

# Best Practices and Considerations for the Development of REDD+ Country Approaches to Safeguards and Design of Safeguard Information Systems



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The project is implemented in three regional hub countries - Ghana [Africa], Peru [Latin America] and Vietnam [South East Asia] over a three-year period [2016-2018]. It is being implemented by SNV, in partnership globally with Climate Law and Policy [CLP], in Ghana with KASA and in Peru with Law, Environment and Natural Resources [DAR].

The project aims to assist regional leaders in REDD+ readiness, with good prospects of near-term financing, meet multiple safeguard requirements and be eligible for results-based payments. This will be achieved at the national level through facilitating country-led safeguard approaches and designing of safeguard information systems, and at the subnational level through mainstreaming of safeguards into low-emissions development planning and piloting participatory forest monitoring approaches. In addition, the project has a global component, aimed at developing state of the art knowledge products and facilitating south to south knowledge and learning exchanges.

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## Abbreviations

CAS	Country Approaches to Safeguards
CNSAS	National Committee on Environmental and Social Safeguards of Guatemala
CMSREDD+	National Multi-sectorial REDD+ Safeguards Committee of Guatemala
CONAFOR	National Forest Commission of Mexico
COP	Conference of the Parties to the UNFCCC
CTC	National REDD+ Technical Advisory Committee of Mexico
ESMF	Environmental and Social Management Framework
FCPF	Forest Carbon Partnership Facility
FGRM	Feedback grievance redress mechanism
GCF	Green Climate Fund
GRM	Grievance redress mechanism
MARD	Ministry of Agriculture and Rural Development of Viet Nam
MRV	Measurement, reporting and verification
NFMS	National Forest Monitoring System
NRAP	National REDD+ action plan of Viet Nam
NS/AP	National REDD+ strategy or action plan
NSS	National safeguard system
OPs	Operational Policies
PaMs	Policies and Measures
PCI	Principles, criteria, indicators
PRAPs	Provincial REDD+ action plans of Viet Nam



PES	Payment for Ecosystem Services
PLRs	Policies, laws and regulations
PNG	Papua New Guinea
QC	Quality Control
REDD+	Reducing emissions from deforestation and forest degradation; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
REDD+ SES	REDD+ Social and Environmental Standards
SESA	Strategic Environmental and Social Assessment
SIS	Safeguard Information System
SOI	Summary of Information
STWG-SG	Sub-Technical Working Group on Safeguards of Viet Nam
SGTWG-SES	Technical Working Group on Social and Environmental Safeguards of Papua New Guinea
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
VNFOREST	Vietnam Administration of Forestry

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# Foreword

National efforts of REDD+ readiness in the framework of the development of Safeguards Information Systems should be built upon existing governance aspects in the country. This simple approach was the basis for initiating the construction of the country approach to safeguards, which is now defined in Mexico and we have successfully moved forward with its implementation.

Although the topic of safeguards demands great challenges and technical complexities that must be considered, we recognize that the dialogues and participatory and analytical processes that since 2010 have been held with civil society, academia and government institutions at the national level, as well as the advice of international consulting firms as Climate Law and Policy, have offered the guidelines to define the elements of the National Safeguards System and Safeguards Information System embodied in the National REDD+ Strategy.

We have seen that this process is neither linear nor follows a series of consecutive steps, the process of developing a country approach and design of the SIS should be flexible and transparent, seeking to focus its priorities in contributing to the country’s needs, working to be sustainable over time and useful for decision-making.

The analysis carried out in the present document provides guidance that can be adapted to different national circumstances, which certainly complements the discussions at the different stages of design and development of the Safeguards Information System in which each country is.

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International safeguards commitments

REDD+ is an international climate change mitigation framework adopted under the United Nations Framework Convention on Climate Change [UNFCCC] that seeks to contribute to the reduction of global carbon emissions from deforestation by providing financial incentives, in the form of ‘results-based payments’, to developing countries that successfully slow or reverse forest loss. The UNFCCC Conference of the Parties [COP] articulated five REDD+ activities that developing countries can implement to be eligible to receive these payments<sup>1</sup>:

- a. Reducing emissions from deforestation;
- b. Reducing emissions from forest degradation;
- c. Sustainable management of forests;
- d. Conservation of forest carbon stocks; and
- e. Enhancement of forest carbon stocks.

After several years of negotiations and discussions at the international level, the UNFCCC COP adopted the ‘Warsaw Framework for REDD+’ at its 19th meeting in December 2013<sup>2</sup>. This officially anchored REDD+ to the UNFCCC regime. The Warsaw Framework builds on previous COP decisions and clarifies and consolidates the requirements countries must meet in order to access results based finance, as well as prior guidance developed by the COP. According to the Warsaw Framework, developing country Parties aiming to receive results-based finance for REDD+ must:

<sup>1</sup> UNFCCC Decision 1/CP.16 paragraph 70  
<sup>2</sup> UNFCCC Decisions 9/CP.19; 10/CP.19; 11 CP.19; 12/CP.19; 13/CP.19; 14CP.19 and 15/CP.19

- I. Ensure that the anthropogenic forest-related emissions by sources and removals resulting from the implementation of REDD+ activities are fully measured, reported and verified [MRV] in accordance with UNFCCC guidance<sup>3</sup>;
- II. Have in place<sup>4</sup>:
  - a. A national strategy or action plan [a link to which is shared on the UNFCCC REDD+ Web Portal];
  - b. A national forest reference emission level and/or forest reference level, or if appropriate, as an interim measure, subnational forest reference emission levels and or forest reference level [that has undergone a UNFCCC-coordinated technical assessment process];
  - c. A robust and transparent national forest monitoring system for the monitoring and reporting of REDD+ activities; and
  - d. A system for providing information on how the safeguards are being addressed and respected [SIS].
- III. Ensure that REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the UNFCCC REDD+ safeguards<sup>5</sup>.
- IV. Provide the most recent summary of information on how all of the UNFCCC REDD+ safeguards have been addressed and respected before they can receive results-based payments<sup>6</sup>.

Although REDD+ is primarily a mechanism to incentivise forest-based climate change mitigation, it is broadly agreed that it should, as a minimum, ‘do no harm’, and where possible go beyond this to ‘do good’ and achieve multiple [carbon and non-carbon] benefits. Given the potential environmental risks and benefits of REDD+ implementation, Parties to the UNFCCC recognised the need to ensure that the rules and guidance for REDD+ include measures to protect those potentially at risk, particularly

<sup>3</sup> UNFCCC Decision 9/CP.19 paragraph  
<sup>4</sup> UNFCCC Decision 1/CP.16 paragraph 71  
<sup>5</sup> UNFCCC Decision 2/CP.17 paragraph 63  
<sup>6</sup> UNFCCC Decision 9/CP.19 paragraph 4

indigenous peoples, local communities and biodiversity. For this reason, they agreed to the adoption of seven safeguards for REDD+ at the 16th Conference of the Parties [COP16] also known as the ‘Cancun safeguards’ [see Box 1].

‘Safeguards’ is a term that can be traced back to financial institutions such as the World Bank, who use it to refer to measures designed to prevent and mitigate undue harm from investment or development activities<sup>7</sup>. The World Bank’s safeguards are a ‘risk-based approach’, which involves pricing and prioritising risks according to a logic of economically efficient ‘risk management’.<sup>8</sup> A risk management process aims to insure against the risk of a certain type of activity triggering an initiative’s safeguard accountability mechanisms.<sup>9</sup>

In contrast, a ‘rights-based approach’ to safeguards prioritises the protection of the individual or collective rights of those affected.<sup>10</sup> Rather than focus on financial conditionalities, the wording of the UNFCCC REDD+ Safeguards mirrors that of relevant international instruments, many of which grant substantive rights [including the rights of indigenous peoples and local communities]. This would suggest that the Cancun Safeguards were intended to go beyond merely ensuring that investments do no harm to vulnerable people and ecosystems, and require positive actions to operationalise the rights to which they refer, particularly in terms of indigenous peoples’ rights.

The Cancun Safeguards also differ from traditional safeguards in that they do not focus on defining acceptable and unacceptable performance, but instead require improvements beyond a minimum threshold. In fact, the Cancun Agreement indicates the intention of the Parties that REDD+ activities should actively pursue benefits beyond carbon emission reductions, such as enhancing land tenure security, enhancing biodiversity and other ecosystem services, improving forest governance and empowering relevant stakeholders by ensuring participation, among other things.<sup>11</sup>

<sup>7</sup> McDermott, Constance L., Coad, L., Helfgott, A., Schroeder, H., (2012), Operationalizing social safeguards in REDD+: actors, interests and ideas, Environmental Science and Policy, 21, p.65.  
<sup>8</sup> McDermott, Constance L et al Operationalizing social safeguards in REDD+ op cit p.68.  
<sup>9</sup> McDermott, Constance L et al Operationalizing social safeguards in REDD+ op cit p.68.  
<sup>10</sup> McDermott, Constance L et al Operationalizing social safeguards in REDD+ op cit p.68.  
<sup>11</sup> UNFCCC, Decision 1/CP.16, op cit, paragraph 72.

Box

1.

The Cancun safeguards<sup>12</sup>

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivise the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits<sup>13</sup>;
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions

<sup>12</sup> UNFCCC Decision 1/CP.16 Appendix I paragraph 2  
<sup>13</sup> Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.

The UNFCCC recognises that safeguards are a key part of REDD+ implementation, and links the Cancun safeguards to results-based payments, requiring that countries demonstrate how they have addressed and respected them throughout the implementation of their REDD+ activities.<sup>14</sup>

The specific UNFCCC safeguard requirements are the following:

Requirement	Implement REDD+ activities in a manner consistent with the Cancun safeguards.
1.	REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that the Cancun Safeguards are addressed and respected. <sup>15</sup> This implies that countries should take steps to define <i>how</i> the Cancun safeguards will be implemented, and to ensure compliance with the safeguards throughout the implementation of REDD+ activities.
Requirement	Establish a system to provide information on how the Cancun safeguards are being addressed and respected.
2.	The governments of countries implementing REDD+ activities are required to establish a system to provide information on how the seven Cancun safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities. <sup>16</sup> This is commonly referred to as the Safeguard Information System [subsequently referred to as the SIS].
	According to the UNFCCC guidelines, the SIS should: <sup>17</sup>

<sup>14</sup> UNFCCC Decision 2/CP.17, Paragraphs 63 and 64, which should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix I, Paragraph 2.

<sup>15</sup> Decision 1/CP.16 paragraph 69, Decision 2/CP.17, Paragraph 63

<sup>16</sup> UNFCCC Decision 1/CP.16 Paragraph 71 (d).

<sup>17</sup> UNFCCC Decision 12/CP.17 Paragraph 2

	• Be consistent with guidance in decision 1/CP.16, appendix I, paragraph I <sup>18</sup> ;
	• Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis;
	• Be transparent and flexible to allow for improvements over time;
	• Provide information on how all of the safeguards are being addressed and respected;
	• Be country-driven and implemented at the national level;
	• Build upon existing systems, as appropriate.

Requirement	Provide a summary of information on how the Cancun Safeguards are being addressed and respected
3.	In order to receive results-based payments, countries must present their most recent summary of information demonstrating how the safeguards have been addressed and respected. <sup>19</sup> The UNFCCC also establishes that the summary of information should be provided periodically, and be included in national communications or other communication channels identified by the COP. <sup>20</sup> An additional and voluntary format for providing information to the UNFCCC is through the UNFCCC REDD+ web platform. <sup>21</sup>
	In the final series of decisions on REDD+, agreed in Paris at COP 21, Parties to the UNFCCC developed further guidance “on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected.” <sup>22</sup>
	As part of this guidance, the COP “strongly encourages” developing country Parties, when providing the summary of information on how the Cancun Safeguards are being addressed and respected, to include, inter alia: “A description of each safeguard in accordance with national circumstances.” <sup>23</sup>

<sup>18</sup> Which states that REDD+ activities should: (a) Contribute to the achievement of the objective set out in Article 2 of the Convention; (b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention; (c) Be country-driven and be considered options available to Parties; (d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems; (e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty; (f) Be consistent with Parties’ national sustainable development needs and goals; (g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change; (h) Be consistent with the adaptation needs of the country; (i) Be supported by adequate and predictable financial and technology support, including support for capacity-building; (j) Be results-based; (k) Promote sustainable management of forests;

<sup>19</sup> Decision 9/CP.19, Paragraph 4.

<sup>20</sup> Decision 12/CP.17, Paragraph 4

<sup>21</sup> Decision 12/CP.19, Paragraph 2 and 3

<sup>22</sup> UNFCCC Decision 17/CP.21, see also UN-REDD [brief on summaries of information](#)

<sup>23</sup> Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information](#) for further analysis

Part

I.

Additional expectations of REDD+ funding agencies and donors

REDD+ funding agencies and donors have developed REDD+ safeguard frameworks applicable to REDD+ readiness and demonstration activities that they financially support. REDD+ recipient countries are under increasing pressure to develop safeguard responses that meet not only the UNFCCC requirements, but also the bilateral and contractual commitments they acquired through the funding agencies and donors that are supporting them.

These include contractual safeguard requirements of multi-lateral funds, such as the Forest Carbon Partnership Facility [FCPF] and many bi-lateral REDD+ funding sources [such as Norway and Germany].<sup>24</sup> The Green Climate Fund [GCF] has adopted interim safeguard requirements, and is expected to develop its own safeguard requirements in the next three years, with the participation of relevant stakeholders it.<sup>25</sup>

In light of this, countries have been working to develop more comprehensive/coordinated and methodical approaches to meeting these multiple safeguard requirements. While each country and their respective approach is different, for the purpose of analysis and description, these various efforts can be broadly described as a ‘country approach to safeguards’.

Objectives and structure of this document

This document aims to provide a systematic overview of the different processes and considerations that have formed the core of these Country Approaches to Safeguards [CAS]. The broader objective of this document is to provide a framework structure for REDD+ countries seeking to develop their own Country Approach to Safeguards to respond to the UNFCCC and other international REDD+ safeguard requirements.

This document is divided into three parts:

Summarises the various reasons why countries have chosen to/are choosing to adopt a country-led approach to REDD+ safeguards [Why it is in REDD+ countries’ best interests to adopt a CAS];

<sup>24</sup> It should be noted that the FCPF safeguard framework constitutes a contractual conditionality; whilst the UN-REDD programme provides voluntary guiding framework to assist countries in developing a national approach to safeguards.  
<sup>25</sup> Decision B.12/07 and recent information can be found at: <http://unfccc.int/resource/docs/2016/cop22/eng/07.pdf>

Part

II.

Part

III.

Outlines the conceptual framework for the design of a CAS [What elements could be considered in a CAS]; and

Identifies a set of six generic components that have been considered essential for its development, drawing on early country experiences and early lessons [How to adopt a CAS and design a SIS].

Audience for this guidance document

This guidance document is primarily addressed to in-country stakeholders involved in REDD+ readiness and in particular safeguards processes, such as policymakers and civil servants from national institutions, as well as members of civil society organisations engaging in relevant government-led country policy dialogues.

The secondary audience for these guidelines is representatives from multilateral or bilateral development partners who are in a position to provide technical and financial assistance to in-country stakeholders on aspects of REDD+ safeguards.



I.

Rationale

Why are Countries Choosing to adopt Country Approaches to Safeguards?

‘Country approaches to safeguards’ is a general term used [but not definitively delineated] by this paper to describe the conceptual framework and coordinated processes undertaken by countries to meet the UNFCCC, and other relevant initiatives and institutions’ safeguard requirements for REDD+. Country approaches are characterised by the identification, application and improvement of existing relevant governance arrangements– which include policies, laws, and regulations [PLRs]; institutional arrangements; and information systems and sources; conflict resolution and enforcement mechanisms - to meet the different safeguards requirements a country has committed to adopt. Over the past five years’ country approaches to safeguards have emerged as a popular and practical, yet strategic, model for meeting UNFCCC [and other relevant] REDD+ safeguards requirements.

Country approaches typically aim to ensure, inter alia, that<sup>26</sup>:

- safeguards are adhered to through the existence and application of relevant governance arrangements, including policies, law and regulations through which the rights and obligations embodied in the safeguards are to be recognised, protected and promoted throughout the implementation of the proposed REDD+ actions [regardless of their type of funding source]<sup>27</sup>;
- a SIS is in place to provide information that is accessible to all stakeholders on how the safeguards are being addressed and respected<sup>28</sup>; and
- summaries of information on safeguards are submitted periodically to the UNFCCC and other applicable donor or funder [e.g. FCPF]<sup>29</sup>.

<sup>26</sup> Rey, et al, (2015) Country Approaches to REDD+ Safeguards A Global Review of Initial Experiences and Emerging Lessons, UN-REDD programme.  
<sup>27</sup> In order to meet UNFCCC Decision 1/CP.16 Paragraph 69, Decision 2/CP.17, Paragraph 63  
<sup>28</sup> In order to meet UNFCCC Decision 1/CP.16 Paragraph 71 [d].  
<sup>29</sup> In order to meet UNFCCC Decision 9/CP.19 Paragraph 4

A CAS can support countries’ efforts to respond to multiple applicable international safeguard commitments, as well as taking the opportunity to significantly improve governance for domestic policy purposes irrespective of REDD+.

Countries receiving FCPF funding for readiness preparation through the World Bank are required to ensure compliance with the FCPF Readiness Fund’s common approach to environmental and social safeguards for multiple delivery partners [Common Approach].<sup>30</sup> This also applies to countries seeking to obtain results based funding from the FCPF Carbon Fund.<sup>31</sup> According to the Common Approach, participating countries are expected to achieve “substantial equivalence” to the “material elements” of the World Bank’s environmental and social safeguard policies and procedures applicable to the FCPF Readiness Fund.<sup>32</sup>

According to the World Bank, its own safeguards policies, procedures and practices are “consistent” with the Cancun safeguards for REDD+<sup>33</sup>, which means that a CAS developed to address and respect the Cancun safeguards could be understood, substantively at least, to be “consistent” with the FCPF safeguards. The two procedural safeguard requirements of the FCPF: i) Strategic Environmental and Social Assessment [SESA], and ii) Environmental and Social Management Framework [ESMF] require actions to be taken that are specific to the FCPF requirements. However, the CAS can contribute to meeting these two procedural requirements [see Part III for details].

The wider benefits of a CAS are elaborated further in Box 2.

<sup>30</sup> UN REDD FCPF (2012) R-PP Template Annexes Version 6, for Country Use p. 44  
<sup>31</sup> FCPF (2013) Carbon Fund Methodological Framework. Final. P. 17  
<sup>32</sup> FCPF (2011) Readiness Fund Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners. [https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20\\_Final\\_%2010-Aug-2011\\_Revised.pdf](https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20_Final_%2010-Aug-2011_Revised.pdf)  
<sup>33</sup> FCPF Carbon Fund (2013) World Bank Safeguard Policies and the UNFCCC REDD+ Safeguards. FMT Note CF-2013-3 [https://www.forestcarbonpartnership.org/sites/fcp/files/2013/june2013/FMT%20Note%20CF-2013-3\\_FCPF%20WB%20Safeguard%20Policies%20and%20UNFCCC%20REDD%2B%20Safeguards\\_FINAL.pdf](https://www.forestcarbonpartnership.org/sites/fcp/files/2013/june2013/FMT%20Note%20CF-2013-3_FCPF%20WB%20Safeguard%20Policies%20and%20UNFCCC%20REDD%2B%20Safeguards_FINAL.pdf)

## Benefits of a country approach to safeguards

Many countries have recognised that a CAS has several benefits, as it can allow them to:

- Effectively respond to the UNFCCC and other relevant requirements related to REDD+ safeguards taking into consideration their national and international policy, and bilateral and multilateral contractual, commitments, in a way that fits their own context and circumstances.
- Achieve long-term governance-based benefits beyond results-based payments. A CAS can contribute to national priorities beyond reducing emissions, such as poverty reduction, sustainable development and green growth strategies. This is in line with the global emphasis on ‘country ownership’ over development processes as stated by the Paris Declaration and Accra Agenda for Action on aid effectiveness, and promoted by the relevant financial institutions, such as the World Bank and newly established Green Climate Fund under the UNFCCC.<sup>34</sup>
- Cost-effectiveness and coherency. Once operational, a CAS can be a cost-effective approach to responding to the requirements of multiple investors, new programmes or initiatives, with more efficient intervention inception and implementation, whilst ensuring a coherent standard of application of the safeguards.
- Build the confidence of investors. A robust CAS can provide confidence to an international constituency of donors and investors that the major environmental and social risks of REDD+ will be addressed and mitigated through national governance structures and systems rather than being left to piecemeal implementation by individual project developers.

<sup>34</sup> UNFCCC Decision 3/CP.17

- Build confidence in domestic stakeholders. The CAS demonstrates government’s commitment to address safeguards in a uniform and effective manner to a domestic constituency comprising civil society organisations, land and forest resource owners and users, and indigenous peoples and local communities.
- Sustainability of the efforts undertaken. A CAS contributes to the sustainability of the processes undertaken to ensure the safeguard requirements are met, as they are anchored to the country’s own governance arrangements.

There is no blueprint for country approaches to safeguards. Existing information is primarily based on progress and experiences of pioneering countries. The conceptual framework outlined in this document [that is also promoted by other initiatives and programmes, such as the UN-REDD programme] should be considered as a conceptualisation of the processes and activities that countries are undertaking to meet multiple safeguards requirements and which may serve to guide other countries.

II.

Concept

What is a Country Approach to Safeguards?

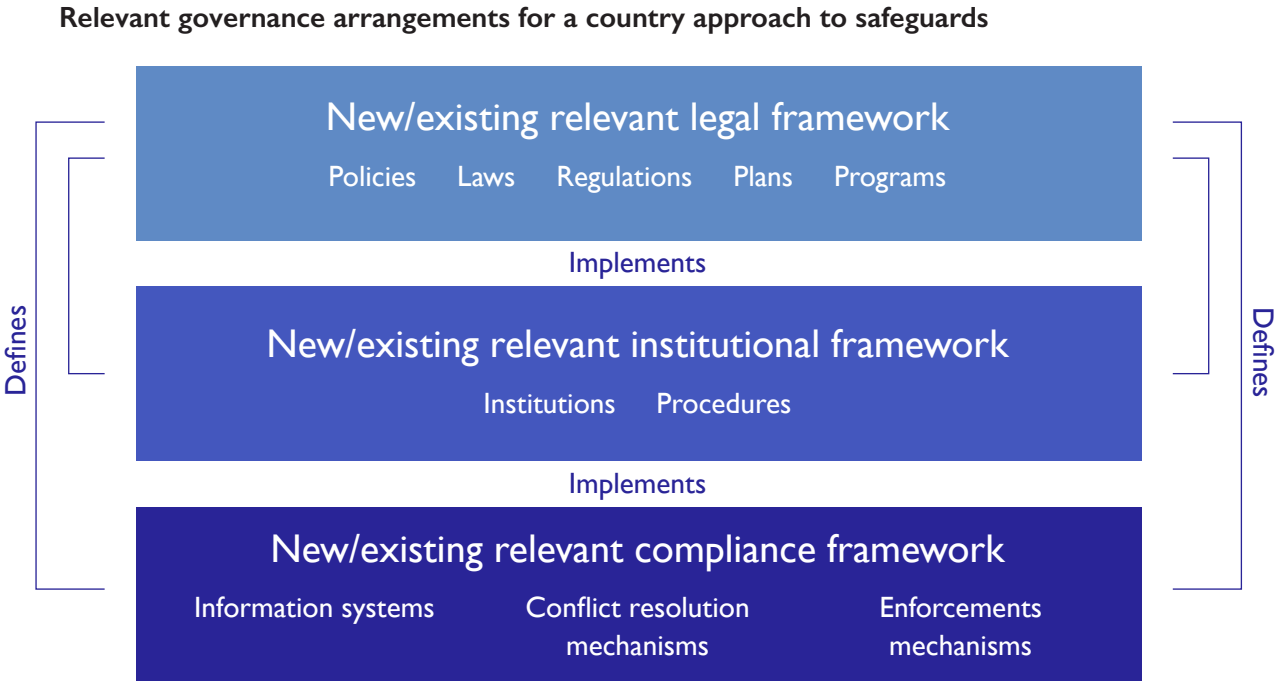
The design of a Country Approach to Safeguards is based on the premise that it should be built upon a country’s existing and relevant governance arrangements. While the understanding and scope of the term ‘governance arrangements’ can differ from country to country, the main elements are generally considered to include:

- policies, laws and regulations
- institutional arrangements
- information systems and sources
- conflict resolution mechanisms
- enforcement mechanisms

The above can be broadly categorised into three frameworks: legal framework, institutional framework and compliance framework.

Figure

I.



The legal framework<sup>35</sup>, comprised primarily of existing national Policies, Laws and Regulations [PLRs], in addition to operational plans and programmes to implement the PLRs. Given that the legal framework of most countries generally protect and regulate many of the objectives enshrined in the Cancun Safeguards, the legal framework is crucial to define which set of safeguards will be adopted by the country [the Cancun Safeguards and any additional safeguards adopted or defined], their scope, and how these will be applied during the implementation of the proposed REDD+ actions [see below for more details].

The institutional framework<sup>36</sup>, comprised of existing institutions, institutional arrangements, and the procedures they follow for implementing the legal framework. Given that countries already have the institutional framework responsible for applying the legal framework relevant to safeguards, these institutions would be responsible for ensuring the implementation of the safeguards in the context of REDD+ activities [see below for more details].

The compliance framework<sup>37</sup>, serves to guarantee and demonstrate the effective implementation of the legal framework. It serves to ensure compliance with the safeguards [the Cancun Safeguards or any others adopted or defined by the country]. The compliance framework is made up of three sub-elements:

- **Conflict resolution mechanisms:**These existing mechanisms will help to address conflicts or disputes among individuals or groups whose rights [protected by the safeguards] may be affected by the implementation of REDD+ activities.
- **Information, monitoring, and/or reporting systems:**These existing systems will serve to provide information on how the safeguards are addressed and respected during the implementation of REDD+ activities, and will serve as the basis of the set-up of the SIS.
- **Enforcement mechanisms:**These existing mechanisms will serve to address/deal with any failure to respect the rights and obligations embedded in the safeguards during the implementation of REDD+ activities.

It is important to highlight that in order to best explain the elements that comprise the compliance framework, they are presented separately from the legal framework. However, the compliance framework is intrinsically linked to the legal framework and should not be considered as separate. This is

<sup>35</sup> made up principally of national policies, laws, and regulations, as well as the plans and programmes for these laws and policies, and applicable rules. This framework includes relevant international agreements and treaties applicable in the country.

<sup>36</sup> made up of the institutions in charge of implementing the legal framework.

<sup>37</sup> made up of three sub-elements needed to ensure and demonstrate the effective enforcement of the legal framework: i) information systems, including monitoring and reporting systems or mechanisms; ii) grievance redress mechanisms, and; iii) mechanisms to address non-compliance.

because the elements that make up the compliance framework serve as the means to guarantee and demonstrate the effective implementation of a country's legal framework. Without them, the legal framework cannot be effectively implemented and its effective implementation cannot be demonstrated [see below for more details].

**Each country can determine which elements it will consider and utilise in its country approach to safeguards.**

Each framework [legal, institutional and compliance] is examined below to demonstrate how it can be used when developing a CAS. The actual core components and processes for the development of a CAS [the 'relevant aspects' of the three frameworks can be assessed and optimised to operationalise the safeguards adopted by a country] will be covered in Part III of these guidelines.

## Legal framework

### How safeguards are to be achieved?

The legal framework of a country is made up primarily of PLRs, as well as plans and programmes that can assist in implementing these PLRs<sup>38</sup> [See Box 3]. The PLRs and the plans/programmes of a country define what the country commits to promote and protect in terms of rights and obligations.

The legal framework is therefore considered to be the basis of the CAS as it serves to define 'how' safeguards are to be adhered to in the country when implementing REDD+ activities [See Table I for examples] It also informs the institutional and compliance frameworks in terms of spelling out who are the institutions responsible for implementing the legal framework, and which information systems, conflict resolution mechanisms and enforcement mechanisms will ensure the legal framework is effectively implemented [See Figure 1].

It is important to emphasise that as the legal framework is used to define how safeguards are to be adhered to in the country, the intrinsically related compliance framework should guarantee that the legal framework is effectively implemented. In other words, the compliance framework will ensure and demonstrate how the safeguards that are recognised, protected and promoted by the legal framework are effectively being addressed and respected [see section on 'compliance framework' for more details]

<sup>38</sup> It is important to note that in many countries the terms 'plans' or 'programmes' are used interchangeably.

## Box

### 3.

## What are policies, laws, regulations, plans and programmes?

- **Policies** outline political objectives the government seeks to achieve within a specific sector. For example, a National Forest Policy sets out the goals and long-term direction of the protection and development of the national forest estate without necessarily specifying how this is to be achieved.
- **Laws** define and regulate rights and obligations that must be guaranteed and how they should be guaranteed, without covering operational aspects. For example, a National Forest Law will seek to define specific rights and duties that must be recognised and implemented. e.g. recognition of the participation of indigenous peoples in forest decision making processes. Laws also provide the foundation for the establishment of government, institution or any other organisation's body of rules, e.g. Organic Law of the National Forest Commission.
- **Regulations** are issued by different government line ministries, departments and agencies to enable them to carry out the intent of the law. For example, the Ministry for Forestry may issue a regulation to provide technical guidance and economic incentives for tree planting, in order to implement a specific provision on forest landscape restoration in the National Forest Law.
- **Plans** generally provide guiding quantitative targets and qualitative principles for programmes and projects. For example, a national plan for protecting mangrove forests might set out a target for protecting 50 percent of existing mangrove forests.
- **Programmes** operationalise the goals and objectives of plans. Programmes are spatially, temporally and technically explicit about the actions or activities and resources [budget] needed to achieve the plan's goals. For example, a national awareness-raising programme for protecting mangrove forests in the priority jurisdictions where >50 percent of mangroves occur.



Table

I .

Examples of how a country’s existing legal framework can be utilised to ensure the safeguards are adhered to

Cancun safeguards<sup>39</sup>

- (b) Transparent and effective governance structures
- (c) Rights of indigenous peoples and local communities
- (d) Full and Effective Participation of relevant stakeholders
- (e) Protection of natural forests and biodiversity

Legal framework examples

A Law on Access to Information can contribute to this safeguard by clearly indicating in which cases this right must be protected, and how this right is to be guaranteed, e.g. the form and the contents of information to be disclosed.

A Law on Indigenous Peoples’ rights can provide a basis for this safeguard by defining and regulating the rights that indigenous peoples in the country are entitled to and how they are to be promoted and protected.

A Regulation on Environmental Impact Assessments can provide a basis for this safeguard by requiring and regulating that meaningful stakeholder participation process is carried out with relevant stakeholders, following certain requirements, procedures and time-frames.

A Forest Law or Forest Code can provide a basis for this safeguard by defining ‘natural forests’, ‘biodiversity’ and outlining how they are to be conserved.

<sup>39</sup> UNFCCC Decision I/CP.16 Annex I, para 2

It is important to note that:

- Relevant and applicable international agreements and conventions covering topics such as the environment, human rights and indigenous peoples, when adopted by a country [when signed, ratified, or otherwise agreed to], are also considered to be part of the country’s legal framework. Depending on the country, international treaties may be: i) directly applied<sup>40</sup> in whole or in part; ii) implemented by enactment of new PLRs; or iii) implemented by revision of the current PLRs.
- In certain cases, existing PLRs, plans and programmes may not alone be enough to provide a basis for the safeguards adopted by the country. How to approach this situation will be examined in Part III of this document.

Institutional framework  
Who will implement the safeguards?

The institutional framework of a country refers to the institutions and institutional arrangements mandated with the responsibility for overseeing the implementation of the legal and compliance frameworks. This includes institutions and institutional arrangements in charge of information systems [including monitoring and reporting], conflict resolution mechanisms; and enforcement mechanisms.

It is important to note that:

- The legal framework informs the institutional framework [i.e. in terms of spelling out which are the institutions in charge of the implementation of the legal framework]. See Figure I.
- The institutional framework is in charge of implementing the legal and compliance framework. See Figure I.
- The institutions and institutional arrangements within a country’s framework are usually led by and composed of government actors, but in certain cases they might encompass non-governmental actors.
- The institutional framework comprises different administrative levels, both horizontally [sectorial ministries] and vertically [national, regional, local administrative units]. The design of the CAS is expected to clarify how these different administrative levels need to be harnessed to

<sup>40</sup> Will depend or vary according to the methods the country’s employs for the ‘incorporation’ of international law into domestic law.

ensure the implementation, enforcement and monitoring of safeguards. How to assess this will be examined in Part III of these guidelines.

- The processes and procedures set out by the institutions serve as the means and methods through which the institutions implement PLRs and guarantee compliance with the legal framework.
- In certain cases, existing institutions and institutional arrangements may not be enough to oversee the implementation of the safeguards adopted by the country. How to approach this situation will be examined in Part III of this document.

In the CAS, a country’s institutional framework is the basis for determining **who** are the institutions responsible for implementing the safeguards that are recognised, protected and promoted by the relevant legal framework. See Table 2 for examples. The relevant institutions comprising this framework should ensure that the safeguards are being addressed and respected when implementing REDD+ activities, and that information is gathered on their implementation.

Table

2.

Examples of how a country’s existing institutional framework can be utilised in a country approach to safeguards

Cancun safeguards<sup>41</sup>

- (c) Rights of indigenous peoples and local communities
- (e) Protection of natural forests and biodiversity

Institutional framework

A Law on Indigenous Peoples rights creates a specialised institutional government agency with the responsibility for ensuring that the rights that indigenous peoples are entitled to are promoted and protected. This institution could serve to oversee the implementation of Cancun safeguard C.

A Forest Law creates a dedicated forestry institution that is responsible for overseeing that the obligations and requirements set out by the law (e.g. to protect and enhance natural forests) are effectively implemented. This institution could serve to oversee the implementation of Cancun safeguard E.

<sup>41</sup> UNFCCC Decision I/CP.16 Annex I, para 2

# Compliance framework

## How to guarantee the fulfilment of the safeguards?

A country’s compliance framework is comprised of three elements required to guarantee and demonstrate the effective implementation of the legal framework: i) information [including monitoring and reporting] systems; ii) conflict resolution mechanisms, and iii) enforcement mechanisms. Each of the sub-elements of the compliance framework are outlined and explained in the following sections.

The compliance framework is created by the legal framework and implemented by the institutional framework. It is not separate from the legal and institutional frameworks per se, but is a function of the two, i.e. the legal framework includes compliance provisions in its laws and policies, and the institutional framework performs compliance functions [e.g. law enforcement]. It is separated here conceptually to emphasis its particular importance for the good functioning of a CAS.

The role of the compliance framework is to ensure that actions comply with the rules set out by the legal framework and to address any grievances that may arise. Ensuring the compliance of REDD+ implementation with the safeguard relevant aspects of the domestic legal framework, enables countries to demonstrate that they have ensured the consistency of REDD+ with the Cancun safeguards, and that they are addressed and respected.

Therefore, the role of the compliance framework in the CAS is to **guarantee** that the domestic embodiment of the safeguards are adhered to when implementing REDD+ activities. Specifically, the elements of the compliance framework serve to:

- a. Provide information on how the safeguards are being addressed and respected;
- b. Address any grievances that should arise in relation to the safeguards, and
- c. Address the lack of, or insufficient, compliance with the safeguards.

## Information systems

The existing information systems of a country provide information about how relevant aspects of the legal framework are being implemented.

In a CAS, a country’s existing ‘information systems’ are expected to be used to provide information on how the Cancun safeguards [i.e. that are recognised, protected and promoted by the relevant legal framework] are being addressed and respected. While the UNFCCC requires the provision of information on how the Cancun safeguards are being addressed and respected, there are no explicit monitoring or reporting requirements. See Table 3 for an example of how a country’s existing information systems can be utilised as part of a CAS.

Table

3.

Example of how a country’s existing information systems can be utilised in a country safeguards approach

Cancun safeguard <sup>42</sup>	Example of existing information systems
(e) Protection of natural forests and biodiversity	A law requires the monitoring and the distribution of information on land classification and land use, including data on forests cover, through the development of forest inventories and a database that is to be updated periodically. This existing information system could contribute to demonstrating compliance with Cancun safeguard (e).

It will also be important for countries to consider how the information already being provided under reporting obligations linked to the international treaties and conventions they are party to can contribute to safeguard reporting. Given the thematic relevance of many international agreements to the content of the Cancun safeguards, these domestic reporting processes can be a useful source of information. See Table 4 for examples of how reporting processes of relevant international treaties and conventions could also be utilised.

<sup>42</sup> UNFCCC Decision 1/CP.16 Annex I, para 2

Table

4.

Examples of reporting activities under selected international instruments that can assist in providing information on the Cancun Safeguards

International instrument	Relevant Cancun safeguard <sup>43</sup>	General information required by the instrument that can contribute to report on the Cancun safeguards
International Covenant on Economic, Social and Cultural Rights [ICESCR]	(c) and (d)	The ICESCR requires State Parties to “Indicate the ways and means by which the State party recognises and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood. Also indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples.” <sup>44</sup>
Convention on Biological Diversity [CBD]	(e)	CBD requires State Parties to provide information on their national biodiversity strategy and action plan [NBSAP], its implementation, and the mainstreaming of biodiversity. <sup>45</sup> This includes answering the following questions: What measurable biodiversity targets the country has set in line with the Aichi Biodiversity Targets; How the NBSAPs have been updated to incorporate these targets; What actions the reporting country has taken to implement the Convention since the last report (relevant legislation, policies, institutional and cooperative mechanisms, and funding) as well as the outcomes of these actions; How effectively biodiversity has been mainstreamed into relevant sectorial and cross-sectorial strategies, plans and programmes; and the extent to which the NBSAPs have been implemented.

<sup>43</sup> UNFCCC Decision 1/CP.16 Annex I, para 2

<sup>44</sup> Section B of the guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the ICESCR

<sup>45</sup> Convention on Biological Diversity article 6

It is important to note that:

- Countries’ existing information systems can play a key role in meeting the UNFCCC REDD+ safeguards requirement of establishing a system for providing information on how the safeguards are being addressed and respected.<sup>46</sup> This will be examined in Part III of this document.
- In certain cases, existing information systems may not be enough to provide information on the safeguards. How to approach this situation will be examined in Part III of this document.
- Existing information [and, if chosen to be included, monitoring and reporting] systems may operate at multiple scales [national, subnational, local level], one or more of which could contribute to the CAS. How to assess this will be examined in Part III of this document.

## Conflict resolution mechanisms

The role of conflict resolution mechanisms is to settle disputes between actors if and when their rights [defined by the legal framework] have not been duly recognised or respected. Conflict resolution can come in the form of negotiation, mediation, arbitration, or through use of judicial or administrative systems. Conflict resolution mechanisms form an integral part of countries’ existing compliance framework.

When developing a CAS, countries could make use of their existing conflict resolution mechanisms to address complaints from groups or individuals whose rights [embodied in the safeguards] may be affected through the implementation of REDD+ activities. See Table 5 for examples.

Additionally, in the context of REDD+, it is important to recognise that newly created and dedicated REDD+ conflict resolution, often referred to as grievance redress mechanisms [GRMs] can play an important role in the CAS. Considering that many REDD+ relevant stakeholders may not be capable of directly accessing existing judicial and administrative conflict resolution mechanisms, dedicated feedback, grievance and redress mechanisms [FGRMs] or GRMs can serve to gather complaints, address minor disputes and redirect and support stakeholders in accessing the existing judicial and administrative mechanisms in place in the country. How to consider the above is examined in Part III of this document.

<sup>46</sup> UNFCCC Decision 1/CP. 16 paragraph 71 (d), Decision 9/CP.19 paragraph 3

### Table

## 5.

It is important to note that:

- In certain cases, existing conflict resolution mechanisms may not be enough to settle disputes between actors in relation to the safeguards adopted by the country and in the specific context of REDD+ implementation. How to approach this situation will be examined in Part III of this document.
- Countries should consider that conflict resolution mechanisms may operate at multiple scales [e.g. national, regional, local level] with different conflict resolution mechanisms in different jurisdictions, and their respective roles would need to be determined when designing the CAS. How to assess this will be examined in Part III of this document.

Examples of how a country’s existing conflict resolution mechanisms can be utilised in a country-led safeguards approach

### Cancun safeguards<sup>47</sup>

(c) Rights of Indigenous peoples

### Examples of existing conflict resolution mechanisms

If a group of indigenous peoples were expelled from their land in a clear violation of an existing legal obligation to respect their rights to land, it would trigger a judicial conflict resolution mechanism to examine the situation and provide an effective remedy. In the case of REDD+ this conflict resolution mechanism could contribute towards guaranteeing that indigenous peoples’ rights to land are respected during the implementation of the REDD+ actions.

(d) Participation of relevant stakeholders

If a project developer has failed to respect the legal requirement to carry out a meaningful stakeholder consultation with the relevant local community, it would trigger an administrative conflict resolution mechanism to examine the situation and provide an effective remedy [e.g. require that the consultation is carried out]. This is a case that is usually linked to additionally triggering enforcement mechanisms [see table 6]

<sup>47</sup> UNFCCC Decision 1/CP.16 Annex 1, para 2



### Enforcement mechanisms

Enforcement measures and mechanisms are those that address or remedy any failure to implement the requirements or respect the rights set forth in the legal framework. Enforcement mechanisms can be administrative or judicial in nature, but in both cases aim to provide a legal avenue for addressing a finding of non-compliance [e.g. through the imposition of penalties or corrective measures].

In developing a CAS, existing enforcement mechanisms could be used to deal with any failure to address and respect the safeguards adopted by the country. See Table 6 for examples.

It is important to note that:

- Enforcement mechanisms are different from conflict resolution mechanisms/GRMs, but in certain cases both may operate in parallel and/or in a complementary manner.
- In certain cases, existing enforcement mechanisms may not be enough to address all failures to respect the safeguards adopted by the country in the specific context of REDD+. How to approach this situation will be examined in Part III of these guidelines.

Table

6.

Examples of how a country’s existing enforcement mechanisms can be utilised in a country approach to safeguards

Cancun safeguards<sup>48</sup>

(d) Participation of relevant stakeholders

Examples of existing enforcement mechanisms

If a project developer has failed to respect the legal requirement to carry out a meaningful stakeholder consultation, it might trigger an enforcement mechanism to address that failure by insisting that consultation is carried out, and/or lead to the failure of the project. In the case of REDD+, an example of an enforcement measure that could be triggered in the event of non-compliance is the project being banned from inclusion in the national REDD+ registry. See table 5 above for an example for when these mechanisms may operate in parallel and in a complementary manner with conflict resolution mechanisms or GRMs.

<sup>48</sup> UNFCCC Decision 1/CP.16 Annex I, para 2

(e) Non conversion of natural forests

The legal framework of a country might prohibit unplanned conversion of natural forests and the enforcement measures associated with failing to comply with this prohibition might be a 5-10 years’ prison sentence, plus covering the costs for the planting of X amount of hectares of forests. In the case of REDD+ this type of measures would contribute towards guaranteeing that the conversion of natural forests does not occur when implementing REDD+ activities.

III.

Best Practices and Early Lessons

How to Develop a Country Approach to Safeguards and Design a Safeguard Information System?

There is no fixed and linear approach to developing a country approach to safeguards, as it depends significantly on the context and circumstances of each country and the progress they have made with their overall REDD+ chosen approach. However, drawing on insights and experiences from pioneering countries<sup>49</sup>, the following sections highlight key considerations that could be of use to countries that are thinking of developing their own country approach to safeguards [including a safeguard information system]. Countries that have already taken certain steps [i.e. such as the development of indicators for safeguard reporting] can draw on these insights to complement their current efforts.

The main components being considered in the development of country approaches to safeguards are:

1. Engaging stakeholders in country approaches to safeguards
2. Setting goals and scope of the CAS
3. Clarifying the Cancun safeguards in accordance with the national context
4. Identifying, assessing and strengthening existing governance arrangements
5. Articulating how the country's safeguards will be achieved
6. Designing the safeguard information system

A first step that many countries have undertaken when seeking to adopt a country approach to safeguards, has been to define time-frames and estimated the level of resources that are likely to be needed. In several countries this has resulted in the development of CAS' 'roadmaps' and/or 'work plans'.

<sup>49</sup> Drawn from UN REDD (2015) Framework for supporting the development of country approaches to safeguards Rey, D. & Swan, S.R. (2014) A Country-led Safeguards Approach: Guidelines for National REDD+ Programmes. SNV – The Netherlands Development Organisation, REDD+ Programme, Ho Chi Minh City. Rey D., Shah, W.P. & Swan S.R. 2015. Country Approaches to REDD+ Safeguards: A Global Review of Initial Experiences and Emerging Lessons. United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), Geneva. Pioneering countries include among others: Mexico, Ecuador, Costa Rica, Guatemala, Panama, Peru, Papua New Guinea, and Vietnam.

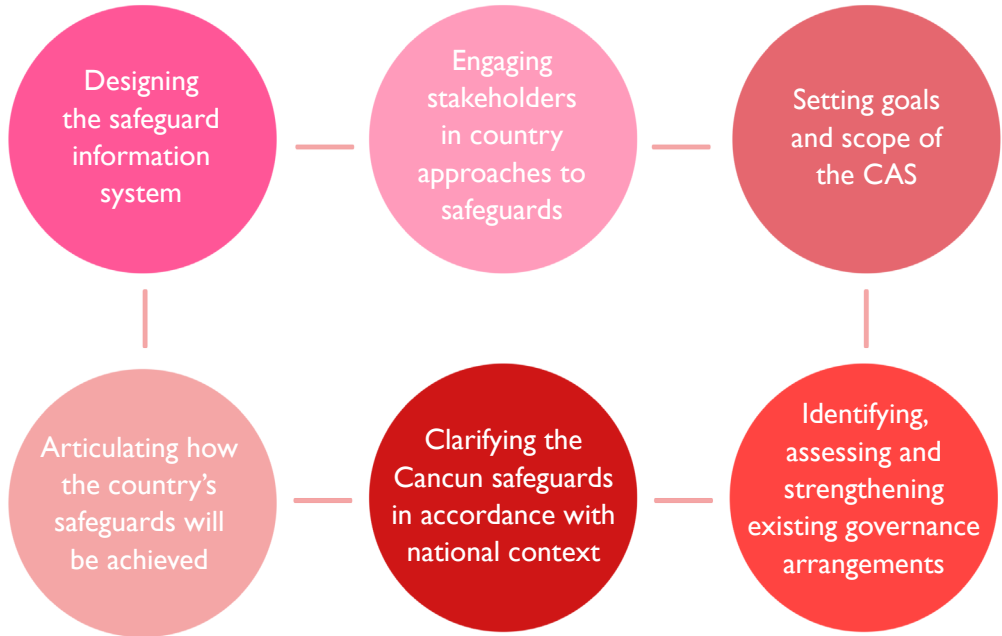
Key considerations linked to each component are presented below and structured as follows:

- **Rationale:** outlining the rationale for undertaking each component
- **Objectives:** reminding the reader of the purpose of each component
- **Key Considerations:** early lessons and best practices aimed at assisting with the implementation of the component, including how to ensure synergies between the overall REDD+ approach and FCPF safeguard related processes.
- **Distinctions and synergies with other components:** outlining how the specific component interacts with the other components and clarifying its role within the broader CAS
- **Expected outcomes:** outlining the main results expected from each component
- **Country case study practices:** provided in text boxes, reflecting real world examples of how pioneering countries have approach and implemented these components

Figure

2.

Summarises the main components for developing a CAS and SIS design.<sup>50</sup>



<sup>50</sup> Please note that although components are numbered, there is potential to address components in parallel.

## I. Engaging stakeholders in country approaches to safeguards

### Rationale

There is broad agreement that stakeholder engagement is essential in adopting an inclusive and transparent country approach to safeguards.<sup>51</sup> The success of a country's approach to safeguards, and its resultant products – SIS, summaries of information and any other domestic reporting - will depend on stakeholder ownership across a wide range of constituencies, particularly government bodies, civil society, indigenous people and local communities.

### Objective

The objective of this 'component' is for countries to consider and determine the means through which they will ensure the inclusiveness of the development of their country approach to safeguards and the implementation of their SIS.

### Key Considerations

Three main issues are emerging from countries' initial experiences in engaging stakeholders in their country approaches to safeguards:

- a. **Raising awareness and building capacities** in relation to safeguards requirements and more broadly, on REDD+ in order to engage in safeguards processes.

Emerging lessons on this issue include:

- **Determining the appropriate content, timing and format of awareness raising and capacity building activities is critical to the success of any stakeholder engagement process.** In particular, it is important to have clarity about what message is to be provided, how it should be provided [i.e. through appropriate means and in a culturally appropriate manner] and when it should be provided in relation to each stakeholder group. Methods vary and are best tailored to each stakeholder groups.
- **Awareness raising and capacity building activities need to be conducted at all stages**, as an iterative and on-going process throughout the CAS and SIS development. An initial instance of capacity building is of course considered essential [e.g. training workshops and meetings]. This initial investment should seek to achieve uniform levels of knowledge and understanding of different stakeholders to be able to effectively participate in the design phase of the country approach to safeguards. See box 4 for an illustrative example.

<sup>51</sup> Indeed, a number of both REDD+ and donor countries cite UNFCCC Decision 1/CP.16, paragraph 72, - developing country Parties, when developing... their NS/APs, [are requested to ensure] the full and effective participation of relevant stakeholders... - as a requirement for full and effective stakeholder participation to apply to REDD+ readiness processes, as well as the implementation of REDD+ actions.

## Box

### 4.

## Engaging stakeholders, awareness raising and capacity building in Guatemala

With the support of REDD+ Social and Environmental Standards [REDD+SES], Guatemala created a National Committee on Environmental and Social Safeguards [CNSAS]. It was renamed the 'National Multi-sectorial REDD+ Safeguards Committee' [CMSREDD+] in 2015. Representatives from government, civil society, indigenous people groups, local communities, private sector and academia integrate the CMSREDD+.

Although the CNSAS was originally created to support the use of REDD+ SES and to develop a safeguard information system in the country, its members agreed to expand its role to be able to support the design and implementation of a country safeguard system. Today the CMSREDD+ is a multi-stakeholder group in charge of supervising, legitimising and validating the design of a CAS in an inclusive and transparent manner. Since 2013 the Committee members have benefited from several training and capacity building activities to ensure all of its members can effectively participate, including dedicated and in depth capacity building workshops for all their members. These will continue as one of the CMSREDD+ objectives is to act as a multi-sectorial communications link to ensure the full participation of all stakeholders.

Source: Rodríguez, C.; Sosa, A.; Samayoa, O.; C. Bonilla. [2016]

- b. **Ensuring consultation and participation cost-effectively** throughout country approaches to safeguards.

Emerging lessons on this issue include:

- **Ensuring a balanced representation from all interested and relevant stakeholders that may be potentially affected by REDD+ activities.** Key stakeholder groups whose representation is considered important include: government departments, non-governmental organisations, academia and research organisations, indigenous peoples' groups, local communities, and private sector.
- **Participation and consultation activities need to be carried out with adequate time and through appropriate methods**, in order to ensure stakeholders can provide effective feedback. This applies to all activities, but in particular, to activities around the clarification of the Cancun safeguards, together with structuring the information in a SIS, both which are deemed highlight iterative processes. See box 11 for an illustrative example.

- **Consultation and participation processes under FCPF should be linked [if not integrated] into the CAS.** In particular, advantage should be taken of stakeholder analyses and mapping exercises undertaken as part of R-PP formulation, followed by a more structured and detailed stakeholder analysis during the SESA.<sup>52</sup> Initial stakeholder analysis can directly support the definition of key actors for the development and implementation of the country approach to safeguards. Conversely, this step of the country approach to safeguards can help strengthen the more structured and detailed stakeholder analysis that needs to be undertaken as part of the SESA.
- c. **Defining participatory arrangements** to generate the technical and political support that are needed for the country approach to safeguards.

Emerging lessons on this issue include:

- **Identifying, establishing new, or strengthening existing platforms to enable the effective participation of key stakeholders in the design and implementation of the country approach to safeguards and generate technical and political support.** Building on existing structures or platforms is key, in particular those that have political support, strong mandates and links with the different agencies relevant to safeguards. In the cases where a multi-stakeholder body exists [e.g. such as REDD+ technical working groups developed under FCPF or by REDD+ SES], countries will need to assess if the existing body could be utilised for the purposes of guaranteeing a participation in the CAS and generating the necessary technical and political support. If countries determine it appropriate and beneficial to create a dedicated multi-stakeholder safeguards body, they should seek to build upon and liaise with the existing multi-stakeholder body. In particular, countries should seek to determine which stakeholders are already participating in the existing relevant fora. See Box 4 and 5 for an illustrative example.
- **Ensuring that participatory platforms facilitate the provision of technical inputs, as well as continuous engagement of key experts.** It is important to acknowledge that in order to effectively develop the necessary outputs that help build the country approach to safeguards, a certain amount of technical expertise is required. While capacity building is intended to be a continuous process, it will be important to ensure the continuous involvement of key stakeholders so that informed inputs are provided throughout the development process. In some countries, this has been facilitated through the establishment of a 'core' technical stakeholder group of experts [from different government departments and from civil society], which works in tandem with a broader multi-stakeholder platform. See box 5 for an illustrative example.

<sup>52</sup> FCPF (2010) FMT Note 2010-9 "Incorporating Environmental and Social Considerations into the Process of Getting Ready for REDD plus" p.5

## Box

### 5.

## Engaging stakeholders, awareness raising and capacity building in Viet Nam

The National REDD+ Network was established by the Ministry of Agriculture and Rural Development [MARD] in 2009. Following this, six Sub-Technical Working Groups were established, including one dedicated to safeguards, to support the National REDD+ Network. The Sub-Technical Working Group on Safeguards [STWG-SG] was established as a multi-stakeholder platform to contribute coordinated technical assistance to government-led efforts to address and respect the Cancun safeguards and other relevant international and national policy commitments. The STWG-SG's ultimate goal is to contribute to promoting social and environmental co-benefits from REDD+ at national, subnational and local levels. The STWG-SG is chaired by the government through the Vietnam Administration of Forestry [VN FOREST] and co-chaired by SNV. The STWG-SG serves as a platform for all interested stakeholders to participate in the CAS development process, while a core technical group [Safeguards Core group] provides more technical expertise in the development of the CAS and its related outputs. In addition to the STWG-SG, Viet Nam established a 'core group' of experts to engage directly and continuously in the development of key outputs for the CAS prior to their presentation to the broader STWG-SG.

The STWG-SG and core group have met regularly throughout 2016 and have engaged substantively on a number of safeguard issues, including the development of a REDD+ Safeguards Roadmap, assessment of safeguard relevant PLRs, institutions, the clarification of the Cancun safeguards in accordance with Viet Nam's national circumstances, the identification of information needs for the SIS and the identification of relevant existing information sources for the SIS. Capacity building of the STWG-SG and core group is an ongoing process, which will continue throughout the development of Vietnam's CAS and SIS.

Source: CLP, SNV [2016] Training Manual on REDD+ Safeguards and the Design of a Country Approach to Safeguards [CAS] for Vietnam



## Box

6.

## Mexico experience conducting a participatory process for the development of the National Safeguards System [NSS] and Safeguards Information System

Mexico has conducted a process allowing participation of the relevant stakeholders in the main steps undertaken for development the SIS, through workshops, webinars, dissemination materials, that has allowed for a dialogue between the government and interested stakeholders.

For example, the characteristics of the NSS and SIS were defined with the provision of feedback stakeholders from indigenous groups, civil society, and government. As a result, the document “Designing the REDD+ National Safeguards System”<sup>53</sup> was published, which highlights the development of a participation and dissemination process as a fundamental step to develop the NSS and SIS. The recent activities undertaken to clarify the Cancun Safeguards in accordance with Mexico’s national circumstances [see box 11] and to outline the characteristics, objective and functions of the SIS<sup>54</sup>, are other examples of this process.

The participatory process for the NSS in Mexico has benefited from existing participatory platforms that have been involved in the REDD+ process, such as the National Forest Council, the National REDD+ Technical Advisory Committee [CTC], the State CTCs and the REDD+ Safeguards Committee of the Yucatan Peninsula. The latter was created as a regional platform specialised in issues related to safeguards, and includes representatives from rural organisations, civil society, forest communities, academia, and government.

The participatory process undertaken in Mexico in the context of the NSS and SIS recognises the importance of mainstreaming safeguards in the overall REDD+ process, and for this reason, the participatory process that has been promoted considers mainly participatory workshops, and consultation with the existing platforms involved in the REDD+ process in the country, rather than the development of a dedicated technical committee or working group at the national level, as other countries have done so.

Source: CONAFOR 2016a, CONAFOR 2014a and 2014b, CONAFOR [pers. comm. 2016]

<sup>53</sup> CONAFOR (2014a) Designing a National Safeguard System in México, Comisión Nacional Forestal (CONAFOR), Guadalajara, Mexico

<sup>54</sup> CONAFOR (2016b) Consideraciones Iniciales: Sistema de Información de Salvaguardas REDD+ en México (in Spanish) Comisión Nacional Forestal (CONAFOR), Guadalajara, Mexico.

## Box

7.

## Papua New Guinea’s ToR for technical working group on social and environmental safeguards

In 2016, Papua New Guinea [PNG] confirmed that the Technical Working Group on Social and Environmental Safeguards [TWG-SES] is the appropriate multi-stakeholder platform to lead the REDD+ safeguards processes in PNG. The TWG-SES was established to meet the need for PNG to respond to the multiple international safeguard requirements, in particular those under the UNFCCC and the FCPF, through the adoption of a country approach to safeguards. The main role of the TWGs is to provide support for proposals and options for technical choices in this area of expertise, by taking into account relevant and available information and guidance.

The terms of reference for the group have been defined and include the following tasks:

- Review and contribute to the adoption of a country approach to safeguards, including the set-up of a Safeguard Information Systems;
- Review and establish effective Feedback Grievance and Redress Mechanisms;
- Provide overall technical knowledge and direction on social and environmental safeguards; and
- Collaborate with other TWGs to ensure linkages between the National Forest Monitoring System [NFMS] and the SIS.

Source: Social and Environmental Safeguards Technical Working Group (2016)

Distinctions and Synergies with other Components

Two main issues are emerging from countries’ initial experiences in engaging stakeholders in their country approaches to safeguards in terms of synergies:

- The clarification of the Cancun safeguards, together with structuring the information in a SIS, appear to be the two most important entry points for stakeholder engagement in country approaches to safeguards.
- Consultation and participation processes for safeguards should not be undertaken in isolation from other processes of stakeholder engagement for REDD+. In particular, that consultation and participation over REDD+ safeguards should be linked to broader REDD+ discussions.

Desired Outcomes

- A defined multi-stakeholder safeguard platform/body, whose members have the capacities and clear responsibilities to offer feedback on the implementation of the country approach to safe guards. Alternatively, a clear identification of a process to engage relevant stakeholders in the development of the country approach to safeguards.
- Awareness raising and capacity building activities are identified and planned throughout the coun try approach to safeguards.
- Participation and consultation activities are identified and planned throughout the country ap proach to safeguards.
- The creation/strengthening, of terms of reference and internal rules of the multi-stakeholder safeguards body.

2. Setting goals and scope of the CAS

Rationale

These two interrelated components are emerging as fundamental to framing country approaches to safeguards:

- i. **Setting goals means** determining which safeguards a country intends to apply for REDD+ Cancun safeguards by default, and any other additional safeguards requirements chosen by the country; and
- ii. **Setting scope means** determining what interventions - REDD+ actions, again by default, and other actions in forestry and land-use sectors – the CAS will be applied to.

In setting the **goals** of the CAS, perhaps the most important consideration to keep in mind is that the Cancun safeguards constitute the default, not minimum, safeguards to be applied.<sup>55</sup> The Cancun safeguards were negotiated under the UNFCCC to ensure that all countries looking to implement REDD+ apply them to their REDD+ actions. Countries may nevertheless choose to include additional safeguards in accordance with their national and international policy and funding commitments [e.g. bilateral commitments to delivering REDD+ results in return for payments].

Defining the **scope** of the CAS means clarifying what interventions the safeguards are expected to be applied to. As a default, this would be the country’s proposed REDD+ actions [also known as Policies and Measures-PaMs]. The UNFCCC requirement is to apply the Cancun safeguards to all REDD+ actions to be implemented under the National Strategy or Action Plans [NS/APs].<sup>56</sup> However, coun-tries can also decide to define the scope of application of their CAS to be broader than REDD+, and to apply to other actions in the forestry and land-use.

Objective

The objective of this ‘component’ is for countries to consider and determine what set of safeguards [Cancun and any additional chosen ones] will be applied as part of their CAS and what interventions these will be applied to [i.e. the REDD+ actions exclusively, or other actions in forestry and land-use sectors in addition to the REDD+ actions].

<sup>55</sup> Under the UNFCCC, developing countries should ensure that REDD+ actions, regardless of the source and type of funding, are implemented in a manner consistent with the Cancun safeguards. Decision 1/CP.16, Appendix II, Decision 2/CP.17 paragraph 63

<sup>56</sup> Ibid

Key Considerations

Two main issues are emerging from countries’ initial experiences in setting the the goals and scope of their country approach to safeguards:

a. Setting the goals of the CAS in light of the country’s national and international policy and funding commitments.

Emerging lessons on this issue include:

- **When determining the goals of the CAS, countries should consider their other relevant policy and funding commitments, and how they relate to the Cancun safeguards.** Countries participating in the FCPF are required to adhere to the Operational Policies [OPs] of the World Bank [or equivalent from the Delivery Partner]. However, adherence to these Policies, as part of the FCPF readiness process or Carbon Fund, does not necessarily constitute a different or additional set of safeguards to the Cancun safeguards as they have been understood by the World Bank to be ‘consistent’ in terms of substantive content.<sup>57</sup> Each country’s clarification of the Cancun safeguards according to their national circumstances [see component 4], presents an opportunity to outline how relevant safeguard substantive requirements [including the OPs of the World Bank] are also embedded in the country clarification of the Cancun Safeguards.

b. Setting the scope of the CAS in relation to the overall strategic approach to REDD+

Emerging lessons on this issue include:

- **Defining the scope of the safeguards application is important in managing stakeholder perceptions and expectations.** Many stakeholders, particularly domestic civil society and grass roots-level actors, can hold high expectations of REDD+ in general, and safeguards in particular. In the latter case, some domestic stakeholders may expect the safeguards to be applied more broadly than just to REDD+ actions. In order to avoid potential misunderstandings, it is important to clearly articulate the scope of the CAS within the relevant document[s], such as the NS/APs and the Articulation of CAS [see component 5]. See Box 8 for an illustrative example.

<sup>57</sup> FCPF Carbon Fund (2013) World Bank Safeguard Policies and the UNFCCC REDD+ Safeguards. FMT Note CF-2013-3

Box

8.

Defining the scope of the CAS in Guatemala

Guatemala’s CAS framework document has outlined that in the first CAS interpretation and construction workshop held in August 2015 it was decided that the CAS would be oriented to supporting the implementation of the UNFCCC REDD+ safeguards under the National REDD+ Strategy. This means the scope of the safeguards application will be to the REDD+ actions outlined in the National REDD+ Strategy.

The CAS framework document highlights as a lesson that this task is not simple because it requires reaching consensus among multiple stakeholders, as well as a common understanding of the UNFCCC safeguards and the suggested REDD+ actions.

Source: Rodríguez, C.; Sosa, A.; Samayoa, O.; C. Bonilla, [2016]

- **Setting the scope of the CAS is an iterative process, linked to the adoption of the REDD+ actions.** Countries may start simply outlining their commitment towards ensuring the Cancun safeguards are applied throughout the implementation of the proposed REDD+ actions, within their NS/APs; and as their REDD+ actions are further defined, link them specifically to the latter [see Component 5 on Articulation of CAS].

Distinctions and Synergies with other Processes

Two main areas of synergies are emerging from countries’ initial experiences in setting the goals and scope of their CAS:

- Setting safeguard goals is linked with the process of the clarification of the Cancun safeguards. As examined above, each country’s clarification of the Cancun safeguards according to their national circumstances [see component 4], presents an opportunity to outline how relevant safeguard substantive requirements [including the OPs of the World Bank] are also embedded in the country clarification of the Cancun Safeguards.
- Setting the scope of application of the CAS informs the ‘Articulation of the CAS’. As examined under component 5 [Articulation of the CAS] the scope of the CAS also needs to be clearly defined so as to determine the scope of the necessary arrangements [articulation] needed to ensure that REDD+ actions are carried in accordance with the Cancun safeguards.

Desired Outcomes

- A clear identification of the safeguard goals the country seeks to implement/fulfil through its CAS. As this is an iterative process, and depending on the stage at which the country is in, it could be embedded in the country’s work plan/roadmap for the adoption of the CAS, in the NS/APs, in the clarification of the Cancun safeguards, in the ‘Articulation of the CAS’, etc.
- Determine the scope of application of the CAS, by outlining what ‘activities’ [REDD+ activities and any other additional ‘activities’] will be subject to the safeguards. As this is an iterative process, and depending on the stage, it could be embedded in the country’s work plan/roadmap for the adoption of the CAS, in the NS/APs, in the ‘Articulation of the CAS’, etc.

3. Identifying, assessing and strengthening existing governance arrangements

Rationale

It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements relevant to the safeguards [e.g. PLRs, institutional frameworks, information systems, etc.] forms the basis through which they can ensure consistency with the Cancun safeguards throughout the implementation of their REDD+ actions.

Several countries have embarked on the identification and assessment of their safeguards-relevant governance arrangements. While the precise understanding and scope of the term ‘governance arrangements’ differs from country to country, the key elements countries are considering include:

- PLRs
- institutional arrangements
- information systems and sources
- conflict resolution mechanisms
- enforcement mechanisms

Objective

Identifying relevant aspects of the governance arrangements through which the Cancun safeguards will be achieved, and offering recommendations to address identified gaps or weaknesses that could hinder the implementation of the country specific safeguards.

Key Considerations

Two main issues are emerging from countries’ initial experiences in identifying, assessing and strengthening existing governance arrangements:

- a. **Adopting a robust methodological and participatory approach for carrying out the assessments**

Emerging lessons on this issue include:

- **Following robust methodologies and clear parameters against which the governance arrangements are to be identified and assessed, are key to ensuring the sought outcomes of the analyses are achieved.** As countries seek to operationalise the Cancun safeguards as a minimum, the parameters against which the existing frameworks are to be identified and assessed need to be determined based on the thematic elements embodied in the Cancun safeguards. However, as the Cancun safeguard principles are very broad and do not provide enough guidance as to what thematic elements might be covered by the gap analysis, international assessment frameworks have been widely used. When selecting and employing an international assessment framework, it will be important to chose one that enables a systematic unpacking of the Cancun safeguards into criteria and potentially indicators that reflect the thematic elements that need to be identified and assessed. However, it also needs to be general enough to allow countries to apply it to their differing contexts and circumstances. Guiding questions that enable the application of such an assessment framework should also be envisioned. Figure 3 provides an extract of the matrix employed in the legal gap analysis of Papua New Guinea.



**Figure** Extract of legal gap analysis matrix employed in Papua New Guinea  
**Safeguard D**

**3.** **Creating an enabling environment for an effective participation**

**Diagnostic Question**  
To what extent do PLRs define a clear and meaningful process/mechanism for public participation in environmental decision-making?

Indicators	Mark accordingly	Explanation [identify articles/provisions] /gaps identified
PLRs define clear responsibilities over the process/mechanism for public participation		
PLRs define a clear time-frame for decision making		
PLRs define clear time-frames for input		
PLRs define accountability aspects for addressing inputs		
PLRs require and regulate the documentation of the public participation process		
PLRs define a timely and targeted distribution of relevant information about the entire participatory process, including the process to address input received		

**Box**  
**9.** **Best practice methodological steps for the identification and assessment of governance arrangements**

Some common and best practice methodological key steps countries have taken include:

- I. **Identification** of relevant and applicable governance arrangements [e.g. legal framework-PLRs, information systems, conflict resolution mechanisms, etc.]. Early lessons and best practices have demonstrated that the assessment of the legal framework should be the first assessment to be carried out, as it will serve as an input and inform the remaining analysis. In order to identify ‘what’ are the relevant aspects of the legal framework, countries have used international frameworks that interpret the Cancun safeguards<sup>58</sup>, which can serve to identify the relevance and thematic aspects of the legal framework for each safeguard. The identification should include PLRs, plans and programmes, with their specific articles and provisions.
- II. **Analysis** of the identified relevant and applicable governance arrangements. In the case of the legal analysis, once the legal framework has been identified and confirmed with the relevant stakeholders, best practices are to complete a dedicated legal matrix [see Figure 3 above for an example] through desk based research, and later confirm the findings through interviews with relevant stakeholders.
- III. **Recommendations** for addressing gaps and weaknesses. Once feedback has been gathered on the completed methodological matrix, best practices are to: a) summarise and systematise the findings and gaps in a technical paper. The systematisation of the findings and gaps will provide a clear “picture” of the current state of the relevant legal framework [or governance arrangements]. b) Identifying appropriate recommendations for addressing gaps and weaknesses.

<sup>58</sup> Such as those provided by Rey, D., Roberts, J., Korwin, S., Rivera., & Ribet, U. (2013) A Guide to Understanding and Implementing the UNFCCC, ClientEarth, London, United Kingdom. Available from: <http://www.clientearth.org/reports/a-guide-to-understanding-and-implementing-unfccc-redd+-safe-guards.pdf>

- **Defining synergies with the FCPF.**The FCPF SESA process could be used to support the assessment of the country’s legal and institutional frameworks. Conversely, assessments of relevant governance arrangements as part of the CAS can contribute to fulfil the relevant activities required as part of the FCPF SESA process, which require the identification of legal and regulatory weaknesses and institutional capacities, specifically in relation to the possible social and environmental risks resulting from the implementation of the REDD+ strategy options.<sup>59</sup> It will be important to identify these synergies early on and avoid overlaps and parallel processes.

Furthermore, as part of the readiness management arrangements [R-PP component 1a], country participants are expected to establish a feedback and grievance redress mechanism to be operational “early in the R-PP implementation phase.”<sup>60</sup> The assessment of relevant conflict resolution mechanisms undertaken as part of a country approach to safeguards could therefore contribute and provide inputs to the FCPF FGRM-related requirements.

- **Defining appropriate consultative activities to gather feedback and validate findings of the assessments.** Stakeholder inputs and feedback can be most efficiently obtained through consultations evaluating the draft assessments carried out by technical specialists. It is important to note the products of these analyses will be technical documents, which need to be unpacked and made accessible to the relevant stakeholders. Appropriate consultative activities [including format] will need to be identified and carried out.

**b. Identifying gaps and taking steps to address weaknesses**

Emerging lessons on this issue include:

- **Summarising and systematising the findings and gaps.**The systematisation of the findings and gaps will provide a clear “picture” of the current state of the relevant governance arrangements. It is likely that the assessments indicate that the governance arrangement[s] can effectively ensure that the Cancun safeguards are addressed. However, it is also likely that there will be certain gaps, weaknesses, or possible inconsistencies that need to be adequately dealt with. It will be important these are clearly identified and discussed with relevant stakeholders.

<sup>59</sup> FCPF (2010) FMT Note 2010-9 “Incorporating Environmental and Social Considerations into the Process of Getting Ready for REDD plus” p.5 and FCPF (2010) R-PP Template for country use version 6 p.12  
<sup>60</sup> FCPF (2010) R-PP Template for country use version 6 p. 17

- Crafting politically and temporally feasible recommendations. When crafting recommendations, it will be important to consider what is politically and temporally feasible. For example, in certain cases carrying out reforms to existing laws that apply broadly in the country [e.g. law on access to information] may be feasible, but in other cases it might be easier to create new and specific ordinance that is to be applied in the context of REDD+. In particular, it is important to consider that strengthening the mandate and the capacities of relevant institutions could be more cost-effective than PLR reforms [or novel PLR development]. See box 10 for key methodological tips.

**Box**

**10.**

**Best practice methodological steps for crafting politically and timely feasible recommendations**

Some best practices that countries are taking into account include:

- I. Considering if strengthening the mandate, procedures and the capacities of relevant institutions could be a more cost-effective approach than PLR reforms [or novel PLR development] *per se*. In particular, because legal reforms are difficult to achieve [requiring high levels of political will and long periods of time], and are usually outside of the control and influence of the government institutions leading REDD+.
- II. Considering the feasibility of using the draft REDD+ strategy to address any gaps and weaknesses.
- III. Considering what is feasible in terms of PLRs reforms. Key considerations are: if sufficient political will, at the decision-making level, can be secured; an approach to reform, in terms of prioritising procedures, protocols and regulations under the mandate of the relevant government agency is pursued in favour of trying to reform laws and policies; and taking an opportunistic approach as and when reform processes occur.
- IV. Considering that ‘secondary legislation’ and ‘internal rules’ adopted by relevant government agencies [e.g. charters, rules, procedures, manuals, codes, standards, protocols, guidelines, etc.] could be the most cost-effective approach for gap filling.
- V. In some cases, it may be feasible to carry out reforms of existing laws that apply broadly in the country [for example, the law on access to information], but in other cases it may be easier to create a specific and legal instrument to be applied to the context of REDD+.
- VI. Specifying how to achieve the recommendations [i.e. what articles/provisions of law must be strengthened] and who will lead [i.e. a specific ministry].

- **Defining appropriate consultative activities to gather feedback and validate recommendations of the assessments.** It will be important to gather stakeholder inputs and feedback on the proposed recommendations to address identified gaps. Appropriate consultative activities [including format] will need to be identified and carried out.

**Distinctions and Synergies with other Processes**

Countries’ initial experiences in identifying, assessing and strengthening governance have highlighted the following issue:

- The legal gap analysis serves not only identify and assess the aspects of the existing legal frame work [e.g. PLRs] that could be used to ensure consistency with the Cancun safeguards through out REDD+ implementation, but it also serves as the key input for the country’s clarification of the Cancun safeguards [component 4]. Drawing on the country’s existing PLRs is seen as a key input to ensure the clarification/interpretation of the Cancun safeguards is consistent with the country’s context and circumstances.

**Desired Outcomes**

- A technical document[s] that identifies the aspects of the governance arrangements that could be used to operationalise the safeguards, and the recommendations for addressing the identified gaps and weaknesses.

4. Clarifying the Cancun safeguards in accordance with national context

**Rationale**

Rather than defining a detailed set of safeguards provisions for REDD+, Parties to the UNFCCC agreed to a set of seven broad safeguards that are expected to be applied in accordance with national circumstances. Consequently, REDD+ countries are expected to ‘clarify’<sup>61</sup> what the Cancun safe- guards mean in their country, and the ‘clarification’ of the Cancun safeguards can be expected to vary significantly from country to country.

<sup>61</sup> Synonymous terms used in the literature and practitioners include: ‘contextualising’, ‘elaborating’, ‘interpreting’, ‘specifying’ and ‘unpacking’ the Cancun safeguards.

In the final series of decisions on REDD+, agreed in Paris at COP 21, Parties to the UNFCCC devel- oped some further guidance “on ensuring transparency, consistency, comprehensiveness and effective- ness when informing on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected.”<sup>62</sup>

As part of this guidance, the COP “strongly encourages” developing country Parties, when providing the summary of information on how the Cancun Safeguards are being addressed and respected, to include, inter alia: “A description of each safeguard in accordance with national circumstances.”<sup>63</sup>

It is important to note that the clarification of the Cancun Safeguards in accordance with national circumstances is an essential element of a CAS for three reasons:

- The Clarification is key to the articulation of the CAS, as it is an official declaration/explanation of how the broad principles of the Cancun safeguards are reflected in the domestic legal frame work in the form of rights and obligations.
- It is one of the foundations of the SIS as it is key to determining the ‘information needs’ [i.e. types of information that are to be gathered by the SIS]; and
- It is central to the preparation of the summary of information, as it helps to determine the information that should be provided to the UNFCCC to demonstrate how the safeguards are being addressed and respected.

**Objective**

The purpose of the clarification is to ‘specify’ what the Cancun safeguard broad goals/objectives/prin- ciples mean in the country context. In other words, the clarification is expected to contextualise the general principles outlined in the Cancun safeguards into specific rights and obligations the country commits to fulfilling in the context of the implementation of the REDD+ actions. We must note that these specific specific rights and obligations are largely determined and informed by the existing legal obligations of the country.

**Key Considerations**

Two main issues are emerging from countries’ initial experiences in clarifying the Cancun safeguards in accordance with the country context:

<sup>62</sup> UNFCCC Decision 17/CP.21

<sup>63</sup> Ibid, paragraph 5(b)

a. Adopting a robust methodological and participatory approach for clarifying the Cancun safeguards

Emerging lessons on this issue include:

- **Selecting the key inputs that should be considered as part of the methodological approach** including the findings of a legal gap analysis [see component 3] and the perspectives from the multiple and relevant stakeholders. Many stakeholders, particularly domestic civil society and grass roots-level actors, can hold high expectations over this process, and in particular over which inputs will be used. It is therefore important to chose and communicate the chosen methodological approach.
- **Clarifying the Cancun safeguards is a highly iterative process with multiple revisions.** As such, it is best carried out in a consultative manner with relevant stakeholders. It will be important to determine and carry out specific and appropriate consultation activities. Multiple cost effective methods and formats can be considered for carrying out consultations and gathering the feedback from stakeholders, including a mixture of online consultations, webinars and workshops. See box 11 for illustrative example.

Box

11.

The clarification of the Cancun safeguards in Mexico

The clarification of the Cancun Safeguards in accordance with Mexico’s national context has been identified as a crucial step in the articulation of the **NSS and SIS**. To develop the clarification of safe- guards, the National Forest Commission [CONAFOR] led a process that consisted on the following steps:

- I. A preliminary clarification document was elaborated, identifying:
  - The elements of each safeguard, in accordance with Mexico’s relevant legal framework.
  - The scope of the implementation of safeguards [the National REDD+ Strategy]
  - How each of the constitutive elements of the safeguards is recognised and regulated by the applicable national and international legal framework.
  - A narrative description of the constitutive elements of each safeguard and how they are reflected in Mexico’s national context.
- II. The preliminary clarification document was shared with relevant stakeholders and a webinar was conducted to explain its purpose and content and to receive feedback and suggestions from the stakeholders.
- III. A participatory workshop was carried out to present the clarification and gather feedback from stakeholders. Fifty-three [53] people attended this event.
- IV. The comments received directly from stakeholders or through the webinar and workshop were gathered and systematised. CONAFOR then elaborated a document explaining how the comments were addressed in the final version of the clarification document.
- V. The clarification document was adjusted to reflect the inputs received and a final version was elaborated and shared with the participants from the webinar and workshop [published in CONAFOR’s webpage in August 2016].<sup>64</sup>

Source: CONAFOR 2016a, CONAFOR 2014 a and 2014b, CONAFOR pers. comm. 2016

<sup>64</sup> CONAFOR [2016a] Interpretación Nacional de las salvaguardas REDD de la CMNUCC en México (in Spanish) Comisión Nacional Forestal [CONAFOR], Guadalajara, Mexico

- **Selecting the format for the clarification document is central for managing expectations over the scope of the clarification.** The appropriate format can vary from country to country, but it will need to respond to the needs of the country in terms of the essential information that should be conveyed. For some countries it will involve unpacking ‘core’ interpretative elements of the Cancun safeguards and determining the legal basis for each of these elements in the country’s legislation. For others it might be going beyond and offer explanations about the country context to justify the outcomes of the clarification. In any case, it will be important for countries to determine a clear format for the document, keeping in mind that its objective is to ‘clarify’ what the broad goals/objectives/principles embodied in the Cancun safeguards mean to the country context. In other words, the purpose is to determine what specific objectives/goals/principles the country commits to fulfilling in the context of the application of the REDD+ actions.

**b. Utilising the country’s legal framework is key for the ‘clarification’ of the Cancun Safeguards**

Emerging lessons on this issue include:

- **Utilising the country’s legal framework [i.e. PLRs] is key for ensuring that the ‘clarification’ of the Cancun Safeguards reflects the country’s particular national context and for managing stakeholder’s expectations.** Many Countries’ legal frameworks may already recognise the rights and obligations embodied in the Cancun safeguards, but may articulate them differently in their domestic context. For instance, Cancun safeguard (c) requires that countries respect “the knowledge and rights of indigenous peoples and members of local communities”, and while some countries have important populations of indigenous peoples, and therefore recognise their rights and knowledge through domestic laws, others may not recognise the term in their legal frameworks, instead referring to and protecting the rights of ‘vulnerable groups’ or ‘ethnic minorities’.

See box 12 for illustrative examples.

## Box

# 12.

## Sample draft interpretation of Cancun safeguard (c) by Mexico, Vietnam and Papua New Guinea in accordance with their national context

Mexico, Viet Nam and Papua New Guinea have developed draft documents clarifying what the Cancun safeguards mean to the country context using their country’s legal framework as the key input. Although these documents are still in a draft stage, this text box illustrates distinctions that can be appreciated with regards to the clarification of Cancun safeguard ‘c’ due the country’s particular legal obligations and national context.

**In Mexico:** The legal framework recognises three key stakeholder groups: indigenous peoples, ejidos and communities. The interpretation of this safeguard states that recognition and respect for the rights of indigenous peoples, ejidos and communities is guaranteed in the context of implementation of the REDD+ strategy [‘ENAREDD+’], in adherence to national and international legal framework applicable, in particular the provisions of Articles 1 and 2 of the Constitution of the United Mexican States.

**In Viet Nam:** Viet Nam is a nation comprising 54 ethnic groups. The term ‘indigenous peoples’ is not used in Viet Nam, although it is recognised that ‘ethnic minorities’ are distributed throughout the country, mostly living in the mountainous regions. In the context of REDD+, the recognition of, and the criteria utilised to determine ‘who are’ ethnic minorities and local communities in accordance to the relevant PLRs is expected to be applicable to the implementation of the National REDD+ Action Plan [NRAP] and Provincial REDD+ Action Plans [PRAPs].

**In Papua New Guinea:** The National Constitution of PNG provides standard criteria for defining who are ‘indigenous people’ in PNG which is consistent with international law. However, the term ‘indigenous people’ is not used in the Constitution or in relevant PLRs. This is replaced with the term ‘customary landowners.’ PNG has identified that the recognition of, and respect for the rights of customary landowners, local communities and vulnerable groups in accordance to the relevant PLRs is applicable to the implementation of the National REDD+ Strategy; including the rights to non discrimination, traditional knowledge and culture, self determination, benefit sharing and collective tenure rights.

Source: CONAFOR 2016a, Viet Nam Draft Clarification of the Cancun Safeguards, and Papua New Guinea Draft Clarification of the Cancun Safeguards



- **Determining the scope of the clarification and the use of the legal framework is important in managing stakeholder perceptions and expectations.** The clarification is not intended to determine how the relevant legal framework [e.g. PLRs] will be used to ensure the REDD+ actions are carried out in consistency with the safeguard goals, nor is the clarification a gap analysis of the PLRs. It is important for countries to outline the above in the relevant documents and throughout the consultative process, including explaining how the existing legal framework is used to provide a ‘legal basis’ for the clarification. See box 13 for illustrative example of methods used.

Box  
13.

## Best practice methodological steps for the clarification of the Cancun safeguards

Some common and best practice methodological steps countries have taken include:

- I. Clarifying the scope of the exercise and resulting document to all relevant stakeholders. The purpose of the clarification is to specify how the principles/objectives encompassed in the Cancun safeguards translate into concrete rights and obligations in the context of the country. It is important to note that the clarification itself does not determine how such PLRs will be used/applied to ensure the REDD+ actions are carried out in consistency with the safeguard [which is a follow up step].
- II. Drawing on the findings of a comprehensive PLR gap analysis, the language of each of the Cancun safeguards can be unpacked to identify ‘core interpretative elements’ or ‘key terms’ for each of the UNFCCC REDD+ safeguards. For example, as seen above and in Box 10, the key terms and scope can vary depending on each country legal context and obligations.
- III. Once the core elements/key terms are determined for each safeguard, the findings of the PLR gap analysis can be synthesised to provide a ‘legal basis’ for each of these core elements [i.e. how they are anchored to the ‘relevant’ PLRs].
- IV. Considering the combined core elements per safeguard, an overall and narrative clarification of each safeguard can be developed.

### Distinctions and Synergies with other Processes

Three main issues are emerging from countries’ initial experiences in clarifying the Cancun safeguards to the country context that need to be considered:

#### Synergies

- Clarifying the Cancun safeguards in accordance with national circumstances is key and central to SIS design and preparation of the summary of information- In particular it is important to emphasise that the clarification is the main input for determining the information needs of the country’s SIS [i.e. the information that is to provided to demonstrate that each safeguard has been addressed and respected], without which, the identification and assessment of existing and relevant information systems and sources that form the basis for the SIS cannot be undertaken.
- As mentioned under component 2, a country’s clarification of the Cancun safeguards according to their national context presents an opportunity to cover all relevant safeguard commitments [including the OPs]. To do this, it will be important for countries to determine the various safeguard commitments linked to funding they are receieving or policy commitments they have made. During the process of clarification, they can identify and outline how the specific principles and objectives the country commits to fulfilling in the context of the application of the REDD+ actions also encompass the commitments under relevant policy and funding commitments.

#### Distinctions

- **As mentioned above, the clarification is not expected to outline how the relevant legal framework [e.g. PLRs] will be used to ensure the REDD+ actions are carried out in consistency with the safeguard goals.** The process aimed at outlining how the goals of the CAS will actually be achieved/operationalised [i.e. how to ensure the REDD+ actions are implemented in consistency with the country specific safeguards] is a next step [see component 5 concerning the Articulation of the country approach to safeguards].
- As mentioned under synergies, the clarification is a key input for determining the information needs of the country’s SIS. Hence, it is important for countries to clearly distinguish these processes, although they might result in a single and consolidated document. Many countries have developed Principle, Criteria and Indicator [PCI] frameworks, but without clearly defining the purpose of the PCIs. In some cases, they serve as a national clarification of the Cancun safeguards, in others, as a means of structuring the reporting objectives of the SIS, often, an unclear mix of the two.

Desired Outcomes

- A document that outlines how the country has un-packed the broad principles embodied in the Cancun safeguards by drawing on their existing legal obligations, and explained how they are reflected in the county context.
- The Clarification document [or an executive summary of such document] could be included in the in the summary of information to the UNFCCC or other reporting requirements. See Annex I for more details.

5. Articulating how the country’s safeguard will be achieved

Rationale

Identifying and assessing existing governance arrangements can significantly contribute to demonstrating how the Cancun safeguards are to be addressed and respected. Information on the identified relevant governance arrangements can be used to demonstrate how the Cancun safeguards are being addressed; whilst information about how these governance arrangements are working in practice [in the specific context of REDD+ implementation] can be used to demonstrate how the Cancun safeguards are being respected.

Objective

Formally determine what aspects of the country’s governance arrangements [e.g. PLRs] will be used to ensure the safeguards are ‘addressed’ throughout the implementation of the REDD+ actions.

Key Considerations

Two main issues are emerging from countries’ initial experiences in articulating their country approach to safeguards. However, it is important to note that there is still insufficient experience and knowledge regarding this component as countries are only now just beginning to work on it.

- a. Linking the proposed governance arrangements to the country specific safeguards and REDD+ actions

Emerging lessons on this issue include:

- **Outlining how each of governance arrangement is to be used as part of the country approach to safeguards.** It will be important for countries to determine how each of the governance arrangements that are to be used as part of the country approach to safeguards will be used to ensure the Cancun safeguards are addressed and respected throughout the implementation of the proposed REDD+ actions, including the following:
  - i. How safeguards are to be adhered to when implementing REDD+ actions [how the relevant aspects of the legal framework will be utilised to operationalise the safeguards];
  - ii. Which existing institutions/institutional arrangements will be used to oversee and guarantee the safeguards implementation when implementing REDD+ actions and how;
  - iii. Which existing information systems and sources will be used to gather information on the safeguards implementation when implementing REDD+ actions and how. This aspect of the articulation will be essential for setting up a system for providing information on the safeguards [see component 5-SIS below];
  - iv. Which existing conflict resolution mechanisms will be used to deal with grievances associated with the safeguards implementation [or lack of] when conducting REDD+ actions and how; and
  - v. Which existing enforcement mechanisms will be used to deal with any failure to address and respect the safeguards when implementing REDD+ actions and how.

- **Outlining the proposed commitments to deal with identified gaps and weaknesses.**  
In cases where gaps/weaknesses are identified in the legal, institutional or compliance framework, any recommendations that were made during the assessment [yet to be fulfilled] should also be considered and outlined. For example, in cases where existing conflict resolution mechanisms have been determined not to be ideally applicable for dealing with grievances concerning the rights and obligations embedded in the country specific safeguards, countries may decide to commit to the creation of a dedicated REDD+ GRM.
- **Clarity about the proposed REDD+ actions is crucial at this stage.** NS/APs and/or their associated REDD+ actions are under development in many countries, and are being structured differently from country to country. For example, some countries are taking a policy-driven approach to implement selected REDD+ actions contained in the NS/APs, sometimes implemented through subnational measures. Others are focusing on discrete sets of site-specific interventions, in some cases through registries of REDD+ projects. Many are pursuing some combination of these different approaches. In order to be able to determine how the relevant governance arrangements will be applied in the context of the REDD actions to ensure consistency with the safeguards, it will be important to have a draft NS/APs, or similar document that offers a clear idea of the REDD+ actions that are to be implemented. In terms of timing, this means that the articulation of the CAS might not be possible until the NS/APs (or even when the REDD+ actions are defined if the NS/APs are too broad) are available.
- b. **Outlining how proposed governance arrangements and any additional and novel arrangements will be used to address/mitigate/minimise identified risks and maximise identified benefits**

Emerging lessons on this issue include:

- **Determining and articulating the relevant governance arrangements that are to be used at sub-national level.** In certain countries [e.g. countries with decentralised systems], a CAS will likely need to allow for a flexible and context-specific implementation at subnational levels [e.g. states, provinces, territories, and/or local levels as appropriate], to ensure it responds to the realities on the ground. The aim is to articulate how the relevant governance arrangements being

used by the CAS [e.g. legal, institutional frameworks, etc.] at the national level, will be applied to respond to the specific sub-national context, whilst identifying any additional and specific governance arrangements at subnational level that are deemed relevant to the CAS.

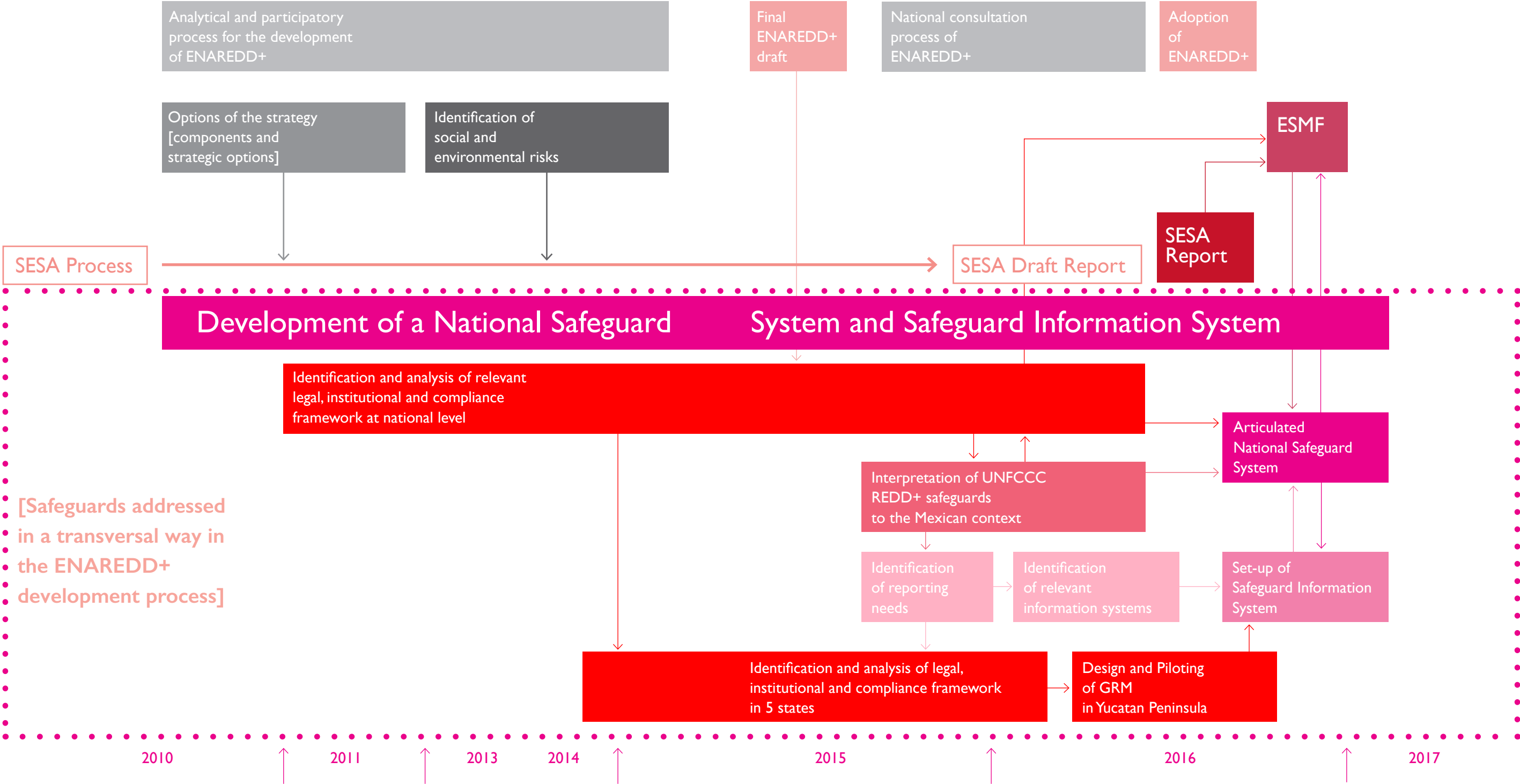
- **Determining how the relevant legal framework will be used, including how to address the specific risks and benefits of the proposed REDD+ actions.** Two aspects need to be considered when outlining how the relevant aspects of the legal framework will be utilised:
  - i. Relevant aspects of the legal framework [e.g. relevant PLRs]: these are applicable to all REDD+ actions and are designed to promote, regulate and protect all the rights and obligations set out within country specific safeguards.
  - ii. Priority aspects of the legal framework [e.g. priority PLRs]: applicable to specific actions and aimed at dealing with the particular risks and benefits of the specific actions. These 'priority PLRs' aim to address and mitigate risks, and promote benefits identified in the context of particular REDD+ actions. This implies that a risk and benefit assessment of the proposed PaMs is available. Note all 'priority' aspects of the legal framework are 'relevant'.

It is important to consider that in some cases it might be necessary to develop additional and novel REDD+-specific governance arrangements [e.g. protocols to provide guidance to the REDD+ implementing agencies/actors in terms of specific steps to take to ensure that the country specific safeguards are implemented and enforced, institutional arrangements to ensure these are followed etc.] to deal with specific risks and benefits of proposed PaMs. However, it is also worth noting that these will in any case be linked and anchored under the relevant legal framework of the country [e.g. through 'secondary legislation' or 'internal rules'].

- **Ensuring linkages with SESA and ESMF under FCPF.** As the articulation outlines how the relevant governance arrangements will be used to meet and fulfil the Cancun safeguards, it will be important to consider these inputs when developing the ESMF and safeguards plans under the FCPF. Conversely, the outputs of the SESA process should be considered when undertaking the articulation, to ensure it is able to also outline how the identified risks and benefits will be dealt with. See Figure 4 for illustrative example.

Figure 4. Integration of country approach to safeguards, SESA and ESMF in Mexico  
Development of ENAREDD+

4.



**Distinctions and Synergies with other Processes**

Three issues are emerging from countries’ initial experiences in articulating their country approach to safeguards that needs to be considered:

- Clarifying the Cancun safeguards in accordance with national context is a key input for the articulation, in particular to be able to structure the information and for anchoring the relevant governance arrangements to the clarification of the Cancun safeguards.
- Analyses carried out under component 3 are the key technical inputs for this component and to undertake this exercise.
- The articulation [in particular concerning the legal framework component] is a key input for determining the information needs of the country [see component 6].

**Desired Outcomes**

- A policy/technical document that articulates how the relevant governance arrangements [e.g. legal, institutional, compliance frameworks of the country] will operationalise the safeguards in the context of the implementation of the proposed REDD+ actions.
- It is important to note that this document[s] should be updated as changes to these relevant governance arrangements take place [e.g. legal reforms]
- As examined in more detail under Annex I, this document can be used to demonstrate how the Cancun safeguards are being addressed in the summary of information to the UNFCCC or other reporting requirements.

**6. Designing the safeguard information system**

**Rationale**

The SIS is generally understood to be a domestic institutional arrangement responsible for providing information as to how the Cancun safeguards are being addressed and respected during the implementation of the proposed REDD+ actions.

The SIS would be designed and developed according to each country’s national circumstances, and be built upon existing national information systems and sources. The SIS does not necessarily require the establishment of novel and tailored information systems, but rather requires decisions to be made on how to utilise existing information systems and sources. The main element that may need to be put in place, is an institutional arrangement for collecting, compiling, aggregating and analysing relevant information as well as preparing and disseminating it to meet the different reporting needs of the relevant national and international stakeholders.

At the moment, many countries are still in the early stages of designing their national REDD+ strategies [through which REDD+ actions should be defined], which means that there is currently a lack of clarity regarding the specific REDD+ actions that will be implemented. Therefore, the design and construction of the SIS is likely to be an iterative process that evolves as greater clarity is reached regarding the specific REDD+ actions planned in each country.

**Objective**

The objective of an SIS, from a UNFCCC requirement perspective is to provide information that is accessible by all relevant stakeholders to demonstrate that the seven Cancun safeguards are being addressed and respected throughout REDD+ implementation. The role of the SIS is therefore to domestically gather, aggregate, analyse and disseminate information that will contribute to the aforementioned objective.

**Key Considerations**

While countries are only now just beginning to design their SIS framework and there is insufficient experience and knowledge to draw out clear emerging themes and messages at this juncture; five initial issues have nevertheless emerged from countries’ initial experiences.



### a. Setting objectives of the SIS

The purpose of this aspect of the SIS design is to determine whether the SIS will serve as means to provide information for other purposes beyond meeting the UNFCCC requirement.

Emerging lessons on this issue include:

- 
- **Identifying national and international commitments.** When determining what objectives the SIS should be expected to fulfil, it is important to consider what other relevant national and international reporting commitments [e.g. national objectives, bilateral commitments] could be met by the SIS, in addition to the UNFCCC requirements. Some countries have noted that mapping current relevant commitments can help to assess what the objectives of the SIS should be.
- 
- **A multi-objective SIS can be a cost effective approach for reporting on multiple relevant commitments.** For countries who have multiple reporting commitments associated with safeguards compliance [e.g. bilateral commitments, through FCPF Carbon Fund], designing a SIS to be able to provide information to all of them can be a cost effective approach. However, this will largely depend on whether the goals of the CAS [see component 2] and country clarification of the Cancun safeguards [see component 4] were developed taking the country's relevant commitments into account. If they have, the information that is expected to be compiled and provided through the SIS will be able to fulfil these commitments.
- 
- **Allowing for expansions over time.** It is important to restate that the design of a SIS is likely to be an iterative undertaking. Countries may, over time, wish to consider additional objectives for their SIS, for example to ensure that REDD+, through the application of safeguards, contributes to broader sustainable development policy goals.
- 

### b. Determining the information needs of the SIS

A key SIS design consideration countries have identified is determining 'what type' of information is needed to demonstrate the extent to which the Cancun safeguards are being addressed and respected. This is usually referred to as the process of determining the 'information needs'.

Emerging lessons on this issue include:

- 
- **Ensuring linkages with the clarification of the Cancun safeguards.** In order for countries to determine 'what type' of information should be provided to demonstrate how the Cancun safeguards are being addressed and respected, they need to have clarity about the outcomes of the clarification. Otherwise the 'information needs' may be developed independently from the country clarification of the Cancun safeguards, and hence may not be able to gather and provide the necessary information.
- 
- **Ensuring linkages with the proposed REDD+ actions.** Information needs for the SIS are expected to be linked to the country's NS/APs [or, if the NS/APs are too broad, linked to the REDD+ actions]. If the 'information needs' are developed without adequate attention to the REDD+ actions, the SIS will not be able to gather and provide the necessary information.
- 
- **Ensuring linkages with the legal framework relevant to operationalising the country specific safeguards.** In terms of providing information on how safeguards are being 'respected', countries are expected to provide information with regards to the implementation of their governance arrangements [in particular the legal framework]. Hence, determining the 'information needs' will likely need to be linked to the process of articulation of the CAS [see component 5] and in particular linked to both the 'relevant' and 'priority' aspects of the legal framework. In this regard, there are two important aspects that need to be considered:
    - i. Information needs linked to the 'relevant' aspects of the legal framework: countries are expected to provide information about the implementation of all the aspects of the legal framework that are designed to promote, regulate and protect all the principles and objectives set out within country clarification of the Cancun safeguards. In this case, the information needs would need to first and foremost linked to the 'relevant' aspects of the legal framework.
-

- ii. Information needs linked to the ‘priority’ aspects of the legal framework: countries can choose to provide information about the implementation of the particular aspects of their legal framework that are applicable to specific REDD+ actions, and aimed at dealing with the particular risks and benefits of the specific REDD+ actions. In this case the information needs would also be linked to ‘priority’ aspects of the legal framework.

In addition, it is important to consider and provide information on the additional and novel REDD+-specific governance arrangements [e.g. protocols to provide guidance to the REDD+ implementing agencies/actors in terms of specific steps to ensure that the country specific safeguards are implemented and enforced, institutional arrangements to ensure these are followed etc.] to deal with specific risks and benefits of proposed REDD+ actions. In particular, those identified through the ESMF.

- **Allowing for expansions over time.** It is important to emphasise that defining the ‘information needs’ is an iterative undertaking. Because many countries, are still in the early stages of designing their national REDD+ strategies [through which REDD+ actions should be defined], defining their REDD+ actions and assessing their potential risks and benefits, it is important for countries to allow for expansions over time. Countries are best off starting with identifying information needs associated with ‘relevant’ aspects of the legal framework. Worth noting the UNFCCC does not explicitly require provision of information about how risks have been addressed, but the FCPF does.

#### c. Determining the sources of information

According to the UNFCCC guidelines on the design of the SIS, countries should to the extent possible, ‘build upon existing systems’ that are deemed relevant for providing information on the Cancun safeguards. This key design consideration aims to identify existing and relevant information systems and sources, and assess the extent to which they can be used for SIS purposes.

Emerging lessons on this issue include:

- **Identifying and assessing existing information systems and sources that are linked to the relevant legal framework.** As examined in component 5, the country’s relevant legal framework is expected to be used to operationalise the country specific safeguards. Also, as examined in Part II of this document, existing information [including monitoring and reporting] systems of a country provide information about how the legal framework is being implemented. These existing systems and sources already have a mandate, budget and institutional support. Consequently, identifying and assessing information systems and sources that provide information about the implementation of the relevant legal framework is a useful step towards developing an effective SIS.

The identification and assessment of information systems and sources can be undertaken as part of component 4 of the country approach to safeguards.

- **Ensuring linkages with the safeguard ‘information needs’.** This input is essential in order to be able to ‘assess’ the extent to which existing information systems and sources can be used to provide information on the application of the safeguards, and to determine what recommendations are appropriate [e.g. modify or create new/specific indicators].

In addition, and as mentioned above, the ‘information needs’ provide the framework to assess the extent to which the identified information systems can be used in the context of the implementation of the proposed REDD+ actions [if already defined], as they are linked to the relevant aspects of the legal framework.

#### d. Defining the functions of the SIS

The UNFCCC does not offer any guidance on what specific functions the SIS should perform, e.g. information collection, compilation, aggregation, analysis, dissemination, etc., beyond the need to ‘provide transparent and consistent information on how all the Cancun safeguards are being addressed and respected, that is accessible by all relevant stakeholders and updated on a regular basis’.

Emerging lessons on this issue include:

- **Identifying and considering the functions that the relevant information systems and sources perform.** It is likely that existing information systems and sources in the country already perform several functions that are being considered for the SIS. For example, in many countries, information systems and sources have quality control [QC] procedures to measure and control the quality of information as it is being compiled, managed and analysed. Consequently, it might not be necessary to include a QC function specific to the SIS.
- **Defining the core functions of the SIS and allowing for expansions over time.** Defining the functions of the SIS can be an iterative undertaking. Countries may start by identifying the core functions of the SIS, and over time, may wish to expand these. Core functions countries are considering so far include:
  - **Compilation and aggregation of information:** Since much of the information used in the SIS is likely to be drawn from information that is ‘collected’ by multiple relevant systems and sources, the SIS needs to compile and aggregate this information.
  - **Analysis of aggregated information:** through this function, the SIS will analyse the aggregated information and offer an assessment as to how the country specific safeguards are being ‘addressed and respected’.
  - **Dissemination of information:** through this function, the SIS will provide and disseminate the information through appropriate means [e.g. online platform, reports and/or periodic summaries on a regular and proactive basis].

#### e. Exploring the institutional arrangements for the SIS

This design element involves determining who [for example, government institutions and / or specific institutional arrangements between governmental and non-governmental actors] will be involved in the operation of the SIS, and in particular in performing the different functions of the SIS.

This may include determining / creating an institutional platform for the SIS as well as exploring information exchange agreements [between the institutions responsible for the relevant information systems] to ensure that information can be made available and shared with those responsible for the SIS.

Emerging lessons on this issue include:

- **Determining ‘who’ will be responsible for the functions of the SIS.** It will be important to consider ‘who’ is already responsible for the information systems and sources of the country when identifying who will be responsible for the functions of the SIS. The information systems and sources of a country are frequently ‘housed’ in the government institutions which are directly responsible for implementing [or overseeing the implementation] of the relevant legal framework.

In addition, countries may require separate institutional arrangements to perform each SIS function. For example, specific and relevant government institutions could be in charge of ‘integration/aggregation of information’.

#### Distinctions and Synergies with other Processes

Countries’ initial experiences in designing their SIS highlight the following issue that needs to be considered:

- The SIS is an international requirement to report to the UNFCCC on **how** the Cancun Safeguards are being addressed and respected. Measures taken to meet this requirement alone will not guarantee the REDD+ actions are implemented in consistency with the Cancun safeguards.

In order to ensure this, it is necessary for a country to have a system or framework that supports the implementation of REDD+ actions in consistency with the safeguards. If no steps are taken to ensure the consistency of REDD+ implementation with the Cancun safeguards, countries will not be able to provide adequate information on how they are addressing and respecting them.

#### Desired Outcomes

- An SIS design document or SIS terms of reference, which can allow for expansion and improvements over time.

As examined in more details under Annex I, this document can be included in the first summary of information to the UNFCCC or other reporting requirements.

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Annex

I.

Annotated table of contents for an indicative summary of information

Developing country Parties are to provide a summary of information [SOI]to the UNFCCC on how they have “addressed” and “respected” the seven Cancun safeguards throughout the implementation of their REDD+ activities.<sup>65</sup> This section offers possible content and structure that countries might consider following when preparing their summary of information [see Figure 5]:

- I. Clarification of safeguards:<sup>66</sup>What do the Cancun safeguards mean in the particular circumstances and context of the country?
- As examined under component 4 of section III above, the process of clarification of the Cancun Safeguards should result in a document that outlines how the country has un-packed the broad principles embodied in the Cancun safeguards, drawing on their existing legal obligations and specified what these mean in accordance with the county context [i.e. defining the country specific safeguards].This document or an executive summary of such document could be included in the summary of information to the UNFCCC.
- II. Addressing safeguards: How have the Cancun safeguards been addressed when implementing REDD+ activities? This aspect relates to the [existing or new] governance arrangements [e.g. PLRs, institutions, information systems] in place to ensure that REDD+ activities are implemented in accordance with the country-specific application of the Cancun safeguards.
- As examined under component 5 of section III above, the desired outcome of the articulation of the CAS, is a policy/technical document that articulates how the relevant governance arrangements [e.g. legal, institutional, compliance frameworks of the country] will operationalise the country specific safeguards throughout the implementation of the proposed REDD+ actions.This document can be used to demonstrate how the Cancun safeguards are being addressed in the summary of information to the UNFCCC or other reporting requirements.
- III. Respecting safeguards: How have the Cancun safeguards been “respected” when implementing REDD+ activities? How has consistency with the safeguards been achieved during implementation of REDD+ policies and measures?

<sup>65</sup> UNFCCC Decision 12/CP.17 paragraph 3

<sup>66</sup> Consistent with section II of Decision 17/CP.8, which indicates that developing country Parties are encouraged to provide information on national context and circumstances

As examined under component 6 of section III above, the desired outcomes of the SIS design is a SIS design framework document or SIS terms of reference, which can allow for expansions and improvements over time.This document can be included in the first summary of information to the UNFCCC or other reporting requirements [i.e. FCPF]. In particular, it could highlight the ‘information needs’ of the SIS, as these reflect the types of information the country is committing to gather and provide to demonstrate the country specific safeguards are ‘respected’.

Once the SIS is operational and REDD+ actions are being implemented, the information gathered based on the information needs, can be included in this section of the summary of information.

IV. Complementary information: In addition to these three core aspects of the summary, a fourth optional aspect could be considered to strengthen the credibility of the information presented in the summary.This includes information on the processes of developing the SIS information system and overall CAS.

Figure Key aspects of a safeguards summary of information

5.
1.

Specifying safeguards

  - Description of the country context and circumstances as the basis for which the Cancun safeguards were made specific to the country
  - Identification of the constituent elements of each Cancun safeguard [a to g], appropriate to the country’s circumstances and specific context
2.

Addressing safeguards

  - Description of the legal framework: laws, policies, regulations, plans, and programmes relevant to the country’s safeguards framework
  - Description of the institutional framework: institutions and institutional arrangements relevant to the country’s safeguards framework
  - Description of the information systems, grievance redress, and non compliance mechanisms relevant to the country’s safeguards framework
3.

Respecting safeguards

  - Analyses of the effectiveness of the country’s governance arrangements
  - Analyses of constraints to implementation and subsequent plans to strengthen identified weakness, including capacity, financial, and technical needs, to improve implementation
  - Complaints, grievances or disputes raised in relation to application of the Cancun safeguards and how they were resolved
  - Outcomes of safeguard implementation
4.

Complementary information

  - To strengthen the credibility of the summary’s core components on specifying, addressing and respecting safeguards, information could be presented concerning:
    - The process of prepaton of the summary of information
    - Safeguards information systems design and development
    - Subnational implementation
    - Broader country safeguards processs
    - Further sources of information

Annex Glossary of key terms

2.
- Cancun safeguards

The term ‘Cancun Safeguards’ refers to the safeguards developed under the UNFCCC in paragraph 2 of Appendix I to decision 1/CP.16 [the Cancun Agreement]
- Compliance framework

A country’s compliance framework is comprised of three elements required to guarantee and demonstrate the effective implementation of the legal framework: i) information [including monitoring and reporting] systems; ii) Conflict resolution mechanisms, and iii) enforcement mechanisms.
- Country safeguards response

Refers to countries broad efforts to meet their international and national safeguard commitments/ goals, and which does not necessarily entail adopting the CAS.
- Country approach to safeguard

Is a general term used [but not definitively delineated] by this paper to mean those elements and processes undertaken, by countries to meet safeguard requirements for REDD+ under the UNFCCC, and other relevant initiatives and institutions. Country approaches are characterised by identification, application and improvement of existing governance arrangements for REDD+ – such as policies, laws, regulations; institutional arrangements and information systems and sources - to meet the different safeguards requirements a country may choose to adopt.
- Conflict resolution mechanisms

Conflict resolution mechanisms are those that come into play at the national, sub-national or local level when there is a need to settle disputes between actors. Such processes tend to come in the form of negotiation, mediation, arbitration, or through use of judicial or administrative systems.
- Information systems

The information [including monitoring and reporting] systems of a country provide information about how the legal framework is being implemented.
- Institutional framework

The institutional framework of a country refers to the institutions and institutional arrangements mandated with a responsibility for overseeing the implementation of the legal and compliance frameworks.

### Legal framework

Legal framework is comprised primarily of national policies, laws, and regulations [PLRs] that define which safeguards are to be applied, and regulate their effective implementation and compliance. Programmes and plans contribute to the implementation of the safeguards, but rely on the recognition and compliance of the PLRs.

### Enforcement mechanisms

Enforcement aspects or mechanisms are those that address any failure to implement the requirements set forth in the legal framework. This is different from conflict resolution mechanisms, as enforcement mechanisms are meant to address any failure to implement the requirements set forth in the safeguards. Enforcement mechanisms could be administrative or judicial in nature, but should aim to provide a legal avenue for addressing issues of non-compliance.

### REDD+ activities

The term REDD+ activities refers to those included in paragraph 70 of decision I/CP.16 and Decision I/CP.16, paragraph 73

### REDD+ actions or PaMs

The term “actions” or “interventions” or PAMs are done during the national implementation of the REDD+ activities. For example, a country may impose a legal ban on commercial agriculture in areas of intact primary forests. This intervention/action is a PAM which would “implement” the REDD+ activity of “reducing emission from deforestation”.

### REDD+ countries

There is no official list of REDD+ countries. The term REDD+ country is used to refer to countries that could be eligible, and/or are working towards, participation in REDD+ under the UNFCCC.

### Safeguard information system

SIS is generally understood to be a domestic institutional arrangement responsible for providing information as to how the country specific safeguards are being addressed and respected in the context of the implementation of the proposed REDD+ actions.

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