A Country-Led Safeguards Approach: Guidelines for National REDD+ Programmes

Daniela Rey and Steve Swan
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SNV

Acknowledgements

Authors:
Daniela Rey is an environmental lawyer, specialising in assisting countries with national REDD+ safeguards policy responses and Director at Climate, Law & Policy Ltd.

Steve Swan is a biodiversity conservationist leading the development of SNV's REDD+ multiple benefits work.

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Foreword

A carbon-only approach to REDD+ won't work. It will not help either climate or forests. Ex-post greenhouse gas emissions reductions will not be achieved if investments are not made in the environmental sustainability and social equity of the policies and measures adopted to address the drivers of deforestation and forest degradation. The success and legitimacy of REDD+ depends not so much on the ability of implementing actors to minimize negative environmental and social risks, but more on its potential to deliver and maximize multiple social and environmental benefits, such as conservation of biodiversity, maintenance of ecosystem services and livelihood benefits for rural poor communities. The sustained capacity of forests to sequester carbon over the long term (and in a changing climate) will depend on their stable ecological functioning, as well as whether stakeholders, particularly local communities, have more of an incentive to protect forests that to cut them down.

Through adoption of the 'Cancun safeguards', Parties to the United Nations Framework Convention on Climate Change (UNFCCC) recognize this need to invest in multiple benefits from REDD+ as the enabling environment to achieve (and be compensated for) sustained emissions reductions. REDD+ countries are now confronted with the challenge of finding a way to effectively respond not just to UNFCCC REDD+ safeguard commitments, but also those of other international and bilateral REDD+ support initiatives, and in a way that fits their own specific contexts, circumstances and national priorities.

Responding to multiple REDD+ safeguard commitments in a country-driven manner, and through a single coordinated process, has, thus far, proven to be a difficult task. Drawing from insights from several pioneering countries and early lessons in Mexico and Vietnam, these guidelines provide a framework to support a country-led safeguards approach (CSA). The CSA guidelines aim to assist countries in determining how to respond to the UNFCCC, and other international REDD+ safeguard requirements, as well national sustainable development and green growth priorities above and beyond reducing GHG emissions from forestry and other land-use sectors.

These guidelines bring clarity and step-by-step guidance on what, why and how to design, and effectively implement, a country's national safeguards response. In doing so, the CSA takes the REDD+ safeguards dialogue from a high-level international discussion of principles of intent to one of operational actions of content. The CSA also offers guidance on establishing systems for providing information on how the Cancun (and other) safeguards are being addressed and respected; information which, of course, is a prerequisite to obtain results-based payments under the REDD+ mechanism.

As a champion of safeguards in the REDD+ negotiations and as a REDD+ practitioner in my own country, the Philippines, I cannot overstate the merit of these guidelines. In fact, I would venture to say that knowing and mastering these guidelines is essential for all REDD+ practitioners. Clear, practical and straightforward guidance, such as presented here for a CSA, is exactly what REDD+ countries need to move into a second operational phase of REDD+ under the Warsaw Framework. But it should not be forgotten that the real value of a country-led approach to safeguards is the opportunity and means to strengthen existing domestic governance structures (and functioning) to yield lasting positive outcomes beyond the immediate prospect of REDD+ financing.

Tony La Viña

Dean, Ateneo School of Government
Facilitator, REDD+ negotiations (Copenhagen 2009 and Durban 2011)

Abbreviations

BeRT	Benefits and Risks Tool
COP	Conference of the Parties
CSA	Country-led Safeguards Approach
ER-PIN	Emissions Reduction Programme Idea Note
ESMF	Environmental and Social Management Framework
FCPF	Forest Carbon Partnership Facility
FLEGT–VPA	Forest, Law Enforcement Governance and Trade– Voluntary Partnership Agreements
GRM	Grievance and redress mechanism
IPCC	Intergovernmental Panel on Climate Change
MRV	Measurement, reporting and verification
NFMS	National Forest Monitoring System
PES	Payment for ecosystem services
PLRs	Policies, laws and regulations
REDD+	Reducing emissions from deforestation and forest degradation; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
REDD+ SES	REDD+ Social and Environmental Standards
SESA	Strategic Environmental and Social Analysis
SEPC	Social and Environmental Principles and Criteria
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries

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The Warsaw Framework now provides developing countries with the rules, including safeguard provisions, for operating REDD+, under the United Nations Framework Convention on Climate Change (UNFCCC). Countries seeking to implement national REDD+ programmes under the Convention must meet three safeguard-related requirements in order to access results-based finance: 1) ensure REDD+ activities are implemented in a manner consistent with the Cancun safeguards; 2) develop a system for providing information on how the Cancun safeguards are being addressed and respected; and 3) provide a summary of information on how all the safeguards are being addressed and respected throughout the implementation of REDD+.

The guidelines presented here aim to support countries in determining how to respond to UNFCCC and other REDD+ safeguard commitments, by providing a framework to support the design of a country-led safeguards approach (CSA). A CSA allows a country to respond to international and national safeguard commitments, by building upon the country's existing governance system (its legal, institutional and compliance frameworks) that, combined, can be used to operationalize safeguards and provide information as to how they are being addressed and respected. The figure below presents an overview of the elements of a CSA.

Frameworks of a country's existing governance system that comprise a country-led safeguards approach
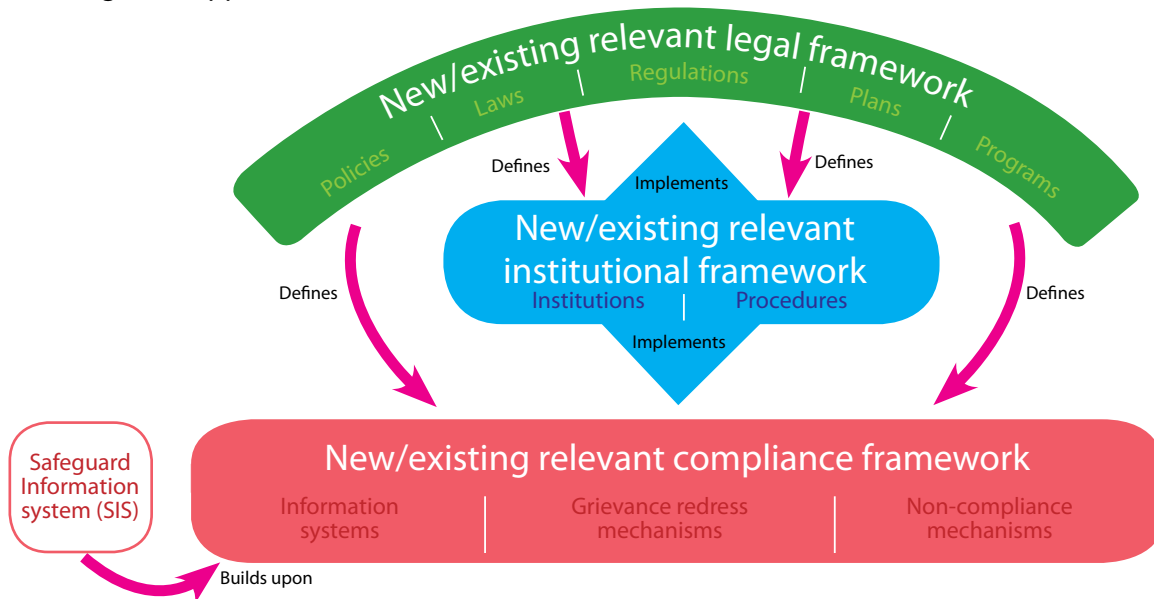
The three constituent frameworks of a CSA already exist in most countries to varying degrees:

1. Legal framework comprised primarily of national policies, laws, and regulations (PLRs), in addition to operational plans and programmes to implement the PLRs.

2. Institutional framework comprised of the institutions, their capacities, and the procedures for implementing the legal framework.

3. Compliance framework comprised of three elements required to guarantee and demonstrate the effective implementation of the legal framework: i) information systems; ii) grievance redress mechanisms, and iii) non-compliance measures and mechanisms.

A CSA offers countries an opportunity to effectively respond to the UNFCCC REDD+ safeguard requirements in a way that fits their own context and circumstances. In addition, a CSA offers countries a single coordinated process for responding to multiple safeguard commitments, in a manner that meets the various requirements of donors, investors and programmes, rather than following a funder-by-funder or programme-by-programme approach. Finally and most importantly, a CSA can effectively contribute to national priorities beyond reducing greenhouse emissions – such as poverty reduction, biodiversity conservation and green growth strategies – a no-regrets approach whereby REDD+ is used to catalyse wider sustainable development.

By building upon the country's existing governance system, a CSA promotes the effective use of a country's legal, institutional and compliance frameworks. A CSA can support countries' efforts to respond to applicable international safeguard commitments, as well as taking the opportunity to significantly improve governance for domestic policy purposes irrespective of REDD+. Although there is no fixed or linear approach to applying a CSA, by drawing on the insights and the learning process of pioneering countries, these broad guidelines may be used by all countries considering the adoption of a country-led safeguards approach.

This document is divided into three parts:

Part I – provides a clear rationale for countries to apply a country-led approach to REDD+ safeguards (Why it is in REDD+ countries' best interests to adopt a CSA);

Part II – provides a comprehensive conceptual framework for a CSA (What elements need be considered for a CSA); and

Part III – provides a set of four stages that all countries can consider for CSA process, and specific steps to implement at each stage (How to design a CSA). The table below presents an overview of the steps, objectives and outputs under each stage.

The CSA guidelines are primarily for use by in-country stakeholders involved in REDD+ readiness, such as policymakers and civil servants from national institutions, as well as members of civil society organizations. A secondary audience is representatives from multilateral or bilateral development partners who are in a position to provide technical and financial assistance to countries on aspects of REDD+ safeguards.

Stage	Steps	Objectives	Outputs
1. Establishing A Multi-Stakeholder Safeguards Body	1.1 Determine who will comprise the multi-stakeholder safeguards body.	Ensure the design and implementation of the CSA is inclusive and transparent.	A defined multi-stakeholder safeguards body, whose members have the capacity and clear responsibility to facilitate the design and implementation of the CSA.
	1.2 Determine the role of the multi-stakeholder safeguards body.		
	1.3 Build the capacities of the members of the multi-stakeholder safeguards body.		

Stage	Steps	Objectives	Outputs
2. Setting Goals & Scope	2.1 Decide on the scope of the country safeguard approach.	Determine the scope for the application of safeguards, by outlining what activities (REDD+ activities and any other additional activities) will be subject to the safeguards requirements under the CSA.	An initial decision as to the scope of the CSA implementation of this step could be captured in a technical, legal or policy framework (e.g. national REDD+ strategy/programme/action plan)..
	2.2 Define what safeguard goals are to be achieved through the CSA.	Determine what safeguard goals (Cancun and additional safeguards) will be applied when implementing the activities subject to the CSA.	A clear identification of the safeguards to be applied to REDD+ activities (and potentially to a broader set of activities). The identification of the safeguard goals can take the form of high-level principles. The implementation of this step could be captured in the legal or policy framework (e.g. national REDD+ strategy/programme/action plan).
	2.3 Decide how the evolving national REDD+ strategy informs safeguards scope and goals.	Selection of policies and measures to address drivers of deforestation and forest degradation, which comprise the national REDD+ strategy, inform setting the scope of the CSA, and vice versa.	A national REDD+ strategy that considers scope of safeguard principles in its design. A CSA that considers the scope of REDD+ policies and measures, as articulated in the national strategy, in its process and resultant products.

Stage	Steps	Objectives	Outputs
3. Identifying & Assessing Frameworks	3.1 Conduct a gap analysis of the legal, institutional and compliance frameworks.	Through a methodological exercise, identify and assess which aspects of those frameworks could be utilized to operationalize the safeguards and design the CSA, and identify the gaps and weaknesses that would need to be addressed.	A technical document(s) that identifies the aspects of the legal, institutional and compliance frameworks that could be used to operationalize the safeguards and design the CSA, and the gaps and weaknesses that would need to be addressed.
	3.1.1 Adopt a methodological approach for identifying and assessing each framework.		
	3.1.2 Identify and assess the aspects of the legal, institutional and compliance frameworks that are relevant to the safeguards.		
	3.2. Formulate recommendations to address identified gaps in the legal, institutional and compliance frameworks.	Identify appropriate actions that could be implemented to address the gaps and weaknesses of the legal, institutional and compliance frameworks.	A technical document(s) that formulates recommendations that could be implemented for addressing the gaps and weaknesses of the legal, institutional and compliance frameworks.

Stage	Steps	Objectives	Outputs
4. Articulating & Designing The CSA	4.1 Define how the safeguard goals will be operationalized using the existing legal, institutional and compliance frameworks, whilst recognizing its existing gaps.	Utilizing the outputs of Stage 3 formally determine what aspects of the existing legal, institutional and compliance frameworks the country will consider to be part of their CSA.	A policy/technical document(s) that articulates how the existing legal, institutional and compliance frameworks of the country will operationalize the safeguards, whilst recognizing existing gaps.
	4.2 Define prioritized lines of actions in the short, medium and long term to address gaps and weaknesses in existing legal, institutional and compliance frameworks.	Define and prioritize actions that need to be taken to have an operational CSA.	A 'roadmap' document that articulates the actions that need to be taken to have an operational CSA, detailing the time frames and the actors responsible for their implementation.
	4.2.1 Define responsibilities and time-frames for implementing actions that will address gaps and weaknesses in the legal, institutional and compliance frameworks.		
	4.2.2 Define necessary institutional arrangements to oversee the functioning of the CSA.		
	4.2.3 Clarify how the CSA will operate at the national and subnational levels.		
	4.3 Set up a system for providing information on the safeguards.	Define an institutional structure and information platform that will be responsible for aggregating, assessing and packaging the information to meet different reporting needs, utilizing indicators or other means.	An institutional structure that serves to gather all relevant information in one place, in order for it to be aggregated and packaged for different reporting needs. An articulation of what existing and new information (if appropriate monitoring and reporting) systems will comprise it. An information platform (may elaborate on existing one or build a new one) to share information (e.g. web portal).

Introduction

International safeguard commitments

Reducing Emissions from Deforestation and forest Degradation (REDD+) is an international climate change mitigation financing mechanism adopted under the United Nations Framework Convention on Climate Change (UNFCCC). REDD+ aims to contribute to the reduction of global greenhouse gas (GHG) emissions, and enhance GHG removals from the atmosphere, through five activities that developing REDD+ countries can implement to earn compensation for emission reduction/enhanced removal results:

1. reducing emissions from deforestation;

2. reducing emissions from forest degradation;

3. sustainable management of forests;

4. conservation of forest carbon stocks; and

5. enhancement of forest carbon stocks.

The potential environmental risks and benefits of REDD+, particularly in terms of indigenous peoples' and local communities' rights, as well as biodiversity and ecosystem services, has brought increased attention to safeguards. REDD+ should, as a minimum, 'do no harm', but also go beyond this to 'do good' and achieve multiple (carbon and non-carbon) benefits. To ensure that social and environmental risks associated with REDD+ are addressed and that multiple benefits can be achieved, Parties to the UNFCCC agreed to a set of seven safeguards for REDD+ at the 16th Conference of the Parties (COP16) (often referred to as the 'Cancun safeguards' – Box 1). Rather than defining a detailed set of safeguard provisions for REDD+, Parties to the UNFCCC have agreed to a set of broad principles that should be implemented in a country-driven manner in accordance with the contexts and circumstances of individual countries.

Box 1: The Cancun safeguards

The following safeguards should be promoted and supported when undertaking REDD+ activities:

(a) Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;

(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;

(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in actions referred to in paragraphs 70 and 72 of this decision;

(e) Actions are consistent with the conservation of natural forest and biological diversity, ensuring that action referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits[1]

(f) Actions to address the risks of reversals; and

(g) Actions to reduce displacement of emissions.

Source: Decision 1/CP.16, appendix I, paragraph 2

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1. Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day.

With the adoption of the 'Warsaw Framework for REDD+' by the 19th Conference of the Parties (COP19) in 2013, REDD+ has become an agreed mechanism under the UNFCCC, encouraging countries to move forward with the development and implementation of national REDD+ programmes. Countries seeking to implement national REDD+ programmes under the UNFCCC must meet three safeguard-related requirements in order to access results-based finance. These are:

1. Countries must ensure REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the safeguards adopted by COP16[2] (the 'Cancun safeguards');[3]

2. Countries must develop a system for providing information on how the Cancun safeguards are being addressed and respected;[4] and

3. Countries must provide a summary of information on how all the Cancun safeguards are being addressed and respected throughout the implementation of REDD+ activities.[5]

Additional expectations of REDD+ funding agencies and donors

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

These include the contractual safeguard requirements of multilateral funds, such as the Forest Carbon Partnership Facility (FCPF) and many bilateral REDD+ funding sources (such as Norway, Australia and Germany).[6] In the near future other proposed multilateral sources such as the Green Climate Fund will establish safeguard mechanisms, and have their own separate safeguard procedures.[7]

Due to the variety of sources of REDD+ finance and the fact that implementing REDD+ often requires access to finance from more than one source, many countries are dealing with multiple safeguard frameworks. This situation might lead to overlapping activities, increased transaction costs and, finally, hindering countries' efforts to ensure compliance with the safeguards and the sustainability of REDD+.

2. UNFCCC Decision 1/CP.16 paragraph 69
3. UNFCCC Decision 2/CP.17 paragraph 63
4. UNFCCC Decision 1/CP.16 paragraph 71 (d), Decision 9/CP.19 paragraph 3
5. UNFCCC Decision 12/CP.17 paragraph 3, Decision 9/CP.19 paragraph 4
6. It should be noted that the FCPF safeguard framework constitutes a contractual conditionality; whilst the UN-REDD programme provides a voluntary guiding framework to assist countries in developing a national approach to safeguards.
7. Progress note on GCF Accreditation and Safeguards Framework, GCF/B/06/09, http://gcfund.net/fileadmin/00_customer/documents/pdf/GCF_B06_09_Guiding_Framework_for_Accreditation_fin_20140211.pdf

Objectives and structure of these guidelines

By providing a framework to support a country-led safeguards approach (CSA), these guidelines aim to assist countries in determining how to respond to the UNFCCC and other international REDD+ safeguard requirements, as well as national priorities beyond reducing GHG emissions.

These guidelines are divided into three parts:

Part I - provides a clear rationale for countries to apply a country-led approach to REDD+ safeguards (Why it is in REDD+ countries' best interests to adopt a CSA);

Part II - provides a comprehensive conceptual framework for its design (What elements need be considered in a CSA); and

Part III - provides a set of four generic stages that all countries can consider for its design, and specific steps to implement each stage (How to design a CSA).

Audience for these guidelines

These guidelines are primarily addressed to in-country stakeholders involved in REDD+ readiness, and in particular safeguards processes, such as policymakers and civil servants from national institutions, as well as members of civil society organizations engaging in these government-led country policy dialogues.

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

Part I. Rationale

Why adopt a country-led safeguards approach?

A country-led safeguards approach (CSA) allows a country to respond to international and national safeguard commitments, by building upon the country's existing governance system (its legal, institutional and compliance frameworks) that, combined, can be used to operationalize safeguards and provide information as to how they are being addressed and respected.

It is important to note that by building upon the country's existing governance system, a CSA promotes the effective use of a country's legal, institutional and compliance frameworks. A CSA can support countries' efforts to respond to applicable international safeguard commitments, as well as taking the opportunity to significantly improve governance for domestic policy purposes irrespective of REDD+.

There are three main reasons why a REDD+ country would consider adopting a CSA:

1. CSA offers countries an opportunity to effectively respond to the UNFCCC requirements related to REDD+ safeguards in a way that fits their own context and circumstances.

2. In addition, a CSA offers countries a single coordinated process for responding to multiple safeguard commitments, in a manner that meets the various requirements of donors, investors and programmes, rather than following a funder-by-funder or programme-by-programme approach.

3. Finally and most importantly, a CSA can effectively contribute to national priorities beyond reducing GHG emissions – such as poverty reduction, biodiversity conservation and green growth strategies – a no-regrets approach whereby REDD+ is used to catalyse wider sustainable development.

The wider benefits of a CSA are elaborated further in Box 2, below.

Box 2: Benefits of a country-led safeguards approach

A CSA has several advantages, e.g. allowing countries to:

- Achieve country ownership and determine the safeguards goals (Cancun safeguards or beyond) that are to be achieved in the country, taking into consideration its national and international policy and bilateral and multilateral contractual, commitments.

- Achieve long-term governance-based benefits beyond results-based payments. A CSA can contribute to national priorities beyond reducing emissions, such as poverty reduction, sustainable development and green growth strategies. This is in line with the global emphasis on 'country ownership' of development processes as stated by the Paris Declaration and Accra Agenda for Action on aid effectiveness, and promoted by relevant financial institutions, such as the World Bank and newly established Green Climate Fund under the UNFCCC. [8]

- The ability to respond to each country context. As the CSA is designed upon the country's own legal, institutional and compliance frameworks, it reflects the opportunities and challenges for the implementation of safeguards.

- Cost-effectiveness and coherency. Once established, a CSA can be a cost-effective approach to responding to the requirements of multiple investors, new programmes or initiatives, with more efficient inception and implementation of interventions, whilst ensuring a coherent standard application of the safeguards.

- Flexibility. A CSA provides the country with the flexibility to go beyond the scope of REDD+ and be more cost-effective in building on sector-wide or even cross-sector safeguard systems.

- Build the confidence of investors. A robust CSA will provide confidence to an international constituency of donors and investors that the major environmental and social risks of REDD+ will be addressed and mitigated through national governance structures and systems rather than being left to piecemeal implementation by individual project developers.

- Build confidence in domestic stakeholders. The CSA demonstrates a government's commitment to address safeguards in a uniform and effective manner to a domestic constituency comprising civil society organisations, land and forest resource owners and users, and indigenous peoples and local communities.

8.   UNFCCC Decision 3/CP.17

However, it is important to be aware that a CSA might not be the right response for some countries, specifically considering their specific contexts and circumstances. In evaluating the adoption of a CSA, countries should consider the benefits highlighted above as well as the following challenges that they may encounter in applying a CSA:

- Lengthy implementation process. The application of a CSA may result in the identification of significant gaps in the country's existing governance system (its legal, institutional and compliance frameworks), which may take more time to resolve than off-the-shelf adoption of existing international safeguard frameworks.

- Strong political will. To achieve its goals, the application of a CSA will require strong and broad political will across sectors and line ministries, and from the various government institutions involved.

- Costs of implementation. A CSA involves a series of gap analyses and capacity building activities, which demand adequate budgetary resources (although not necessarily significantly greater than alternative safeguard approaches).

- Negotiation with funding agencies. Depending on the scope and robustness of the CSA, some funding agencies may require additional efforts to ensure the CSA can demonstrate equivalent compliance to their own safeguard requirements

Part II. Concept

What is a country-led safeguards approach?

As mentioned in Part I, the CSA builds upon a country's existing governance system – its legal, institutional and compliance frameworks – that when combined can be used to respond to national and international safeguard commitments.

Therefore, to varying degrees, the three constituent frameworks of a CSA already exist in most countries:

1. **Legal framework** comprised primarily of national policies, laws, and regulations (PLRs), in addition to operational plans and programmes to implement the PLRs.

2. **Institutional framework** comprised of the institutions, their capacities, and the procedures for implementing the legal framework.

3. **Compliance framework** comprised of three elements required to guarantee and demonstrate the effective implementation of the legal framework: i) information (including monitoring and reporting) systems; ii) grievance redress mechanisms, and iii) non-compliance measures and mechanisms.

These three frameworks and their relationship are shown in Figure 1, whilst Figure 2 outlines the role of the frameworks in the design and operation of a CSA.

It is important to highlight that in order to best explain the elements that comprise the compliance framework, they are presented separately from the legal framework. However, the compliance framework is intrinsically linked to the legal framework and should not be considered as separate or optional. This is because the elements that make up the compliance framework serve as the means to guarantee and demonstrate the effective implementation of a country's legal framework. Without them, the legal framework cannot be effectively implemented and its effective implementation cannot be demonstrated.

In the context of a CSA, the combined relevant aspects of the three frameworks – legal, institutional and compliance – can effectively support countries to respond to the UNFCCC REDD+ safeguard commitments. It is important to recall that UNFCCC REDD+ decisions on safeguards require countries to ensure safeguards are operatio nal during REDD+ activity implementation and to provide information on how the safeguards have been addressed and respected (see Introduction – International Safeguard Commitments).

Figure 1: Frameworks of a country's existing governance system that comprise a country-led safeguards approach
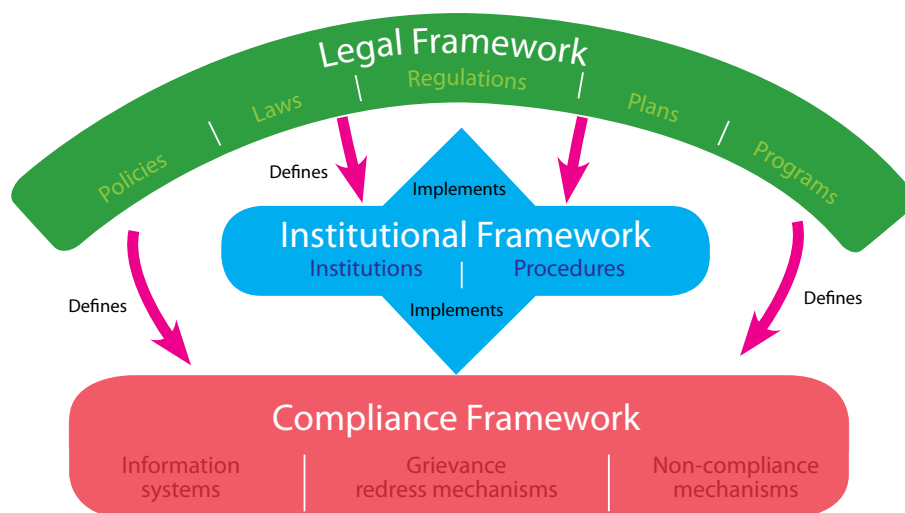
The UNFCCC does not offer any explicit guidance or references on the use of a country's legal, institutional or compliance frameworks to respond to REDD+ safeguards requirements. However, implicit references that clearly promote such use are included in the UNFCCC guidance on the design of a system for providing information on the safeguards, which encourages countries to "build upon existing systems"[9], and by the fact that the wording of the Cancun safeguards themselves grant substantive and procedural rights already recognized, protected and promoted by most countries' legal, institutional and compliance frameworks. These references clearly indicate the intention of the Parties to the UNFCCC to encourage REDD+ countries to respond to safeguard requirements through their own domestic governance system.

Figure 2: Role of the legal, institutional and compliance frameworks in a country-led safeguards approach

Legal Framework

Serves to define how safeguards are to be adhered to when implementing REDD+ activities

Insitutional Framework

Serves to define who will be responsible for ensuring safeguards are adhered to when implementing REDD+ activities

Compliance Framework

Serves to guarantee safeguards are to be adhered to when implementing REDD+ activities

Information systems

Serve to provide information on how safeguards are addressed and respected when implementing REDD+ activities

Grievance redress mechanisims

Serve for addressing complaints of groups or individuals whose rights (embodied in the safeguards) may be affected through the implementation of REDD+ activities

Noncompliance mechanisims

Serve to deal with any failure to address and respect the safeguards when implementing REDD+ activities

Each of the frameworks are examined to demonstrate how they can contribute to a CSA. The actual step-by-step process of how to adopt a CSA (which relates to how to assess and combine the relevant aspects of the three frameworks in order to operationalize the safeguards adopted by a country) will be covered in Part III of these guidelines.

Legal framework -
How are safeguard goals to be achieved?

The legal framework of a country is made up primarily of laws, policies and regulations (PLRs), as well as plans and programmes that can assist in implementing these PLRs[10] (see Box 3). The PLRs and the plans/programmes of a country define what the country commits to promote and protect.

The legal framework is therefore considered to be the basis of the CSA as it serves to define how safeguards are to be adhered to in the country when implementing REDD+ activities (see Table 1 for examples). It also informs the institutional and compliance frameworks in terms of spelling out what institutions are responsible for implementing the legal framework, and which information systems, grievance redress mechanisms and non-compliance mechanisms will ensure the legal framework is effectively implemented (see Figures 1 and 2).

It is important to emphasize that as the legal framework is used to define how safeguards are to be adhered to in the country, the intrinsically related compliance framework should guarantee that the legal framework is effectively implemented. In other words, the compliance framework will demonstrate how the safeguards that are recognized, protected and promoted by the legal framework are effectively being addressed and respected.

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9.   UNFCCC Decision 12/CP.17 paragraph 2 (f)

Box 3: What are laws, policies, regulations, plans and programmes?

- Policies provide political direction for the adoption, implementation and interpretation of laws. For example, a national forest policy sets the goals and long-term direction of the protection and development of the national forest estate without necessarily specifying how this is to be achieved.

- Laws define and regulate rights and obligations that must be guaranteed, without covering operational aspects. For example, a national forest law will seek to implement a national forest policy by defining specific rights and duties that must be recognized and implemented, e.g. recognition of the participation of indigenous peoples in forest decision making processes.

- Regulations are issued by different government line ministries, departments and agencies to carry out the intent of the law. For example, the Ministry of Forestry may issue a regulation to provide technical guidance and economic incentives for tree planting, and which seeks to implement a specific provision on forest landscape restoration in the national forest law.

- Plans generally provide guiding quantitative targets and qualitative principles for programmes and projects. For example, a national plan for protecting mangrove forests might set a target for protecting 50% of existing mangrove forests.

- Programmes operationalize the goals and objectives of plans. Programmes are spatially, temporally and technically explicit about the actions or activities and resources (budget) needed to achieve the plan's goals. For example, a national awareness-raising programme for protecting mangrove forests in the priority jurisdictions where >50% of mangroves occur.

Key points:

- Relevant and applicable international agreements and conventions, on the environment, human rights and indigenous peoples, when adopted by a country (when signed, ratified, or otherwise agreed to), are also considered to be part of the country's legal framework. Accordingly, international treaties may be: i) directly applied[12] in whole or in part; ii) be implemented by enactment of new PLRs; or iii) implemented by revision of the current PLRs.

- In certain cases existing PLRs, plans and programmes may not be enough to provide a basis for the safeguards adopted by the country. How to approach this situation will be examined in Part III of these guidelines.

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10. In many countries the terms 'plans' or 'programmes' are interchangeably used.
11. Will depend or vary according to the methods the country's employs for the 'incorporation' of international law into domestic law.

Table 1: Examples of how a country's existing legal framework can be utilized to ensure country adherence to safeguards

Cancun safeguards[12]	Legal framework examples
(b) Transparent and effective governance structures	A law on access to information can contribute to this safeguard by clearly indicating in which cases this right must be protected, and how this right is to be guaranteed, e.g. the form and the content of information to be disclosed.
(c) Rights of indigenous peoples and local communities	A law on indigenous peoples' rights can provide a basis for this safeguard by defining and regulating the rights that indigenous peoples in the country are entitled to and how these rights are to be promoted and protected.
(d) Full and effective participation of relevant stakeholders	A regulation on environmental impact assessments can provide a basis for this safeguard by requiring and regulating that a meaningful stakeholder participation process is carried out with relevant stakeholders, following certain requirements, procedures and timeframes.
(e) Protection of natural forests and biodiversity	A forest law or forest code can provide a basis for this safeguard by requiring and regulating that natural forests are defined and outlines what is to be conserved.

Institutional framework –
Who will implement the safeguards goals?

The institutional framework refers to the institutions and institutional arrangements assigned responsibility for overseeing the implementation of the legal and compliance frameworks. This includes institutions and institutional arrangements in charge of information systems (including monitoring and reporting), grievance and redress mechanisms and non-compliance mechanisms.

Key points:

- The legal framework informs the institutional framework (i.e. in terms of spelling out which are the institutions in charge of the implementation of the legal framework). See Figure 1.

- The institutional framework is in charge of implementing the legal and compliance framework. See Figure 1.

- The institutions and institutional arrangements within a country's institutional framework are usually led and integrated by government actors, but in certain cases they might encompass non-governmental actors.

- The institutional framework may operate at different horizontal (across line ministries) and vertical levels (through national, regional, local administrative units), and one or more levels could be considered to contribute to the design of the CSA. How to assess this will be examined in Part III of these guidelines.

- The institutional framework needs to be accompanied by strong and clear capacities and mandates, well-articulated legal processes and procedures through which the institutions can effectively operate and coordinate.

- The processes and procedures set out by the institutions serve as the means and methods through which the institutions seek to implement PLRs and guarantee compliance with the legal framework.

- In certain cases existing institutions and institutional arrangements may not be enough to oversee the implementation of the safeguards adopted by the country. How to approach this situation will be examined in Part III of these guidelines.

In adopting a CSA, a country's institutional framework serves to determine who are the institutions responsible for implementing the safeguards that are recognized, protected and promoted by the relevant legal framework. See Table 2 for examples. The relevant institutions comprising this framework would ensure that the safeguards are being addressed and respected when implementing REDD+ activities, and for gathering information on their implementation.

Table 2: Examples of how a country's existing institutional framework can be utilized in a country-led safeguards approach

Cancun safeguards[13]	Institutional Framework
(c): rights of indigenous peoples and local communities	A Law on Indigenous Peoples rights creates a specialized institutional government agency with the responsibility for ensuring that the rights that indigenous peoples are entitled to are promoted and protected. This institution could serve to oversee the implementation of Cancun safeguard C.
(e): protection of natural forests and biodiversity	A Forest Law creates a dedicated forestry institution that is responsible for overseeing that the obligations and requirements set out by the law (e.g. to protect and develop natural forests) are effectively implemented. This institution could serve to oversee the implementation of Cancun safeguard E.

13   UNFCCC Decision 1/CP.16 Annex 1, paragraph 2

Compliance Framework –
How to guarantee the fulfilment of the safeguards?

A country's compliance framework is comprised of three elements required to guarantee and demonstrate the effective implementation of the legal framework: i) information (including monitoring and reporting) systems; ii) grievance and redress mechanisms, and iii) non-compliance mechanisms. Each of the sub-elements of the compliance framework are outlined and explained in the following sections.

It is important to emphasize that in order to demonstrate if and how the Cancun safeguards are being addressed and respected when implementing REDD+ activities, countries will need to demonstrate the effective implementation of their relevant legal framework (which spells out how safeguards are to adhered to in the country when implementing REDD+ activities). The way to demonstrate the effective implementation of the legal framework is through the compliance framework. This does not imply nor infer that countries are expected to be 'compliant' with the Cancun safeguards, but rather are expected to ensure REDD+ activities are compliant with their own national policies, laws and regulations, which, in turn, will ensure consistency with the Cancun safeguards, and that they are addressed and respected.

Therefore in adopting a CSA, the compliance framework serves as the means to guarantee the safeguards are adhered to when implementing REDD+ activities. Specifically, the elements of the compliance framework serve for:

a. Providing information on how the safeguards are being addressed and respected;

b. Addressing any grievances that should arise in relation to the safeguards, and

c. Addressing the lack of, or insufficient, compliance with the safeguards.

Is important to note:

- The legal framework informs the compliance framework (i.e. in terms of spelling out which are the information systems; grievance and redress mechanisms, and non-compliance mechanisms associated with guaranteeing the implementation of the legal framework), whilst the institutional framework is responsible for implementing the compliance framework (See Figure 1).

- The institutional framework should ensure the implementation of the compliance framework, and its constituent elements, which are identified as relevant to the safeguards adopted by the country. How to assess this will be examined in Part III of these guidelines.

2.3.1 Information systems

The existing information (including monitoring and reporting) systems of a country provide information about how the legal framework is being implemented.

In adopting a CSA, the existing 'information systems' of a country should be used to provide information on how the safeguards (that are recognized, protected and promoted by the relevant legal framework) are being addressed and respected. The country can choose to also use existing monitoring and reporting systems. Is important to note the UNFCCC requires providing information on how the safeguards are being addressed and respected, but there are no explicit monitoring or reporting requirements. See Table 3 for an example of how a country's existing information, monitoring and reporting systems can be utilized in a CSA.

Table 3: Example of how a country's existing information, monitoring and reporting systems can be utilized in a country-led safeguards approach

Cancun safeguards[14]	Example of existing information, monitoring and reporting systems
(e): protection of natural forests and biodiversity	A law requires the monitoring and the distribution of information on land classification and land use, including data on forests cover, through the development of forest inventories and a database that is to be updated periodically. This existing information system could contribute to demonstrating compliance with Cancun safeguard (e).

It will also be important for countries to consider the information and reporting processes under relevant and applicable international laws, to which many countries are Party. These information and reporting requirements may also serve to provide additional information and report on the safeguards adopted by the country. See Table 4 for examples of how reporting processes of relevant international treaties and conventions could also be utilized.

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14. UNFCCC Decision 1/CP.16 Annex 1, paragraph 2

Table 4: Example reporting activities under select international instruments that can assist in providing information on the Cancun safeguards

International instrument	Relevant Cancun safeguard[15]	General information required by the instrument that contributes to report on the Cancun safeguards
International Covenant on Economic, Social and Cultural Rights (ICESCR)	(c) and (d)	The ICESCR requires State parties to "Indicate the ways and means by which the State party recognizes and protects the rights of indigenous communities, if any, to ownership of the lands and territories which they traditionally occupy or use as traditional sources of livelihood. Also indicate the extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought, in any decision-making processes affecting their rights and interests under the Covenant, and provide examples."[16]
Convention on Biological Diversity (CBD)	(e)	The CBD requires State parties to provide information on their national biodiversity strategy and action plan (NBSAP), its implementation, and the mainstreaming of biodiversity. This includes specifying the following points: what measurable biodiversity targets the country has set, in line with the Aichi Biodiversity Targets; how the NBSAP has been updated to incorporate these targets; what actions the reporting country has taken to implement the Convention since the fourth report (relevant legislation, policies, institutional and cooperative mechanisms, and funding) as well as the outcomes of these actions; how effectively biodiversity has been mainstreamed into relevant sectoral and cross-sectoral strategies, plans and programmes; and the extent to which the NBSAP has been implemented.

15. UNFCCC Decision 1/CP.16 Annex 1, paragraph 2
16. Section B of the guidelines on treaty-specific documents to be submitted by State parties under articles 16 and 17 of the ICESCR

Key points:

- Information systems play a key role in meeting the UNFCCC REDD+ safeguards requirement of setting up a system for providing information on how the safeguards are being addressed and respected.[17] This will be examined in Part III of these guidelines.

- In certain cases existing information systems may not be adequate to provide information on the safeguards. How to approach this situation will be examined in Part III of these guidelines.

- Existing information (and, if included, monitoring and reporting) systems may operate at multiple different scales (national, subnational, local), and one or more could be considered to contribute to the CSA. How to assess this will be examined in Part III of these guidelines.

- National forest monitoring systems (NFMSs) may be considered, as appropriate, as a means to gather information, monitor and report on the safeguards adopted by the country.[18]

2.3.2 Grievance redress mechanisms

Grievance redress mechanisms (GRMs) are outlined in a country's existing compliance framework to settle disputes between actors if and when their rights (defined by the legal framework) have not been duly respected or recognized. Such processes tend to come in the form of negotiation, mediation, arbitration, or through use of judicial or administrative systems.

In adopting a CSA, the existing GRMs of a country could be used to address the complaints of groups or individuals whose rights (embodied in the safeguards) may be affected through the implementation of REDD+ activities. See Table 5 for examples.

However, in the context of REDD+ it is important to recognize that newly created and dedicated REDD+ GRMs can play an important role in the CSA. Considering that many REDD+ relevant stakeholders may not be capable of directly accessing existing judicial and administrative GRMs, dedicated feedback, grievance and redress mechanisms (FGRMs) or GRMs can serve to gather complaints, address minor disputes and direct and support stakeholders in accessing the existing judicial and administrative mechanisms in place in the country. How to address the above is examined in Part III of these guidelines.

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17. UNFCCC Decision 1/CP.16 paragraph 71 (d), Decision 9/CP.19 paragraph 3
18. UNFCCC Decision 11/CP.19 paragraph 5

Key points:

- In certain cases, existing GRMs may not be enough to settle disputes between actors in relation to the safeguards adopted by the country. How to approach this situation will be examined in Part III of these guidelines.

- Countries should consider that GRMs may operate at multiple scales (e.g. national, regional, local) with different GRMs in different jurisdictions, and that their respective roles would need to be determined when designing the CSA. How to assess this will be examined in Part III of these guidelines.

Table 5: Examples of how a country's existing grievance redress mechanisms can be utilized in a country-led safeguards approach

Cancun safeguard [19]	Examples of existing grievance redress mechanisms
(c) Rights of Indigenous peoples	If a group of indigenous peoples were expelled from their land in a clear violation of a legal obligation to respect their right to land, it would trigger a judicial GRM to examine the situation and provide an pragmatic solution. In the case of REDD+ this GRM could contribute towards guaranteeing that indigenous peoples' right to land are respected.
(d) Participation of relevant stakeholders	If a project developer has failed to respect the legal requirement to carry out a meaningful stakeholder consultation with the relevant local community, it would trigger an administrative GRM to examine the situation and provide an effective remedy (e.g. require that the consultation is carried out). This is a case that is usually linked to additionally triggering non-compliance measures (see section 2.3.3, Table 6.)

2.3.3 Non-compliance measures and mechanisms

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

19. UNFCCC Decision 1/CP.16 Annex 1, paragraph 2

In adopting a CSA, existing non-compliance measures and mechanisms could be used to deal with any failure to address and respect the safeguards adopted by the country. See Table 6 for examples.

Key points:

- Non-compliance measures and mechanisms are not equivalent to GRMs, but in certain cases both may operate in parallel and/or in a complementary manner.

- In certain cases existing non-compliance measures and mechanisms may not be enough to address any failure to respect the safeguards adopted by the country. How to approach this situation will be examined in Part III of these guidelines.

Table 6: Examples of how a country's existing non-compliance measures and mechanisms can be utilized in a country-led safeguards approach

Cancun safeguard[20]	Examples of existing non-compliance measures and mechanisms
(d) Participation of relevant stakeholders	If a project developer has failed to respect the legal requirement to carry out a meaningful stakeholder consultation, it might trigger a non-compliance mechanism to address that failure by insisting that consultation is carried out, and/or failure of the project. In the case of REDD+, additional non-compliance penalties may be that the project cannot be included in the national REDD+ registry. See Table 5 for an example for when non-compliance mechanisms may operate in parallel and in a complementary manner with GRMs.
(e) Non-conversion of natural forests	The legal framework of a country might prohibit unplanned conversion of natural forests. The non-compliance measures associated with failing to comply with this prohibition might be a 5-10 year prison sentence, plus covering the costs for the planting of a specific area of forest. In the case of REDD+ this type of measure would contribute towards guaranteeing that the non-conversion of natural forests do not take place when implementing REDD+ activities.

20. UNFCCC Decision 1/CP.16 Annex 1, paragraph 2

Part III. Guidance

How to apply a country-led safeguards approach?

The guidelines for how to apply a country-led safeguards approach are organized around four main stages (Figure 3):[21]

Figure 3: Stages of a country-led safeguards approach

Stage 1 Establishing a multi-stakeholder safeguards body

Stage 2 Setting goals and scope

Stage 3 Identifying and assessing frameworks

Stage 4 Articulating and defining the system
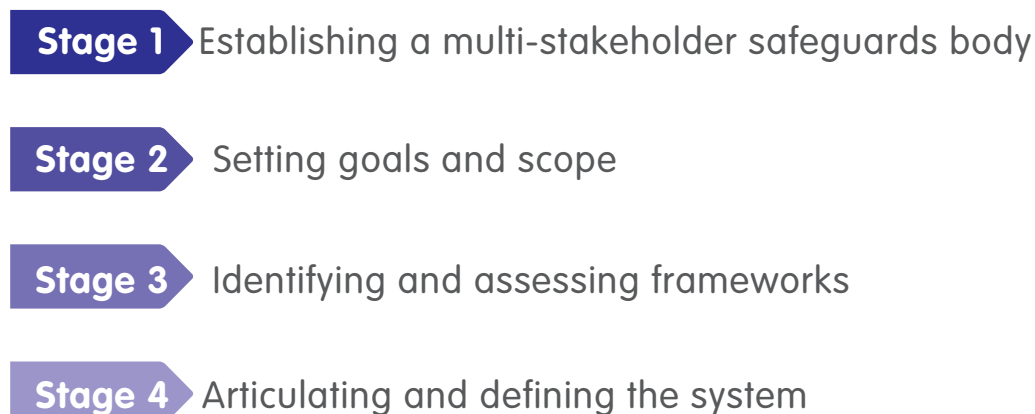
There is no fixed and linear approach to developing a country-led safeguards approach, as it will depend significantly on the context and circumstances of the country. Countries that have implemented certain steps (e.g. the development of indicators) can also use these guidelines to define additional and appropriate steps that meet their contexts and objectives.

Table 7 presents a more detailed overview of the four stages, their constituent steps and their respective objectives and outputs. Figure 4 provides an overview of what a country-led safeguards approach would look like after implementing these stages and building upon a country's governance system (i.e. would define the relevant aspects of each framework used to operationalize safeguards and provide information on how they are being addressed and respected).

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21. Please note that although stages are numbered, there is potential to address stages in parallel

Figure 4: What a country-led safeguards approach would look like after implementing stages 1 to 4

Table 7: Overview of a country-led safeguards approach – stages, steps, objectives and outputs

Stage	Steps	Objectives	Outputs
1. Establishing A Multi-Stakeholder Safeguards Body	1.1 Determine who will comprise the multi-stakeholder safeguards body.	Ensure the design and implementation of the CSA is inclusive and transparent.	A defined multi-stakeholder safeguards body, whose members have the capacity and clear responsibility to facilitate the design and implementation of the CSA.
	1.2 Determine the role of the multi-stakeholder safeguards body.		
	1.3 Build the capacities of the members of the multi-stakeholder safeguards body.		

Table 7: Overview of a country-led safeguards approach – stages, steps, objectives and outputs

Stage	Steps	Objectives	Outputs
2. Setting Goals & Scope	2.1 Decide on the scope of the country safeguard approach.	Determine the scope for the application of safeguards, by outlining what activities (REDD+ activities and any other additional activities) will be subject to the safeguards requirements under the CSA.	An initial decision as to the scope of the CSA

implementation of this step could be captured in a technical, legal or policy framework (e.g. national REDD+ strategy/programme/ action plan).. |
| | 2.2 Define what safeguard goals are to be achieved through the CSA. | Determine what safeguard goals (Cancun and additional safeguards) will be applied when implementing the activities subject to the CSA. | A clear identification of the safeguards to be applied to REDD+ activities (and potentially to a broader set of activities). The identification of the safeguard goals can take the form of high-level principles.

The implementation of this step could be captured in the legal or policy framework (e.g. national REDD+ strategy/programme/ action plan). |
| | 2.3 Decide how the evolving national REDD+ strategy informs safeguards scope and goals. | Selection of policies and measures to address drivers of deforestation and forest degradation, which comprise the national REDD+ strategy, inform setting the scope of the CSA, and vice versa. | A national REDD+ strategy that considers scope of safeguard principles in its design.

A CSA that considers the scope of REDD+ policies and measures, as articulated in the national strategy, in its process and resultant products. |
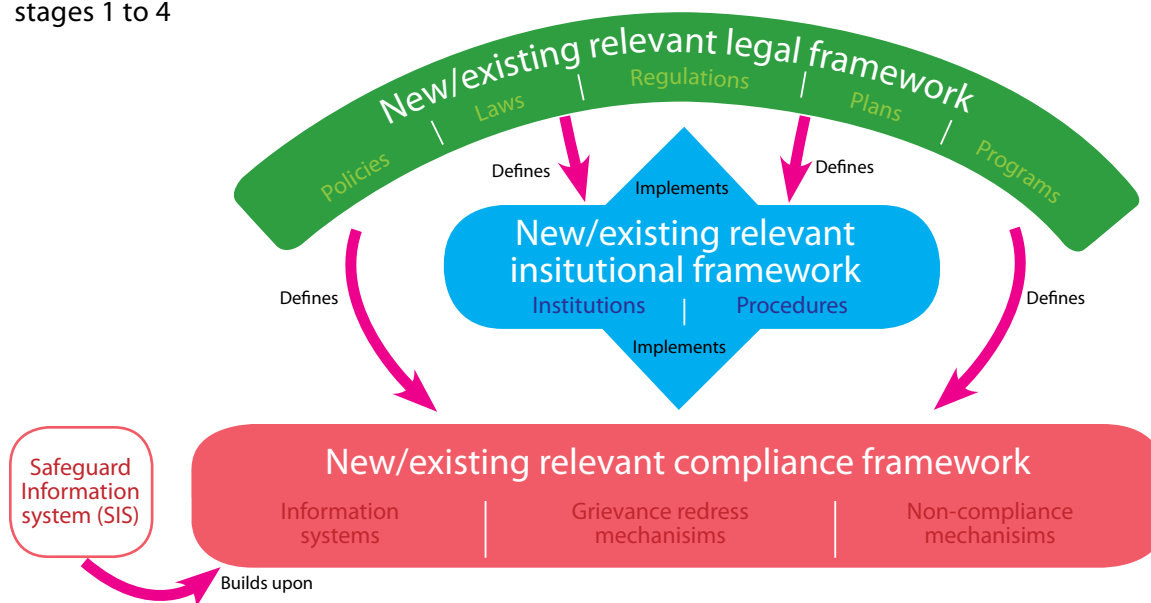
Table 7: Overview of a country-led safeguards approach – stages, steps, objectives and outputs

Stage	Steps	Objectives	Outputs
3. Identifying & Assessing Frameworks	3.1 Conduct a gap analysis of the legal, institutional and compliance frameworks.	Through a methodological exercise, identify and assess which aspects of those frameworks could be utilized to operationalize the safeguards and design the CSA, and identify the gaps and weaknesses that would need to be addressed.	A technical document(s) that identifies the aspects of the legal, institutional and compliance frameworks that could be used to operationalize the safeguards and design the CSA, and the gaps and weaknesses that would need to be addressed.
	3.1.1 Adopt a methodological approach for identifying and assessing each framework.		
	3.1.2 Identify and assess the aspects of the legal, institutional and compliance frameworks that are relevant to the safeguards.		
	3.2. Formulate recommendations to address identified gaps in the legal, institutional and compliance frameworks.	Identify appropriate actions that could be implemented to address the gaps and weaknesses of the legal, institutional and compliance frameworks.	A technical document(s) that formulates recommendations that could be implemented for addressing the gaps and weaknesses of the legal, institutional and compliance frameworks.

Stage	Steps	Objectives	Outputs
4. Articulating & Designing The CSA	4.1 Define how the safeguard goals will be operationalized using the existing legal, institutional and compliance frameworks, whilst recognizing its existing gaps.	Utilizing the outputs of Stage 3 formally determine what aspects of the existing legal, institutional and compliance frameworks the country will consider to be part of their CSA.	A policy/technical document(s) that articulates how the existing legal, institutional and compliance frameworks of the country will operationalize the safeguards, whilst recognizing existing gaps.
	4.2 Define prioritized lines of actions in the short, medium and long term to address gaps and weaknesses in existing legal, institutional and compliance frameworks.	Define and prioritize actions that need to be taken to have an operational CSA.	A 'roadmap' document that articulates the actions that need to be taken to have an operational CSA, detailing the time frames and the actors responsible for their implementation.
	4.2.1 Define responsibilities and time-frames for implementing actions that will address gaps and weaknesses in the legal, institutional and compliance frameworks.		
	4.2.2 Define necessary institutional arrangements to oversee the functioning of the CSA.		
	4.2.3 Clarify how the CSA will operate at the national and subnational levels.		
	4.3 Set up a system for providing information on the safeguards.	Define an institutional structure and information platform that will be responsible for aggregating, assessing and packaging the information to meet different reporting needs, utilizing indicators or other means.	An institutional structure that serves to gather all relevant information in one place, in order for it to be aggregated and packaged for different reporting needs. An articulation of what existing and new information (if appropriate monitoring and reporting) systems will comprise it. An information platform (may elaborate on existing one or build a new one) to share information (e.g. web portal).

Guidance on each stage includes:

- **Objectives and outputs:** provided in a summary table, reminding the reader of the purpose of, and the main results expected, from each step.

- **Steps:** concise set of instructions on how to complete each stage.

- **Country practices:** provided in text boxes, reflecting real world examples of how pioneering countries have approached and implemented these steps.

- **Tools:** provided in a table format, listing the various existing safeguard tools for countries to consider when implementing each stage. However, it is important to highlight that the UN-REDD programme's Country Approaches to Safeguards Tool (CAST) provides a more detailed breakdown of available tools and resources.[22]

The process for designing a country-led safeguards approach should be accompanied by awareness raising and capacity building activities for all relevant stakeholders involved. These activities should be conducted at all stages, as an iterative and on-going process as needed throughout CSA development.

22. Available at: http://www.un-redd.org/Multiple_Benefits/CAST/tabid/133448/Default.aspx

Stage 1

Establishing a multi-stakeholder safeguards body

Objectives	Outputs
Ensure the design and implementation of the CSA is inclusive and transparent	A defined multi-stakeholder safeguards body, whose members have the capacities and clear responsibilities to facilitate the design and implementation of the CSA.
	The creation, terms of reference and internal rules of the multi-stakeholder safeguards body could be captured in a regulation.

A participatory process will be essential in developing an inclusive and transparent CSA. Countries should consider putting in place a multi-stakeholder body, such as a technical working group, to facilitate the design and implementation of the approach. See Box 4 for an example country practice.

Box 4: Country practice on setting up a multi-stakeholder safeguards body

With the support of the REDD+ SES initiative, Guatemala created a National Committee on Environmental and Social Safeguards (CNSAS). Representatives from government, civil society, indigenous peoples groups, local communities, the private sector and academia were included in this system.

Although the CNSAS was originally created to support the use of REDD+ SES and to develop a safeguards information system in the country, its members have agreed to expand its role to be able to support the design and implementation of a country safeguards system. In 2013 the committee members benefited from several training and capacity building activities, which were held to ensure that all of its members could effectively participate.

Figure 5 sets out the steps for implementing Stage 1. While it is better to create and utilize a safeguards multi-stakeholder body as early as possible, in practice, it can be created in parallel to any stage of the CSA process.

Figure 5: Steps for implementing Stage 1 of a country-led safeguards approach

1.1 Determine who will compromise the multi-stakeholders safeguards body

1.2 Determine role of the multi- stakeholders safeguards body

1.3 Build the capacities of the members of the multi- stakeholders safeguards body
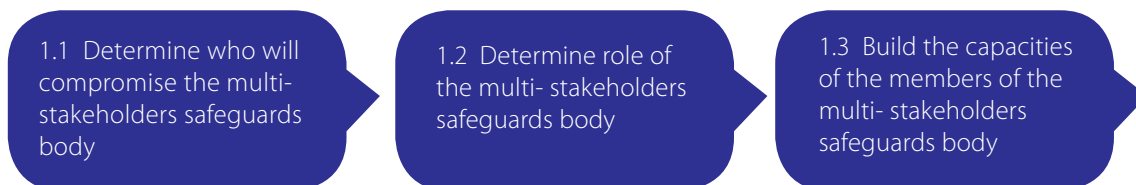
Where an appropriate multi-stakeholder body exists, unnecessary duplication of structures should be avoided, and instead build on, and integrate with, existing platforms created for REDD+, or other environmental/forest management processes, e.g. Forest Law Enforcement, Governance & Trade (FLEGT) Voluntary Partnership Agreements (VPA).

1.1. Determine who will comprise the multi-stakeholder safeguards body

In setting up a multi-stakeholder safeguards body, countries will need to determine 'who' will comprise its membership. As a minimum, countries should ensure a balanced representation from all interested and relevant stakeholders that may be potentially affected by REDD+ activities. Key stakeholder groups whose representation should be considered are:

- Government departments,
- Non-governmental organizations,
- Academia and research organizations,
- Indigenous peoples groups,
- Local communities, and
- Private sector

In the cases where a multi-stakeholder body exists (e.g. such as REDD+ technical working groups developed under FCPF or REDD+ SES), countries will need to assess if the existing body could be utilised for the purposes of guaranteeing a participation in the CSA. If countries determine it would be appropriate and beneficial to create a dedicated multi-stakeholder safeguards body, they should seek to build upon and liaise with the existing multi-stakeholder body. In particular, countries should seek to determine which stakeholders already participating in the existing relevant fora should be part of a multi-stakeholder safeguards body.

1.2. Determine the role of the multi-stakeholder safeguards body

Countries will need to determine the role and responsibilities of the multi-stakeholder safeguards body. The two main and complementary roles the multi-stakeholder safeguards body could have are:

- To provide technical inputs to the development and implementation of a CSA (that is to be led by the government), and

- To help facilitate and oversee the CSA process.

Once the overall role of the multi-stakeholder safeguards body is determined, the specific responsibilities should also be defined and agreed upon by its members. Additionally, its members will need to define the terms of reference and the internal operating rules.

Finally, it is important to consider that all documentation related to the creation and the functioning of the multi-stakeholder safeguards body should be publicly available and accessible to all interested people. Countries may want to consider creating a dedicated website or page (within an existing relevant REDD+ website) to share this information.

1.3 Build the capacities of the members of the multi-stakeholder safeguards body

To ensure the effectiveness of the multi-stakeholder safeguards body, it will be important to provide an initial injection of capacity building to its members around REDD+ and safeguards. This initial investment in institutional capacity should seek to achieve uniform levels of knowledge and understanding of different members of the multi-stakeholder safeguards

body across government, civil society and the private sector. In this regard, countries need to consider facilitating awareness raising and capacity building activities (e.g. training workshops and meetings) for the members of the multi-stakeholder body, and for the stakeholders they represent.

While an initial capacity building process is an important step, capacity building and awareness raising should be conducted as needed at all stages of the design of the CSA. It is important to note that the issues to be covered by the capacity building and awareness raising may vary with each stage (e.g. Stage 3 may require carrying out capacity building activities regarding the linkages between the country's legal framework with the operationalization of the safeguards).

Tools/Resources	Comments
REDD+ SES Guidelines	Provides detailed guidelines for the confirmation of safeguards multi-stakeholder bodies (Facilitation Team and a Standards Committee)
UN-REDD/FCPF Stakeholder engagement Guidelines	Provides guidelines on how participation of stakeholders can be ensured in REDD+ activities.

Stage 2
Setting goals & scope

Stage 2 of the CSA has three interconnected steps (see Figure 6); each accompanied by specific objectives and outputs.

Figure 6: Interconnected steps of Stage 2 of a country-led safeguards approach

2.1 Decide on the scope of country safeguard application - REDD+ only; multi- sector?

2.2 Decide what safeguard goals are to be achieved - Cancun or beyond...?

2.3 Decide on how the evolving national REDD+ strategy informs safeguards scope and objectives - and visa versa

2.1 Decide on the scope of country safeguards application

Objectives	Outputs
Determine the scope for the application of safeguards, by outlining what activities (REDD+ activities and any other additional 'activities') will be subject to the safeguards requirements under the CSA.	An initial decision on the scope of the CSA. The implementation of this step could be captured in a technical, legal or policy framework (e.g. national REDD+ strategy/programme/action plan).

The scope of the CSA can vary depending on which activities and sectors a country chooses to regulate through this approach. The three broad options are: a) an approach focused specifically on REDD+; b) a sector-wide approach; or c) a cross-sectoral approach; all which are described below. See Figure 7 for a visual representation of the different scopes for the CSA. The scope of the CSA can vary depending on which

activities and sectors a country chooses to regulate through this approach. The three broad options are: a) an approach focused specifically on REDD+; b) a sector-wide approach; or c) a cross-sectoral approach; all which are described below. See Figure 7 for a visual representation of the different scopes for the CSA.

- A REDD+ safeguards approach seeks to apply safeguards only to those activities[23] to be financed under the national REDD+ programme within the country. This approach will often require cross-sector application of safeguards, as REDD+ activities in most countries will cover interventions in multiple sectors, such as forestry, agriculture, energy, etc.

- A sector-wide safeguards approach seeks to apply safeguards to the determined activities of one particular sector (e.g. forestry). The difference between a REDD+ safeguards approach and a sector-wide safeguards approach is that the latter applies safeguards to all activities in a given sector (going beyond the 'REDD+ activities' that are to be implemented by the country).

- Finally, a cross-sector safeguards approach covers multiple sectors that seek to apply safeguards across their operations and activities, again, irrespective of how those activities are financed. The difference between a REDD+ safeguards approach and a cross-sector safeguard approach is that the latter applies safeguards to a much broader and comprehensive set of activities in the selected sectors. This scope goes beyond ensuring safeguards are applied to REDD+ activities designed to address drivers of deforestation and forest degradation, and could cover, for example, the application of social and environmental safeguards to all land-based activities (agriculture, forestry, energy, mining, etc.) in a country.

Figure 7: Potentially different scopes of a country-led safeguards approach

Source: adapted from Rey et al. (2013b)
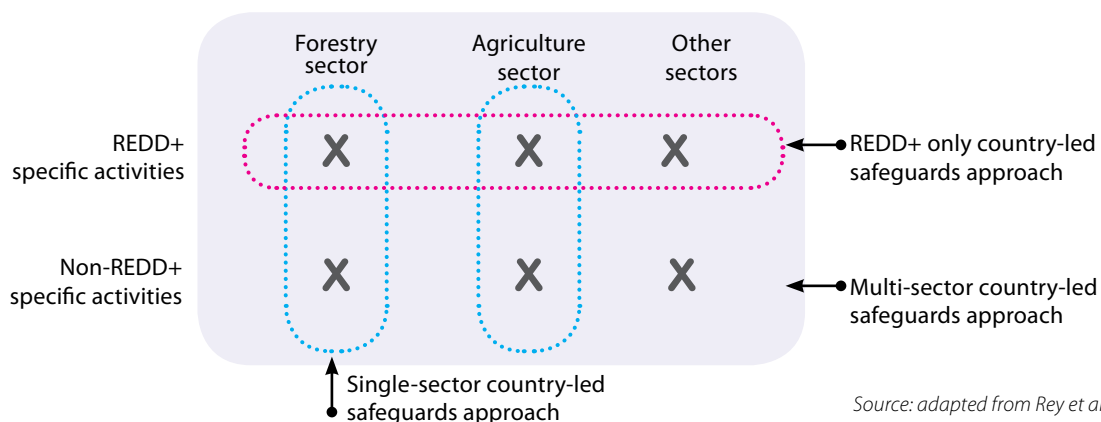
23. The activities listed in decision 1/CP.16 paragraph 70: (a) Reducing emissions from deforestation; (b) reducing emissions from forest degradation; (c) conservation of forest carbon stocks; (d) sustainable management of forests; (e) enhancement of forest carbon stocks

A country can determine to start with a scope that suits their context and progress through a phased approach to developing a comprehensive country safeguards approach for land-based economic activities, catalysed by REDD+, i.e. starting with a CSA focused on REDD+, progressing to cover entire sectors, say forestry or agriculture, and ultimately striving towards a cross-sectoral CSA). It is understood that both a sector-wide system and a cross-sector approach would incorporate REDD+ activities. Therefore, no matter what scope a country chooses, it will need to determine which REDD+ activities are to be implemented in the country and how these will be achieved

Countries that choose to have a broader scope for their CSA (a sector specific approach and a cross-sectoral approach) will need to go beyond the scope of REDD+ activities in terms of defining additional land-use activities that will need to be consistent with the safeguards adopted by the country. See country practice example in Box 5.

Box 5: Country practice example in determining the scope of its CSA

In 2012, Mexico reformed its Law on Sustainable Forest Development (LGDFS) article 134 Bis, establishing that the Cancun safeguards and a set of additional safeguards would be applied to policies and activities related to environmental services (including REDD+). Consequently, Mexico determined that a broader set of activities (beyond REDD+ activities) would be subject to the application of the country's safeguards, opting for a sector-wide system that incorporates REDD+.

In its most comprehensive form, a country safeguards approach would serve as a cross-sectoral framework for environmental and social performance across all land-based sectors – forestry, agriculture, domestic energy, etc. – which is consistent with High Level Fora on Aid Effectiveness (especially those held in Paris and Accra) that have placed considerable emphasis on the need for countries to develop their own national, cross-sectoral safeguards systems. The initial and iterative process for choosing the scope will primarily depend on what is politically feasible in terms of ensuring safeguards are applied to selected activities and sectors.

2.2 Define what safeguards goals are to be achieved through the country-led safeguards approach

Objectives	Outputs
Determine what safeguards goals (Cancun safeguards and any additional ones) will be applied when implementing the activities subject to the CSA	A clear identification of the safeguards to be applied to REDD+ activities (and potentially to a broader set of activities). The identification of the safeguard goals can take the form of high-level principles. The implementation of this step could be captured in the legal or policy framework (e.g. national REDD+ strategy/programme/action plan).

The second interrelated step under Stage 2, is defining what safeguard goals are to be achieved through the CSA. Countries' identification of activities that will be subject to safeguards, and the selection of safeguards to apply to those activities, should be mutually supportive and determined through an iterative process that informs each other. This is especially important in the case of systems specific to REDD+, as National REDD+ strategies or programmes are expected to define what REDD+ activities will be implemented in the country and what set of safeguards will be applied.

It is important to recall that if countries seek to participate in the UNFCCC REDD+ mechanism and access results-based payments, they must ensure REDD+ activities are "consistent with the Cancun safeguards."[24] Therefore, a country's choice of safeguards (no matter the scope of the system they choose) can range from minimum consistency with the Cancun safeguards through to the coverage of additional safeguard goals in accordance to their unique country needs and preferences. In going beyond the Cancun safeguards, countries can meet other existing national and international requirements.

Defining safeguard goals can take the form of high-level principles and in some cases countries may choose to elaborate criteria to support their understanding. This step should result in a legal or political commitment by the government. Box 6 provides an example of a country, Mexico, that has determined and legislated that they will implement the Cancun safeguards as well as select additional safeguards. In some cases the additional safeguard goals overlap with the requirements of the Cancun safeguards (e.g. conformance with international agreements).

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24. UNFCCC Decision 12/CP.17 paragraph 63

In defining what safeguard goals are to be achieved through the CSA it is also important for countries to consider the set of safeguards derived from their national and international laws (e.g. international human rights agreements), and bilateral and multilateral contractual commitments (e.g. FCPF and/or bilateral REDD+ initiatives), which are not covered by the

Box 6: Country practice in defining and legislating safeguard goals: Mexico's legal adoption of the Cancun safeguards

In 2012, Mexico reformed its Law on Sustainable Forest Development (LGDFS) article 134 Bis, legally recognizing the Cancun safeguards and further establishing an additional set of safeguards to be applied in policies and activities related to environmental services (including REDD+). Furthermore, the draft National REDD+ Strategy (ENAREDD+) specifically sets out that the REDD+ activities will be consistent with the Cancun safeguards.

Safeguard goals in Mexico that go beyond the Cancun safeguards as stipulated in art. 134 Bis by the LGDFS;

1. Free, prior and informed consent for ejidos (communal lands), communities and indigenous peoples;

2. Equitable distribution of benefits;

3. Certainty and respect for property rights and legitimate possession. Access to natural resources by owners and rightful owners of the land;

4. Inclusion and territorial, cultural, social and gender equity;

5. Plurality and social participation;

6. Transparency, access to information and accountability;

7. Recognition and respect for the forms of internal organization;

8. Mainstreaming, comprehensiveness, coordination and complementarity between policies and instruments of the three branches of government.

Cancun safeguards. By ensuring the country's safeguards goals are comprehensive, countries can ensure that their CSA can be used to meet all the safeguards requirements applicable to the country.

2.3 Decide on how the evolving national REDD+ strategy informs safeguard scope and goals

Objectives	Outputs
Selection of policies and measures to address drivers of deforestation and forest degradation, which comprise the national REDD+ strategy, inform setting the scope of the CSA, and vice versa	A national REDD+ strategy that considers scope of safeguard principles in its design A CSA that considers the scope of REDD+ policies and measures, as articulated in the national strategy, in its process and resultant products

Since REDD+ activities in most countries will cover multiple sectors (such as forestry, agriculture, energy, etc.), and should seek to address the drivers of deforestation and forest degradation, the scope of application of a CSA specific to REDD+ will be determined by the choice of policies and measures in the national REDD+ strategy to address these drivers. See Table 8 for examples of country-selected REDD+ activities and how they would influence the scope of a CSA specific to REDD+. Therefore, in assessing the scope of application that such a CSA will have, countries should seek to examine what and how a set of REDD+ activities will be implemented.

Table 8: Examples of how selected REDD+ activities determine the scope of application of a country-led safeguards approach specific to REDD+

Country	REDD+ activities	Scope of application of a REDD+ specific CSA
Costa Rica [25]	REDD+ activities are linked to the Payment for Ecosystem Services (PES) programme of the country. Defined REDD+ activities associated with avoided deforestation[26] and enhancement of carbon stocks[27] are: • Expanding PES coverage to reduce the deforestation rate even further in regenerated and old-growth forest. • Providing PES for regeneration and reforestation. • Promoting the sustainable production and consumption of wood from natural primary and secondary forests	In this case, REDD+ activities are to be implemented through policies that do not require the involvement of other sectors. Consequently the scope of application of a CSA specific to REDD+ is limited to the sector in charge of their implementation.
Democratic Republic of Congo[28]	REDD+ activities directly seek to address the drivers of deforestation and forest degradation in the country. Defined REDD+ activities are: • Reduced-impact logging (through intensified monitoring and legal enforcement) • Re/afforestation through the provision of incentives • Agroforestry and agricultural intensification • Bushfire control for protection of natural regeneration • Creation and management of conservation concessions and conservation areas • Community forest management • Improved energy efficiency	In this case the country is seeking to implement 'REDD+ activities' that can tackle the drivers of deforestation and forest degradation, and which requires the involvement of other sectors. Consequently the scope of application of a REDD+ specific CSA would be determined by the sectors that need to be involved in the implementation of these REDD+ activities.

25. ER-PIN 15th of February of 2013 available at http://forestcarbonpartnership.org/sites/fcp/files/2013/Costa%20Rica%20FCPF%20ER%20PIN%20revised%20February%2015%202013.pdf
26. Activities listed in decision 1/CP.16 paragraph 70 letter (a) Reducing emissions from deforestation
27. Activities listed in decision 1/CP.16 paragraph 70 letter (e) enhancement of forest carbon stocks
28. ER-PIN April 2014 available at http://forestcarbonpartnership.org/sites/fcp/files/2014/February/DRC%20ER-PIN%20CF9.pdf

Useful tools for stage 2

Tools/Resources	Comments
FCPF Social and Environmental Strategic Assessment (SESA)	SESA is an assessment process that combines analytical tools and participatory approaches to contribute to the design of the national REDD+ strategy. SESA is expected to inform the design of the national REDD+ strategy/programme in terms of, among other things, what activities will be subject to binding safeguards. Consequently it could serve as an opportunity for evaluating the scope of the CSA.
UN-REDD Participatory Governance Assessment (PGA)	Provides a multi-stakeholder process that enables stakeholders to define priority governance issues linked to REDD+ in the country. As the design of the CSA builds upon countries governance systems, it may serve as an opportunity for evaluating the scope of the CSA.
UN-REDD SEPC	Provides detailed criteria that can be used to unpack the thematic elements of the Cancun safeguards and set the countries' safeguard goals.
REDD+ SES	Provides principles, criteria and indicators that can be used to as a reference to set country safeguard goals.

Stage 3
Identifying & assessing frameworks

While additional goals may be subsequently incorporated into the CSA and the scope of the CSA may also be expanded, countries at this stage should have an initial but clear idea of the safeguard goals that are to be achieved. Stage 3 seeks to help countries assess how their existing governance system (i.e. legal, institutional and compliance frameworks) can help operationalize the safeguard goals. Figure 8 sets out the steps for implementing Stage 3. Each step is accompanied by specific objectives and outputs.

Figure 8: Steps for implementing Stage 3 of a country-led safeguards approach

3.1 Conduct gap analyses of the legal, institutional and compliance frameworks

3.1.1 Adopt methodological approach for identifying and assessing each framework

3.1.2 Identify and assess the aspects of the legal and compliance frameworks that are relevant to the safeguards

3.2 Formulate recommendations to address identified gaps in the legal frameworks

3.1 Conduct gap analyses of the legal, institutional and compliance frameworks

Objectives	Outputs
Through a methodological exercise identify and assess which aspects of the existing legal, institutional and compliance frameworks could be utilized to operationalize the safeguards, design the CSA and identify the gaps and weaknesses that would need to be addressed.	A technical document(s) that identifies the aspects of the legal, institutional and compliance frameworks that could be used to operationalize the safeguards and design the CSA, and the gaps and address any identified weaknesses.

3.1.1 Adopt a methodological approach for identifying and assessing each framework

In order to identify and assess existing legal, institutional and compliance frameworks against the Cancun safeguards, countries will need to adopt a methodological approach for identifying and assessing those frameworks, including identifying any gaps and weaknesses.

Countries should consider that gap analyses should be carried out on the legal, institutional and compliance frameworks both on 'paper' (identifying and assessing what is articulated in formal government documents) and in 'practice' (identifying and assessing how the relevant aspects of the legal, institutional and compliance frameworks actually function, or not, in reality). Countries should also note that the gap analysis of each framework may take considerable resources (particularly time), and should be carried out in a phased approach (starting with the legal gap analysis), building upon each gap analysis as it is undertaken. Finally, and most importantly, countries will need to determine clear parameters against which the existing frameworks are to be identified and assessed.

As countries seek to operationalize safeguards, the minimum parameters against which the existing frameworks are to be identified and assessed should be the principles embodied in the Cancun safeguards. However, as the Cancun safeguard principles are very broad and do not provide enough guidance as to what thematic elements might be covered by the gap analysis, an international or national interpretation of the Cancun safeguards will need to be employed.

The advantages of employing an international and independent interpretation of the Cancun safeguards are:

- It systematically breaks down the Cancun safeguard's broad principles into criteria, and potentially indicators, providing a clear indication of what thematic elements need to be identified and assessed. However, it is still general enough to allow countries to apply it to their differing contexts and circumstances.

- It provides confidence to all relevant stakeholders that the thematic elements that need to identified and assessed in the gap analysis will be covered.

3.1.2 Identify and assess the aspects of the legal, institutional and compliance frameworks that are relevant to the safeguards

Once the country has identified a clear methodological approach, which includes parameters against which the existing frameworks are to be identified and assessed (i.e. an international or national interpretation the Cancun safeguards), it should be utilized to guide the identification and assessment of each framework. Using the international or national interpretation of the Cancun safeguards as a basis, countries should seek to develop a tailored analytical matrix with diagnostic questions and indicators to guide the assessment of each framework. See Figure 9, which provides an excerpt of the matrix employed in the legal gap analysis of Vietnam. [29]

Figure 9: Excerpt of legal gap analysis matrix employed in Vietnam

Cancun Safeguard B		
Criteria B.1. Transparency Sub- Criteria B.1.1 Right of Access to Information		
Diagnostic Questions To What extent do PLR's guarantee the right to access to information		
Indicators	**Mark accordingly**	**Explanation (identify articles/ provisions) gaps/identified**
PLR's recognized the right to access to information		
PLR's provide a definitions of 'information'		
PLR's require the active distribution of information		
PLR's require / guarantee passive access to information		

When filling their matrices, countries should identify to what extent the analysed framework could be used to operationalize the safeguards, and identify any gaps or weaknesses. For example, by identifying and assessing if there is a government institution dedicated to ensuring that indigenous peoples' rights and interests are respected, as well as its capacity and resources to enforce the relevant laws.

It is important to mention that in cases where broader analyses have been carried out (e.g. legal preparedness analyses for REDD+, stakeholder and institutional analyses), countries should seek to utilize them as analytical inputs for these specific gap analyses.

3.2 Formulate recommendations to address identified gaps in the legal, institutional and compliance frameworks

Objectives	Outputs
Identify appropriate actions that could be implemented to address the gaps and weaknesses of the legal, institutional and compliance frameworks.	A technical document(s) that formulates recommendations that could be implemented for addressing the gaps and weaknesses of the legal, institutional and compliance frameworks.

It is likely that a country's existing legal, institutional and compliance frameworks can be used to effectively operationalize the CSA. However, it is also likely that there will be certain gaps and/or weaknesses in one or all of these frameworks. In this step, countries will need to formulate recommendations for addressing the identified gaps and weaknesses. Box 7 provides examples of country practices in identifying and assessing their legal frameworks against the Cancun safeguard goals.

The recommendations should seek to:

1. Identify if the gaps/weaknesses could be addressed by strengthening the relevant aspects of the framework(s) (e.g. strengthening the mandate of an existing institution or reforming an existing law), or if new aspects need to be created (e.g. new laws, new institutions, new GRMs).

2. Specify how the above is to be achieved (e.g. what articles/provision of the law need to be strengthened) and who is to lead it (e.g. a specific ministry).

In crafting the above recommendations, countries should consider what is feasible, both in terms of politics and time. For example, in certain cases reforming existing laws that broadly apply in the country (e.g. law on access to information) may be feasible, but in other cases it might be easier to create a new and specific ordinance that is to be applied in the context of REDD+.

Box 7: Country practices in identifying and assessing their legal frameworks against the Cancun safeguard goals

Mexico

In 2013, CONAFOR (National Forestry Commission of Mexico) with technical assistance from M-REDD+ project undertook a detailed and comprehensive gap analysis of its legal framework. CONAFOR decided to initiate Mexico's country approach to safeguards through a PLR gap analysis in order to effectively respond to the UNFCCC safeguards requirements, and additionally meet the multiple safeguard frameworks of the donors and financing agencies operating in the country.

The main objective of the legal gap analysis was to specifically determine 'what' the Cancun safeguards meant in the country's context and to determine what aspects of the legal framework could be used to support their operationalization. Additionally, the legal gap analysis also sought to identify how it could be utilized to meet and demonstrate compliance with other relevant safeguard frameworks.

To carry out the legal gap analysis and identify what thematic elements in the legal framework had to be identified and assessed, a detailed methodology and a tailored analytical matrix were prepared, utilizing an international framework of Cancun safeguards interpretation (Rey et al. 2013a). The methodological approach included the development of a legal gap analysis matrix for the identification and assessment of PLRs, plans and programmes and the relevant and applicable international instruments (binding and non-binding).

The legal gap analysis covered over 65 PLRs, plans, programmes and international legal commitments, and was carried out in paper and in practice (through interviews with relevant stakeholders). The analysis demonstrated that Mexico's existing legal framework robustly covers the principles of the Cancun safeguards and can be used to support their effective implementation.[30] Some gaps in the legal framework were identified and recommendations were provided for addressing those gaps. Mexico also plans to undertake an assessment of its institutional and compliance frameworks.

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30. The reports can be found at: http://www.alianza-mredd.org/biblioteca/productos/recomendaciones-para-un-sistema-nacional-de-salvaguardas-23#.U2N-dFxig8M

Vietnam

In 2013, the Vietnam REDD+ Office (VRO), with technical assistance from SNV's Multiple Benefits REDD+ (MB-REDD) project, also undertook a detailed and comprehensive legal gap analysis. Having reviewed various options to operationalize the Cancun safeguards, together with existing REDD+ readiness initiatives and safeguard frameworks operating in the country – such as the FCPF's application of World Bank safeguards – the VRO elected to initiate Vietnam's country approach to safeguards through a PLR gap analysis.

The objective of the legal gap analysis was to identify those elements of Vietnam's existing legal framework, which demonstrated consistency with the Cancun safeguards, but could also be used to meet other international safeguard frameworks.

To carry out the legal gap analysis a detailed methodology and a tailored analytical matrix were developed, utilizing an international framework of Cancun safeguards interpretation (Rey et al. 2013a). The legal analysis covered over 60 PLRs, plans, programmes and international legal commitments. However, it is important to note the assessment was only carried out on paper, and did not entail an assessment of the legal frameworks implementation in practice. In general, the legal gap analysis demonstrated that Vietnam's existing legal framework robustly covers the principles of the Cancun safeguards and can be used to support their effective implementation.[31] In addition, the legal gap analysis identified and provided recommendations for addressing some gaps in the legal framework.

The results of the legal gap analysis were shared and discussed with Vietnam's safeguards technical working group. The results of the legal gap analysis are being utilized as a technical input for the development of Vietnam's articulation of the system (see Stage 4).

Useful tools for stage 3

Tools/Resources	Comments
Step 3.1 Conduct a gap analysis of the legal, institutional and compliance frameworks relative to an international interpretation of the Cancun safeguards	
ClientEarth "A Guide to Understanding and Implementing the UNFCCC REDD+ Safeguards"	Provides an international interpretation of the language of the Cancun safeguards (through principles, criteria and sub-criteria). This framework was developed following an analysis of the language of the Cancun safeguards in relation to relevant and applicable instruments of international law, providing a legal interpretation of what thematic elements are covered by these safeguards. Countries may wish to utilize this international interpretation to identify and unpack the thematic elements most relevant for their gap analyses.
REDD+ SES	Provides principles, criteria and indicators that can be used to unpack the thematic elements of the Cancun safeguards. Countries may wish to utilize them to unpack the thematic elements that need to be subject of their gap analysis.
FCPF SESA	A key objective of the SESA is to conduct an assessment of potential risks and opportunities for REDD+. Since this involves a gap analysis, countries already undertaking this process could also utilize it to support their gap analyses for the CSA. For example, SESA could inform the assessment of each frameworks' - legal, institutional and compliance - implementation in practice.
UN-REDD BeRT	The forthcoming revised version of BeRT is designed to assist countries with their legal gap analysis, through modules addressing the REDD+ activities that may be undertaken; the benefits and risks associated with these actions; and the relevant policies, laws and regulations existing for each of these benefits and risks (or for those assigned a high priority).
WRI's Governance of Forest Initiative (GFI) toolkit of indicators	Provides a framework for comprehensively diagnosing the integrity of institutions and processes that govern forests in their countries. Countries may wish to utilize this framework to inform the methodological approach of the institutional framework gap analysis.

Tools/Resources	Comments
Step 3.2 Formulate recommendations to address identified gaps in the legal, institutional and compliance frameworks	
UN-REDD and FCPF Guidelines on strengthening/ establishing national-level grievance mechanisms (forthcoming)	Provides guidance on how to strengthen existing GRMs (through the legal and institutional framework) to address REDD+ related grievances. Countries may wish to utilize them in cases they determine existing GRMs need to be strengthened or new ones need to be developed for REDD+.
LEG-REDD+	Provides a participatory methodological approach for formulating and reforming PLRs in response to REDD+. Countries may wish to utilize it for implementing this step regarding the legal framework.
FCPF Environmental and Social Management Framework (ESMF)	The ESMF is an output of SESA that serves for planning, implementing, and monitoring necessary mitigation and management actions during the implementation of a country's REDD+ strategy. Countries may wish to utilize the process of elaborating this instrument to determine what actions are to be taken to address identified gaps in the legal, institutional, and compliance frameworks.

Stage 4

Articulating the country-led safeguards approach

With the outputs from Stage 3, countries at this stage have a clear idea of to what extent their legal, institutional and compliance frameworks could be utilized to operationalize the safeguards, and what gaps/weaknesses need to be addressed. Stage 4 seeks to help country's utilize the inputs from Stage 3 to articulate their CSA. Figure 10 sets out the steps for implementing Stage 4. Each step is accompanied by specific objectives and outputs. Countries could start Stage 4 in parallel to Stage 3, as long as they have at least one output from the previous stage completed (e.g. gap analysis of the legal framework). Countries can subsequently incorporate other inputs and further refine the articulation of their CSA as they progress with Stage 3.

Figure 10: Steps for implementing Stage 4 of a country-led safeguards approach

> 4.1 Define how the safeguards goals will be operationalized using the existing legal, institutional and compliance framework, while recognizing its existing gaps

> 4.2 Define prioritized lines of actions and the short, medium and long term that are necessary for having an operational country-led safeguards system

> 4.2.1 Define responsibilities and time-frames for implementing actions that will address gaps and weakness in the legal, institutional and compliance frameworks

> 4.2.2 Define necessary institutional arrangements to oversee the functioning of the CSS

> 4.2.3 Clarify how the system will operate between the national and subnational levels

> 4.3 Set up a system for providing information on the safeguards

4.1 Define how the safeguard goals will be operationalized using the existing legal, institutional and compliance frameworks, whilst recognizing its existing gaps

Objectives	Outputs
Utilizing the outputs of Stage 3 formally determine what aspects of the existing legal, institutional and compliance frameworks the country will consider to be part of their CSA.	A policy/technical document(s) that articulates how the existing legal, institutional and compliance frameworks of the country will operationalize the safeguards, whilst recognizing existing gaps.

Utilizing the outputs of Stage 3 as their main technical inputs, countries should seek to articulate what will be the country's approach to safeguards. The articulation of a country's approach to safeguards may be contained in a policy or technical document(s) but, in either case, have government endorsement.

Considering that countries will likely carry out the gap analyses of each framework separately and in a phased process under Stage 3, countries may want to consider developing individual documents (for each framework) that spell out how they will be utilized to support the safeguards operationalization.

The key consideration is that these documents need to be able to clearly and specifically spell out the following:

a.   How safeguards are to be adhered to when implementing REDD+ activities (how the relevant aspects of the legal framework will be utilized to operationalize the safeguards);

b.   Which and how existing institutions/institutional arrangements will be used to oversee and guarantee the safeguards implementation when implementing REDD+ activities (how the relevant aspects of the institutional framework will be utilized to operationalize the safeguards);

c.   Which and how existing information systems (including monitoring and reporting if the country chooses to incorporate them) will be used to gather information on the safeguards implementation when implementing REDD+ activities. This articulation will be essential for setting up a system for providing information on the safeguards (SIS), which is addressed under step 4.3;

d.   Which and how existing GRMs will be used to deal with grievances associated with the safeguards implementation (or lack of) when conducting REDD+ activities; and

e.   Which and how existing non-compliance aspects/mechanisms will be used to deal with any failure to address and respect the safeguards when implementing REDD+ activities.

It is important to note that these documents could also serve to provide initial information as to how the country is prepared to address and respect the safeguards when implementing REDD+ activities (see step 4.3 for the details of developing structural or policy indicators).

In cases where the legal, institutional or compliance frameworks are determined to have gaps/ weaknesses this should be acknowledged in the technical/policy documents along with the actions that will be taken to address these gaps/weaknesses. For example, in cases where existing GRMs have been determined not to be ideally applicable to the safeguards, countries may decide to commit to the creation of a dedicated REDD+ GRM.

4.2 Define prioritized actions in the short, medium and long term to address gaps and weaknesses in existing legal, institutional and compliance frameworks

Objectives	Outputs
To define and prioritize the actions that need to be taken for having an operational country-led safeguards approach.	A roadmap document that articulates the actions that need to be taken for having an operational country-led safeguards system, detailing the time-frames and the responsible actors for their implementation.

Once a country has defined what aspects of the legal, institutional and compliance frameworks will be utilized to support safeguards operationalization, and what actions will be taken to address any gaps and weaknesses, countries should consider defining prioritized lines of actions that need to be taken in the short, medium and long term for having an operational country-led approach to safeguards.

To define and prioritize these actions, countries may want to consider developing a roadmap document, which should have government endorsement (See Box 8 for an example of a country practice). This

document should be able to define a direction and set of prioritized actions over different timeframes to produce an operational country-led approach to safeguards, and cover the following:

- Define the responsibilities and timeframes for implementing actions that will address gaps and weaknesses in the legal, institutional and compliance frameworks;

- Define necessary institutional arrangements to oversee the functioning of the CSA; and

- Clarify how safeguards will operate between the national and subnational levels (e.g. states, provinces, territories, and/or local levels, as appropriate).

It is important to note that countries may wish to carry out step 4.1 jointly with step 4.2, which may produce one or more documents as outputs.

4.2.1 Define responsibilities and timeframes for implementing actions that will address gaps and weaknesses in the legal, institutional and compliance frameworks

As the country may have defined several actions that need to be taken to address gaps and weaknesses in the existing legal, institutional and compliance frameworks, it will be important for it to determine who will take responsibility for implementing these actions and expected timeframes for their implementation.

4.2.2 Define necessary institutional arrangements to oversee the functioning of the csa

To oversee the entire functioning of the country-led safeguards approach, relevant institutional arrangements might need to explored and put in place. The institutions that need to be involved in overseeing the CSA can be formal (e.g. government agencies) or informal (e.g. customary community forest management institutions). Their identification can be drawn from the identified institutional framework under step 4.1.

The roadmap should seek to clearly identify which institutions and/or institutional arrangements are needed or at least set out specific short- and medium-term actions for their identification and establishment. It is important for countries to consider that the institutional arrangements to oversee the functioning of the CSA may need to operate at different horizontal (across line ministries) and vertical levels (across national, regional, local administrative units), in accordance with their own contexts. The identification of appropriate operational levels can be drawn from the institutional framework under step 4.1.

Countries will likely have to carry out dialogues with the identified relevant institutions to decide and allocate responsibilities, taking into account their individual mandates, resources and capacities.

Box 8: Country practice in developing a safeguards roadmap

Seeking to implement a country-led safeguards system, in 2013 Vietnam's REDD+ Office (VRO), with technical assistance from SNV's Multiple Benefits REDD+ (MB-REDD) project, developed a safeguards roadmap for Vietnam.

The objectives of the roadmap are to inform initial options, priorities, milestones and recommendations on all aspects related to REDD+ safeguards in Vietnam, which are consistent with national regulations, capacities and circumstances, as well as international REDD+ processes.

A draft roadmap is now available[32], and provides:

- Identification and detailed analysis of Vietnam's legal framework that could be used to support the operationalization of the Cancun safeguards;

- Identification of options and recommendations to address identified gaps in the legal framework in order to fully operationalize the Cancun safeguards and the relevant and applicable international conventions and agreements;

- Options and recommendations on follow-up analytical studies required to further Vietnam's country-led approach to safeguards and elaborate on this initial draft roadmap;

- Serve as a communication tool to demonstrate that Vietnam is currently promoting and supporting the Cancun safeguards during the readiness phase, through its existing legal framework.

32. http://www.vietnam-redd.org/Web/Default.aspx?tab=download&zoneid=152&subzone =156&child=284&lang=en-US

4.2.3 Clarify how the country-led safeguards approach will operate between the national and subnational levels

In certain countries (e.g. countries with decentralized systems), CSA design will need to allow for a flexible and context-specific implementation at subnational levels (e.g. states, provinces, territories, and/or local levels, as appropriate). In this case, the roadmap will need to clarify how the approach will operate between the national and subnational levels to ensure alignment between the different levels of operation of the CSA. This may include three non-mutually exclusive options for operationalizing safeguards at subnational level:

a.   Detailing how the CSA frameworks are to be used at a subnational level. This refers to articulating how the legal, institutional and compliance frameworks of the country-led safeguards system operating at the national level will be applied to specific subnational contexts.

b.   Articulating how the subnational legal, institutional and compliance frameworks will operationalize the safeguards. Jurisdictions in large countries (e.g. states in federations) could articulate how the legal, institutional and compliance frameworks, applicable to their jurisdiction, will be used to support safeguards operationalization. As discussed under step 4.1, this could take the form of subnational indicators, within a framework of national framework indicators.

c.   Integrating the CSA safeguard goals into subnational planning. For smaller countries this might be a cost-effective means to operationalize the safeguards (Rey et. al 2013b), but would need to be accompanied by the implementation of national level CSA frameworks.

Box 9 presents an example of a subnational operationalization of safeguards in practice.

4.3 Set up a system for providing information on safeguard functioning

Objectives	Outputs
Define an institutional structure and information platform that will be responsible for aggregating, assessing and packaging the information to the different reporting needs, utilizing indicators or other means.	An institutional structure that serves to gather all relevant information in one place, in order for it to be aggregated and packaged by the responsible government institution to meet different reporting needs. An articulation of what existing and new information (and if appropriate, monitoring and reporting) systems will be included. An information platform (can build on an existing one or create a new one) to share information (e.g. web portal).

It is important to note that the development of a system for providing information on the CSA is a significant undertaking in its own right, and these steps merely offer a concise overview of the key considerations for their development.

For a country to demonstrate to national and international constituencies how the safeguards are being addressed and respected, it will need to develop a system to provide information on their real-world implementation. This does not necessarily require establishing novel and tailored information systems, but rather deciding how to utilize existing information, monitoring and reporting systems (determined under step 4.1). The main new aspect that needs to be put in place, is an institutional structure that is to be responsible for collecting, collating and aggregating the relevant information and presenting it to meet the different reporting needs of the relevant national and international stakeholders. In other words, it entails defining a safeguards information platform and framework by building upon existing information, reporting and monitoring systems.

It is important to consider that the UNFCCC requires countries to put in place a "system for providing information on how safeguards are being addressed and respected",[33] usually referred to as safeguards information system (SIS). Countries should be aware that this requirement is expected to be implemented following the guidance provided by the UNFCCC, which specifically states that the SIS is to be "country driven and implemented at the national level"[34] and should "build upon existing systems".[35] Putting in place an SIS is equivalent to putting in place a system for providing information on the CSA. However, if countries choose to have a broader scope for their CSA (e.g. cover a broader set of safeguards or link with activities beyond REDD+) they should note that it would need to be designed to be able to provide information to meet the broader scope of the CSA.

It is also important to highlight that countries should consider that the system for providing information on the safeguards or SIS should not only be used for information purposes, but also to continuously assess and improve the CSA (e.g. determine to what extent relevant PLRs are implemented, or determine the need to reform some PLRs that are not effectively implementing the safeguards, etc.) See Box 10 for a state experience developing an SIS.

34. UNFCCC Decision 1/CP.16, Annex I, paragraph 1 (c); UNFCCC Decision 12/CP.17, paragraph 2 (e)
35. UNFCCC Decision 12/CP.17 paragraph 2 (f)

Box 10: Experience from the State of Acre in Brazil developing a safeguards information system

As seen in Box 9, the government of the State of Acre in Brazil is developing a safeguards information system (SIS) for their System for Incentives for Environmental Services (SISA).

The SIS in Acre is based on REDD+ SES using a multi-stakeholder process, through which they have developed indicators to report on safeguards for their SISA programme. These indicators were reviewed and approved by the multi-stakeholder Commission for Validation and Monitoring of SISA (Comissão de Validação e Acompanhamento do SISA – CEVA) in 2012, and a monitoring plan was developed in 2013 that defines the institutional roles and responsibilities as well as the frequency of the monitoring process.

A draft assessment report was prepared in 2013 and is currently being reviewed by civil society to ensure the accuracy and comprehensiveness of the information before approval by CEVA and its publication. The findings will be used to develop and implement an action plan to address the gaps identified in the assessment, including gaps and weaknesses in the legal and institutional framework, which will also be reviewed by stakeholders and approved by CEVA.

The development and implementation of the SIS through this multi-stakeholder approach has contributed to ensure it is not only used for information purposes, but also to continuously assess and improve their country safeguards response.

In defining a system for providing information on the safeguards or SIS, countries should consider the following:

1. What existing information, monitoring and reporting systems will be utilized and to what extent;

2. What information is to be collected, at what scale (e.g. at national, local or project level) and in what format;

3. Methodologies for collecting and aggregating information;

4. What channels and frequency for reporting will be utilized; and

5. Who will be involved and be responsible for collection, aggregation, review and a potential assessment of the information.

36. UNFCCC Decision 1/CP.16 paragraph 71 (d) and Decision 9/CP.19 paragraph 3
37. UNFCCC Decision 12/CP.17 paragraph 2 (f)
38. UNFCCC Decision 11/CP.19 paragraph 5

1. What existing information, monitoring and reporting systems will be utilized?

Considering that a "system for providing information on how safeguards are being addressed and respected"[36]should "build upon existing systems"[37], countries should seek to utilize their existing information, monitoring and reporting systems (identified under step 4.1) to provide information on the safeguards. These can include information (including monitoring and reporting) systems or mechanisms operating at different and multiple scales (national, regional, local level), and special attention should be given to exploring synergies with existing national forest monitoring systems (NFMS).[38]

Existing information (including monitoring and reporting) systems will likely be able to provide information on the operationalization of the safeguards, including the extent to which the relevant legal, institutional and compliance frameworks are effectively operationalizing them. However, if the gap analyses of the existing information systems determines that existing information systems have significant gaps or weaknesses that need to be addressed, then the actions defined to address these gaps would also need to be considered and integrated into the system for providing information on the safeguards (see step 4.2.1).

2. What information is to be collected and reported, at what scale and in what format?

As existing information (including monitoring and reporting) systems will likely be able to provide information on the operationalization of the safeguards, countries will need to determine what types of information they will specifically seek to collect and report through them.

The development of some form of indicators or other means might be required. These indicators could encompass one or more of the following indicator categories:

- Structural or Policy indicators: these would seek to identify the relevant aspects of the legal, institutional and compliance frameworks utilized to operationalize the safeguards. For example, countries could choose to report on the existence and/or implementation of, for example, national programmes, legislation, and policies relevant to the safeguards.

- Process indicators: these would seek to identify whether and how a particular process/ procedure related to the safeguards has been implemented. For example, countries could choose to report on how consultation processes have been implemented.

- Outcome indicators: these would seek to illustrate the actual environmental and social changes affected on the ground as a result of the national REDD+ programme's implementation. For example, countries could choose to report on the livelihood benefits achieved through the implementation of relevant national programmes, legislation, and policies.

These indicator categories should be viewed as a both tiered (outcome indicators offer more refined and accurate information than process or structural/policy indicators) and phased (structural/policy indicators will be easier to adopt in the first phases; outcome indicators are a more challenging ideal to work towards) approaches to providing information on how safeguards are being addressed and respected. For example, in certain cases countries may start by demonstrating to what extent their relevant legal framework/PLRs ensure that safeguards are adhered to, without having to provide outcome indicator results, e.g. multiple benefits that have been achieved or risks that have been mitigated.

Because each framework of the CSA is interlinked and plays an integral role in operationalizing safeguards, countries should seek to provide information on each of frameworks, through indicators or other means. Additionally, it will be important for countries to evaluate which category(ies) of indicators should be developed at different administrative levels (i.e. national, state, provincial, local, etc.) in the different phases to ensure their effectiveness and flexibility. This is important in light of the sometimes differing contexts within a country.

3. What methodologies for collecting and aggregating information will be used?

As countries will be using their existing information systems, they should note that the methods for collecting and assessing information will be pre-determined to some extent by these existing systems. For example, existing forest inventory and mapping initiatives or regular socio-economic census activities of national statistics offices are carried out through specific methods and by specific government institutions.

In light of the above, countries can choose to:

- Utilize the processes and methods for the collection and assessment of information of their existing and relevant information, monitoring and reporting systems; or

- Choose to expand or modify the process for the collection and assessment of the information. For example a country may want to ensure that the information is collected and assessed in a participatory manner through a multi-stakeholder safeguards body.

As information will be collected from multiple information systems, countries will need to define an approach and methodology for aggregating the information relevant to each of the safeguards.

39. UNFCCC Decision 12/CP.17 paragraph 3 and 4, and Decision 12/CP.19 paragraph 2
41 http://unfccc.int/redd

4. What channels and frequency for reporting will be utilized?

Countries will need to define the channels and frequency through which information should be shared both internationally and at the national and subnational levels. It is important to consider that to respond to the UNFCCC REDD+ safeguard requirements, countries should provide a "summary of information as to how the Cancun safeguards are being addressed and respected", which is expected to be submitted to the UNFCCC through regular national communications[39] (average of every four years). Additionally, and on a voluntary basis, countries may provide a summary of information through the newly established[40] REDD+ information hub on the UNFCCC website.[41]

However, as countries will be using their existing information systems they should consider that the frequency for the collection and reporting of information will be pre-determined to some extent by those existing systems.

In light of the above, countries can choose to:

- Apply the same frequency for the collection and reporting of information of their existing and relevant information, monitoring and reporting systems; or

- Choose to modify the frequency for collection, aggregation and reporting of information.

This decision will need to respond to what the country defines as the necessary frequency through which information should be shared both internationally and at the national and subnational levels.

5. Who will be involved and be responsible for collection, aggregation, review and a potential assessment of the information?

To ensure efficiency and accountability, the system for providing information on the safeguards must cater to all information needs in an integrated and coordinated way, and be able to package it accordingly to meet their needs (e.g. format and level of detail). It is also important to consider that the quality, accuracy and credibility of the information would be enhanced if it were subject to a review and assessment by a multi-stakeholder body (such as a multi-stakeholder safeguards body).

Countries will need to determine who (e.g. specific government institutions and/or institutional arrangements between governmental and non-governmental actors) will be responsible for the collection, aggregation, review and in certain cases assessments of all the information relevant to the safeguards, and package it according to the different reporting needs.

It will be important for countries to consider and explore information sharing agreements to ensure information can be made available and shared with those responsible for its collection, aggregation, and review.

Useful tools for stage 4

Tools/Resources	Comments
4.1 Define how the safeguard goals will be operationalized using the existing legal, institutional and compliance frameworks, whilst recognizing its existing gaps	
FCPF Environmental and Social Management Framework (ESMF)	The ESMF is an output of SESA that serves for planning, implementing, and monitoring necessary mitigation and management actions during the implementation of a country's REDD+ strategy. Countries may wish to utilize the process of elaborating this instrument to determine how safeguard goals are to be operationalized, including the actions that are to be taken to address identified gaps in the legal, institutional, and compliance frameworks.
4.2 Define prioritized lines of actions in the short, medium and long term to address gaps and weaknesses in existing legal, institutional and compliance frameworks	
FCPF Environmental and Social Management Framework (ESMF)	The ESMF is an output of SESA that serves for planning, implementing, and monitoring necessary mitigation and management actions during the implementation of a country's REDD+ strategy. Countries may wish to utilize the process of elaborating this instrument to determine and prioritize actions that need to be taken for having an operational CSA.

Useful tools for stage 4

Tools/Resources	Comments
4.3 Set up a system for providing information on the safeguards	
REDD+ SES	REDD+ SES provides comprehensive support for the development of a country-led, multi-stakeholder safeguards information system.
	It offers detailed guidelines to support the establishment of a system for providing information on how safeguards are being addressed and respected, including the development of indicators and the collection and assessment of information.
	Countries may wish to utilize REDD+ SES:
	• For good practice guidance, using parts of REDD+ SES content and process to strengthen their approach to developing a safeguards information system (not applying REDD+ SES).
	• To provide a framework for reporting on performance using most of the REDD+ SES content and process – applying REDD+ SES as the basis of a safeguards information system (not fully applying REDD+ SES).
	• To provide a comprehensive mechanism for reporting on performance following these guidelines – fully applying REDD+ SES for a safeguards information system in a way that is consistent across countries.
PROFOR/FAO Framework for Assessing and Monitoring Governance	A tool for designing a robust and comprehensive set of governance indicators. Countries may wish to use this to identify and select indicators related to governance safeguard goals.
UN-REDD Draft Guidelines for monitoring the impacts of REDD+ on biodiversity and ecosystem services	Provides guidelines for monitoring the impacts of REDD+ on biodiversity and ecosystem services. Countries may wish to use this to select aspects of a system for providing information on safeguards that are relevant to biodiversity.

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Annex: Glossary of Key Terms

Cancun safeguards
The term 'Cancun safeguards' refers to the safeguards developed under the UNFCCC in paragraph 2 of Appendix I to decision 1/CP.16 (the Cancun Agreement).

Compliance framework
A country's compliance framework is comprised of three elements required to guarantee and demonstrate the effective implementation of the legal framework: i) information (including monitoring and reporting) systems; ii) grievance and redress mechanisms, and iii) non-compliance mechanisms.

Country safeguards response
Refers to countries' broad efforts to meet their international and national safeguard commitments/goals, which does not necessarily entail adopting the CSA model.

Country-led Safeguards Approach (CSA)
Allows a country to respond to relevant and applicable international and national safeguard commitments in a country-driven manner, by building upon the country's existing governance system (its legal, institutional and compliance frameworks) that, combined, can be used to operationalize safeguards and provide information as to how they have been addressed and respected.

Grievance and Redress Mechanisms (GRM)
Grievance and redress mechanisms are those that come into play at the national, subnational or local level when there is a need to settle disputes between actors. Such processes tend to come in the form of negotiation, mediation, arbitration, or through use of judicial or administrative systems.

Information systems
The information (including monitoring and reporting) systems of a country provide information about how the legal framework is being implemented.

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

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

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

REDD+ activities
The term REDD+ activities refers to those included in paragraph 70 of decision 1/CP.16.

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

Safeguard Information System (SIS)
Refers to an institutional structure and information platform that will be responsible for aggregating, assessing and packaging information related to how the safeguards are being addressed and respected to the different reporting needs (e.g. relevant international and national stakeholders), utilizing indicators or other means.

Structural or Policy indicators
Used to identify the relevant aspects of the legal, institutional and compliance frameworks utilized to operationalize the safeguards.

Process indicators
Used to identify whether and how a particular process/procedure related to the safeguards has been implemented.

Outcome indicators
Used to illustrate the results in terms of realization or lack/limited realization of the safeguards.

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REDD+