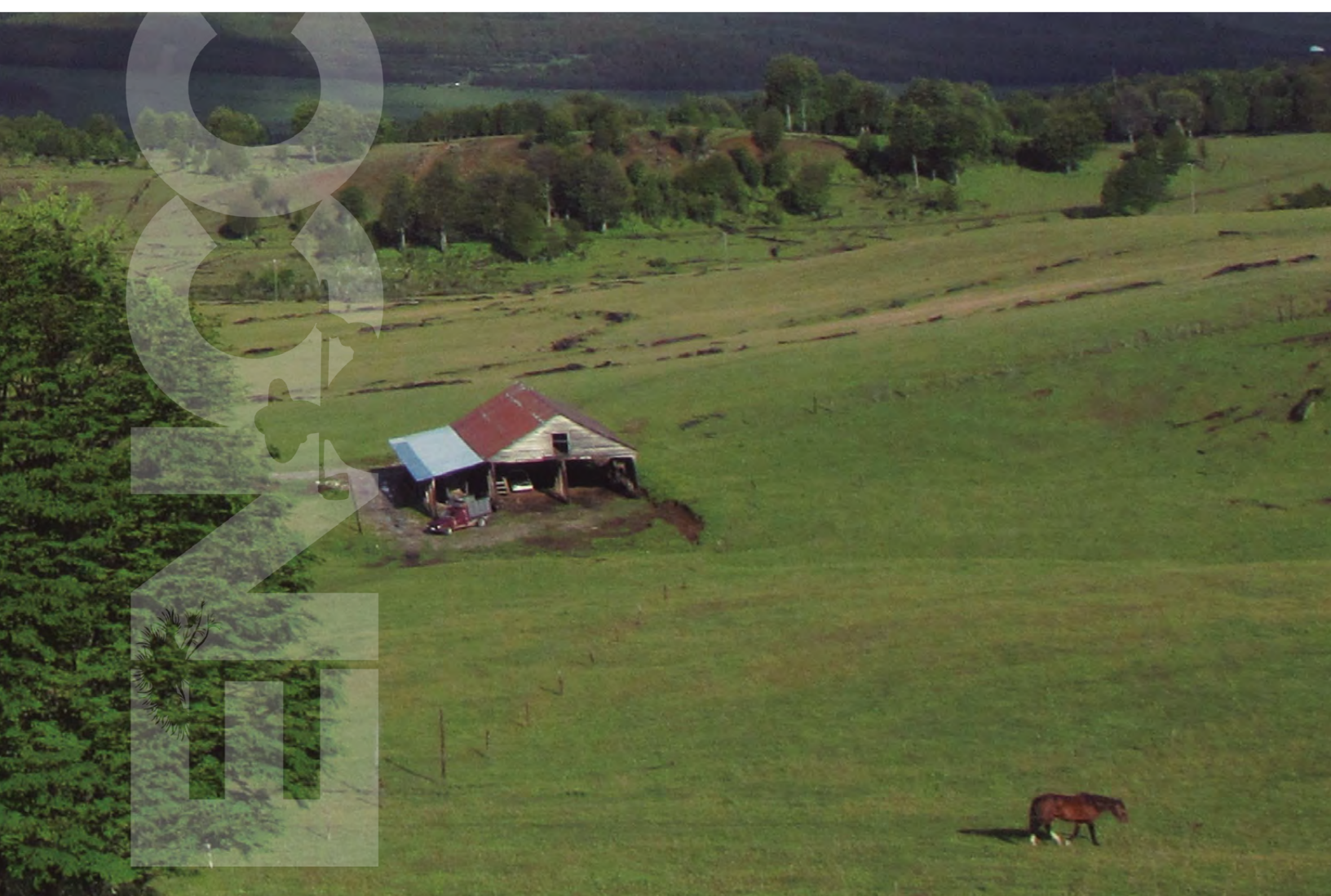


# First Summary of Information on Address, Respect and Compliance with Safeguards for Readiness to the National Strategy on Climate Change and Vegetation Resources (ENCCRV)

Report period 2013-2017



Chile  
mejor

















**First Summary of Information on Address,  
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Readiness to the National Strategy on Climate  
Change and Vegetation Resources (ENCCRv)**

Report period 2013–2017



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# **First Summary of Information on Address, Respect and Compliance with Safeguards for Readiness to the National Strategy on Climate Change and Vegetation Resources (ENCCRV) of Chile**

Report period 2013-2017

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**Chilean Government**

Ministry of Agriculture (MINAGRI)  
National Forestry Corporation (CONAF)

February 2018





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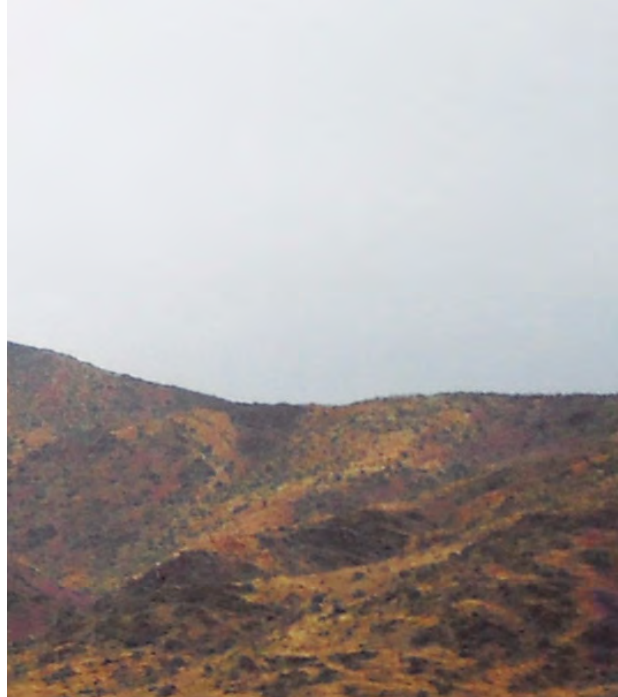


# Executive Summary

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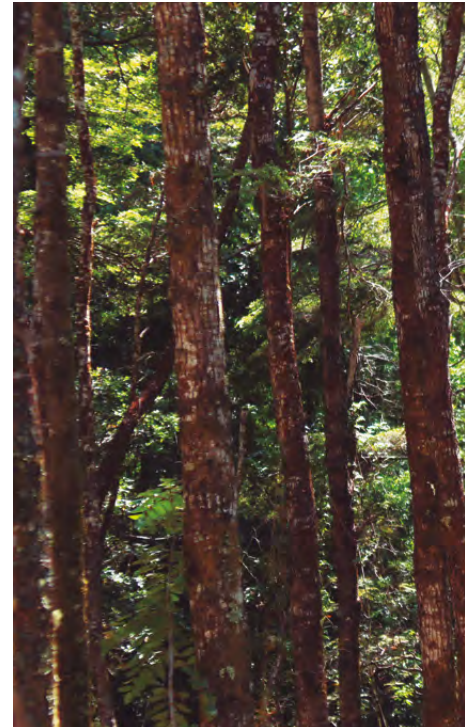
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# Executive Summary



**T**hrough the consignment of the document herein, Chile intends to fulfill Decision 12 of the Conference of the Parties (COP) number 17 (12/CP.17<sup>1</sup>) of the United Nations Framework Convention on Climate Change (UNFCCC) which states that developing countries must provide a summary of information on how the safeguards listed in decision 1/CP.16<sup>2</sup>—better known as the Cancun Safeguards— are being addressed and respected. The Summary of Safeguards—as described in decision 17/CP.21<sup>3</sup>, includes the following:

- a) Information on national circumstances relevant to address and respect safeguards;
- b) A description of each safeguard in accordance with national circumstances;
- c) A description of systems and processes that are relevant for addressing and respecting safeguards, including the information systems referred to in decision 12/CP.17 in accordance with national circumstances;
- d) Information on how each of the safeguards has been addressed and respected, in accordance with national circumstances;

The aim of the Summary of Safeguards is to report on how safeguards were addressed and respected during the “Formulation and Validation” for readiness and “Early Implementation” phases of Chile’s 2017–2025 National Strategy on Climate Change and Vegetation Resources (ENCCRV, as per the Spanish acronym).

In this regard, the scope of the document is national for the “Formulation and Validation” phase; and sub-national for the “Early Implementation” phase, where information is included only for those regions in which projects associated with ENCCRV action measures are being implemented.

The Summary of Safeguards period covers 2013–2017, conducting the participatory process for the gathering of basic information for the formulation of the ENCCRV, an indigenous dialogue and participation process, and the self-assessment and citizen consultation with which this initiative was validated.

The ENCCRV, led by the Climate Change and Environmental Services Unit (UCCSA, as per the Spanish acronym)—within the National Forestry Corporation (CONAF), on behalf of the Ministry of Agriculture (MINAGRI, as per the Spanish acronym)—encompasses the policy approach for reducing emissions from deforestation

<sup>1</sup> Available at <http://unfccc.int/resource/docs/2015/cop21/spa/10a02s.pdf>

<sup>2</sup> Available at <http://unfccc.int/resource/docs/2010/cop16/spa/07a01s.pdf#page=2>

<sup>3</sup> Available at <http://unfccc.int/resource/docs/2015/cop21/spa/10a03s.pdf>





and forest degradation; the promotion of forest conservation, sustainable management of forests and the enhancement of forest carbon stocks, known as REDD+, in which CONAF has the role of being The National Focal Point. Furthermore, it extends its scope beyond REDD+, including actions aligned with the United Nations Convention to Combat Desertification (UNCCD) for which CONAF also acts as a National Focal Point; and as a direct link with the Convention on Biological Diversity (CBD); whose National Focal Point is the Ministry of the Environment (MMA as per the Spanish acronym).

Therefore, the Summary of Safeguards includes:

- Information on the country's national context on environmental and social issues followed by details on the process of formulation and validation of the ENCCRV, including the management instruments that emerged from this process.
- A description on the national circumstances for addressing, respecting and compliance with safeguards, in addition to the national definitions linked to the treatment and enforcement of the safeguards, including the institutional arrangements necessary to address them properly.

- National interpretation of the Cancun Safeguards and how these safeguards have been addressed, respected and enforced in the "Formulation and Validation" phase of the ENCCRV.
- Analysis of the link between the Cancun Safeguards, guidance on social and environmental consideration from the UN-REDD Programme, and the World Bank's Operational Policies in their capacity as instances of technical and financial support for the "Formulation and Validation" and "Early Implementation" phases of the ENCCRV.
- Systems and processes to address, respect and compliance of safeguards during the Implementation phase of the ENCCRV.
- Experiences and lessons learned from the process that could help Chile strengthen its future Summaries of Safeguards.

In view of the above, we expect that this report will set the foundations for subsequent reporting on the progress to be made within the framework of the ENCCRV and its implementation and results-based payments phase, where addressing, respecting and compliance safeguards is essential.



A full-page background image showing a massive glacier wall on the left, meeting a dark, rocky cliff face on the right. The glacier is a deep blue color, with visible crevasses and textures. The cliff is dark brown and grey, with some snow patches. In the foreground, the water is dark blue with many small icebergs floating on the surface.

# Introduction

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2







# Introduction



Territorially, Chile is located on the southwestern margin of South America, between 17° 30' and 56° 30' South Latitude. Total area of the country amounts to 2,006,096 km<sup>2</sup>. It limits to the north with Peru, to the east with Bolivia and Argentina, to the south with the South Pole and to the west with the Pacific Ocean. Chile is characterized for possessing a great variety of landscapes. Morphologically, it is possible to distinguish three large units of geographic relief: Cordillera de Los Andes, Cordillera de la Costa and Intermediate Depression.

Region is the higher administrative unit in which the country is divided, currently with 15 units<sup>4</sup>. The Chilean regions are subdivided into provinces for purposes of government and administration. Provinces are then divided into counties for purpose of local administration.

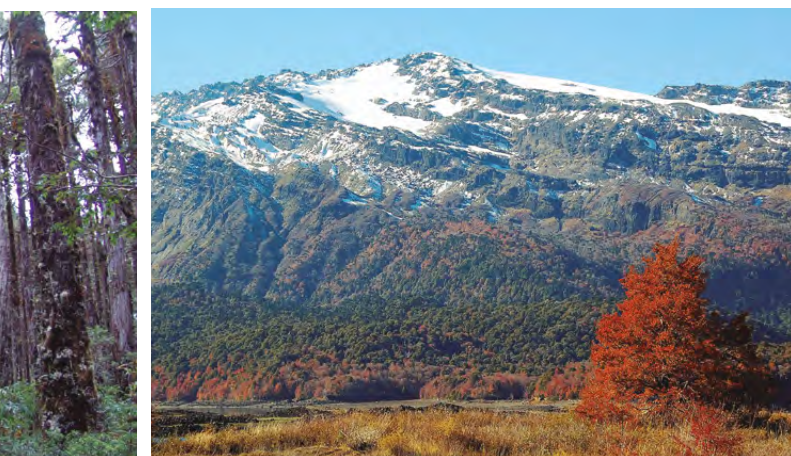
With relation to the social-economic area, Chile has made progress in reducing poverty at a general level, where on 2015 people living in multidimensional poverty stand at 20.9% (CASEN, 2015). In relation to income inequality, Chile is one of the countries of the Organization for Economic Cooperation and Development (OECD) with highest inequality<sup>5</sup>. The income of the 10% richest population is 26 times higher than that of the 10% poorest people. It should be noted that since the middle of the year 2000, inequality has decreased by one point. Although this represents progress, it is not enough for Chile to be cataloged by the OECD with an average income inequality gap (OECD, 2015).

From the perspective of gender equality, the wage gap between women and men increased to 31.6% in 2016. Likewise, according to National Institute on Statistics (INE, as per the Spanish acronym), in Chile the participation of women in the labour market is 48%, far of 62.3% of the member countries of the OECD. In addition, data added from the International Labour Organization (ILO), estimate male participation in the labour market reaches 71.2% (INE 2015).

<sup>4</sup> On 2017, the administrative division of the Maule Region was created, creating the 16th region, known as the Ñuble Region. The administrative policy modifications that put it into operation have not yet been carried out, which will occur during the period 2018 -2019.

<sup>5</sup> These results for inequity were measured according to Gini coefficient that it is a measure of income concentration<sup>1</sup> among individuals in a region on a given period. This coefficient takes values between 0 and 1, where 0 indicates that all individuals have the same income, and 1 indicates that only one individual has all the income.





With reference to Indigenous Peoples (Figure 1), there are currently nine indigenous ethnic groups recognized by Law No. 19,253 on Indigenous Peoples, of the Ministry of Planning and Cooperation. These nine ethnic groups are: Aimara, Atacameños, Quechuas, Collas and Diaguitas in the north of the country; Mapuche, Kawashkar or Alacalufe and Yamana or Yagan in the South, and; Rapa Nui or Pascuenses at Easter Island. Each of these ethnic groups has different worldviews that are directly related to the characteristics of the territory they inhabit and their relation with it. From a socio-economic point of view, Indigenous Peoples face more complex conditions of vulnerability than the rest of the population, presenting higher rates of poverty, unemployment and illiteracy with 30.8% of Indigenous Peoples under multidimensional poverty versus 19.9 % the non-indigenous population (CASEN 2015)<sup>6</sup>.

Concerning vegetation resources of Chile, they have a high degree of endemism, since 50.3% of the native flora has this category. Chile has an area covered by native forests and plantations that represents 23% of the national territory with 17,363,726 hectares (Figure 2). Of this area, native forest reaches 14,316,822 hectares. Concerning forest plantations, these correspond mainly to fast-growing species, covering an area close to 3,046,904 hectares, which are not considered in the ENCCRV (SIT CONAF, 2016). There are also estimates that there would be around 11 million hectares of xerophytic formations in the country.

Although Chile has varied native-vegetation resources, its current use, unlike exotic species plantations, does not represent a significant contribution to the Gross Domestic Product, GDP (INFOR, 2015). The main use for forests and shrubs is production of firewood (Lara et al., 2008), which have generated forest degradation processes in an important area of the national territory, in addition to forest fires and use of these areas for cattle feeding, among other causes (INFOR, 2011).

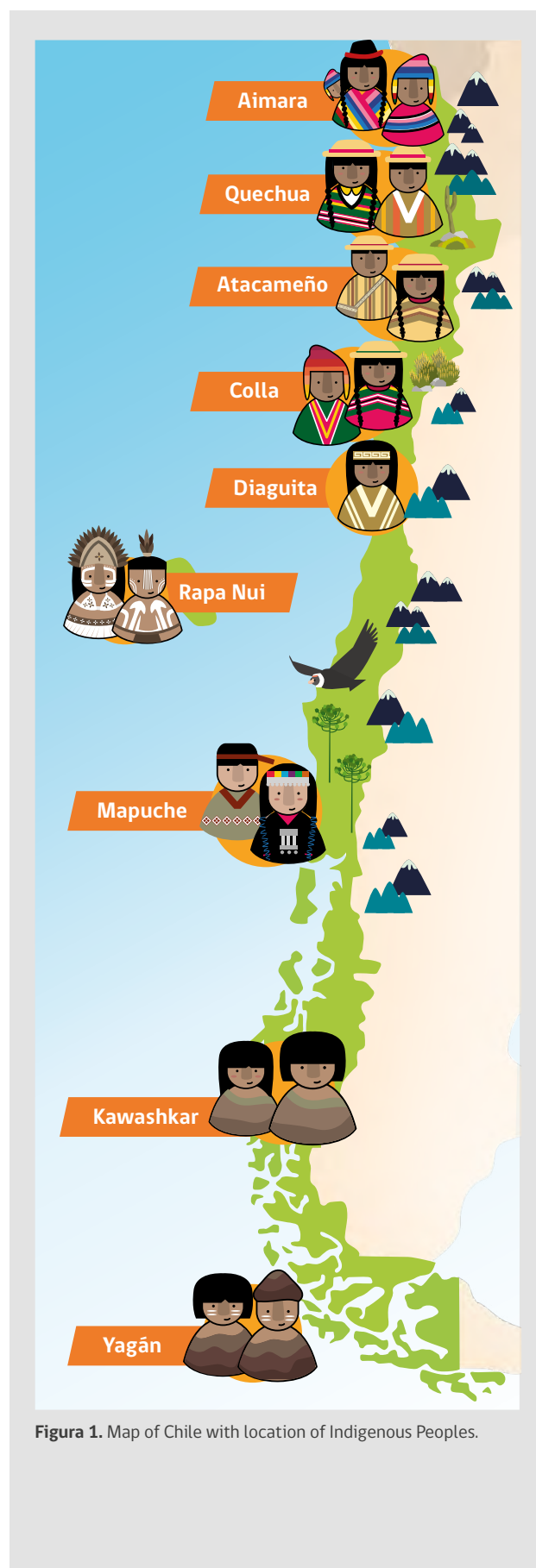


Figura 1. Map of Chile with location of Indigenous Peoples.

<sup>6</sup> Results at [http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/casen\\_2015.php](http://observatorio.ministeriodesarrollosocial.gob.cl/casen-multidimensional/casen/casen_2015.php)



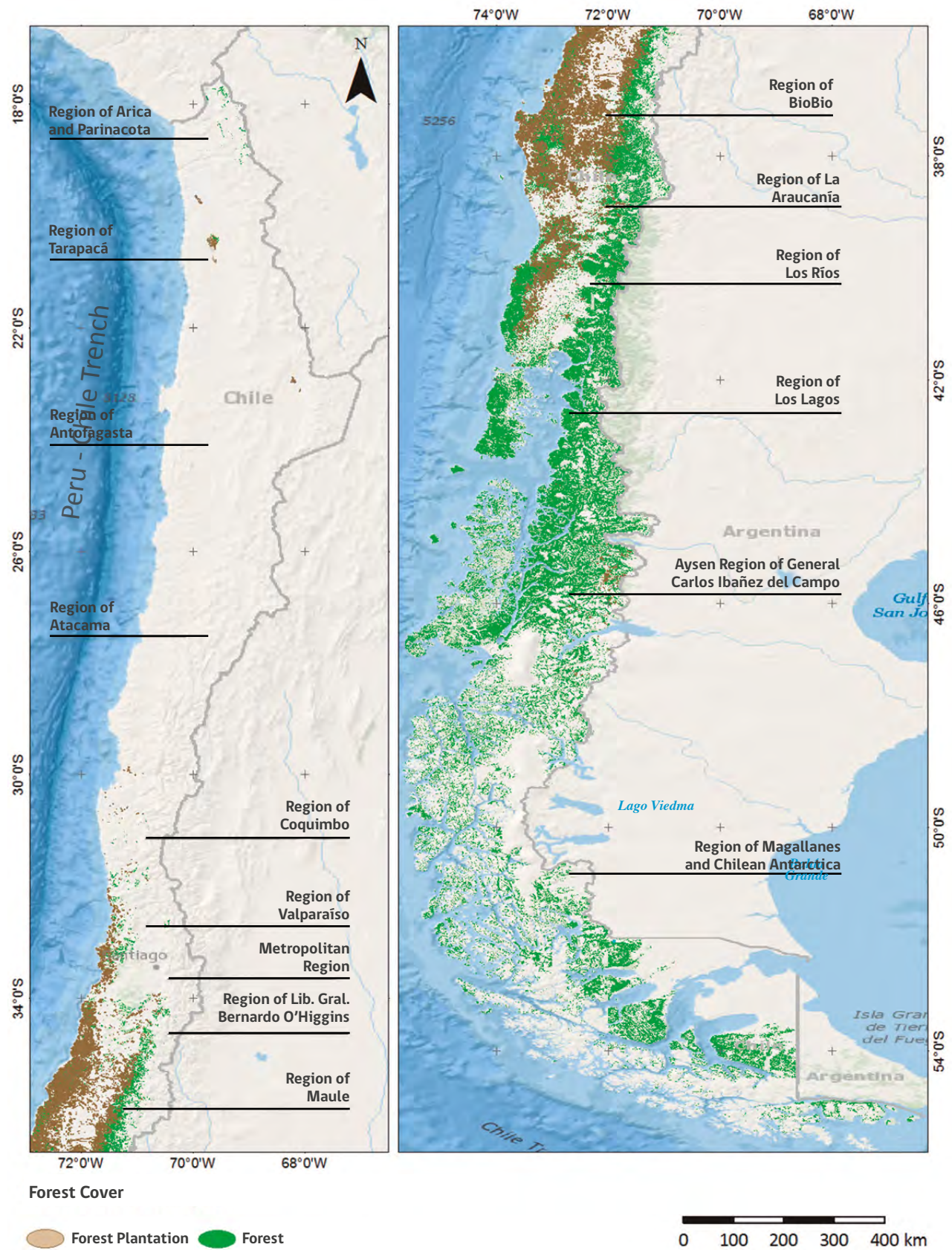


Figure 2. Map of Chile's vegetation resources.





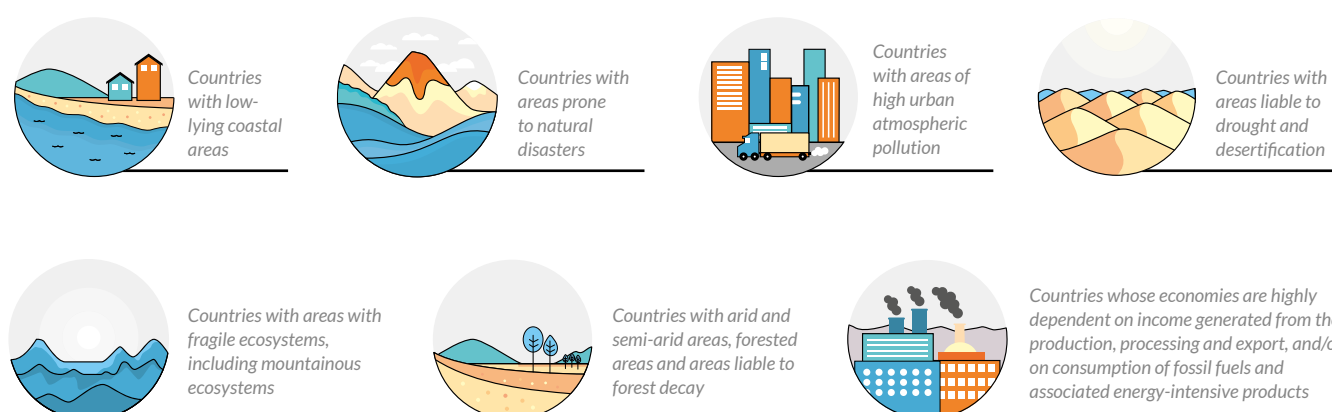
This phenomenon of forest degradation has generated a reduction in the ecological and economic value of the vegetation resources, losing in a certain percentage its capacity to supply environmental goods and services, including carbon removal and storage, with the consequent substantial loss of its characteristics and generating GHG emissions. Also, this phenomenon has caused the abandonment of forests, and in some cases, their deforestation and change to other land uses (Donoso et al., 2014).

In relation to climate, Chile is especially vulnerable because it meets seven of the nine vulnerability<sup>7</sup> conditions considered under the UNFCCC (Figure 3):

With reference to desertification, land degradation and drought (DLDD) at the national level<sup>8</sup>, it has been determined that the **risk of desertification** corresponds to 21.7% of the territory, with

an area of 16,379,342 hectares. The **risk of land degradation** indicates that 79.1% of the country has some degree of degradation risk, which reaches a total of 59,863,662 hectares. In addition, approximately 72% of the country's land has been affected in some degree by **drought**, which corresponds to 55 million hectares (Figure 4).

Taking into account the importance of forests and vegetation as a carbon dioxide (CO<sub>2</sub>) sink, the State of Chile through the Ministry of Agriculture (MINAGRI) and particularly the National Forestry Corporation (CONAF), has formulated and validated the National Strategy on Climate Change and Vegetation Resources (ENCCRV) 2017-2025<sup>9</sup>. The ENCCRV was generated in a participatory formulation process at national level, and it corresponds to the set of direct and facilitating action measures aimed at tackling climate change and DLDD, through an adequate management of



**Figure 3.** Vulnerability conditions defined for Chile according to the UNFCCC.

<sup>7</sup> National Action Program on Climate Change 2008-2012 available at : [http://www.mma.gob.cl/1304/articles-49744\\_plan\\_01.pdf](http://www.mma.gob.cl/1304/articles-49744_plan_01.pdf)

<sup>8</sup> National Action Program to Combat Desertification available at: [https://docs.wixstatic.com/ugd/902a1e\\_cdd1c16e8af541708d86c831a13191c0.pdf](https://docs.wixstatic.com/ugd/902a1e_cdd1c16e8af541708d86c831a13191c0.pdf)

<sup>9</sup> Document available at: [https://static.wixstatic.com/ugd/902a1e\\_c717ce5db3ab4284837f61762f35a8ac.pdf](https://static.wixstatic.com/ugd/902a1e_c717ce5db3ab4284837f61762f35a8ac.pdf)



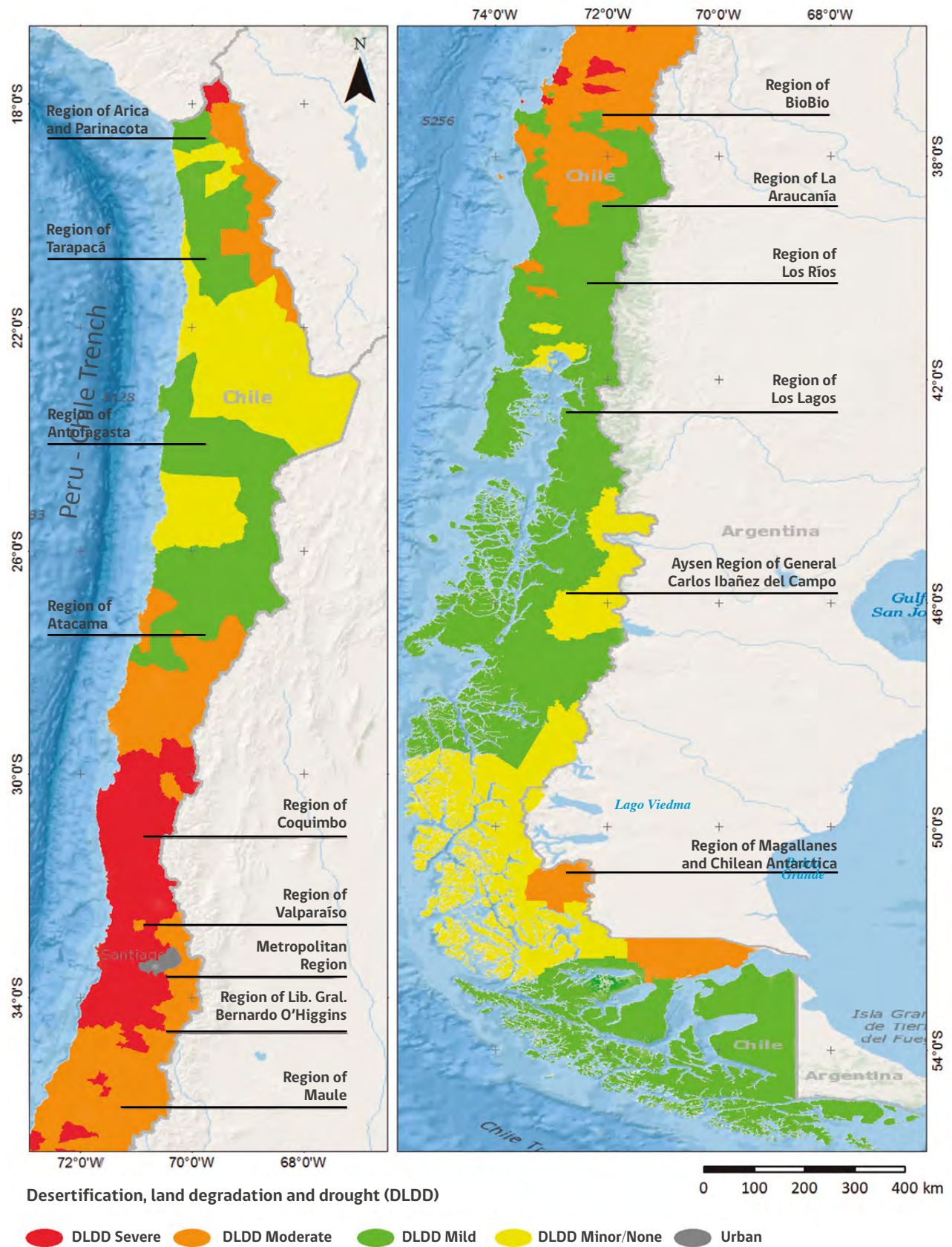
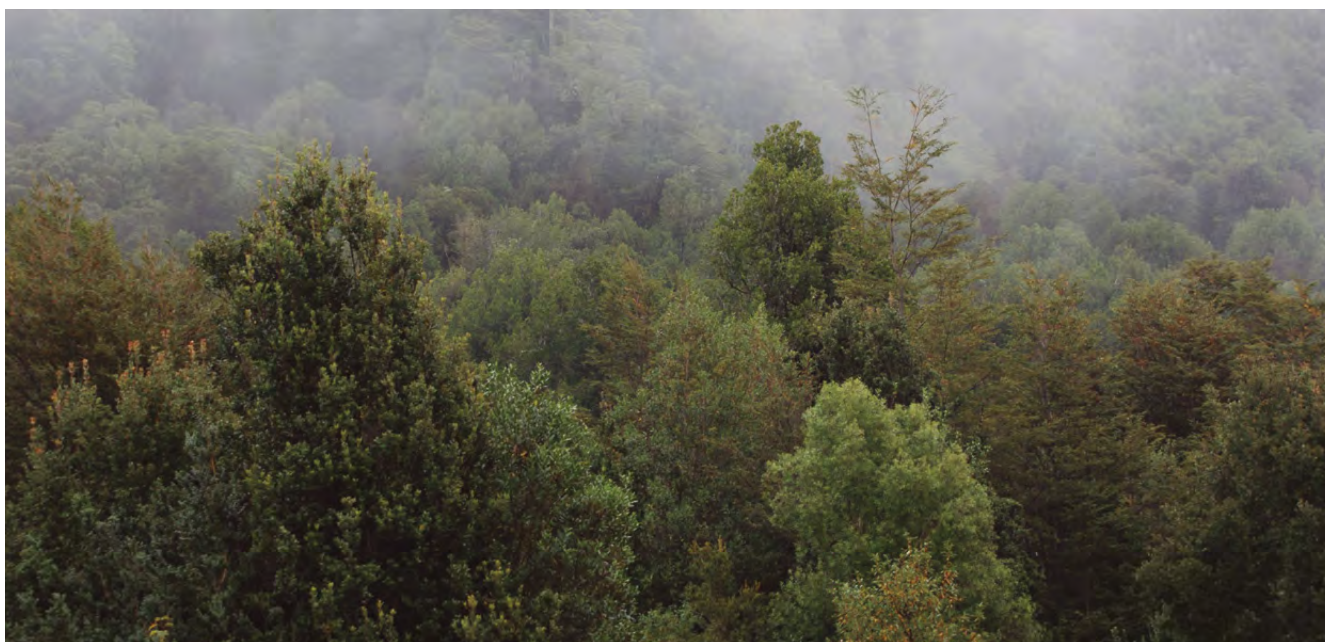


Figure 4. Map on risk classification for desertification, land degradation and drought.





the vegetation resources with the purpose of avoiding and / or diminishing the historical rates of deforestation, de-vegetation and degradation of native forests, xerophytic formations and other vegetation resources, as well as promoting recovery of these resources, through afforestation, re-vegetation and sustainable management actions.

### Objectives and Scope of the Report

Considering the previous context, the present document has been developed, which aims to inform how the safeguards were addressed and respected during the phases of readiness and early implementation of the ENCCRV. The scope is national for formulation and validation stages, and it is subnational for the implementation phase. Regarding implementation, the present document includes information only in those regions where projects associated with the action measures of the ENCCRV are being executed based on the budget currently available. The present document corresponds to the period 2013–2017, in which the participatory process has been carried out for gathering basic information for the readiness phase of the ENCCRV, the indigenous dialogue and participation process, the self-evaluation, and also the citizen consultation under which this initiative was validated.

Likewise, the present summary reports on mechanisms designed during the formulation stage that will be the basis for the implementation phase of the ENCCRV, such as, for example, the Forest Reference Emission Level/Forest Reference Level (FREL / FRL), the National Forestry Monitoring System (SNMF, as per the Spanish acronym), the Grievance Redress Mechanism (GRM), Benefit Sharing System (SDB, as per the Spanish acronym), and with special emphasis, the Information System on Safeguards (SIS, as per the Spanish acronym).

The above mentioned aim is based on compliance with decision 12/CP.17<sup>10</sup> of the UNFCCC, paragraphs 1 and 3, where it urges developing countries Parties, that in carrying out the activities

mentioned in decision 1 / CP.16<sup>11</sup>, paragraph 70, they should provide a summary of the information on how the safeguards listed in decision 1 / CP.16<sup>12</sup>, appendix I are being addressed and respected throughout the process of implementing those activities.

One of the particularities of the ENCCRV is the search for synergies between the three Rio Conventions, and also the assurance of the safeguards of the various implementing agencies that technically support cooperation between international funding sources and national execution of projects. In this regard, this report includes the Cancun safeguards for REDD+ and mentions the guidelines and agreements of the Convention on Biological Diversity (CBD) as well as those agreements issued by the United Nations Convention to Combat Desertification (UNCCD). Likewise, synergies are established with the Operational Policies (OP) of the World Bank, the guidelines and orientations on Free, Prior and Informed Consent of local and Indigenous Communities, promoted by the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Program) and the guidelines for evaluation of programs and projects with a gender, human rights and inter-cultural perspective of UN Women.

It should be considered that the activities of the ENCCRV fully contemplate the policy incentives of REDD+ and therefore its guidelines and its 5 activities related to: reduction of deforestation; reduction of forest degradation; conservation; sustainable management of forests, and; increase in forest carbon stocks. All these activities have been included within the action measures formulated through the development of technical documents and participatory processes.

<sup>10</sup> Document available at: <http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf>

<sup>11</sup> Document available at: <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

<sup>12</sup> Document available at: <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>





# Formulation and validation process and management instruments

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3







## Formulation and validation process and management instruments

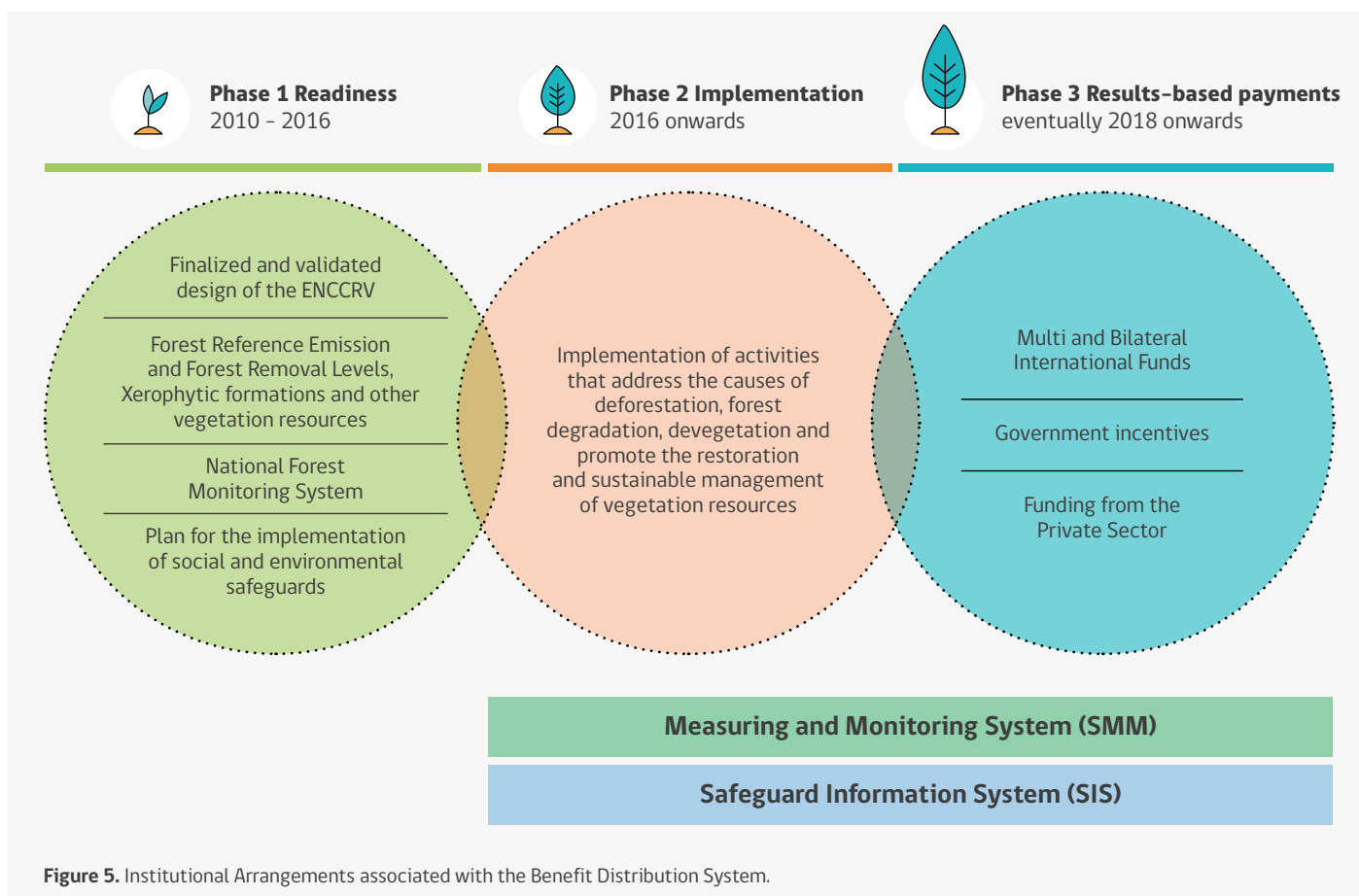
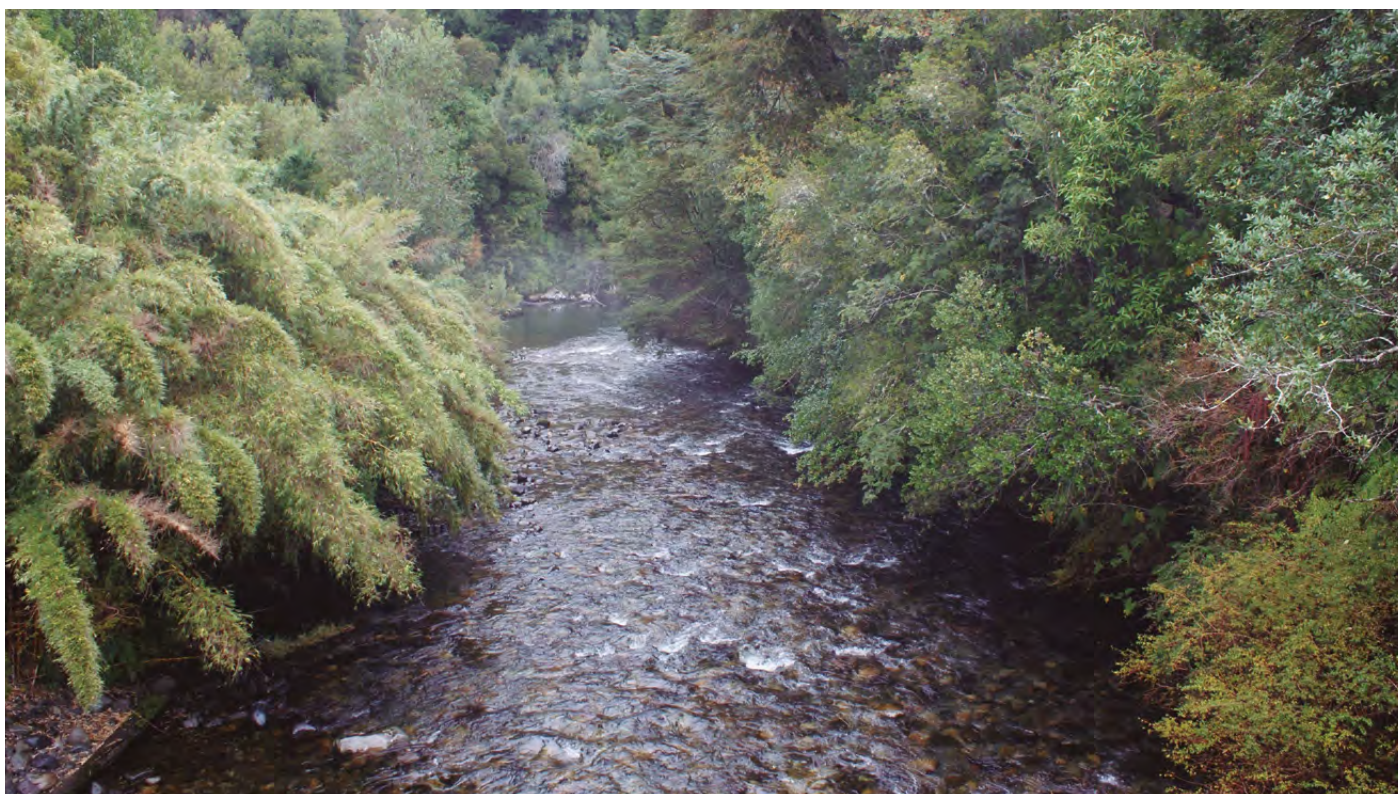


### 3.1. Phases of the ENCCRV

The ENCCRV has been aligned with the structure defined for REDD+ that includes 3 phases of development: the readiness phase was carried out during the period 2010–2016, in general this phase includes the development of technical studies and design of the various components and its interrelations; a second phase of implementation, carried out since 2016 onwards, where the action measures are executed, and; a third phase of results-based payments for measured, reported and verified results of the implemented measures, phase that is expected to start operating from 2018 onwards (Figure 5).

The first stage of the implementation phase is called early implementation, which begins with the execution of projects at territorial level, whose purpose is to obtain inputs to strengthen both the action measures and the implementation processes of the next projects. This stage is considered very relevant, since it has allowed testing various measures, and also technical, financial and administrative procedures, as well as modalities for project management, which has strengthened this phase.





**Figure 5.** Institutional Arrangements associated with the Benefit Distribution System.





## 3.2. Formulation and validation

Formulation and validation stages of the ENCCRV considered development of documents and technical studies in its readiness phase, which provided the background information to define and prioritize the activities and measures of action therein included.

In addition to the above mentioned, the results of the participatory process are added in its two stages (i) formulation of the Strategy as a public policy built up from the social bases through regional workshops and a national workshop, and (ii) validation and adjustment, which consisted in the validation of the products developed during the readiness phase through the Dialogue and Indigenous Participation, the Citizen Consultation and the Self-evaluation Process.

### 3.2.1. Process approaches

Participation in these phases was considered as the articulating mechanism, through which different sectors of society were involved as the different levels of territorial organization, the cultural pertinence and the gender approach (Figure 6). Thus, participation as a primary axis incorporates all stakeholders, especially vulnerable stakeholders, through deliberative instances that strengthened the design, the strategic decisions and the guidelines to orientate distribution of the possible benefits that will be obtained after implementation of the measures action that in the long term will ensure environmental and social sustainability of the initiative, among other aspects.

For these instances, the communities were integrated into the various processes through representative groups from different sectors of society, seeking to know and analyze different perspectives and prospective, in order to minimize the risks and maximize the possible social and environmental benefits generated with the implementation of the ENCCRV. Under this approach, participation incorporates elements of multi-sectoral, multi-stakeholder and multi-level representation. The multilevel approach implies that the local, regional and national scale is considered, thus assuring incorporation of the different realities and visions that exist in terms of the distribution of the vegetation resources in the country and those differentiating socio-environmental aspects according to the spatial scale of the territory in which the analysis of the risks, impacts and benefits is made.

Similarly, during the participatory process, the cultural pertinence approach was applied to differentiate Indigenous Peoples and local communities from the rest of the sectors of society. The proposals obtained from their worldview will address causes and effects of climate change and also minimize and mitigate the potential risks and impacts of such proposals that may arise during implementation of the action measures of the ENCCRV.

Finally, from the participation process, the gender perspective, on the other hand, sought to rescue vision, knowledge and uses that women give to the vegetation resources. In this way, definitions that gave rise to elaboration of the action measures of the ENCCRV were enriched. These definitions safeguarding forms of use and needs from the vision of the women that have to be protected. Thus, these definitions avoid marginalization of women from the activities that are undertaken, and the benefits that the ENCCRV can generate.



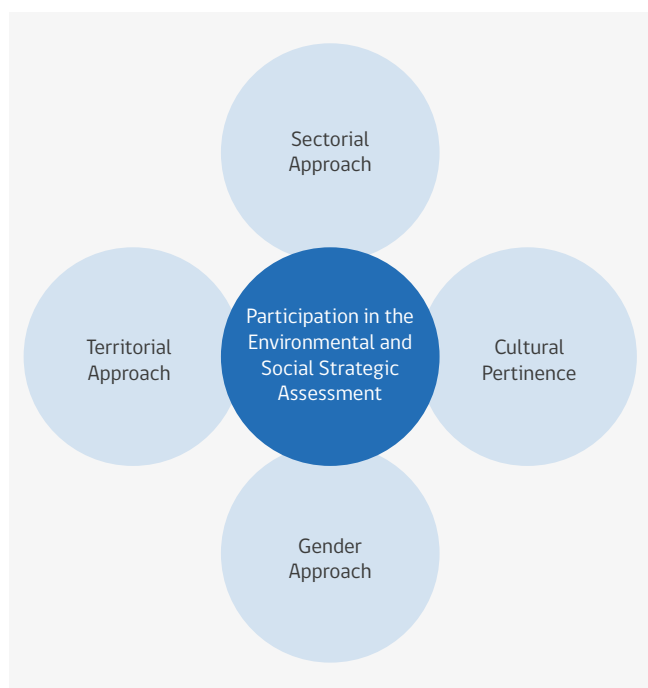


Figure 6. Participation approach.

### 3.2.2. Principles of the process

In accordance with the above mentioned, during the readiness process, guidelines were established that allowed design, location and implementation of appropriate, standardized and relevant participation processes, as agreed with the participants. So, the process would be developed, considering also the appropriate minimum safeguards at the national and international levels. Based on these guidelines, the following principles were defined for the entire participation process<sup>13</sup>:

- Participation is exercised through a process of national and formal scope that allows social and environmental sustainability of the ENCCRV, through search for consensus between the institutions and the key stakeholders linked to the forests and xerophytic formations of the country.
- Participation in the processes of formulation and validation of the ENCCRV is carried out in the terms established in Law No. 20.500 on Associations and Citizen Participation in Public Management, Article 7 of ILO Convention No. 169 and World Bank OP 4.10 for the case of Indigenous Peoples, among other normative pillars of legal order that support the full, effective and transparent participation of civil society.
- The formulation and validation processes of the ENCCRV are transparent and incorporate all sectors of society that are directly related to forests, xerophytic formations and vegetation resources.

The key stakeholders participating in the process have an active, informed, free, timely and scheduled role.

<sup>13</sup> Plan of Safeguards, Pág. 20. Link: [https://docs.wixstatic.com/ugd/902a1e\\_d702cd7b005a4610bf4c50ad2b65c220.pdf](https://docs.wixstatic.com/ugd/902a1e_d702cd7b005a4610bf4c50ad2b65c220.pdf)

- Inter-sectorial and inter-institutional coordination is transparent through mechanisms established for such purposes. The rights, visions, proposals, claims and suggestions of Indigenous Peoples and local communities dependent on forests, xerophytic formations and other vegetation formations, along been analyzed, are incorporated into the ENCCRV as long as they are relevant.
- The processes of formulation, public consultation, indigenous participation and dialogue, and the self-assessment of the ENCCRV seek to create and strengthen capacities, both in the potential beneficiaries and / or affected by this initiative, and in the institution responsible for their implementation to ensure adequate management of the risks and socio-environmental impacts that may be generated.

### 3.2.3. Technical inputs

The most relevant technical inputs that were used to give technical content to the various instances of participation and validation correspond among others:

- **Identification and prioritization of causes of deforestation, devegetation and degradation of vegetation resources and associated problems to increase their coverage and quality<sup>14</sup>, which were used as a basis for the design of the action measures<sup>15</sup> of the ENCCRV.**

Study associated with decisions of the UNFCCC where developing countries are asked to identify the causes of deforestation and forest degradation (4/CP.15<sup>16</sup>), and address them in their national strategies or action plans (1/CP.16<sup>17</sup>) recognizing that responses to these causes may be special for each country, depending on national circumstances (15/CP.19<sup>18</sup>). Within the framework of the ENCCRV it was decided to include in this logic, not only forests, but also other vegetation resources such as xerophytic, wetland and bofedales formations, taking into account the national scope of this initiative and the environmental and social relevance assigned to these resources in the various instances of dialogue carried out throughout Chile, as part of the formulation and validation process of the ENCCRV.

- **Forest Reference Emissions Level/Forest Reference Level (FREL/FRL<sup>19</sup>) sub-national of Chile, for the regions between Maule and Los Lagos.**

These reference levels were submitted by Chile before the UNFCCC in 2016 and published on the REDD+ website of the Convention in March 2017<sup>20</sup>. It characterizes GHG's historical emissions and projects them into the future, with the intention

<sup>14</sup> Available at: [https://docs.wixstatic.com/ugd/902a1e\\_8b0037f62365475889448c516aee38d5.pdf](https://docs.wixstatic.com/ugd/902a1e_8b0037f62365475889448c516aee38d5.pdf)

<sup>15</sup> Concrete definition of the actions that make up an activity. These action measures may have a specific impact on one of the causes, or they may be of a transversal nature, those that simultaneously address two or more causes.

<sup>16</sup> Available at: <http://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf#page=11>

<sup>17</sup> Available at: <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

<sup>18</sup> Available at: <https://www.enccrv.cl/publicaciones>

<sup>19</sup> Documento disponible en: <https://www.enccrv.cl/publicaciones>

<sup>20</sup> Documentos disponibles en: <http://redd.unfccc.int/submissions.html?country=chl>





of measuring performance of the policy approach associated with REDD+, being one of the elements required by the UNFCCC decisions on REDD+ for countries that wish to join this initiative (12/CP.17<sup>21</sup>).

- **Update on the Risk of Desertification, Land Degradation and Drought in Chile, prepared in 2016 within the framework of the National Action Program to Combat Desertification, Land Degradation and Drought (PANCD-Chile 2016–2030<sup>22</sup>).**

Study that aligns The 10 years Strategic Plan of the UNCCD, the global target on Land Degradation Neutrality (LDN) and the Sustainable Development Goals (SDG), for which the particularities of the country was of the utmost importance to address the issue of management vegetation resource in the northern part of the country, because this area has an arid and semi-arid climate where the approaches and indicators that apply under the UNCCD are more relevant than those exclusively associated with forests of the UNFCCC.

- **Key elements on administration and compensation schemes for environmental services including technical, political and strategic inputs.**
- **Analysis of required technical and legal elements and procedures for preparation and future implementation of a system for transferring carbon reduction rights, and a benefit distribution system associated with payment for environmental services with an emphasis on carbon.**

Tasks oriented to the development of technical proposals that strengthen a new law on forestry support and other normative and mechanisms for sectorial support.

- **Plan for Implementation of Social and Environmental Safeguards as prepared for Citizen Consultation and Self-assessment of the ENCCRV, hereinafter Plan on Safeguards<sup>23</sup>.**

This last task provided the country's guidelines in terms of citizen participation and indigenous participation to address the Cancun Safeguards with potentially direct, indirect and/or affected beneficiaries by the ENCCRV. In the case of Chile this task should be understood as incorporating the REDD+ approach that have been outlined in the previous points. Thus, this Plan guided an orderly, systematic and methodologically sound process to generate inputs that contributed to the formulation of the Strategic Environmental and Social Assessment (SESA) and the Environmental and Social Management Framework (ESMF) that will be described then.

The Plan on Safeguards was made operational through the participatory process developed between 2015 and the beginning of 2016, in the 15 regions of the country<sup>24</sup> plus a national workshop. It should be noted that this process was piloted in 2013 in the city of Temuco<sup>25</sup>, La Araucanía Region, with support of social and communication experts from the World

<sup>21</sup> Available at: <http://unfccc.int/resource/docs/2011/cop17/eng/09a02.pdf>

<sup>22</sup> <https://www.enccrv.cl/publicaciones>

<sup>23</sup> Available at:

[https://docs.wixstatic.com/ugd/902a1e\\_d702cd7b005a4610bf4c50ad2b65c220.pdf](https://docs.wixstatic.com/ugd/902a1e_d702cd7b005a4610bf4c50ad2b65c220.pdf)

<sup>24</sup> According to the political and administrative division of the country.

<sup>25</sup> For more information about the Workshop held in the city of Temuco, see: <http://www.conaf.cl/nuestros-bosques/bosques-en-chile/cambio-climatico/>





Bank, an instance where valuable experiences were obtained for the development of the next following workshops and the Plan on Safeguards.

The methodology used for the workshops was *Focal Groups*<sup>26</sup>. Specific groups were organized depending on the sector of the society they represent. Special emphasis was given to indigenous peoples and women, to know their worldview, perception and opinions about the country's vegetation resources. All of the above was framed in ethical aspects under the full principle of safeguarding people's rights, where the transparency and good faith of CONAF in the gathering and management of information were fundamental for generation of trust amongst the State, civil society, the private sector and other relevant stakeholders.

For example, on the cultural approach, intercultural facilitators were available at working groups with indigenous peoples, including interpretation in the native language of those present. In the case of the approach with a gender perspective, a minimum of female assistance of 30% was determined, in order to establish working groups made up exclusively of women who had the support of facilitators and rapporteurs, thus generating an affable environment for trust.

#### □ Dialogue and Indigenous Participation, Self-Assessment and Citizen Consultation.

The content of the ENCCRV document was further strengthened in the validation and adjustment stage through the Indigenous Dialogue and Participation, the Self-Assessment<sup>27</sup>, the Virtual Citizen Consultation<sup>28</sup> and the direct revisions of the document, as formally requested to various entities, resulting in 45 revisions of the draft document. Among the entities that participated in the additional review process, we can mention the various technical departments of CONAF, Ministry of Finance, Ministry of Foreign Affairs (MINREL, as per the Spanish acronym), Forestry Institute (INFOR, as per the Spanish acronym), Ministry of the Environment (MMA), University of Chile, United Nations Development Program (UNDP), and national and international technical support teams, allowing to expand the call and strengthen the document of the ENCCRV.

In total, for the formulation and validation of the ENCCRV, the contributions of 3,784 key stakeholders represented in the different sectors of society were counted. The foregoing constitutes a challenge for the Public Services in the construction of an inclusive and participatory public policy (Figure 7).

<sup>26</sup> 9 groups of works were established as standard, which were:

1) indigenous peoples, 2) academics, 3) public institutions 4) consultants and extensionists, 5) NGOs, 6) women's organization, 7) private sector, 8) small and medium-sized owners, and 9) indigenous, small and medium-sized women proprietary. Additionally, other specific groups emerged according to the local reality and territorial.

<sup>27</sup> Specific instance requested by the FCPF to qualify the process and formulation of the ENCCRV, which also considered its activities and action measures.

<sup>28</sup> Available at:

[https://docs.wixstatic.com/ugd/902a1e\\_e42259bdfbe0427a889308446fd22582.pdf](https://docs.wixstatic.com/ugd/902a1e_e42259bdfbe0427a889308446fd22582.pdf)





**Figure 7.** Summary of participation in the formulation and validation process of the ENCCRV.



The development of technical studies and the participatory process described gave rise to the following results:

- (i) Identification of the main problems and causes of degradation (drivers) that affect the native vegetation resources of Chile.
- (ii) Proposals to address these problems and / or threats, through activities and action measures.
- (iii) Identification of the risks and negative impacts of implementing the proposals.
- (iv) Solution measures to minimize risks and enhance benefits;
- (v) Measures for the maintenance and / or increase of biodiversity.

The document of the ENCCRV, after submitting to the final adjustments, obtained the approval sanction at the national and international level at the end of 2016, with the participation of different public services, Non-Governmental Organizations (NGO) associated with environment and forestry, agriculture and livestock sectors of the country, as well as the different international agencies linked to the ENCCRV, such as: UN-REDD Program (FAO, UNDP and UN-Environment), World Bank, the Swiss Government through the Swiss Agency for Development and Cooperation (SDC), among others.

Some of the important milestones of the national validation of the ENCCRV were: the approval of the CONAF's Directive Board on October 25, 2016, the validation from the Council of Ministers for Sustainability (CMS)<sup>29</sup> on November 14 of the same year, and the mention by the President of the Republic, GRM. Michelle Bachelet, on November 15, 2016, in the high-level segment held at the Conference of the Parties (CoP) 22, held in Morocco, in which she referred to the ENCCRV, in addition to announcing the Third National Communication (TCN) and the Biennial Update Report (IBA) of Chile on climate change before the Secretariat of the UNFCCC. The ENCCRV is positioned as the key instrument to fulfill the commitments related to forests undertaken by Chile through its Nationally Determined Contribution (NDC). More recently, on October 31, 2017, the ENCCRV was approved by Decree No. 50, which was signed by the Her Excellency the President of the Republic, and the Minister of Agriculture, Mr. Carlos Furche.

### 3.3. Management Instruments

The inputs and management instruments for addressing and respecting safeguards that have been defined for the activities associated with the implementation of the ENCCRV correspond to:

→ **The Strategic Environmental and Social Assessment (SESA):** this input was prepared on the basis of the participatory process, identifying 44 homologated environmental and social risks, and including considerations in these social and environmental areas to ensure sustainable implementation of the action measures of the ENCCRV.

→ **Environmental and Social Management Framework (ESMF):** management instrument that establishes the protocols and procedures to be followed to avoid, mitigate, reverse and / or compensate eventual adverse socio-environmental risks and impacts, and maximize the potential benefits associated with the implementation of the action measures of the ENCCRV, in order to ensure provision of the safeguards suitable to the initiative.

The ESMF has been developed under the principle of continuous improvement, since the protocols and procedures that it establishes will be improved over time once specific lessons learned are generated as the ENCCRV Implementation phase progresses. It is also considered to update it periodically to meet the dynamic international requirements in terms of safeguards, currently including the REDD+ guidelines of the UNFCCC (Cancun Safeguards), the World Bank's OP and other guidelines issued, for example, by the UN Program -REDD, CBD, UNCCD, SDC, the United Nations Forum on Forests (UNFF), among others.

<sup>29</sup> Instance that is chaired by the Minister of the Environment and integrated by the following Ministries: Agriculture, Finance, Health and Economy, Development and Reconstruction, Energy, Public Works, Housing and Urban Planning, Transport and Telecommunications, Mining and Planning.





**National circumstances  
to address, respect and  
compliance with safeguards**

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**4**







## National circumstances for address y respect and compliance with safeguards



### 4.1. General Policy and Administrative Considerations

The political system of Chile is republican, democratic and representative, whose form of government is the *Presidential Republic*, which means that the President of the Republic is both Head of State and Head of Government. In the country there is a classic division of State powers represented by the Executive, Legislative and Judicial. Sovereignty lies essentially in the nation, through the election of its representatives through popular, universal suffrage, in direct elections, or by taking particular and local decisions through county plebiscites, which are not legally-binding.

According to the Law No. 18.575 Constitutional Organic General Bases of the State Administration, the Ministries of the State of Chile are the superior entities of collaboration to the President of the Republic in the functions of government and administration in their respective sectors that correspond to the specific fields of activities in which they must exercise these functions. Out of 23 ministries<sup>30</sup> of Chile, in the context of the ENCCRV stand out: the Ministry of Agriculture (MINAGRI) under which CONAF is established; the Ministry of Finance; the Ministry of Foreign Affairs (MINREL, as per the Spanish acronym); the Ministry of the Environment (MMA, as per the Spanish acronym), and; the Ministry of Social Development (MIDESO, as per the Spanish acronym), among others. Under the MIDESO is the National Corporation for Indigenous Development (CONADI, as per the Spanish acronym) and the Ministry of Women and Gender Equity that also stands out because it was created in 2016 and its mission is to create policies, plans and programs for the benefit of women and to work for ruling out any type of gender discrimination, making Chile a more equitable country.

In relation to the ENCCRV, the approach is based on compliance with the international agreements adopted by Chile with the UNFCCC, the UNCCD and the CBD, as well as contributing to compliance with the SDGs for Sustainable Development, which is supported as a State policy valid since year 2025.

In the national context, formulation of the ENCCRV is directly aligned with the four strategic axes and the goals set out in the Forest Policy 2015-2035<sup>31</sup> approved in 2016, which correspond to:

- i) Forest governance;
- ii) Productivity and economic growth;
- iii) Equity and social inclusion, and;
- iv) Protection and restoration of forest heritage.

<sup>30</sup> <http://www.gob.cl/#>

<sup>31</sup> [http://www.conaf.cl/wp-content/files\\_mf/1462549405politicaforestal201520351.pdf](http://www.conaf.cl/wp-content/files_mf/1462549405politicaforestal201520351.pdf)

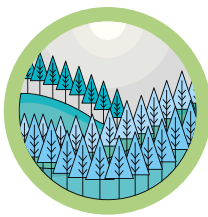




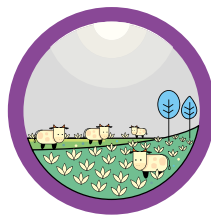
Additionally, the ENCCRV complies with the provisions on: the National Action Plan on Climate Change I and II (PANCC, as per the Spanish acronym); the Climate Change Adaptation Plan of the Forestry, Agriculture and Livestock Sector; the Climate Change Adaptation Plan for Biodiversity; the National Plan on Adaptation to Climate Change, and; the National Action Program against Desertification, Land Degradation and Drought 2016–2030 (PANCD, as per the Spanish acronym).

Considering these provisions, during the formulation process of the ENCCRV, 8 activities were identified that contain

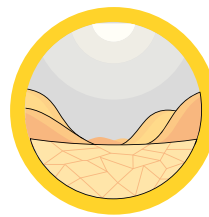
26 action measures aimed to addressing the causes of deforestation, devegetation, degradation of forests and other vegetation resources. Moreover, this process identified barriers that prevent or interfere negatively with the implementation of activities on restoration, conservation, sustainable management, enrichment and regeneration of vegetation resources. Specifically, the problems that are intended to be addressed with the ENCCRV correspond to the aforementioned causes, which are illustrated graphically below:



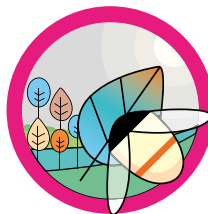
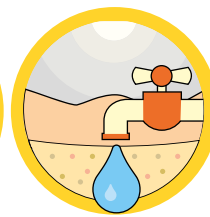
**Unsustainable management of forest crops**



**Expansion of farming and livestock**



**Effects of climate change, desertification, land degradation and drought; Overexploitation of water.**



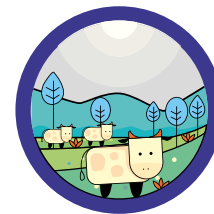
**Pests and diseases**



**Forest Fires**



**Unsustainable use of vegetation resources for production**



**Unsustainable use of vegetation resources for livestock production**



To fight against the aforementioned causes, specific activities were established, which include: i) adaptive management of vegetation resources to climate change, desertification, land degradation and drought; ii) Strengthening on prevention of forest fires and restoration of fired areas; iii) model of sustainable management for vegetation resources; iv) pilot areas for public-private management that make compatible the management of vegetation resources with livestock; v) strengthening phytosanitary protection for native vegetation resources; vi) regulatory adjustment agricultural and livestock development compatible with native vegetation

resources, and; vii) support the forestry sector by promoting sustainability of forest management.

During the ENCCRV formulation and by means of the SESA process, 44 socio environmental risks were identified as a result from 475 proposals obtained, also 49 potential benefits from 518 proposals, and 31 proposals for maintenance and/or increase of biological diversity from the various participatory entities of the Strategy. For more details on benefits, risks and mitigation efforts identified by action measure, see the SESA document<sup>32</sup>.

## 4.2. National definition on address, respect and compliance with safeguards

The purpose of this document is to inform about how the safeguards were addressed and respected during “Formulation and validation” and “early implementation” phases of the ENCCRV. Also, it includes an interpretation to the national context of the safeguards and how they should be applied in the different stages of the ENCCRV.

In this context, safeguards<sup>33</sup> are understood as:

*“The set of commitments, guidelines, measures and national and international orientations, mandatory and voluntary, adapted to national circumstances, including related laws and regulations, which are intended to prevent potential risks and mitigate, reverse and/or compensate socio-environmental impacts that could be generated during implementation of the ENCCRV, maximizing potential benefits and ensuring full respect of the rights of vulnerable groups, especially local communities and indigenous peoples”.*

For a better understanding, three levels of management for the safeguards have been defined: address, respect and compliance:

➔ **Address:** It will be understood as the regulatory and governance framework to ensure application of the safeguards through a coherent set of policies, laws, regulations, systems and associated institutional mechanisms that currently prevail in Chile and that apply to the ENCCRV, allowing the respective national goals be met.

➔ **Respect:** It refers to the application of policies, laws and regulations, through institutional (and individual) mechanisms, to ensure that they are implemented and generate real and positive results taking into account the cultural and territorial pertinence and mainstreaming the gender approach. In more concise terms, “Respect” is how the governance arrangements are applied, generating real and positive results within the framework of the ENCCRV.

➔ **Compliance:** in Chile, a safeguard will be understood as fulfilled when it is possible to verify, monitor and report reliably through verifiers and/or indicators of different kind, the effectiveness of the means for implementation of the safeguard management.

It should be noted that all safeguards must always be addressed during all the phases of the ENCCRV, taking into account what has been established in the national regulatory and governance. Respect will enter in force when safeguards are activated<sup>34</sup>. Therefore, it becomes necessary to apply policies, laws and regulations to reduce the risks and maximize the benefits ensured by principles of law. Compliance will be specified for the activated safeguards that contain the verifiers and/or indicators that allow to reliably measuring the results of the implementation. Application of verifiers and/or indicators should consider limitations that they could have on institutional, territorial, financial, temporal and cultural aspects.

<sup>32</sup> Available on: [https://static.wixstatic.com/ugd/902a1e\\_6474cbf71ab440bba7147e8a5bbf8f54.pdf](https://static.wixstatic.com/ugd/902a1e_6474cbf71ab440bba7147e8a5bbf8f54.pdf)


<sup>33</sup> According to the definition established by Chile.

<sup>34</sup> Activation will be understood when the applicability or operation of a safeguard is identified in the evaluation of the activity to be carried out.









# **Institutional arrangements for address, respect and compliance with safeguards in the readiness phase**

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## Institutional arrangements for address, respect and compliance with safeguards in the readiness phase



For management and implementation of the ENCCRV safeguards that apply, the country has established an institutional governance structure that is complemented by various civil society stakeholders at the national and regional levels. This governance structure is based on the contributions and concerns that were raised through participatory instances during the readiness phase of the ENCCRV. Governance will be maintained permanently during its phases on implementation and results-based payment, in order to evaluate the progress reported, establishing a continuous dialogue to propose improvements with the necessary frequency. This structure is reflected in Figure 8.

In these institutional arrangements, CONAF is given the role of executing entity and coordinator of the regular activities of the ENCCRV, in its capacity as focal point to the REDD+ approach before the UNFCCC, through the Climate Change and Environmental Services Unit (UCCSA) dependent on the Management Office on Forestry Development and Support (GEDEFF, as per the Spanish acronym). In addition, for this purpose, at the regional level, UCCSA have the support of Regional Coordinators of Climate Change and Environmental Services at each of the administrative regions of the country. These coordinators are in charge of implementation of the action measures and the ENCCRV safeguards, counting for the latter with the support of the Unit of Indigenous and Social Affairs (UAIS, as per the Spanish acronym) and its regional managers, as well as with the Environmental Assessment Department professionals in charge of the at each of their regional offices.

Institutional arrangements led to the establishment of an internal platform responsible at the Central Office of CONAF responsible for formulation and implementation of the ENCCRV. This platform is the Inter-Managerial Committee on Climate Change of CONAF, which is constituted by the Management Office on Enforcement and Environmental Assessment (GEF<sup>35</sup>, as per the Spanish acronym), Management Office on Forest Fire Protection (GEPRIF<sup>36</sup>, as per the Spanish acronym), Management Office on Protected Wild Areas (GASP<sup>37</sup>, as per the Spanish acronym), the UAIS and the Office on Legal Affairs<sup>38</sup>. This committee established internal coordination for management of environmental and social safeguards that apply to the ENCCRV in a comprehensive, cross-sectorial and multidisciplinary way.

<sup>35</sup> Its mission is "To make the observance of forest and environmental legislation the conduct that guarantees the conservation and sustainable use of native forests, forest plantations and xerophytic formations".

<sup>36</sup> Its general function is to "Assist the Executive Director in the proposal of policies and strategic guidelines for the Forest Fire Protection Program of CONAF and in organizing, coordinating and supervising the activities and management of the regional instances of the Program for protection against forest fires, according to the strategic institutional objectives and the legal and budgetary framework".

<sup>37</sup> Its mission is "To contribute to the conservation and preservation of biological diversity through the integral management of ASPs, thereby improving the quality of life of our users".

<sup>38</sup> Its functions are: Principle of Legality: ensure the legality of the acts of the Corporation / Legal Advisory, to the various instances of the Corporation; Executive Direction, Managements, Regional Directions, Offices, Units and departments in all matters that apply to these agencies / In all legal matters in which they have requested an interpretation of law.





Likewise, in an external field, CONAF through the UCCSA is part of the Intra-ministerial Technical Committee on Climate Change (CTICC<sup>39</sup>, as per the Spanish acronym) of MINAGRI, led by the Office of Agricultural Studies and Policies (ODEPA, as per the Spanish acronym). The purpose of this committee is strengthen technical decisions that are adopted within the framework of the ENCCRV, participating all the public services that depend on this Ministry, and they implement and manage the agricultural and forestry support policies and instruments.

Then, a National Technical Expert Group on Climate Change (GTNE) has been defined as part of the technical management and safeguards. This expert group consists of representatives of public institutions, private consultants, NGOs, Indigenous Peoples and academics. This group is a public-private body for technical validation of the actions adopted during the implementation of the ENCCRV. This group was formed at the request of various international entities that support the ENCCRV in terms of strengthening aspects of participation, transparency and technical relevance of decision-making.

Thus, guidelines and procedures developed for technical, environmental and socioeconomic aspects will be subject to

validation by the Forest Policy Council (CPF, as per the Spanish acronym), which is chaired by CONAF through its Executive Director<sup>40</sup>. The CPF has active participation of 16 members representing different stakeholders associated with the forestry sector, involving: public services, private companies and social organizations, representatives of indigenous peoples, academia, researchers and environmental NGOs. This validation will be in accordance with pertinence of the topics addressed to the CPF, and it will provide greater robustness to the role of coordination and implementation of CONAF through its Executive Director and the Board of Directors of this institution.

Finally, the Council of Ministers for Sustainability (CMS, as per the Spanish acronym<sup>41</sup>) is the highest instance for decision-making in environmental matters. Also it validates multi-sectorial documents such as the National Communications to the UNFCCC,

<sup>39</sup> The CTICC is established on April 17, 2015 through the Ordinary No. 275 of the Assistant Secretary of Agriculture, and then formalized by Decree No. 360 by the Minister of Agriculture, Mr. Carlos Furche G. of December 4, 2017, Committee of Management of Agriculture. It is coordinated by the Office of Agricultural Studies and Policies (ODEPA), and is composed of the Institute of Agricultural Development and Policies (ODEPA), as per the Spanish acronym), the Foundation for Agrarian Innovation (FIA), the Institute of Agricultural Research (INIA, as per the Spanish acronym), the Forestry Institute (INFOR, as per the Spanish acronym), the Information Center of Natural Resources (CIEN, as per the Spanish acronym), Agriculture and Livestock Service (SAG, as per the Spanish acronym), CONAF, among others.

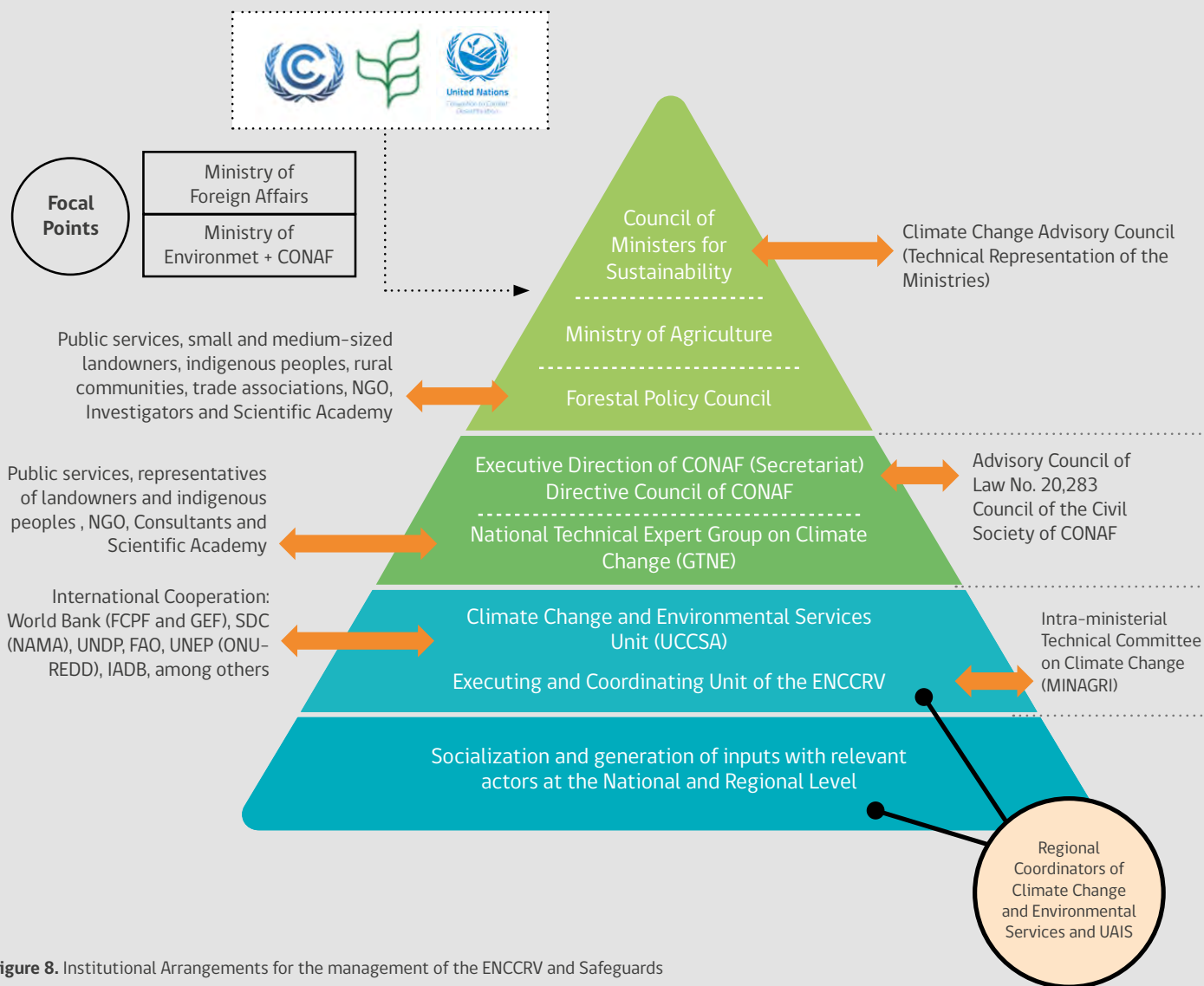
<sup>40</sup> Additionally, a review of the actions to be followed within the framework of the ENCCRV is considered within CONAF's Board of Directors, chaired by the Minister of Agriculture, and which includes participation of the Minister of the Environment, the Executive Director of CONAF, the National Director of the Agriculture and Livestock Service (SAG), the National Director of the Institute for Agriculture Development (INDAP), two representatives of the Production Support Corporation (CORFO) of the Ministry of Economy, Development and Tourism, two representatives of the forestry and agriculture private sector, a representative of the workers of CONAF and a Secretary, responsibility that normally resides in the Office on Legal Affairs of CONAF.

<sup>41</sup> The CMS is chaired by the Minister of the Environment and is composed of the Ministers of Agriculture, Finance, Health, Economy, Development and Reconstruction, Energy, Public Works, Housing and Urban Development, Transport and Telecommunications, Mining and Planning. See: <http://areasprotegidas.mma.gob.cl/consejo-de-ministros-para-la-sustentabilidad/>.

<sup>42</sup> See: [http://portal.mma.gob.cl/wp-content/uploads/2017/07/plan\\_nacional\\_climatico\\_2017\\_2.pdf](http://portal.mma.gob.cl/wp-content/uploads/2017/07/plan_nacional_climatico_2017_2.pdf)

<sup>43</sup> It is important to mention that in 2014, this Council agreed to initiate the procedures to be called the Council of Ministers for Sustainability and Climate Change, to which MINREL would be incorporated, for its role in international negotiation, which reveals the importance of climate change in the public policies of the country.





**Figure 8.** Institutional Arrangements for the management of the ENCCRV and Safeguards

NDC, PANCC (2017-2022)<sup>42</sup> and Plans of Action on Adaptation, among others. It is important to highlight that this Council meets periodically and among its main functions is to propose to the Presidency of the Republic policies for the management and sustainable use of natural resources, in addition to defining sustainability criteria for development of sectorial policies<sup>43</sup>.

Promoter greater operability for management and coordination on safeguards, various departments and units within CONAF have specific roles that relate to the address, respect and/or compliance of the ENCCRV safeguards, with a focusing the operation in the territory of the action measures that are executed as part of the

ENCCRV. Those entities that have already been mentioned will be detailed below.

### Climate Change and Environmental Services Unit (UCCSA)

UCCSA is unit administratively dependent under the Management Office on Forestry Development and Support (GEDEFF). This unit aims to "facilitate the access for owners of forests, xerophytic formations and lands feasible for afforestation, to the benefits associated with the services of the resources provide in the context of climate change mitigation and adaptation actions". UCCSA has direct responsibility for managing, executing and supervising the projects that are carried out within the implementation of the ENCCRV, and also general management of environmental safeguards. UCCSA has support from the Regional Coordinators of Climate Change and Environmental Services (detailed below). UCCSA is the unit responsible for leading and coordinating implementation of the ENCCRV. UCCSA is in charge as the first instance for informing and/or coordinating, activation and subsequent implementation of the mitigation measures contained in the ESMF for the management of the safeguards. UCCSA must

<sup>42</sup> See: [http://portalmma.gob.cl/wp-content/uploads/2017/07/plan\\_nacional\\_climatico\\_2017\\_2.pdf](http://portalmma.gob.cl/wp-content/uploads/2017/07/plan_nacional_climatico_2017_2.pdf)

<sup>43</sup> It is important to mention that in 2014, this Council agreed to initiate the procedures to be called the Council of Ministers for Sustainability and Climate Change, to which MINREL would be incorporated, for its role in international negotiation, which reveals the importance of climate change in the public policies of the country.



## Decisions



Strategic – Politic



Strategic and general  
technical guidelines



Operational and  
management of ENCCRV



Generation of inputs  
for the formulation and  
improvement of the ENCCRV

ensure availability of technical, financial and human resources for proper management of safeguards. UCCSA define who is the operational unit responsible for providing accompaniment to the regional team when it requires it.

UCCSA's Regional Coordinators have responsibility in coordination, supervision and validation of activities related to the ENCCRV at the regional level. Coordinators carry out and coordinate the proposals to apply for regional funds, and they coordinate technical, financial and accounting procedures at regional level for funding resources of the ENCCRV. Finally, UCCSA provides information during phases of implementation and results-based payments in the regions.

UCCSA was formally created on December 24, 2014, through Resolution No. 581 of the Executive Director of CONAF, after being approved by the Directive Board of the institution. This resolution granted the institutional role of the UCCSA to act as a National Focal Point before the REDD+ approach of the UNFCCC, and also as the National Focal Point to the UNCCD.



Institutional arrangements for address, respect and compliance with safeguards in the readiness phase







## Unit of Indigenous and Social Affairs (UAIS)

UAIS is administratively dependent under the Executive Secretariat of the Executive Direction of CONAF. UAIS aims for “linking the guidelines and policies of CONAF with the reality of communities and indigenous peoples of the country, going after for implementation of plans, programs and projects that favor local development with intercultural identity, ensuring protection of their rights and contribute for improvement of their quality of life”. In addition, it must ensure compliance with the specific legal framework for the protection of the rights of indigenous peoples such as: Indigenous Law Nº 19.253; Convention 169 of the International Labour Organization (ILO); Law No. 20,249 on the marine coastal space of the original peoples; the Convention on Biological Diversity; and Supreme Decree No. 66 of 2014, of the Ministry of Social Development, which approved the provisions that regulate the indigenous consultation procedure; among others. In the specific context of the ENCCRV, the UAIS should lead the treatment, management and supervision of social safeguards, in coordination with the UCCSA and the regional teams.

For this task, UAIS has the support of the regional managers on Indigenous and social affairs<sup>44</sup> whose main functions are to link directly to the local management with territorial pertinence of the different projects and initiatives that are developed and implemented at regional level. Also, UAIS provides intercultural advice, technical and methodological, applicable to matters such as: sustainable management of native forest, xerophytic formations and other vegetation resources; climate change; conservation of biological diversity; environmental and forestry enforcement, and; ensuring inclusion and protection of the rights of indigenous peoples.

## Department of Environmental Assessment (DEVA)

DEVA is a department administratively dependent under GEF. DEVA fulfills a series of functions in CONAF<sup>45</sup>, which are detailed below, in addition to being the department responsible for providing complementary support to UCCSA and regional teams with relation to environmental safeguards.

- To advise the Management of Environmental Monitoring and Evaluation (GEF) in matters related to forest ecosystems and xerophytic formations regulated by the Law of General Bases of the Environment.

- To coordinate with internal and external entities processes derived from application of environmental legislation within the sectorial framework.
- To evaluate the projects and their environmental impacts, and propose, where appropriate, mitigation, compensation and recovery measures, a role specified in the ESMF within the ENCCRV.
- To evaluate and enforce environmental commitments derived from the Environmental Impact Assessment System (SEIA, as per the Spanish acronym).
- To implement a follow-up program for those mitigation or compensation measures included in projects submitted to the Environmental Impact Assessment System.
- To design measures for environmental restoration of forest ecosystems and xerophytic formations.
- To comply with application of exceptionality rules included in Law No. 20,283.

The departments described above are part of the regional teams for implementation of the ENCCRV. Regional teams have support of other professionals from the regional and provincial offices of CONAF, and also external professionals from the technical field. Regional teams are responsible for territorial implementation of the measures of action of the ENCCRV, the management and reporting of the safeguards, along with reporting and providing the necessary background information to determine the activation of the safeguards. Regional teams provide different inputs to carry out the reports required for compliance with national and international commitments for assurance of these safeguards within environmental and social spheres.

The treatment for safeguards has reached relevance at international and national level. Therefore, and as a result of the process of participatory formulation and early implementation of the ENCCRV, a team for analysis has been formed and named Expert Team of CONAF on Environmental and Social Safeguards. This multidisciplinary team is composed of professionals from CONAF whose purpose is to assure the safeguards of the ENCCRV, through implementation of those actions identified during the formulation and validation stages for the readiness phase.

<sup>44</sup> Those in Charge of Indigenous Affairs, are distributed in the regions with presence of rural indigenous peoples, such as: Arica and Parinacota, Tarapaca, Antofagasta, Atacama, Biobio, La Araucania, Los Rios, Los Lagos, Aysen, General Carlos Ibañez del Campo and Magallanes and the Chilean Antarctic.

<sup>45</sup> To fulfill these functions, the DEVA has two sections, namely: 1) Environmental Assessment Section that is related to all project presentations to the Environmental Assessment System (SEA) and that require the pronouncement of CONAF. Also, this section is in charge of evaluating the exceptionality norms of Law No. 20,283. 2) Environmental Inspection Section that is related to the Superintendence of the Environment in compliance with the requirements of the Environmental Qualification Resolution (RCA) of different projects and that concern the competencies of CONAF.





# National interpretation for Address, Respect and Compliance with safeguards

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6







## National interpretation for Address, Respect and Compliance with safeguards



### 6.1. National interpretation for Address, Respect and Compliance with the Cancun safeguards

The following is the national interpretation, approach, respect and compliance with each of the seven Cancun safeguards of the UNFCCC that are applicable to the ENCCRV for including the REDD+ approach, as stipulated by the Convention.

Inclusion of the national interpretation of the safeguards is an important point to be highlighted, since it allows the country to determine what it wants to stand out and emphasize in each of the safeguards based on national objectives, targets and needs.

In this context, for the address, respect and compliance of each safeguard, there must be taken into consideration the national and international legal framework ratified by Chile, as well as the institutional framework in which the ENCCRV is considered. For this, a three instance analysis must take place:

- i) Articulation with international agreements and conventions ratified by Chile linked to the ENCCRV.
- ii) The national policy and laws applied to the activity.
- iii) The national institutional structure in which the ENCCRV is inserted.

#### 6.1.1. Safeguard “a”

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*“The complementarity or compatibility of the actions with the objectives of the national forest programs and to the conventions and international agreements on the subject”*

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#### National interpretation of the “a” safeguard

By complementarity or compatibility of the actions, it is understood the articulation of the action measures of the ENCCRV with the programs and/or national plans on climate change, and with international conventions and agreements on the matter of vegetation resources ratified by Chile. In other words, the ENCCRV is aligned with the State’s policies, as well as the national and international regulatory framework, as well as, contributing to accomplish the national commitments established in national and international instruments.

“This suppose the need to recognize and take measures to adequately complement while being coherent with the relevant and applicable international conventions and agreements. Therefore, countries carrying out national REDD+ strategies should clearly identify applicable and pertinent international conventions and agreements, and analyze to what extent the proposal contained in their national strategy complements or is compatible with the international conventions and agreements identified” (Ray *et al.*, 2013).



Safeguard “a” of Cancun is understood as:

“The complementarity or compatibility of the action measures of the ENCCRV with the objectives of the national forestry and environmental programs, and with the conventions and international agreements ratified by Chile linked to vegetation resources”.

### **Address, respect and compliance with “a” safeguard:**

International agreements ratified by Chile were identified on articulation of the ENCCRV with the guidelines of the UNFCCC for addressing, respecting and compliance of this safeguard.

The SDGs 2015–2030<sup>46</sup> were considered among the agreements and international conventions in which the ENCCRV contributes to the fulfillment of objectives and goals. The ENCCRV is a fundamental tool for fulfillment of objective 13 *“Take urgent action to combat climate change and its impacts (implementing the agreements adopted in the forum of the UNFCCC)”*, and objective 15 *“Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”*.

As mentioned above, the ENCCRV contributes to comply with the UNCCD, the UNFCCC and the CBD as well as it is disposed in the UNFF framework. At the same time, it contributes indirectly to the Convention on Wetlands of International Importance especially as Waterfowl Habitat, known as the Ramsar Convention, as well as the Man and the Biosphere Program (MaB) that integrates the Network of Biosphere Reserves of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

At the national level, the main law aligned with the of Cancun safeguard “a” is the Political Constitution of the Republic of Chile, where in its article 19, numeral 8 it is stated that all people have *“the right to live in a pollution-free environment. It is the duty of the State to ensure that this right is not affected and guard the preservation of nature. The law may establish specific restrictions on the exercise of certain rights or freedoms to protect the environment”* (State of Chile, 2005).

Additionally, Chile has a broad legal framework on environmental matters. So, Law N° 19.300 on General Bases for the Environment, was addressed, respected and complied during the ENCCRV's Readiness phase. This law includes in Article 1, the *“right to live in a pollution-free environment, the protection of the environment, the preservation of nature and the conservation of the environmental heritage will be regulated by the provisions of this law, no matter to what other legal regulations establish on this matter”* (State of Chile, 1994).

<sup>46</sup> Source available at: <http://www.un.org/sustainabledevelopment/es/objetivos-de-desarrollo-sostenible/>







The Environmental Impact Assessment System (SEIA, as per the Spanish acronym) was also created for the protection of the environment through Decree N° 40 on 2012 of the Ministry of the Environment, which it establishes the Regulations of the Environmental Impact Assessment System as “*set the provisions by means of which the SEIA and the Community Participation in the process of Environmental Impact Assessment (EIA, as per the Spanish acronym) will be ruled*”.

On the other hand, the forest sector relies on Law N° 20,283 for Restoration of Native Forest and Forest Support. This Law in its Article 1 contemplates as objectives “*the protection, restoration and improvement of native forests, in order to ensure forest sustainability and the environmental policy*”. The Decree Law N° 701 issued on 1974 for forestry support, establishes the regulations on Lands with Preferential Aptitude for Forest (APF, as per the Spanish acronym). It should be noted that on December 31, 2012 the incentive system included in Article 12 of Decree Law N° 701 issued on 1974 expired. This is the reason why afforestation and other activities once eligible for grants, since January 1st, 2013, are no longer subject to incentives, according to the current regulations. However, rules of the decree are still active.

Decree N° 95 issued on 2008 from the Ministry of Agriculture on Regulation of the Fund for Conservation, Restoration and Sustainable Management of Native Forest, provides incentives that cover the costs for activities inherent to the fund such as conservation, restoration or sustainable management of native forests. Decrees N° 96/2008 and No. 28/2013, both from the Ministry of Agriculture, regulate resources for research on native forests. Decree N° 192/1998 from the Ministry of Agriculture approved Regulation for Payment of Forest Bonuses. As well as, Decree N° 80/2008 from the Ministry of Agriculture on Regulation for the Consultative Council on Native Forest, regulated creation

of the Native Forest Council for compliance of Law N° 20,283. Decree N° 93/2008 and Decree N° 26/2011, both from the Ministry of Agriculture are referred to the General Regulation of the Law on Restoration of Native Forest and Forestry Support. Specifically, Decree N° 93 on Regulation specified common provisions for Management Plans and work plan, in accordance with the objectives of Law N° 20,283.

In particular, the following decrees were considered national instruments that must be included when applying for the Cancun safeguard “a” with some of the native species of Chile.

- Decree N° 13/1995 of the Ministry of Agriculture, which declared forest species Queule, Pitao, Belloto del Sur, Belloto del Norte, as Natural Monument;
- Decree N° 490/1976 of the Ministry of Agriculture, which declared forest species *Fitzroya cupressoides*, Alerce, as a Natural Monument;
- Decree N° 43/1990, of the Ministry of Agriculture, which declared *Araucaria araucana*, as Natural Monument.
- Decree N° 427/1941, of the Ministry of Lands and Colonization (now Ministry on National Assets), which regulated the Exploitation of Llareta.
- Decree N° 366/1944 of the Ministry on Lands and Colonization (now Ministry on National Assets) that regulates the exploitation of Quillay and other forest species;
- Decree N° 4,363 / 1931 of the Ministry on Lands and Colonization (now Ministry on National Heritage), which established the final text of the Forest Law N°625/1925.





The ENCCRV<sup>47</sup> document describes in section 3 the international and national context, including the SDGs and the international conventions and agreements to which the ENCCRV will contribute to its fulfillment, as a verifier of compliance with the “a” safeguard. In addition, complementarity of the ENCCRV with the following National and Political Plans within the national context is mentioned:

- National Action Plan on Climate Change (PANCC) 2008–2012.
- Adaptation Plan to Climate Change of the Forestry, Livestock and Agricultural Sector.
- Adaptation Plan to Climate Change on Biodiversity.
- National Plan for Adaptation to Climate Change
- National Action Plan for Climate Change 2017–2022 (PANCC–II).
- National Action Program against Desertification, Land Degradation and Drought 2016–2030 (PANCD).
- Determined National Contribution (NDC) of Chile, presented to the UNFCCC in September 2015.
- Forest Policy 2015–2035 in which the forest development guidelines are established under criteria of economic, social and environmental sustainability.
- Wood Energy Strategy.

<sup>47</sup> Document available at: [https://static.wixstatic.com/ugd/902a1e\\_c717ce5db3ab4284837f61762f35a8ac.pdf](https://static.wixstatic.com/ugd/902a1e_c717ce5db3ab4284837f61762f35a8ac.pdf)

Another important verifier is the inputs linked to the safeguard “a” obtained from the regional workshops<sup>48</sup> which took place during the formulation stage of the ENCCRV, where the attendees expressed interest for promoting environmental programs and projects such as the implementation of comprehensive plans, while reviewing and updating planning instruments that incorporate climate change, among others.

Considering issues above mentioned, the ENCCRV’s action measures were established, seeking to modify the current legislation or establish a new forestry regulation, as in the case of the following action measures:

- MT.1. Inclusion of climate change and DDTS issues in the new Law on Forestry Support.
- MT.2. Modification and strengthening of Law No. 20,283 and its regulations.
- IF.5. Inclusion of elements for preventative management and restoration after forest fires in Law N ° 20,283 and its regulations.
- RH.1. Modification of Law No. 19,561 that exempts reforestation to agricultural recovery.
- RH.2. Incorporation of forest conservation variables in Law N° 18,450.
- RH.3. Limit application of Law No. 20,412 on Lands of Preferential Aptitude for Forest.

### Gaps, strengthening needs or barriers

Generation of a methodology to verify complementarity between management instruments for native forest and regulation of the forestry sector, with international regulatory bodies signed and ratified by Chile, as well as establishing degree of application of these instruments.

#### 6.1.2. Safeguard “b”

*“Transparency and effectiveness of national forest governance structures, considering national legislation and sovereignty.”*

### National interpretation of the safeguard “b”

This safeguard has been addressed, respected and complied by enforcing the national regulatory framework, constituted by laws and regulations, as well as international instruments ratified by Chile.

<sup>48</sup> Each regional workshop has as a report a verifier that contains systematization of the obtained inputs, and a video with the experiences of the key stakeholders on that participative instance.





Transparency in national forest governance structures is protected and ensured through legislation at both national and international levels. Including, at national level i) the right of information access for all citizens and, ii) public institutions accountability. These two measures are fundamental pillars for the State of Chile operations, contributing to ensure governance, probity and respect for democracy.

In this regard, in terms of transparency, Chile has Law N° 20,285 on access to information. Article 4 of this law states *“The principle of transparency of the public function is to respect and to protect publicity of the acts, resolutions, procedures and documents of the Public Administration, as well as their foundations, and to facilitate the access for any person to that information, through the means and procedures established by law”* (State of Chile, 2008). Thus, since CONAF is an institution governed by the laws of public administration, transparency will be understood as the right to access for information and accountability, assured under the principle contemplated in Article 4 of Law N° 20,285.

Regarding to **efficacy**, is understood as the capacity to achieve the positive effect that is desired or expected from implementing the action measures of the ENCCRV, through the governance structures defined to meet this end. In addition, effective forest governance includes: i) appropriate legal and institutional frameworks, ii) participation in decision-making processes that affect the environment, iii) adequate access to justice (Ray *et al*, 2013).

Concerning what is referred to in the safeguard b) *“taking into account the national legislation and sovereignty”* Chile will understand that it refers to the unwavering respect and compliance of the current national regulations and provisions that in the future might be promulgated, being this the first obligation to ensure the safeguards during all phases considered

by the ENCCRV. Likewise, Chile assumes that any requirement or demand of any type of international organization may not affect in any way, at any level or scale, the national sovereignty.

It should be noted that national legislation, in terms of ensuring transparency and effectiveness, is adequate to address this safeguard in the context of national forest governance structures, and its proper application is enough for considering this safeguard respected.

Therefore, the safeguard “b” of Cancun is understood as:

*“In the different phases considered by the ENCCRV, transparency and effectiveness of the national forest and environmental governance structures are promoted while taking into account the legislation and national sovereignty.”*

### **Address, respect and compliance with the safeguard “b”:**

For approach, respect and compliance of the safeguard “b” in the formulation, validation stage and early implementation phase, the assurance of transparency has been taken into consideration, beginning with the International Agreement on Civil and Political Rights, which in its Article 19 establishes that *“Everyone has the right to freedom of expression; this right includes the freedom to seek, receive and disseminate information and ideas of all kinds, regardless of frontiers, either orally, in writing or in printed or artistic form, or by any other procedure of their choice”*. Likewise, Chile is a party to the United Nations Convention Against Corruption (UNCAC), which, in its Article 5, establishes that *“Each State Party, in accordance with the fundamental principles of its legal system, shall formulate and apply or maintain in force, coordinated and effective anti-corruption policies that promote*





*the participation of society and reflect the principles of the rule of the law, the proper management of public affairs and public goods, integrity, transparency and the obligation for accountability”, as well as the Inter-American Convention against Corruption, of the Organization of American States (OAS) (1998), which has as one of its purposes “to promote and strengthen the development, by each of the States Parties, of the necessary mechanisms to prevent, detect, punish and eradicate corruption”.*

In relation to the national normative framework, there is the Political Constitution of the Republic, which, through its article N° 8, establishes the principles of integrity and transparency in its constitutional level, forcing the holders of public functions to the strict compliance with the principle of probity in all of its actions. Likewise, Chile has the Law N° 20,285, on Access to Public Information, which recognized everyone’s right to access public information<sup>49</sup>. In addition, Chile created the *Council for Transparency*, which is an autonomous state body in charge of ensuring compliance with this Law. Therefore, this council aims to promote transparency of the public function, monitor compliance with these rules and guarantee the right of access to public information. The Law, in its first Article regulates i) the principle of transparency of public information, ii) the right to access to information of the organs of the State administration, iii) the procedures for the exercise of the right and iv) the exceptions to the advertising of information.

In this area, the State of Chile has the following internet sites to facilitate compliance with the Law:

- i. **Probity and Transparency Portal**<sup>50</sup>: Contains complete information on the Transparency Law. It Includes specifications of organizations subject to the Law, guides, regulations, news, statistics, frequently asked questions and links to other relevant sites.
- ii. **Council for Transparency**<sup>51</sup>: institutional website of the Council, which is an autonomous corporation of public law, with juridical personality and its own assets.
- iii. **Transparent Government Portal**<sup>52</sup>: Technical guide to indicates procedures and offers tools to facilitate and promote the work of public bodies in compliance with the Transparency Law.

Chile has Law N° 19.886 on Bases for administrative contracts on supply and provision of services, governing contracts of goods and services required by public administration bodies, including special restrictions on hiring in cases where there are links with public officials. Internally CONAF has its own Internal Regulation on Order, Hygiene and Safety, which also contributes to compliance with transparency and efficiency.

Regarding transparency and access to public information on forest governance structures, there is the Citizen Attention Information System (SIAC, as per the Spanish acronym), which provides several channels to attend key stakeholders requirements, one of them being the Information, Claims and Suggestions Offices (OIRS, as per the Spanish acronym), which may be found in each of the

<sup>49</sup> Por información pública se entenderán todos los actos, resoluciones, y la información elaborada con presupuesto público que se encuentra en poder de los órganos y servicios de la administración del Estado (salvo las excepciones que establece la Ley).

<sup>50</sup> <http://www.guiadigital.gob.cl/articulo/probidad-y-transparencia>

<sup>51</sup> <http://www.consejotransparencia.cl/>

<sup>52</sup> <http://www.gobiernotransparentechile.gob.cl/>





State institutions, created through Decree N° 680, of 1990, by the Ministry of the Interior and Public Security, with the purpose of assisting citizens in its right to submit requests, suggestions or complaints to public institutions. These offices currently exist in every public service, including CONAF, with the aim of complying with Law N° 20,285.

It should be noted that under this system, the SIAC and the institutional care spaces represented by the OIRS, the Grievance Redress Mechanism (GRM) of the ENCCRV is formed, since it meets all the requirements established by international organizations for an GRM, considering that its purpose is to generate an instance in which stakeholders can register their claims and suggestions related to the implementation of the action measures of the ENCCRV.

Regarding the respect and compliance to ensure the efficacy of the functioning of public institutions of the State and their mandates, Chile has a robust legislation among which are Law N° 18,575, constitutional organic general bases of administration of the State, which obliges the authorities and officials of the Public Administration to maintain an irreproachable conduct and an honest and loyal performance of the function or position, with a preeminence of the general interest over the individual; the Administrative Statute for public officials, which regulates the way to establish and pursue administrative responsibility, establishing administrative procedures and sanctions applicable to public servants; Law N° 19,880, on Administrative Procedures that govern the acts of the organs of the administration of the State, that regulates the bases of the administrative procedures of the organs of the Public Administration. In this law, probity is reflected in the fulfillment of a series of principles by which administrative procedures must be guided and which reveal the application of general interest over individual ones.

In terms of transparency and effectiveness of national forest governance structures, Chile has ratified two important international instruments that are part of the country's regulatory framework. The first is the Rio Declaration on Environment and Development. In its principle 10, this declaration states: *"At the national level, every person should have adequate access to information about the environment available to public authorities. States should facilitate and promote awareness and participation of the population by making information available to all"* and Agenda 21, of the United Nations Conference on Environment and Development, in its articles 8.15 and 11.3, establishes that States must *"Streamline and strengthen administrative structures and mechanisms, which includes provision of sufficient personnel and the allocation of responsibilities, decentralization of decision-making, provision of infrastructural services and supply of equipment, inter-sectorial coordination and an effective communications system"* and Article 8.15 quotes that *"The enactment and application of Laws and its regulations at the national, state, provincial and county levels are also essential to implement most international agreements related to the environment and development"*.





As verifiers of compliance and for further transparency in the formulation and validation of the ENCCRV, there is an official website on the ENCCRV<sup>53</sup>, in addition to the institutional website of CONAF<sup>54</sup>. All materials, publications and news about the ENCCRV are found in this website. For other part, every official document that is generated within the framework of the ENCCRV, and that is related to complying with the provisions of the Warsaw Framework for REDD+, is officially submitted to the Secretariat of the UNFCCC through a formal note from the MINREL of Chile, which acts as the political National Focal Point for this convention. On the other side and as a civil society initiative, specifically the Terram Foundation with support from the Friedrich Ebert Foundation (FES), the Observatory on Climate Commitments was launched on December 5, 2017 as a tool to monitor progress on these matters. The ENCCRV is included in this instance given its key role in achieving the forest targets contained in the NDC. The public website of this initiative is available at: <http://www.compromisosclimaticos.cl/>.

It is worth mentioning that during the regional participatory processes, the need for a greater and better dissemination of the national programs was repeatedly pointed out, and also establish participating instances for major transparency and effectiveness of the projects to be formulated.

Due to the pointed out necessity, the action measure called MT.6 in the ENCCRV denominated “Program of education and environmental diffusion” was established. This action measure has among its guidelines, to inform and educate about the existence and value of the native forest and xerophytic formations, considering local criteria and cultural relevance. In addition, this program includes measures for informing and training citizens about the advantages and benefits of good management practices for vegetation resources.

## Gaps, strengthening needs or barriers

Regarding transparency, although there are important advances, there are still shortcomings. For example, there is a lack of improvement in mechanisms to prevent, detect, penalize and eradicate bad practices related to public functions and improve distribution of benefits generated by forest resources at a local level.

### 6.1.3. Safeguard “c”

*“Respect for the knowledge and rights of indigenous peoples and members of local communities, taking into account relevant international obligations and circumstances and national legislation, and bearing in mind that the General Assembly of the United Nations has approved the United Nations Declaration on the Rights of Indigenous Peoples”*

## National interpretation of the safeguard “c”

Regarding the national interpretation on Indigenous Peoples, Chile has Law No. 19,253, which defines that “(...) the indigenous people of Chile are the descendants of the human groups that exist in the national territory since pre-Columbian times, which they preserve their own ethnic and cultural manifestations being for them the earth the main foundation of their existence and culture (State of Chile, 1993). The State of Chile recognizes as the main indigenous groups of Chile: Mapuche, Aimara, Rapa Nui or Pascuenses, the Atacameñas, Quechuas, Diaguitas and Collas communities of the north of the country, the Kawashkar or Alacalufe and Yamana or

<sup>53</sup> Available at: <https://www.encrv.cl/>

<sup>54</sup> Available at: <http://www.conaf.cl>





*Yagan communities of the austral channels. The State values its existence as an essential part of the roots of the Chilean Nation, as well as its integrity and development, according to its customs and values” (Article 1). It should be noted that representatives of 8 ethnic groups of Indigenous Peoples participated in the formulation and validation of the ENCCRV.*

By local communities<sup>55</sup> are understood those key stakeholders identified in the territory that depend or are related to the vegetation resources, such as: small and medium landowners, among which are the existing Agricultural Communities in the regions of Atacama, Coquimbo, Valparaíso and Metropolitan, regulated by Law N° 19,233, in addition to civil organizations, women’s organizations, small and medium-sized landowners, communities bordering the National System for Wildlife Protected Areas by the State, among others.

For Chile, respect for the knowledge and rights of indigenous peoples and local communities is interpreted as respect for the human rights that these peoples and communities have.

In this sense, by Cancun safeguard “c” it is understood as:

“The ENCCRV protects the respect of the knowledge and rights of indigenous peoples and members of local communities, complying with international obligations ratified by Chile and the circumstances and national legislation, considering that the General Assembly of the United Nations has approved the United Nations Declaration on the Rights of Indigenous Peoples, which has been ratified by Chile”

### Address, respect and compliance with safeguard “c”:

For address, respect and compliance of the safeguard “c”, we have responsibility for promotion, guarantee and respect of Human Rights shared by the State and society, through the Political Constitution of the Republic of Chile (CPR) in Chapter III, which “(...) has expressly recognized the rights and duties of individuals, establishing those obligations they have with the State and with others”. But it is the State, who consequently in the Constitution establishes that: “the exercise of sovereignty recognizes as a limitation, the respect for the essential rights emanating from human nature. It is the duty of the organs of the State to respect and promote such rights, guaranteed by this Constitution, as well as by international treaties ratified by Chile and in force” (Article 5, second paragraph).

In accordance with the foregoing, the State is responsible for protecting, promoting and respecting fundamental rights, which are contemplated in the rights and guarantees of persons in the Political Constitution. In the Chilean case, referring to constitutional rights, there is the right to life and the rights to the physical and psychological integrity of the person (Article 19 No. 1 CPR), equality before the law (Article 19 No. 2 CPR), equal protection of the law and due process (Article 19 No. 3 CPR), the right to protection of privacy and honor (Article 19 No. 4), freedom of conscience (Article 19 No. 6), the right to personal liberty and individual security (Article 19 No. 7), the right to live in a pollution-free environment (Article 19 No. 8), the freedom to give an opinion (Article 19 No. 12), the right to submit petitions respectful to the authority (Article 19 No. 14), the right to associate without prior permission (Article 19 No. 15), the right to property (Article 19 No. 24), among others.

<sup>55</sup> Available at: <https://www.leychile.cl/Navegar?idNorma=242302>



In the national legal framework, article 5 of the Constitution also includes the various international treaties that the country has subscribed in the field of Human Rights and that have a preeminent value, which, in turn, seek full respect and protection of its population.

The progress that the country has made in Human Rights has allowed the adoption, ratification and adhesion of the main international treaties issued by the General Assembly of United Nations, such as the International Covenant on Economic, Social and Cultural Rights, the International Agreement on Civil and Political Rights, known as "Agreements of New York". But in addition to the previous ones, the country has subscribed others, such as: the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance (both on 2006).

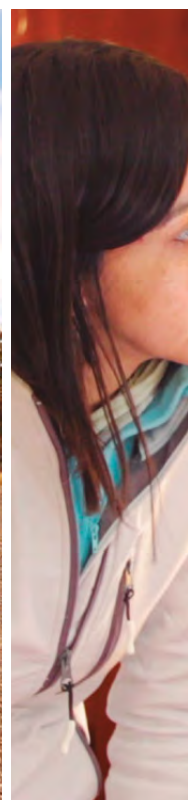
In addition, this framework has been consolidated by other instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples (2007). There are also regional systems for the protection of Human Rights, such as the European one, with the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the American Convention on Human Rights (1969), the Inter-American Convention to Prevent and Sanction Torture (1985), the Inter-American Convention on Forced Disappearance of Persons (1994), and the African Charter on Human and Peoples' Rights (1981).

However, recognition and protection of Indigenous Peoples is one of the subjects that acquired relevance for Human Rights at the international level. That is why the United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in September 2007, and approved by Chile, establishes certain commitments by the States to adopt measures that allow their implementation. The Preamble establishes the equality of indigenous peoples with all other peoples, and recognizes "(...) *the right of all peoples to be different, to consider themselves different and to be respected as such*".

Likewise, other international organizations have collaborated for the protection of the Rights of Indigenous Peoples, such as the OAS that created in 1997 a Working Group in charge of preparing the draft American Declaration on the Rights of Indigenous Peoples. For its part, the Inter-American Court of Human Rights has had a pronouncement on indigenous peoples regarding the ownership of lands and resources, political participation, and prior consultation, among other rights, considering in certain cases to the Declaration of United Nations as a source of law in its interpretive work.







In the case of the ILO, Convention No. 169 (1989) about Indigenous and Tribal Peoples in Independent Countries (in force since 1991) was adopted and ratified by Chile in 2008 through Supreme Decree No. 236 from of the Ministry of Foreign Affairs, entering into force on September 15, 2009, which in Article 4 states that “(...) *special measures shall be adopted as necessary to safeguard people, institutions, property, work, the culture and the environment of the peoples concerned*”<sup>56</sup> (Article 4 of ILO Convention No. 169), where its principles are highlighted:

- **Identification of indigenous and tribal peoples:** a practical approach is adopted providing criteria to describe the peoples that intends to protect; self-identification is combined with certain criteria, such as traditional styles of life, culture and livelihoods different from the rest of the national population, and social organization, customs and own laws;
- **Non-discrimination:** this general principle is established, given that these people are prone to suffer discrimination in many areas;
- **Special measures:** in response to the vulnerable situation of these peoples, the need to adopt special measures to safeguard the people, institutions, goods, work, cultures and environment of these peoples is established;

- **Recognition of culture and other specific characteristics:** these differences are recognized and they are guaranteed to be respected and taken into account when taking measures that will surely have an impact on them;
- **Consultation and participation:** the indigenous and tribal peoples are consulted in relation to the issues that affect them and can participate in an informed, prior and free manner in the development processes and the formulation of policies that affect them;
- **Right to decide the priorities for development:** in so far as this may affect their lives, beliefs, institutions and spiritual well-being and the lands they occupy or use in some way, and control their own economic, social and cultural development.

Other binding agreements on Human Rights and, in particular, on the welfare of people, are the protection of the environment. They have similarly protected by other international instruments, including:

**The CBD**, which was promulgated as Law of the Republic by Decree N° 1,963/1995 from the Ministry of Foreign Affairs, which in its article 8, literal “j” establishes that “(...) *as far as possible and in accordance with its national legislation, respect,*

<sup>56</sup> 169 ILO Convention available at: <https://www.leychile.cl/Navegar?idNorma=279441>





*preserve and maintain the knowledge, innovations and practices of indigenous and local communities that involve traditional livelihoods relevant to the conservation and sustainable use of biological diversity and promote its wider application, with the approval and participation of those who possess this knowledge, innovations and practices, and will encourage that the benefits derived from the use of this knowledge, innovations and practices be shared equitably<sup>57</sup>.*

Other non-binding agreements in the matter, they are:

- Declaration of the United Nations Conference on the Human Environment held in Stockholm from June 5 to 16 (1972).
- Rio Declaration on Environment and Development, resulting from the United Nations Conference on Environment and Development (1992).
- Organization of the American States. "Human Rights and the Environment", resolution adopted in the plenary session of June 5, 2001.
- Additional Protocol to the American Convention on Human Rights (ACHR) on economic, social and cultural rights (or Protocol of San Salvador of 1988), in its articles 11.1 and 11.2.
- African Charter on Human and Peoples' Rights (1981), in its article 24.

On the other hand, Article 19 No. 8 of the Constitution assures all persons: "The right to live in a pollution-free environment. It is the duty of the State to ensure that this right is not affected and to secure preservation of nature. The law may establish specific restrictions on the exercise of certain rights or freedoms to protect the environment". Therefore, the State assumes two duties, on the one hand, to ensure that this right is not affected; and on the other, ensure preservation of nature.

These international instruments and guidelines are implemented at the national level through the following laws and regulations:

- Indigenous Law N° 19.253, which established norms on protection, promotion and development of indigenous people, and created the National Indigenous Development Corporation, this Law grants "(...) *the duty to society in general and the State in particular to respect, protect and promote the development of indigenous people, their cultures, families and communities, adopting appropriate measures for such purposes and protect indigenous lands, ensure their proper exploitation, for their ecological balance and promote their expansion*" (Article 1).
- Law N° 20,249 that created and protects the coastal marine space of the Original Peoples, expressly establishes in its article 3° "Create the marine coastal space of native peoples, whose objective will be to safeguard the customary use of said spaces, in order to maintain the traditions and the use of natural resources by the communities linked to the coastal border". It also establishes the scope of the delimitation, administration, access and use of these spaces, with a clear procedure to require their recognition before the State.
- Decree N° 66/2013 of the Ministry of Social Development, which regulated the procedure for Indigenous Consultation under Article 6 No. 1 and No. 2 of ILO Convention No. 169, this regulation aims to "(...) *give execution to the exercise of the right of consultation to indigenous peoples*", through a procedure established in said regulation. In this case, since the ENCCRV is a public policy and not a legislative or administrative measure, but rather a national development plan or program, there is no indigenous consultation process, understood in the case of national regulations. However, the provisions of Article N° 7 are considered that "(...) *said peoples must participate in the formulation, application and evaluation of national and regional development plans and programs that may directly affect them*".
- Law N°. 19.300, on General Bases of the Environment and Regulation of the SEIA, that in its article 4, referring to the citizen participation, urges the organs of the State in several aspects, in facilitating the process of participating to the citizenship, allowing the access of environmental information and "(...) *to promote the adequate conservation, development and strengthening of the identity, languages, institutions and social and cultural traditions of indigenous peoples, communities and individuals*", among other aspects.

The present and future acting within the framework of the ENCCRV will adopt imperatively all considerations, both obligatory and voluntary, that the country has subscribed and ratified at the national and international level with respect to the safeguard c). Especial consideration will be have in account, referring to the

<sup>57</sup> Available at: <https://www.leychile.cl/Navegar?idNorma=18766&idParte=0>



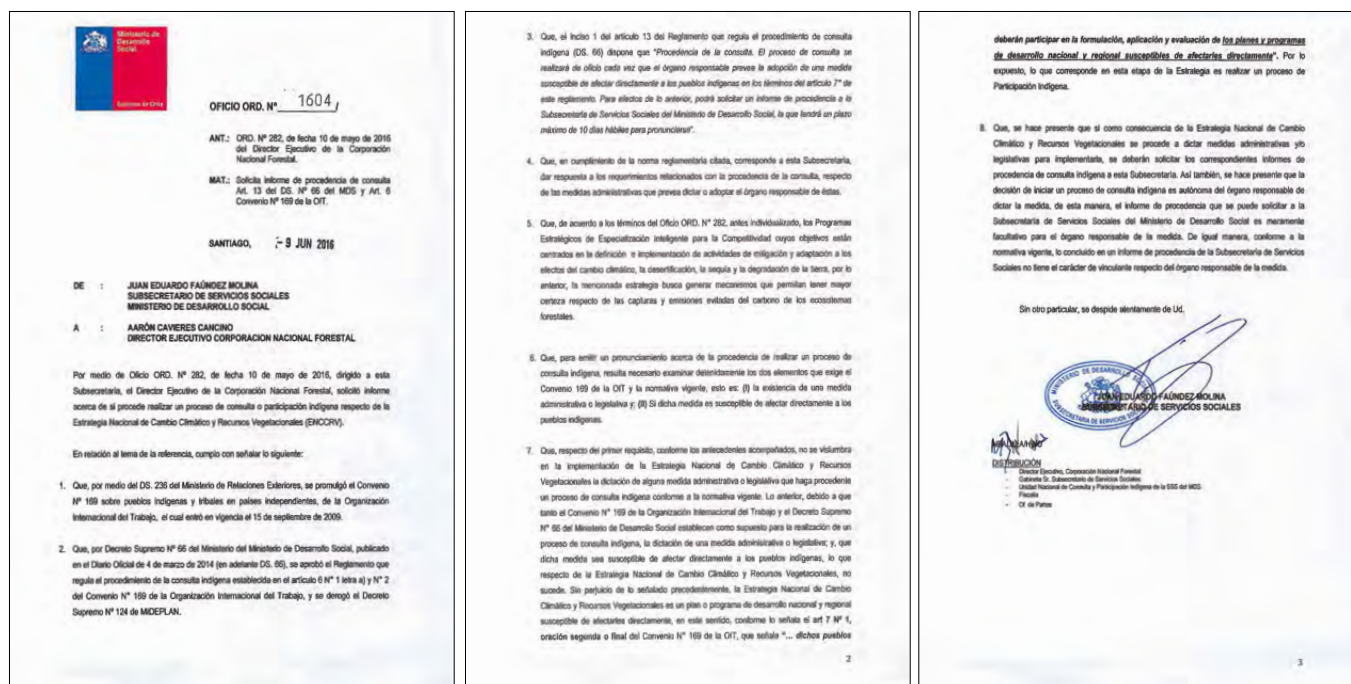


Figure 9. Pronouncement on indigenous consultation procedure.

knowledge and rights of indigenous peoples and other members of local communities. Also, these considerations assume that the sustainable development has to go along the total respect of the rights of the people and the social dignity, mainly of the most vulnerable.

In this sense, the ENCCRV addresses, respects and complies with the mandate of the national and international legislation ratified by Chile, as well as the relevant operational policies on human rights, mainly of the most vulnerable groups of people, among them Indigenous Peoples, peasants or rural communities, women, among others. Consideration of this mandate also has in account the close relationship with the vegetation resources and other elements of nature, being a valuable source of knowledge and conservation.

One of the compliance verifiers of the Cancun safeguard “c”, is the process of indigenous dialogue and participation<sup>58</sup>, described above.

### Gaps, strengthening needs or barriers

Although the pertinent national and international normative instruments are applied, it is still necessary to strengthen the means of communication and dissemination, so that the delivery of information to indigenous peoples and communities is carried out in a broad and clear manner, considering the relevant means of communication.

### 6.1.4. Safeguard “d”

*“The full and effective participation of stakeholders, particularly Indigenous Peoples and local communities, in the activities mentioned in paragraphs 70 and 72 of Decision 1/CP.16 of the UNFCCC”.*

### National interpretation of the safeguard “d”

Law No. 19,253 in its article 34 indicates the interpretation of Chile by participation of the Indigenous Peoples:

*“The services of the State administration and territorial organizations, when dealing with matters that have interference or relationship with indigenous issues, should listen and consider the opinion of the indigenous organizations recognized by this law (...).”*

Additionally, in the national interpretation on the full and effective participation of indigenous communities and local communities, the provisions of article 7, numeral 1 of ILO Convention No. 169, which states:

*“(...) Furthermore, these peoples must participate in the formulation, application and evaluation of national and regional development plans and programs that may affect them directly.”*

<sup>58</sup> [http://www.conaf.cl/wp-content/files\\_mf/1500992524InformeNacionaldeDialogoyParticipacionIndigena.pdf](http://www.conaf.cl/wp-content/files_mf/1500992524InformeNacionaldeDialogoyParticipacionIndigena.pdf)



Therefore, incorporation of the indigenous peoples in the whole process and different phases of the ENCCRV is a fundamental principle for address, respect and compliance with active participation.

Chile has a legal framework that seeks to guarantee citizen participation in the public management of the country, and that represents the basis for the national interpretation of the “d” safeguard.

In the national legal basis is the Political Constitution of the State, which in Article 19 numeral 14 enshrines the right of all natural or legal persons to submit petitions to the authority, on any matter of public or private interest. However, it is Law N° 20.500, on Association and Citizen Participation in Public Management, which makes explicit the participation of citizens by recognizing the right to participate in their policies, plans, programs and actions from an inclusive and non-discriminatory perspective.

This same normative action is ratified through the Presidential Instruction N° 007 on Citizen Participation of 2014, which provided creation of Citizen Participation Units in all agencies of the State Administration, in order to comply with the mandated State bodies by said Law. Based on the above, the Unit and the Regulations for Citizen Participation are created in CONAF, establishing formal and specific modalities in which people can participate and influence the cycle of management of public policies that are exclusive competence of the Corporation.

In this sense, the safeguard “d” of Cancun is understood as:

“The full and effective participation of stakeholders, particularly Indigenous Peoples and local communities, in the planning, design, implementation and monitoring of the action measures of the ENCCRV”.

### Address, respect and compliance with the safeguard “d”:

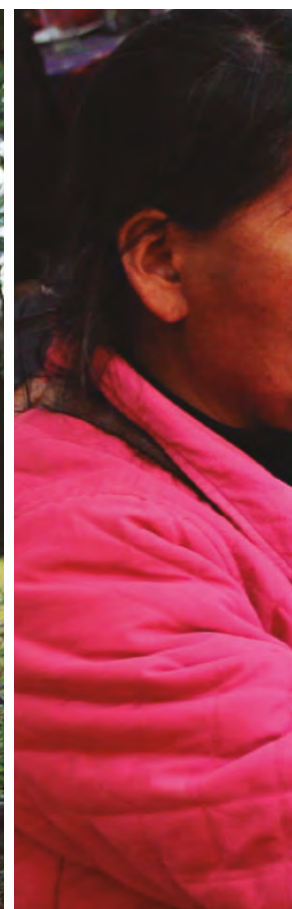
To make citizen participation effective in the formulation of the ENCCRV, it has been fundamental to have adequate mechanisms, which have facilitated people’s timely access to information as part of the exercise of human rights. Therefore, Supreme Decree N° 680/1990 of the Ministry of the Interior and Public Security is added as an important element, the establishment of the OIRS<sup>59</sup> to operate in all public services. This establishment is directly related to other types of regulations in force, corresponding to the transparency and effectiveness of the acts that govern the organs of the State Administration, such as: Law N° 20.285 on Access to Public Information, Law N° 19.628 on the Protection of Private Life, Law N° 20.609 that Establishes Measures Against Discrimination and the Law that regulates the Lobby and the Management that represent Particular Interests before the Authorities and Officials.

<sup>59</sup> Currently, OIRS are operating in all public services. At present, the attention spaces of the OIRS of CONAF are: face-to-face, virtual and telephone.

ECLAC: Economic Commission for Latin America and the Caribbean - Based on country household surveys. Household Survey Data Bank (BADEHOG, as per the Spanish acronym).







ILO Convention 169, in its article 6, letter “a”, states that governments should “consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever legislative or administrative measures are envisaged that may affect them directly”. In the case of an administrative or legal measure that directly affects indigenous peoples. In Chile, Decree No. 66 of 2014, of the Ministry of Social Development regulates the procedure on Indigenous Consultation<sup>60</sup> under Article N° 6, numeral 1 and 2 of ILO Convention 169.

In terms of participation, the action measures of the ENCCRV are developed mainly in the rural area, a segment where women represent 47%<sup>61</sup>. Despite the presence of a greater number of men, the Index of femininity of indigence and of poverty according to geographical area delivered by ECLAC for 2013 is 138.7<sup>62</sup> for the rural sector, a figure that indicates that rural women are in a higher level of vulnerability to indigence and poverty than rural men in Chile. That is why the ENCCRV considers from its origin the importance of taking into account all the necessary gender

considerations so that its development does not deepen any level of existing discrimination, facilitate its continuity or create new forms of discrimination.

Along with the abovementioned, Chile has signed a series of international agreements to which it must submit periodic reports. Therefore, within the approach for address, respect and compliance with the safeguard “d”, is necessary to address, among them: the Resolution approved by the Assembly General of the United Nations of the year 2011, on the political participation of women (A / RES / 66/130); the Convention on the Elimination of All Forms of Discrimination against Women, the latter promulgated by Decree No. 789 of December 9, 1989<sup>63</sup>, recognized as a multilateral treaty that establishes that the signatory countries must work mainly from the legal sphere to eliminate the forms of discrimination that are exercised against women. From this commitment, within the framework of the Strategy we work not only to comply with these mandates but also to ensure that women are active members of the continuous improvements of the ENCCRV, in addition to receiving the benefits generated, this implies a permanent management intentional in the search for women owners or inhabitants of rural properties who wish and have the necessary conditions in their territory to receive the benefits that will be generated by the implementation of the action measures of the ENCCRV.

<sup>60</sup> Indigenous Consultation is understood as a specific process for our country where the procedure is ruled and regulated in the case of directly affecting indigenous peoples under an administrative or legal measure.

<sup>61</sup> ECLAC: Economic Commission for Latin America and the Caribbean - Population database. Review 2016. - [http://www.eclac.cl/celade/proyecciones/basedatos\\_BD.htm](http://www.eclac.cl/celade/proyecciones/basedatos_BD.htm)

<sup>62</sup> ECLAC: Economic Commission for Latin America and the Caribbean - Population database. Review 2016. - [http://www.eclac.cl/celade/proyecciones/basedatos\\_BD.htm](http://www.eclac.cl/celade/proyecciones/basedatos_BD.htm)

<sup>63</sup> Library of the National Congress, <https://www.leychile.cl/Navegar?idNorma=15606>





At the country level, Chile has the Ministry of Women and Gender Equity, created under Law N° 20,820<sup>64</sup>, of March 20, 2015. This law established that *“The Ministry, acting as the governing body, shall ensure the coordination, consistency and coherence of policies, plans and programs on gender equity issues, which should be incorporated transversally in the action of the State. Gender equity includes the identical or differentiated treatment between men and women that results in the total absence of any form of arbitrary discrimination against women as such, in terms of the enjoyment and exercise of all their human rights”* under this precept that in all phases of the Strategy, action must be taken according to the law.

Prior to the creation of the Ministry of Women and Gender Equity, the National Women's Service existed in Chile as the highest organ of the State administration for orientation of public policies related to women's rights. In its exercise, this service generated the Official Letter N° 414, of August 11, 2014, which provided Guidance for the Constitution of Gender Units by Sector to all State agencies. It was in this context that CONAF through Resolution N°. 432 of September 15, 2014, created the Gender Equality Unit, a unit that is responsible at the institutional level for delivering guidelines and procedures related to the subject, establishing annual targets and gender indicators that allow monitoring the institutional behavior in relation to the demands

of the State on gender considerations in sectorial issues, in this case, everything related to the actions of CONAF through its different management offices.

For the formulation and validation stages of the ENCCRV and its gender considerations, the Guide for the Evaluation of Programs and Projects with the gender, human rights and inter-cultural perspective of UN-Women (2014) was taken as a guiding document. The recommendations that this document gives will continue to be used, since participation constitutes a fundamental pillar of all the phases of the Strategy.

Another legal instrument that applies in gender matters is Law No. 20,609, which “Establishes Measures Against Discrimination<sup>65</sup>”, whose article N° 1 indicates as its purpose *“to establish a judicial mechanism that allows the effective re-establishment of the rule of law whenever an act of arbitrary discrimination is committed. It will be up to each of the organs of the State Administration, within the scope of its mandate, to develop and implement policies for guaranteeing to every person, without arbitrary discrimination, the enjoyment and exercise of their rights and freedoms recognized by the Political Constitution of the Republic, the laws and international treaties ratified by Chile and that are in force”*. Within the ENCCRV framework, it is committed under this precept, not only in matters of gender, but in everything that this law establishes and that is the responsibility of this public policy<sup>66</sup>.

## Gaps, strengthening needs or barriers

There are limitations with relation to dissemination of information about rights regarding participation in local and national decisions, as well as the need to strengthen existing legislation in this matter and in the use and proper exploitation of natural resources present in their territories.

### 6.1.5. Safeguard “e”

*“Compatibility of the caution measures with the conservation of natural forests and biological diversity, taking care of those activities indicated in paragraph 70 of Decision 1 / CP.16, are not used for the conversion of natural forests, but serve, on the other hand, to encourage protection and conservation of these forests and the services derived from their ecosystems and to promote other environmental and social benefits”*

## National interpretation of the “e” safeguard

For the national interpretation of the “e” safeguard, the following associations should be considered between the concepts included in the description of the safeguard and the definitions established in Chilean legislation:

<sup>64</sup> Library of the National Congress, <https://www.leychile.cl/Navegar?idNorma=1075613>

<sup>65</sup> Library of the National Congress, <https://www.leychile.cl/Navegar?idNorma=1042092>

<sup>66</sup> Available at: [https://docs.wixstatic.com/ugd/902a1e\\_12bd4f8397a8468c80ba8e730e92c1df.pdf](https://docs.wixstatic.com/ugd/902a1e_12bd4f8397a8468c80ba8e730e92c1df.pdf)



For “natural forests” the definition of “native forest” of Law N° 20.283, “forest formed by native species, coming from natural generation, natural regeneration, or plantation under canopy with the same species existing in the original area of distribution, which may have an accidental presence of exotic species distributed randomly”.

Taking into account the extended scope of the ENCCRV, and involving in addition to the native forest, other vegetation resources, it is important to integrate this concept for the national interpretation of the “e” safeguard, the ENCCRV establishes the definition of vegetation resources as “Forests, according to the current legal definition in Chile, in addition to other native-vegetation formations, including xerophytic formations according to its definition contained in Law No. 20,283 on Native Forest Restoration and Forest Support<sup>67</sup>”. This law seeks to protect and conserve all native-vegetation resources of the country, including those not considered as forests. Wetlands and “bofedales” are also included in this categorization.

By “biological diversity” will be considered the definition of Law No. 19.300 on the General Bases of the Environment, in its article 2 literal “a”, Biological Diversity is defined as “the variability of living organisms, which are part of all terrestrial and aquatic ecosystems. It includes diversity within the same species, between species and between ecosystems”.

Finally, for “services derived from their ecosystems and other environmental and social benefits” the definition of “environmental services” of Law N° 20.283 will be considered, in its article 2 numeral 23, which states that environmental services are those provided by native forests and plantations that directly affect the protection and improvement of the environment.

In this sense, the safeguard “e” is interpreted as:

Preventing that implementation of the action measures of the ENCCRV promote conversion of native vegetation resources, in addition for promoting their protection and conservation to favor ecosystem services and co-benefits that these measures can generate

### Address, respect and compliance with the “e” safeguard:

The technical-legal analysis of the documentation that served as the basis to address the “e” safeguard highlights the following considerations and support elements:

- CONAF considers within its strategic objectives “To conserve biological diversity, by strengthening the SNASPE, other conservation instruments and the contribution of native forests and xerophytic formations contributing to improve the quality of life of society and, in particular, of the local communities<sup>68</sup>”.

<sup>67</sup> “Plant formation, constituted by autochthonous species, preferably shrubby or succulent, of areas under arid or semi-arid conditions located between Regions I and VI, including the Metropolitan Region and the XV and in the inner depressions of Regions VII and VIII”.

<sup>68</sup> <http://www.conaf.cl/quienes-somos/mision-y-objetivos/>

- The National Biodiversity Strategy<sup>69</sup> has as its general objective “To conserve the country’s biodiversity, promoting its sustainable management, in order to safeguard its vital capacity and guarantee access to the benefits for the well-being of current and future generations”.

- The Adaptation to Climate Change in Biodiversity Plan<sup>70</sup>, states that one of the concrete actions for the fulfillment of one of the objectives of the Plan is “the promotion of sustainable productive practices for the adaptation to climate change in biodiversity and the maintenance of ecosystem services”, in accordance with the strategic line associated with: “Promotion of good practices of sustainable management in production and management systems, integrating criteria for the protection of biodiversity and adaptation to climate change”.

Thus, in the formulation and validation of the ENCCRV, as an element of respect for the “e” safeguard, the integration of the guidelines of the REDD+ policy approach of the UNFCCC was sought, as well as those of the UNCCD for which CONAF has the role of the National Focal Point. Also, considering clear scope associated with the CBD, which in Chile coordinates the MMA as a National Focal Point, CONAF participates in various committees seeking for advance in the implementation of the Strategic Plan for Biodiversity 2011–2020 and the Aichi Targets. It also highlights the importance assigned to the ENCCRV in the National Biodiversity Strategy (ENB, as per the Spanish acronym) 2017–2030, which is expected to be approved soon by the CMS and where guidelines have also been established between both strategies in order to seek synergies and enhance the positive impact of both in the territory.

Considering the aforementioned precedents, during the participatory process of formulation and validation of the ENCCRV, the key stakeholders identified the main drivers of deforestation, de-vegetation, degradation of vegetation resources, and associated barriers for increasing their coverage and quality, according to the different environmental realities and socioeconomic factors existing in the national territory.

As a result of the technical and participative process, the following decisions were considered as the basis for compliance and respect of the “e” safeguard.

- The Forest definition for the REDD + policy approach considers only the legal definition of native forest, excluding forest plantations, from the measures indicated in paragraph 70 of Decision 1 / CP.16. Regarding this aspect, it should be taken into account that currently, practically all of the forest plantations in Chile are mono-specific plantations with exotic species and with a productive-logging objective, with a scarce representativeness in number and dimensions of Native Forest

<sup>69</sup> Aprobada por el Consejo de Ministros para la Sustentabilidad <http://portal.mma.gob.cl/consejo-de-ministros-para-la-sustentabilidad-aprueba-nueva-estrategia-nacional-de-biodiversidad-para-la-proxima-decada/>

<sup>70</sup> This Plan was approved by the Council of Ministers for Sustainability on July 21, 2014, within the framework of the PANCC 2008–2012 and the updating of Chile’s National Biodiversity Strategy. It includes a first mention to the ENCCRV in an official document of the State. <http://portal.mma.gob.cl/wp-content/uploads/2015/02/Plan-Adaptacion-CC-Biodiversidad.pdf>



Plantations. It is of particular relevance to record the future possibility of including a stratification of Forest Plantations, which makes it possible to differentiate between those mono-specific plantations of a predominantly commercial nature and those whose objective is conservation, mitigation and adaptation to climate change that are also coherent with the criteria and indicators of Sustainable Management and Forest Conservation of the Montreal Process and other international agreements to which Chile has been attached, such as the UNFCCC, the CBD and the UNCCD.

- According to the above, it is important to include the national definitions established for the concepts:

- **Deforestation:**

Transformation of forest areas, in other land use permanently or where there is no certainty of how and when the restitution of the forest would occur.

- **Forest Degradation:**

Any reduction of the carbon content of a forest, induced by man with an intensity that recommends the cessation of regular silvicultural activity but does not cause a change in land use. In addition, any change in the use of land from Forest to Forest Plantation will be considered as degradation.

- **Forest Conservation:**

Native Forest will be considered subject to formal conservation processes those identified by Forest Types with presence of species in conservation status (Chilean Palm, Alerce and Araucaria), in addition to the forest areas that are part of the SNASPE and those registered as Protected Areas of Private Property (APP) of Forest Conservation character.

In this regard, the ENCCRV considers the following measures of action aimed at preventing the conversion of native forest and other vegetation resources:

- **MT.7. Strengthening of the programs on forest and environmental enforcement;** it considers strengthening the institutional capacity of CONAF by improving its enforcement powers to ensure the protection of vegetation resources, specifying technological adjustments for this purpose, for example, through an early warning system for illegal logging.
- **RS.1. Targeting restoration and enforcement programs in areas with substitution risk;** oriented to avoid the transformation of degraded native forests into forest plantations.
- **RH.1. Modification Law No. 19,561 that exempts from reforestation to agricultural recovery;** since said exemption contemplates the agricultural recovery of lands previously deforested or heavily degraded and abandoned for significant periods, as an incentive to replace the forest. The elimination of this exemption, or its limitation, could reduce the loss of forests due to this cause.







- **RH.3. Limit the application of Law No. 20,412 on lands of Preferential Aptitude for forests;** This incentive system for the agro-environmental sustainability of agricultural soils stimulates the elimination, cleaning or confinement of stumps, dead trunks, scrubs without fodder value or other physical or chemical impediments, in soils suitable for agricultural purposes. The technical and legal contributions for adjusting this approach will reduce interventions on soils that still present vegetation resources, or can be cataloged under this framework as forests in a state of very advanced degradation.

Likewise, the measures aimed at promoting the protection and conservation of vegetation resources and enhancing ecosystem services are the following:

- **MT.8. Strengthening and updating of Management Plans of SNASPE areas in the context of the ENCCRVR,** which will include the identification of those conservation objects most vulnerable to climate change to determine possible adaptation mechanisms or management strategies that reduce the negative effects on them. As specified, Resolution N° 812/2017 of November 17, 2017 of CONAF approves the "Manual for Planning of the Management for Protected Areas of the National System of Protected Wild Areas of the State".
- **RH.2. Incorporate forest conservation variables into Law N° 18,450,** aimed at favoring projects to encourage private investment in irrigation and drainage works that carry out concrete actions of conservation or restoration of native forests existing in their properties as part of their evaluation.
- **MT.5. Strengthening of ecological restoration program in counties/ areas prioritized.** These actions will have as main objective, the recovery and enhancement of forests and other native vegetation formations that are under degradation processes, considering actions aimed at generating supply, support, regulation and cultural environmental services, having scarce vegetation formations and / or species in conservation category, reduce the fragmentation of forests and xerophytic formations, allowing the connectivity of landscapes and biological corridors, improve the quality of life and property value for rural landowners, reduce the possibility of alluviums and other natural disasters that affect the integrity of people and contribute to the conservation and protection of wetlands.
- **IF.2. Program of restoration of ecosystems post Forest Fires;** aimed at the implementation of ecological restoration projects in public and private areas affected by forest fires nationwide. It is also expected to cover SNASPE, due to the emblematic forest losses and xerophytic formations in these areas.
- **GA.1. Adaptation program for the management of vegetation resources in the framework of climate change, desertification, land degradation and drought;** considering the modeling of ecological niches, the collection of germplasm, the production of plants, progeny tests, induction of epigenetic adaptation; elaboration of studies directed to hydrological dynamics in catchments with native-vegetation communities present in areas of water scarcity; and the design and implementation of ex situ conservation programs, selection and genetic improvement of vegetation resources.





## Gaps, strengthening needs or barriers

The absence of economic and social incentives has been identified, among others, which allow the promotion of the conservation of biological diversity and the sustainable use of resources.

### 6.1.6. Safeguard “f”

#### *“Actions to address the risk of reversals”*

#### National interpretation of the safeguard “f”

For the national interpretation of the “f” safeguard, the following considerations should be taken into account:

The adoption of measures to avoid reversals will be understood as those that seek to “ensure the permanence” of emission reductions and increased removals and the environmental sustainability of

national strategies, while the concept of “permanence” in the language of climate change refers to the idea that GHG reductions are durable (adapted from ClieEarth, 2013).

Reversals may be due to natural disturbances and human activities, which may be triggered by a series of factors, both internal and external to the implementation of the measures indicated in paragraph 70 of Decision 1/CP.16.

As an additional concept it is important to establish the definition of Emissions Reduction (RE), as the difference between the estimated and reported total GHG volume in the REDD + Technical Results Annex and the established volume of emissions in the current FREL/FRL.

National interpretation of the safeguard “f” considers:

Actions that allow to address the risks of reversal that could be generated with the implementation of the ENCCRV as well as those risks that could affect the planned results, ensuring the permanence of the reduction of emissions.



## Address, respect and compliance with the safeguard “f”:

According to the abovementioned, this safeguard maintains a direct relationship with the carbon accounting, specifically with the estimates established in the FREL/FRL and the Technical Annex of REDD+ results.

Within this framework, during the formulation of the ENCCRV, the risks of reversal were determined for the subnational area considered in the FREL/FRL submitted by Chile to the UNFCCC in January 2016 and published in March 2017 on the REDD+ platform of the Convention after satisfactorily completing the process of technical analysis of REDD+ reference levels.

The procedure established in the document “ER Program Buffer Guidelines<sup>71</sup>” of the Forest Carbon Partnership Facility (FCPF) was applied for address, respect and compliance with safeguard “f”. The process includes:

**1) Identification of reversal risks;** four risk factors are analyzed, including their description and an assessment of the level of justified risk.

**i. Lack of broad and sustained support to key stakeholders;** associated mainly with land conflicts, misappropriation of the rights of the benefits and/or, inadequate or negative inclusion of the different stakeholders. A medium level of risk was estimated.

In reference to territorial conflicts, these occur mainly in indigenous territory. According to an assessment by CONAF, the problems among the indigenous people could represent a complexity for the implementation of REDD+ activities if there are no clear protocols and procedures such as those defined in the Environmental and Social Management Framework (ESMF). The State has made a series of previous efforts to resolve conflicts with the creation of the Indigenous Law N° 19,253 in 1993, which recognized the indigenous peoples and the need to create land restitution mechanisms, which resulted in the creation of the Lands and Waters Fund, administered by CONADI.

Regarding the rights to the benefits, Chile has previous experience in the distribution of benefits through the implementation of Law Decree No. 701 and Law N° 20,283. Based on the positive and negative lessons learned from these experiences, an SDB associated with financing is being formulated annually that can be leveraged under the concept of REDD+ Results-Based Payments (RBP), which is based on principles of transparency, participation and equity, taking as lessons learned what has already been done within the framework of the ENCCRV at the level of formulation, validation and early implementation. The design of the SDB has been made with contributions from various international agencies and national ministries competent in the field,



in order to integrate visions and interests in the most balanced way possible, awaiting the final publication of the SDB during the first quarter of 2018.

**ii. Lack of institutional capacities and / or inter-sectorial / vertical ineffective coordination;** associated with the inadequate knowledge and skills of the different institutions involved and the lack of coordination between them. A low level of risk was estimated.

The State of Chile has taken several measures to ensure the inclusion of climate change issues in all processes at the state level that are related to the topic. To improve coordination between MINAGRI institutions, the Intra-ministerial Technical Committee on Climate Change (CTICC<sup>72</sup>, as per the Spanish acronym) was created. In order to optimize inter-institutional coordination, the Inter-ministerial Technical Team on Climate Change (ETICC, as per the Spanish acronym) led by the MMA was created and of which CONAF is a participant.

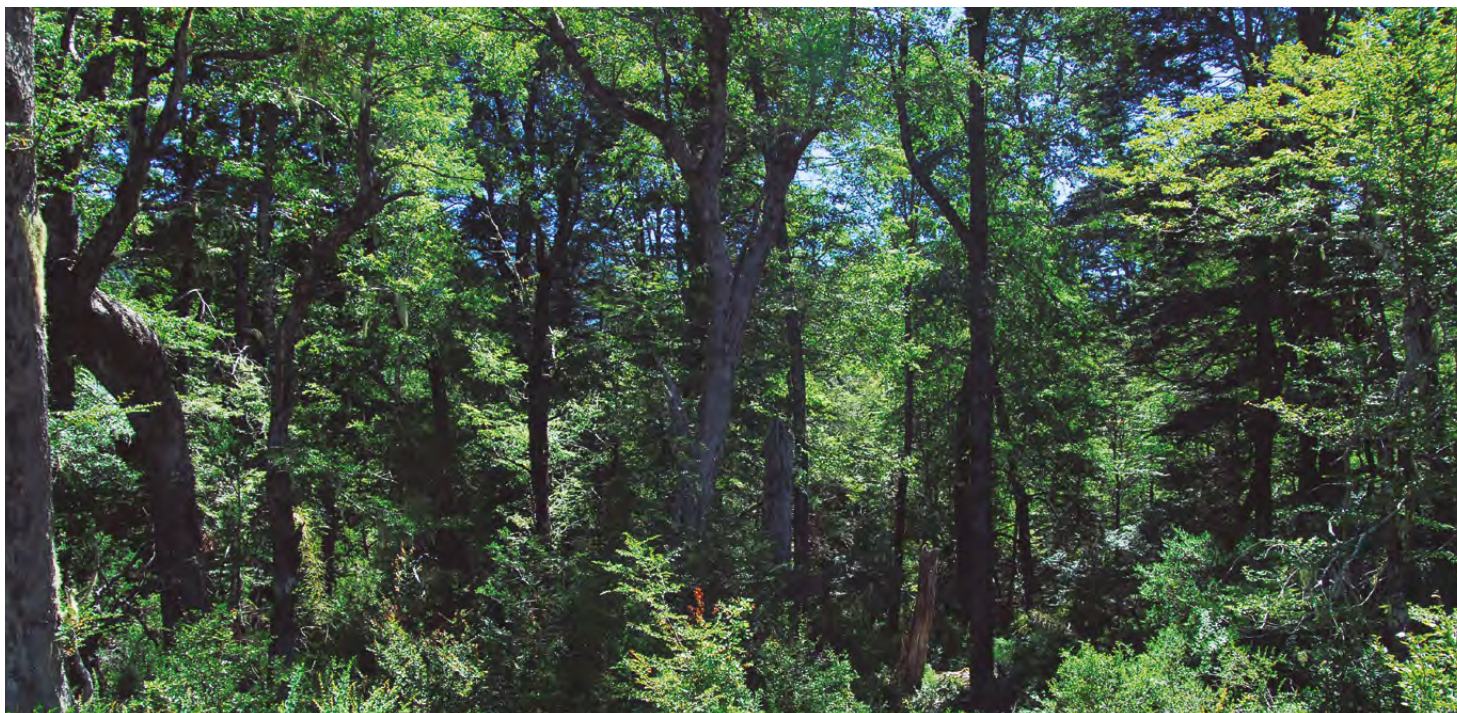
In 2017, the Regional Committees on Climate Change (CORECC, as per the Spanish acronym) were created, which will make it possible to institutionalize this issue in a scale of application in the territory, establishing an adequate coordination between the public, private and civil society organizations, among others with competence on issues related to climate change.

For the ENCCRV itself, the National Technical Expert Group on Climate Change (GTNE, as per the Spanish acronym) was

<sup>71</sup> <https://www.forestcarbonpartnership.org/guidelines-and-templates>

<sup>72</sup> Although the CTICC has been in operation since 2014, its definitive formalization is of more recent date, and its creation became official on December 4, 2017 through Exempt Decree No. 360 signed by the Minister of Agriculture, Mr. Carlos Furche.





established, which by agreement generates alliances between public and private entities. The Forestry Institute (INFOR, as per the Spanish acronym) and the Natural Resources Information Center (CIREN, as per the Spanish acronym), both institutions of MINAGRI, have participated in the definition of technical aspects of REDD+ and will continue to support the Forest Measurement and Monitoring System (SNMF, as per the Spanish acronym) of the ENCCRV, incorporating other related research centers when required.

In addition, workshops and courses have been developed with national and international experts, to train officials of CONAF and other institutions in relation to political and technical issues of the REDD+ approach. As an example, in August of 2017 a training program on legal aspects associated with REDD+<sup>73</sup> was carried out. In addition, within the framework of the Strategy, various internal training documents have been developed regarding REDD+ and the Strategy in general, which are available to the public on the website<sup>74</sup>.

**iii. The lack of long-term effectiveness in dealing with the underlying factors**, risk due to inadequate laws or their modification, or because the design of the ENCCRV did not adequately address the causes and agents of deforestation and degradation. It can also occur due to problems of corruption and inefficiency of governance, lack of execution and lack of continuous financing. A medium level of risk was estimated.

The ENCCRV has legal backing based mainly on Law No. 20,283 and Decree No. 701 that favor activities leading to the reduction of deforestation and sustainable forest

management and are reinforced by a series of national programs aimed to face negative effects or enhance specific positive elements linked to forests and other vegetation resources.

This legislative framework has been maintained despite changes in government. The political environment around the issues of climate change has historically been considered a State policy, being transferred and increasing its ambition in each of the changes of Government that have occurred in recent years in Chile.

The action measures of the ENCCRV have been carefully designed by a large number of relevant and heterogeneous stakeholders with a deep knowledge of the country and the causes and agents of deforestation and degradation. The measures will address the underlying causes of deforestation and degradation so that a permanent change in the way of using the forest occurs. The valuation of the forest is one of the ways in which the action measures of the ENCCRV will directly confront the underlying causes.

At present, and given that the budget estimate for financing the different phases of the ENCCRV determined a significant monetary gap, the pertinent steps are being taken to access different initiatives that would allow access to resources from both the international and national levels, public or private. All these analyzes and efforts to access new funding sources are documented and published on the CONAF and ENCCRV websites as they are generated and validated by the relevant stakeholders.

<sup>73</sup> [https://docs.wixstatic.com/ugd/902a1e\\_c0b81ce2a1ca4150afac8f2dee747740.pdf](https://docs.wixstatic.com/ugd/902a1e_c0b81ce2a1ca4150afac8f2dee747740.pdf)

<sup>74</sup> <https://www.enccrv.cl/publicaciones>



#### iv. Exposure and vulnerability to natural disturbances. Risk of disturbances and natural disasters.

The subnational area included in the analysis (Regions from Maule to Los Lagos) presents a medium level of risk of natural disasters, due to the possibility of occurrence of fires, earthquakes, volcanic eruptions, and droughts. It is noted that most disasters do not cause extensive damage to the forests. Volcanic eruptions can cause deforestation in the area directly around the volcanoes. For example, in the subnational FREL/FRL, 16% of the annual deforestation was the result of volcanic eruptions. That deforestation occurred in the Los Ríos and Los Lagos regions. According to the Volcanic Eruption Database, there have been 19 significant eruptions in the regions included in the subnational FREL/FRL since the year 1800. This figure corresponds to a return period of 11.5 years and a probability of occurrence of 8.75% in 217 years.

Forest fires are one of the main causes of degradation of vegetation resources. In Chile, 99.9% of fires are considered anthropogenic and due to their relevance they are addressed as a key element among the action measures of the ENCCRV. During 2017 a "Fire Storm" occurred in the Maule Region, and was classified as a forest fire of category 6, a category unprecedented in the world. This forest fire demonstrates that severity and extent of fires can increase as a result of climate change.

Earthquakes can also cause forest degradation, but the return period of earthquakes strong enough to impact forests is over 100 years (the last was recorded in 1960 in Valdivia), and therefore, their risk is low.

Climate change can also affect forests, increasing the possibility of degradation caused by droughts and outbreaks of pests or diseases. In the 20th century, the center-south of Chile experienced less precipitation and lower river flows, and the models indicate that this trend of reduction will continue in the 21st century.

## 2) Elements to prevent and minimize potential reversals

The following measures are proposed to combat the aforementioned risk factors of reversals:

### A. The lack of broad and sustainable support of key stakeholders:

- Analyze the risk of land tenure conflicts, case by case before executing projects, through the application of the ESMF of the ENCCRV.
- Generate and disseminate documentation that explains the carbon rights, land tenure and payments for results in detail, considering the interrelations between the owners and the Government.
- Implement the ENCCRV with the active participation of stakeholders and key stakeholders to ensure that their opinions and needs are included.

The following action measure is included in this point:

**MT.3. Adjustments for the inclusion of owners with little legal security of land tenure**, with two specific aspects a) Adjustments to the norms and regulations in force; and b) free legal support for land ownership regularization.

### B. The lack of institutional capacities and/or inter-sectorial/vertical ineffective coordination:

- Strengthen the level of inter and intra-institutional coordination.
- Organize workshops and courses regularly with the institutions involved and with national and international experts to ensure that all of them are up-to-date regarding REDD+ political and technical issues.

The following action measure is included in this point:

**MT.6. Program of education and environmental diffusion.** This Program is for awareness, dissemination and environmental education with guidance to all stakeholders in society, including public services.

### C. The lack of long-term effectiveness in addressing the underlying factors:

- Strengthen the ENCCRV by including elements that facilitate its implementation in the current and future forestry legislation associated with the subject, incorporating detailed support information on the governance of the ENCCRV and the institutional arrangements required as a tool to promote the sustainability of the reduction of emissions.
- Create and promote public and private partnerships that allow access to financing to implement the ENCCRV.

The following measures are included in this point:

**MT.1.** Inclusion of issues of climate change, desertification, land degradation and drought in the new Law on Forestry Support;

**MT.2.** Modification and strengthening of Law N° 20.283 on Restoration of Native Forest and Forest Development and its regulations;

**US.1.** Institutional forest management program focused on public and private lands;

**US.2.** Integrated system of regulation and tax exemption for the promotion of productive chains;

**US.3** Strengthen the wood energy program and the country's energy matrix.



#### D. Natural risk:

- Design action measures to avoid the main risks with mitigation potential, such as forest fires, pests and diseases. Monitor other types of disasters to report any reversal due to natural phenomena.

The following measures of the ENCCRV are included:

IF.1. Estimation of greenhouse gas emissions and analysis of fire severity

IF.3. Preventive forestry program with emphasis on the rural-urban interface.

IF.4. Strengthening the "Prepared Communities against Forest Fires" program.

IF.5. Inclusion of elements of preventive management and restoration after fires in Law N° 20.283.

IF.6. Technological transfer program for alternative management and use of forestry, livestock and agriculture waste.

PF1. Strengthen the program on phytosanitary protection for native vegetation resources.

#### 3) Reversal management mechanisms

Chile will maintain a reserve fund to reduce emissions resulting from the implementation of the ENCCRV that will be based on the "ER Program Buffer Guidelines" of the FCPF. The reserve fund considers a percentage of RE according to the level of risk estimated for each potential reversal according to the following ranges:

- Risk Factors A and B: High, 10%; Medium, 5%; Low 0%.
- Risk Factors C and D: High, 5%; Medium, 3%; Low 0%.

A default risk of 10% must be added to the above risk factors.

As a result of the analysis described above, the reserve fund corresponding to the RE risk of the ENCCRV must represent 21% of the total RE generated through the implementation of the ENCCRV.

This reserve fund must be integrated in a Registration System, which is currently under development and which will include a serial registry system of the RE, allowing traceability, administration and management in a transparent mean for the transaction.

The reductions established as a buffer fund of reversals will remain in this reserve fund during the term of the ENCCRV or for the entire period of the different PBR agreements that are established by default (phase 3 of the ENCCRV). The reserve fund will be generated only from reduced emissions due to deforestation and avoided degradation, since increases in removals due to increased stocks or conservation are exposed to natural and anthropogenic risks that may affect their permanence over time.





## Gaps, needs for strengthening or barriers

- The need to strengthen prevention and control programs has been identified, to improve the participation of civil society, especially local and indigenous communities, in the prevention, complaint and control of forest fires and illegal logging.
- Lack of mechanisms to resolve disputes related to land tenure, which allow those who make unsustainable use of natural resources to be held responsible, as well as the lack of effective control, oversight and sanction mechanisms, as well as the lack of promotion and implementation of measures for the production of biomass.
- Lack of legal certainty about the rights of reduced emissions within the framework of the ENCCRV.

### 6.1.7. Safeguard "g"

#### *"Actions to reduce displacement of emissions"*

#### National interpretation of the safeguard "g"

For the national interpretation of the "g" safeguard, the following considerations must be taken into account.

As a result of the implementation of the measures indicated in paragraph 70 of Decision 1/CP.16, there may be a risk that these activities could be transferred to other territories and generate GHG emissions outside the limits of execution of the ENCCRV.

This document focuses on the preparation phase of the ENCCRV, which has a national scope. However, the link between the estimation of the risk of displacement of emissions and the accounting of forest carbon emissions represented by the FREL/FRL and the Technical Annex of REDD+ results, causes that the analysis that has been carried out considers the potential effects of displacement of emissions of action measures at a subnational level corresponding to the regions between Maule and Los Lagos. (i.e. deforestation could be avoided in these 5 regions but only because the cause was shifted to other regions outside the accounting area, and therefore would not be an effective reduction if the country as a whole is considered).

The national interpretation of the safeguard "g" considers:

Those actions that prevent territorial mobility of activities that generate GHG emissions associated with deforestation and forest degradation.

#### Address, respect and compliance with the "g" safeguard:

Given that the emission displacement analysis carried out for the RE program covers a subnational area, there is a risk that



displacements of emissions will occur to other regions of the country, with greater risk in the bordering regions. For example, northern from the area of considered in the FREL/FRL is the O'Higgins Region, with an extension of native forest of ~ 0.46 million hectares, covering 28% of the total regional area; while to the south the Aysen Region is located, with ~ 4.9 million hectares of forest that covers 46% of the total area of the region.

The monitoring of the displacement of emissions to the northern or southern regions of the current accounting area will be carried out with the same procedure used for the accounting of emissions executed throughout the country. There is currently a FREL/FRL for the expansion to the regions of O'Higgins, Metropolitan and Valparaíso, which have not been consigned to the UNFCCC, also, expansion is underway to the entire national territory, whose completion is expected in 2018.

There is also a possibility of international displacement to Argentina, which borders the subnational area to the east and has a considerable area of forest in the Andes mountain range. However, the Andean zone is characterized by low population and difficult access, as a consequence of the high altitude, and for that reason it is estimated that the possibility of international displacement is reduced.

According to the most relevant causes of deforestation and degradation, which are the basis for establishing the action measures of the ENCCRV, the risk of displacement was established by cause. For each cause that could generate displacement, the





respective risk level, justification and the elements to prevent and minimize the potential of the displacements were identified<sup>75</sup>.

#### □ Expansion of agricultural-livestock activity and urban and industrial expansion

A low level of risk is considered.

Given that the measures to avoid this cause of emissions are planned to be implemented at the national level under the ENCCRV, there is no great risk that they will displace deforestation emissions to other regions of Chile. There are possibilities of an international displacement to Argentina, but the rates of anthropogenic deforestation in the border region are small, steep orography and low population density makes the risk low.

At the same time, it is planned to encourage the conservation of native forests with financial support through the incorporation of forest conservation variables in Law No. 18,450, so that the owners will have another source of funds to replace the potential loss due to the decline in livestock activity. Since this plan is linked to global changes in national forestry legislation, the risk of reversals will be reduced continuously. The urban expansion generates few emissions, so the analysis has been focused on the mitigation of displacements due to other causes.

<sup>75</sup> Cabe señalar que para evitar y hacer seguimiento a los potenciales desplazamientos que eventualmente se puedan generar en la fase de implementación de la ENCCRV se contará con un enfoque de alcance nacional, por lo tanto de ocurrir una situación de este tipo esta se evidenciará en cada hito de monitoreo.

These activities are incorporated as action measures of the ENCCRV:

- RH.1. Modification of Law No. 19,561 that exempts reforestation to agricultural recovery.
- RH.2. Incorporate forest conservation variables into Law No. 18,450.
- RH.3. Limit the application of Law No. 20,412 on Lands of Preferential Aptitude for Forest.

#### □ Unsustainable use of vegetational resources for production

A medium level of risk is considered.

It is possible that an approach of mitigation measures for the degradation by extraction of valuable wood and of the firewood harvest will cause displacement to other regions of Chile, given the importance of the economy of wood products and high demand for firewood in Chile. Log harvest displacements are more likely to occur, given that the market is national, while the fuelwood market is regional.

In order to prevent and minimize the potential of the displacements due to the unsustainable use of the vegetation resources for production, an increase in the economic valuation of these is planned, linked to the action measures:

- US.1. Institutional forest management program focused on public and private lands.







- US.2. Integrated system of regulation and tax exemption for promotion of productive chains.
- US.3. Strengthening the Wood Energy Program and the country's energy matrix.

Improving the supply chain will be more feasible to certify extracted wood in a sustainable way and give it a fair value. On the other hand, in the measures of action of the ENCCRV, the need to reduce transaction costs of the owners through, for example, the reduction in taxes is raised.

#### □ Forest Fires

A medium level of risk is considered.

Forest fires, which in Chile are caused by anthropic action, are usually not intentional, but accidental, and in some cases, criminal acts. Due to the above, it is unlikely that there is a displacement of forest fires. However, the ENCCRV considers the implementation of action measures to prevent forest fires at the national level, as already mentioned.

#### □ Unsustainable management of forest plantations

A medium level of risk is considered.

It is possible that displacement of the activity associated with the conversion of native forest in forest plantations to the regions north of the subnational area occurs, due to the high economic strength of the forest plantation industry. The FREL/FRL estimates that this activity is one of the main causes of forest degradation, however the most recent information available reveals a very high reduction of conversion rates and associated emissions.

To prevent and minimize the potential for displacement due to the unsustainable management of forest plantation, the ENCCRV has defined the following measures of action:

- MT.7. Strengthening of forestry and environmental control programs
- RS.1. Restoration and enforcement programs targeted to promote the sustainability of forest management.

#### □ Unsustainable use of vegetation resources for livestock

It is considered a Low level of risk.

This cause is more relevant in the Mediterranean area of the country, but it also exists in the Maule Region, which is part of the considered subnational area. Therefore, there is the possibility of displacement to the north. However, as previously mentioned, the action measures will be implemented throughout the country, so the possibility of displacement for this cause is low. In addition, plans have been established to provide technical support to facilitate the global management of livestock, allowing for better forest management and a more efficient use of small areas in order to minimize the need to use large areas for grazing.

Within the established measures are:

- MG.1. Buffer zones for livestock activity.
- MG.2. Strengthen expansion of councils on management of summer grasslands.
- MG.3. Agricultural research program.

#### Gaps, needs for strengthening or barriers

- There is evidence of the need to strengthen programs for the prevention and control of forest fires and illegal logging, and to involve local and indigenous communities in the prevention, complaint and control of them.
- Lack of mechanisms to resolve questions about land tenure that allow those who contravene the sustainable use of natural resources to be held responsible, and at the same time, the lack of control, inspection and sanction mechanisms in cases that violate any legal body that is related to the protection of natural resources.



## 6.2. Link between the UNFCCC Cancun safeguards for REDD+, the World Bank Operational Policies and the UN-REDD Program guidelines

As mentioned, CONAF has had financial resources from the FCPF and the Global Environment Facility (GEF), in this case specifically from the project called Sustainable Land Management (MST as per the Spanish acronym), for the formulation and validation of the ENCCRV, acting in both cases, the World Bank as an implementation agency, which is why the operational policies should also be addressed, respected and complied. In addition, Chile has also the support of the UN-REDD Program. In difference with the bank, this programme does not have its own policies or safeguards, nor does it have its own requirements, but instead offers an optional orientation to support countries in responding to the requirements of the UNFCCC. Considering the above, seven OPs were identified that could be activated in the implementation of the ENCCRV, being these:

- **OP 4.01 on Environmental Evaluation (The World Bank, 1999):**

*"The Bank requires environmental assessment (EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making. EA evaluates a project's potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation. The Bank favors preventive measures over mitigatory or compensatory measures, whenever feasible (...)"*

- **OP 4.04 on Natural Habitats (The World Bank, 2001):**

*"The conservation of natural habitats, like other measures that protect and enhance the environment, is essential for long-term sustainable development, therefore, The Bank supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing, and policy dialogue. The Bank supports, and expects borrowers to apply, a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development (...)"*

- **OP 4.09 on Pest control (The World Bank, 1998):**

*"In assisting borrowers to manage pests that affect either agriculture or public health, the Bank supports a strategy that promotes the use of biological or environmental control methods and reduces reliance on synthetic chemical pesticides. In Bank-financed projects, the borrower addresses pest management issues in the context of the project's environmental assessment (...)"*

- **OP 4.10 on Indigenous Peoples (The World Bank, 2005):**

*"This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples (...)"*

- **OP 4.11 on Physical Cultural Resources (The World Bank, 2006):**

*"This Operational Policy aims to avoid or mitigate possible adverse impacts on physical cultural resources from development projects that the Bank finances. Within the physical cultural resources include movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance"*

- **OP 4.12 on Involuntary Resettlement (The World Bank, 2001b):**

*"This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons (...)"*

- **OP 4.36 on Forests (The World Bank, 2002):**

*"The objective of this policy is to assist borrowers to harness the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests, at local and global levels (...)"*













The following table (Table 1) shows and aligns the Cancun safeguards with the World Bank OPs.

**Table 1.** Cancun Safeguards alignment with the World Bank Operational Policies.

Cancun Safeguards	World Bank's OP
a	4.01; 4.36
b	4.04; 4.36
c	4.10; 4.11; 4.12; 4.36
d	4.10
e	4.04; 4.36
f	4.04; 4.09; 4.36
g	4.01; 4.04

In addition, the orientations of the UN-REDD Program are also considered, including:

**Guidelines on Free, Prior and Informed Consent (FPIC).** It is a framework that aims to ensure that the rights of indigenous peoples are guaranteed in any decision that may affect their lands, territories or livelihoods. It is composed of four elements<sup>76</sup>:

- **Consent:** the right of indigenous peoples to give or deny their consent to any decision that affects their lands, territories, resources and livelihoods.
- **Free:** free from coercion, intimidation, manipulation, threat or bribery.
- **Previous:** indicates that consent was requested sufficiently in advance, before the start or authorization of any project activity, and that the deadlines required by the consultation / consensus processes of the indigenous community have been respected.

- **Informed:** information has been provided in a understandable language and form to the community, detailing the nature, scope, purpose, duration and location of the project or activity, as well as information on the areas that will be affected; the economic, social, cultural and environmental impacts, the interlocutors involved and the procedures that the project or activity may entail.

**Guide for the Evaluation of Programs and Projects with a Gender, Human Rights and Intercultural Perspective of UN Women**, emerged in 2014 due to the concern to integrate these approaches in the evaluation cycle of UN Women and is oriented towards professionals who implement or manage programs and projects, especially those in which human rights, gender equality and inter-culturality are included transversally<sup>77</sup>.

**Table 2.** UN-REDD Program and UN-Women orientations may be applied through implementation of the ENCCRV.

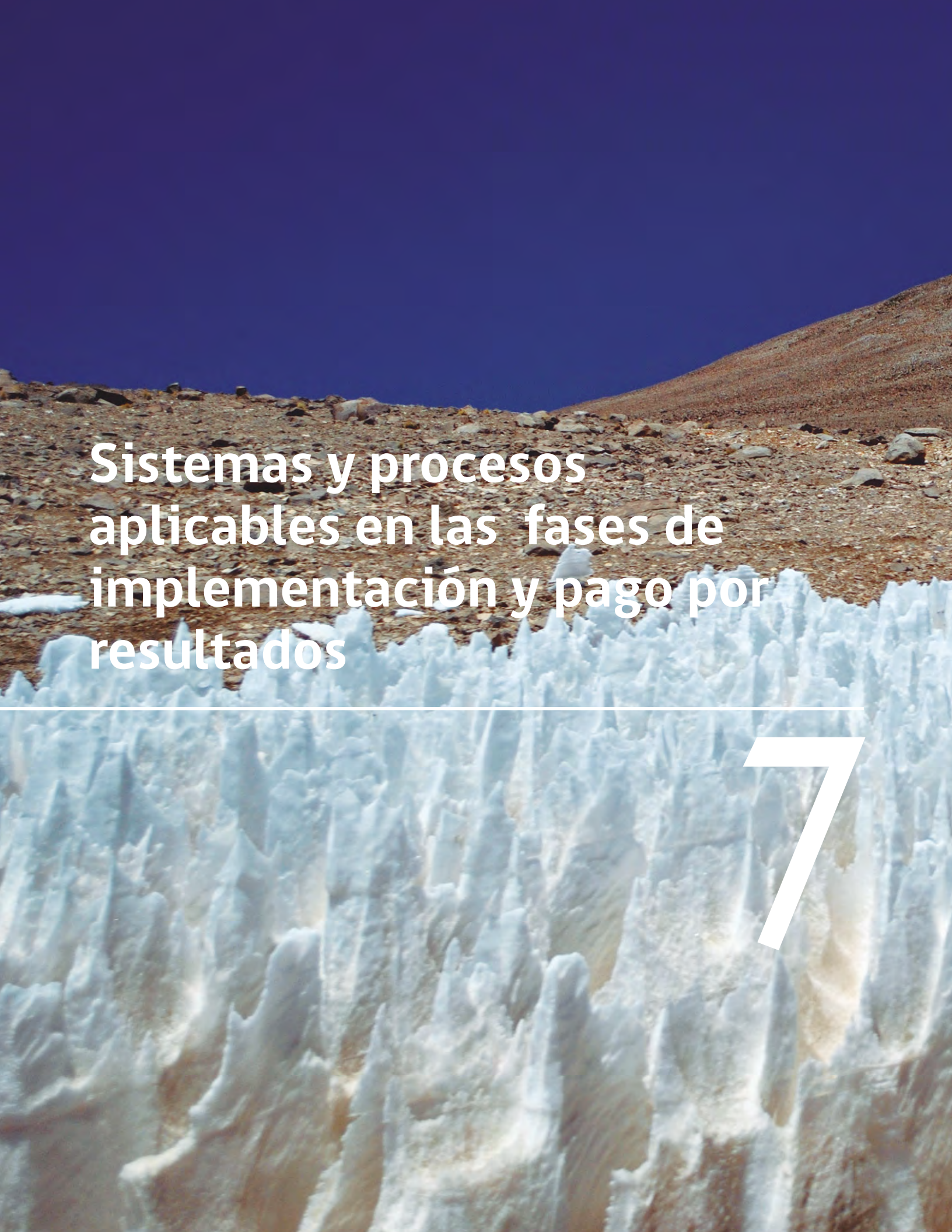
Cancun safeguards	UN-REDD / UN-WOMEN
c	Free, Prior and Informed Consent
d	Free, Prior and Informed Consent. Program Evaluation Guide

For Chile, safeguarding the Cancun safeguards will also involve addressing, respecting and complying with the World Bank's operational policies, the guidance guidelines of UN-REDD and the current national regulations, so that when any of the 7 safeguards of Cancun are activated, consequently, the respective OPs, the UN-REDD guidelines and the related national legislation will be activated.

<sup>76</sup> [https://www.conservation.org/SiteCollectionDocuments/CI\\_FPIC-Guidelines-Espanol.pdf](https://www.conservation.org/SiteCollectionDocuments/CI_FPIC-Guidelines-Espanol.pdf)

<sup>77</sup> <http://lac.unwomen.org/es/digiteca/publicaciones/2015/3/evaluacion-de-programas>



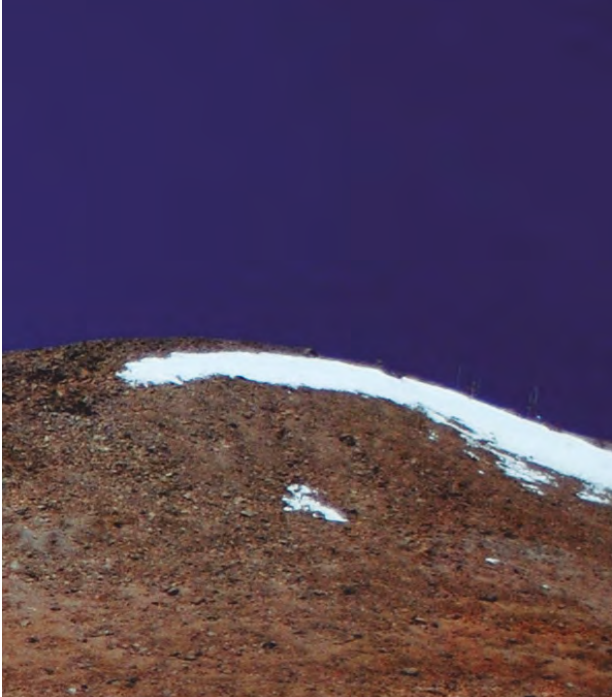


# Sistemas y procesos aplicables en las fases de implementación y pago por resultados

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7







## Systems and Processes for address, respect and compliance with the safeguards in the implementation and result-based payments phases<sup>78</sup>



### 7.1. Procedures and institutional arrangements

Projects and initiatives explicitly contained in the ENCCRV action measures, whether direct or facilitating, have been promoted for addressing and respecting the safeguards during the ENCCRV implementation phase (2017 onwards). For this purpose the ESMF was developed, which indicates that during a project formulation or associated instance with the ENCCRV action measures, an Environmental and Social Assessment (EAS) will be carried out, as a way to incorporate from the beginning all those socio-environmental aspects of relevance to the territory or influence area, in order to ensure reduction and mitigation of all those potential environmental and social risks and impacts to be generated during the execution of the initiative. Therefore, the address, respect and compliance of all environmental and social safeguards that could be activated according to the risks and impacts identified during this ex-ante evaluation will be ensured.

Therefore, once the project or initiative has been evaluated and categorized, it will be sent by the Regional Climate Change and Environmental Services Coordinator (CCCSA) to the UCCSA (when these initiatives are carried out from the regional level) and this will later be derived to the different departments and units of the Central Office of CONAF for its evaluation, as is detailed in the ESMF.

The UCCSA will develop the feasibility analysis considering the environmental safeguards activated for the project. The same analysis will be developed by the UAIS to address social safeguards. These evaluations will also consider appropriate technical statements used for development of the project / initiative in all stages. In cases where the UCCSA and/or UAIS detect that the project should be refined in some areas, it will be forwarded to the regional team (when different from UCCSA) to be complemented.

The projects associated with the ENCCRV action measures will consider the list of projects types that must be submitted for Environmental Impact Assessment. This list will be in accordance with article 10 of Law No. 19,300, as amended by Law No. 20,417, and specified in Article 3 of the Regulation of the SEIA, Decree N° 40/12 of the MMA and, also as established in point a) Pertinence of Environmental and Social Assessment indicated in the ESMF. The same situation will occur in those initiatives originated from the Central Office of CONAF, with coordination between the UCCSA and the Managing Office on Enforcement and Environmental Assessment (GEF, as per the Spanish acronym).

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<sup>78</sup> Phase 3 of the ENCCRV called Results-based Payments considers compensation for reduction and removal of emissions as defined by the REDD+ decisions of the UNFCCC. But also it includes the development of local Payments for Environmental Services (PSA, as per the Spanish acronym) schemes at a national level. These environmental services would be measured in terms of provision of water resources, conservation and reclamation of soils, Ecological Connectivity Index (ICE) and cultural and social values. For more information, review Information Note No. 18 of the ENCCRV entitled "Economic valuation of environmental and social benefits of the National Strategy on Climate Change and Vegetation Resources (ENCCRV) (2017-2025) of Chile.

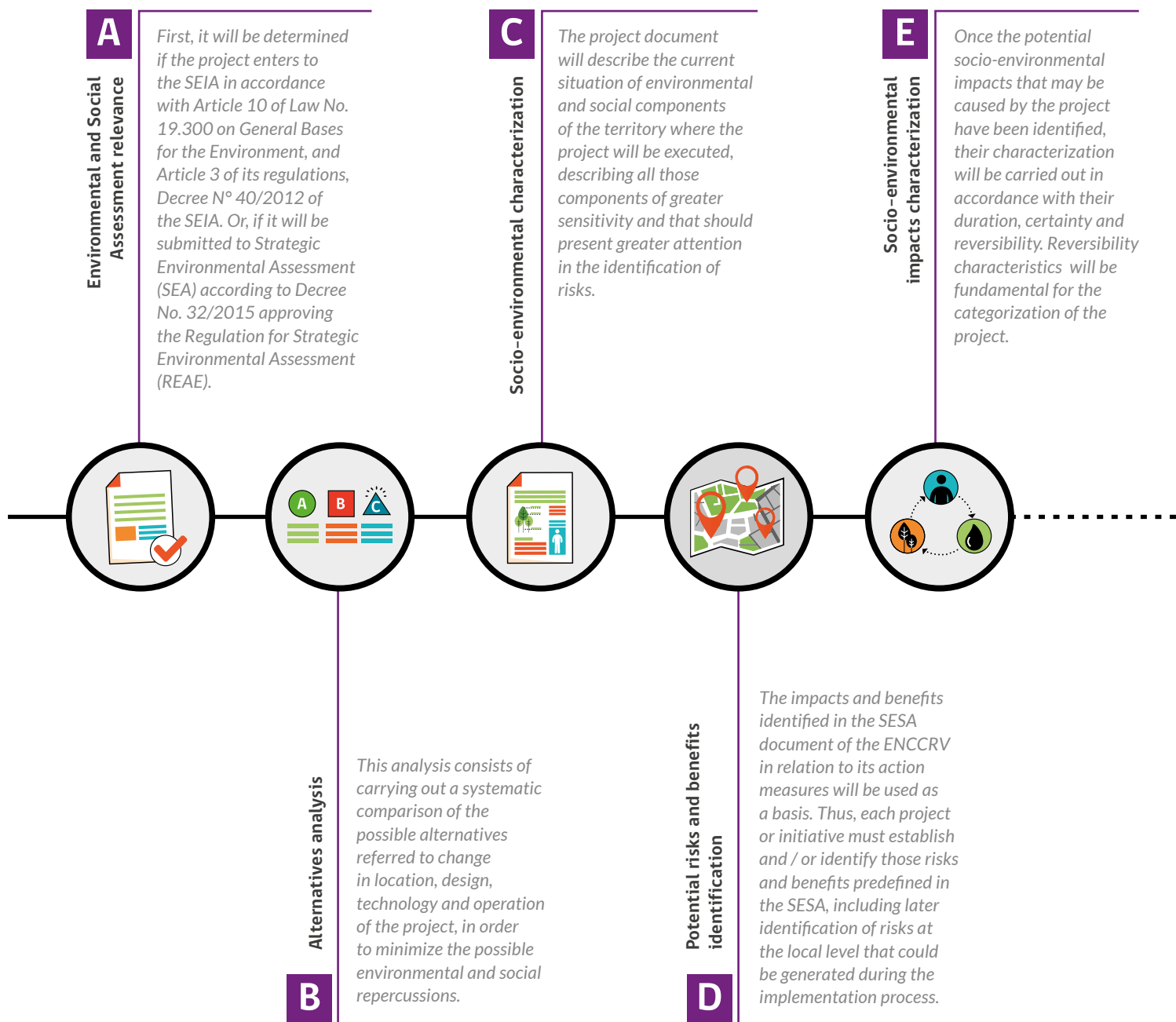




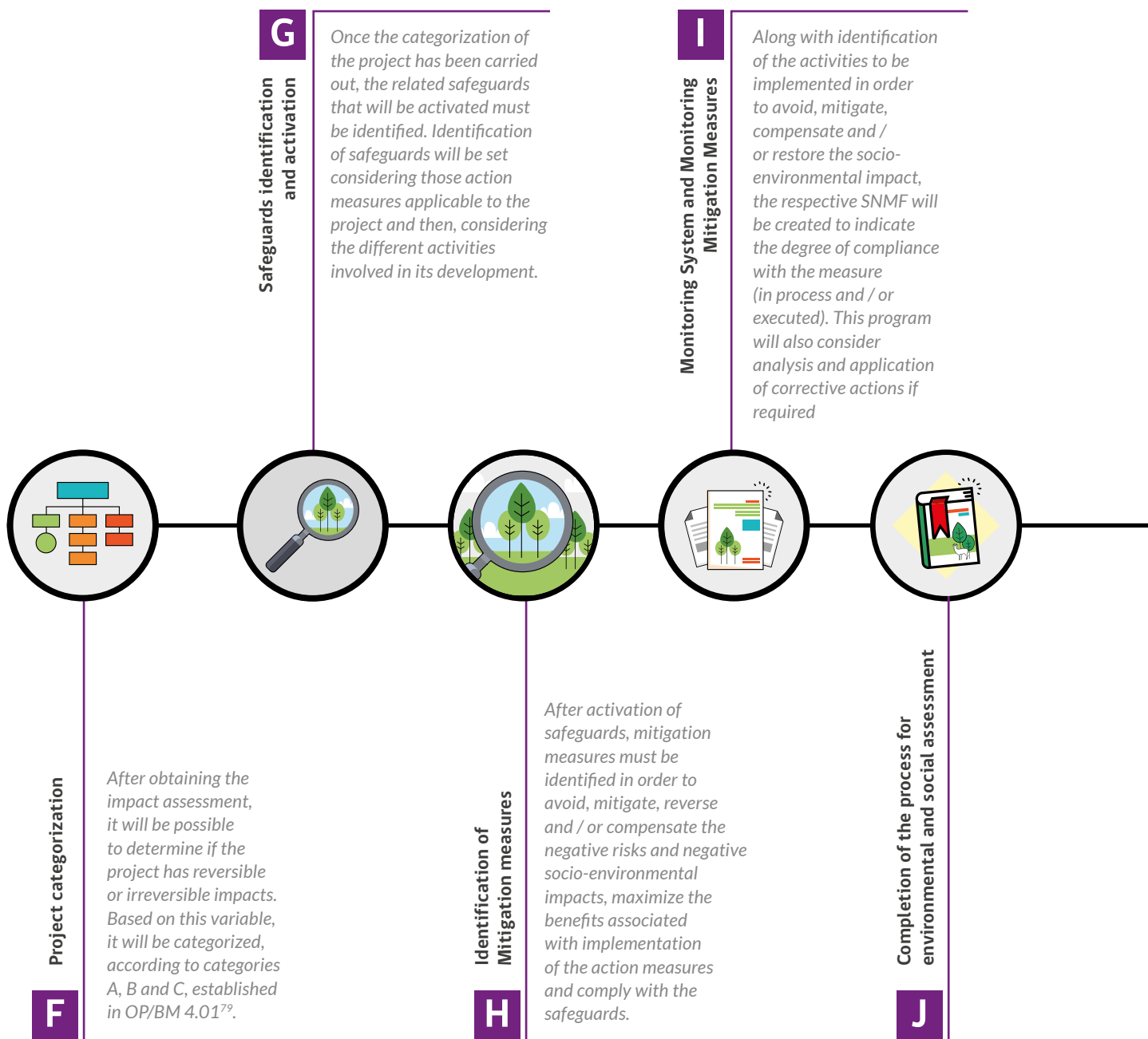
Concerning contributions to CONAF from external funds for developing these projects and initiatives within the ENCCRV framework, once the generated documentation has internal validations, indicated previously, it will be sent to the counterparts for their definitive technical endorsement before

starting proper implementation. The following is a summary of the steps for developing ex-ante Environmental and Social Assessment of each initiative that is presented within the ENCCRV scope.



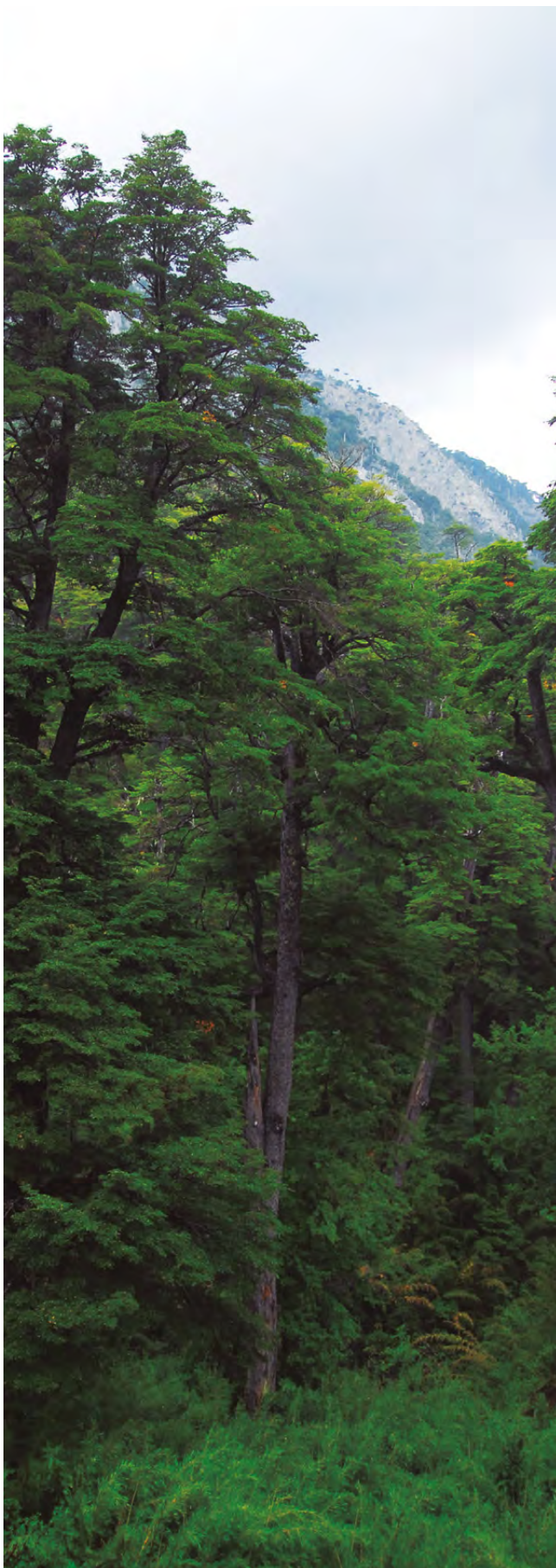






<sup>79</sup> OP/BM 4.01 Page 3 Category A. <http://www.bankinformationcenter.org/wp-content/uploads/2013/08/OP4.01Spanish.pdf>





Periodicity and responsible of this evaluation will be established during the process of environmental and social assessment of the project, aligned with the provisions of the SNMF and the SIS. These provisions will be incorporated into the Environmental Assessment of the initiative and they will be reported in accordance with the provisions of the ESMF of the ENCCRV. Each Initiative should have periodic reports on safeguards, to ensure reporting on the performance of safeguards along with the carbon report. Likewise, it will require a Final Safeguard Report, before closing each initiative technically and administratively.

These reports will be reviewed by UCCSA of CONAF for analysis and generation of warnings and recommendations for the teams on implementation. For those projects of category B, the implementation of independent monitoring processes should be considered, when necessary, especially in the case of those that require Plans for Involuntary Resettlement and Plans for Indigenous Peoples implementation.

This information will also be considered to feed the SIS. In this regard, the environmental and social monitoring of the action measures will be included as one of the SIS monitoring elements for the ENCCRV.

The SIS will include a Framework for Environmental and Social Indicators, considering measurement and monitoring methodologies at different spatial scales (regional, local, predial). This framework will allow to establish periodicity, responsibilities, metrics and progress status for all the action measures of the ENCCRV, in an equivalent manner.

The reports that will be sent by the teams for regional implementation will support the annual reports of compliance with safeguards that the UCCSA will have to generate. These reports have to receive validations and contributions from other instances within CONAF that corresponds, concerning compliance with the safeguards. For this, the following inputs will be used:

- a.** Review of reports received by the implementation teams.
- b.** Field visits to verify progress and compliance with environmental and social measures defined.

The systematized information will be incorporated into an annual report format for subsequent compilation of the national report on safeguards.





## 7.2. Systems for address, respect and compliance with safeguards

### 7.2.1. Information System on Safeguard (SIS)

For Chile, the SIS will be a mechanism that will allow tracking, monitoring, evaluation, reporting and feedback of the address, respect and compliance with the ENCCRV applicable safeguards. Implementation of the SIS will comply with the different decisions established in the UNFCCC and to which the country subscribe.

- i. Decision 1/CP.16, paragraph 71, sub-paragraph d): a system for providing information on how the safeguards are being addressed and respected throughout the implementation of the activities, while respecting sovereignty;
- ii. Decision 1/CP.16, paragraph 69: affirms that the safeguards should be promoted and supported;
- iii. Decision 12/CP.17<sup>80</sup>, where it is agreed that the systems to provide information on the way in which the safeguards set out in appendix I of decision 1/CP.16 are being addressed and respected must: a) be consistent with the guidance identified in decision 1/CP.16, appendix I, paragraph 1; b) provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis; c) be transparent and flexible to allow for improvements over time; d) Provide information on how all of the safeguards referred to in appendix I to decision 1/CP.16 are being addressed and respected; e) Be country-driven and implemented at the national level; f) build upon existing systems, as appropriate. This same decision indicates that Parties should provide a summary of information on how all the safeguards referred

to in decision 1/CP.16 appendix I, are being addressed and respected.

- iv. Decision 9/CP.19<sup>81</sup>, paragraph 4: agrees that Parties seeking to obtain results-based payments should provide the most recent summary of the information on how all the safeguards referred to in decision 1/CP.16, appendix I, paragraph 2, have been addressed and respected before they can receive results-based payments.

Currently, the objectives defined for the SIS as a country are:

- i. To systematize<sup>82</sup> information on environmental and social safeguards at different territorial scales for implementation of the action measures<sup>83</sup> of the ENCCRV.
- ii. To provide information on the ways environmental and social safeguards applicable to the ENCCRV, are being addressed, respected and complied, based on semi-automated standard reports, in a transparent, updated and coherent manner.
- iii. To generate reports on how environmental and social safeguards are being treated, with the periodicity required by different national and international instances.
- iv. To integrate the results being obtained from the Grievance Redress Mechanism (GRM, the Benefit Sharing System (SDB)

<sup>81</sup> <http://unfccc.int/resource/docs/2013/cop19/spa/10a01s.pdf#page=>

<sup>82</sup> Organize, arrange and order methodically available information.

<sup>83</sup> It refers to the "... actions that make up an activity. These action measures may be of specific impact on one of the drivers, or may be of a transversal nature, those that simultaneously address two or more drivers". Refer to the document on ENCCRV at: [https://static.wixstatic.com/ugd/902a1e\\_c717ce5db3ab4284837f61762f35a8ac.pdf](https://static.wixstatic.com/ugd/902a1e_c717ce5db3ab4284837f61762f35a8ac.pdf)

<sup>80</sup> <http://unfccc.int/resource/docs/2011/cop17/spa/09a02s.pdf#page=>



and other mechanisms or systems that are defined on the framework of the ENCCRV safeguards, with special emphasis on the Framework of Environmental and Social Indicators of the ENCCRV<sup>84</sup>.

- v. To interoperate the ENCCRV Information Management Platform, currently in development, with other systems of the ENCCRV and CONAF.
- vi. To identify those aspects with strengthening needs, to ensure the address, respect and compliance with the safeguards, providing a detailed way to address them in terms of temporality and financial resources.

The SIS will operate at the national level, having capacity to be extended in the temporary scope once finalized the ENCCRV 2017-2025<sup>85</sup> implementation phase, with scales differentiated according to the characteristics of the ENCCRV action measures.

In addition, the SIS will be public and available to all interested parties, since it will be the official means by which Chile will report in an integrated manner all the safeguards issues related to the vegetation resources sector and the projects that are implemented within the framework of the ENCCRV action measures.

Currently, CONAF is in the process of designing and implementing the SIS with the support of the UN-REDD Program, with the purpose of building an efficient and effective tool to account, in all the scopes and scales necessary, for the address, respect and compliance with all the safeguards associated with implementation of the direct and facilitating ENCCRV action measures. Within this design, the following activities are considered:

- i. To analyze the linkage of the safeguards in the ENCCRV framework and its action measures, including analysis of the elements framed in readiness and implementation stage, such as reference levels, monitoring systems, monitoring, early implementation projects in execution and, the documents on safeguards such as the SESA, the ESMF, Environmental and Social Indicators Framework, the SDB, the GRM, among others.
- ii. To analyze and evaluate the environmental and social safeguards applicable to ENCCRV and specifically those related to the requirement for having a SIS within the REDD+ framework.
- iii. To determine information gaps necessary to comply with all national and international requirements in the matter and make proposals with different levels of complexity to resolve those gaps previously detected.

<sup>84</sup> Mechanism that represents an instance for the stakeholders involved in the ENCCRV, to present claims and suggestions during the Implementation phase, in order to prevent possible risks and difficulties arising from action measures executed in the territory, notifying the teams in charge for an early reaction and solution in those corresponding cases.

<sup>85</sup> It is the system for transferring directly and indirectly to people monetary and non-monetary benefits generated after implementation of the action measures of the ENCCRV. As a basic principle, it is stipulated that the SDB be clear, effective and transparent, along with respecting customary rights over lands and territories, and reflecting broad community support with the support of other stakeholders (see study "Elaboration of Benefit Distribution Plan").

- iv. To conduct an analysis of existing and operational national information systems in CONAF and other public services, as well as those in development, with special emphasis on the ENCCRV Information Management Platform, which allow feedback for design and implementation, from the conceptual to the technological support of the SIS.
- v. To formulate conceptual design and architecture of the SIS, from concept to operational. In terms of operations, the SIS must interoperate with the ENCCRV Information Management Platform, to which the assigned consultancy team must generate the respective operating instructions and protocols.

### Information Management Platform

*Integral system for management, administration and generation of reports from spatial and alphanumeric databases at different scales.*

- vi. To systematize information linked to the baselines of environmental and social indicators contained in the ENCCRV Environmental and Social Indicators Framework, complementing the information gaps identified in the existing information. The databases resulting from this systematization must be hosted in the SIS and linked to the online database system of the ENCCRV Information Management Platform.
- vii. To define and execute the processes for the integration of the results of the GRM, the SDB and other mechanisms or systems that are defined, to the safeguards applicable to the ENCCRV, with special emphasis on the ENCCRV Indicators Framework.
- viii. Identify and propose institutional arrangements<sup>86</sup> and procedures necessary for appropriate functioning of the SIS.
- ix. To design SIS protocols for the implementation and maintenance, considering types of users, administrators, updates or system improvements.
- x. Training of key stakeholders on the operation of the SIS according to a program agreed with CONAF.

It is expected that the SIS could start operation in first gear at the beginning of 2019 and it will be fully operational by the middle of that same year.

<sup>86</sup> Its objective is to monitor and monitor the approach and assurance of social and environmental safeguards during implementation of the National Strategy, establishing environmental and social criteria and indicators in order to set benchmarks for assessment and monitoring of different information variables. This assessment may be qualitative or quantitative, consisting of one or several data, perceptions, numbers, facts or measures.



### 7.2.2. Grievance Redress Mechanism (GRM)

As indicated for the treatment of the safeguard “b”, in terms of reception, treatment and addressing any complaints generated during implementation of the ENCCRV, the Information System on Citizen Attention (SIAC, as per the Spanish acronym) will be the system providing various management spaces and inter-institutional attention to address the grievances of the stakeholders that participate in the actions undertaken under the ENCCRV. These redress actions are materialized through the network of the Office on Information, Complaints and Suggestions (OIRS, as per the Spanish acronym) of the public services, especially those associated with the forestry-livestock-agriculture and environmental issues in each of the regions and provinces of the country.

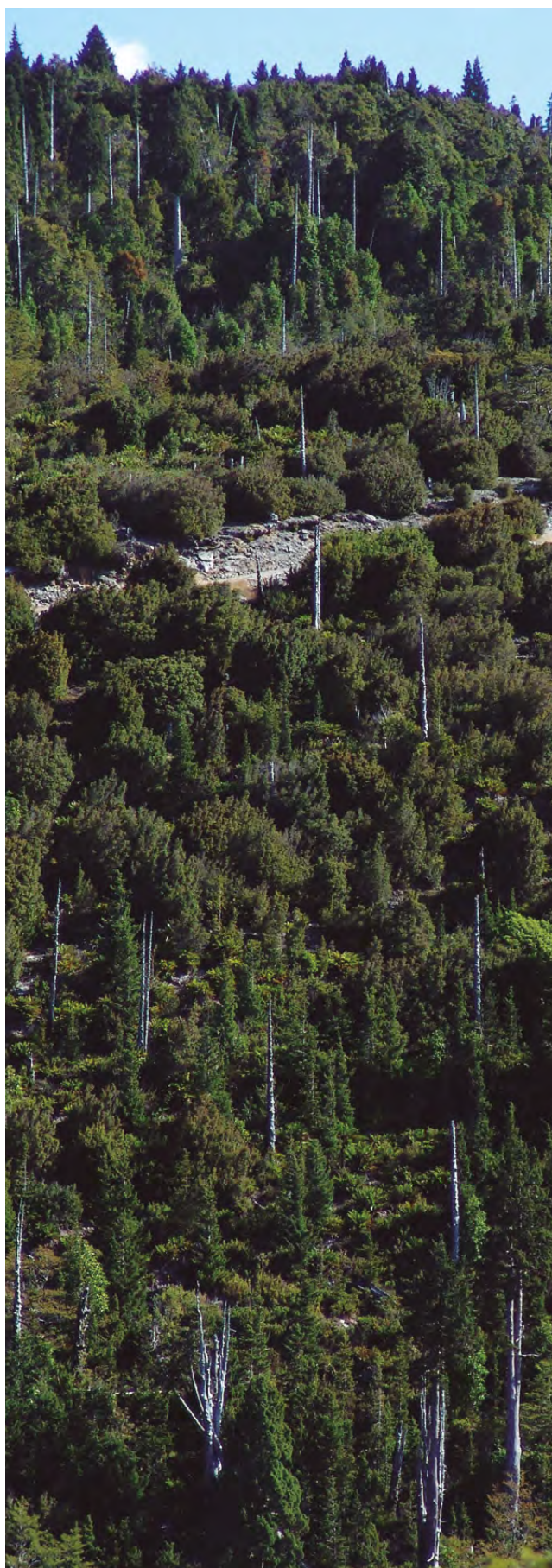
The purpose of this system is to assist citizens in their right to submit petitions, suggestions or complaints to public institutions, in an instance prior to any act that could eventually lead to legal actions regarding the role and responsibility of each institution and enforcement of the laws or programs that they administer, as is the case of the ENCCRV.

It should be noted that after the analyzes that have been carried out on the SIAC and the institutional care spaces provided by the OIRS, where the ENCCRV's GRM will work, it has been concluded that these meet all the requirements established by international organizations to conform a Grievance Redress Mechanism (GRM). This mechanism is an instrument that will allow civil society and other relevant stakeholders to monitor and influence the way in which environmental and social safeguards are addressed, respected and complied with, as well as any other technical, administrative, budgetary or strategic component of the ENCCRV, which will have access to different territorial scales (national, regional, provincial, communal and local).

The GRM will be one of the information sources of the SIS, and eventually will strengthen it given permanent feedback that is foreseen will generate this initiative for exchange opinions and receive suggestions. This feedback will undoubtedly allow CONAF and other organizations linked to the implementation of the ENCCRV, improve management gradually.

From an international context, the GRM of the ENCCRV meets global standards associated with REDD+ and other instances with which the ENCCRV has been designed and validated. In this regard, at least the following basic principles of the GRM should be considered:

- To enrich the ENCCRV, through the maintenance and strengthening of the different service channels belonging to the GRM. These channels will allow the population to make inquiries, requests, opinions, suggestions, complaints, grievances or congratulations, within the framework of the implementation of the different measures of action.
- To guarantee access as a right, to information and timely attention without discrimination of any kind considering adequate conditions for attention of minority groups or with special needs, such as care for the elderly, citizens with different abilities, and attention to foreign citizens.







- To generate information for reporting to the different international bodies such as the UNFCCC, the United Nations Convention to Combat Desertification (UNCCD), FCPF, UN-REDD, among others.

### 7.2.3. Framework on Environmental and Social Indicators

Up to date, a Environmental and Social Indicators Framework has been designed in accordance to the ENCCRV action measures. The objective of this framework is follow up and monitoring in order to report periodically to various instances, progress made. The progress will be assessed in terms of the goals that they agreed on this initiative, which in turn will allow assessing quantitatively and qualitatively the way in which the safeguards are being respected.

The main axis of the Environmental and Social Indicators Framework is to establish an objective and standard mechanism to survey the generation of co-benefits, beyond the reduction and/or capture of carbon, which are generated when implementing the action measures of the ENCCRV. This focus satisfies provisions of Decision 18/CP.21<sup>87</sup>, which reaffirms the importance of encouraging non-carbon benefits for the long-term sustainability of the activities referred to in decision 1/CP.16<sup>88</sup>. Also, this decision invites Parties that are developing countries to communicate information on non-carbon benefits for consideration by interested Parties and relevant funding entities.

These indicators for its operation will require, among others, baselines to evaluate and contrast the variables that will be measured through qualitative and / or quantitative monitoring and follow-up.

In this context, the following basic indicators have been tentatively identified to report co-benefits from implementation of the Strategy's action measures. These indicators will be integrated as a component of the SNMF of the ENCCRV, through the SIS.

<sup>87</sup> Information base from the various projects carried out and in-process that are executed in the regions in this area is relevant for analysis in order to determine the different scales in which the ENCCRV is implemented.

<sup>88</sup> "Institutional arrangements" will be understood as necessary adjustments to make to the current functioning of the institution (CONAF) so that the SIS can function efficiently, effectively and have sustainability over time. These arrangements can refer to the assignment of new functions to certain positions, creation of units or departments, reallocation or hiring of professionals, acquisition of equipment, among others.





## Environmental Indicators



Intervened surface, in hectares, by direct ENCCRV action measure at a distance up to 100 meters from the margin of a stream.

This indicator seeks to measure the effect of interventions at territorial level on the water resources of basins, sub-basins, sub-sub-basins or streams. It should be noted that the measurement of this effect is carried out indirectly through quantification of the area intervened around watercourses.



Intervened surface, in hectares, by direct ENCCRV action measure according to the slope range.

This indicator seeks to measure the effect of interventions at territorial level regarding water erosion in the basin, sub-basin, sub-sub-basin or stream. It should be noted that the measurement of this effect indirectly estimates the magnitude of the erosion processes, through the quantification of the surface intervened in areas with different slope ranges above the erosion threshold.



Reduction of fragmentation of forest ecosystems from implementation of ENCCRV action measures, as estimated by 6 descriptive variables.

The objective of the indicator is to measure how territorial implementation of the action measures of the ENCCRV contributes to the conservation of biodiversity, protection, restoration and promotion of connectivity by reducing fragmentation of the landscape.



## Social Indicators



Number of national and international safeguards respected and fulfilled in the implementation phase of the ENCCRV activities.

The objective of this indicator is to account for compliance with national and international regulations, which includes: Cancun safeguards "c" and "d"; OP 4.10 of the World Bank; Indigenous Law No. 19,253; ILO Convention 169; Decree No. 40 that establishes the Regulations of the SEIA; Decree No. 66 of the Ministry of Social Development and Family that establishes procedure for indigenous consultation, and; Law No. 20,500 on citizen participation; among others.



Number of SDGs integrated and articulated with the ENCCRV

It aims to account for the contribution of the ENCCRV to SDGs 13 and 15, and indirectly to SDGs numbers 6, 8 and 12.



Gender equity index

This indicator assesses promotion of gender equity in employment practices, training opportunities, and the number of beneficiaries of action measures, involvement in participation processes and other actions that will be implemented within the framework of the ENCCRV.



Percentage of the population benefited by the ENCCRV living in poverty conditions.

This indicator measures the percentage of beneficiaries in poverty who are favored by the ENCCRV. It is an indicator that will be applied both to projects on mitigation and adaptation to climate change. Therefore, it is transversal to the initiatives to be implemented within the ENCCRV.



## 7.2.4. Benefit Distribution System (SDB)

Since REDD+ approach considers a results-based payments (RBP) phase, progress has been made in designing an SDB that allows resources obtained by this concept to be available in a clear, effective and transparent manner.

The preliminary design that CONAF has led in this area considers decision-making at various levels, along with a broad participatory process that issues legitimacy to the SDB.

In this context, and supported by the participatory process of formulation and validation of the ENCCRV, it has been established that these retributions will be non-monetary, focusing on financing actions such as the regularization of property titles, improvements in access to state development instruments or private financing, technical assistance, improvement in the quality and availability of environmental services, property investment or execution of field activities that improve the patrimony of the owners, among others that are identified later.

### a. Institutional Arrangements

In order to involve as many national authorities with competence in the matter, both nationally and regionally, a procedure has been established that is illustrated in Figure 10 and detailed below.

#### National level

At this level, the progressive participation of the highest governmental institutions in environmental matters and climate change that Chile has to promote public policies is contemplated. These institutional arrangements ensure thematic comprehensiveness and inter-sectorial considerations in the decisions adopted with a national-scale approach. Within this logic, three relevant instances of the climate change institutional framework in the country coincide, among other organizations. The first of which is the CTICC. The role of the CTICC in the SDB framework will be to direct and sanction the approaches with which these resources will be allocated within the ENCCRV action measures framework. The CTICC will support implementation in regions, which will allow complementing these allocations with other instruments of the same Ministry in the matter of promotion and management of vegetation resources.

Subsequently, the technical proposal that is defined in the CTICC will be discussed in the ETICC, which is a highly specialized entity that leads the MMA and is integrated by the focal points of climate change designated by the participating ministries. This team will strengthen key criteria for decision making that contribute to having an SDB aligned with other sectorial policies on climate change. This approach is focused on participation of the ministries of Agriculture, Energy and Economics, as well as MIDESO, on which CONADI depends, in order to consider criteria of equity towards more vulnerable groups such as Indigenous Peoples.

Once these two previous steps have been carried out, the SDB's technical proposal will be sanctioned by the CMS in order to make transparent and validate the approaches and criteria that may arise from both the CTICC and the ETICC, with an annual or biannual periodicity according to the milestones of monitoring and verification instances that are defined. At the end of this



process of inter-sectorial contributions and validations at the highest governmental level, considerations and approaches contemplated in the SDB will be strengthened substantively and consistent with the objectives that the country has been setting in related with public policy instruments, such as the recently approved PANCC, the NDC, and the ENCCRV itself.

#### Regional Level

Once the guidelines have been established at the national level, regional treatment of such guidelines is initiated through a Regional Participatory Instance with representatives of civil society in each of the permanent regions, in order to expand the support at the local level of the SDB. So, this proposal is validated later by the Regional Councils on Climate Change (CORECC, as per the Spanish acronym)<sup>89</sup>.

This Participatory Instance will correspond to a space for dialogue convened at the regional level. Each Regional Office of CONAF will define proper methodology for the process based on inputs provided for the different participation spaces that were carried out in the formulation and validation phase of the ENCCRV. This methodology is based on Focal Groups identified during elaboration of the ENCCRV Safeguards Implementation Plan<sup>90</sup>.

<sup>89</sup> <http://unfccc.int/resource/docs/2015/cop21/spa/10a03s.pdf#page=>

<sup>90</sup> <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>





It is important to highlight that the CORECCs are led by the Intendant, the representative of the President in each administrative Region of the country. The CORECCs will have the role of coordinating the regional application of the guidelines issued by the CMS. The CORECC socializes and refines these guidelines providing local character to the technical proposals. Then, the respective Regional Directorate of CONAF whom participates in the CORECC it may define financial planning and operate the system in the territory.

A main strength of the CORECCs is that they are a public-private body at the regional level, which are constituted by representatives of civil society, indigenous peoples, the private sector, academics and public services. So, decisions made under this organization are carried out through a transparent and participatory process that includes opinions and consultations with interested groups.

### Local Level

The activities developed within the framework of the SDB of the ENCCRV, will be implemented through two channels. The first refers to the initial resources with which initiatives will be implemented around the ENCCRV where there will be a close link with the existing incentives of forest management instruments

administered by CONAF and other agricultural and environmental instruments coordinated by other entities public. This linkage among public instruments establishes synergies that increase the territorial impact of financial resources from results-based payments. A second way will consist in implementation of the activities that will finance such payments, and that will operate in the territory as described below.

The resources in the SDB will be distributed through two modalities. The first of which corresponds to a prioritization established by the CORECC and the complementary participation of instances over 50% of the funds assigned to each region. The second modality allocates the other 50% of the funds through a Direct Assignment by application of the targeted beneficiaries. These beneficiaries will have technical assistance from CONAF for gathering technical background required for their applications.

The activities developed independently of the modality will use the ESMF in order to assure integration with the ENCCRV. This framework has been created under the ENCCRV in order to address pertinent environmental and social safeguards. This framework will promote such activities can report to both, the SIS and to the SNMF, as well as to other instances of follow-up that may be established at a national and international level.



Addresses

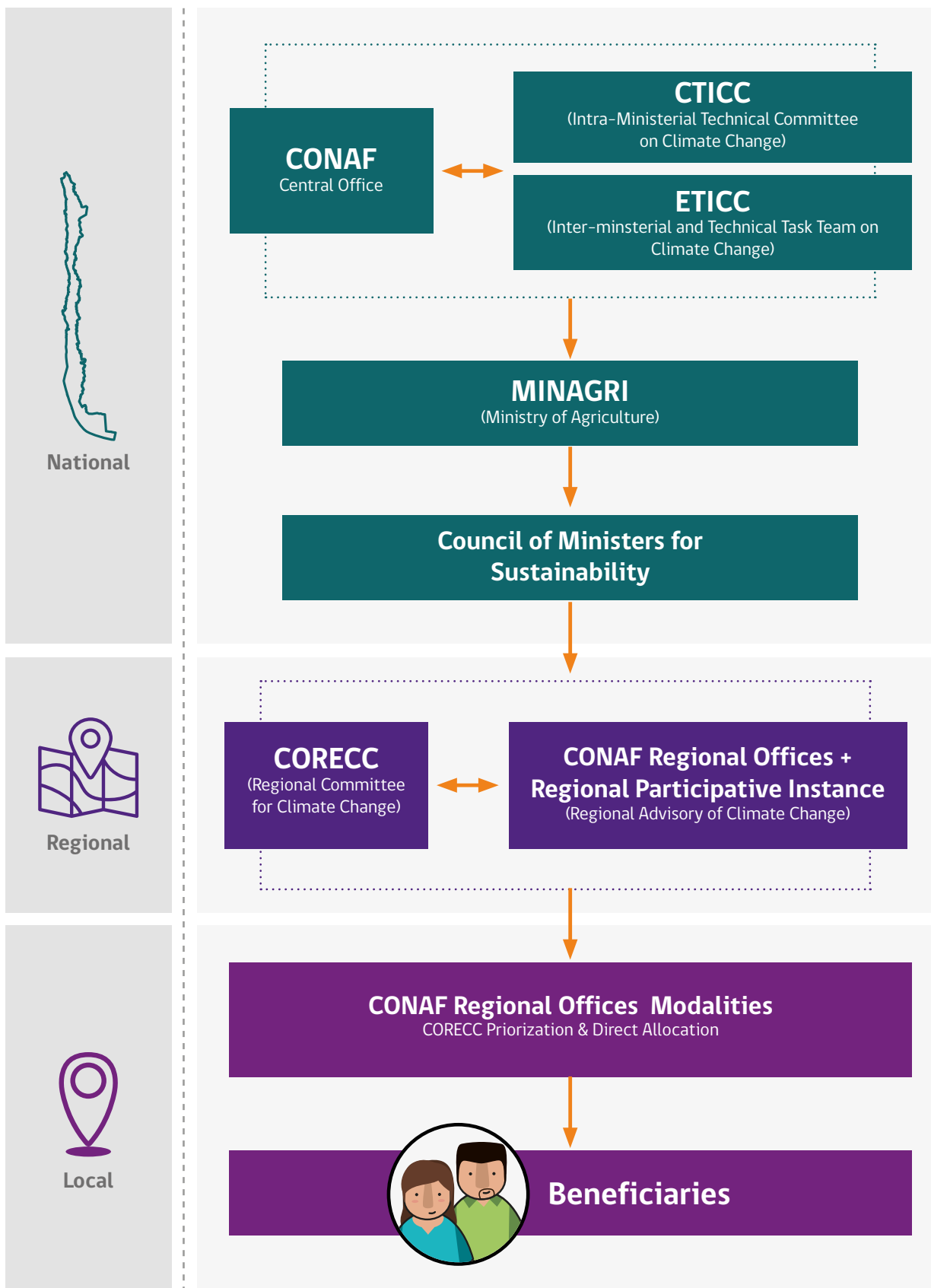


Figure 10. Institutional Arrangements associated with the Benefit Distribution System.



## b. Execution for Activities Modality

- Execution through Prioritization of CORECC and Regional Participation Instance

This financing modality will be based on a proposal provided by the respective Regional Directorate of CONAF based on a prioritization of counties at the regional level, according to environmental, social and economic parameters. This modality defines in greater detail the non-monetary benefits involved, eligible action measures of the ENCCRV and its on-field activities, as well as the area to be intervened (if applicable), beneficiaries and expected results, and all considerations regarding budget and planning required for its execution.

The activities arising from the technical proposal that each Regional Office of CONAF elaborates, will be adjusted and validated in the Regional Participation Instance. Later, these activities should be approved by the respective CORECC and executed directly by the respective Regional Office of CONAF. Implementation will be carried out through the regional teams, hiring forestry operators and assistance from specialized technical equipment available to the Corporation, depending on the type of activities that are desired to be implemented.

- Direct Assignment Execution

The second financing channel will operate through a regional modality that will be accessed by means of an application based on technical, environmental and socioeconomic criteria, similar to the operational modality for the contest of the Conservation Fund of Law No. 20,283 on Native Forest Restoration and Forestry Support<sup>91</sup>. The difference in these modalities is execution, in this case, of the activities with funding for results-based payments allocated immediately after assignment (ex-ante funding for expected results). This procedure will ensure that these activities are executed in time and technical quality required, directly by the regional teams of CONAF, using the same means of implementation established for the activities prioritized by CORECC.

All the initiatives that are postulated will do so through Technical and Administrative Bases. These bases will request for technical background of the activities, treatment of safeguards and budgetary planning. In addition, these bases will underline the valued co-financing that both owners and public services involved will provide complementarily to the funds associated with PBR.

This window can be accessed by owners or communities that have not been prioritized by the CORECC, in order to broaden the distribution of benefits beyond mere prioritization by these Committees. For example, additional eligibility variables may be included such as maximization of provision for environmental services.

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<sup>91</sup> This committee is a technical entity of regional character promoted by the Ministry of the Environment to encourage and facilitate compliance with the national commitments of the Paris Agreement at the regional level.







### c. Eligibility of Beneficiaries

Under the premise of operating the SDB under institutional mechanisms, it has been established that the eligible beneficiaries of both modalities will be those landowners defined in Law No. 20,283 and their respective regulations, which is in force since 2009. This law defines Small Forest Owner (PPF, as per the Spanish acronym), as well as other potential individual beneficiaries not having that category or they are communities but that do not correspond to large owners or to Forest Consortium.

The beneficiaries will be chosen considering aspects of social and / or environmental and / or economic vulnerability through a polynomial that allow for assigning scores to the different projects presented under territorial, cultural, environmental, and gender variables, among others variables that are defined at regional level.

### d. Financial Assignment in the regions

It has been established that approximately 20% of the funds entering for concept of RBP will be assigned for appropriate administrative and financial management. The purpose of this percentage is also ensuring adequate administrative and financial management of resources, performing technical support tasks of the systems (Registry, MRV, SIS, among others), performing the monitoring and reporting milestones, as well as executing those facilitating action measures that are direct responsibility of the institution, such as improving enforcement programs or technical assistance to forest landowners.

The remaining 80% of the funds is considered to be divided by assignments. These assignments will obey different criteria based on national learning regarding implementation of other public policies that consider only a criterion for allocation of resources. This single criterion generates distortions or inequities when rewarding, for example, those regions that could have greater management capacities and RE generation potential. The SDB designed within the ENCCRV framework contemplates equity and performance logic to avoid that distortions and inequities by dividing the total of assigned resources. Thus, three types of allocations of financial resources by region have been defined, which as a whole would constitute the available resources for implementation for each of the regions. These resources have to be executed through the CORECC prioritization and through Direct Allocation.

### Basal Assignment

The allocation called "Basal" is the one that operates based on a arithmetic criterium, where the 40% of available resources from RPB are divided in equal parts on the regions with SDB operates, with no distinctions of any type. Each region receive an equal proportion of the resources that could be perceived. It is established that this basal financemnt, incorporates the equity criterium, in order to equilibrate regions with a lower performance, due eventual circumstances of force majeure or due to previously known circumstances attributable based on the type of resource, socio-economic characteristics or institutional management. The level of region performance is measured in reduction or capture of emissions and it require resources precisely for improve it.



## Performance Assignment measured in Emissions Reduction

The second allocation corresponds to the remaining 35% of the funds that will be assigned to the regions. This percentage is called “Per Performance”, and it will be delivered based on the RE generated in each of the regions as compared with the Reference Level that the country prepared in the ENCCRV framework. A proportional relationship will be established to this purpose, between the emission reductions generated and the available financing, which aims to encourage implementation of activities that have effects on forest carbon stocks, having always in consideration proper treatment of the safeguards involved.

## Assignment to the Buffer Reserve

Finally, 5% of the financing available corresponds to an assignment that has been called “buffer reserve”. This assignment will have the purpose of redistributing resources in inverse way to the percentages registered by performance measured in the RE generated. This procedure allocates a greater proportion of resources to those regions that present a lower ER generation, due to various circumstances of force majeure (fires, plagues or other situations) that occur at a regional level and that prevent achieving the projected ER.

In Figure 11 it can be seen graphically allocation indicated for distribution of the available funding for results-based payments under the SDB designed for the ENCCRV.

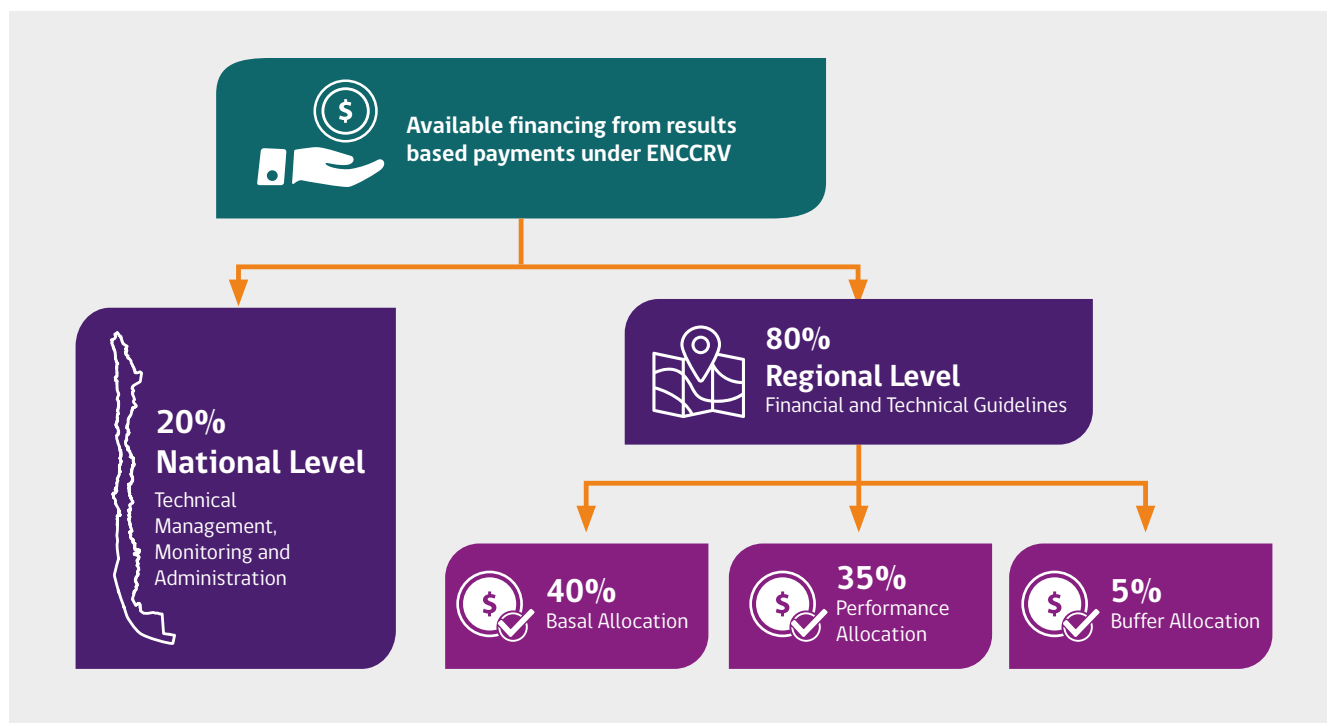


Figure 11. Chart on Allocation of Resources available at the Central and Regional Level.

### 7.2.5. National Forest Monitoring System (SNMF)

As mentioned before, CONAF has developed and is in the process of national implementation of an SNMF. The objective of this system is to provide transparent, consistent and accurate data and information for demonstration of the results of interventions, especially those that are implemented directly in the territory. This demonstration is based on estimation of the historical and initial situation of the state and dynamics of the vegetation resources and their effects on water resources, biodiversity, soils and carbon stocks, among others. In this sense, work is being done on design and implementation of a robust monitoring system to measure, report and generate essential inputs to verify the results obtained during the ENCCRV implementation phase, through independent instances to CONAF and also national entities that cooperate in these matters.

The SNMF will generate information on results in three general areas, which incorporate measurements to comply with the three Rio Conventions:

- i. Reduction of forest carbon emissions: covering measurement and monitoring of carbon emissions and removals linked to changes in land use and forest dynamics. This area is one of the most relevant elements in climate change issues and especially of the REDD+ approach.
- ii. Reduction of the risk of DLDD and follow-up of activities to meet LDN targets. In order to determine the levels of risk, the existing information on risk of erosion, forest fires,



socioeconomic factors and aridity has been integrated. This analysis gave rise to the updated PANCD mentioned in the introduction to this document. This work has been complemented with preparation of baselines and national targets for the LDN initiative. Baselines are based on three main indicators: changes in vegetation cover, changes in net primary productivity and changes on organic soil carbon, which will be complemented by an indicator to estimate the changes in current erosion risk.

- iii. Environmental services and additional social benefits such as water production and quality, soil conservation, maintenance or increase of biodiversity, among others. These environmental services and social benefits will be measured through the framework on environmental and social indicators of the ENCCRV developed in letter “c” of this chapter.

The SNMF will be linked to the SIS, generating key information for follow-up and monitoring of the approach, respect and compliance with national interpretation of the safeguards:

- “e”:** *Prevent implementation of the action measures of the ENCCRV promoting conversion of native vegetation resources, in addition for promoting their protection and conservation and enhance the ecosystem services these resources generate.*
- “f”:** *Actions that allow to address risks of reversion that could be generated with implementation of the ENCCRV, as well as those that could affect results obtained, ensuring permanence of the emission reductions.*
- “g”:** *Those actions that prevent territorial mobility of activities that generate GHG emissions associated with deforestation and forest degradation.*

## 7.3. Early Implementation Advances

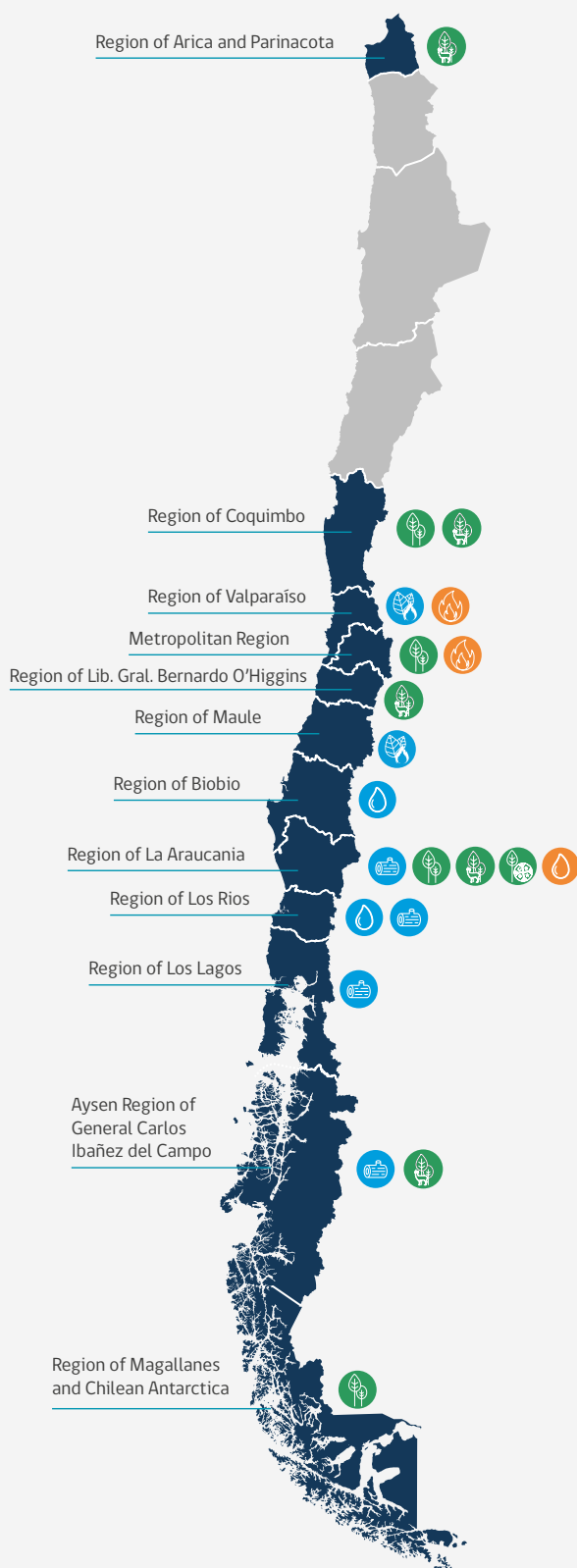
As mentioned before, CONAF has already begun project implementation at territorial level along the country. This is part of the early implementation process and whose purpose is to test at territorial level technical and financial mechanisms, institutional arrangements and strengthening of planned capacities in Preparedness phase. This allowed obtaining inputs for generation of efficient management models in order to replicate and scale up activities and action measures at national level, benefiting local communities linked to vegetation resources. Some of the projects have already been completed and others are in the process of implementation and planning.

Next, Figure 12 describes early implementation projects. All projects apply or they will apply the ESMF of the ENCCRV, as explained in chapter 7.1, in order to respect national and international guidelines regarding compliance with safeguards, both in elaboration and implementation phases.




With respect to the lessons learned at this stage, these lessons are mainly related to internal management in CONAF and coordination with the beneficiaries. Regarding the safeguards, it is worth noting that this stage has not triggered any of them, fully complying with the approach and respect of both the Cancun safeguards and the World Bank’s OPs, all due to the country’s strict legal and regulatory framework.

The early implementation step has oriented some needs and requirements that have been identified with relation to generation of information for the SIS. For example, linking environmental safeguards with the direct action measures that have been implemented; determination of gaps related to territorial implementation and that should be covered by the SIS; besides evidencing that the System must be considered at various territorial and complexity levels in order to prevent avoidance of any significant variable and contributing to resolve the gaps detected.





### List of finished projects:

-  Four Projects in the territory on restoration of native forest with emphasis on the provision of water resources. Projects carried out with the support from UN-REDD program: Bretaña, County of Quilaco and county of Santa Barbara, Biobio Region; Liquiñe, County of Panquipulli; Los Molinos de Niebla, County of Valdivia, Los Rios Region.
-  Four projects of firewood and climate change whose purpose is to promote sustainable use of firewood. Projects carried out with the support of the FCPF: La Araucanía Region, Los Rios Region, Los Lagos Region and Aysen Region.
-  Two projects in the territory of preventive forestry to reduce the occurrence and dispersion of forest fires. Projects carried out with the support of SDC: Valparaíso County, Valparaíso Region, and; San Javier County, Maule Region.

### List of projects in process of implementation:

-  Supporting China Muerta National Reserve Restoration Plan Project on, funded by the UN-REDD Program in La Araucanía Region
-  Project on restitution of ecological processes through restoration of the forest canopy in areas affected and abandoned by beavers (*Castor canadensis*) in Tierra del Fuego, funded by the UN-REDD Program in Magallanes Region.
-  Restoration Project on Forest Hydrology at Tralhueños Creek, funded by the UN-REDD Program in Metropolitan Region.
-  Project entitled "Designing a model of socio-environmental investment for restoration of degraded lands in semi-arid zones of Chile", funded by the UN-REDD Program, CBD, FERI and Korea Forest Service in Coquimbo Region.
-  Project: Strengthening actions to adaptability of Quinquen indigenous communities as a response to their greater climate change vulnerability in social and environmental aspects.
-  Five Projects for Territorial Intervention on Sustainable Land Management funded by The GEF and The World Bank in: Putre, Arica and Parinacota Region; Combarbala, Coquimbo Region; Carahue-Puerto Saavedra, La Araucanía Region; Coyhaique, Aysen Region.

### Projects in process of formulation



-  Two rehabilitation projects after forest fires funded by The GEF, CONDESAN and MMA in Valparaíso Region and Metropolitan Region.
-  Design of a Restoration Project on Agroforestry Hydrology in Rio Puren Catchment funded by SDC in La Araucanía Region.

Figure 12. Projects of early implementation in the territory.





# Conclusions

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## Conclusions



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The ENCCRV is an instrument that promotes a comprehensive national approach to the management of vegetation resources. This approach expands the national concept of REDD+, since it encompasses actions related to adaptation to climate change, conservation of biodiversity and the fight against desertification, land degradation and drought. This approach has inclusion of the gender perspective and respect of traditional knowledge and rights of the indigenous peoples of the country, as transversal axes.

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The first summary of information on safeguards as national report focuses on the way in which these safeguards were addressed, respected and complied during the ENCCRV formulation and validation phases. This report is response to one of the key requirements of the UNFCCC. During this process were identified 16 international safeguards that are aligned with national legislation and institutions.

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The ENCCRV formulation and validation phases, consisted in execution of two stages: (i) technical studies that provided inputs for identification of the causes of deforestation and degradation of vegetation resources and associated barriers for increasing their cover and quality, as well as elaboration of the FREL / FRL, quantifying data on GHG emissions and contribution of the action measures of the ENCCRV to the mitigation of climatic change. Also, this phase raised stage (ii) on information gathering, through a participatory process that involved diverse social stakeholders that depend or are related to the country's vegetation resources. This process has a multi-sector, multi-stakeholder, multi-sector and multi-level approach. Thus, participation included more than 3,870 people from all regions of the country and participation of 36% of women who expressed their respective opinions on formulation of action measures, identification of risks, potential benefits and measures for conservation of biodiversity.






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The formulation phase included validation instances, such as the self-assessment process, citizen consultation, and indigenous dialogue and participation under ILO Convention 169, which contributed to strengthening the Strategy's action measures.

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The Safeguards Plan, the SESA and the ESMF are among the instruments that have been developed during the formulation of the Strategy, which will help to ensure that the ENCCRV is implemented in a participatory manner. These instruments seek for prevention or mitigation of potential social and environmental risks, and improvement of potential benefits.

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As can be seen throughout the document, Chile has not only addressed and respected the safeguards in the formulation and validation phase of the ENCCRV, but in the future it will also seek to demonstrate compliance through verifiers that support it.

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On future phases of the ENCCRV, follow-up and monitoring systems are already being designed for assuring the safeguards. These systems will have synergies and linked indicators, in order to avoid duplication of information. Among these systems are the SIS and the SNMF, which will be included in a Platform that manages integrated information of the Strategy.





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# Acronyms

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## Acronyms

<b>APF</b>	Preferential aptitude for forests, as per the Spanish acronym
<b>CADH</b>	American Convention on Human Rights, as per the Spanish acronym
<b>CBD</b>	Convention on Biological Diversity
<b>CIREN</b>	Information Centre on Natural Resources, as per the Spanish acronym
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora
<b>CMS</b>	Council of Ministers on Sustainability, as per the Spanish acronym
<b>CONADI</b>	National Corporation on Indigenous development, as per the Spanish acronym
<b>CONAF</b>	National Forestry Corporation, as per the Spanish acronym
<b>CoP</b>	Conference of the Parties
<b>CPF</b>	Forestal Policy Council
<b>CPR</b>	Political Constitution of the Republic of Chile, as per the Spanish acronym
<b>CORECC</b>	Regional Committees on Climate Change, as per the Spanish acronym
<b>CTICC</b>	Intra-Ministerial Technical Committee on Climate Change, as per the Spanish acronym
<b>CO<sub>2</sub></b>	Carbon Dioxide
<b>DLDD</b>	Desertification, Land Degradation and Drought
<b>DEVA</b>	Department on Environmental Assessment, as per the Spanish acronym
<b>ECLAC</b>	Economic Commission for Latin America and the Caribbean
<b>EIA</b>	Environmental Impact Assessment
<b>ENB</b>	National Strategy on Biological Diversity, as per the Spanish acronym
<b>ENCCRV</b>	National Strategy on Climate Change and Vegetation Resources, as per the Spanish acronym
<b>ESMF</b>	Environmental and Social Management Framework
<b>ETICC</b>	Inter-ministerial and Technical Task Team on Climate Change, as per the Spanish acronym
<b>FFA</b>	Forestry and Environmental Fund, as per the Spanish acronym
<b>FCPF</b>	Forest Carbon Partnership Facility
<b>FPIC</b>	Free, Prior and Informed Consent
<b>FREL/FRL</b>	Forest Reference Emission Level / Forest Reference Level
<b>GASP</b>	Management Office on Wildlife Protected Areas, as per the Spanish acronym
<b>GCF</b>	Green Carbon Fund
<b>GEF</b>	Global Environment Facility
<b>GEF</b>	Management Office on Enforcement and Environmental Assessment, as per the Spanish acronym
<b>GEDEFF</b>	Management Office on Forestry Development and Support, as per the Spanish acronym
<b>GHG</b>	Greenhouse Gases
<b>GEPRIF</b>	Managing Office on Protection Against Forest Fires, as per the Spanish acronym
<b>GRM</b>	Grievance Redress Mechanism, as per the Spanish acronym
<b>ILO</b>	International Labour Organization
<b>INE</b>	National Institute on Statistics, as per the Spanish acronym
<b>INFOR</b>	Forest Institute, as per the Spanish acronym
<b>LDN</b>	Land Degradation Neutrality



<b>MaB</b>	Man and Biosphere Programme
<b>MIDESO</b>	Ministry on Social Development and Family, as per the Spanish acronym
<b>MINAGRI</b>	Ministry of Agriculture, as per the Spanish acronym
<b>MINREL</b>	Ministry of Foreign Affairs, as per the Spanish acronym
<b>MMA</b>	Ministry of the Environment, as per the Spanish acronym
<b>NDC</b>	Nationally determined contribution
<b>NGO</b>	Non Governmental Organization
<b>OAS</b>	Organization of American States
<b>OECD</b>	Organization for Economic Cooperation Development
<b>OIRS</b>	Offices for Information, Complaints and Suggestions, as per the Spanish acronym
<b>OP</b>	Operational Policy
<b>PANCC</b>	National Action Plan on Climate Change, as per the Spanish acronym.
<b>PANCD</b>	National Action Program against Desertification, Land Degradation and Drought, as per the Spanish acronym
<b>PSA</b>	Payment for Environmental Services, as per the Spanish acronym
<b>RBP</b>	Results-Based Payments
<b>RE</b>	Emission Reductions, as per the Spanish acronym
<b>RAMSAR</b>	Convention on Wetlands of International Importance especially as Waterfowl Habitat
<b>SAG</b>	Livestock and Agriculture Service, as per the Spanish acronym
<b>SDB</b>	Benefit Sharing System, as per the Spanish acronym
<b>SDC</b>	Swiss Agency for Development and Cooperation
<b>SDG</b>	Sustainable Development Goals
<b>SEIA</b>	System for Environmental Impact Assessment, as per the Spanish acronym
<b>SESA</b>	Strategic Environmental and Social Assessment
<b>SIAC</b>	Information System on Citizen Attention, as per the Spanish acronym
<b>SIS</b>	Safeguard Information System, as per the Spanish acronym
<b>SNMF</b>	National Forest Monitoring System, as per the Spanish acronym
<b>SMM</b>	Measurement and Monitoring System, as per the Spanish acronym
<b>TCN</b>	Third National Communication, as per the Spanish acronym
<b>UNCAC</b>	United Nations Convention against Corruption
<b>UNCCD</b>	United Nations Convention to Combat Desertification
<b>UAIS</b>	Unit of Indigenous and Social Affairs, as per the Spanish acronym
<b>UCCSA</b>	Climate Change and Environmental Services Unit, as per the Spanish acronym
<b>UNESCO</b>	United Nations Educational Scientific and Cultural Organization
<b>UNFF</b>	United Nations Forum on Forests
<b>UNFCCC</b>	United Nations Convention on Climate Change
<b>UN-REDD</b>	The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries













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