate Change Resilience: An Intersectional Perspective of Ethnicity and Gender from Vietnam,” *Climate* 11, no. 4 (2023): 1–17, <https://doi.org/10.3390/cli11040085>.

⁹² Vanina Bouté, “Religious Changes, Ethnic Minorities and the State in Laos,” *Taiwan Journal of Southeast Asian Studies* 16, no. 2 (2021): 79–110.

recognize “indigenous peoples” in its policies, nor does any national law specifically address them.⁹³ Under Article 42 of the 2019 amended Forestry Law, customary resource use is acknowledged, yet all land and forests are considered property of all ethnic and national communities under the supervision and management of the State. Nevertheless, Article 4 of the same law recognizes individuals and groups as owners of trees they have personally planted. The law also stipulates that international safeguard measures apply to ethnic groups.

The NDC submitted in 2021 sets a target to reduce GHG emissions by 60% relative to 2000 by 2030 and aims to achieve net-zero emissions by 2050.⁹⁴ The primary driver of forest loss and degradation is the conversion of forests to agricultural land, and the NDC establishes a goal to increase forest cover to 70%.⁹⁵ The mitigation strategy places its greatest emphasis on land-use changes and the forestry sector. Although the NDC refers to REDD+, it makes no mention of indigenous peoples. The underdevelopment of civil society movements in the country, combined with a lack of significant initiatives to protect indigenous peoples’ rights, is considered a contributing factor to this situation.

Laos similarly constitutes a legal void, where REDD+ objectives are pursued within a state-centric framework that neither recognizes Indigenous peoples nor provides institutional avenues for rights-based participation or legal remedies.

D. Analysis of REDD+ Implementation

Southeast Asia is among the regions most vulnerable to the adverse impacts of climate change. Within this context, socially marginalized indigenous peoples are particularly at risk, not only from the direct effects of climate change but also from mitigation measures such as REDD+. Countries whose NDCs do not employ stakeholder engagement frameworks demonstrate a limited commitment to respecting the rights of stakeholders—including indigenous peoples—to participate in the

⁹³ Sabaheta Ramcilovic-Suominen et al., “Environmental Justice and REDD+ Safeguards in Laos: Lessons from An Authoritarian Political Regime,” *Ambio* 50, no. 12 (2021): 2256–71, <https://doi.org/10.1007/s13280-021-01618-7>.

⁹⁴ Phouphet Kyophilavong et al., “Pathways to Net Zero Emissions for Laos” (Vientiane, 2023), [https://files.unsdsn.org/AGF/Laos/3rd Draft complete.pdf](https://files.unsdsn.org/AGF/Laos/3rd%20Draft%20complete.pdf).

⁹⁵ Phouphet Kyophilavong, “Decarbonization Pathways in Laos: The Challenges and Solutions,” *Asian Economic Papers* 22, no. 3 (2023): 46–63, https://doi.org/https://doi.org/10.1162/asep_a_00870.

formulation and implementation of environmental policies.⁹⁶ Similarly, countries that do not explicitly reference indigenous peoples in their NDCs fail to prioritize climate policies addressing indigenous concerns.⁹⁷ Despite the central role of forest conservation and management in climate policy and the significant stakes that indigenous communities have in forests, the lack of explicit engagement highlights the magnitude of this challenge. These issues are especially pronounced in countries that neither utilize stakeholder engagement frameworks nor acknowledge indigenous peoples.

It is emphasized that indigenous peoples should not be seen merely as victims of climate change's adverse impacts, but rather as key actors whose knowledge and expertise can be harnessed to integrate traditional and modern practices, particularly in adaptation measures. Strengthening resilience through the application of indigenous knowledge is essential, which simultaneously requires a deep understanding of the worldviews held by each indigenous community.

From the perspective of global environmental governance adapted to regional characteristics, Southeast Asia provides a context in which responses to human rights issues affecting indigenous peoples—arising from the adverse impacts of climate change and climate policies such as REDD+—can be conceptualized through the frameworks of international organizations like ASEAN and regional human rights norms. Within ASEAN, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has established an individual complaint mechanism; however, the procedures and the cases it addresses remain opaque, limiting its effectiveness as a remedy for rights violations.⁹⁸ In addition to the ASEAN Human Rights Declaration, a regional human rights instrument on environmental rights has been under development since 2022. Yet references to indigenous peoples' rights were removed in the second draft, and current initiatives offer little assurance of their protection.⁹⁹

⁹⁶ Rosario Carmona et al., "Indigenous Peoples' Rights in National Climate Governance: An Analysis of Nationally Determined Contributions (NDCs)," *Ambio* 53, no. 1 (2024): 138–55, <https://doi.org/10.1007/s13280-023-01922-4>.

⁹⁷ Fernando Tormos-Aponte, "The Influence of Indigenous Peoples in Global Climate Governance," *Current Opinion in Environmental Sustainability* 52, no. 1 (2021): 125–31, <https://doi.org/10.1016/j.cosust.2021.10.001>.

⁹⁸ Alan Collins and Edmund Bon Tai Soon, "The AICHR As A Participatory Space: Contesting the Secretive Face of Power," *Australian Journal of International Affairs* 76, no. 4 (2022): 359–78, <https://doi.org/10.1080/10357718.2021.2016610>.

⁹⁹ Minh Tran et al., "Advancing Indigenous Peoples' Rights for Inclusive and Sustainable Environmental Governance in ASEAN," SEI Brief (Stockholm, 2025), <https://doi.org/10.51414/sei2025.009>.

Based on the results and discussions presented in the preceding sections, Table 1 below provides a detailed explanation of REDD+ implementation in Southeast Asia.

Table 1 REDD+ Application in Southeast Asia

Country	NDC Engag ement Form	Referen ce to Indigen ous Peoples	Key Legal Basis (Constituti on/Laws)	REDD+ Implementati on Highlights	Key Challenges
Indonesia	No	Yes	Constitutio n Article 18B(2); Social Forestry Regulations	REDD+ central to GHG reduction; Social Forestry Program promotes community participation	Indigenous rights not explicitly addressed in REDD+; risk of losing traditional land rights
Cambodia	No	Yes	Constitutio n Article 31; Land Law 2001 Article 25	National REDD+ Strategy ensures participation; REDD+ Action & Investment Plan recognizes land/resource rights	NDC lacks detailed actions; potential impacts on indigenous lands not fully addressed
Myanmar	No	Yes	Constitutio n Article 37	NDC recognizes indigenous role in mitigation/ada ptation; National REDD+ Strategy addresses interests of indigenous peoples	FPIC referenced generally; women's land rights insufficiently considered; concrete protection measures unclear
Philippines	No	Yes	Constitutio n; Indigenous Peoples'	National Framework Strategy on Climate Change	NDC abstract; challenges in FPIC implementatio

Country	NDC Engagement Form	Reference to Indigenous Peoples	Key Legal Basis (Constitution/Laws)	REDD+ Implementation Highlights	Key Challenges
			Rights Act (IPRA) Sections 3(g), 7(c)	emphasizes stakeholder participation; REDD+ Strategy incorporates FPIC	n, monitoring, and information provision
Malaysia	Yes	No	State-level land/forest laws (Sabah/Sarawak)	National REDD+ Strategy empowers local communities; emphasizes forest/resource management	Lack of concrete measures for indigenous participation; FPIC and traditional knowledge under-recognized
Thailand	Yes	No	Constitution Section 66	Long-Term Climate Change Master Plan ensures some stakeholder participation; aims to expand forest cover	Indigenous peoples unrecognized; limited capacity for effective participation in REDD+
Vietnam	No	No	Constitution Articles 53, 54; Forestry Law 2017 Article 16	NDC targets GHG reduction; safeguards in Biennial Update Report	No reference to indigenous peoples; gender and minority-specific impacts not fully integrated
Laos	No	No	Constitution Article 8; Forestry Law 2019 Articles 4, 42	NDC targets GHG reduction and forest cover increase; references REDD+	Indigenous peoples not recognized; civil society underdeveloped; lack of initiatives to protect rights

Sources: Prepared for the purposes of this research

Table 1 illustrates that REDD+ implementation in Southeast Asia exhibits considerable variation in the legal recognition and protection of indigenous peoples' rights. Indonesia, Cambodia, Myanmar, and the Philippines explicitly reference indigenous peoples in their NDCs and have supporting constitutional or statutory provisions. Nevertheless, these countries often lack comprehensive stakeholder engagement mechanisms, which limits effective participation and the implementation of FPIC. Malaysia and Thailand include engagement frameworks but do not explicitly address indigenous peoples, resulting in gaps in the protection of land rights and traditional knowledge. In contrast, Vietnam and Laos neither reference indigenous peoples nor incorporate engagement mechanisms, despite laws nominally safeguarding ethnic or customary rights. These disparities demonstrate that formal recognition alone is insufficient. Effective REDD+ implementation requires explicit legal frameworks, inclusive participatory processes, and robust monitoring to ensure that indigenous communities can actively contribute to climate mitigation while safeguarding their rights.

Challenges of International Law in Protecting the Rights of Indigenous Peoples

Building on the foregoing analysis of REDD+ implementation and Indigenous peoples' participation across Southeast Asian countries, this Part turns to the broader challenges of international law in safeguarding Indigenous rights. This discussion examines the challenges posed by the fragmentation of international legal regimes and the marginalization of Indigenous worldviews, highlighting the need for greater coherence between climate governance, human rights law, and Indigenous knowledge systems in order to ensure meaningful and effective protection of Indigenous peoples' rights in the context of REDD+.

A. Understanding the Interactions among Treaty Regimes

Julia Dehm illustrates the fragmentation of international law arising from the diversity of actors responsible for implementing and managing REDD+ activities, as well as the multiplicity of available remedies.¹⁰⁰

¹⁰⁰ Julia Dehm, *Reconsidering REDD+: Authority, Power and Law in the Green Economy*, 1st ed. (Cambridge: Cambridge University Press, 2021).

Regarding the protection of indigenous peoples in the context of REDD+, Dehm identifies three possible approaches: the UNFCCC approach, the human rights approach, and the finance-based approach. To address this fragmentation, Dehm emphasizes a model of correlative interaction among treaty regimes. Furthermore, Dehm advocates for the establishment of institutions, such as a REDD+ committee within the climate change framework, to ensure consistency in protecting indigenous peoples' rights and to facilitate interactions with other treaty regimes, thereby promoting rights protection and addressing the challenges posed by legal fragmentation.¹⁰¹

The establishment of institutions tasked with protecting the rights of indigenous peoples faces significant challenges, particularly in countries that do not officially recognize their existence. At the same time, Restrepo underscores the importance of correlational interactions in his analysis of international forest law.¹⁰² Restrepo observes that, in the absence of a single treaty specifically governing forest governance, "international forest law" effectively operates as a complex ecosystem. This framework underscores the importance of correlational and interconnected relationships among the various multilateral environmental agreements related to forests, as well as the COPs that oversee them.¹⁰³ Consequently, the formulation and consistent implementation of global norms through treaty-regime interactions that shape the development of international law are essential.

The interaction among treaty regimes within the REDD+ framework reveals both the potential and the limitations of international law in safeguarding the rights of indigenous peoples.¹⁰⁴ The coexistence of multiple legal regimes—spanning climate change, human rights, and financial governance—creates a fragmented normative landscape that complicates coherence and institutional coordination. In Southeast Asia, this fragmentation is reflected in the uneven legal recognition and participation of indigenous peoples across national jurisdictions.¹⁰⁵ The absence of a unified framework governing forest and climate policy has

¹⁰¹ Dehm.

¹⁰² Yilly Vanessa Pacheco Restrepo, *Regime Interaction in International Forest Law: The Role of Secondary Law of Forest-Related Multilateral Environmental Agreements*, 1st ed. (Leiden: Brill, 2023).

¹⁰³ Restrepo.

¹⁰⁴ María Eugenia Recio, "Shaping REDD+: Interactions between Bilateral and Multilateral Rulemaking," *Journal of Environmental Law* 34, no. 1 (2022): 83–106, <https://doi.org/10.1093/jel/eqab025>.

¹⁰⁵ Kim D. Reimann, "Indigenous Peoples Activism on Climate Change in Southeast Asia: The Role of Regional Scalar Bridging Organizations," *The Pacific Review* 36, no. 6 (2022): 1337–64, <https://doi.org/https://doi.org/10.1080/09512748.2022.2096681>.

led to divergent interpretations of state obligations under international law. Accordingly, protecting indigenous rights in REDD+ implementation requires a more integrated approach that aligns treaty regimes, harmonizes institutional mandates, and bridges the gap between environmental objectives and human rights protection. The establishment of specialized mechanisms—such as joint committees or regional coordination platforms—within existing legal structures could advance legal consistency and accountability.

Domestic political and legal constraints further compound institutional and normative fragmentation in Southeast Asia. Even where constitutional or statutory recognition of indigenous peoples exists, as in Indonesia and the Philippines, such recognition rarely translates into enforceable rights. In Cambodia and Myanmar, references to indigenous participation in REDD+ strategies are undermined by weak monitoring systems, ambiguous safeguards, and limited access to remedies. Malaysia and Thailand employ procedural engagement mechanisms that inadequately incorporate indigenous concerns, while Vietnam and Laos exclude indigenous recognition altogether. These conditions expose a structural imbalance between state-centric governance and community-based stewardship, perpetuating the marginalization of indigenous voices in climate policymaking. The key challenge lies not only in harmonizing international legal regimes but also in advancing domestic legal reforms that institutionalize participation, transparency, and FPIC as substantive, enforceable rights rather than procedural formalities.

Toward a more coherent and equitable regional framework, Southeast Asia must strengthen inter-treaty coordination and ensure meaningful indigenous participation at both international and national levels. Regional bodies such as ASEAN and the AICHR could serve as platforms for harmonizing environmental and human rights norms; however, their limited mandates and opaque decision-making processes impede their effectiveness. Advancing REDD+ implementation consistent with global environmental goals requires not only enhanced technical capacity but also normative alignment rooted in social justice and ecological integrity.¹⁰⁶ A rights-based, pluralistic approach—one that treats indigenous peoples as partners in governance rather than passive beneficiaries—can reconcile the tensions between sovereignty, development, and environmental stewardship. Ultimately, greater synergy

¹⁰⁶ Kimberly R. Marion Suiseeya, “Contesting Justice in Global Forest Governance: The Promises and Pitfalls of REDD+,” *Conservation and Society* 15, no. 2 (2017): 189–200, https://doi.org/10.4103/cs.cs_15_104.

among treaty regimes and stronger domestic safeguards are essential for ensuring that REDD+ contributes not only to carbon reduction but also to the realization of human dignity, ecological sustainability, and legal coherence across Southeast Asia.

B. Understanding the Interactions among Treaty Regimes

While challenges persist in developing global norms informed by interactions among treaty regimes, it is equally important to incorporate a perspective that acknowledges the intrinsic interconnection between humans and nature. From this standpoint, critical questions arise regarding the substantive meaning of “consent” within the framework of Free, Prior and Informed Consent (FPIC). The notion of universal human rights has been critiqued for masking the dominance of Western, capitalist value systems and the legal institutions that support them, structures that have historically enabled the exploitation of natural resources.¹⁰⁷ Within this critique, the prevailing human rights paradigm is viewed as Eurocentric, excluding Indigenous worldviews and detaching their deep relationship with nature from the very conception of human rights.

Moreover, persistent ambiguities and inconsistencies in the interpretation and application of FPIC—particularly in international initiatives such as REDD+—underscore the need for a more inclusive understanding of Indigenous participation. Rather than perceiving FPIC as a static, Western-oriented concept of “consent,” it should be reconceptualized as a continuous process of dialogue between Indigenous communities and state authorities.¹⁰⁸ Such an approach reinforces legal pluralism by integrating customary legal systems and embracing the Indigenous worldview, which emphasizes the inseparability of human life and the natural environment, encapsulated in the principle of the “Rights of Nature.”¹⁰⁹ Ultimately, this perspective challenges the anthropocentric foundations of contemporary legal orders and calls for the revitalization of ecological and community-centered approaches long marginalized by technological modernity and capitalist expansion.

¹⁰⁷ Margot E. Salomon, “Emancipating Human Rights: Capitalism and the Common Good,” *Leiden Journal of International Law* 36, no. 4 (2023): 857–77, <https://doi.org/10.1017/S0922156523000316>.

¹⁰⁸ Annabel Beales, “Can Free, Prior and Informed Consent Support Reconciliation Between Indigenous Peoples and the State in Multicultural Societies?” (University of London, 2021), [https://openaccess.city.ac.uk/id/eprint/27133/1/PhD Thesis A S Beales.pdf](https://openaccess.city.ac.uk/id/eprint/27133/1/PhD%20Thesis%20A%20S%20Beales.pdf).

¹⁰⁹ Jérémie Gilbert, “The Rights of Nature, Indigenous Peoples and International Human Rights Law: From Dichotomies to Synergies,” *Journal of Human Rights and the Environment* 13, no. 2 (2022): 399–415, <https://doi.org/https://doi.org/10.4337/jhre.2022.02.04>.

International law, in its existing structure, continues to reinforce and reproduce hierarchies of subordination. Contemporary legal theories remain inadequate in reflecting Indigenous worldviews or in addressing the ecological burdens generated by climate change policies themselves. As Steven Bernstein and Hamish van der Ven note, the legitimacy of international legal doctrines and norms—often upheld as “universal” and “scientific”—is increasingly subject to critical scrutiny.¹¹⁰

A genuine understanding of Indigenous worldviews requires a fundamental reorientation of international legal thought—one that transcends the anthropocentric and Eurocentric assumptions underlying prevailing human rights and environmental governance frameworks. The concept of “consent” within the principle of FPIC should be reinterpreted not as a singular act of authorization but as an ongoing process grounded in dialogue, mutual respect, and reciprocity.¹¹¹ This approach reflects Indigenous legal traditions that view humans and nature as inseparable elements of a shared existence, where environmental well-being is integral to community wellbeing. Incorporating these perspectives into global legal systems would not only strengthen the normative foundations of international law but also redress its historical exclusion of non-Western epistemologies. In this light, the recognition of the “Rights of Nature” functions as both a legal and ethical conduit between Indigenous cosmologies and international legal principles, advancing a more pluralistic and ecologically balanced global order.

In Southeast Asia, where Indigenous communities maintain deep spiritual and subsistence relationships with their natural environments, these considerations assume particular urgency. The region’s rapid economic growth, resource extraction, and climate-related initiatives—such as REDD+—have frequently sidelined Indigenous voices by prioritizing state sovereignty and development objectives over community rights.¹¹² This systemic imbalance underscores the broader failure of international and domestic legal frameworks to recognize Indigenous epistemologies as valid sources of law and governance. Establishing a more just and inclusive framework, therefore, demands not only formal acknowledgment of Indigenous rights but also the substantive integration

¹¹⁰ Steven Bernstein and Hamish Van Der Ven, “Best Practices in Global Governance,” *Review of International Studies* 43, no. 3 (2017): 534–56, <https://doi.org/10.1017/S0260210516000425>.

¹¹¹ Jeffrey Warnock, “Interpreting UNDRIP: Exploring the Relationship Between FPIC, Consultation, Consent, and Indigenous Legal Traditions” (The University of Western Ontario, 2021), <https://ir.lib.uwo.ca/etd/8058>.

¹¹² Yingshan Lau et al., “Challenges in Forest Carbon Governance: Insights From Southeast Asia,” *Wiley Interdisciplinary Reviews: Climate Change* 16, no. 5 (2025): 1–19, <https://doi.org/10.1002/wcc.70018>.

of their worldviews into policymaking processes governing land, forests, and ecosystems. Embedding Indigenous perspectives within both national legislation and regional platforms—such as ASEAN’s environmental and human rights mechanisms—can help reshape international law into a system that promotes ecological integrity, cultural diversity, and shared responsibility. Ultimately, embracing Indigenous worldviews is essential for transforming global legal structures from instruments of domination into frameworks of coexistence and sustainability.

Conclusion

International law has historically developed in tandem with the economic growth paradigms of industrialized nations, reinforcing systems of production, consumption, and resource exploitation that have shaped contemporary global governance. Frameworks such as the UNFCCC and market-based mechanisms like REDD+ reflect this trajectory, extending developmental priorities into the sphere of climate regulation. However, the experience of Southeast Asian countries reveals that these regimes often fail to address the social and cultural realities of marginalized communities, particularly Indigenous peoples whose livelihoods and worldviews are deeply intertwined with their natural environments. REDD+, by altering land-use practices, directly affects Indigenous collective rights over ancestral territories and cultural heritage. To reconcile climate objectives with human rights imperatives, states under the UNFCCC framework should institutionalize Indigenous participation by revising COP decisions to safeguard their role in shaping and implementing NDCs explicitly. Doing so would strengthen participatory governance, enhance state accountability, and promote a more inclusive and transparent system of global climate governance.

While safeguard mechanisms such as FPIC represent an important step toward recognizing Indigenous peoples’ participation, significant procedural and structural barriers remain. Many Indigenous communities continue to face obstacles related to limited resources, accessibility, and the technical complexity of climate mechanisms, all of which undermine meaningful engagement. Moreover, climate policies themselves can produce adverse human rights impacts when designed without cultural sensitivity or equitable consultation. The predominantly individualistic orientation of international human rights law—rooted in Western legal traditions—further constrains the recognition of collective Indigenous rights and their holistic relationship with nature. Achieving genuine

inclusivity in climate governance thus requires reimagining legal frameworks to move beyond procedural participation toward substantive empowerment, ensuring that Indigenous knowledge systems and collective identities are embedded within the evolving architecture of international environmental law.

Accordingly, improving the protection of Indigenous peoples' rights within REDD+ frameworks require targeted legal reforms rather than general policy commitments. States should harmonize statutory definitions of "forest" and "state forest land" to encompass customary and ancestral territories, thereby reducing structural conflicts between state ownership regimes and indigenous tenure systems. FPIC should be codified as a binding procedural obligation in REDD+ implementing regulations, with clear standards governing consent, documentation, and withdrawal. At the international and regional levels, greater coherence is needed through the clarification of the legal relationship between UNFCCC safeguards, donor-driven standards, and domestic law, as well as through the development of ASEAN-level guidance on Indigenous rights in climate governance. These measures would move REDD+ beyond symbolic safeguards toward enforceable legal protection.

References

- Abidin, Handa. "The Rights of Indigenous Peoples in Nationally Determined Contributions." *International Human Rights Law Review* 12, no. 1 (2023): 90–111. <https://doi.org/https://doi.org/10.1163/22131035-12010006>.
- Andoh, Jewel, and Yohan Lee. "National REDD+ Strategy for Climate Change Mitigation: A Review and Comparison of Developing Countries." *Sustainability (Switzerland)* 10, no. 12 (2018): 1–17. <https://doi.org/10.3390/su10124781>.
- Annabel Beales. "Can Free, Prior and Informed Consent Support Reconciliation Between Indigenous Peoples and the State in Multicultural Societies?" University of London, 2021. [https://openaccess.city.ac.uk/id/eprint/27133/1/PhD Thesis A S Beales.pdf](https://openaccess.city.ac.uk/id/eprint/27133/1/PhD%20Thesis%20A%20Beales.pdf).
- ASEAN. "ASEAN State of Climate Change Report." Vol. 1. Jakarta, 2021. https://environment.asean.org/public/uploads/repositories/20230529-ASCCR-e-publication-Correction_8-June-%281%29.pdf.
- Aspan, Zulkifli, Jundiani, Irwansyah, Ji Hyun Park, and Wildan Azkal Fikri. "Strengthening Local Wisdom in Coastal Climate Resilience in

- Southeast Asia.” *International Law Discourse in Southeast Asia* 4, no. 2 (2025): 1–47. <https://doi.org/10.15294/ildisea.v4i2.31665>.
- Bayrak, Mucahid Mustafa, and Lawal Mohammed Marafa. “Ten Years of REDD+: A Critical Review of the Impact of REDD+ on Forest-Dependent Communities.” *Sustainability (Switzerland)* 8, no. 7 (2016): 1–22. <https://doi.org/10.3390/su8070620>.
- Bernstein, Steven, and Hamish Van Der Ven. “Best Practices in Global Governance.” *Review of International Studies* 43, no. 3 (2017): 534–56. <https://doi.org/10.1017/S0260210516000425>.
- Borras, Saturnino M., Jennifer C. Franco, and Zau Nam. “Climate Change and Land: Insights from Myanmar.” *World Development* 129, no. 1 (2020): 1–11. <https://doi.org/10.1016/j.worlddev.2019.104864>.
- Bouté, Vanina. “Religious Changes, Ethnic Minorities and the State in Laos.” *Taiwan Journal of Southeast Asian Studies* 16, no. 2 (2021): 79–110.
- Cambodia, The Kingdom of. “National REDD+ Strategy 2017-2026.” Phnom Penh, 2017. https://redd.unfccc.int/files/20180813_national_redd_strategy_cambodia.pdf.
- Carmona, Rosario, Graeme Reed, James Ford, Stefan Thorsell, Rocío Yon, Francisca Carril, and Kerrie Pickering. “Indigenous Peoples’ Rights in National Climate Governance: An Analysis of Nationally Determined Contributions (NDCs).” *Ambio* 53, no. 1 (2024): 138–55. <https://doi.org/10.1007/s13280-023-01922-4>.
- Chaiya, Chitralada. “Empowering Climate Resilience: A People-Centered Exploration of Thailand’s Greenhouse Gas Emissions Trading and Sustainable Environmental Development Through Climate Risk Management in Community Forests.” *Heliyon* 11, no. 2 (2025): 1–18. <https://doi.org/10.1016/j.heliyon.2025.e41844>.
- Colchester, Marcus, Patrick Anderson, and Sophie Chao. *Assault on the Commons: Deforestation and the Denial of Forest Peoples’ Rights in Indonesia*. Moreton-in-Marsh: Forest Peoples Programme, 2014. <https://www.forestpeoples.org/publications-resources/reports/article/assault-on-the-commons-deforestation-and-the-denial-of-rights-in-indonesia/>.
- Collins, Alan, and Edmund Bon Tai Soon. “The AICHR As A Participatory Space: Contesting the Secretive Face of Power.” *Australian Journal of International Affairs* 76, no. 4 (2022): 359–78. <https://doi.org/10.1080/10357718.2021.2016610>.
- Commission, Climate Change, and DENR Climate Change Service.

- Implementation Plan for The Republic of The Philippines Nationally Determined Contribution (NDC) 2020–2030*. Manila: Climate Change Commission, 2023.
https://niccdies.climate.gov.ph/files/documents/The_Philippines-NDC_Implementation_Plan_-_072024.pdf.
- Conservation, Myanmar's Ministry of Natural Resources and Environmental. "Nationally Determined Contributions." Naypyidaw, 2021.
https://unfccc.int/sites/default/files/NDC/2022-06/Myanmar_Updated_NDC_July_2021.pdf.
- Cordonier Segger, Marie Claire. "Advancing the Paris Agreement on Climate Change for Sustainable Development." *Cambridge International Law Journal* 5, no. 2 (2016): 202–37.
<https://doi.org/10.4337/cilj.2016.02.03>.
- Dehm, Julia. "Indigenous Peoples and REDD+ Safeguards: Rights As Resistance or As Disciplinary Inclusion in the Green Economy?" *Journal of Human Rights and the Environment* 7, no. 2 (2016): 170–217.
<https://doi.org/10.4337/jhre.2016.02.01>.
- . *Reconsidering REDD+: Authority, Power and Law in the Green Economy*. 1st ed. Cambridge: Cambridge University Press, 2021.
- Dolo, Shivanee A. "Indigenous Peoples' Legislative Representation Through the Philippine Party-List System." *ASEAS: Advances in Southeast Asian Studies* 18, no. 2 (2025): 1–16.
<https://doi.org/https://doi.org/10.14764/10.ASEAS-0130>.
- Dunford, Michael R. "Indigeneity, Ethnopolitics, and Taingyintha: Myanmar and the Global Indigenous Peoples' Movement." *Journal of Southeast Asian Studies* 50, no. 1 (2019): 51–67.
<https://doi.org/10.1017/S0022463419000043>.
- Ehara, Makoto, Hideki Saito, Tetsuya Michinaka, Yasumasa Hirata, Chivin Leng, Mitsuo Matsumoto, and Carlos Riano. "Allocating the REDD+ National Baseline to Local Projects: A Case Study of Cambodia." *Forest Policy and Economics* 129, no. 3 (2021): 1–17.
<https://doi.org/10.1016/j.forpol.2021.102474>.
- Enrici, Ashley M., and Klaus Hubacek. "Challenges for REDD+ in Indonesia: A Case Study of Three Project Sites." *Ecology and Society* 23, no. 2 (2018). <https://doi.org/10.5751/ES-09805-230207>.
- Fahmi, Chairul. "The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia." *AlterNative* 20, no. 1 (2024): 157–66.
<https://doi.org/10.1177/11771801241235261>.

- FAO. “Free, Prior and Informed Consent: An Indigenous Peoples’ Right and A Good Practice for Local Communities-Manual for Project Practitioners.” Rome, 2016. <https://openknowledge.fao.org/server/api/core/bitstreams/8a4bc655-3cf6-44b5-b6bb-ad2aeede5863/content>.
- Faxon, Hilary Oliva. “Securing Meaningful Life: Women’s Work and Land Rights in Rural Myanmar.” *Journal of Rural Studies* 76, no. 4 (2020): 76–84. <https://doi.org/10.1016/j.jrurstud.2020.03.011>.
- Force, REDD+ Task. “Action & Investment Plan for the Implementation of the National REDD+ Strategy of Cambodia.” Phnom Penh, 2020. <https://cambodia-redd.org/wp-content/uploads/2020/07/REDD-Action-Investment-Plan-Final-version-April-2020.pdf>.
- Gatto, Andrea, and Elkhan Richard Sadik-Zada. “REDD+ in Indonesia: An Assessment of the International Environmental Program.” *Environment, Development and Sustainability* 27, no. 2 (2024): 24045–60. <https://doi.org/10.1007/s10668-024-05368-w>.
- Gebert, Rita. “Policy, Laws and Regulations and the UNFCCC Cancun Safeguards : Frameworks and Gaps in the Lao PDR.” 1st ed. Bonn: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2015. https://www.giz.de/de/downloads/2015-LaoPDR_PLR-Gap-Analysis_FINAL.pdf.
- Gia Phuc, Dao. “Carbon Pricing Trends and Policy Options for Vietnam.” In *IOP Conference Series: Earth and Environmental Science*, 1511:1–16. Vientiane: IOP Publishing, 2025. <https://doi.org/10.1088/1755-1315/1511/1/012015>.
- Gilbert, Jérémie. “The Rights of Nature, Indigenous Peoples and International Human Rights Law: From Dichotomies to Synergies.” *Journal of Human Rights and the Environment* 13, no. 2 (2022): 399–415. <https://doi.org/https://doi.org/10.4337/jhre.2022.02.04>.
- Group, Independent Evaluation. *The Forest Carbon Partnership Facility*. 6th ed. Washington, D.C.: World Bank Publications, 2012.
- Guglyuvatyy, Evgeny. “Indigenous Engagement Challenges and Carbon Mitigation Activities in Malaysian Forest Policy.” *Frontiers in Forests and Global Change* 7, no. 3 (2024): 1–6. <https://doi.org/10.3389/ffgc.2024.1362330>.
- Gunawan, Hendra, Irma Yeny, Endang Karlina, Sri Suharti, Murniati, Subarudi, Budi Mulyanto, et al. “Integrating Social Forestry and Biodiversity Conservation in Indonesia.” *Forests* 13, no. 12 (2022): 1–27. <https://doi.org/10.3390/f13122152>.
- Hein, Jonas, Alejandro Guarín, Ezra Frommé, and Pieter Pauw.

- “Deforestation and the Paris Climate Agreement: An Assessment of REDD + in the National Climate Action Plans.” *Forest Policy and Economics* 90, no. January (2018): 7–11. <https://doi.org/10.1016/j.forpol.2018.01.005>.
- Hermawan, Silvio, Moch Faisal Karim, and Lena Rethel. “Institutional Layering in Climate Policy: Insights from REDD+ Governance in Indonesia.” *Forest Policy and Economics* 154, no. 1 (2023): 1–10. <https://doi.org/10.1016/j.forpol.2023.103037>.
- Inguanzo, Isabel. “Autonomy of Indigenous Peoples in the Federation of Malaysia: A Tale of Three Institutional Settings.” *Territory, Politics, Governance* 12, no. 5 (2024): 591–609. <https://doi.org/10.1080/21622671.2022.2056077>.
- Ismail, Ismafatin Nabilah, Mohd Khairul Amri Kamarudin, Mohamad Hafis Amat Simin, Wan Nor Azilawanie Tun Ismail, and Noorjima Abd Wahab. “Planning for Quality of Life: An Assessment of Indigenous Communities in Malaysia.” *Planning Malaysia* 22, no. 1 (2024): 184–93. <https://doi.org/10.21837/pm.v22i30.1433>.
- IWGIA. “The Indigenous World 2024: Cambodia.” Cambodia. Accessed November 3, 2025. <https://iwgia.org/en/cambodia/5364-iw-2024-cambodia.html>.
- . “The Indigenous World 2024: Myanmar.” Myanmar, 2024. <https://iwgia.org/en/myanmar/5370-iw-2024-myanmar.html>.
- . “The Indigenous World 2024: Thailand.” Thailand, 2024. <https://iwgia.org/en/thailand/5374-iw-2024-thailand.html>.
- Jamwal, Kanika. “The Need to Include Indigenous Peoples As ‘Expert’ Consultants in India’s Apex Committee for Implementation of the Paris Agreement.” *Environmental Law Review* 23, no. 3 (2021): 203–209. <https://doi.org/https://doi.org/10.1177/14614529211041723>.
- Jodoin, Sébastien, and Sarah Mason-Case. “What Difference Does CBDR Make? A Socio-Legal Analysis of the Role of Differentiation in the Transnational Legal Process for REDD+.” *Transnational Environmental Law* 5, no. 2 (2016): 255–84. <https://doi.org/10.1017/S2047102516000182>.
- Kabiri, Ngeta. “Public Participation, Land Use and Climate Change Governance in Thailand.” *Land Use Policy* 52, no. 1 (2016): 511–17. <https://doi.org/10.1016/j.landusepol.2014.12.014>.
- Kohli, Anik. “Making Sense of Transparency and Review in the Paris Agreement.” *Yearbook of International Environmental Law* 26, no. 1 (2015): 46–67. <https://doi.org/10.1093/yiel/yvx005>.
- Kyophilavong, Phouphet. “Decarbonization Pathways in Laos: The

- Challenges and Solutions.” *Asian Economic Papers* 22, no. 3 (2023): 46–63. https://doi.org/https://doi.org/10.1162/asep_a_00870.
- Larson, Anne M., and Elena Petkova. “An Introduction to Forest Governance, People and REDD+ in Latin America: Obstacles and Opportunities.” *Forests* 2, no. 1 (2011): 86–111. <https://doi.org/10.3390/f2010086>.
- Lau, Yingshan, Miles Kenney-Lazar, Shakura N. Bashir, Robert Cole, Dixon T. Gevaña, Janice Lee, Danny Marks, et al. “Challenges in Forest Carbon Governance: Insights From Southeast Asia.” *Wiley Interdisciplinary Reviews: Climate Change* 16, no. 5 (2025): 1–19. <https://doi.org/10.1002/wcc.70018>.
- Leemann, Esther. “Who Is the Community? Governing Territory Through the Making of ‘Indigenous Communities’ in Cambodia.” *Geoforum* 119, no. 1 (2021): 238–50. <https://doi.org/10.1016/j.geoforum.2019.10.014>.
- Lesniewska, Feja. “UNFCCC REDD COP Decisions: The Cumulative Effect on Forest Related Law Processes.” *International Community Law Review* 15, no. 1 (2013): 103–21. <https://doi.org/10.1163/18719732-12341244>.
- Li, Lidong, Tala Awada, Yao Zhang, and Keith Paustian. “Global Land Use Change and Its Impact on Greenhouse Gas Emissions.” *Global Change Biology* 30, no. 12 (2024): 1–9. <https://doi.org/10.1111/gcb.17604>.
- Liljeblad, Jonathan. *Indigenous Identity, Human Rights, and the Environment in Myanmar: Local Engagement with Global Rights Discourses*. 1st ed. London: Routledge, 2022. <https://doi.org/https://doi.org/10.4324/9781003133728>.
- Limmeechokchai, Bundit, Salony Rajbhandari, Bijay B. Pradhan, Puttipong Chunark, Achiraya Chaichaloempreecha, Shinichiro Fujimori, Ken Oshiro, and Yuki Ochi. “Scaling Up Climate Ambition Post-2030: A Long-Term GHG Mitigation Analysis for Thailand.” *Climate Policy* 23, no. 2 (2023): 168–83. <https://doi.org/https://doi.org/10.1080/14693062.2022.2126813>.
- Liu, W-Y., J.-L. Yap, and C.-C. Lin. “Balancing Conservation and Development: A Review of Navigating Malaysian Forest Policies and Initiatives.” *International Forestry Review* 26, no. 3 (2024): 306–27. <https://doi.org/https://doi.org/10.1505/146554824839071607>.
- Lizarazo-Rodriguez, Liliana, Alice Lopes Fabris, and Doreen Montag. “Indigenous Peoples As Trustees of Forests: A Bio-Socio-Cultural Approach to International Law.” *International Environmental*

- Agreements: Politics, Law and Economics* 25, no. 1 (2025): 145–70.
<https://doi.org/10.1007/s10784-024-09654-w>.
- Marion Suiseeya, Kimberly R. “Contesting Justice in Global Forest Governance: The Promises and Pitfalls of REDD+.” *Conservation and Society* 15, no. 2 (2017): 189–200.
https://doi.org/10.4103/cs.cs_15_104.
- Martin, Patrick. “The Changing Climate of Development : REDD + in Papua New Guinea.” University of New South Wales, 2020.
<https://scholar.archive.org/work/zdfnpznednht7lc7j5uepv4jpy/access/wayback/https://repository.unsw.edu.au/server/api/core/bitstreams/a5826dbb-d8cd-4946-a980-7bc4067eb700/content>.
- Mary Ann Manahan. “Grounding REDD+ as Democratization of Environmental Policy? Insights and Lessons from the Philippines.” *Environmental Justice* 17, no. 6 (2024): 395–403.
<https://doi.org/https://doi.org/10.1089/env.2022.0010>.
- Maulidina, Salsabila Zahra, and Renitha Dwi Hapsari. “Indonesia’s Climate Diplomacy in Addressing Global Climate Change (2015–2023).” *The Indonesian Journal of Social Studies* 8, no. 1 (2025): 116–31.
- Nabong, Emily C., Linda M. Whiteford, Mauricio E. Arias, and James R. Mihelcic. “Climate Change Adaptation Priority Strategies in the Philippines: Differences Between Local Government Decision Makers and Marginalized Coastal Communities.” *Environmental Engineering Science* 38, no. 5 (2021): 367–376.
<https://doi.org/https://doi.org/10.1089/ees.2020.0285>.
- Nash, Sarah L. “From Cancun to Paris: An Era of Policy Making on Climate Change and Migration.” *Global Policy* 9, no. 1 (2018): 53–63.
<https://doi.org/10.1111/1758-5899.12502>.
- Nguon, Pheakkdey, Chandarith Neak, Tin Min Maung, Phyu Phyu Han, Surin Onprom, Timothy Boyle, and Joel Scriven. “Development of National REDD+ Strategy in Cambodia, Myanmar and Thailand.” In *Development and Climate Change in the Mekong Region: Case Studies*, edited by Chayanis Krittasudthacheewa, Hap Navy, Bui Duc Tinh, and Saykham Voladet, 1st ed., 91–114. Selangor: Strategic Information and Research Development Centre, 2019.
- Nguyen, Loi Thi Ngoc. “Protecting the Human Rights of Refugees in Camps in Thailand: The Complementary Role of International Law on Indigenous Peoples.” *Laws* 12, no. 3 (2023): 1–17.
<https://doi.org/10.3390/laws12030057>.
- Nugraha, Adrian. “Integrated Coastal Management in the Current

- Regional Autonomy Law Regime in Indonesia: Context of Community Engagement.” *Australian Journal of Maritime and Ocean Affairs* 16, no. 4 (2024): 508–27. <https://doi.org/10.1080/18366503.2023.2283355>.
- Nutjira Kraithong, and Wachiraporn Pongjinda. “Thailand’s Implementation from Entering the Members of United Nations Framework Convention on Climate Change 1992: Thailand’s Implementation from Entering the Members of United Nations Framework Convention on Climate Change 1992.” *Journal of Posthumanism* 15, no. 4 (2025): 840–54.
- Paing, Win Min, Phyu Phyu Han, Masahiko Ota, and Takahiro Fujiwara. “‘Skeletal Forest Governance’ in Myanmar: The Interplays of Forestry Ideologies and Their Limitations.” *Conservation* 5, no. 3 (2025): 1–22. <https://doi.org/10.3390/conservation5030031>.
- Pham, Thu Thuy, Ha Chau Ngo, Thi Linh Chi Dao, Tuan Long Hoang, and Moira Moeliono. “Participation and Influence of REDD+ Actors in Vietnam, 2011–2019.” *Global Environmental Change* 68, no. July 2020 (2021): 2011–19. <https://doi.org/10.1016/j.gloenvcha.2021.102249>.
- Phouphet Kyophilavong, Phongsili Soukchalern, Thanouxay Volavong, and Vonethaly Vongsavanthong. “Pathways to Net Zero Emissions for Laos.” Vientiane, 2023. [https://files.unsdsn.org/AGF Laos 3rd Draft complete.pdf](https://files.unsdsn.org/AGF_Laos_3rd_Draft_complete.pdf).
- Phuong, Tran Thi, Nguyen Quang Tan, Nguyen Thi Hai, and Nguyen Huu Ngu. “Reframing Climate Change Resilience: An Intersectional Perspective of Ethnicity and Gender from Vietnam.” *Climate* 11, no. 4 (2023): 1–17. <https://doi.org/10.3390/cli11040085>.
- Rajamani, Lavanya. “Integrating Human Rights in the Paris Climate Architecture: Contest, Context, and Consequence.” *Climate Law* 9, no. 3 (2019): 180–201. <https://doi.org/10.1163/18786561-00903003>.
- Ramcilovic-Suominen, Sabaheta, Sophia Carodenuto, Constance McDermott, and Juha Hiedanpää. “Environmental Justice and REDD+ Safeguards in Laos: Lessons from An Authoritarian Political Regime.” *Ambio* 50, no. 12 (2021): 2256–71. <https://doi.org/10.1007/s13280-021-01618-7>.
- Rao, Thirupathi, Siti Indati Mustapa, Abdul Quasem Al-Amin, and Adeel Ahmed. “Modelling the Social Cost of Carbon for Malaysia.” *Carbon Research* 4, no. 1 (2025). <https://doi.org/10.1007/s44246-024-00182-5>.

- Recio, María Eugenia. "Shaping REDD+: Interactions between Bilateral and Multilateral Rulemaking." *Journal of Environmental Law* 34, no. 1 (2022): 83–106. <https://doi.org/10.1093/jel/eqab025>.
- Reimann, Kim D. "Indigenous Peoples Activism on Climate Change in Southeast Asia: The Role of Regional Scalar Bridging Organizations." *The Pacific Review* 36, no. 6 (2022): 1337–64. <https://doi.org/https://doi.org/10.1080/09512748.2022.2096681>.
- Restrepo, Yilly Vanessa Pacheco. *Regime Interaction in International Forest Law: The Role of Secondary Law of Forest-Related Multilateral Environmental Agreements*. 1st ed. Leiden: Brill, 2023.
- Rotz, Sarah. "REDD'ing Forest Conservation: The Philippine Predicament." *Capitalism, Nature, Socialism* 25, no. 2 (2014): 43–59. <https://doi.org/10.1080/10455752.2013.862837>.
- Salomon, Margot E. "Emancipating Human Rights: Capitalism and the Common Good." *Leiden Journal of International Law* 36, no. 4 (2023): 857–77. <https://doi.org/10.1017/S0922156523000316>.
- Sawathvong, Soukphavanh, Kimihiko Hyakumura, and Taiji Fujisaki. "Stakeholder Participation in REDD+ Program: The Case of the Consultation Process in Laos." *Land* 13, no. 8 (2024): 1–20. <https://doi.org/10.3390/land13081137>.
- Seymour, Frances, and Nancy L. Harris. "Reducing Tropical Deforestation." *Science* 365, no. 6455 (2019): 756–57. <https://doi.org/10.1126/science.aax8546>.
- Simpson, Adam, and Ashley South. "Evolving Climate Change Governance in Myanmar." In *Governing Climate Change in Southeast Asia: Critical Perspectives*, edited by Jens Marquardt, Laurence L. Delina, and Mattijs Smits, 1st ed., 112–32. New York: Routledge, 2021. <https://doi.org/https://doi.org/10.4324/9780429324680>.
- Son, Ho Ngoc, Aaron Kingsbury, Dang Cuong Nguyen, and Bui Tuan Tuan. "Social Vulnerability, Climate Change, and Ethnic Minority Communities in the Northern Mountainous Region of Vietnam." *The International Journal of Climate Change: Impacts and Responses* 16, no. 1 (2023): 21–44. <https://doi.org/https://doi.org/10.18848/1835-7156/CGP/v16i01/21-44>.
- Tam, Ho Thanh, and Dinh Phuong Linh. "How Minor Immigrants Became the Dominants: The Case of the Kinh People Migrating to the Central Highlands, Vietnam in the Twentieth Century." *Social Identities* 28, no. 5 (2022): 608–27. <https://doi.org/https://doi.org/10.1080/13504630.2022.2131512>.
- Tomlinson, Kathryn. "Indigenous Rights and Extractive Resource

- Projects: Negotiations Over the Policy and Implementation of FPIC.” *International Journal of Human Rights* 23, no. 5 (2019): 880–97. <https://doi.org/10.1080/13642987.2017.1314648>.
- Tormos-Aponte, Fernando. “The Influence of Indigenous Peoples in Global Climate Governance.” *Current Opinion in Environmental Sustainability* 52, no. 1 (2021): 125–31. <https://doi.org/10.1016/j.cosust.2021.10.001>.
- Tran, Minh, Dayoon Kim, Pirawan Wongnithisathaporn, Stefano Zenobi, Albert Salamanca, and Sushmita Mandal. “Advancing Indigenous Peoples’ Rights for Inclusive and Sustainable Environmental Governance in ASEAN.” SEI Brief. Stockholm, 2025. <https://doi.org/https://doi.org/10.51414/sei2025.009>.
- Trivedi, Abhishek. “Implementing REDD+ Safeguards and Protecting the Rights of Tribal and Forest Communities in India: With Special Emphasis on the Principle of Free, Prior, and Informed Consent.” *Jindal Global Law Review* 16, no. 1 (2025): 179–216. <https://doi.org/https://doi.org/10.1007/s41020-025-00264-4>.
- UNFCCC REDD+. “First Summary of Information on How Safeguards For Redd+ Would Be Addressed And Respected in Vietnam,” 2018. https://redd.unfccc.int/files/4850_1_first_soi_viet_nam__28eng_29.pdf.
- UNFCCC. Further Guidance in Relation to the Mitigation Section of Decision 1/CP.21 (2018).
- Viña, Antonio G M La, and Jayvy R Gamboa. “Making Space for Just Transition in Climate Change Legal Instruments: Philippine Nationally Determined Contributions from Paris to Glasgow, and Beyond.” *Asia Pacific Journal of Environmental Law* 25, no. 1 (2022): 77–99. <https://doi.org/https://doi.org/10.4337/apjel.2022.01.04>.
- Warnock, Jeffrey. “Interpreting UNDRIP: Exploring the Relationship Between FPIC, Consultation, Consent, and Indigenous Legal Traditions.” The University of Western Ontario, 2021. <https://ir.lib.uwo.ca/etd/8058>.
- Well, Mareike, and Astrid Carrapatoso. “REDD+ Finance: Policy Making in the Context of Fragmented Institutions.” *Climate Policy* 17, no. 6 (2017): 687–707. <https://doi.org/10.1080/14693062.2016.1202096>.
- Y, Chaly, Karen F. Hytten, and Diane Pearson. “Community Forest Management and REDD+: Pathways to Effective Implementation, Livelihood Improvement, and Climate Change Adaptation in Cambodia.” *Land* 14, no. 5 (2025): 1–26. <https://doi.org/10.3390/land14051122>.

- Yamanoshita, Makino, Hiromitsu Samejima, and Henry Scheyvens. "Japan's New Initiative for REDD+ Results-Based Financing: Opportunities and Challenges." *Global Environmental Research* 21, no. 2 (2017): 47–52.
- Yen, Nguyen Thi Hong, and Nguyen Toan Thang. *The Right to Political Participation of Ethnic Minority Women in Vietnam Barriers and Challenges. Asia Pacific Journal on Human Rights and the Law*. Vol. 23, 2022. <https://doi.org/10.1163/15718158-23030001>.
- Young, Margaret A. "REDD+ and Interacting Legal Regimes." In *Research Handbook on REDD-Plus and International Law*, edited by Christina Voigt, 89–125. Cheltenham: Edward Elgar Publishing Limited, 2016. <https://doi.org/https://doi.org/10.4337/9781783478316.0001>.

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