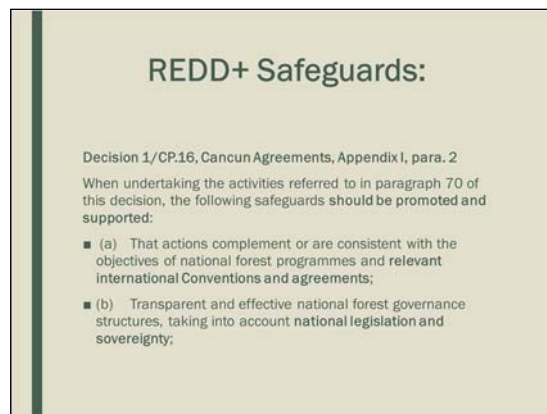
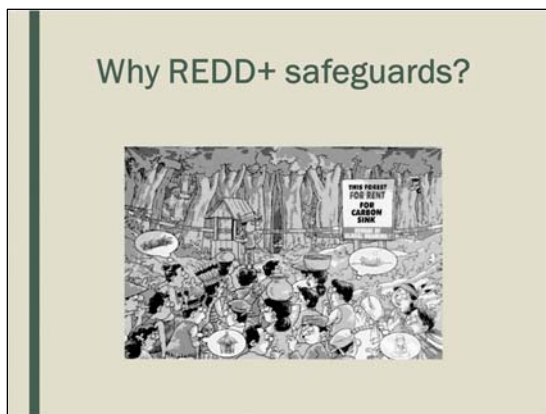


Delivering REDD+: the Role of Safeguards
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REDD+ Safeguards and their necessity



The topic I am going to go through is the issue of safeguards in the role of REDD+. This is a topic upon which I have researched for my doctoral studies. I will tell you about what safeguards are in general and what REDD+ safeguards are meant to do and then review some of the evidence from their implementation.



It is important to start by reminding ourselves why this safeguard exists in REDD+. Soon after the parties decided that REDD+ was a good idea, they immediately appreciated that along with win-wins, there are possible trade-offs that need to be addressed - which is why safeguards were engineered.

It is one thing to agree that safeguards should exist, but another thing to agree on their content. The safeguards came to fruition in 2010 with the famous Cancun Agreements. In that context, the parties to the climate regime decided that when undertaking REDD+ activities, a set of safeguards should be promoted and supported.

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There is a list of safeguards that were included in a decision of the conference of the parties, the so-called the Cancun Agreements. Appendix 1, Para 2 of the Cancun Agreements says action should complement and be consistent with the objectives of national forest programs and relevant international conventions and agreements. REDD+ activities should also be transparent and effective.

Social Safeguards	Ecological and carbon integrity safeguards
<p>[When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:]</p> <ul style="list-style-type: none">■ (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;■ (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;	<p>[When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:]</p> <ul style="list-style-type: none">■ (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;■ (f) Actions to address the risks of reversals;■ (g) Actions to reduce displacement of emissions.

We also have a list of Social Safeguards that have to do with: the rights of indigenous peoples' and of other forest dependent communities; and the issue of effective stakeholder participation - which is particularly important because of its sensitivities in the contexts in which REDD+ is meant to operate.


We also have ecological and carbon integrity safeguards - also called environmental safeguards. Here, the REDD+ activity should be consistent with the conservation of natural forest and biological diversity, but this was not going to be the case, especially in relation to afforestation or reforestation activities. Finally, there is the issue of addressing the risk for reversals and the displacement of emissions, also known as leakage.

What are safeguards?
<ul style="list-style-type: none">■ Measures making financial aid conditional to the prevention and mitigation of "undue harm to people and their environment" that may result from funded activities. E.g. World Bank environmental and social safeguard policies.■ Safeguards are typically part of conditions imposed upon countries receiving aid, and their fulfilment is a prerequisite for the provision of funding.■ Safeguards are often coupled with arrangements to monitor and verify their implementation.■ The consequences attached to lack of compliance with safeguards depend on whether conditionality is based on policy dialogue, agreement and support, or, rather, on recourse to sanctions or aid withdrawal.

The language that introduced these safeguards is not entirely clear-cut as to what kind of treatment these safeguards should have. In general, in contexts such as that of REDD+, we are talking about safeguards in terms of conditions that are attached to the cash. In order to get access to finance, you need

to comply with certain conditions. This implies that not only there will be a catalogue of safeguards to be complied with, but there will be also systems to monitor compliance with the safeguards. The next logical step is consequences attached to lack of compliance, with the most severe consequence being withdrawal of funding - but there can be lesser stringent penalties too.

Safeguards vis-a-vis REDD+ Safeguards

<p>What are REDD+ safeguards?</p> <p>Savaresi, Annalisa, The Legal Status and Role of REDD-Plus Safeguards, Available at SSRN: https://ssrn.com/abstract=2638394</p> 	<p>Voluntary guidance?</p> <p>Legal obligations?</p> <p>Conditionalities?</p>	<p>Clues on the legal nature of safeguards</p> <p>Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, FCCC /CP/2011/9/Add.2, para 63</p> <p>Regardless of the source or type of financing, the activities referred to in decision 1/CP.16, paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix I, in accordance with relevant decisions of the Conference of the Parties;</p>
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The big question I considered in the context of my research is what are REDD+ safeguards and how do they compare vis-a-vis with safeguards adopted in other contexts. I captured my reflections on this matter in a paper that I wrote few years ago. at that point. Some argued that safeguards were just voluntary guidance. But others suggested that safeguards may be regarded as a legal obligation for those parties that carried out REDD+ activities, and even conditionality for the disbursement of finance.

I looked at the clues on the legal nature of safeguards that emerged in the subsequent decisions of the conference of the parties. A very good clue comes from a statement in the decision of the parties adopted in 2011. It said regardless of the source or type of financing, REDD+activities should be consistent with safeguards, which was an important disclaimer to be made at that point in time.

<p>Conditionalities?</p> <p>Decision 9/CP.19, Work programme on results-based finance to progress the full implementation of the activities referred to in decision 1/CP.16, paragraph 70, para 4</p> <p>Agrees that developing countries seeking to obtain and receive results-based payments in accordance with decision 2/CP.17, paragraph 64, should provide the most recent summary of information on how all of the safeguards referred to in decision 1/CP.16, appendix I, paragraph 2, have been addressed and respected before they can receive results- based payments;</p>	<p>Safeguard information system (SIS)</p> <p>Decision 1/CP.16, para 71</p> <p>Requests developing country Parties aiming to undertake the activities referred to in paragraph 70 above (...) to develop the following elements:</p> <p>■ A system for providing information on how the safeguards referred to in appendix I to this decision are being addressed and respected throughout the implementation of the activities referred to in paragraph 70 above, while respecting sovereignty;</p>
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In another decision, part of the of Warsaw framework for REDD, evokes the idea of conditionality is

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rather implicitly by mentioning that developing countries seeking results-based payments should provide most recent summary of information on how safeguards are complied with.

There are two core elements that are relevant here. One is of Safeguard Information Systems (SIS), whereby parties that do REDD+ and that want to seek payments have to create a system to provide information concerning compliance with safeguards.

SIS Guidance	Summaries of information
<p>Decision 12/CP.17, Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels as referred to in decision 1/CP.16, para 2</p> <ul style="list-style-type: none">■(a) Be consistent with the guidance identified in decision 1/CP.16, appendix I, paragraph 1;■(b) Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis;■(c) Be transparent and flexible to allow for improvements over time;■(d) Provide information on how all of the safeguards referred to in appendix I to decision 1/CP.16 are being addressed and respected;■(e) Be country-driven and implemented at the national level;■(f) Build upon existing systems, as appropriate.	<p>Decision 12/CP.17, at 3-4</p> <p>Agrees also that developing country Parties undertaking the activities referred to in decision 1/CP.16, paragraph 70, should provide a summary of information on how all of the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected throughout the implementation of the activities;</p> <p>Decides that the summary of information referred to (...) above should be provided periodically and be included in national communications, consistent with relevant decisions of the Conference of the Parties on guidelines on national communications from Parties not included in Annex I to the Convention, or communication channels agreed by the Conference of the Parties;</p>

The conference of the parties has provided some broadly worded guidance on how this system should look. This guidance is not very prescriptive, and the idea was at this stage was rather to leave this very country specific.

The other element is parties' report on their alignment with safeguards, also called summaries of information. These summaries of information have to be periodically submitted.

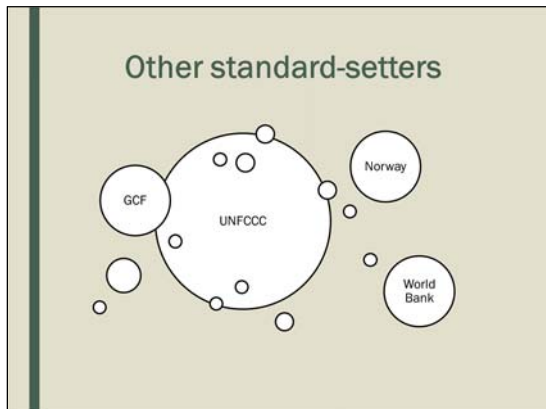
The decision to leave safeguards so broadly worded and open-ended was a political one, but an interesting layer of complexity was added when the GCF came into operation.

Review: the role of the GCF	In sum: what are REDD+ safeguards?
<p>The provision of summaries of information on how safeguards are implemented is a prerequisite for REDD+ results-based payments.</p> <p>Interim environmental and social safeguards of the GCF (2014)</p> <p>Pilot programme for REDD+ results-based payments (2017)</p> <ul style="list-style-type: none">■ Accredited entities must submit an assessment of measures undertaken to identify, assess, and manage environmental and social risks and impacts■ The Secretariat should take such assessment into account as part of its overall consideration of the funding proposal	<ul style="list-style-type: none">■ Compliance with safeguards is mandatory and therefore a legal obligation for Parties seeking REDD+ results-based payments.■ UNFCCC guidance says little on how compliance with safeguards will be assessed and what consequences may be associated with it.■ Only when REDD+ results-based payments start to be disbursed will it be possible to gauge how strictly compliance with safeguards is treated

The GCF is meant to be the main financial mechanism of the climate treaties, and the largest disburser of results-based payments. The GCF has adopted its own interim environmental and social safeguards in addition to the ones that have been mentioned above. These are not necessarily compatible. A pilot

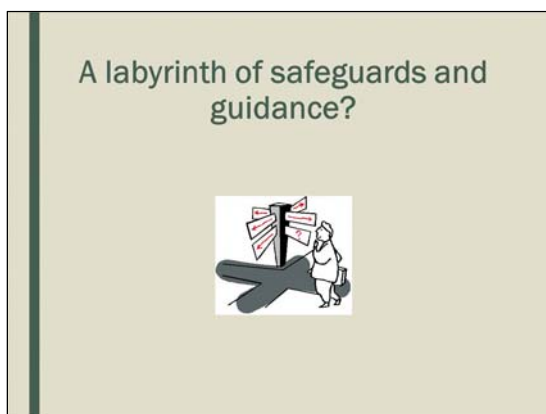
program for REDD+ results-based payments initiated in 2017, which requires a compliance assessment with safeguards and that this assessment is taken into account when making decisions concerning finance.

It seems beyond doubt that in this context we are talking about actual conditionalities. Nevertheless, only after results-based payments start to be disbursed systematically will it be possible to see consequences are attached to lack of compliance with safeguards.



In the meantime, what is clear is of standard setting over REDD+ safeguards has taken place over the years. It has been a very complex journey, and the GCF is clearly a main actor, but other important donors and important institutional actors have also had an importance. One problem with the operationalization of the GCF is that safeguards were adopted after activities had been initiated.

Evidence from Implementation



This multi-layered system of safeguards has not been particularly helpful for countries that are trying to get results-based payments. So how has the implementation of these safeguards worked out in practice?

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Evidence from implementation – CIFOR Global Comparative Study



Evidence from implementation – environmental safeguards

- Due to the complexity of measuring heterogeneous treatments, over short timeframes, it is too early to establish a clear link between the type of REDD+ intervention and its success in reducing deforestation
- The scarce evidence that is available on local REDD+ outcomes shows modestly encouraging results for forest conservation and carbon stock enhancement.
- More work is needed to evaluate the effects of different types of interventions, especially at the jurisdictional (rather than project) scale, which is the focus of the REDD+ mechanism.

Here we look at what evidence exists from the global comparative study carried out by CIFOR on implementation of REDD+ so far, which is largely at the project level rather than at the jurisdiction level.

As far as environmental safeguards are concerned, the trade-offs that were expected seem to have been largely addressed.

Evidence from implementation – social safeguards

- Results showed that REDD+ had minimal impact on household and village-level perceptions of well-being, as well as on income sufficiency
- An analysis of REDD+ impacts on household incomes found that welfare improvements also remain elusive.
- CHALLENGE: the failure of many REDD+ projects to deliver local benefits – including prospects of substantial cash transfers that never materialised due to the lack of predictable finance – led to local frustrations with and skepticism about REDD+

Evidence from implementation – local participation

- CIFOR describes participation as 'limited and uneven'
- REDD+ implementers are, typically, attentive to some degree of local participation, and social safeguards are being integrated in the early design of REDD+ projects – arguably more so than in many traditional conservation projects
- CHALLENGE: While REDD+ safeguards should help ensure stakeholder consultation and FPIC, as well as promote effective participation in REDD+ design and implementation, most implementers do not yet seem to be fully capturing the alleged benefits of local decision-making and input.
- Local participation in REDD+ could be enhanced, both through better FPIC and through engagement with local communities as right-holders and not just as project beneficiaries

Instead, as far as social safeguards are concerned, there are difficult governance questions concerning the involvement of stakeholders and protection of rights of the more vulnerable.

Evidence from implementation –
land tenure

- Attention to clarifying and strengthening local tenure rights enshrined in the tenure requirements in the REDD+ safeguards has reportedly increased, including recognition of indigenous land rights.
- **CHALLENGE:** Despite some measurable achievements, little has been done to clarify and strengthen local-level tenure conditions in REDD+ activities, or to lay a tenure foundation for REDD+ that matches the high expectations of the programme.
- National-level forest tenure reforms are needed to support REDD+; projects often try to resolve local-level problems that are actually national in origin and scope. There must be cross-scale integration between the efforts of proponents and national actions, and an authentically participatory approach to REDD+.

In terms of land-tenure, there were a lot of expectations embedded in REDD+ that largely seem not to have been met. However, it is difficult to say what would happen without REDD, of course.

Conclusion

Preliminary conclusions

- The questions that are being discussed in connection with REDD+ safeguards are not new and have saddled international development assistance and forest governance efforts for decades.
- REDD+ has arguably subsumed what may be described as **"long-standing, perhaps intractable, development policy challenges"** within its remit.
- In this process, **perfect should not become the enemy of good.** REDD+ should instead capitalise upon experience accrued with other processes
- Even though REDD+ safeguards have only been partially met in most cases (NORAD, 2017) REDD+ may still facilitate the pursuit of multiple-win outcomes.

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The questions being discussed in relation to REDD+ are not new, not only to forest governance but indeed to climate governance. There has definitely been an issue of institutional stratification, and multi-layer governance has not been helpful. However, this does not mean that safeguards are not helpful. The contrary is, in fact, true. If we want to achieve the win-win outcomes of REDD+, going head-on in the direction of implementation of safeguards is the best way to go.