



SAFEGUARDS

COUNTRY-LED APPROACHES TO REDD+ SAFEGUARDS: *Early Experiences and Lessons Learned*

**INTEGRATING EFFORTS FOR
SUSTAINABLE FOREST MANAGEMENT**

Regional Program
REDD/CCAD-GIZ



Promoviendo la Integración Ambiental Regional



This publication presents all activities pertaining to the Regional Program of emissions from degradation and deforestation

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National approaches Safeguards for REDD +

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This document was produced based on the experiences collected over the course of a series of workshops and roundtables with experts, as well as ongoing work with official liaisons from the regional technical team on safeguards made up of REDD/CCAD-GIZ program officers and official representatives from each country.

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ABBREVIATIONS

FPIC	Free, Prior, and Informed Consent
CLP	Climate, Law & Policy
UNFCCC	United Nations Framework Convention on Climate Change
COP	Conference of the Parties to the UNFCCC
CONAFOR	National Forest Commission of Mexico
CTC – REDD+	REDD+ Technical Consulting Committee, Mexico
CNSAS	National Committee on Environmental and Social Safeguards in Guatemala
CSA	Country-Led Safeguards Approach
ENAREDD+	National REDD+ Strategy for Mexico
FAO	Food and Agriculture Organization
FCPF	Forest Carbon Partnership Facility
FIP	Forestry Investment Program
GIZ	German International Cooperation Agency
GT-REDD	REDD+ Working Group in Mexico
ICF	Institute for Forest Conservation, Honduras
LGDFS	General Law for Sustainable Forest Development in Mexico
MRV	Monitoring, Reporting, and Verification
VRO	REDD+ Office in Vietnam
U.N.	United Nations Organization
UN REDD	United Nations Program for the Reduction of Emissions from Deforestation and Forest Degradation
PES	Payment for Environmental Services
SBSTA	UNFCCC Subsidiary Body for Scientific and Technological Advice
SERMANAT	Secretariat of the Environment and Natural Resources, Mexico
NSS	National Safeguard System
REDD+	Reduction of Emissions from Deforestation and Forest Degradation The “+” sign refers to conservation, sustainable forest management, and improvement of forest carbon reserves.
REDD+ SES	Social and Environmental Standards Initiative for REDD+
SIS	Safeguard Information System
NFMS	National Forest Monitoring System
SNV	Dutch Organization for Development
WWF	World Wildlife Foundation





CHAPTER 1: *Introduction*

1.1 WHAT ARE SAFEGUARDS AND WHAT IS THEIR SCOPE IN THE CONTEXT OF REDD+?

The term “safeguards” is nothing new, nor should it be implied that the concept was created by the United Nations Framework Convention on Climate Change (UNFCCC). The origin of the word can be traced to the measures that non-governmental organizations and other stakeholders began to demand of international multi-lateral financial institutions in order to protect local communities and ecosystems from the potentially negative effects of their projects (WWF, 2013). Given this genesis, the term “safeguards” is mainly used by financial institutions such as the World Bank, to refer to measures to avoid,

mitigate, or minimize the adverse social and environmental impacts of the project it supports (Moss and Nussbaum, 2011). As the term refers to the need to protect and address the adverse impacts or social or environmental damages, safeguards may be interpreted and operate as a risk-management policy (FCMC, 2012).

Safeguards may also go beyond the prevention of negative impacts, and seek to catalyze associated benefits. In that sense, it is important to remember that one goal of REDD+ is to provide social and environmental benefits in addition to

emissions reduction; REDD+ is not restricted to carbon-related data or the carbon market. The Bali Action Plan in 2007 recognized the potential of this mechanism to generate additional or co-benefits such as: new sources of income and livelihood strategies for local communities, protection of human rights, improved forest governance, conservation of biodiversity, protection of ecosystem services such as freshwater provision and regulation, and others. 1, 2

The growing interest among different countries and stakeholders around REDD+ emerges, in large part, from the capacity of this mechanism to simultaneously provide co-benefits, collateral benefits, non-carbon benefits, or multiple benefits

when appropriately designed and implemented. Given that safeguards establish social and environmental guidelines for mechanism design, their effective implementation can promote social and environmental benefits from REDD+.



1. REDD+ actions include: reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

2. UNFCCC, COP 13, Bali, 2007 (Decision 2/CP.13)

1.2 REDD+ SAFEGUARDS IN THE CONTEXT OF THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

REDD+ is an international climate change mitigation mechanism that seeks to contribute to the reduction of global carbon emissions from deforestation by offering financial incentives to stop or reverse forest losses.

In order to respond to concerns related to REDD+ and to efficiently promote the multiple benefits that REDD+ could generate, in December, 2010, the 16th Conference of the Parties (COP 16) to the United Nations Framework Convention on Climate Change (UNFCCC) agreed upon a series of seven safeguards for REDD+ (hereinafter “Cancun Safeguards”) (see Box 1). In addition to mitigating the risk of negative

social and environmental impacts from REDD+ activities, the Cancun Safeguards seek to promote benefits that go beyond carbon emissions reduction, including security for land tenure, stakeholder empowerment through ensuring full and effective participation, and improving biodiversity and forest governance.



Box 1: Cancun Safeguards ³

- a. Actions that complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements;
- b. Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- c. Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- d. The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision; ⁴
- e. Actions that 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.

3. Decision 1, UNFCCC COP 16, Appendix 1, Paragraph 2

4. Paragraph 70 of the decision establishes that the Conference of the Parties: “Encourages developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances: (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.” Paragraph 78 establishes that the COP: “Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities.” UNFCCC Decision 1, Cop 17, op. cit., Paragraphs 70 and 72.



1.3 UNFCCC REQUIREMENTS FOR SAFEGUARDS

UNFCCC decisions recognize that safeguards are a key part of REDD+ (See Appendix 1 of this document), in particular by linking the Cancun Safeguards to the access of result based payments and requiring that countries implementing REDD+ activities must be capable of demonstrating how they have adopted and respected the UNFCCC REDD+ Safeguards in accordance with the relevant decisions.⁵


The UNFCCC links REDD+ financing to the implementation of three requirements, outlined below.

1. Implementing REDD+ activities in a manner consistent with the Cancun Safeguards
2. Developing a system to provide information on how the Cancun Safeguards are being addressed and respected
3. Providing a summary of information on how the Cancun Safeguards are being addressed

Requirement 1: Implementing REDD+ activities in a manner consistent with the Cancun Safeguards

In the framework of UNFCCC decisions on safeguards, it was agreed that REDD+ activities, regardless of their type of funding source, should be implemented in accordance with the Cancun Safeguards, and that compliance should be promoted and supported.^{6, 7}

This implies that countries should take steps to define “how” the Cancun Safeguards will be implemented, and to ensure compliance with the safeguards during REDD+ actions. Through this process, each country should define the scope of the safeguards and mechanisms to ensure their implementation. This definition process leads to the design of country-led safeguards approaches and national safeguard information systems that respond to the diverse contexts and realities in which REDD+ actions will take place (Rey, 2013).⁸

 5. Decision from UNFCCC 2/CP.17, Paragraphs 63 and 64 should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix 1, Paragraph 2.

6. Decision 2/CP.17, Paragraph 63.

7. UNFCCC Decision 1/CP.16, Paragraph 2 of Appendix 1

8. A Country-Led Safeguards Approach or system can be explained as “the system that allows a country to define how safeguards will be coherently addressed, and to ensure that all REDD+ activities and actions in the country are covered by the applicable safeguard policies for each field, regardless of the funding source or initiative.”



It is important to note that instead of defining a detailed series of safeguards and implementation guidelines, the Parties to the UNFCCC agreed on this series of general objectives that should be interpreted by the countries and implemented according to each particular national context. This foundation gives countries flexibility to interpret and generate particular approaches and goals for safeguards, with the objective of responding to national circumstances and needs (Peskett & Todd, 2013).

Requirement 2: Establishing a system to provide information on how the Cancun Safeguards are being addressed and respected

Second, the governments of REDD+ countries implementing REDD+ activities are required to establish a system to provide information on how the seven Cancun Safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities. This is commonly referred to as the Safeguard Information System (referred to in this document as the SIS).⁹

It is important to note that according to the UNFCCC directives, the SIS should be based on “existing systems”. This implies that consideration should be given to how the existing relevant information systems should be used to provide information on safeguards.

Additionally, it is worth noting that the SIS must be applied on a national level, meaning that the information on how the seven Cancun Safeguards are being addressed and respected on a

sub-national level should feed into a SIS operating on a national scope.

The specific decisions related to the implementation of the SIS are presented in Appendix 1 of this document.

Requirement 3: Providing a summary of information on how the Cancun Safeguards are being addressed

Thirdly, the UNFCCC requires that the governments participating in REDD+ provide a summary of information on how the Cancun Safeguards are being addressed and respected during the implementation of REDD+ activities. In order to receive result based payments countries must present their most recent information summary on how the safeguards have been addressed.^{10, 11}

When should reports be presented? The UNFCCC establishes that countries should begin reporting upon beginning to implement REDD+ activities. This means that information on how safeguards are being addressed must be provided from the start of REDD+ activities and throughout the implementation phase.¹²

How should reports be presented? The UNFCCC establishes that the information summary should be provided periodically and included in national communications or the communication channels identified by the COP. An additional and voluntary channel for providing information to the UNFCCC is through the UNFCCC web platform.^{13, 14}

What kind of information should be reported?

It should be noted that the UNFCCC does not detail or provide guidelines on the types of information that should be provided in the information summary, nor does it provide a template to follow. Therefore, it is up to the countries to determine what type of

information and what level of detail to be provided to the UNFCCC.

Specific decisions related to the summary of information on how safeguards are addressed are presented in Appendix 1 of this document.



9. UNFCCC Decision 1/CP.16, op cit, Paragraph 71(d).

10. Decision 9/CP, Paragraph 4:

11. UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

12. Decision 12/CP.19, Paragraph 4

13. Decision 12/CP.19, Paragraph 2

14. Decision 12/CP.19, Paragraph 3

15. These experiences were gathered at the REDD/CCAD-GIZ Experience Exchange Workshop on Country-Led Safeguards Approaches, held on October 2 and 3 in San Salvador, El Salvador.

1.4 REPORT OBJECTIVES AND STRUCTURE

The main objective of this document is to share the initial experiences and lessons learned from countries developing a Country-Led Safeguards Approach (CSA) for REDD+. This document was prepared based on experiences collected at the Experience Exchange Workshop on Country -Led Safeguards Approaches, organized by the REDD-CCAD/GIZ program and held on October 2 and 3, 2014, in San Salvador, El Salvador, as well as

experts' roundtable and workshops with the liaisons to the regional safeguards team. 15

During the workshop, experiences were shared from Mexico, Belize, Costa Rica, Guatemala, Honduras, Panama, Peru, the Dominican Republic, and Vietnam; these experiences have been included in this report. Nonetheless, it is important to highlight that all of the countries working to adopt a CSA



are in their initial design phases, thus this publication compiles the early experiences and lessons learned. We hope that these experiences and lessons may be a valuable contribution for other countries that are set to begin this process.

This document is divided into three sections:

1. The first section presents the conceptual framework and generic phases to develop a Country-Led Safeguards Approach, which provides the context in which the experiences and lessons learned have been documented.

2. Based on the information from the first section, the second part of this document is dedicated to examining the experiences and lessons learned on:

a. Establishing safeguards committees, and the processes to ensure the participation of the relevant stakeholders.

b. Determining the Objectives and Scope of the CSA.

c. Analyzing the existing frameworks (legal, institutional, and compliance frameworks)

d. Defining the architecture and operation of the CSA and designing the SIS

3. The third and final section of this document compiles a series of general recommendations based on the information compiled in the previous two sections.

This document is principally oriented to be of use to national authorities charged with implementing country-level commitments for safeguards, as well as decision-makers and officials involved in REDD+ processes.

The secondary audience for this report will include the representatives of development agencies who provide technical and financial assistance to countries for the implementation of their commitments around REDD+ safeguards.



CHAPTER 2: *Context and Background*

2.1 WHY ADOPT A COUNTRY-LED SAFEGUARDS APPROACH FOR REDD+

In order to respond to the three UNFCCC requirements on safeguards in an appropriate way and adapt to each country context, countries will have to consider the design of a Country-Led Safeguards Approach, or CSA. ¹⁶

A CSA is an approach that allows a country to respond to its safeguard-related commitments in a robust way, building on the existing governance systems of the country (legal, institutional, and compliance frameworks) that together can be

used to apply the Cancun Safeguards and design the SIS. A CSA thus does not require the creation of a new system, rather the articulation (and in some cases orientation) of the legal, institutional, and compliance frameworks of the country to respond to the context of REDD+ safeguards and address any gaps identified.

It is important to note that by using the existing governance system, the CSA promotes and reinforces the effective use of national legal,



institutional, and compliance frameworks. A CSA not only contributes to compliance with commitments related to REDD+ safeguards, it also offers an opportunity to strengthen forest governance for national policy ends.

The three elements of existing governance systems used for a CSA are:

1. The legal framework, made up principally of national policies, laws, and regulations, as well as the plans and programs for these laws and policies, and applicable rules. This framework includes relevant international agreements and treaties applicable in the country.
2. The institutional framework, made up of the institutions in charge of implementing the legal framework.
3. The compliance framework, is made up of three sub-elements needed to ensure and demonstrate the effective enforcement of the legal framework: i) information systems, including monitoring and reporting systems or mechanisms; ii) grievance redress mechanisms, and; iii) mechanisms to address non-compliance.

In designing and implementing the CSA, aspects relevant to safeguards will be used from the legal, institutional, and compliance frameworks. In this context, these three elements will have the following specific roles vis-à-vis safeguards (see Figure 1):

The legal framework will be used to define how safeguards will be implemented or followed during the implementation of REDD+ activities.

It is important to highlight that the legal framework of the country probably already protects and regulates many of the objectives enshrined in the Cancun Safeguards. Therefore, in an CSA, the legal framework would be used concretely to implement the safeguards adopted by the country (the Cancun Safeguards and any additional safeguards adopted or defined). For example, a law for the protection of indigenous peoples could contribute to the implementation of Cancun Safeguard “C” if the law is applied to REDD+ activities.

2. The institutional framework will be in charge of ensuring the implementation of and compliance with the legal framework pertaining to safeguards.

Since the country already has the institutional framework responsible for applying the legal framework relevant to safeguards, these institutions will be responsible for ensuring the application of the safeguards in the context of REDD+ activities. For example, an institution in charge of overseeing the implementation of a law for the protection of indigenous rights could contribute to overseeing the concrete implementation of Cancun Safeguard “C” in REDD+ activities.

3. The compliance framework, made up of and informed by the relevant legal and institutional framework, would serve to ensure compliance with the safeguards (the Cancun Safeguards or any others adopted or defined by the country). The compliance framework is made up of three sub-elements:

a. Grievance redress mechanisms : These mechanisms will help to address conflicts or disputes among individuals or groups whose rights (pro-

tected by the safeguards) may be affected by the implementation of REDD+ activities.

b. Information, monitoring, and/or reporting systems: These systems will serve to provide information on how the safeguards are addressed and respected.

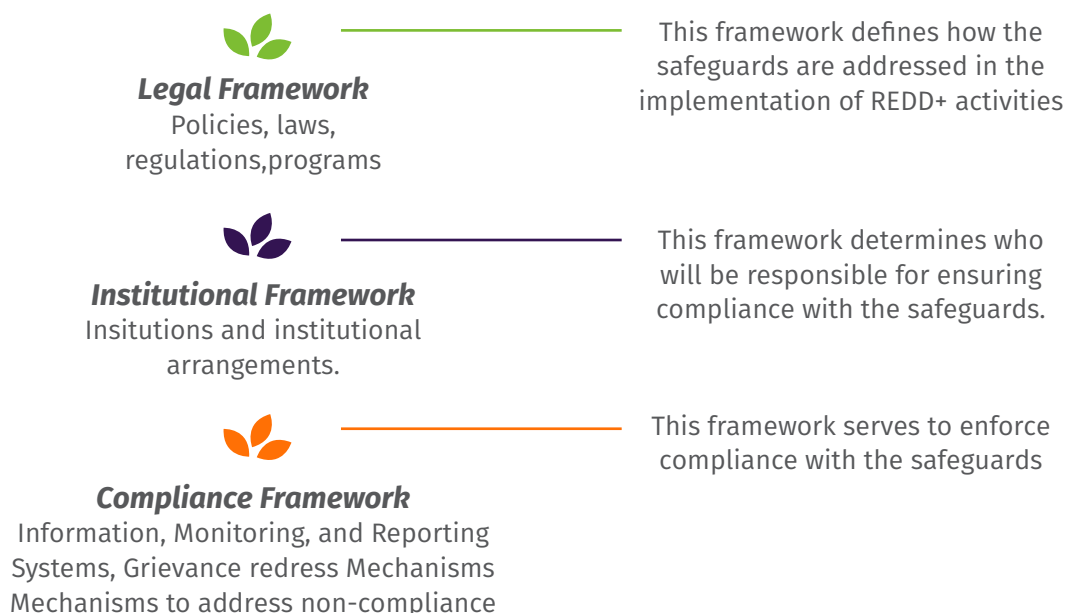
It is important to highlight that these information, monitoring, and/or reporting systems are linked to the legal, institutional, and compliance frameworks because they must provide information on how the legal, institutional, and compli-

ance frameworks relevant to the safeguards are functioning during the implementation of REDD+ activities (“how the safeguards are addressed and respected”).

The relevant information for the SIS will be compiled by these information, monitoring, and/or reporting systems.

c. Mechanisms/aspects for compliance control: These mechanisms will serve to address any non-compliance with the obligations to respect the safeguards during the implementation of REDD+ activities.

Figure 1: Elements of the CSA and their role. Internal source.





16. The CSA conceptual framework presented in this section is adapted from the comprehensive guidelines written by Rey, D. & Swan, S. (2014) A Country-Led Safeguards Approach: Guidelines for National REDD+ Programmes. SNV - Dutch Organization for Development, Ho Chi Minh City, Vietnam. The section also includes country-led approaches to safeguards proposed by UN-REDD, REDD+ SES, and FCPF.

17. Safeguard (c) from Cancun requires that countries implementing REDD+ action promote and support: 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;

18. Idem

2.2 GENERIC STAGES FOR THE DESIGN OF A COUNTRY-LED SAFEGUARDS APPROACH

There is no single fixed and linear approach to building a Country-Led Safeguards Approach; each approach will depend on the national context and circumstances. A series of generic actions or steps have been identified to design a CSA, although these steps do not necessarily need to be performed sequentially: ¹⁹

a. Establishment of a technical committee on safeguards or use of existing platforms, and implementation of steps to ensure the inclusion of all key stakeholders in the design and implementation of the Country-Led Safeguards Approach

Inclusive and transparent processes, and the needed technical and political accompaniment, will be important in building a Country-Led Safeguards Approach. In this phase, countries consider the means through which they will ensure inclusion and participation of all of the relevant stakeholders, and the channels to generate the needed technical and political support. This phase thus has two connotations:

First, to generate the technical and political support needed for the CSA from the relevant institutions, it is important to establish a technical group or committee on safeguards. In order to avoid unnecessary duplication of structures or platforms, this committee may be based upon already existing or relevant platforms, without the need to create a new “safeguards committee” or group.

These groups, committees, or existing platforms should be mainly made up of representatives from relevant government institutions that will be responsible for implementing the CSA. Depending on the national context and needs, countries may also consider the possibility of establishing a multi-stakeholder committee that includes relevant non-governmental actors. ²⁰

Second, to ensure inclusion and participation from all CSA stakeholders, countries should define platforms and actions that guarantee participation from key stakeholders in their design



and implementation; these platforms and actions should be promoted and subject to feedback. It is important to highlight that these actions are different from activities that strictly seek to implement Cancun Safeguard “D”, in the sense that these actions are broader and seek to ensure the inclusion of relevant stakeholders in the design and implementation of the CSA. 21

b. Identification of the objectives and scope of the Country-Led Safeguards Approach

This phase includes:

- a. Defining the objectives for safeguards
- b. Defining the scope of the selected safeguards
- c. Defining the series of activities that will be subject to the selected safeguards.

Defining the objectives for safeguards

Defining the country’s objectives for safeguards implies defining the series of safeguards that the country will apply and enforce. If countries wish to participate in the UNFCCC REDD+ mechanism and receive payments based on results, they must ensure that their REDD+ activities are “consistent with the Cancun Safeguards”. Therefore, the safeguards that a country chooses can follow the Cancun Safeguards alone or also include additional safeguards according to specific national needs or preferences. Countries may go beyond the Cancun Safeguards in order to comply with other existing national or international requirements. This step will result in a legal or political commitment from the government vis-à-vis the series of safeguards that it must enforce. 22

Defining the scope of the selected safeguards

Defining the scope of the selected safeguards means delimiting the general objectives enshrined in the Cancun Safeguards, whose

scope should be set in the context of the particular circumstances of each country. The safeguards adopted generally take the shape of high-level principles or general objectives, and they should be adjusted to consider the context of each country in order to define their scope. For example, a safeguard that creates a commitment to respect the rights of indigenous peoples implies determining exactly what rights will be respected.

Defining the series of activities that will be subject to the selected safeguards

Defining the activities that will be subject to the selected safeguards implies defining what REDD+ activities (or additional activities determined by the country) will be subject to the chosen safeguards.

c. c. Identification and analysis of the legal, institutional, and compliance framework.

For the design of the CSA, it is important to identify and analyze the legal, institutional, and compliance frameworks in order to determine which aspects of these frameworks are relevant to REDD+ safeguards, that is, what concrete aspects exist in the legal, institutional, and compliance frameworks that are related to the principles of the REDD+ safeguards and ensure and/or promote their compliance and reporting. These analyses also help to identify gaps or weaknesses that could impede the implementation of REDD+ safeguards, and thus must be addressed.

Given that the Cancun Safeguards represent a series of general objectives, these objectives should be implemented in line with the national context. Analyzing the legal framework helps to clarify how the Cancun Safeguards can be implemented in a country context.



Analyzing the institutional framework will help to identify the capacities and powers of the relevant institutions in the country, and their role in implementing and reporting on the safeguards.

Additionally, analyzing the relevant compliance framework will determine:

- The existing information and reporting systems in the country, and how these systems could be used to provide information on safeguards, including reporting procedures associated to non-compliance with relevant international agreements and treaties.
- Existing (or the lack of) complaint/conflict resolution mechanisms and how they could be used to enforce the safeguards.
- The existing mechanisms to address non-compliance, and how they could be used during the implementation of REDD+ activities.
- Recommendations to address gaps.

d. Definition of the CSA architecture and SIS design

For the CSA architecture and SIS design, and based on the results obtained from the analyses discussed above, it is necessary to consider:

- How will the pertinent aspects of the legal framework be used to put the safeguards in practice?
- How will the pertinent aspects of the institutional framework be used to take responsibility for the enforcement of the safeguards?

• How will the existing information and reporting systems be used to provide information on the implementation of the safeguards?

• How will the existing mechanisms for dispute/conflict resolution be used to address the complaints related to the enforcement of the safeguards (or lack thereof)?

• How will the mechanisms/aspects to address non-compliance be used to deal with cases of non-compliance with the safeguards?

The design of the SIS will depend in large part on the context, the existing systems, the circumstances, and the capacities in each country, but there are some general guidelines that countries may consider, including:

• Which institutional structure would be in charge of integrating and aggregating all of the relevant information? This institutional structure would be linked to the government institutions in charge of the existing systems for reporting information relevant to safeguards.

• Which information and reporting systems will be used to provide information on the safeguards and feed into the SIS? This consideration implies including the reporting procedures associated with enforcement of relevant international agreements and treaties.

• Is there a platform in which information on how the safeguards are addressed and respected could be shared? Is it necessary to build a new one?

- Is it clear what type of information will be provided with respect to how the safeguards are being addressed and respected? This information can include aspects from the legal framework that ensure compliance with the safeguards, or particular processes related to the safeguards that are being executed.




19 The steps to design a CSA presented in this section are adapted from the comprehensive guidelines produced by Rey, D. & Swan, S. (2014) A Country-Led Safeguards Approach: Guidelines for National REDD+ Programmes. SNV - Dutch Organization for Development, Ho Chi Minh City, Vietnam. The section also includes country-led approaches to safeguards proposed by UN-REDD, REDD+ SES, and FCPF.

20 For example, including representatives from civil society, the academic sector, indigenous peoples, local communities, industry, and other actors.

21 Safeguard D from Cancun requires that REDD+ actions ensure: “full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities”

22 UNFCCC Decision 12/CP.16, Paragraph 63





CHAPTER 3:

Experiences and Lessons Learned for the Design of a Country-Led Safeguards Approach

This section presents early experiences and lessons learned for each of the generic steps of the CSA design into practice (discussed in the first section of this document). This section is thus divided into four sub-sections:

1. Establishment of a technical committee on safeguards or use of existing platforms, and implementation of steps to ensure the inclusion of all key stakeholders in the design and implementation of the Country-Led Safeguards Approach
2. Determining the Objectives and Scope of the CSA
3. Analyzing the existing frameworks (legal, institutional, and compliance frameworks)
4. Defining the CSA architecture and information system design

For each of these stages, there are a series of lessons learned, common challenges, and recommendations identified by each of the countries in order to address the challenges encountered.























It is important to note that the section on lessons learned in this document was produced based on experiences collected at the REDD/CCAD-GIZ Experience Exchange Workshop on Country-Led Safeguards Approaches, held on October 2 and 3 in San Salvador, El Salvador. During the workshop, experiences were shared from Mexico, Belize, Costa Rica, Guatemala, Honduras, Panama, Peru, the Dominican Republic, and Vietnam.

This section of the document presents and analyses the experience from these nine countries. All of these countries are working to adopt a CSA, and are in an early phase of the design process. In par-

ticular, the countries have made notable strides on stages 1-3, but are only in planning phases for stage 4 (see Table 1 that shows the progress made by selected countries in each of these stages). In consequence, it should be noted that the sub-sections

examining stage 4 only present a general discussion of the challenges encountered in the planning processes for the stage in each country.

Table 1: Progress of selected countries in each stage for establishing a CSA

Country	Stage 1 Establishing safeguards committees and processes to ensure the participation of the relevant stakeholders	Stage 2 Determination of the Objectives and Scope of the CSA	Stage 3 Analysis of Existing Frameworks	Stage 4 Defining the CSA architecture and information system design.
Belice				
Costa Rica				
Guatemala				
Honduras				
México				
Panamá				
Perú				
República Dominicana				
Vietnam				

3.1 ESTABLISHING A TECHNICAL COMMITTEE ON SAFEGUARDS OR USE OF EXISTING PLATFORMS, AND IMPLEMENTATION OF STEPS TO ENSURE THE INCLUSION OF ALL KEY STAKEHOLDERS IN THE DESIGN AND IMPLEMENTATION OF THE COUNTRY-LED SAFEGUARDS APPROACH

As discussed in the first part of this report, inclusive and transparent processes, and the needed technical and political accompaniment, are important in building a Country-Led Approach to Safeguards. The “form and means” to be used will depend on the context and

circumstances of each country. Nonetheless, this phase generally consists of:

- Establishing a “technical-political group or committee” on safeguards that can provide technical support

²³ It is important to note that some countries refer to these platforms as “expanded committees” or “standards committees”, especially in countries using REDD+ SES.

²⁴ Vietnam and Guatemala have committees established, while Honduras and the Dominica Republic are beginning to develop them.



and the needed political backing to develop the CSA, based on the existing platforms for REDD+. Alternately, countries can choose not to create a “safeguards committee or group”, and make use of existing platforms to provide technical and political support for the CSA.

- Putting steps in motion to ensure participation of relevant stakeholders through existing participation platforms (for example, REDD+ or other relevant platforms) to promote and receive feedback on the activities and steps toward implementing the CSA. ²³

- The experiences of Mexico, Vietnam, and Guatemala are examined in Table 2.

LESSONS LEARNED

- ***Having a technical-political team or committee for safeguards, whose makeup, role, and functions are clear and appropriate***

Some countries have made strides and offer valuable experiences with respect to the conformation and operation of a safeguards committees. In general, the countries indicated that having a technical and political committee on safeguards is essential. ²⁴

The country experiences reflect that in order to successfully pursue this topic, it is important to have a technical-political team or committee on safeguards that has clear and appropriate membership, roles, and functions. In this sense, the committee should:

- Have a clear membership, limited to actors that will be dedicated to providing the needed technical support and political backing to implement the CSA. This means that the committee should include government representatives from multiple relevant sectors.

- Have a clear role, limited to providing needed technical support and political backing, rather than serving as a participatory space. This implies that the committee should have the political recognition needed to per-

form this role.

- Have clear and well-defined functions in operative plans and results-oriented work plans.

- ***Having a technical-political team or committee on safeguards is not the only option to generate the technical and political support needed for a CSA***

For some countries, establishing a technical-political team or committee on safeguards is not the most appropriate option for their circumstances, especially in countries that already have multiple platforms that could serve to meet these objectives.

The experiences from these countries suggest that these existing platforms must have a clear and appropriate role and function to provide follow-up and technical support for the CSA. In this sense, if existing platforms are used, it is important to:

- Ensure that these platforms include (or are expanded to include) government representatives from the multiple sectors relevant to the CSA.

- Ensure that the platform has the needed political recognition in order to provide technical support and political backing.

- Ensure that the platform has clear and well-defined functions included in results-oriented work plans.

- ***Distinguishing and complementing the roles of the safeguards committee or existing platforms to generate the technical and political support needed for the CSA, and implementing actions to ensure the participation of relevant stakeholders in REDD+***

Country experiences suggest that establishing a national committee on safeguards (including multiple stakeholder groups), or using existing platforms to generate the technical and political support needed for the CSA, and im-

plementing actions to ensure the participation of the relevant stakeholders in REDD+ should be considered to be complementary and interdependent efforts. Experiences in countries reflect that each effort has its own particular objective:

- The objective of a committee on safeguards or use of an existing platform is to provide support, guidance, and technical-political backing to implement the Country-Led Approach to safeguards. While the committee on safeguards would be made up of multiple actors, the experience from several countries has demonstrated that this committee cannot be used to ensure the full participation of all relevant stakeholders. This is due mainly to the fact that in order to successfully perform its mission of providing technical support and political backing, the committee cannot simultaneously be an effective participatory space. That is to say,

while it may be a broad platform for participation, it does not ensure effective participation.

- The objective of efforts to ensure the participation of relevant stakeholders (for example, using participatory platforms on a national and sub-national level) is to provide a broad space for participation that can ensure the inclusion of all relevant parties in the design and implementation of a CSA.

Table 2: Experiences from Guatemala, Vietnam, and Mexico in the creation of a safeguards committee

Guatemala

With support from the REDD+ SES Initiative, Guatemala created a National Committee on Environmental and Social Safeguards (CNSAS), whose function is to support the design and implementation of a Country-Led Safeguards Approach and to serve as a space for dialogue and consensus-building. This committee is made up of 11 members, including representatives from government, civil society, indigenous peoples, local communities, the private sector, and academic circles. The CNSAS also has a broader complementary committee that serves as a participatory space for relevant stakeholders.

In terms of challenges, the CNSAS does not have the necessary political backing to fulfill its mission; it does not include participation from all of the relevant government sectors that the country considers essential to supporting the design and implementation of the CSA. This has prevented the CNSAS from wielding the necessary political advocacy to mobilize the CSA design process.



Vietnam

Vietnam has a technical group on safeguards with an open membership roll, made up of representatives from government and non-governmental groups. The function of this technical group on safeguards is to provide technical support on the topic of REDD+ safeguards.

Just as in the case of Guatemala, the technical group on safeguards in Vietnam does not have the necessary political backing to fulfill its role; it does not have participation from the multiple relevant government sectors that the country considers essential in order to support the design and implementation of the CSA. Moreover, the open participation in the technical group on safeguards in Vietnam has made decision-making difficult. Just as in the case of Guatemala, this has prevented the technical committee on safeguards in Vietnam from performing the necessary political advocacy to mobilize the CSA design process.

Mexico

Mexico does not have a committee or group on safeguards; it has opted to use existing REDD+ platforms to generate technical and political support for the CSA. In 2014, with technical support from Alianza Mexico REDD+, two inter-institutional dialogue sessions were organized to initiate dialogue with certain relevant institutions for reporting on REDD+ safeguards in Mexico, share cross-cutting experiences in reporting information, and explore systems that could potentially be used for the SIS, as well as the role of institutions for information monitoring and reporting. As a result, the REDD+ Working Group (GT-REDD) within the Inter-Secretariat Commission on Climate Change was identified as a possible inter-institutional platform through which to promote agreements for reporting and compliance with REDD+ safeguards.

Additionally, to ensure the inclusion and participation of all relevant stakeholders, existing participatory platforms (such as the Technical Consulting Committee on REDD+, CTC REDD) have been used to promote the results obtained in each stage of the CNA, as well as receive feedback from key actors. Lastly, participatory workshops are organized and outreach materials are distributed to different audiences in culturally appropriate ways.

Ref. Presentations from the Experience Exchange Workshop held in San Salvador on October 2 and 3, 2014.

CHALLENGES IDENTIFIED

•Ensuring that the Safeguards Committee has the needed political backing

Building a technical committee on safeguards with sufficient support and political backing is a considerable challenge. In particular, in countries where the committee's role has not been formally recognized by the government, the group's power to mobilize agreements that contribute to the design of a Country-Led Safeguards Approach has been diminished (See Table 2 with experiences from Vietnam and Guatemala).

•Appropriate participation of committee members or existing platforms

A second important challenge is ensuring sufficient capacity (technical and financial capacity) for an effective participation of the members of the safeguards committee or members of existing platforms, based on the following factors:

- a) The technical capacity of members on the topic of safeguards is often limited, which limits these members' integration and participation.
- b) Members usually do not have enough available time to dedicate to performing the functions entrusted to them.
- c) The committee or platform does not have the necessary financial resources to support and facilitate members' participation in meetings.

•Ensuring the participation of all relevant government sectors

A third important challenge is to building a multi-sector committee or use existing multi-sector platforms that bring together representatives of all of the relevant government sectors outside

the forestry sector. The CSA, as is the case with REDD+, is usually led by the forestry or environmental sector, but both require involvement from all of the government sectors that bear some responsibility for the effective implementation of the CSA.

RECOMMENDATIONS

Based on the challenges identified and lessons learned in each of the countries, the following recommendations can be made for the establishment of a technical committee on safeguards or use of existing platforms, and the implementation of steps to ensure the inclusion of all key stakeholders in the design and implementation of the Country-Led Safeguards Approach.

1. Strengthen the participation of members in the committee or existing platforms

a. One recommendation is to establish a relatively small technical committee (maximum of 10 members).

b. Members of the committee or existing platforms should have the following qualities:

- Time: The members should be able to dedicate sufficient time to participate and contribute in meetings and perform the required functions. To ensure this, committee member selection should consider members' availability and current responsibilities in order to choose group or sector representatives who can dedicate sufficient time to fulfill their given roles. Additionally, it is recommended for the selected members to make formal commitments to dedicating the necessary time to conduct their responsibilities.



- **Capacity:** Members should have the technical capacity to conduct their responsibilities. To make this possible, it is recommended for the committee or platform work plan to include capacity-building activities oriented toward supporting members in performing their functions. Capacity-building activities should be considered in each of the different CSA design phases, and thus in operating plans as well.

- **Representativeness:** Members should represent groups or sectors relevant to the scope of the safeguards. To ensure this representation, it is recommended to identify and perform a strategic analysis of the stakeholders and sectors that should be included in the committee or platform, and to ensure a broad representative base.

c. It is important for the committee or existing platform to be a multi-sector group, and for the members to represent all of the sectors that should be involved in implementing the CSA. To make this possible, steps should be taken to generate political willingness and interest among these sectors (for example, through early inter-institutional dialogues dedicated to understanding the scope of the CSA and the role that government sectors will play in its implementation, with a view toward creating inter-institutional agreements, and for the sector leading the CSA (for example, the forestry sector) to take a proactive role in eliciting stakeholder involvement.

2. Allocate financial resources.

Specific resources should be assured and allocated to support the operation of the safeguards committee or existing platforms used, as well as the implementation of ac-

tions to ensure participation of all of the relevant stakeholders. These resources should be linked to the committee/platform's work plans or operating plans, and linked to projected activities to ensure the participation of the relevant stakeholders. In terms of the activities to ensure participation of relevant stakeholders, it will be important to consider financial resources to obtain participation not only from national-level stakeholders, but from sub-national and local actors as well (for example, funding for workshops and meetings, as well as participation and transportation of relevant stakeholders to these workshops and meetings).

3. Obtain necessary political support

Given that the success of the safeguards committee or existing platform in providing technical and political support for the CSA will depend on the political recognition that these spaces wield, political support should be garnered and consolidated as early as possible. To consolidate political support, the safeguards committee or existing platform should be made up of government representatives in order to generate the needed political backing and recognition. Lastly, it is recommended that the establishment of the committee (including designing its role and functions) be done through formal channels (for example, through a ministerial decree).

3.2 DETERMINING THE OBJECTIVES AND SCOPE OF THE CSA

As examined in the first part of this report, this phase consists of:

a. Defining the objectives for safeguards, including identifying which safeguards will be applied (Cancun Safeguards and others).

b. Defining the scope of the selected safeguards, which means delimiting the significance of the safeguards in terms of the general objectives enshrined in the Cancun Safeguards.

c. Defining the activities that will be subject to the selected safeguards, which implies defining what REDD+ activities (or additional activities determined by the country) will be subject to the chosen safeguards. That is to say, determining the scope of the CSA.

The experiences from Mexico, Peru, and the Dominican Republic are shared in Table 3.

LESSONS LEARNED

• Defining the objectives and scope of the safeguards in a process complementary to the definition of REDD+ activities

The experience from countries reflects that it is important to ground and link the objectives and scope of the selected safeguards to REDD+ activities that are to be implemented. Whichever the national-level REDD+ approach turns out to be (through projects or on a program level), the objectives and scope of the safeguards will be linked and will affect the series of activities that are subject to these measures. Given this symbiosis, the process of selecting the safeguards and defining their scope, and the process of selecting REDD+ activities must provide feedback and inform each other.

This does not mean that all of these processes must occur simultaneously, rather, the final decisions related to these processes must consider and incorporate the results of the others.

• Objectives for safeguards depend on the commitments that the country adopts.

At minimum, countries should comply with the Cancun Safeguards. Nonetheless, and given the other safeguard-related commitments that countries may acquire (for example, through the Forest Carbon Partnership Facility), countries indicate that the objectives be associated with compliance for the chosen safeguards. That is, when the countries define their objectives for safeguards, they must identify and assess the commitments (beyond the UNFCCC) that they must uphold in order to ensure that the objectives chosen by the country include these responsibilities.

• The scope or concrete interpretation of the selected safeguards is linked to the country's legal obligations.

Rather than defining a detailed series of provisions for Safeguards for REDD+, the Cancun Safeguards lay out a series of broad objectives whose scope or interpretation must be decided by the implementing country, shaped by the national context and circumstances. The experience from countries shows that the process of defining the scope and interpretation of the Cancun Safeguards is linked to determining the country's legal obligations that are relevant to those safeguards. That is, the relevant and applicable legal obligations of the country determine and inform the scope or interpretation of



the Cancun Safeguards.

The common process that some countries have undertaken has been to perform an identification and analysis of the legal framework of the country in relation to safeguards. The findings of these analyses help to clarify the scope of the Cancun Safeguards for the country context (for example, if Free, Prior, and Informed Consent applies or not, considering the country's legal obligations), and to determine how the safeguards will be implemented in practice, rooted in the existing legal framework (see Section 4 on the analysis of the existing frameworks). 25

• *The involvement of all of the stakeholders is essential, along with the systematization and documentation of these processes*

It is important to document all of the phases of the CSA design, especially those processes oriented toward determining the objectives and scope of the safeguards. Countries are aware that, in the UNFCCC and donor reports on safeguards, there is a clear expectation to provide information on the execution of the processes themselves, and not just on the end results. Additionally, documentation and systematization of the processes can lead to key and comprehensive information that can be shared with relevant national and sub-national stakeholders.

Additionally, the experiences of countries highlight that it is necessary to involve stakeholders in these processes in order to receive feedback on the decisions and outcomes. This will help to generate the technical and political support

needed for the CSA, and to integrate all of the stakeholders appropriately.

The countries are using their safeguards committees and participatory platforms to involve relevant stakeholders and receive feedback on decisions and outputs.

CHALLENGES IDENTIFIED

• *Achieving a common understanding of the scope or meaning of the Cancun Safeguards*

Achieving a common understanding among multiple stakeholders with respect to the scope and significance of the Cancun Safeguards is a considerable challenge. In many cases, different stakeholders (at a national, sub-national, and project level) make their own interpretations of the scope of the Cancun Safeguards, resulting in multiple and varied expectations for their scope and enforcement.

• *Linking the safeguards to REDD+ activities*

A second main challenge is linking the safeguards to the REDD+ actions. This challenge has two connotations:

First, it is a challenge to make this linkage by virtue of the fact that many countries have progressed in their CSA without having fully developed their national REDD+ strategy. This means that in these cases, countries have not been able to link the objectives and scope of the selected safeguards to the REDD+ activities that will be implemented.

Second, many countries use REDD+ as a mechanism within a broader strategy on forests and climate change, making it difficult to specify which REDD+ actions should be subject to the safeguards. In these cases, countries have tried to specify the application of the safeguards to the broader strategy for forest management and climate change.



25. Countries that have performed a legal analysis for safeguards include Mexico, Vietnam, Guatemala, and Honduras. Legal analyses is underway in Costa Rica, the Dominican Republic, Peru, and Panama. A legal analysis is planned in Belize.

Table 3: Experiences from Mexico, Peru, and the Dominican Republic in determining the objectives and scope of the CSA.

Mexico

In Mexico, REDD+ must be understood as a series of strategic initiatives that promote comprehensive territorial management along with low-carbon rural sustainable development. The approach to REDD+ in Mexico is thus a broad framework on forest management and climate change.

Mexico has a draft of the National REDD+ Strategy (ENAREDD+), which specifies that a National Safeguard System (NSS, roughly equivalent to a CSA), and a Safeguard Information System (SIS) will be implemented. Additionally the ENAREDD+ specifies that the approach to REDD+ in Mexico will seek to comply with the Cancun Safeguards, as well as the safeguards established in Article 134-bis of the General Law for Sustainable Forest Development (LGDFS). In this sense, it is worth mentioning that in 2012, Mexico reformed Article 134-bis of the LGDFS to legally recognize the Cancun Safeguards and establish an additional series of safeguards that would be applied through policies and activities related to environmental services (including REDD+). 26



Additionally, Mexico has undertaken an analysis of its legal framework to specify the scope of the Cancun Safeguards and determine how they could be put into operation (see Section 4, on the analysis of legal frameworks). Mexico has sustained dialogue with governmental and non-governmental actors in order to receive feedback and share information with respect to progress made toward the CSA design. ²⁷

Nonetheless, Mexico has cited challenges in grounding and linking the safeguards for REDD+ activities to be implemented in the Mexican states and at a local level, and in generating the needed political support and willingness from other government sectors that will be involved in implementing the broader REDD+ framework.

Peru

Similar to Mexico, the approach to REDD+ in Peru will be as an element within the National Strategy on Forests and Climate Change. As a result, Peru also considers it a challenge to ground and link the safeguards to REDD+ actions.

Peru also considers that determining the safeguards is linked and associated to country commitments (to donors, the FCPF, and others), and that it is important to distinguish between the adoption of safeguards for REDD+ policies or actions, and safeguards for other projects.

Dominican Republic

Similar to Mexico, the Dominican Republic has specified that it will implement the Cancun Safeguards. The Dominican Republic has made progress in determining the scope and interpretation of the safeguards through an analysis of its legal framework and a workshop held in 2014 (among relevant government institutions) with the objective of making a preliminary identification of the scope and interpretation of the safeguards. In this workshop, the parties agreed on criteria and sub-criteria for interpreting the safeguards, which will be complemented by and correlated with the findings from the legal framework analysis. The results of this exercise will be consulted and shared among all of the relevant stakeholders. ²⁸

While the Dominican Republic still does not have a national REDD+ strategy, the country has projected a broad approach to REDD+, and thus considers that the scope of the CSA should contribute to addressing all ecosystem services. The country also considers grounding and linking the safeguards to REDD+ actions to be a challenge.

Ref. Presentations from the Experience Exchange Workshop held in San Salvador on October 2 and 3, 2014.





26. The safeguards adopted through Article 134-bis of the LGDFS are: 1. Free, prior and informed consent for indigenous towns, communities, and peoples; 2. Equitable distribution of benefits; 3. Security and respect for the rights to property and legitimate possession. Access to natural resources for the legitimate owners and possessors of the land; 4. Territorial, cultural, and gender inclusion and equity; 5. Pluralism and social participation; 6. Transparency, access to information, and accountability; 7. Recognition and respect for the forms of internal organization, and; 8. Mainstreaming, comprehensiveness, coordination, and complementarity between policies and instruments from the three branches of government.

27. For more information on the legal analysis for Mexico see: http://www.conafor.gob.mx/web/wp-content/uploads/2014/08/Marco-Legal-Salvuardas_FINAL_feb2014.pdf

28. The legal framework analysis is underway; the report may be available in January, 2015.

RECOMMENDATIONS

• Work through a legal framework analysis to reach a common understanding of the safeguards that should be applied and their scope.

In order to achieve a common understanding of the safeguards, a decision should be reached on which safeguards will be applied (this can take the form of high-level principles or objectives). The decision should reflect a legal or political commitment from the government (for example, in the national REDD+ strategy or in rules or regulations).

In order to achieve a common understanding among all of the relevant stakeholders with respect to the safeguards to be applied and adapted to the country context and circumstances, a legal framework analysis is recommended. The findings of this analysis will clarify and specify the possible scope of each safeguard, based on the legal obligations of the country (for example, if it applies Free Prior and Informed Consent with respect to the safeguard on indigenous peoples).

• Link REDD+ activities to the safeguards in the national REDD+ strategy

Given that the UNFCCC explicitly requires that the safeguards be applied to REDD+ activities, and that this application be demonstrated through the SIS and information summary, it is important for countries working to develop a REDD+ strategy (or broader strategy that includes REDD+) to detail how the CSA will be used to ensure the enforcement of safeguards (for example, how the legal framework of the country will be used to make sure that safeguards are addressed).

• Link REDD+ activities (on a project or local level) to safeguards in the project design documents

Considering that the application of the safeguards on a project or local level will vary depending on the project or locality (for example, certain projects do not require the implementation of safeguards related to indigenous peoples, as they would be undertaken in territories where there is no indigenous population), it is recommended to link and clarify the



application of the safeguards in the project design documents. To do this, it will be important to undertake particular analyses to determine which safeguards would be applied in each project (for example, through project risk and benefit analyses). Additionally, project design documents should link and clarify how the application of the safeguards on a project

level will be consistent with the national-level safeguards in the REDD+ policy (for example, specifying how the project will apply the legal norms relative to safeguards that serve as the foundation for the safeguards in the broader REDD+ policy).

3.3 ANALYSIS OF EXISTING FRAMEWORKS

As examined in the first part of this document, this phase consists of identifying and analyzing the legal, institutional, and compliance frameworks relevant to safeguards in order to determine which specific aspects exist in these frameworks to guarantee and/or promote safeguard compliance and reporting. These analyses also help to identify gaps or weaknesses that could impede the implementation of safeguards, and thus must be addressed.

It should be mentioned, and as is discussed in Sub-Section 3 of this report, the analysis of a country's legal framework will help to clarify and specify the possible scope of each safeguard adopted, based on the legal obligations of the country (for example, if it applies Free Prior and Informed Consent with respect to the safeguard on indigenous peoples).

The experiences of Mexico, Vietnam, and Hondu-

ras are examined in Table 4.

LESSONS LEARNED

- ***Identification and analysis of the legal, institutional, and compliance frameworks in the country generates benefits beyond REDD+***

Country experiences show that the identification and analysis of the legal, institutional, and compliance frameworks (including information systems, dispute or conflict resolution mechanisms, and mechanisms to address non-compliance) can provide benefits that go beyond the context of REDD+. In particular, these analyses help to identify gaps or weaknesses in forest governance that should be addressed regardless of REDD+, and the findings of these analyses can lead to enhanced forest governance (if the recommendations are implemented).

Therefore, these analyses should be seen as an opportunity for significant improvement of national governance (making effective use of the legal, institutional, and compliance frameworks), regardless of REDD+.

• Identification and analysis of the legal, institutional, and compliance frameworks helps the country to take ownership of the process of defining how it will apply its international and national commitments with respect to safeguards.

Country experiences demonstrate that by using the existing governance structures (national legal, institutional, and compliance frameworks), countries can respond more effectively to national and international commitments with respect to safeguards. This flexibility allows countries to adjust to their own context and circumstances and thus comply with diverse requirements from donors, investors, and programs, rather than following a donor-by-donor or program-by-program approach. It is encouraged for a country to take ownership of the process in order to generate a coherent national-level response.

As a result, each of these frameworks should be identified and analyzed in order to determine which of their component parts can be used for the CSA, and what gaps and weaknesses must be addressed.

• The methodologies to perform the analyses must be robust

The national experiences highlighted the importance of using a robust and tested methodology for these analyses; if the methods are not sufficiently solid, the analysis could encounter gaps in the process and produce incomplete or erroneous results or findings.

• Performing the analyses by incorporating them into participatory processes and receiving feedback from relevant stakeholders

National experiences highlighted that the execution of these analyses should be incorporated or inserted into participatory processes in order to ensure that all of the relevant stakeholders can participate effectively and contribute input and feedback. Countries emphasize that the analyses must consider and make use of the existing participatory processes in order to elicit input and hear the perspectives of relevant stakeholders. Additionally, the country experiences denote that the reports containing the findings and recommendations should be shared with and validated by these key stakeholders.



CHALLENGES IDENTIFIED

• *Funding to help perform the analyses*

Finding the necessary funding to perform these analyses has been highlighted as an important challenge. Some countries have not been able to proceed in the execution of these analyses due to a lack of funding.

• *Capacity to support and lead the analyses*

The second challenge identified in the experiences of several countries has been the technical capacity needed to support and lead each technical analysis. In particular, countries

report having good technical professionals in legal, institutional, and environmental fields; nonetheless, these professionals do not have sufficient technical knowledge related to safeguards. As a result, in some cases the desired outputs have not been generated successfully.

Table 4: Experiences from Mexico, Vietnam, and Honduras with respect to the analysis of existing frameworks

México

In the year 2013, the National Forest Commission of Mexico (CONAFOR) conducted a detailed and comprehensive analysis of its legal framework, with technical assistance from the M-REDD+ project. The CONAFOR decided to begin the Country-Led Safeguards Approach in Mexico through a gap analysis of the legal framework.

The main objective of the legal framework analysis was to determine specifically “what” the Cancun Safeguards meant for the country context, and “which” aspects of the legal framework could be used to support their implementation.

In order to conduct the legal gap analysis and identify the aspects of the legal framework that must be evaluated, a detailed methodology and analytic framework was designed using an interpretation guide of the Cancun Safeguards (Rey et. al., 2013). The methodological approach included developing a matrix to support the legal framework analysis.



The legal framework analysis included over 65 policies, laws, regulations, plans, programs, and international legal commitments. The analysis was done on paper and in practice (through interviews with relevant stakeholders). The analysis demonstrated that the existing legal framework in Mexico firmly enshrines the principles from the Cancun Safeguards, and can be used to support the effective implementation of these safeguards. Certain gaps were identified in the legal framework, and recommendations were developed to address these gaps. Mexico also plans to perform an assessment of its institutional and compliance frameworks. 29

The findings from the legal analysis in Mexico have been shared and disseminated to relevant stakeholders.

Vietnam

In the year 2013, the Vietnam REDD+ Office (VRO) also performed a detailed and comprehensive analysis of its legal framework, with technical assistance from the Multiple Benefits REDD+ project from SNV (MB-REDD). After reviewing different options to implement the Cancun Safeguards and the preparatory initiatives for REDD+, along with the country-applicable safeguards such as FCPF and World Bank measures, the VRO decided to begin a Vietnam Country-Led Safeguards Approach with a legal framework gap analysis.

The objective of the legal framework analysis was to identify aspects of the legal framework that could be used to support the effective implementation of the safeguards.

In order to conduct the analysis, a detailed methodology and analytical framework was developed based on the interpretation guidelines for the Cancun Safeguards (Rey, et. al., 2013). The methodological approach included developing a matrix to support the legal framework analysis. The legal analysis included over 60 policies, laws, regulations, plans, programs, and international legal commitments. It should be noted that this evaluation was conducted on paper only, and it did not implicate an assessment of the practical implementation of the legal framework. The analysis demonstrated that the existing legal framework in Vietnam firmly enshrines the principles from the Cancun Safeguards, and can be used to support the effective implementation of these safeguards. Additionally, the certain gaps were identified in the legal framework, and recommendations were developed to address these gaps. 30

The results of the legal framework analysis were shared and discussed with the technical working group on safeguards in Vietnam. The results of the analysis are being used as a technical contribution to building the CSA in Vietnam.



Honduras

In September of this year, the Forest Conservation Institute in Honduras (ICF) conducted a detailed and comprehensive analysis of the Honduran legal framework, with technical assistance from the REDD+/CCAD-GIZ program. The main objective of this analysis was to help inform the design of the Country-Led Safeguards Approach.

In order to conduct the legal framework gap analysis for Honduras, a detailed methodology and analytic framework was designed using an interpretation guide of the Cancun Safeguards (Rey et. al., 2013). This matrix supported the identification of applicable national norms (laws, policies, and regulations) and relevant international commitments for Honduras, and a detailed analysis of the provisions in order to identify what aspects of the legal framework could be used to facilitate the implementation and protection of the safeguards.

The analysis included a review of over 90 policies, laws, regulations, plans, programs, and international legal commitments. Interviews were also conducted with some relevant stakeholders in order to gain information on the practical implementation of the legal framework.

In addition to identifying findings and gaps, the report provides recommendations on paper and in practice to address the gaps. The report is being shared with relevant stakeholders in order to obtain their feedback and input. Later, a workshop is planned with all of the parties to formally present the results of the analysis and determine the next steps for developing the CSA.

Ref. Adapted from Rey and Swan (2014) and Presentations from the Experience Exchange Workshop held in San Salvador on October 2 and 3, 2014.



29. The reports can be found at: <http://www.alianza-mredd.org/biblioteca/productos/recomendaciones-para-un-sistema-nacional-de-Salvuardas-23#.U2N-dFxi8M>

30. The reports can be found at: <http://vietnam-redd.org/Web/Default.aspx?tab=newsdetail&zoneid=108&subzone=113&child=209&itemid=788&lang=en-US>



RECOMMENDATIONS

- Ensure un-interrupted funding to conduct the analysis in the relevant work plans linked to REDD+ implementation.

In order to ensure sufficient funding for the analysis, resources should be identified in the work plans that are being developed with REDD+ initiatives or secured from donors supporting REDD+ implementation.

- Train national technicians to conduct each technical analysis

For national-level technical professionals to be able to successfully undertake these analyses, they must be trained on the topic of safeguards and learn the robust methodologies that must be implemented. Specifically, a training or

capacity-building process is recommended for the domestic technical professionals selected to conduct the analysis, to ensure that they have the support and methodological instruction from experts in the field.

It is worth noting that GIZ and CLP have developed a toolkit to support capacity-building and training of national technical professionals selected to perform this kind of analysis using the CLP methodology. These methods have been used successfully in the analyses performed in Mexico, Vietnam, Honduras, the Dominican Republic, and Costa Rica. ³¹

³¹ Available at: www.reddccadgiz.org

3.4 DEFINITION OF THE CSA ARCHITECTURE AND DESIGN OF THE SIS

As examined in the first part of this report, this stage includes two objectives. First, to define the specific elements of the CSA that will be used to ensure compliance with the commitments enshrined in the REDD+ safeguards, based on inputs from the analyses of the legal, institutional, and compliance frameworks. Second, to design the structure and functions of the SIS based on the existing information and reporting systems in the country.

Given that most countries have made notable strides in stages 1-3, but only planning and minor progress in stage 4, this section presents the general lessons learned and challenges identi-

fied thus far. See Table 5 describing planning and progress from Mexico.

LESSONS LEARNED

- *The design of the SIS based on existing information systems requires knowing and incorporating the types of information and methods for data compilation and evaluation used in these systems.*

It is important to note that a country's existing systems (including monitoring and reporting) provide information on how the legal framework is being implemented. By



adopting a CSA and designing a SIS based on existing information systems, these systems will be used to provide information on how the safeguards are being addressed and respected (as they are recognized, protected, and promoted by the pertinent legal framework).

Considering this dependence, country experiences show that if the SIS is built upon existing information systems, the “design” of these systems must be recognized and incorporated in the SIS. In particular, it is important to recognize that:

- These systems have their own “information types” (indicators or other measures), which determine what information on the implementation of the legal framework is compiled and evaluated. These types should be identified, recognized, and used by the SIS, and if necessary they may be applied or modified. The important point is to maintain the link to the legal framework that recognizes, protects, and promotes the safeguards, so that these same systems can provide the necessary information to address the safeguards.
- These systems have their own methods for compiling and evaluating information. For example, the existing initiatives for forest inventories and mapping, or regular socio-economic census activities from national statistics offices are conducted through

specific methods overseen by specific government institutions. In consequence, the methods from these information and reporting systems should be recognized and incorporated, or may be applied and modified if necessary.

• The use of the indicators upon which the information on how the safeguards are addressed will be compiled and evaluated should be linked and associated to the relevant legal framework that upholds implementation.

The general country experience shows that the use of indicators (especially those specifically developed for REDD+ safeguards) which determine how the information on safeguards are addressed will be compiled and evaluated, must be linked and associated to the relevant legal framework that upholds their implementation. That is to say, if the country’s legal framework is being used to uphold and ensure the implementation of safeguards, the indicators to measure this implementation should be associated and linked to the relevant legal framework. If not, there is a risk that the indicators may not be used to effectively measure how the country is addressing and applying the safeguards.

CHALLENGES IDENTIFIED

- *Articulating the CSA architecture and addressing the recommendations to respond to gaps requires the political willingness from different sectors of the government*

Countries have reported that one important challenge has been gaining political willingness from all involved sectors of government to organize the CSA architecture and implement the recommendations to address the gaps and weaknesses identified. In particular, in defining the necessary legal reforms or when the responsibilities and mandates

of certain government institutions must be expanded to address the safeguards during implementation of REDD+ activities.

- *Organizing the CSA and SIS on a national and sub-national level*

The second challenge identified by the countries was on organizing the CSA architecture at a national and sub-national level. This implies determining how the different elements of the CSA and SIS (information systems, for example) can be linked to operate in an integrated way.

Table 5: Planning and progress in Mexico with respect to organizing the CSA and designing the SIS

With support from UN-REDD+, Mexico is working to link its CSA architecture and design its SIS through several actions and activities.

Mexico is working to use the findings from the legal, institutional, and compliance framework analyses to concretely organize the CSA architecture and document:

- How will the pertinent aspects of the legal framework be used to put the safeguards in practice?
- How will the pertinent aspects of the institutional framework be used to define who will take responsibility for the enforcement of the safeguards?
- How will the pertinent information and reporting systems be used to provide information on the implementation of the safeguards, including reporting procedures associated to compliance with relevant international agreements and treaties.
- How will the pertinent mechanisms for dispute/conflict resolution be used to address the complaints related to the enforcement of the safeguards (or lack thereof)?



- How will the pertinent mechanisms/aspects to address non-compliance be used to deal with cases of non-compliance with the safeguards?

- How will the existing state legal, institutional, and compliance frameworks ensure implementation of the REDD+ safeguards, and how will the NSS support national-level reporting through the SIS?

In terms of the design of the SIS, Mexico is working to:

- Use and build upon existing information and reporting systems in the country. Specifically, to use the information and reporting systems identified in the CSA architecture design. In terms of the type and format for the information (indicators or other measures) that will be used to compile information to show how the safeguards are being addressed and respected, the SIS will be based on the information types that the existing information and reporting systems use to compile information to evaluate compliance with the legal framework. As a result, the use of existing or new indicators (those indicators developed to respond to gaps) will be linked to the relevant legal framework upon which the implementation of the safeguards is based.

It should be noted that the first efforts for identification and analysis of the existing information and reporting systems began in 2014, focusing on the reporting mechanism described in Paragraph 2, Article 6 of the Planning Law. These efforts seek to systematize the information reported on a federal level related to REDD+ safeguards, the institutions in charge of integrating the information, and how these could be used in the future to provide information through the SIS. ³²

- Defining an institutional structure to integrate all of the relevant data. This institutional structure would be linked to the government institutions in charge of the existing systems for reporting information relevant to safeguards. In the year 2014, with technical support from Alianza Mexico REDD+, two inter-institutional dialogue sessions were organized to begin the conversation with certain relevant institutions for reporting on REDD+ safeguards in Mexico, share cross-cutting experiences in reporting information, and explore systems that could potentially be used for the SIS, as well as the role of institutions for information monitoring and reporting.

- Defining an information technology platform to share information on how the safeguards are being addressed and respected.



32. Art. 6 of the Planning Law: "...In the month of March of each year, the Executive branch will refer a report to the Standing Congressional Committee of the Union on the actions and outcomes from the execution of the plan and programs discussed in the previous paragraph, including a specific section on compliance with Article 2 of the Constitution regarding indigenous culture and rights..."

GENERAL RECOMMENDATIONS

This section provides a series of general recommendations based on the findings from the previous sections.

- ***Document the processes and activities implemented in the CSA design stages.***

The information on the processes conducted to design the CSA will serve to report to donors and funders on how the country is meeting its commitments related to safeguards; additionally, this information can be shared with relevant national and local stakeholders. Countries should systematically document the processes undertaken in each phase of CSA design.

- ***Ensure the necessary funding for uninterrupted implementation of each of the stages of the CSA.***

Given that the CSA design requires resources to execute each phase, and in order to allow countries to move through the phases without putting at risk any political goodwill generated, countries should secure the needed funding for all of the stages of the CSA design. Specifically, it is recommended that countries identify resources in the work plans underway with REDD+ initiatives or from donors supporting REDD+ implementation.

- ***Build capacity and involvement of all of the relevant stakeholders and sectors.***

Given that the success and implementation of the CSA depends on the broad commitment and ownership of all of the relevant stakeholders and sectors, the CSA design should plan (in its roadmap) and conduct capacity-building activities with relevant stakeholders and sectors. Additionally, participatory processes are recommended to ensure the inclusion and involvement of these sectors, and to include stakeholders in training processes that promote and contribute to a full and effective participation.

- ***Promote political support for the CSA.***

Given that the successful design and implementation of the CSA requires involvement and support from several sectors of government (including the forestry sector), steps should be taken to generate political interest and willingness among other relevant sectors. For example, early inter-institutional dialogue can be promoted to build understanding about the scope of the CSA and the role that the government sectors will play in its implementation, with a view toward creating inter-institutional agreements, and for the sector leading the CSA (for example, the forestry sector) to take a proactive role in eliciting stakeholder involvement (See Table 8 describing the experience and progress in Mexico).



- ***Work on all phases of the CSA design.***

Thus far, many countries have focused on one design phase of the CSA (especially designing the indicators within the SIS). Special attention should be given however, to working across all phases of the CSA in order to avoid gaps and successfully comply with the national and international com-

mitments on safeguards.

This work across all phases will ensure the creation of a comprehensive and harmonized CSA.



GLOSSARY

REDD+ Activities

The term REDD+ refers to the activities included in Paragraph 70 of Decision 1/CP.16.

Safeguards Committee

This refers to the technical-political group or committee on safeguards (made up of government representative at least, although it may also be multi-stakeholder); this group will be in charge of providing the technical support and political backing needed to develop the CSA

Country-Led Safeguards Approach (CSA)

This allows a country to respond to the national and international commitments on safeguards that are pertinent and applicable to the country, based on the existing national governance system (legal, institutional, and compliance frameworks). Combined, these frameworks can be used to apply the safeguards and provide information on how they are being addressed and respected.



Compliance framework

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

Institutional framework

The institutional framework of a country refers to the institutions and institutional agreements in charge of supervising the implementation of legal and compliance frameworks.

Legal Framework

The legal framework is made up mainly of national policies, laws, and regulations (PLR) that must be applied and that regulate effective implementation and enforcement. Programs and plans contribute to the implementation of safeguards, but they are based on recognition and compliance with the PLR.

Complaint and grievance redress mechanisms

Complaint and grievance redress mechanisms come into play on a national, sub-national, or local level when conflicts between stakeholders must be resolved. These processes tend to include negotiation, mediation, arbitration, or use of judicial or administrative systems.

Mechanisms to address non-compliance

Mechanisms to address non-compliance respond to any omission in the implementation of the requirements established in the legal framework. This mechanism is different from the GRM, as mechanisms to address non-compliance seek to respond to any omission in the implementation of the requirements established through the safeguards. These mechanisms could be administrative or judicial measures, and they must seek to provide a legal channel to address non-compliance.

REDD+ countries

There is no official list of REDD+ countries. The term REDD+ country is used to refer to countries that could be eligible for and/or are working toward participating in REDD+ as outlined by the UNFCCC.

Cancun Safeguards

The term “Cancun Safeguards” refers to the safeguards outlined under the UNFCCC in Paragraph 2 of Appendix I of Decision 1/CP.16 (the Cancun Agreement).

Information systems

A country's information systems (including monitoring and reporting) provide information on how the legal framework is being implemented.

Safeguard Information System (SIS)

This system refers to the institutional structure or information platform that will be responsible for aggregating, evaluating, and packaging information related to how the safeguards are addressed and respected, to be used for different reporting needs.

Eskett, L., & Todd, K. (2013). Putting REDD+ Safeguards and Safeguard Information Systems into practice. UN-REDD

BIBLIOGRAPHY

Deschamps P., Zuñiga, I. (2013) Salvaguardas REDD+ en México, Consejo Civil Mexicano para la Silvicultura Sostenible. Available at: http://www.ccmss.org.mx/descargas/SALVAGUARDAS_REDD_Mexico_CCMSS_marzo_2014.pdf

Eskett, L., & Todd, K. (2013). Putting REDD+ Safeguards and Safeguard Information Systems into practice. UN-REDD

Forest Carbon, Markets and Communities Program (FCMC) (2012), REDD+ Social Safeguards and Standards Review, Burlington, Vermont, USAID-FCMC

Moss and Nussbaum, (2011), A Review of Three Safeguard Initiatives, UN-REDD. Available at <http://www.cbd.int/forest/doc/analysis-redd-plus-safeguard-initiatives-2011-en.pdf>

REDD+ SES (2012a). REDD+ Social & Environmental Standards, Version 2. Social and Environmental Standards Initiative for REDD+, Arlington Available at: www.reddstandards.org



REDD+ SES (2012b). Guidelines for the use of REDD+ SES at a Country Level, Version 2 (November 16, 2012). Social and Environmental Standards Initiative for REDD+, Arlington Available at: www.redd-standards.org

Report on the REDD/CCAD-GIZ Experience Exchange Workshop on Country-Led Safeguards Approaches, held on October 2 and 3 in San Salvador, El Salvador.

Rey,D. (2013). Guía para Comprender e Implementar las Salvaguardas REDD+ de la CMNUCC: Una revisión del derecho internacional relevante. London, UK: ClientEarth.

Rey,D. & Swan, S. (2014) A Country-Led Safeguards Approach: Guidelines for National REDD+ Programmes. SNV - Dutch Organization for Development, Ho Chi Minh City, Vietnam. Available at: <http://www.climatelawandpolicy.com/27/our-publications>

Rey, D., Rivera, L., Ribet, U., & Korwin, S. (2013d). Recomendaciones para el Diseño de un Sistema Nacional de Salvaguardas para REDD+ en México. United States Agency for International Development (USAID), Proyecto de Reducción de Emisiones por la Deforestación y la Degradación de Bosques de México (Alianza México-REDD+), Mexico City, Mexico. Available at: [http://www.alianza-mredd.org/uploads/ckfinder_files/files/Marco%20Legal%20Salvaguardas_FINAL_feb2014\(1\).pdf](http://www.alianza-mredd.org/uploads/ckfinder_files/files/Marco%20Legal%20Salvaguardas_FINAL_feb2014(1).pdf)

Rey, D., Hoang Ly Anh, Doan Diem, Le Ha Phuong & S.R. Swan (2014) Plan de Acción de Salvaguardas (v2.0) para el programa Nacional REDD+ de Vietnam: una contribución al Enfoque Nacional de Salvaguardas. SNV Netherlands Development Organization, REDD+ Program, Ho Chi Minh City. Available at: <http://www.climatelawandpolicy.com/27/our-publications>

Rey, D., Roberts, J., Korwin, S., Rivera L., & Ribet, U. (2013a). A Guide to Understanding and Implementing the UNFCCC. ClientEarth, London. Available at: <http://www.clientearth.org/reports/a-guide-to-understanding-and-implementing-unfccc-redd+-safeguards.pdf>

Rey, D., Swan, S., & Enright, A. (2013b) A Country-led approach to safeguards and multiple benefits. SNV - Dutch Organization for Development, Ho Chi Minh City, Vietnam. Available at: <http://www.snvworld.org/en/redd/publications/snv-redd-report-a-country-led-approach-to-redd-safeguards-and-multiple-benefits>

Rey, D. & Rivera L. (2013c). Análisis del marco legal relevante y aplicable a México en Relación a las Salvaguardas. United States Agency for International Development (USAID), Proyecto de Reducción de Emisiones por la Deforestación y la Degradación de Bosques de México (Alianza México-REDD+), Mexico City, Mexico. Available at: http://www.alianza-mredd.org/uploads/ckfinder_files/files/Recomendaciones%20SIS_FINAL_feb2014.pdf y en http://www.conafor.gob.mx/web/wp-content/uploads/2014/08/Marco-Legal-Salvaguardas_FINAL_feb2014.pdf

World Wildlife Fund (WWF). (2013), WWF Guide to Building REDD+ Strategies: A toolkit for REDD+ practitioners around the globe, Washington, D.C., WWF-Forest Climate Initiative.

World Bank (2005), The World Bank Operations Manual, New York, World Bank. Available at: http://siteresources.worldbank.org/OPSMANUAL/Resources/EntireOM_External.pdf

APPENDICES

Appendix I: UNFCCC Decisions on Safeguards

Decision 1/CP.16, Paragraph 69, Conference of the Parties

Affirms that the implementation of the activities referred to in paragraph 70 below should be carried out in accordance with appendix I to this decision, and that the safeguards referred to in paragraph 2 of appendix I to this decision should be promoted and supported;

Decision 1/CP.16, Paragraph 71, Conference of the Parties

Requests developing country Parties aiming to undertake the activities referred to in paragraph 70 above, in the context of the provision of adequate and predictable support, including financial resources and technical and technological support to developing country Parties, in accordance with national circumstances and respective capabilities, to develop the following elements:



d) 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;

Decision2/CP. 17, Paragraph 63, Conference of the Parties:

Agrees that, 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;

Decision2/CP. 17, Paragraph 64, Conference of the Parties:

Recalls that for developing country Parties undertaking the results-based actions 1 referred to in decision 1/CP.16, paragraphs 73 and 77, to obtain and receive results-based finance, these actions should be fully measured, reported and verified, 2 and developing country Parties should have the elements referred to in decision 1/CP.16, paragraph 71, in accordance with any decisions taken by the Conference of the Parties on this matter;

Decision 9/CP.19, Paragraph 4:

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;

Decision2/CP. 17, Paragraph 2

Agrees that systems for providing information on how the safeguards referred to in appendix I to decision 1/CP.16 are addressed and respected should, taking into account national circumstances and respective capabilities, and recognizing national sovereignty and legislation, and relevant international obligations and agreements, and respecting gender considerations:

- 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;

Decision2/CP. 17, Paragraph 3

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.

Decision2/CP. 17, Paragraph 4

Decides that the summary of information referred to in paragraph 3 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;

Decision 12/CP.19, Paragraph 4

Decides that developing country Parties should start providing the summary of information referred to in paragraph 1 above in their national communication or communication channel, including via the web b platform of the UNFCCC, taking into account paragraph 3 above, after the start of the implementation of activities referred to in decision 1/CP.16, paragraph 70.

Decision 12/CP.19, Paragraph 5

Also decides that the frequency of subsequent presentations of the summary of information as referred to in paragraph 2 above should be consistent with the provisions for submissions of national communications from Parties not included in Annex I to the Convention and, on a voluntary basis, via the web platform on the UNFCCC website.



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