REDD+ SAFEGUARDS WORKING GROUP

BRIEFING PAPER

40th Session of the Subsidiary Body for Scientific and Technological Advice
UN Framework Convention on Climate Change
Bonn, Germany, 4 – 15 June 2014

THE ROAD TO LIMA
REDD+ SAFEGUARDS IMPLEMENTATION AND INFORMATION SYSTEMS

Introduction

The 2013 Warsaw Framework for REDD+ agreed upon at the last climate conference (COP19[1]) was a positive step forward. Several contentious issues, for example in relation to measurement, reporting and verification (MRV) and results-based finance, were decided, providing a positive signal to countries on proceeding with their REDD+ activities. However, there is unfinished business on REDD+ safeguards. Additional guidance is needed including an agreement on the types of information to be provided through safeguards information systems (SIS). This important component of the REDD+ framework must be addressed this year in order to assist developing country Parties in implementing safeguards equitably and effectively, and in establishing their SIS.

Although Parties agreed to some initial guidance on SIS at COP17 in Durban (2011), they recognized that more would be needed to successfully operationalize REDD+. They requested the Subsidiary Body for Scientific and Technical Advice (SBSTA) to consider the need for further guidance to "ensure ***transparency***, ***consistency***, ***comprehensiveness*** **and** ***effectiveness when informing on how all safeguards are addressed and respected and, if appropriate, to consider additional guidance***".[2] This issue remains on the agenda up to the present.

In June 2013, SBSTA called for submissions on the SIS to be considered in December 2014 at COP20 in Lima. Due in September 2014, these submissions are expected to capture lessons learned to date and set the scene for agreeing to much needed additional guidance at COP20. The REDD+ Safeguards Working Group (R-SWG) presents this briefing paper in preparation for the important discussion of why additional guidance is needed, and offers initial views on what it should address based on experiences gathered on-the-ground in developing countries.

The rapid momentum of negotiations under the Green Climate Fund (GCF) presents a further compelling reason to conclude the additional guidance this year. Decisions on GCF safeguards and results areas are expected in 2014;[3] the briefing paper therefore provides views on safeguards and the SIS in relation to the GCF. Negotiations under the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) are also beginning to gain momentum. They are expected to culminate in a new post-2020 climate agreement at COP21 in Paris in 2015, incorporating REDD+. Additional guidance therefore needs to be concluded in time for incorporation into the new agreement.

State of play: Safeguards and SIS in the UNFCCC

To date, only limited guidance has been developed under the UNFCCC and incorporated into the Warsaw Framework. It addresses the timing, frequency and channel of communication for submitting summaries of information (elaborated below), but there is no guidance on types of information to be provided other than stating it should include how all the safeguards are being addressed and respected,[4] while the guidance from Durban provides only minimal advice on SIS.[5] There is rich material to draw from to inform the needed additional guidance on implementation of safeguards and SIS, including submissions from Parties and Observers in 2011[6] and additional recommendations from workshops in Panama that same year, as well as experience gained by countries since then. To the disappointment of stakeholders, including the R-SWG, many recommendations made in 2011 were not included in the Durban guidance.

[1] 19th Conference of the Parties to the UN Framework Convention on Climate Change.
[2] Decision 12/CP.17 para 6.
[3] Stephen Leonard, 'REDD+ and the Green Climate Fund: as Worlds Collide' See: http://www.forestsclimatechange.org/forests-climate-change-finance/redd-and-the-green-climate-fund/
[4] Decision 12/CP.17, para 2 (d)
[5] Decision 12/CP.17, para 2 on SIS agreed that Parties should take into account national circumstances and respective capabilities; recognize national sovereignty, legislation and relevant international obligations; respect gender considerations; be consistent with Cancun guidance on REDD+ activities; provide transparent, consistent and regularly up-dated information accessible by all relevant stakeholders; be transparent and flexible to allow for improvement over time; provide information on how all the safeguards are being addressed and respected; be country-driven and implemented at national level; and build on existing systems, as appropriate.
[6] SBSTA received 26 submissions in total, 14 from Parties and 12 from Observers. Several submissions represent the view of more than one Party or Observer.

Furthermore, the Warsaw Framework requires that countries should provide periodic summaries in national communications about how all the safeguards are being addressed and respected throughout the implementation of REDD+ activities.[7] It adds that these summaries can also be provided voluntarily via the UNFCCC web platform.[8] Thus, countries can showcase their progress without waiting until national communications are due. An information hub will be established on the platform where the Secretariat will insert the summary of information on safeguards, along with results (emissions reduced),[9] assessed reference level(s), a link to the national strategy or action plan and information on the national forest monitoring system - once it is all available.[10] Importantly, the Warsaw Framework obligates countries to ***"provide the most recent summary of information on how all the safeguards… have been addressed and respected before they can receive results-based payments"*** (emphasis added).[11] However, the current guidance is not enough to ensure "transparency, consistency, comprehensiveness and effectiveness" in the provision of the information.

Parties and Observers have been asked to make submissions on the SIS by 24 September 2014. Specifically, developing country Parties are invited to submit their views on experiences and lessons learned from their SIS development and challenges they face. All Parties and Observers are invited to submit their views on the "type of information… that would be helpful and that may be provided by developing country Parties."[12] SBSTA will consider the need for further guidance on SIS in Lima, taking these submissions into account.

Despite the calls for submissions, there is no provision for their analysis before SBSTA discusses them in December. This omission is significant and needs to be rectified. Therefore, to inform the development of additional guidance that is grounded in experience and lessons learned and of practical use to Parties, the R-SWG proposes an expert workshop to discuss the submissions, which could be held in conjunction with the ADP meeting planned for October.

Why we need additional guidance on safeguards and the SIS

The current UNFCCC guidance on safeguards and SIS provides inadequate support to countries to ensure safeguards and the SIS can be effectively implemented, which in turn, enables access to results-based finance. Significant gaps, identified from an analysis of the 2011 submissions and subsequent experiences,[13] include guidance on:

1) *How to operationalize the safeguards:* several submissions suggest the need for guidance on what it means to implement the safeguards.

2) *Characteristics of the SIS:* many submissions consider the SIS should be participatory, comparable, accurate (or reliable[14]) and accountable. These characteristics are missing from current guidance.

3) *Types of information to be provided:* nearly all submissions list the types of information that should be provided, but these have not been considered to date by the UNFCCC.

4) *How to collect and provide information:* many submissions highlight the need for a participatory approach to designing the SIS, and for engaging different actors, including indigenous peoples and local communities, in data collection and monitoring (see Box 3). Several call for guidance on data collection tools such as creating national indicators; for independent multi-stakeholder assessment; and for a common reporting format/template and/or a common international structure or platform for providing information.

[7] Decision 12/CP.19, para 2.
[8] Decision 12/CP.19, para 3.
[9] Expressed in tonnes of carbon dioxide equivalent per year for each relevant period, along with information on the entity paying.
[10] Decision 9/CP.19, paras 9-14.
[11] Decision 9/CP.19, para 4.
[12] FCCC/SBSTA/2013/L.12, para 29 and 30, available at: http://unfccc.int/resource/docs/2013/sbsta/eng/03.pdf.
[13] Gaia Larsen, Daniela Rey and Florence Daviet 2012. Map of SBSTA Submissions: REDD+ Safeguard Information System, WRI Working Paper, World Resources Institute, Washington DC, available online at http://www.wri.org/publication/map-sbsta-submissions, hereinafter Larson et al, 2012.
[14] As proposed in the Panama workshop on safeguards and SIS in October 2011.

In the absence of adequate guidance from the UNFCCC on safeguards implementation and the SIS, which addresses the gaps identified, many countries are faced with having to comply with multiple safeguard frameworks due to the variety of sources of finance needed to implement REDD+. Recipient countries are under increasing pressure to develop national safeguard responses that meet not only the UNFCCC requirements, but also bilateral and contractual commitments. This situation risks duplicating activities and increasing transaction costs, thus hindering countries' efforts to implement safeguards effectively.[15] On the other hand, comprehensive guidance from the UNFCCC that fills the current gaps through additional guidance would provide an 'umbrella' framework to be followed consistently by funding agencies, and go some way to solving this challenge. This has already been done for reference levels and MRV, and is needed as a priority for safeguards.

To date, few countries have made progress in defining a country safeguards approach, which is necessary to ensure the safeguards can be operationalized (see Box 1). Most countries, however, have made significant progress in establishing an SIS by building upon their existing information systems and developing indicators. This progress is encouraging, but a noticeable shortcoming is an inability to define 'how' the safeguards are to be implemented and 'who' will be responsible for overseeing their operationalization. The R-SWG believes this results directly from the lack of guidance from the UNFCCC on how to operationalize the safeguards.

Box 1: Safeguards approaches in Vietnam and Mexico

Mexico and Vietnam are currently at the forefront of efforts to implement the UNFCCC REDD+ safeguards.[16] Their safeguards approaches seek to build upon their existing domestic systems. They are using their own policies, laws and regulations (PLRs), institutions and grievance redress mechanisms to operationalize the safeguards, and using their existing information, monitoring and reporting systems to put the SIS in place. Both countries have undertaken legal gap analyses of their existing PLRs to determine how they could be used to support operationalization of the safeguards.

The R-SWG has further observed that, in the absence of additional guidance, countries that have begun designing their SIS are unable to determine what types of information are to be provided, how to collect it (e.g. through a participatory process), or the format in which to provide it. This ambiguity is hindering the development of SIS (see Box 2).

Box 2: Designing a participatory SIS in Guatemala

With the support of the REDD+ Social and Environmental Standards (SES) initiative, Guatemala has created a multi-stakeholder National Committee on Environmental and Social Safeguards (CNSAS), composed of representatives from government, civil society, indigenous peoples' groups, local communities, private sector and academia.

Although the CNSAS was originally created to support the use of REDD+ SES as a basis for the country's SIS, its members have agreed to expand its role to be able to support the design and implementation of the country's approach to safeguards. However, in the absence of guidance from the UNFCCC signalling the need for a participatory approach to safeguards operationalization and the SIS, its role and responsibilities have not been specifically defined or officially recognized by the government.

[15] Rey et. al (2013) A country-led approach to REDD+ safeguards and multiple benefits, available at http://www.snvworld.org/en/redd/publications/snv-redd-report-a-country-led-approach-to-redd-safeguards-and-multiple-benefits

[16] See Mexico advances at: http://www.conafor.gob.mx/portal/index.php/proceso-nacional-redd/marco-legal and at http://www.alianza-mredd.org/biblioteca/productos/recomendaciones-para-un-sistema-nacional-de-salvaguardas-23#.U2i5yVxig8M ….See Vietnam's advances at: http://www.vietnam-redd.org/Web/Default.aspx?tab=newsdetail&zoneid=108&subzone=113&child=209&itemid=788&lang=en-US

What should additional guidance address?

The 2011 submissions and experience gathered to date enable the R-SWG to present some initial views on what additional guidance should address. Submissions from Parties in September 2014 (together with the benefit of an expert workshop) will, however, enable us to refine these views further in the run-up to Lima.

Operationalizing the safeguards
Additional guidance needs to clarify that the SIS is part of a broader country safeguards approach, which requires measures to be taken to ensure that the safeguards are operationalized effectively at country level. The 2011 submissions suggest that there is still a need for additional guidance on how to develop national safeguard approaches,[17] as the Durban guidance does not do so. Guidance is also needed on how to build upon 'existing domestic systems'.

Characteristics of the SIS
Additional guidance is needed on the characteristics of the SIS to inform its design, particularly highlighting the importance of stakeholder participation, especially indigenous peoples and local communities, as well as accountability, and the provision of reliable and comparable information.

Types of information to be provided
Additional guidance needs to outline clearly the types of information to be provided to the UNFCCC. Under the REDD+ SES initiative, 18 participating jurisdictions in 13 countries are currently developing three types of indicators to provide information on safeguards.[18] It would be beneficial for additional guidance to be consistent with these efforts, and to identify three types of information to be provided. These include:

1) *Relevant aspects of countries' systems* (e.g. policies, laws, regulations, institutions, grievance and dispute resolution mechanisms) used to operationalize the safeguards. For example, countries would provide information on the existence and implementation of national programmes, grievance and dispute resolution mechanisms, legislation, and policies relevant to the safeguards.
2) *Particular processes/procedures related to the safeguards*. For example, countries would provide information on how consultation processes have been implemented, identifying stakeholders potentially affected by REDD+ activities and their degree of participation in decision-making.
3) *Results or outcomes in terms of realising the safeguards*. For example, countries would provide information on the benefits achieved for indigenous peoples, local communities, natural forests and biodiversity through implementing relevant national programmes, legislation, and policies, as well as potential impacts and the outcome of cases brought under the grievance and dispute resolution mechanism.

How to collect and provide information
Additional guidance is needed on how to build on existing systems for information provision, monitoring and reporting. The guidance should assist countries in determining methodological approaches for the collection, aggregation, review and assessment of the information at country level, as has been developed for reference emission levels / reference levels (REL/RLs)[19] and for national forest monitoring systems (NFMS).[20]

In particular, additional guidance should address the role of community monitoring in providing information (see Box 3), and the need for multi-stakeholder review of safeguards information at country level prior to assessing the information about how safeguards have been addressed and respected. Such a multi-stakeholder review process has been incorporated in the guidelines for the use of the REDD+ SES and serves to improve the quality and credibility of the assessment.[21]

[17] Larson et al, 2012, available online at http://www.wri.org/publication/map-sbsta-submissions.
[18] Structural or policy indicators, process indicators and outcome indicators. For more information see: http://www.redd-standards.org/files/REDD_Standards_FactSheet_WEB.pdf
[19] Decision 12/CP.17 Annex
[20] Decision 4/CP. 15 para 1(d) (i), (ii) and (iii)
[21] See http://www.redd-standards.org/index.php?option=com_eywafm&task=cat_view&gid=19&Itemid=185

Box 3: Community monitoring as a methodological approach

Several of the 2011 submissions call for indigenous peoples and local communities to be involved in data collection and monitoring.[22] This is consistent with the Cancun Agreement, whereby countries should ensure the full and effective participation of indigenous peoples and local communities when implementing national strategies, action plans and REDD+ activities.[23] Moreover, a decision agreed at COP15 in Copenhagen "encourages as appropriate, the development of guidance for effective engagement of indigenous peoples and local communities in monitoring and reporting".[24]

Thus, recognizing that around 15-20% of the world´s forests are owned and/or managed by communities,[25] community monitoring should be among the recommendations in the additional guidance as a methodological approach for monitoring and collecting information on safeguards,[26] and the SBTSA should develop guidance as specified in the Copenhagen decision. There is now widespread understanding that communities can often be more effective than governments in managing and monitoring forests.[27] Programmes in which communities have been engaged in forest management and monitoring are well established in many countries, for example in Nepal, India, Indonesia, Tanzania, Kenya, Mozambique, Mexico, Vietnam and several Amazon countries.[28]

To assist countries in providing information to the UNFCCC, additional guidance should provide a common framework for summaries of information. Other relevant international conventions and instruments provide common templates.[29] These serve to guide and facilitate Party reporting, to ensure that national reports are comprehensive, and assist Parties in evaluating and communicating their compliance with international obligations. A common framework also facilitates the analysis of information provided by the different Parties.[30]

Experience shows that if there is no common framework to guide Parties, then it is difficult for a country to communicate effectively how they are complying with their obligations.[31] Specifically, with respect to the SIS, it may result in variations in the scope, size and content of country summaries. Some Parties may provide comprehensive summaries covering every detail of how they have addressed and respected the safeguards, whilst other Parties may submit very brief summaries. This might reflect different levels of implementation by different Parties and/or different capacities for preparing their summaries, as well as the lack of a common framework to guide them. Ultimately, such a variance in size and content will make the analysis of information provided by different Parties very difficult, and could hinder their ability to access results-based finance.[32]

Safeguards and results-based finance

Although developing country Parties must provide a summary of information on how all the safeguards are being addressed and respected in order to access results-based payments,[33] the UNFCCC has not determined how the summary of information will be analyzed or assessed. Nevertheless, an analysis or assessment is likely to be a necessary component of accessing results-based finance. For example, the Green Climate Fund (GCF), which identifies REDD+ as one of its results areas, is creating an accreditation and safeguards framework that requires assessing whether entities requesting funds have the capability to implement safeguards.[34] Furthermore,

[22] See 2011 submissions on SIS from Belize et al, EU, Norway, Philippines, Switzerland, AC, CAN, CBD, ECA, FPP, IPAM et al., and WWF.
[23] Decision 1/CP.16, para 72, and annex I, para 2(d).
[24] Decision 4/CP.15 para 3.
[25] In Mexico, for example, 70% of the forest area is the legal property of communities.
[26] Community monitoring should also be recommended as an approach to MRV. See report prepared by FCPF and UNAM on the subject: http://redd.ciga.unam.mx/files/inputpapers/input_paper1.pdf
[27] See workshop report http://www.un-redd.org/Newsletter23/Community_Monitoring_and_NationalMRV/tabid/55629/Default.aspx
[28] See paper by CIFOR http://www.cifor.org/online-library/browse/view-publication/publication/4033.html?_ga=1.188806059.1033268209.1389614439 and by FCMC http://www.fcmcglobal.org/documents/CF_Latin_America.pdf
[29] See, for instance, CITES Annual Report Guidelines and Biennial Report Format and the Template for Submitting Voluntary Information on progress related to the Non-Legally Binding Instrument on All Types of Forests.
[30] CBD, Report on the Reporting Mechanisms under the Convention and other Conventions, available at: http://www.cbd.int/doc/meetings/wgri/wgri-01/official/wgri-01-10-en.pdf.
[31] CBD, Report on the Reporting Mechanisms under the Convention and other Conventions, available at: http://www.cbd.int/doc/meetings/wgri/wgri-01/official/wgri-01-10-en.pdf.
[32] As Developing country Parties are required to provide a summary of information on how all the safeguards are being addressed and respected in order to access results-based payments (Decision 2/CP.17 para 64, Decision 9/CP.19 para 4)
[33] Decision 2/CP.17 para 64, Decision 9/CP.19 para 4
[34] Progress note on GCF Accreditation and Safeguards Framework, GCF/B/06/09, http://gcfund.net/fileadmin/00_customer/documents/pdf/GCF_B06_09_Guiding_Framework_for_Accreditation_fin_20140211.pdf. *See also* GCF Decision on Accreditation and Safeguards, adopted at its 7th Board Meeting on May 21, 2014.

the GCF Board has tasked its Secretariat with developing a logic model and performance framework for ex post payments for REDD+, in accordance with the Warsaw Framework.[35] This clearly implicates the need to demonstrate compliance with safeguards. Thus, an assessment of information generated through the SIS will be a key input to this process. It will also be relevant as REDD+ funding agencies[36] and donors[37] are establishing their own procedures for assessing information on how safeguards are being addressed and respected.

Overall guidance from the UNFCCC on how the summaries of information should be analysed or assessed would ensure such assessments or analyses are consistently carried out and do not impose a further burden on countries.

Recommendations

1. Prepare a compilation and analysis of all submissions on safeguards and SIS made in 2011 and 2014, as well as the outcomes of the Panama workshops under the UNFCCC and REDD+ Partnership, to be published in time for consideration prior to COP20 in Lima.
2. Hold an expert workshop in conjunction with the ADP meeting planned for October 2014 to discuss the submissions and identify gaps in the current guidance on safeguards and SIS.
3. Develop additional guidance on safeguards and SIS at COP20 that addresses gaps in the current guidance, and consider the REDD+ SES as a source for such guidance.
4. Incorporate the additional guidance into the Warsaw Framework for REDD+, and incorporate REDD+ fully into the Paris agreement.
5. Agree on a process at COP20 for determining how the summaries of information on safeguards should be analysed or assessed.
6. Strive to harmonize process requirements and safeguards of the UNFCCC with requirements for REDD+ payments in the GCF, including by providing relevant advice to the GCF Board at COP20.

REDD+ SAFEGUARDS WORKING GROUP

Asia Indigenous Peoples Pact (AIPP) | AMAN (Indigenous Peoples Alliance of the Archipelago) | Ateneo School of Government (ASoG)
Bianca Jagger Human Rights Foundation (BJHRF) | Birdlife International | Center for International Environmental Law (CIEL)
Centro Mexicano de Derecho Ambiental (CEMDA) | Climate Justice Programme (CJP) | Climate Law and Policy (CLP)
David Shepherd Wildlife Foundation (DSWF) | Environmental Investigation Agency US
Federation of Community Forestry Users, Nepal (FECOFUN-Nepal) | Forests of the World | Greenpeace International
HuMa (Association for Community and Ecology-Based Law Reform) | Indigenous Livelihoods Enhancement Partners (ILEPA)
Institute for Law and Environmental Governance (ILEG) | Naturvernforbundet (Friends of the Earth Norway)
Nepal Federation of Indigenous Nationalities (NEFIN) | NGO Coalition for Environment (NGOCE) | Pivot Point
Pro Natura – Friends of the Earth Switzerland | Rainforest Foundation Norway (RFN)
Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education) | The Orangutan Project (TOP) | Wetlands International

Please contact info@reddplussafeguards.com for questions, comments and suggestions.
Visit our website at http://reddplussafeguards.com. Follow us on twitter @reddsafeguards.

[35] GCF Decision on Results Management Framework, adopted at its 7th Board Meeting on May 21, 2014 (not yet available on line).
[36] Under the FCPF countries seeking to access the carbon fund must ensure their Emission Reduction Programs demonstrate conformity with the Carbon Fund's Methodological Framework, which requires assessing the information on how the safeguards are being addressed and respected. For more information see: https://www.forestcarbonpartnership.org/sites/fcp/files/2014/MArch/March/FCPF%20Carbon%20Fund%20Methodological%20Framework%20Final%20Dec%2020%202013.pdf
[37] Norway-Guyana bilateral deal requires an assessment of how safeguards are being addressed and respected. For more information see: http://www.lcds.gov.gy/images/stories/Documents/Joint%20Concept%20Note%20%28JCN%29%202012.pdf