SAFEGUARDING FORESTS AND PEOPLE

A Framework for Designing a National System to Implement REDD+ Safeguards

FLORENCE DAVIET AND GAIA LARSEN

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FOREWORD

The future of the world's forests is inextricably linked to climate change.

On the one hand, forests play a vital mitigating role by absorbing and storing vast quantities of carbon. On the other, their destruction – at the rate of 13 million hectares a year - releases enough greenhouse gases to account for roughly a sixth of global warming.

Enter REDD+, an international agreement to channel more resources to developing countries that deploy incentives, policies, and financing to halt and reverse forest loss and degradation. Done right, it offers a timely opportunity to promote sustainable management of forests and reduce related emissions.

But successfully implementing REDD+ actions will not be easy. In many countries, deeply entrenched and powerful interests support the status quo. And more than a fifth of the world's population, 1.6 billion people, rely on forests for their livelihoods and often for daily sustenance. Unless REDD+ initiatives can build a bridge between these various constituencies, and create benefits for those who need them most, they simply won't work. Indeed, they may do more harm than good, deepening poverty and mistrust, depleting biodiversity, and even increasing forest-related emissions.

Member governments of the UN Framework Convention on Climate Change (UNFCCC) recognize this. In November 2010 they agreed "REDD+ Safeguards" that lay out seven principles for governments and donors as they pursue programs to reduce emissions from forest landscapes. Designed in the interests of forest-dependent populations, they include transparent decision making, participation by local and indigenous communities, and the protection of vulnerable people and ecosystems. By implementing these safeguards on the ground, forest-rich countries such as Brazil and Indonesia can demonstrate global environmental leadership. Well-designed systems to implement REDD+ safeguards can improve the rules and institutions that

govern forest management and build trust between local communities, government, and donors. Perhaps most importantly, they can help steer development benefits to the people who steward forests, especially the poorest.

Many forest-rich countries recognize this reality and are starting to head down this path. But translating principles into practice is easier said than done. This report aims to help governments as they grapple with whether and how to set up systems to enshrine and implement REDD+ safeguards in their country.

Drawing on early lessons in Brazil, Indonesia, and Mexico, as well as broader research, the report identifies how countries can most effectively design and implement safeguard systems. While every country's circumstances are different, we lay out the main functions of an effective national system, and the types of goals, rules, and institutions that should underpin it.

Building such safeguard systems, and generating benefits for local people and biodiversity, will take time and require active collaboration between government, civil society, the private sector, and funders.

We hope this report will provide useful guidance for governments, civil society and donors as they work to achieve this goal. By helping preserve forests as a critical buffer against runaway climate change, their efforts will benefit us all.

Andrew Steer
President
World Resources Institute

ACKNOWLEDGMENTS

ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AfDB	African Development Bank
BPN	National Land Agency of Indonesia (*Badan Pertanahan Nasional*)
CBD	Convention on Biological Diversity
CCBA	Climate, Community, and Biodiversity Alliance
CCMSS	Mexican Civil Council for Sustainable Forestry (*Consejo Civil Mexicano para la Silvicultura Sostenible*)
CEMDA	Mexican Center for Environmental Law (*Centro Mexicano de Derecho Ambiental*)
CICC	Inter-institutional Commission for Climate Change (*Comisión Intersecretarial de Cambio Climáctico*)
CIEL	Center for International Environmental Law
CIFOR	Center for International Forestry Research
CLUA	Climate and Land Use Alliance
CONAFOR	National Forestry Commission of Mexico (*Comisión Nacional Forestal*)
CONANP	National Commission of Natural Protected Areas (*Comisión Nacional de Áreas Naturales Protegidas*)
COP	Conference of the Parties
CTC	Technical Consultative Committee (*Comité Técnico Consultivo*)
DKN	National Forestry Council of Indonesia (*Dewan Kehutanan Nasional*)
EIA	Environmental impact assessment
ESIA	Environmental and social impact assessment
ESMF	Environmental and social management framework
FAO	Food and Agriculture Organization
FCPF	Forest Carbon Partnership Facility
FIP	Forest Investment Program
FPIC	Free, prior, and informed consent
FUNAI	National Indian Foundation of Brazil (*Fundação Nacional do Índio*)
GFI	Governance of Forests Initiative
GHG	Greenhouse gas
IBAMA	Brazilian Institute of Environment and Renewable Natural Resources (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis*)
IBRD	International Bank of Reconstruction and Development
ICV	Center of Life Institute (*Instituto Centro de Vida*)
IDB	Inter-American Development Bank
IDLO	International Development Law Organization
IFC	International Finance Corporation
IFI	International financial institution
ILO	International Labour Organization
IMAZON	Institute for People and Environment in Amazonia (*Instituto do Homem e Meio Ambiente da Amazônia*)
IPAM	Institute for Environmental Research in Amazonia (*Instituto de Pesquisa Ambiental da Amazônia*)
KFCP	Kalimantan Forests and Climate Partnership

MMA	Ministry of the Environment of Brazil (*Ministério do Meio Ambiente*)
MPF	Federal Public Ministry of Brazil (*Ministério Público Federal*)
MRV	Measurement, Reporting, and Verification
NGO	Nongovernmental Organization
PES	Payment for ecosystem services
PGA	Participatory Governance Assessment
Red-MOCAF	Network of Mexican Rural Forestry Organizations (*Red Mexicana de Organizaciones Campesinas Forestales*)
RITA	Indigenous Tourism Network of Mexico (*Red Indígena de Turismo de México*)
R-PP	Readiness Preparation Proposal
SBSTA	Subsidiary Body on Scientific and Technical Advice (UNFCCC)
SBSTTA	Subsidiary Body on Scientific, Technical, and Technological Advice (CBD)
SEA	Social and environmental assessment
SEMARNAT	Secretariat of the Environment and Natural Resources (*Secretaría de Medio Ambiente y Recursos Naturales*)
SES	Social and Environmental Standards
SESA	Strategic Environmental and Social Assessment
SIS	Safeguard Information Systems
SISA	System of Incentives for Environmental Services for the State of Acre, Brazil (*Sistema de Incentivo a Serviços Ambientais*)
TCU	Court of Accounts of the Union of Brazil (*Tribunal de Contas da União*)
TNC	The Nature Conservancy
UKP4	Presidential Working Unit for Supervision and Management of Development (*Unit Kerja Presiden Bidang Pengawasan dan Pengendalian Pembangunan*)
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
UU KIP	Public Information Disclosure Act of Indonesia (*Undang-Undang Keterbukaan Informasi Publik*)
WB	World Bank
WRI	World Resources Institute
WWF	World Wildlife Fund

EXECUTIVE SUMMARY

In order for REDD+ to be implemented effectively, a sound system to implement the REDD+ safeguards will need to be in place at the national level. This report provides a framework for designing such a system.

Background

Around the world, members of governments, civil society, and the private sector are grappling with how to design and implement initiatives that reduce greenhouse gas emissions by slowing, halting, and reversing forest loss. These efforts have been spurred at least in part by the agreements on long-term cooperative action (LCA) that Parties to the United Nations Framework Convention on Climate Change (UNFCCC) have made since 2007 in Bali, Cancun, and Durban. In these agreements, Parties stated that reducing emissions from deforestation and forest degradation, conservation and enhancement of forest carbon stocks, and sustainable management of forests in developing countries should be recognized as mitigation actions. Parties also agreed that these actions should be at least partially supported by Annex 1 countries. This series of actions, and the related global mechanism for recognizing and supporting them, comprise the global initiative known as REDD+.

REDD+ has attracted significant attention from governments, the private sector, and civil society, with particular interest in its potential for increasing the resources available for protecting forest ecosystems and promoting sustainable development. However, to contribute to the sustainable management of forests, REDD+ actions will need to be implemented effectively, equitably, and sustainably. In a 2010 UNFCCC Conference of the Parties (COP) in Cancun, Parties recognized the importance of good governance to successful implementation of REDD+ actions. The Parties agreed on seven UNFCCC REDD+ safeguards, among them transparency, participation, protection of biodiversity, and protection of the rights of local people. If implemented correctly, the UNFCCC REDD+ safeguards can help ensure that REDD+ does not inadvertently harm communities and ecosystems by exacerbating existing inequalities.

The UNFCCC REDD+ safeguards provide broad guiding principles. It is now up to those designing, funding, and implementing REDD+ initiatives to determine how those principles should be put into practice. One option is to put in place a system at the national level. A national system to implement the UNFCCC REDD+ safeguards brings opportunities to strengthen the rules and institutions that currently govern forested lands. These opportunities, however, come with challenges and will require balancing of different costs and benefits.

This report lays out a framework to help REDD+ countries develop a national system to implement the UNFCCC REDD+ safeguards. The framework presented here does not provide a ready-made solution, but it does provide a roadmap for navigating some of the choices that can arise during the design and implementation of national systems. The report also provides examples of how Brazil, Indonesia, and Mexico are progressing along this path.

A Framework for Designing a National System

The framework laid out in this report comprises four components: *goals, functions, rules,* and *institutions*. Safeguard *goals* define what the safeguards are meant to achieve. Safeguard *functions* are the processes by which those goals are achieved. A complete safeguard system supports each goal by

- **anticipating** potential risks and opportunities associated with national and/or subnational REDD+ actions, such as REDD+ strategies, activities, and projects;

- **planning** to avoid harm and produce benefits to ecosystems and people by addressing social and environmental considerations in the design of REDD+ actions;

- **managing** REDD+ actions by implementing safeguard plans and procedures that will help ensure desired social and environmental goals;

- **monitoring** REDD+ processes and outcomes to demonstrate the achievement of goals, make course corrections, and deal with unanticipated impacts; and

- **responding** to problems and grievances related to the social and/or environmental effects of REDD+ actions.

BOX 1 | TERMS AND DEFINITIONS

Functions: The processes by which the goals are achieved.

Goals: The substantive components of safeguards that spell out what they are meant to achieve. Goals can be represented in high-level principles or criteria, or in more detailed documents.

Institutions: The range of actors that may be involved in designing and implementing the rules and serving the functions of the safeguard system. Institutions may include governmental agencies (such as the legislature and judiciary), nongovernmental organizations (NGOs), and private-sector actors. These institutions may be national or subnational, and they may provide one or several functions of the system.

National system to implement the UN-FCCC REDD+ safeguards (also referred to in this report as "national system"): A set of rules and institutions that will make up the substantive and procedural aspects of the UNFCCC REDD+ safeguards. Different terms could be used, including "country systems" or "borrower systems." This report uses the term "national systems" to differentiate from the "country systems approach" of the World Bank, and to recognize that recipients of REDD+ funds are generally not "borrowers." The term "national" as used in this report indicates that the rules and institutions are defined at the country level. Under this umbrella we also include subnational rules and institutions—such as those at the state, provincial, and municipal levels.

REDD+: A global initiative comprising a series of activities that developing countries could take to reduce emissions and increase carbon stocks by slowing, halting, and reversing forest loss and degradation as well as the related global mechanism for recognizing and supporting them.

REDD+ Actions: The range of national and/or subnational initiatives, such as REDD+ strategies, activities, and projects undertaken to achieve REDD+. This may include early initiatives to set up the enabling environment for REDD+, which are often called readiness activities.

REDD+ Activities: The specific actions that will be taken to reduce emissions or increase carbon storage. These could include actions such as removing subsidies, putting in place capacity-building programs, and designing payment for ecosystem service programs.

REDD+ Countries: There are no official REDD+ countries as yet, since the international mechanism for REDD+ is still being finalized. Currently, the only clear criterion is that countries listed in Annex 1 of the Kyoto Protocol are not eligible. We use the term "REDD+ country" to refer to a country that could be eligible to participate in the international initiative once the design has been completed. Many of these countries are currently undertaking activities to prepare for REDD+.

REDD+ Strategies: Official documentation that describes the subnational or national REDD+ activities that will be undertaken to achieve emission reductions, and the systems to support them, such as monitoring systems. The format of REDD+ strategy documents may differ in different countries. In some cases, all REDD+ activities may not be captured in one document.

Rules: Articulated and codified principles that set the substantive and procedural limits of the system by defining what should or should not occur. Examples of rules include laws, regulations, policies, procedures, and guidelines.

Safeguards/safeguard system: There is not one universally accepted definition of safeguards. Traditionally, the terms "safeguard" and "safeguard system" have been used to refer to the policies and procedures implemented by international financial institutions (IFIs) to ensure that their investments do not create unintended harm. These traditional safeguard policies were meant to fill gaps where national rules and/or institutions fail to uphold certain principles of human rights and environmental protection. This report defines safeguards more generically as a set of rules and institutions needed to achieve functions necessary to meet the social and environmental goals identified. The terms "safeguard" and "safeguard system" are used interchangeably.

UNFCCC REDD+ Safeguards: Safeguards that differ from traditional safeguards in that they are not linked to one funder and do not include a defined set of operational procedures. They spell out the broad safeguard goals of REDD+ actions.

Figure 1 | **The Four Components
of a Safeguard System**

GOALS
define what the safeguards
are meant to achieve

FUNCTIONS
the processes by which
the goals are achieved
(Anticipate, Plan, Manage,
Monitor, Respond)

RULES
outline the parameters of
the system by defining what
should or should not occur
(laws, regulations, policies)

INSTITUTIONS
ensure the rules are designed
transparently and that they
are followed

Safeguard *rules* and *institutions* ensure that safe-guards are put into practice. A safeguard system's rules outline the parameters of the system by defining what should or should not occur. In addition to ensuring that the parameters are designed in a transparent and participatory manner, the system's institutions also ensure that they are thoroughly followed. See Box 1 for a further definition of key terms, as they are used in this report.

Creating a national REDD+ safeguard system

If a REDD+ country chooses to develop a national system, the UNFCCC REDD+ safeguards provide an initial set of goals for that system. Governments, in collaboration with stakeholders, can add to these goals to meet national needs. They will then need to define how their established goals should be implemented. This task will necessitate defining the rules and institutions responsible for ensuring that all functions of the system are met, including everything from anticipating risks to responding if something needs to be changed.

Before putting in place new rules and institutions for a national system, a government should, together with stakeholders, (a) assess the degree to which existing rules and institutions already provide for the goals and functions of a REDD+ safeguard system and (b) assess risks to achieving safeguard goals given current gaps. After gaining an understanding of existing rules and institutions, a government and stakeholders can determine how to best fill those gaps. As part of any initial assessment, it may also be beneficial to consider the safeguard policies of potential funders in order to enhance coordination and coherence.

Many options are available to fill any gaps identi-fied—in some cases, assessments may show that reforming existing rules, or empowering and strengthening existing institutions, may be the best solution. Alternately, new rules and institutions may need to be developed. Under that scenario, new national laws or policies could be created, new regulations put in place, or new procedures insti-tuted by government agencies. Rules can be specific to REDD+ or apply more broadly. In terms of insti-tutions, new government agencies or new positions within existing agencies could be created, or new

responsibilities could be given to nongovernmental or private actors. Responsibility for implementing several of the functions of the safeguard system can be consolidated with one body, or spread out across multiple institutions.

Choices related to rules and institutions come with different sets of costs and benefits. For example, putting in place a new law may provide more long-term stability and greater buy-in from multiple sectors. However, new laws can take time to be approved or require a level of political support in the legislature that does not exist. Consolidating responsibility with one agency can help ensure effectiveness by reducing the need for coordination between agencies, but it may place too heavy a burden on one player and reduce the political buy-in often obtained by having multiple government agencies involved.

The right choice of rules and institutions for implementing the UNFCCC REDD+ safeguards will depend on a nation's circumstances and may change over time. Evaluating options strategically in a transparent and participatory manner can help actors better utilize resources and plan for the future.

Conclusion

A national system for implementing the REDD+ safeguards can help ensure that all REDD+ activities within a country are covered by adequate safeguard policies. It can be more sensitive to unique national circumstances. It can help national governments coordinate REDD+ activities and their associated safeguard policies. While there will be many, sometimes difficult, decisions to be made by governments and stakeholders about how to design and implement a system that builds trust between all the actors involved in REDD+, the value of undertaking such a process will have benefits well beyond REDD+. This is perhaps the most important reason to invest the time and energy in designing a national system to implement the REDD+ safeguards. Many governments and stakeholders have already expressed the intent to go down this path, supporting them is the intent of this document and hopefully will lead to further enthusiasm and interest in exploring the options for developing national systems.

Section I

INTRODUCTION

As global efforts to save the world's forests gain momentum, national governments can play a key role in ensuring that these efforts lead not only to reduced emissions, but also to sustainable and equitable development.

Global greenhouse gas emissions continue to rise, and with them global temperatures. Forests are both impacted by the changing climate and part of the solution for mitigating and adapting to these changes. Forests play a role in reducing emissions by sequestering and storing carbon. They help mitigate the impacts of climate change by helping to regulate microclimate conditions, water quantity and quality, and soil and water temperature. Parties to the United Nations Framework Convention on Climate Change (UNFCCC) (hereinafter Parties) have recognized the importance of forests and created REDD+ as a result. REDD+ aims to recognize and support developing countries that reduce emissions from deforestation and forest degradation, conserve and enhance carbon stocks, and sustainably manage forests. Governments in developing countries are now grappling with how to effectively participate in this emerging global initiative. During the design of REDD+, Parties recognized that REDD+ actions will likely not be sustainable unless

they account for the role of local people and ecosystems. As a result, Parties defined seven "safeguards" to guide implementation of REDD+ (see Box 2). Governments in REDD+ countries are tasked with providing information on how these safeguards will be "addressed and respected."[1] One option is to develop a national system focused on implementing the safeguards and to provide information on how this system is functioning. The purpose of this report is to support this process by providing a framework for what a robust national system to implement the REDD+ safeguards would include.

This framework was informed by a review of international environmental and human rights agreements, the safeguard policies of multilateral development banks, governance assessments, and other literature on safeguard systems. We also reviewed, where available, relevant documents from three countries committed to developing a national system: Brazil, Indonesia, and Mexico. This included reviewing

BOX 2 | THE UNFCCC REDD+ SAFEGUARDS

The UNFCCC REDD+ safeguards include social, governance, and environmental principles to be captured by REDD+ programs and activities. They state that actors should "promote and support" the following safeguards:

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

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

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

(d) The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities…;

(e) Actions [that] are consistent with the conservation of natural forests and biological diversity, ensuring that actions…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;[a]

(f) Actions to address the risks of reversals;

(g) Actions to reduce displacement of emissions.

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

Source: UNFCCC, "The Cancun Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention, Decision 1/CP 16, FCCC/CP/2010/7/Add.1," Report of the Conference of the Parties on Its Sixteenth Session, Cancun, Mexico, November 29—December 10 2010: 13, section 76; Appendix I, section 2.

Mexico and Indonesia's draft national REDD+ strategies (see Box 3) and documents prepared in relation to various REDD+ finance opportunities, such as the Readiness Fund of the Forest Carbon Partnership Facility (FCPF). In addition, we conducted interviews with government and civil society actors in these three REDD+ countries. These interviews provided insights on experiences to date with developing national systems to implement the REDD+ safeguards, as well as perspectives on the challenges and successes that have emerged.

Context

Given the importance of forests and the rate of their loss and degradation around the world, REDD+ presents an opportunity to strengthen forest governance and realign incentives that currently favor forest destruction. REDD+ also offers the promise of supporting other sustainable development objectives, such as enhanced living conditions for local communities and improved management of the ecosystem services that forests provide, which are also both vital for increasing resilience to climate change.

Representatives of government, civil society, and the private sector have raised concerns over potential social and environmental risks associated with REDD+ initiatives, however, and the effect

that these may have on the success of REDD+. Past experiences with forest conservation and sustainable forest management, as well as current experiences with pilot projects and other early actions designed to provide examples of what REDD+ activities could look like (see for example Box 4), have caused many government and civil society actors to be concerned that this new influx of investment and competing interests for forested lands could further compromise the rights and resources of forest-dependent local communities.[2] There is also worry that an overemphasis on carbon storage may reduce biodiversity if, for example, activities to expand forest plantations are chosen over improving the management of natural forests.[3]

In December 2010, Parties to the UNFCCC agreed to seven safeguards (see Box 1; hereinafter UNFCCC REDD+ safeguards) in recognition of both the risks and opportunities associated with REDD+. Those involved in making REDD+ a reality, including national governments, civil society, bilateral donors, multilateral financial institutions, and the private sector, are now tasked with putting these safeguards into practice.

These actors will have a number of questions to answer as they work together to determine how to

implement the UNFCCC REDD+ safeguards. These questions include the degree of protection that the safeguards should entail, if and how that protection should be codified or incentivized, and who will be responsible for setting up and managing the systems. REDD+ initiatives will take place in countries with long-term and complex governance challenges. National institutions may need significant support of different types to overcome these challenges and effectively implement UNFCCC REDD+ safeguards. The different actors involved must therefore determine how to maximize the social and environmental benefits of REDD+ initiatives, while protecting against the social and environmental risks.

This report provides a framework for designing a national system to implement the UNFCCC REDD+ safeguards. While the details of the system will vary country by country, this framework lays out the components that make up a complete national system.

The Unique Nature of the UNFCCC REDD+ Safeguards

Traditionally, the terms "safeguard" and "safeguard system" have referred to the policies and procedures through which international financial institutions (IFIs) ensure that their investments do not create unintended harm.[4] IFIs first developed safeguards in the 1980s and 1990s, largely as the result of public outcry at the social upheaval and environmental destruction caused by large-scale infrastructure projects funded by the World Bank and similar institutions.[5] Safeguards are both substantive and procedural. For instance, a safeguard policy may have a substantive goal of ensuring that an infrastructure project brings minimal environmental harm, and procedures to help ensure that the goal is reached. One important aspect of traditional safeguards is that they draw a line of acceptable behavior. If an investment results in harm beyond the acceptable threshold, some form of corrective action should take place.

BOX 4 | THE KALIMANTAN FORESTS AND CLIMATE PARTNERSHIP

The Australian-funded Kalimantan Forests and Climate Partnership (KFCP) in Indonesia provides one example of the social, environmental and governance challenges that can emerge with REDD+ projects. The project was initiated late in 2007 and has run into several stumbling blocks since that time.

For example, local communities have expressed concern over their limited participation in the design and implementation of the project, the lack of clarity as to their rights to access the area targeted by the KFCP, and the plans for benefits sharing.[a] According to ongoing monitoring by NGOs, causes for these community concerns are several, including a lack of trust in the governmental and non-governmental institutions managing the project (based largely on past experiences, including in relation to the creation of an orangutan research station in a forest area the community reserved for rituals and traditional ceremonies). The uncertain legal structure for REDD+ in Indonesia generally has also created challenges.[b]

An independent evaluation of the project area in 2011 found that "considerable work" remained in order to adequately engage local communities, and that the project had "rushed" into an area where communities "are still adjusting to the traumatic changes to their lives" caused by the Ex-Mega Rice Project implemented in the 1990s.[c] The evaluation also found that the uncertain legal status of the demonstration site, including the "carbon rights" of communities and their rights to timber and nontimber forest products, had "implications for the motivation of local communities and for the protection and maintenance of planted trees in particular."[d] In addition, the evaluation found that the project has run into unanticipated environmental challenges. For example, seedlings in the revegetation areas have repeatedly perished during the dry season as a result of bush fires.

These challenges have jeopardized the project's ability to meet its intended goal. KFCP is not the only project to face such challenges. It clearly demonstrates, however, the need to recognize and address the potential relationship between REDD+, local populations, and ecosystems.

[a] Christopher Lang, "Controversy Surrounding Australia's Kalimantan Forest and Climate Partnership REDD Project Deepens." REDD-Monitor, September 11, 2012, http://www.redd-monitor.org/2012/09/11/controversy-surrounding-australias-kalimantan-forest-and-climate-partnership-redd-project-deepens.
[b] Lee Tan, private communication, September 24, 2012.
[c] This project took place under the rule of President Suharto. It was a failed attempt to make rice production possible in the peat swamp forests of Central Kalimantan. Over 1 million hectares were logged and drained, and thousands of people moved to the area, many as part of transmigration schemes.
[d] D. Barber, J. Hudson, A. Sari. "Indonesia-Australia Forest Carbon Partnership, Independent Progress Report"," March 2012, 16. Also during an Australian Senate Committee hearing on May 31, 2012, Climate Change Department secretary Blair Comley explained that one of the main problems was that "land tenure issues have been more complex than first thought." Parliament of Australia, Senate, Environment and Communications Legislation Committee, "Estimates, Climate Change and Energy Efficiency Portfolio, Department of Climate Change and Energy Efficiency," Public Hearing, May 21, 2012, 102.

Table 1 | **The Safeguard Mechanisms of Current REDD+ Programs**

FUND	SAFEGUARD POLICIES	DOCUMENTS REQUIRING SAFEGUARD-RELATED INFORMATION	ACCOUNTABILITY MECHANISMS
FCPF Readiness Fund	■ World Bank safeguards ■ safeguards of delivery partner (following Common Approach) ■ FCPF Guidance on Disclosure of Information ■ Guidelines on Stakeholder Engagement in REDD+ Readiness	■ Readiness Preparation Proposal (R-PP) ■ Strategic Environmental and Social Assessment (SESA) Report ■ Environmental and Social Management Framework (ESMF) ■ Readiness Package	■ World Bank Inspection Panel's or delivery partner's grievance mechanism ■ local grievance mechanism(s)
FCPF Carbon Fund	■ World Bank Safeguards	■ Emission Reductions Program Idea Note ■ ESMF ■ Emission Reductions Purchase Agreement	■ Information System for Multiple Benefits, Other Impacts, Governance, and Safeguards ■ World Bank Inspection Panel
FIP	■ FIP Design Document & FIP Criteria and Financing Modalities (para. 29–37) ■ safeguards of delivery partner	■ Investment Strategy	■ World Bank Inspection Panel or Delivery Partner's grievance mechanism
UN-REDD	■ Social & Environ. Principles & Criteria ■ FPIC Guidelines (draft) ■ Guidelines on Stakeholder Engagement in REDD+ Readiness ■ UN human rights obligations	■ R-PP ■ SESA Report ■ National Strategy	■ (emerging)[a]

a. UN-REDD has indicated that it will create a dispute resolution mechanism, but it has yet to establish one. The United Nations Development Programme (UNDP), one of the UN-REDD implementing agencies, is currently developing a grievance mechanism.

The UNFCCC REDD+ safeguards are both similar to and different from traditional IFI safeguards. Like traditional safeguards, the UNFCCC REDD+ safeguards are designed to ensure that those investing in and implementing REDD+ activities consider vulnerable people and ecosystems. The two types of safeguards differ in that they are not tied to a specific funding source but apply across a range of investments.[6] Ever since Parties to the UNFCCC first initiated conversations on REDD+, funders of various types have expressed interest in supporting REDD+ initiatives. Multilateral institutions like the World Bank and United Nations, donor countries like Norway, Australia, and Japan, private entities like Merrill Lynch, NGOs like The Nature Conservancy, and REDD+ countries themselves have mobilized funds to achieve REDD-related objectives. Other funding sources, like the Green Climate Fund or new private funding mechanisms, are likely to emerge in coming years.[7]

The UNFCCC REDD+ safeguards also differ from traditional safeguards in that they do not, as currently written, draw a clear line between

Table 2 | **Existing Safeguard Policies of REDD+ Program Delivery Partners**[a]

INSTITUTION	TRANSPARENCY POLICIES	POLICIES RELATED TO THE ENVIRONMENT	POLICIES RELATED TO INDIGENOUS & LOCAL PEOPLES
Asian Development Bank (ADB)	■ ADB Public Communications Policy	■ Safeguard 1: Environment	■ Safeguard 2: Involuntary Resettlement ■ Safeguard 3: Indigenous Peoples
African Development Bank (AfDB) (draft policies under consultation)[b]	■ Bank Group Policy on Disclosure and Access to Information	■ OS 1. Operational Safeguard on Environmental and Social Assessment ■ OS 3. Operational Safeguard on Biodiversity and Ecosystem Services ■ OS 4. Operational Safeguard on Pollution Prevention and Control, Greenhouse Gases, Hazardous Materials, and Resource Efficiency	■ OS 1. Operational Safeguard on Environmental and Social Assessment ■ OS 2. Operational Safeguard on Involuntary Resettlement: Land Acquisition, Population Displacement, and Compensation ■ OS 5. Operational Safeguard on Labor Conditions, Health, and Safety
Food and Agriculture Organization (FAO)[c]	–	■ Environmental Impact Assessment Guidelines	■ FAO Policy on Indigenous and Tribal Peoples
Inter-American Development Bank (IDB)	■ IDB Access to Information Policy	■ OP 703 Environmental and Safeguards Compliance Policy	■ OP 710 Involuntary Resettlement ■ OP 765 Indigenous Peoples
International Finance Corporation (IFC)	■ IFC Access to Information Policy	■ Perf. Stand. 1: Assessment and Management of Environmental and Social Risks and Impacts ■ Perf. Stand. 3: Resource Efficiency and Pollution Prevention ■ Perf. Stand. 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources	■ Perf. Stand. 2: Labor and Working Conditions ■ Perf. Stand. 4: Community Health, Safety, and Security ■ Perf. Stand. 5: Land Acquisition and Involuntary Resettlement ■ Perf. Stand. 7: Indigenous Peoples ■ Perf. Stand. 8: Cultural Heritage
United Nations Development Programme (UNDP)[d]	■ UNDP Disclosure of Information Policy	■ Guidance Note on Environmental Screening ■ Guidance Note on Environmental Assessments	■ Policy for Engagement with Indigenous Peoples
World Bank (WB)	■ WB Policy on Disclosure of Information	■ OP 4.01: Environmental Assessment ■ OP 4.04: Natural Habitats ■ OP 4.36: Forests	■ OP 4.10: Indigenous Peoples ■ OP 4.11: Physical, Cultural Resources ■ OP 4.12: Involuntary Resettlement

a. Note that this table simply lists available policies. It does not consider the strength of these policies. For a more in-depth comparison, see Greenpeace, "Forests & People First: The Need for Universal REDD+ Safeguards," 2012; http://www.greenpeace.org/international/reddsafeguards.

b. The African Development Bank is currently renewing its safeguard policies. We include here the draft new policy, released for consultation in January 2012. Note, however, that this draft policy is very different from the policies that have applied to date, which provide weaker protection for people and the environment.

c, d. For the FAO and UNDP we include policies listed as part of the FCPF Common Approach. Some of these policies are mere guidelines and would typically not be considered safeguards in that they are not mandatory. In addition, UN bodies are also required to follow UN human rights and environmental treaties.

acceptable and inacceptable behavior. In some cases, the safeguard language demonstrates a desire to produce improvement beyond a minimum threshold. UNFCCC REDD+ safeguard (e), for example, asks countries to "enhance…social and environmental benefits." This leaves open the question of how to best design national systems to create the most appropriate incentive structures for all relevant actors. Governments, in consultation with stakeholders, will need to decide whether to draw a line to create a minimum acceptable standard of performance in relation to each safeguard, where to draw that line, and the consequences that will follow (if any) if that minimum standard is not met. They will also need to determine if, and if so how, they will incentivize positive activities that exceed the minimal acceptable standard. All or part of these incentive structures may be part of the "safeguard system," or they may be considered "co-benefits," depending on the nature of the system and the definition used.[8]

Finally, the UNFCCC REDD+ safeguards also differ from traditional safeguard policies in that they consist only of broad substantive and procedural goals. At least currently, they lack detailed operational guidelines on how these goals are to be achieved. This leaves many decisions to be made by those tasked with designing REDD+ strategies and implementing REDD+ initiatives.

To date, funders of actions related to REDD+ have put the UNFCCC REDD+ safeguards into practice to various degrees through implementation of their own institutional policies. The FCPF Readiness Fund, for instance, asks recipient countries to apply the World Bank safeguards to funded initiatives (or substantially equivalent policies), as well as policies specific to the FCPF.[9] The Forest Investment Program (FIP) requires countries to follow the safeguard policies of the implementing multilateral development bank in addition to an overlay set of criteria particular to FIP investments (see Table 1).[10] Other REDD+ funders, such as bilateral donors or project investors, have often had less clear safeguards.[11] Table 1 lists the safeguard tools and mechanisms being used by some of the major REDD+ funds, and Table 2 lists the specific safeguard policies of most of the REDD+ programs acting as delivery partners.

The Advantages of Investing in a National System

The differences between the UNFCCC REDD+ safeguards and those of the IFIs allow countries to take a new approach by developing and implementing their own national system. If properly implemented, this investment can bring multiple benefits.

First, a cohesive national system can help ensure that all REDD+ activities within a country are covered by adequate safeguard policies. Although the safeguard systems of REDD+ funders like the FCPF are valuable, the different levels of protection provided by the various funders can result in uneven and sometimes inadequate protection of people and the environment. If a market for REDD+ emissions reductions emerges under UNFCCC, the percentage of funding not connected to any funder-specific safeguard policies may grow. National actors are uniquely poised to create safeguard protections that apply across the board, regardless of the funding source.

Second, a national system for implementing the REDD+ safeguards can help national governments coordinate REDD+ activities and their associated safeguard policies. This is particularly true in countries receiving investments from several different funders. Multiple investors within one nation (or even one project) can lead to confusion, frustration, and overlapping activities, as has already been experienced in some REDD+ countries (see Box 5 for an example from Mexico). National governments are well placed to coordinate implementation of the various funder safeguard policies to maximize their effectiveness.

Third, investing in safeguards can provide benefits to a country beyond those linked specifically to REDD+. IFIs and climate funds, for example, are currently exploring ways to implement safeguards that rely more heavily on national systems. This shift is due in part to a growing global emphasis on "country ownership" over development processes, as seen in the Paris Declaration and Accra Agenda for Action.[12] The shift can be witnessed in the context of safeguard systems implemented by the multilateral development banks including, for instance, the "Country Systems"[13] or "Program for Results"[14] approaches piloted by the World Bank, or the "direct access" modalities implemented by

BOX 5 | COORDINATING MULTIPLE PARTICIPATION PROCESSES: THE MEXICAN EXPERIENCE[a]

In the past five years, CONAFOR (National Forestry Commission of Mexico) has tried a more integrated approach to managing the programs and incentives that impact forests and local communities at a landscape level. CONAFOR recognizes that such an approach is vital for improving local livelihoods and rural development, and achieving environmental outcomes. This effort includes integrating existing community forest management programs overseen by CONAFOR with programs and incentives managed by other agencies (such as agricultural subsidies). CONAFOR hopes that the draft Mexican Strategy will provide a tool for this process by aligning any incentives and finance linked to climate change actions in forest areas.

The Mexican Government has been an early and active participant in international REDD+ programs and processes. As a result, CONAFOR and stakeholders in Mexico are learning firsthand that managing the safeguard processes of funders while also developing national safeguard processes results in many challenges and requires careful planning. The effort to coordinate stakeholder participation offers one example of these difficulties.

CONAFOR has overseen several participation processes related to the development and financing of the Mexican REDD+ program. For example, from 2008 to 2010, CONAFOR held early discussions with civil society to gain inputs on the development of the *Vision for REDD+*.[b] Since 2011 they have coordinated a number of different meet-

ings and working groups related to the draft Mexican Strategy. Several of these working groups will produce inputs for the development of the national system to implement the REDD+ safeguards including (a) guidelines on how to consult with civil society on the draft Mexican Strategy (consultation protocol) and (b) options and technical inputs around addressing "critical topics" such as benefit sharing and carbon rights. In 2008, the Secretariat of the Environment and Natural Resources (SEMARNAT) facilitated the development of a Technical Consulting Committee for REDD+ (CTC-REDD+). This multistakeholder platform has provided a method for civil society actors and government to collaborate, discuss, and share ideas with each other during the development of various REDD+ documents.

Simultaneously, CONAFOR has also engaged with multiple climate finance opportunities that have participation requirements. For example, CONAFOR held discussions with civil society while preparing a readiness preparation proposal (R-PP; produced in 2010 and adjusted in 2011) for the FCPF and an investment plan for the "Forest and Climate Project" funded by the Forest Investment Program (FIP) and World Bank.[c] Once the R-PP was accepted by the FCPF, Mexico also began initial participation processes linked to one of the requirements of the grant, a strategic environmental and social assessment (SESA).

These various consultation processes have been beneficial in improving communication between the government

and civil society on matters pertaining to the REDD+ safeguards. For example, as part of the SESA process, CONAFOR managed a series of discussions with actors in the communities where REDD+ activities may occur. CONAFOR found these discussions useful and has expressed interest in getting local actors more engaged in national processes. Conducting these various participation processes efficiently and strategically has been challenging, however. For instance, it was not always clear whether processes undertaken as part of the national REDD+ processes also met REDD+ funder requirements, sometimes because funder safeguard processes themselves were still in development.[d] As a result of these experiences, CONAFOR has sought to ensure that any new processes required by funders build on existing national activities.

CONAFOR is not the only actor in Mexico trying to coordinate national and international processes so that they help create a robust national system for implementing the UNFCCC REDD+ safeguards. Various NGOs have proposed coordination approaches[e] and hosted national and subnational meetings to discuss the question.[f] Similar discussions have also been held within CTC-REDD. At the time of this writing, comprehensive solutions had not yet been found. Efforts had started though to fashion a more formal process for tracking and sharing information about the implementation of UNFCCC REDD+ safeguards.

[a] Primary source for this box: Personal communications with various members of the CONAFOR team, March–August 2012.

[b] Government of Mexico, "*Visión de México sobre REDD+: Hacia una estrategia nacional*" (Jalisco: Comisión Nacional Forestal, 2010).

[c] See summarized description in Forest Carbon Partnership Facility (FCPF), "Mexico REDD Readiness Progress Fact Sheet. June 2012" (Washington, DC: World Bank, 2012). A summary of the consultations in relation to the Forest Investment Program (FIP) in Mexico can be found at http://www.climateinvestmentfunds.org/cif/sites/ climateinvestmentfunds.org/files/FIP_Mexico_Forests_and_Climate_Change_Project_response_from_IBRD.pdf.

[d] Note, for instance, that the guidance on SESA for REDD+ came out in 2010, after Mexico had started its process.

[e] These letters were drafted by the Bank Information Center and supported by nine other representatives of civil society. Bank Information Center et al., "Comments from Bank Information Center on Mexico Forests and Climate Change Project under the FIP Investment Plan," (Washington, DC: Bank Information Center, January 26, 2012).

[f] See, for example, http://reddmexico.ning.com/forum/topics/presentaciones-del-taller-de-salvaguardas-organizado-por-mredd, or http://www.ccmss.org.mx/descargas/7_ La_participacion_de_los_duenos_del_bosque_en_la_construccion_de_politicas_forestales_y_de_cambio_climatico.PDF.

the Adaptation Fund[15] and discussed at the Green Climate Fund.[16] A national system that lives up to the internationally accepted standards for human rights and environmental protection embodied in the UNFCCC REDD+ safeguards can help countries proactively meet the obligations associated with these new funding approaches.

Finally, a national system can be more sensitive to unique national circumstances. Domestic laws or regulations can more accurately reflect unique national demographics of a country's constituent people than the safeguard policies of multilateral institutions are able to do. For example, Brazilian land-tenure laws provide specific protections for descendants of runaway slaves, a group of people that is not specifically recognized in most IFI safeguard policies.[17] National governments also have more tools available to them than do international actors, including the power to create new national laws or institutions. While national systems are commonly associated with weak implementation, if adequately supported domestically and internationally they can allow national governments to achieve the aspirations of the UNFCCC REDD+ safeguards.

Despite these benefits, depending on a country's starting point, developing a full national system may not be an appropriate investment. If the country is getting only a small amount of money for REDD+, has insufficient institutional capacity, or has limited scope for using such a system

(e.g., because the country lacks forests or the ability to use the system for other processes), the benefits may not be sufficient. Such a country may choose instead to rely mostly on the policies and institutions of funders, who themselves will need to demonstrate how they are addressing and respecting the REDD+ safeguards. For instance, if a country is receiving funding from the World Bank, it may choose to rely as much as possible on the World Bank policies and procedures to define how the safeguard goals will be implemented, and only develop additional procedures where the World Bank policies are deemed insufficient. That being said, investing in designing and implementing a national system to implement the UNFCCC REDD+ safeguards will bring benefits in many cases. A number of REDD+ countries have already begun to invest in such systems.

A cohesive and robust national system can help ensure that all REDD+ activities within a country are covered by adequate safeguard policies.

A Framework for Designing an Effective National System

This report presents a framework to assist countries designing national systems to implement the UNFCCC REDD+ safeguards. This framework is not intended to define substantively what is required by the UNFCCC REDD+ safeguards. Instead, it aims to define the core components of a national system to implement the REDD+ safeguards. In addition, it presents some of the potential advantages and disadvantages of various design options. Governments will need to decide on the best option for each national circumstance, together with stakeholders from civil society and the private sector.

While the process outlined in this report may appear simple and straightforward, reality is often complex and nonlinear. This framework is meant to provide neither a detailed roadmap through all the twists and turns of dealing with REDD+ safeguards nor a comprehensive assessment tool to determine a country's readiness for REDD+. Instead, it provides a structured approach to the challenges and opportunities that arise when implementing UNFCCC REDD+ safeguards and a guide to help national governments and others determine whether an adequate national system is in place.

The framework presented in this report focuses on four different components of a national system to implement REDD+ safeguards: "goals," "functions," "rules," and "institutions." As defined here, **goals** are essentially the substantive components of safeguards. They spell out what the safeguards are meant to achieve. In the context of REDD+, the UNFCCC REDD+ safeguards constitute a set of goals. **Functions** are the processes by which the safeguard goals are achieved. In this document we identify 5 main functions.

Table 3 | **The Four Components of a Safeguard System**

GOALS
define what the safeguards are meant to achieve

FUNCTIONS
the processes by which the goals are achieved (Anticipate, Plan, Manage, Monitor, Respond)

RULES
outline the parameters of the system by defining what should or should not occur (laws, regulations, policies)

INSTITUTIONS
ensure the rules are designed transparently and that they are followed

For each safeguard goal, a comprehensive safeguard system

- **anticipates** potential risks and opportunities associated with national and/or subnational REDD+ actions, such as REDD+ strategies, activities, and projects;

- **plans** to avoid harm and produce benefits to ecosystems and people by addressing social and environmental considerations in the design of REDD+ actions;

- **manages** REDD+ actions by implementing safeguard plans and procedures to ensure desired social and environmental goals;

- **monitors** REDD+ processes and outcomes to demonstrate the achievement of goals, make course corrections, and deal with unanticipated impacts; and

- **responds** to problems and grievances related to the social and/or environmental effects of REDD+ actions.

In this framework, **rules** and **institutions** operationalize the safeguard system. A safeguard system's rules set the parameters of the system by defining activities that should or should not occur, as well as when and how they should take place.

Institutions help ensure that these parameters are appropriately designed and followed. This may, for instance, include laws requiring environmental and social impact assessments, or government agencies responsible for monitoring and responding to violations of the rights of indigenous peoples.

Table 3 describes the relationship between safeguard goals, functions, rules, and institutions as envisioned in this framework.

The remainder of this report explores each component of the framework in turn. Each section addresses some of the main questions facing those tasked with developing a national system for REDD+ safeguards. In reality, the process of developing each step will be overlapping and interlinked. Nonetheless, by considering each step systematically, actors can help ensure that all the components are in place and functioning coherently.

Section II provides an overview of approaches that can be used to define the goals of the system. Section III considers the functions of a safeguard system and existing tools that may be helpful in relation to each function. Section IV looks at choosing appropriate rules and institutions for the system, while section V provides brief concluding remarks.

Section II

DEFINING NATIONAL REDD+ GOALS

GOALS

In order to implement REDD+ equitably and sustainably, national systems will need to define clear goals. These goals should be ambitious and attainable, and be created through a participatory process.

In order to develop a national system for REDD+ safeguards, the government and stakeholders will need to agree on the goals that the system should achieve. For REDD+ emissions reductions to be credited under the UNFCCC framework, they must result from REDD+ initiatives that "promote and support" the UNFCCC REDD+ safeguards.[18] The UNFCCC REDD+ safeguards therefore provide an initial set of goals that a national system must consider. However, a government seeking to develop a national system will, in collaboration with stakeholders, need understand and define in more detail what these goals mean and how they will be implemented in practice. They may also want to expand upon the UNFCCC REDD+ safeguard goals to take into account their unique national needs.

Creating a Floor

Traditional IFI safeguard policies typically create a floor below which protection for people or the environment may not fall. For instance, an IFI policy may require that people displaced by an investment not see a reduction in their income level, or that important biodiversity is not disturbed. Such a floor provides the basis for a clear incentive structure, particularly when failure to meet the minimum standard brings appropriate consequences. A floor is also needed if there is a desire to reward actors who perform better than the minimum standard.

Although the UNFCCC REDD+ safeguard language does not draw clear minimum standards, governments can benefit from creating such a floor for key social and environmental factors. This floor can provide predictability to actors using the system (such as project developers) and be perceived as more robust by both domestic and international actors. One way to implement such a floor is to further define the UNFCCC REDD+ safeguards in ways that clearly spell out what is acceptable and what is not. Governments and stakeholders will need to take into consideration multiple factors when creating goals and the related floor, including prevailing national law and practice (since practice can be quite different from what is written in the law), costs associated with the social and environmental risks if certain standards are not met and the costs of mitigating those risks. The requirements of funders may be another factor to consider.

Deciding where to put the floor will require an examination of trade-offs. Imagine a country whose freedom of information act requires government bodies to make 80% of information available to the public. In practice, however, the government only discloses 40% of information because of political and resource constraints. The government has found that the cost of implementing the freedom of information law grows incrementally with each additional percentage of information made available, until it reaches around 75%, at which point the cost escalates significantly because a new government agency must be created to ensure compliance. Each dollar spent on transparency must be taken from some other budget item. At the same time, the government and stakeholders have determined that transparency contributes to ensuring respect for the rights of local communities, and addressing corruption problems that lead to forest loss and degradation. The government, in consultation with stakeholders, will need to decide upon minimum requirements for REDD+ information. Together they may decide that making 60% of information public would be an acceptable minimum given current practice. Alternately, they may find that the benefits of disclosing REDD+ information are essential to the success of REDD+ and that the minimum standard should therefore be 85%, irrespective of the cost.

This simple example illustrates the trade-offs that may be involved in setting a minimally acceptable standard. After national governments and stakeholders define an appropriate floor for acceptable activity in relation to a particular social or environmental goal, they can then determine consequences that should follow if this minimum standard is not met, as well as potential positive rewards for exceeding the minimum standard.

Understanding the UNFCCC REDD+ Safeguards

In order to determine appropriate goals, REDD+ countries may need to understand what the UNFCCC REDD+ safeguards are likely to represent to other governments and international stakeholders. Various tools are available to assist such understanding. International instruments, such as human rights and environmental agreements, provide one

BOX 6 | UNFCCC REDD+ SAFEGUARDS (F) AND (G)

To date, UNFCCC REDD+ safeguards (f) and (g) have received less attention than safeguard (a) through (e). This is largely due to their different nature. Unlike the other UNFCCC REDD+ safeguards, safeguards (f) and (g) relate closely to the accounting, reporting, and compliance rules for greenhouse gas emissions reductions developed under the UNFCCC. Safeguard (f) is about ensuring that emissions reductions are long lasting, while safeguard (g) is about making certain that total emissions are reduced, not just shifted from one area to another.

Early in the global discussions on REDD+, experts noted that, since REDD+ emission reductions are likely to be accounted for on a subnational or national scale, the accounting issues related to emissions shifting in space (leakage) or over time (permanence) would be diminished.[a] This is because when accounting for aggregate emissions reductions, the shift of emission from one place to another, or even from year to another, would not matter as long as other activities at the national level en-sure that the overall emissions are being reduced in a given year or years.

While it is true that accounting at the national scale affords countries some flexibility, countries will still find it challenging to reduce national emissions and maintain these reductions if the rates of deforestation and forest degradation vary significantly from year to year and shift dramatically from one location to another. Many factors may drive such fluctuations, including internal changes like population growth, and outside influences like international demand for certain commodities or even climate change itself. For example, during a drier year a human-set fire may have a devastating impact on forests and emission reductions, which in a wet year would have been a nonevent from a GHG accounting perspective. Countries can therefore benefit from putting in place plans to anticipate, mitigate, and man-age shifting emission reductions from REDD+ actions.

Some of the tools used to interpret and implement the other safeguards will also be relevant to (f) and (g). For instance, a process that ensures consent to REDD+ initiatives by affected stakeholders, as required under safeguard (d), will likely reduce the likelihood that these stakeholders will compromise the forest in the future, and so support the goals of permanence. In other cases, implement-ing safeguards (f) and (g) will call for a different approach. Such approaches might require an improved understand-ing of the various drivers of deforesta-tion, the conditions under which the drivers are most likely to exist, and methods for reducing this risk. There may also be more technical leakage as-sessment approaches.[b]

Shifting emissions, whether spatially, over time, or both, will often involve activities outside specific areas covered by REDD+ projects, either within or across national borders. Preventing such shifts in emissions therefore involves looking more holistically at policies and activities affecting forests throughout the country or region.

[a] See, for example, B. Murray, "Seeing REDD: Addressing Additionality, Leakage, and Permanence with a National Approach" (paper presented at Forest Day, Bali, December 8, 2007).
[b] See, for example, S. Henders and M. Ostwald, "Forest Carbon Leakage Quantification Methods and Their Suitability for Assessing Leakage in REDD," 3 Forests, 2012: 33–58.

such tool.[19] Safeguard (a) of the Cancun Agreement, for example, asks specifically that REDD+ actions "complement or [be] consistent with . . . relevant international conventions and agreements."[20] In order to adhere to this safeguard, actors must first understand which international conventions are relevant and what these conventions require. In addition, the remaining six safeguards speak to rights and responsibilities outlined in interna-tional instruments. Safeguard (c), for instance, emphasizes "respect for the . . . rights of indigenous peoples and . . . local communities,"[21] which are outlined in human rights instruments such as the United Nations Declaration on Indigenous Peoples (UNDRIP) and the United Nations Declaration on Human Rights. (See Box 6 for a discussion of UNFCCC REDD+ safeguards (f) and (g).)

The Convention on Biological Diversity (CBD) is another example of an international agreement relevant to the UNFCCC REDD+ safeguards. The CBD's goal is to protect biodiversity globally. It is therefore particularly relevant to safeguard (e), which asks that REDD+ initiatives be "consistent

with the conservation of natural forests and biological diversity" and "incentivize the protection and conservation of natural forests and their ecosystem services."[22] The Subsidiary Body on Scientific, Technical, and Technological Advice (SBSTTA) of the CBD has created a document providing "advice on the application of relevant REDD+ safeguards for biodiversity, and on possible indicators and potential mechanisms to assess impacts of REDD+ measures of biodiversity."[23]

Defining REDD+ Safeguard Goals in Brazil, Indonesia, and Mexico

In Brazil, Indonesia, and Mexico representatives of government and civil society have—often in parallel with the UNFCCC process—sought to determine which safeguard goals will be important for REDD+ in their national context, and what it will mean to implement them. In Brazil, representatives of civil society, including social movements, small landowners, rural and forestry producers, environmental NGOs, and research institutions, joined together to agree on a set of safeguard principles and criteria. The process was overseen by a multistakeholder committee and included a 150-day comment period.[24] The Brazilian Government has not yet formally incorporated or adopted these safeguards nationally. However, at the time we write this report they had been incorporated into legislation at the state level, including one law and one bill.[25] In Indonesia, civil society has been involved from the early stages in creating safeguard principles and criteria for REDD+. In Mexico, the *Vision for REDD+* provided eight principles on how the UNFCCC REDD+ safeguards will be implemented in the country.[26] These principles were reiterated in the draft REDD+ strategy. The CTC-REDD+ has been engaged in discussions of what it means to implement these principles in practice (see Box 5).

The value of using existing international agreements to help interpret the Cancun safeguards has been recognized in all three countries. For instance, the principles and criteria for REDD+ developed in Brazil state that REDD+ activities shall have "complete respect [for] the UN Declaration on the Rights of Indigenous Peoples, . . . the FAO Treaty on

Agriculture and Food, and . . . the ILO Convention 169."[27] In Indonesia, an influential report by the civil society organization HuMa lays out a framework for REDD+ safeguards based largely on international laws,[28] while Mexico's "*Vision for REDD+*" and draft Strategy reference a number of international human rights and environmental agreements.[29]

The principles and criteria developed in Brazil, Indonesia, and Mexico speak not only to the UNFCCC REDD+ safeguards but also to additional social and environmental concerns. For instance, all three countries include principles related to equitable benefit sharing, which is not explicitly covered in the UNFCCC REDD+ safeguards. Principles in Indonesia and Mexico also speak specifically to gender considerations, which the UNFCCC REDD+ safeguards similarly do not mention directly (see Table 4).[30]

Table 4 | **Safeguard Principles in Brazil, Indonesia, and Mexico**

BRAZIL[a]	INDONESIA[b]	MEXICO[c]
1. Legal compliance: conformance with legal requirements and relevant international agreements.	1. Ensuring the rights to land and territory.	1. Inclusion and equity (regional, cultural, social, and gender).
2. Rights recognition and guarantee: recognition and respect of rights to lands, territories, and natural resources.	2. Complementarity or consistency with the target of emission reduction and related conventions and international agreements.	2. Respect for forms of organization and local governance.
3. Benefit sharing: fair, transparent, and equitable benefit sharing generated by REDD+ actions.	3. Improvement of forest governance.	3. Transparency and legality.
4. Economic sustainability, improvement in quality of life, and poverty alleviation: contribution to economic and sustainable diversification of the use of natural resources.	4. Respectful of and empowering the knowledge and rights of the indigenous and local peoples.	4. Mainstreaming: comprehensiveness, coordination, and complementarities between sectors and levels of government.
5. Environmental conservation and recovery: contribution to conservation and recovery of natural ecosystems, biodiversity, and environmental services.	5. Full and effective stakeholder participation with consideration of gender equality.	5. Equitable distribution of benefits to forest landowners.
6. Participation: participation in the development and implementation of REDD+ actions and in decision-making processes.	6. Strengthening the conservation of natural forests, biodiversity, and ecosystem services.	6. Certainty of and respect for property rights of the inhabitants and owners of land and sustainable use of natural resources.
7. Monitoring and transparency: complete availability of information related to REDD+ actions.	7. Action to manage the risk of reversals.	7. Compliance with free, prior, and informed consent of indigenous and rural communities in all aspects of the REDD+ strategy that affect or may affect their territories, possessions, and individual or collective rights.
	8. Action to reduce the displacement of emission.	8. Competitiveness of rural economies associated with the forest, including community forest enterprises.
	9. Fair distribution of REDD benefits to all relevant holders of rights and stakeholders.	
	10. Guarantee of transparent, accountable, and institutionalized information.	

a. T. M. Bonfonte, M. Voivodic, and L. M. Filho, "*Developing Social and Environmental Safeguards for REDD+: A Guide for a Bottom-Up Approach*" (Piracicaba, SP: Imaflora, 2010): 36–38.

b. REDD Task Force, "Draft Criteria and Indicators for Indonesian National Safeguards (PRISAI), English Version 1," sent out for review September 2012: 1.

c. Government of Mexico, "*Visión de México sobre REDD+: Hacia una estrategia nacional*" (Jalisco: Comisión Nacional Forestal, 2010).

Section III

DETERMINING THE FUNCTIONS OF THE NATIONAL SYSTEM

FUNCTIONS

For a safeguard system to be effective, it must perform several functions. These functions include anticipating risks, planning the steps to avoid or mitigate risks, managing implementation, monitoring results, and responding as needs arise.

While additional goals may be subsequently added, once an initial set of safeguard goals has been agreed to and defined, the next step is to determine the national process for achieving these goals. This section provides an overview of five common functions of safeguard systems: anticipate, plan, manage, monitor, and respond.

Anticipating Risks and Opportunities

In order to design approaches to achieve any safeguard goal, the potential social and environmental risks and opportunities of the REDD+ actions need to be assessed. The focus and scope of such an assessment may differ depending on, for instance, whether it is meant to inform a broad policy choice or the implementation of a specific project. A broader assessment may be concerned with whether the sum of REDD+ activities in a national strategy will encourage the participation of local communities in forest governance, while a narrower assessment may investigate whether leadership in a specific community is capable of including women into the implementation of a REDD+ activity. Regardless of the scale considered, assessments are important for identifying particularly those impacts that may be difficult or impossible to rectify once they occur, such as reduction in biodiversity or displacement of communities.

Environmental and social risk assessments have received relatively significant levels of attention from investors and policymakers outside the REDD+ context. As a result, several tools for conducting assessments have been developed. Strategic environmental and social assessments (SEA or SESAs) and environmental and social impact assessments (EIAs or ESIAs), for instance, are two tools that have been used to systematically assess risks and opportunities associated with new investments. EIAs are conducted at the project level for initiatives such as the creation of a new road or conservation area. Most countries around the world now have legislation pertaining to EIAs,[31] and virtually all IFIs require EIAs for project-level investments that involve particularly high levels of risk (see Table 5). SESAs, in turn, are meant to allow actors to assess environmental and social risks associated with broader initiatives like new laws or policies.[32] SESAs (or SEAs) have emerged relatively recently in IFI's policies, and in the national legislation of a small but growing number of countries.[33]

Table 5 | **Assessments Required by IFI Safeguard Policies**

INSTITUTION	ASSESSMENTS[a]			
	SCREENING DOCUMENT	EIA	SE(S)A	SIA[d]
ADB	x	x	x	x
AfDB (draft policy)[b]	x	x	x	x
FAO[c]	x	x	–	x
IDB	x	x	x	x
IFC	x	x	–	x
UNDP[c]	x	x	x	x
WB	x	x	x	x

x = assessment required under certain circumstances; – = assessment never required

a. This table simply lists available policies. It does not consider the strength of these policies.
b. Released for consultation in January 2012.
c. As reported in the FCPF Common Approach.
d. Sometimes these assessments are implemented as part of, or in conjunction with, the EIA (this includes the IDB and the UNDP).

In the REDD+ context, the FCPF's Readiness Fund requires recipient countries to undertake a SESA to assess the potential effects of national REDD+ strategies.[34] According to guidance provided by the FCPF, SESAs are meant to "integrate key environmental and social considerations into REDD+ readiness by combining analytical and participatory approaches."[35] Mexico and Indonesia have each created work plans on how they intend to implement their SESAs. Both countries aim to, for instance, map the specific populations that REDD+ activities are likely to affect, and assess the potential trade-offs between REDD+ and other development initiatives.[36] EIA-like processes may also be required when finance for REDD+ from the IFIs is used to implement specific REDD+ activities, for example through the FIP.

As a result of previous experiences complying with IFI safeguard policies, as well as prior national legislative processes, many REDD+ countries will have existing procedures in place to rely on when seeking to anticipate risks related to REDD+.

Planning to Avoid or Mitigate Risks and Maximize Opportunities

Plans to avoid or mitigate harm and maximize opportunities will again depend on the type of REDD+ action. For instance, plans may focus on specific REDD+ activities or the broader REDD+ strategy. The level of detail will likely differ depending on the scale at which plans are being made. For many REDD+ countries the process of developing the REDD+ strategy is the first opportunity to think about the potential benefits and risks associated with various potential REDD+ activities.

MAJOR
risks found

1. ABANDON
the proposed REDD+ activity

2. INVEST
in "readiness" activities before
proceeding with the specific
REDD+ activity, apply safeguards

ASSESS
risks of proposed
REDD+ activity

MINOR
risks found

3. DEVELOP
safeguard measures to
manage identified risks

In evaluating specific REDD+ activities, governments and stakeholders can decide to

- abandon a type of REDD+ activity that is too risky;
- wait to implement a type of activity deemed "too risky" until other actions have been taken that would enable the activity to move forward in a less risky manner (readiness activities);[37] or
- go ahead with the activity with measures in place to mitigate risks.

Figure 2 provides a simplified visual depiction of these three options. While the depiction appears linear, in practice the countries are likely to be pursuing different approaches simultaneously. For example, a risk assessment may reveal that undertaking a payment for ecosystem services (PES) program in areas where tenure is unclear may create high levels of conflict. In such a case decision makers have several options. They can decide to pursue PES REDD+ activities only on certain types of land where tenure is clear and that criteria are set to ensure the safeguards are respected (approach 3). They can also decide that in areas where tenure is unclear, the focus of the REDD+ strategy will be on clarifying tenure, while taking into account the safeguards, so that PES REDD+ activities could be applied to those lands at a later time (approach 2).

These two approaches can occur simultaneously, especially where "pilot" REDD+ activities are being undertaken alongside readiness activities, or where REDD+ activities will build on existing initiatives and programs. In addition, as discussed further in Box 7, there may not always be a clear line between REDD+ activities and readiness activities. While some actions may be primarily targeted at addressing risks associated creating the enabling environment necessary to meet the safeguard goals (and therefore may be classified more as approach 2), the suite of safeguard goals will still need to be considered as part of their implementation.

One challenge in choosing whether to abandon a type of activity, wait until readiness activities have been completed, or go forward with the activity lies in deciding upon acceptable levels of risk. Since one can never eliminate all risk, a proper balance will need to be found between reducing risks and allowing activities to go forward. The appropriate choice for any particular circumstance will depend on, among other things, the type and severity of the risk and the potential benefits involved. Having clearly defined goals can make it easier to determine acceptable risks, particularly if these goals spell out clear minimum standards (as outlined in section II).

Both Mexico and Indonesia's draft strategies provide examples of developing readiness activities (approach 2) and risk mitigation measures (approach 3). For instance, in order to improve the general environment in which REDD+ initiatives will be implemented (approach 2), the draft Indonesian Strategy directs the Ministry of Home Affairs and the National Land Agency (BPN) to pursue land-tenure reform to increase tenure security. As has been seen in the Kalimantan pilot project (see Box 4) and in the Ulu Marsen project in Aceh,[38] lack of clear tenure can be a significant stumbling block for REDD+ activities. Notably, the draft Indonesian Strategy recognizes the need to apply safeguards even to this "readiness" activity (see Box 7). Second, the strategy calls for the creation of a Safeguard Steering Committee to further reduce risks associated with those REDD+ activities that do go forward (approach 3). According to the draft Strategy, this committee will review future REDD+ project plans to help ensure that they adequately live up to safeguard goals.[39] (See more about the Safeguard Steering Committee on pages 57-58.)

BOX 7 | APPLYING THE SAFEGUARDS TO "READINESS" ACTIVITIES

REDD+ actions are often divided into two types: (1) "readiness" activities, which are meant to lay the groundwork for successful emissions reductions, and (2) REDD+ activities, which are aimed at actual reduction in emissions. These two types of actions are defined as the two "phases" of REDD+ under the UNFCCC umbrella. Safeguards should be applied to both types of activities, since both can present social and environmental risks.

For example, processes of land-tenure reform can be part of both readiness and emissions-reduction activities.[a] Securing tenure for local communities can help incentivize better management of forests and ensure long-term stability of REDD+

initiatives. Land-tenure reform processes themselves can also present significant risks to marginalized people, however.[b] Safeguards are therefore necessary during determination of land rights to ensure that the reform process is conducted transparently and equitably, whether it is classified as a "readiness" or a "REDD+" activity. Examples of this are seen in both the Indonesian and Mexican draft strategies.

The draft Indonesian Strategy recognizes land-tenure reform as "an important prerequisite to create the conditions required for successful implementation of REDD+."[c] The strategy provides an example of how safeguards can be

applied to readiness activities related to land reform. It outlines the following safeguard measures in relation to tenure reform: (1) relevant government agencies will survey land and natural resources currently utilized by indigenous or local communities through a participatory mapping process; (2) the National Land Agency will then receive support to resolve land-tenure disputes using existing statutory, out-of-court settlement mechanisms; and (3) natural resource management regulations and policies will be harmonized to ensure that the principles and processes of free, prior, and informed consent are internalized in the issuance of all permits for the exploitation of natural resources.

[a] Rights and Resources Initiative (RRI), "*Seeing People through the Trees: Scaling Up Efforts to Advance Rights and Address Poverty, Conflict and Climate Change*" (Washington, DC: RRI, 2008), 17.
[b] A. M. Larson, "Forest Tenure Reform in the Age of Climate Change: Lessons for REDD+," Global Environmental Change (2010): 1–10, http://dx.doi.org/10.1016/j.gloenvcha. 2010.11.008.
[c] Government of Indonesia, "REDD+ National Strategy," REDD+ Task Force, June 2012, 18.

Table 6 | Plans Required by IFI Safeguard Policies

TYPES OF PLANS[a]	ADB	AFDB[b]	FAO[c]	IDB	IFC	UNDP[c]	WB
Environmental Management Plans	x	x	x	x	x[e]	x	x
Resettlement Plan	x	x	n/a[d]	x	x	x[d]	x
Indigenous Peoples Plan/Framework	x	—	x	x	x	x	x

a. This table simply lists available policies. It does not consider the strength or scope of these policies.
b. Draft policy, presented for consultation in January 2012.
c. As reported in the FCPF Common Approach.
d. The FAO, UNDP, and UNEP state that they do not fund projects that result in resettlement.
e. The IFC requires an environmental and social management system (ESMS).

The draft Mexican Strategy contains a similar two-pronged approach to avoiding harm. To improve the enabling environment (approach 2), the draft Mexican Strategy aims to strengthen local governance structures and improve transparency, participation, and accountability mechanisms. Members of the Mexican Government view this as a key component of allowing local communities access to REDD+ benefits.[40] In addition, one of the main activities in the safeguard section of the draft Mexican Strategy is to design REDD+ programs so that they give special attention to small forest land-owners and marginalized and vulnerable groups.[41] While the steps for doing this are still relatively undeveloped, this could—as in the Indonesian case—be the foundation for specific risk-reduction measures for emission reduction programs at the local level (approach 3).

Several tools are available to help countries plan to avoid or mitigate risks. Environmental and social management frameworks (ESMFs), for instance, can aid in the process of creating national risk management plans. Countries receiving funding from the FCPF are required to create ESMFs as part of their SESA processes.[42] At the more local level, most IFIs require some form of social and environmental plan in association with investments in project-level activities. These usually include environmental management plans, indigenous peoples plans, and/or resettlement plans (see Table 6).[43] Countries applying for money through the FIP or FCPF

Carbon Fund will likely be required to complete such plans for project-level investments. In addition, preexisting domestic rules, such as EIA laws and poverty alleviation strategies, may be useful for supporting REDD+ safeguard planning processes.

Managing Implementation

After plans to avoid harm and produce benefits are identified and included in strategy documents, work plans, and other relevant country processes, these plans must be implemented. Such implementation can entail various types of activities, including distribution of information, hosting of consultations, passage of new regulation, creation of new institutions, and ensuring that the interest of local communities is respected.

Implementation will require clarity about who is responsible for doing what. Relevant actors may come from the government, civil society, or the private sector. For example, project developers might be responsible for undertaking capacity-building activities, while the local government may be accountable for ensuring that such activities are undertaken in a participatory manner. Distribution of responsibilities can, among other things, help ensure checks and balances within the safeguard system. This is valuable since the reluctance of certain actors (inside or outside the government) to support implementation of safeguards can complicate implementation of safeguard plans.

BOX 8 | BUILDING ON THE FREEDOM OF INFORMATION LAW IN INDONESIA

In 2008, the Indonesian Government passed the Public Information Disclosure Act (UU KIP).[a] This act is meant to increase the Indonesian public's access to information regarding the functions and activities of the Indonesian Government. In passing the law, Indonesia joined the growing number of countries with legislation specifically dedicated to increasing transparency.

The UU KIP took effect in 2010. Since then, the Indonesian Government has begun to take steps to put the law into practice. Indonesian civil society has expressed concern, however, that these steps are inadequate, and that insufficient incentives are in place to ensure that information is made available to the public as mandated.[b] Studies have found, for instance, that regional and district/municipal information commit-

tees have not been set up as required, and that inadequate local regulations exist to ensure implementation of the act at the local level.[c]

Access to information is a key component of any safeguard policy. The importance of transparency underlies several of the UNFCCC REDD+ safeguards, including safeguard (b), which calls for "transparent . . . forest governance structures," and safeguard (a), which asks REDD countries to comply with "relevant international . . . agreements." Transparency is also an accepted international principle of good governance.[d] Information on environmental permits and land use concessions can help actors monitor forest use, while information on how REDD+ funds are collected and distributed can help encourage proper benefit sharing.

The benefit of building on and strengthening existing processes aimed at implementing the UU KIP when implementing the A REDD+ safeguard system has been recognized in the draft Indonesian Strategy.[e] The Indonesia Strategy also recognizes the value of building on Law No. 4/2011 on Geo-spatial Information.[f] Such an approach can reduce duplication and help implementation of UU KIP, the Geo-Spatial Information Law, and REDD+ information systems.

[a] Republic of Indonesia, "Public Information Disclosure Act, Act Number 14," 2008; http://ccrinepal.org/files/documents/legislations/12.pdf.
[b] D. E. Prayitno, H. Subagiyo, J. Khatarina, P. Murharjanti, R. S. Assegaf, T. Mendel, and M. Karanicolas, "Interpretation of Exceptions to the Right to Information: Experiences in Indonesia and Elsewhere," (Jakarta: Centre for Law and Democracy and Indonesian Center for Environmental Law (ICEL), 2012).
[c] A. Faisol, T. B. Suryani, S. K. E. Amy, and W. T. Hanggoro, "Fulfilling the Right to Information: Baseline Assessment on Access to Information in East Nusa Tenggara, Indonesia," Article 19 (London), Tifa Foundation (Indonesia), and Australia Nusa Tenggara Assistance for Regional Autonomy Programme (Government of Australia), 2010. Freedominfo.org, "Problems Found in Handling of RTI Requests in Indonesia," 2012; http://www.freedominfo.org/2012/05/problems-found-in-handling-of-rti-requests-in-indonesia. Chapter VII of the act covers the creation and mandate of information committees, which are responsible for, among other things, overseeing implementation of information systems and adjudicating disputes.
[d] See, for example, United Nations Environment Programme (UNEP), "Rio Declaration on Environment and Development, Principle 10," 1992; United Nations, "The Universal Declaration of Human Rights," General Assembly resolution 217 A (III), December 10, 1948; and United Nations, "International Covenant on Civil and Political Rights," General Assembly resolution 2200 A (XXI), December 16, 1966.
[e] Government of Indonesia, "REDD+ National Strategy," REDD+ Task Force, June 2012, 25.
[f] Ibid., 18.

ing safeguard systems. The budget submitted by CONAFOR in 2010 allocated much of the funding to the development of measurement, reporting, and verification (MRV) systems for greenhouse gas emissions.[45] In 2011, most of the budget had shifted to developing SESA products and undertaking consultation processes.[46] Seventy percent of the budget has been allocated to component 1 of the R-PP template "Organize and Consult." Notably, CONAFOR was able to shift its proposed budget in this way because the Mexican Government has received additional funding from other sources to support work on the MRV of emissions.[47]

Given the human and financial constraints of many of the institutions managing REDD+, there will be significant benefit from carefully prioritizing activities and capitalizing on opportunities for synergies, coordination, and efficiency when implementing the REDD+ safeguards. Everything cannot be undertaken at once, so actors will need to prioritize activities based on the level and immediacy of the relevant risks and the costs of mitigation. Opportunities may be available to build on existing systems, even if they are not specifically related to REDD+. For example, efforts to ensure that the rights of local communities are not violated can utilize existing human rights systems, such as human rights committees or ombudsmen.[48] Box 8 gives an example of how the REDD+ system can build on Indonesia's new freedom of information law to enhance transparency.

A lack of human and financial resources will likely present another challenge to the effective implementation of the REDD+ safeguards. Funds may prove lacking for various reasons, including underestimation of costs, failure to secure adequate funds, or failure to appropriately distribute funds to priority areas.[44] Governments and investors have already learned that significant resources may be necessary to implement REDD+ safeguard activities. In Mexico, for instance, CONAFOR changed the budget in its R-PP after gaining a better understanding of the costs associated with implement-
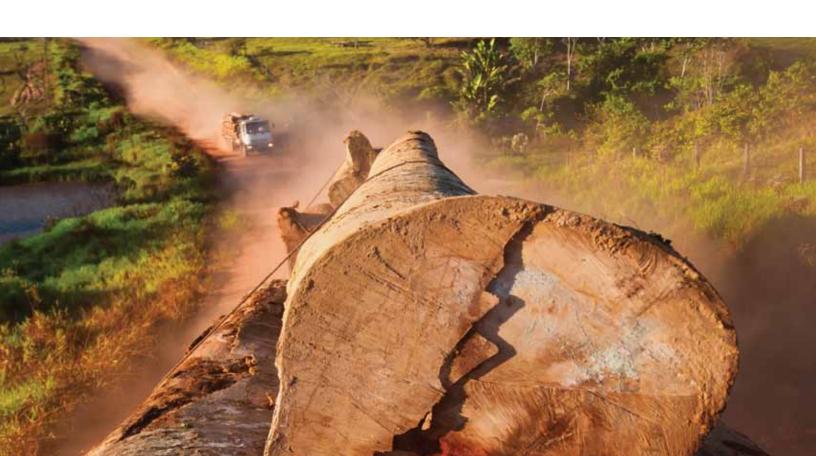
A monitoring system collects information that enables institutions to implement the safeguards. Accurate, timely, and accessible information will allow actors to respond effectively to social and environmental needs.

Monitoring Progress

Monitoring systems will be necessary to help ensure that safeguard processes are implemented and the safeguard goals met. Monitoring will occur from the community to the national level, by actors ranging from individuals affected by REDD+ activities to funders and government agencies. One challenge will be to collect enough information to manage the safeguard system and have confidence that the safeguards are being implemented, without creating such a complex system that those tasked with collecting information are unable to complete their work. This means being very clear about what data is needed. Other challenges involve appropriately linking different levels of information, checking data quality, and maintaining transparency. For example, data collected within a community will need to be funneled to the national level in a strategic manner so that the right information reaches the right audience. Finally, monitoring should be done based on a sound baseline of information regarding status of ecosystems and people prior to implementation of REDD+ initiatives.

Neither the Indonesian nor the Mexican draft strategy describes in detail the type of information that will be collected as part of its safeguard monitoring systems. Both strategies do note, however, the value of combining monitoring of safeguards with systems for monitoring, reporting, and verifying reductions in deforestation and forest degradation.[49] Such coordination can be a useful way to conserve resources. Care should be taken, though, to ensure that safeguard monitoring receives its own support.

In Cancun, the Parties agreed to create "a system for providing information on how the [REDD+] safeguards . . . are being addressed and respected."[50] The Subsidiary Body on Scientific and Technical Advice (SBSTA) provided further guidance on such systems at COP-17 in Durban, including the requirement that a "summary of information" be provided periodically to the international community.[51] However, many questions remain regarding national "safeguard information systems" and the relationship of these systems to international processes. This relationship will need to be further clarified.[52]

While it is yet unclear how the safeguard information systems will be defined and how they differ—or not—from monitoring systems, both Mexico and Indonesia have begun to build such systems. For example, the Indonesian Ministry of Finance and REDD+ Task Force have agreed to set up a system to gather information based on a structure created by the Ministry of Finance and indicators developed by the task force.[53] Mexico, for its part, has created working groups on the safeguard information system within CONAFOR and CTC-REDD+. Brazil is just starting to take steps toward the development of such a system for REDD+.

Although REDD+ initiatives are still in their infancy, certain tools exist to support the process of collecting and using information related to implementation of the REDD+ safeguards. One of these tools, the REDD+ Social and Environmental Standards (REDD+ SES), is specifically designed for REDD+. Developed by the Climate, Community, and Biodiversity Alliance (CCBA) and CARE International,[54] the REDD+ SES tool helps identify the categories of information needed to ensure that safeguards are being implemented. It also helps countries communicate how their national system is meeting needs and expectations. So far the tool has been piloted at the national level in Ecuador and Nepal; at the state level in Acre, Brazil; and at the provincial level in Central Kalimantan, Indonesia.[55]

The REDD+ SES tool is designed to be adapted and implemented in a transparent and participatory manner. A REDD+ SES standards committee, which governs the standards at the international level, consists of representatives from governments, the private sector, and civil society (including indigenous peoples' organizations, environmental organizations, and representatives from local communities).[56] At the national level, a national standards committee with a similarly diverse membership governs implementation of the standards, including the design of country-specific indicators and a country-specific assessment process.[57]

Other tools potentially relevant to monitoring REDD+ safeguard implementation include existing instruments for community-based monitoring of ecosystems and biodiversity,[58] or systems involving independent monitoring of respect for human rights.[59] In addition, the information requirements of international human rights or environmental agreements can be useful sources of information. Taking these requirements into consideration may both reduce duplication and parallel reporting processes and provide guidance on the type of information that the international community expects in relation to the REDD+ safeguards.

International human rights and environmental agreements often require member states to gather information pertaining to implementation of the relevant agreement. These information requirements commonly ask for an account of the regulatory systems in place to implement the agreement

and the successes and weaknesses of these systems.[60] Some agreements also allow nongovernmental actors to submit reports.[61] The information collected in relation to international human rights and environmental agreements will not automatically be tailored to identify the effects of REDD+. They can, however, help show some of the strengths and weaknesses of existing rules and institutions in place to protect people and the environment.

IFIs also provide existing systems from which a national system can draw information. International funders often ask for the collection of information as part of their safeguard assessment and monitoring requirements. Much of the information required is at the project level and focuses on assessments of potential impacts rather than on monitoring of long-term results. Environmental and social impact assessments, for instance, constitute a significant percentage of the information required, as do other types of up-front, project-level planning documents such as environmental management, resettlement, or indigenous peoples plans (see tables 5 and 6). IFIs also monitor project progress and results.

Responding to Challenges and Successes

Finally, systems should be in place to respond to problems as they arise, or to alter plans when better options present themselves. National systems have many ways to respond to challenges or successes associated with implementing REDD+ and REDD+ safeguards. Since countries may not be able to anticipate all social and environmental risks and opportunities, a process to rectify wrongdoings and adapt approaches is vital for an effective safeguard system.

Response systems should be able to address both failures in the safeguard system itself and harm that arises despite functioning safeguards. Examples of both types of responses can be found in the Indonesian and Mexican draft strategies. For example, the draft Indonesian Strategy provides for "accountability mechanisms related to methods and processes for collection of data on social and environmental conditions" related to REDD+.[62] This mechanism could help ensure the soundness of information used in risk assessments or monitoring systems. Indonesia's planned Safeguard Steering Committee

can also respond if safeguards are not implemented as planned at the project level. These types of systems help ensure that the safeguard system itself is functioning properly.

In addition, both the draft strategies provide for the creation of grievance and dispute resolution processes to respond to harm that occurs, regardless of whether the other functions of the safeguard system worked properly.[63] For example, the draft Mexican Strategy discusses the development of an institutional framework to provide legal advice to those interested in participating in REDD+ and to follow up on concerns and complaints.[64] This framework will build on existing accountability mechanisms in Mexico, including those formalized under the Agrarian Law and implemented by the attorney general's office (Procuraduría Agraria),[65] as well as those monitored by the Ministry of Civil Service (Secretaría de la Función Pública) unit for control and auditing of public work processes in Mexico.[66] These mechanisms are highly detailed and have resulted in the development of numerous local institutions and practices that will be relevant to addressing the REDD+ safeguards.

In a 2001 review of the tenure conflict mechanisms set up in Mexico, FAO states that as a result of early conflicts around the land regularization process

> norms and regulations and practices for conflict resolution also became institutionalized, with the result that Mexico has an elaborate legal framework with competent public institutions for resolving agrarian conflicts. . . . [E]ven at the local level, the agrarian law has established the legal framework for local organization in the *ejido* and *comunidades agrarias*, in matters concerning the management of land and its resources, as well as in relation to whatever conflicts may occur.[67]

Regardless of the type of harm involved, different approaches can be used to respond to a problem that arises. For example, responses can be judicial. If they have adequate capacity, courts, or court-like bodies, at the project, subnational, national, or international level can help ensure that safeguard rules are adhered to and that conflicts and claims are equitably resolved. Depending on their authority and jurisdiction, courts or similar grievance mechanisms can, for instance, require rules to be altered, contracts to be upheld or invalidated, or activities to cease or commence.

Judicial bodies are not the only ones responsible for reacting to problems, however. Other systems can respond as well. In many cases, smaller concerns can be resolved directly between, for instance, an aggrieved local community and the project developer, as long as both parties are open to listening and making changes. In other cases, more formal mechanisms may be needed. Both the Mexican and Indonesian draft strategies mention the use of alternative dispute resolution processes. The draft Indonesian Strategy suggests the use of "existing statutory out-of-court settlement mechanisms" for disputes over tenure reform, while the draft Mexican Strategy proposes use of a mediation approach for dealing with land conflicts.[68] Mexico's plans to rely on preexisting laws and institutions include use of both formal protocols for dealing with land conflicts outside of the court system[69] as well as participatory processes that do not include the courts.[70]

Response mechanisms can also be built into the very institutional structure of a safeguard system. In Indonesia, for instance, NGOs expressed concern over the lack of public participation allowed by the Ministry of Forestry in its FIP planning processes. The NGOs sent letters to the FIP expressing their discontent and also brought their concerns to the Presidential Working Unit for Supervision and Management of Development (UKP4) office.[71] The UKP4, in turn, raised the concern in meetings with the FIP.[72] Largely as a result of these protests, the World Bank postponed the FIP process in Indonesia. In Brazil, the National Ecological-Economic Zoning Committee recently rejected a zoning law drawn up by state legislators in Mato Grosso, on the premise that the law, among other things, reduced indigenous lands and threatened vital ecosystems. The Ecological-Economic Zoning Committee is made up of representatives from 14 ministries and is in charge of analyzing and approving land use plans before submitting them to the national environmental council for approval. The state of Mato Grosso will need to make changes to the plan and submit it to the committee again for analysis.[73]

Finally, response systems can be important for maximizing potential social and environmental benefits associated with REDD+. Successes should be acknowledged and positive lessons shared and capitalized upon in order to create a robust system that is continually improving.

Response systems will be most useful if they encourage trust between the different actors involved in implementing REDD+ and REDD+ safeguards, and if they are able to catch potential problems before they become major obstacles. Like with the other functions, countries will likely have prior experience and existing rules and institutions to draw from when designing response systems for REDD+ safeguards.

Section IV

DEFINING THE RULES AND INSTITUTIONS OF THE NATIONAL SYSTEM

RULES

INSTITUTIONS

Safeguard systems consist of rules and institutions. These help ensure that the functions of the system are performed and the goals met. The rules and institutions used may already exist or new ones may be created. They can take a variety of different forms.

Rules and institutions will need to be in place to perform the functions outlined above. Rules provide the parameters for safeguard systems, while institutions ensure that these parameters are followed.

Rules help define the rights and responsibilities of relevant institutions and stakeholders. They come in a variety of forms and govern all stages of the national system. Effective rules can help ensure that a cohesive and effective framework is in place to meet all functions of the system, while inappropriate rules can become stumbling blocks on the road to successful safeguard implementation. Institutions help ensure that the rules are appropriately designed and implemented. Many nations have useful rules on the books but face significant challenges in implementing them. Appropriate institutions should therefore have the authority and capacity to support successful implementation of the rules.

National systems are likely to rely on both preexisting and new rules and institutions. This section outlines two primary steps to ensure implementation of each function of the safeguard system. These steps include assessing new rules and institutions, and creating new rules and institutions to fill the gaps.

Assessing Existing Rules and Institutions

A first step in defining the rules and institutions of a national system is to understand what is already in place. This can allow stakeholders to capitalize on existing processes and understand gaps and weaknesses where new rules or institutions may be called for. We term this type of assessment a "safeguard governance assessment."

Safeguard governance assessments focus specifically on the rules and institutions of the safeguard system. They look at the ability of existing processes to implement safeguard plans, monitor implementation, and respond to challenges as they arise. This includes analyzing the ability of institutions to work together in ways that they may not have done before. In practice, if conducted thoroughly, safeguard governance assessments will overlap with the risk assessments described in the *Anticipate* discussion in section III. Gaps in rules and institutions will often present social and environmental risks and therefore play a role in assessments of risks related to REDD+.

Governmental or nongovernmental actors have already conducted components of safeguard governance assessments in Brazil, Indonesia, and Mexico. For instance, the International Development Law Organization (IDLO) has assessed "Mexico's Legal Readiness for REDD+."[74] Representatives of civil society in Indonesia and Brazil have conducted assessments of forest governance, which look at gaps in rules and institutional capacity related to many of the safeguard goals.[75] In Brazil, civil society has also assessed the degree to which laws governing payment for ecosystems programs at the state level address safeguard concerns.[76] The Mexican and Indonesian Governments have committed to conducting assessments of rules and institutions responsible for REDD+ as part of their SESA processes[77] and have already undertaken some initial legal and institutional assessments, for example in creating their R-PPs and in preparing for the FIP program.[78]

Types of Rules and Institutions

Many different types of rules and institutions play a role in protecting people and the environment from harm associated with investments in REDD+. Thorough assessments will provide an understanding of the rules and institutions responsible for assessing risks and opportunities, making plans, implementing those plans, monitoring implementation, and responding when problems arise. The types of rules that may be relevant to protecting people and ecosystems from harm associated with REDD+ investments may include

- the national constitution, which may protect rights to land or information;
- national laws covering sectors such as forestry, agriculture, land, or indigenous peoples;
- general national laws related to civil procedure or public administration;
- regulations providing further detail on how to implement national laws;
- voluntary guidelines or operating manuals;
- subnational or local laws;
- case law, such as judicial decisions regarding the rights of indigenous peoples or the protection of natural resources;
- international laws, such as the United Nations Declaration on the Rights of Indigenous Peoples, or the Convention on Biological Diversity;

- customary or religious law, such as laws governing land tenure within an indigenous community;
- laws creating institutions to implement the above laws and regulations, such as the forest agency or an agency responsible for issues pertaining particularly to indigenous peoples; and
- policies and procedures of implementing institutions, such as the policies of the forest agency, environmental agency, or judicial system.

The types of institutions that can be involved in protecting people and ecosystems from harm associated with REDD+ include

- government agencies created to oversee REDD+;
- multistakeholder bodies related to REDD+;
- national or subnational agencies overseeing issues related to forestry, agriculture, land use, planning, finance or development, indigenous people, environmental conservation, and so on;
- government watchdog agencies or ombudsmen;
- anticorruption bodies;
- national, subnational, or local legislative bodies;
- governance bodies of indigenous peoples and community-based organizations;
- universities and scientific research institutes;
- national and subnational law enforcement agencies; and
- civil, criminal, or administrative courts at national, local, and international levels.

Institutional Capacity

To give actors a thorough understanding of existing institutions, an assessment should look at not only the mandate of these institutions but also their capacity to fulfill their role. Several available tools can help actors assess the strengths and weaknesses of national institutions. One such tool is WRI's Governance of Forests Initiative (GFI) toolkit of indicators, which includes capacity as one of its five guiding principles for effective forest governance.[79] The toolkit defines *capacity* as

> the government's social, educational, technological, legal, and institutional ability to provide public access to decision-making, as well as the ability of civil society to make use of such access. This includes the capacity of government and official institutions to act autonomously and independently, the availability of resources (both human and financial) to provide access, and the capacity of civil society (particularly NGOs and the media) to analyze the issues and participate effectively.[80]

Table 7 lists a sample of indicators focused on institutional capacity.

Assessments will also need to consider relationships between national and subnational rules and institutions, which are often not well coordinated and integrated.[81] The GFI assessment in Brazil, for example, demonstrates a lack of coordination between state and national law enforcement agencies, which should raise red flags regarding the ability of these institutions to support Brazil's national system to implement the REDD+ safeguards.[82] Box 9 provides further findings on institutional capacity constraints in Brazil that could be relevant for a safeguard governance assessment.

Participatory Assessments

An effective assessment of rules and institutions will itself need to live up to the principles of the REDD+ safeguards. This includes principles of transparency and participation. In addition, information regarding the strengths and weaknesses of existing rules and institutions is likely to be more accurate if it is gathered and verified by multiple actors from different sectors.

Table 7 | **Example of Indicators of Capacity from the WRI Governance of Forests Initiative (GFI) Toolkit**

INDICATOR	ELEMENTS OF QUALITY	
Capacity to administer and monitor forest tenure	■ Expertise ■ Access to technology ■ Information-gathering mechanisms	■ Information exchange mechanisms ■ Staff capacity
Capacity to resolve forest-tenure disputes	■ Extrajudicial resolution mechanisms ■ Adequate finances and staff	■ Access to professional training ■ Access to relevant information
Capacity of law enforcement agencies	■ Financial and technical resources ■ Effective monitoring and reporting techniques for illegal activity	■ Adequate number of staff ■ Staff trained in regulatory framework ■ Adequate supervision of staff
Capacity of the judiciary to prosecute forest crime	■ Judges trained on relevant issues ■ Courts have proper capacity to rule	■ Judges have access to forest data
Capacity of civil society organizations to engage on forest-revenue issues	■ Expertise in fiscal management ■ Credibility with stakeholders ■ Access to adequate resources	■ Represents concerns of the vulnerable ■ Engagement on forest-related issues ■ Effective civil society networking

BOX 9 | CAPACITY GAPS IN FOREST MANAGEMENT AND INDIGENOUS PEOPLES INSTITUTIONS IN BRAZIL[a]

In Brazil, the National Indian Foundation (FUNAI) is the main government agency responsible for protecting and promoting the rights of indigenous peoples. FUNAI has several roles, including managing the process of recognizing and demarcating new indigenous territories. While indigenous peoples can maintain their own systems of organization and traditions within their territories, FUNAI's mandate is to provide support as needed. This support includes monitoring invasions of indigenous territories. The Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) is responsible for responding to any territorial invasions. If REDD+ activities in Brazil involve indigenous territories, both these institutions would therefore be involved in ensuring (a) that REDD+ activities reflect the will and interests of the communities in question and (b) that grievance mechanisms are in place to respond if they do not.

In 2009,[a] two Brazilian civil society organizations, the Institute for People and Environment in Amazonia (IMAZON) and the Center of Life Institute (ICV), undertook an extensive assessment of the mandate and capacity of institutions responsible for forest management, tenure, forest finance, and spatial planning activities that impact forests in Brazil.[b] In their assessment they identified several important gaps in the mandate and capacity of FUNAI and IBAMA that would need to be addressed as part of strengthening their ability to support the implementation of a safeguard system in Brazil.

FUNAI
- In 2009, FUNAI had only an emerging understanding of REDD+. Despite having delegated the task of monitoring the discussions on REDD + to its General Coordination of Territorial Monitoring, and despite the existence of a number of supposed "REDD+" projects on Indigenous Territories, FUNAI was only slowly starting to engage on the issue.

- Local demand for communication with FUNAI exceeds FUNAI's current capacity. Several communication mechanisms exist between FUNAI and the indigenous population. In addition to the regional administrations, indigenous stations and local support centers allow two-way communication. Nevertheless, local demand usually exceeds the capacities of these centers and stations. Moreover, there is little communication between the local and capital offices.

- Capacity to help indigenous people is significantly limited by the number of staff per hectare of the Amazon. In 2008, a government assessment of FUNAI's capacity (by the Tribunal de Contas da União [TCU]) found that while the offices of FUNAI in the Amazon have a better than average client-to-staff ratio (216 per employee in the Amazon versus 257 people per employee nationwide), each staff member needs to cover 109,643 hectares, more than double the national average of 51,479 hectares per employee.

- FUNAI does not have the authority to resolve conflicts. While indigenous communities often go to FUNAI first when conflicts arise with outside actors, FUNAI has no legal authority to enforce a solution to the conflict.

IBAMA
- Unclear laws regarding land use within indigenous territories limit the ability of IBAMA and FUNAI to protect indigenous people from certain types of encroachments on their territories. For example, the rules for mining on indigenous lands are not clear. The federal constitution indicates that mining in indigenous lands must comply with specific regulations that have not yet been enacted.

- In most cases, IBAMA does not have adequate and sustainable financial and technical resources. The Action Plan to Prevent and Control Deforestation in the Amazon strengthened the financial and technical resources for IBAMA law enforcement operations. Nevertheless, a 2008 assessment of the plan found that for all IBAMA's activities linked to environmental control, access to financial and technical resources had been a problem.

- In most cases, IBAMA does not have an adequate number of staff assigned to forest crime detection and reporting. IBAMA has about 1,200 law enforcement staff, of whom 400 are located in the Amazon. According to an internal IBAMA assessment, 3,000 staff members would be required to detect and report forest crimes adequately.

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[a] Note that since 2009 steps have been taken to address some of these problems.
[b] B. Brito, L. Micol, P. Santos, and A. Thuault, *The Governance of Forests Initiative, Preliminary Results of the Brazil Assessment* (Belém: IMAZON, ICV, 2009).

Different types of rules and institutions will play a role in protecting people and the environment from harm and promoting the benefits associated with investments in REDD+. Many of these may already exist and can provide a foundation for the national system.

Several REDD+ governments and investors have experimented with participatory assessments of existing legal, regulatory, and policy frameworks. In the context of REDD+, the UN-REDD program has developed a framework for participatory governance assessments (PGAs). Indonesia is one of the first countries to conduct such an assessment and has developed an "expert group" consisting of representatives from government, civil society, and academia to oversee the creation of indicators and collection of information.[83] The GFI assessments have also used participatory approaches, particularly in Indonesia, where the indicators were adapted in collaboration with the National Forestry Council (DKN).[84] The DKN consists of representatives from government, local communities, private companies, academics, and NGOs (including indigenous peoples organizations) and was created in 1999 to improve participation and transparency in forest governance.[85] The DKN is increasingly involved in governance initiatives related to REDD+ (see more about the DKN on pages 57-58).

Creating New Rules

Once the government and stakeholders understand existing systems relevant to REDD+, they will need to make strategic decisions about how to add to or change existing rules to address any gaps. They will need to consider both the costs and benefits of available options. Table 8 gives an outline of the types of rules that may be implemented to support a goal of biodiversity.

Type of Rules

REDD+ governments will need to select the type of new rules to introduce. The appropriate choice will vary based on the legal structure and political climate of the country in question, the nature of the national REDD+ strategy, and the types of REDD+ funding that the country expects to receive.

Rules can be designed to either penalize violations or reward good behavior. For example, a rule might require a fine for activities that fall below a certain minimum standard of acceptable behavior, or it

Table 8 | **Example of Rules to Implement a Safeguard for Biodiversity**

RULES
Laws, regulations, or policies require REDD+ actors to anticipate how REDD+ activities will harm or benefit biodiversity.
Laws, regulations, or policies require REDD+ actors to create plans that reduce risks and maximize benefits for biodiversity.
Regulations, policies, or guidelines provide detailed instructions on how to implement REDD+ plans to reduce risks and maximize benefits to biodiversity, as well as human and financial support for such implementation.
Laws, regulations, or policies require monitoring of biodiversity levels, using community-based monitoring, independent monitors, and other monitoring techniques.
Laws, regulations, or policies provide penalties for not meeting minimum biodiversity standards for REDD+ activities, and/or benefits if these standards are exceeded.

might provide subsidies to actors that go above and beyond that standard. Clear safeguard goals that spell out such minimum standards can aid in the process of creating effective rules. Clear rules, meanwhile, can help provide detail on what the goals mean and how they are to be implemented.

Rules can be binding or nonbinding. For example, governments can pass national laws or rely on other types of instruments. On the one hand, passing a national law can increase buy-in from a broad section of the population, since such an action often requires support from multiple sectors. A national law can also provide greater stability, since laws passed by the national legislature are typically harder for subsequent governments to overturn than other types of rules. On the other hand, it may take the national legislature a long time to agree on legislation related to REDD+ (if the legislators ever agree at all), and the law may be diluted in the deliberative process to appease all necessary parties. A secondary alternative is to produce safeguard guidelines, which may be linked to weaker enforcement mechanisms than binding laws but nonetheless provide clear guidance on how REDD+ activities should take place.

In Indonesia, many of the REDD+ rules adopted so far have come directly from the president or a ministry. This includes the presidential instruction (*inpres*) creating a moratorium on permits for new

concessions in primary rainforests and peat land,[86] and the ministerial decree providing guidelines for REDD+ activities in Indonesia.[87] These were created relatively swiftly by the Indonesian leadership. They are binding and have been relatively effective in keeping REDD+ moving forward in Indonesia. However, they hold a lesser status within the Indonesian legal system than laws passed by the parliament and approved by the president. They are also tied quite closely to the current administration in Indonesia. Some observers are therefore concerned about how long these rules will last.[88]

The Mexican Government has taken a different approach to the legal form of its REDD+-related laws.[89] On April 19, 2012, the Mexican Congress approved the General Law on Climate Change, committing Mexico to cutting carbon dioxide emissions to 30% below business-as-usual growth by 2030 and 50% by 2050.[90] A few days later, the Congress agreed to amend existing laws related to forests in order to lay the groundwork for REDD+.[91] These amendments spell out the eight safeguard principles governing Mexico's REDD+ initiatives, as well as further legal clarifications meant to aid implementation of REDD+.[92] Putting these laws into place took a long time. For instance, the General Law on Climate Change was debated for 3 years prior to passage. It nonetheless provides a relatively solid framework on which to build further policies, regulations, and guidelines.

In 2009, Brazil passed its National Policy on Climate Change, which includes plans to prevent and control deforestation in various biomes.[93] A decree that implements this law clarifies the need to reduce deforestation in the Amazon and the Cerrado.[94] A proposed national REDD+ bill has yet to move forward, however, even though initial discussions on the bill started not long after the passage of the overarching legislation. The initial draft of the national REDD+ bill included safeguard-related provisions, such as support for benefit sharing for local communities and the creation of a dedicated dispute settlement mechanism for REDD+.[95]

While efforts to create national-level rules in Brazil have stalled, a growing body of legislation of potential relevance to REDD+ has emerged at the state level.[96] A review of many of these state initiatives found that their contribution to a REDD+ safeguard system is limited.[97] The one exception is the State of Acre's System of Incentives for Environmental Services

(SISA), which was established by law in October 2010.[98] According to the review, this law was created through a participatory process and captures all of the safeguard goals defined by civil society in its social and environmental principles and criteria for REDD+.[99]

Scope of Rules

Governments and civil society also will need to decide whether new rules related to the safeguards should be specific to REDD+ or apply more broadly. There are benefits and challenges associated with both broad and REDD+-specific rules, which will again differ depending on national circumstances.

A narrower rule that focuses only on REDD+ and includes a section on safeguards may be easier to pass through a legislative process and will likely take less time and resources to implement than a broader rule. Such laws or regulations may also speak more easily to specific REDD+-related concerns, such as allocation of carbon "tenure." A narrow rule focused only on REDD+ could, however, lead to less efficient use of resources if the government sets up multiple systems for different purposes. It may also be less effective in preventing deforestation and forest degradation in some situations. For example, making procedures to implement REDD+ activities more onerous than those for implementing other land-based activities—such as mining, forestry concessions, hydroelectric dams—may have a perverse effect, in that other land-based activities may move forward more quickly than REDD+ activities.

Indonesia will need to pass laws specific to REDD+ to create a planned REDD+ Agency.[100] The draft Indonesian Strategy also includes plans to reform a number of existing laws and regulations that are not focused solely on REDD+. One of these proposed reforms is to harmonize and revise natural resources management regulations and policies to ensure that "the principle and processes of Free, Prior, and Informed Consent (FPIC) are internalized in the issuance of all permits for the exploitation of natural resources." As we have noted, the draft Indonesian Strategy also proposes leveraging the new general freedom of information law to support implementation of REDD+ safeguards.

Coordination with Other Safeguard Systems

A national system can be particularly helpful for responding to and coordinating with international safeguard systems, such as those of international funders. This is particularly true if it is clear how the rules and institutions speak to funder concerns. Many funders' requirements related to environmental and social protections are similar. Once national governments understand the similarities and differences between the safeguard policies of REDD+ funders, they can communicate how the rules and practices of the national system align with the relevant requirements, and potentially surpass them. Hopefully this would also result in increased coordination and limit redundancies in procedures and assessments that are linked to implementing the safeguards. Such practices could smooth the process of receiving funding and ensure that funding supporting the implementation of safeguards is going to new activities.

Funders tend to look more favorably on countries with robust laws and institutions. For instance, a review of several World Bank Integrated Safeguard Data Sheets reveals that when national laws and policies include the same elements as the safeguard policies of the World Bank, this can reduce the number of additional steps countries need to take to receive funding.[101] An analysis of the safeguard systems of international institutions provides examples of rules that a national system may want to implement. Some funders, including multilateral development banks, have relatively detailed safeguard policies. These policies can provide ideas for how to fill gaps in existing national legal structures. In addition, aligning—as far as possible—national definitions of words such as "forest," "carbon," "degradation," or "permanence" with international standards may help to ease transactions with international actors and funding sources.

Creating New Institutions or Mandates

In addition to determining which types of rules will govern REDD+ and the accompanying safeguard system, government and civil society will need to decide which actors should be responsible for ensuring implementation of the rules. A successful institutional framework will include actors with the mandate and capacity to anticipate, plan, manage, monitor, and respond to risks to people and the environment associated with investments in REDD+. It will complement and fill gaps in the existing institutional framework. As with rules, the choice of institutions entails various options.

Table 9 provides an example of the various types of actors that may be involved in supporting a goal of biodiversity.

Table 9 | **Example of Institutions to Implement a Safeguard for Biodiversity**

INSTITUTIONS
One or more institutions conduct and review assessments of how REDD+ actions may harm or promote biodiversity.
One or more institutions create and review REDD+ plans to avoid harm to, or promote, biodiversity.
One or more institutions implement plans to protect and promote biodiversity in relation to REDD+ actions.
One or more institutions monitor the effects of REDD+ actions on biodiversity, including the causes of any biodiversity loss or gain.
One or more institutions respond to inadequate protection or promotion of biodiversity, and alter plans and/or rules as necessary and appropriate.

Scope and Type of Institutions

As in the case of rules, questions regarding scope and type arise when deciding on the institutions responsible for implementing the various functions of the safeguard system. Some institutions may concentrate specifically on REDD+, while others will have a broader mandate. Some may be involved in all parts of the safeguard system—from anticipating risks to responding to harm—while others will be involved in only one part of the process. Actors can vary in type from executive agencies, to law enforcement agencies, to multistakeholder bodies or the governance bodies of indigenous communities.

Again, different approaches bring different benefits and challenges. The best option in any particular REDD+ nation will depend on national circumstances, including the strength of existing institutions, the level of trust in the institutions, the availability of resources, and the size of national REDD+ initiatives. For instance, placing primary responsibility with one institution can help ensure proper coordination of REDD+ activities, which can help reduce confusion, duplication, and conflict. At the same time, centralizing responsibility within one institution places high demands on that institution. It can also reduce accountability if the institution is not checked by other actors.

The Mexican Government has chosen to place significant responsibility with CONAFOR,[102] which is tasked with overseeing implementation of REDD+ at the national level, including REDD+ safeguards. Such centralization has eased challenges associated with coordination, since CONAFOR has been given primary responsibility for responding to the different REDD+ finance processes in Mexico. At the same time, this has put pressure on CONAFOR to answer to the multiple demands associated with implementing REDD+. CONAFOR has not received many new resources to significantly increase the size of the team working on REDD+, which has at times left the agency overstretched.[103] CONAFOR's relatively limited mandate may also restrict its ability to tackle some of the most serious drivers of deforestation. While CONAFOR is responsible for activities in forests, many causes for forest decline lie outside the forest sector, as is recognized in both the Mexican R-PP[104] and the draft Mexican Strategy.[105] To deal with some of these challenges, CONAFOR has begun to actively seek partnerships with other agencies for assistance in implementing the REDD+ strategy and safeguard initiatives.[106]

In Indonesia, two institutions currently share primary responsibility for designing a REDD+ safeguard system: the REDD+ Task Force and the Ministry of Forestry. These institutions have pro-

vided a degree of built-in accountability, since they are able to check and balance each other. At the same time, the involvement of multiple institutions in the planning and implementation of REDD+ has led to challenges, including time-consuming deliberations.[107] According to its draft Strategy, Indonesia intends to create a REDD+ Agency to replace the Task Force. It remains to be seen exactly how this agency will function in relation to the Ministry of Forestry and other relevant actors. According to the Strategy, its objectives include "influencing existing operational and coordination processes among various ministries and related institutions at national, subnational, and local levels."[108]

Like Mexico, Brazil has not yet created a new, separate institution focused on REDD+. Main responsibilities for REDD+ lie with the Ministry of the Environment (MMA) and state environmental agencies. As we have mentioned, many of the current REDD+ activities taking place in Brazil are occurring at the subnational level. Going forward, the national government will be faced with coordinating national and subnational REDD+ initiatives.

Regardless of the institutional framework chosen for overseeing the REDD+ safeguard system, multiple actors from the governmental, nongov-

ernmental, and private sectors should play a role in governing the system. Coordination among subnational, national, and international institutions and between economic and environmental sectors will also be important to ensuring a successful system.[109]

Transparent, Participatory, and Accountable Institutions

To ensure that the safeguard system lives up to the UNFCCC REDD+ safeguard principles of transparency, participation, and accountability, the institutions creating and governing the system themselves must be open, participatory, and accountable. The process for achieving this is not always straightforward. Actors in Brazil, Indonesia, and Mexico have taken different approaches and have seen different challenges and progress as a result.

In Indonesia, two bodies are particularly relevant to discussions of participatory processes for REDD+: the DKN and the Safeguard Steering Committee. As we have noted, the DKN is an existing multistakeholder platform whose sole function is to improve participation in forest-related decision-making processes. It has been engaged in multiple discussions related to REDD+ and among other things been charged with overseeing implementation of the SESA.

Figure 3 | **Proposed Process for Safeguards Implementation in Indonesia[a]**

PROJECT LEVEL

1. PROJECT DEVELOPER conducts feasibility study together with community.

2. COMMUNITY AND PROJECT DEVELOPER agree through consensus on how to tackle social and environmental risks.

3. PROJECT DEVELOPER submits proposal to the REDD+ Agency. (Proposal must include written consent from the community.)

NATIONAL LEVEL

4. NATIONAL REDD+ AGENCY asks the Safeguard Steering Committee to accept or reject the safeguard proposal.

5. PROJECT DEVELOPER provides report on how safeguards are being implemented.

6. EXTERNAL AUDITORS review safeguards report

7. SAFEGUARDS STEERING COMMITTEE gives final decision on whether safeguards were adequately implemented.

a. This figure is modeled after a similar figure in a slide presented by Agus Sari, Anggalia Putri, and Bernadinus Steni.

This occurred after consultation processes for the R-PP led by the Ministry of Forestry were considered inadequate by the World Bank and representatives of civil society.[110] The Safeguard Steering Committee is being designed to oversee future implementation of the REDD+ safeguards within REDD+ projects. The terms of reference for the committee are still being drafted as we write this report, and the committee cannot be activated until the REDD+ Agency is created. Members of the committee will hail from a variety of sectors, including the donor community, civil society, and the Indonesian Government. The committee's decisions will be based on whether REDD+ projects live up to Indonesia's REDD+ principles, criteria, and indicators.[111] The committee will be responsible for reviewing REDD+ project plans and audits, and for accepting or rejecting project proposals (Figure 3).

The Mexican Government created the CTC-REDD+ as a multistakeholder technical advisory committee for the REDD+ Working Group. The REDD+ Working Group was formed under the Inter-institutional Commission for Climate Change (CICC) and is presided over by the Secretariat of Environmental and Natural Resources (SEMARNAT). The CTC-REDD+ includes representatives of governmental institutions (forestry and nonforestry), NGOs, indigenous peoples, forest community-based organizations, academics, and financial institutions. It is chaired by a member of civil society with CONAFOR as secretary. CTC-REDD bodies are also emerging at regional and local levels.[112]

In Brazil, participatory processes around the REDD+ safeguards have been more informal. The MMA, which is currently developing a draft national REDD+ strategy, has hosted a few meetings regarding REDD+ for indigenous peoples and NGOs. It has also requested input from select members of civil society, though it is not yet clear how the input gathered will be used.[113] Brazilian NGOs and civil society organizations have also organized to form the Brazilian REDD Observatory (Observatório do REDD), which aims to disseminate information about REDD+ programs and projects and exert influence over decision-making processes.[114] A more formal process for implementing REDD+ safeguards in Brazil is occurring in the state of Acre. The state government in Acre is developing a REDD+ program under its new REDD+-related law.[115] A state-level standards commission will oversee interpretation and application of the REDD+ SES in Acre. The commission includes four representatives from the state government and four from civil society.[116]

Although these steps to engage representatives from different sectors in decision making are important, multistakeholder bodies alone do not guarantee participatory governance. Even such bodies can be captured by interest groups, or for other reasons fail to represent the diverse needs of different stakeholders. Programs themselves should therefore be designed in a way that systematically includes the voice and needs of those most vulnerable. This should include both transparent and participatory governance processes, as well as technical assistance and capacity building so that relevant stakeholders have the ability to participate. In its draft Strategy, Mexico draws lessons from prior experiences of engaging with local communities in a national payment-for-ecosystem-services program.[117] As a result, the Draft Mexican Strategy emphasizes building the capacity of forest-dependent communities to participate in the sometimes complex incentive programs. For example, the draft Mexican Strategy includes technical advisors to help local communities navigate decision-making processes, as well as methods for communities to hold these advisers accountable.[118]

A successful institutional framework will include actors with the mandate and capacity to anticipate, plan, manage, monitor, and respond to risks to people and the environment associated with investments in REDD+.

Section V
CONCLUSION

REDD+ presents a chance to improve the governance of forests, not only for reducing emissions, but for a variety of development needs. Effective action will require national actors to engage in careful planning and thorough implementation.

REDD+ is an opportunity to strengthen the governance of forests, preserve valuable forest resources, and support the well-being of local communities. It also presents complex challenges. One such challenge is ensuring that REDD+ initiatives are governed in a transparent, participatory, and accountable manner that protects vulnerable communities and ecosystems. Another is coordinating the social and environmental policies of REDD+ funders.

One method for national actors to enhance coherence and reduce environmental and social risks associated with REDD+ is to create a robust national system to implement the UNFCCC REDD+ safeguards. Such a system can help national actors anticipate, plan, and manage risks to people or the environment associated with REDD+; monitor the progress of REDD+ initiatives; and respond to any potential harm. It can also help governments maximize opportunities to improve forest governance. In order to successfully perform these functions, the system should have clear goals and proper rules and institutions in place, from design through review of REDD+ initiatives.

The process of designing a national system to implement REDD+ safeguards involves many complex choices. This report has presented a framework to guide the design and implementation of REDD+ actions that are equitable, sustainable, and successful.

There will be many, sometimes difficult decisions to be made by governments and stakeholders about how to design and implement a system that builds trust between all the actors involved in REDD+. The value of undertaking such a process, however, will have benefits well beyond REDD+.

ENDNOTES

1. UNFCCC, "The Cancun Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention, Decision 1/CP 16, FCCC/CP/2010/7/Add.1," Report of the Conference of the Parties on Its Sixteenth Session, Cancun, Mexico, November 29–December 10, 2010, 13, Section 71(d) [hereinafter Cancun Agreement].

2. R. E. Llamos and C. Feather, "The Reality of REDD+ in Peru: Between Theory and Practice" (London: Inter-ethnic Association for the Development of the Peruvian Amazon [AIDESEP], Federation of the Native Peoples of the River Madre de Dios and Its Tributaries [FENAMAD], Asháninka Centre of the River Ene [CARE], and Forest Peoples Programme [FPP], 2011).

3. Convention on Biological Diversity (CBD), "Outcomes of the Global Expert Workshop on Biodiversity Benefits of Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, UNEP/CBD/COP/10/INF/20, Report from the Tenth Meeting of the Conference of the Parties to the Convention on Biological Diversity, Nagoya, Japan, October 18–29, 2010, 1–2. T. Pistorius, "REDD from the Conservation Perspective: Pitfalls and Opportunities for Mutually Addressing Climate Change and Biodiversity Conservation" (Freiburg: Institute of Forest and Environment Policy, Albert-Ludwigs-University, 2009).

4. IFI safeguard systems tend, at a minimum, to include policies related to environmental and social impact assessments and management plans, access to information, stakeholder consultations, involuntary resettlements of local populations, indigenous peoples, natural resources, and accountability mechanisms. Some recently adopted safeguard policies address a wider range of issues, such as impacts on human rights, labor conditions, climate change, and ecosystem services. A report by the organization HuMa states that "safeguards are intended to prevent policies, programmes and projects from contradicting their own objectives." S. Bernadinus, G. B. Indarto, M. T. Surya, and Y. Indradi, *Beyond Carbon: Rights-Based Safeguard Principles in Law* (Jakarta: HuMa, 2010).

5. For a detailed history, see Bruce Rich, *Mortgaging the Earth: The World Bank, Environmental Impoverishment, and the Crisis of Development* (Boston: Beacon, 1995). See also I. A. Bowles and C. F. Kormos, "Environmental Reform at the World Bank: The Role of the U.S. Congress," *Virginia Journal of International Law* 35 (1995): 777–839.

6. This idea was reinforced in the Durban. UNFCCC, "Part Two: Action Taken by the Conference of the Parties at Its Seventeenth Session, FCCC/CP/2011/9/Add.1," Report of the Conference of the Parties on Its Seventeenth Session, Durban, South Africa, November 28–December 1, 2011, 15, Section 63 [hereinafter Durban Agreement].

7. The Governors' Climate and Forests Task Force (GCF) may become a channel for REDD+ finance in the future, for example as result of the California cap and trade program.

8. Parties to the UNFCCC have yet to negotiate and agree on the definition of REDD+ "co-benefits."

9. Forest Carbon Partnership Facility (FCPF) Readiness Fund, "Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners" (Washington, DC: August 10, 2011).

10. Climate Investment Funds, "Preliminary Proposal for Implementation Arrangements under the Dedicated Grant Mechanism for Indigenous Peoples and Local Communities, FIP/SC.7/9" (Washington, DC: World Bank, October 21, 2011), 9–12.

11. See, for instance, HuMa, "Preliminary Study on the Safeguards Policies of Bilateral Donors to REDD Programs in Indonesia: A Study for the Indonesian Civil Society Foundation for Climate Justice" (Jakarta: HuMa, 2010). Some projects follow voluntary standards, like the Verified Carbon Standard (VCS) or Climate, Community, and Biodiversity Alliance (CCBA), which have a very different emphasis on social and environmental issues in their approaches. See Verified Carbon Standard, "Verified Carbon Standard Program Guide, Version 3, Requirements Document," (2012). Climate, Community, and Biodiversity Alliance (CCBA), Verified Carbon Standard, *Climate, Community & Biodiversity Project Design Standards*, 2nd ed. (Arlington, VA: CCBA, December 2008).

12. For a description, see Organization for Economic Co-operation and Development, "Paris Declaration and Accra Agenda for Action," 2012, http://www.oecd.org/document/18/0,3746, en_2649_3236398_35401554_1_1_1_1,00.html.

13. See more on OP 4.00 for "Country Systems" at World Bank, "Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects," in *The World Bank Operations Manual, Operational Policies* (Washington, DC: World Bank, 2005).

14. See more on OP 9.00 for "Program for Results" at World Bank, "OP 9.00—Program-for-Results Financing" (Washington, DC: World Bank, 2012).

15. J. Brown, N. Bird, and L. Schalatek, "Direct Access to the Adaptation Fund: Realizing the Potential of National Implementing Entities," *Climate Finance Policy Brief* 3 (London: ODI, 2010).

16. UNFCCC, "Decision 3/CP.17, Launching the Green Climate Fund," Durban Agreement, 62–64, Sections V. 31, C.1, and D.1.

17. Government of Brazil, "Temporary Constitutional Provisions Act," Article 68, 1988, http://www.v-brazil.com/government/laws/ADCT.html. Mexico is another example of a country where the recognition of different marginalized communities is generally clearer than that of IFIs.

18. UNFCCC, "Appendix I," Cancun Agreement, 26–27, Section 2.

19. ClientEarth and WRI, "Lessons from International and Regional Instruments" (Submissions to SBSTA, 2011), http://unfccc.int/resource/docs/2011/smsn/ngo/329.pdf.

20. UNFCCC, "Appendix I," Cancun Agreement, 26.

21. Ibid. Procedural human rights are also reflected in safeguard (b) regarding transparency and safeguard (d) covering participation.

22. UNFCCC, "Appendix I," Cancun Agreement, 26, Section 2(e).

23. At the time of this writing, this document had yet to be agreed to by the Conference of the Parties of the CBD, but it can still serve as an important knowledge resource. UNEP, "Advice on the Application of Relevant REDD+ Safeguards for Biodiversity, and on Possible Indicators and Potential Mechanisms to Assess Impacts of REDD+ Measures on Biodiversity, UNEP/CBD/SBSTTA/16/8," Report from the Sixteenth Meeting of the Subsidiary Body on Scientific and Technological Advice, Montreal, April 30–May 5, 2012.

24. T. M. Bonfonte, M. Voivodic, and L. M. Filho, "Developing Social and Environmental Safeguards for REDD+: A Guide for a

Bottom-Up Approach" (Piracicaba, SP: Imaflora, 2010), 36–38.

25. See the Mato Grosso REDD+ bill from June 2012: "Minuta de Anteprojeto de Lei do Sistema Estadual de REDD+ de Mato Grosso: Cria o Sistema Estadual de Redução de Emissões por Desmatamento e Degradação Florestal, Conservação, Manejo Florestal Sustentável e Aumento dos Estoques de Carbono Florestal—REDD+ no Estado de Mato Grosso e dá outras providências," http://www.sema.mt.gov.br/attachments/article/727/Munuta%20REDD%20-%20Junho-2012.pdf. The review of the Acre Law can be found in P. Santos, B. Brito, F. Maschietto, G. Osório, and M. Monzoni, *Marco regulatório sobre pagamento por serviços ambientais no Brasil* (Belém: IMAZON, FGV, GVCes, 2012).

26. These principles were first presented in the Mexican *Vision for REDD+* and are now enshrined in Mexican law. Government of Mexico, *Visión de México sobre REDD+: Hacia una estrategia nacional* (Jalisco: Comisión Nacional Forestal, 2010) [hereinafter *Vision for REDD+*]. Government of Mexico, "Dictamen de las comisiones unidas de medio ambiente, recursos naturales y pesca; y de estudios legislativos, primera; minuta con proyecto de decreto que reforma y adiciona diversas disposiciones de las leyes generales del equilibrio ecológico y la protección al ambiente, y de desarrollo forestal sustentable," April 19, 2012, Legislatura del Senado de la República.

27. Committee of Elaboration and Review of the Social and Environmental Principles and Criteria of REDD+, "REDD+ Social and Environmental Principles and Criteria: For Development and Implementation of Programs and Projects in the Brazilian Amazon" (Piracicaba, São Paulo: Imaflora, 2010), 7, Criteria 2.1.

28. Bernadinus et al., *Beyond Carbon*.

29. Government of Mexico, *Vision for REDD+*. Government of Mexico, "Elementos para el diseño de la estrategia nacional REDD+ (ENAREDD+), borrador cero" (Jalisco: CONAFOR, November 28, 2011), 64 [hereinafter Mexican Strategy].

30. Gender is mentioned elsewhere in the agreement, however, including in the SBSTA SIS guidance. UNFCCC, "Views on Methodological Guidance for Activities Relating to Reducing Emissions from Deforestation and Forest Degradation and the Role of Conservation, Sustainable Management of Forests and Enhancement of Forest Carbon Stocks in Developing Countries, FCCC/SBSTA/2012/MISC.7," Thirty-fifth Session, Subsidiary Body on Scientific and Technological Advice, Durban, November 28–December 3, 2011, 96 [hereinafter SBSTA Guidance].

31. Access Initiative, "Environmental Impact Assessment (EIA) Worldwide," https://sites.google.com/site/worldwideeia/home.

32. According to the Organization for Economic Co-operation and Development, Development Assistance Committee (OECD DAC): "As compared to project-level EIA, the SEA of policies . . . requires a much more thorough understanding of political economy factors and institutional settings. This includes, in particular, recognizing that differences in political power among affected stakeholders imply significant differences with regard to bargaining power and ability to influence policies and, ultimately the economic, social and environmental impacts of policy decisions." OECD DAC, "Applying Strategic Environmental Assessment: Good Practice Guidance for Development Co-operation," DAC Guidelines and Reference Series, 2006, 53.

33. "Increasingly, developing countries are introducing legislation or regulations to undertake SEA—sometimes in EIA laws and sometimes in natural resource or sectors laws and regulations. In South Africa, some sectoral and planning regulations identify SEA as an approach for integrated environmental management. In the Dominican Republic, legislation refers to SEA or strategic environmental evaluation. Elsewhere, the existing EIA legislation requires an SEA-type approach to be applied either to plans (e.g., China), programmes (e.g., Belize) or both policies and programmes (e.g., Ethiopia)." OECD, "Applying Strategic Environmental Assessment: Good Practice Guidance for Development Co-operation," DAC Guidelines and Reference Series (Paris: OECD, 2006), 25.

34. Forest Carbon Partnership Facility (FCPF), "Integrated Safeguards Data Sheet (FCPF Readiness Fund) Concept Stage," template version (Washington, DC: World Bank, November 10, 2010). FCPF and United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), "R-PP Template Annexes, Version 6, Annex 4: SESA and ESMF" (Washington, DC: World Bank, 2012) [hereinafter R-PP Template Annexes].

35. FCPF and UN REDD, R-PP Template Annexes, 25.

36. World Bank, "Mexico—Forest Carbon Partnership Facility Readiness Preparation Grant Project, Report No. 64431," (Washington, DC: World Bank, 2011), 14–19. Forest Carbon Partnership Facility (FCPF) Indonesia, "SESA Terms of Reference, May 25, 2011 Draft" (Jakarta: World Bank, 2011).

37. There are a number of recognized "readiness activities." Activities taken in response to a determined risk may be additional to the initial list of readiness activities. For further discussion of REDD+ "readiness," see Crystal Davis, "Governance in REDD+: Taking Stock of Governance Issues Raised in Readiness Proposals Submitted to the FCPF and the UN-REDD Programme" (Rome: FAO, 2010).

38. Ross Andrew Clark, "Moving the REDD Debate from Theory to Practice: Lessons Learned from the Ulu Masen Project," *Law, Environment and Development Journal* 6.1 (2010): 36.

39. Bernadinus Steni, private communication, April 20 and 23, 2012.

40. This approach is the result of looking at the impacts on communities of similar programs in the past and seeking to make them more socially and environmentally effective in the future. The program used a payment-for-ecosystem-services approach. J. Alix-Garcia, A. de Janvry, E. Sadoulet, and J. M. Torres, "An Assessment of Mexico's Payment for Ecosystem Services Program," Report for the United Nations Food and Agriculture Organization (Berkeley: University of California, 2005).

41. Government of Mexico, Mexican Strategy, 69.

42. ESMFs have come into use relatively recently. At the time of this writing, no REDD+ country has yet created an ESMF, and the precise role of these frameworks within the REDD+ context remains unclear. ESMFs have been used in connection with funding from the World Bank in other contexts, however.

43. See, for example, the discussion on the IPP and IPPFs by the Independent Evaluation Group (IEG). Operations Policy and Country Services (OPCS), "Implementation of the World Bank's Indigenous People's Policy: A Learning Review (FY 2006–2008)" (Washington, DC: World Bank, 2011).

44. Notably, literature consistently shows that taking steps to

protect against social and environmental harms ultimately saves money, despite high upfront costs. See, e.g., Independent Evaluation Group, "Safeguards and Sustainability Policies in a Changing World: An Independent Evaluation of World Bank Group Experience" (Washington, DC: World Bank, 2010), 65–80.

45. Government of Mexico, "Readiness Preparation Proposal (R-PP)" (2010), 59.

46. Government of Mexico, "Propuesta de preparación (R-PP)" (2011), 70.

47. Government of Mexico, "Propuesta del proceso de evaluación estratégica social y ambiental, V1," discussion draft, SESA Work Plan (Jalisco: 2012), 5.

48. For more information on national human rights bodies see, for example, Office of the United Nations High Commissioner for Human Rights, "National Human Rights Institutions: History, Principles, Roles and Responsibilities," Professional Training Series No. 4 (New York and Geneva: United Nations, 2010).

49. Government of Indonesia, Indonesian Strategy, 45. Government of Mexico, Mexican Strategy, 67–68.

50. UNFCCC, Cancun Agreement, 13, Section 71(d).

51. SBSTA stated, among other things, that the information system should be "transparent and flexible to allow for improvements over time," "country-driven and implemented at the national level," and "buil[t] upon existing systems, as appropriate." UNFCCC, SBSTA Guidance, 16–17, Section I.

52. This was recognized at the negotiations in Bonn in 2012. UNFCCC, "Views on Potential Additional Guidance on Informing on How All Safeguards Are Being Addressed and Respected, FCCC/SBSTA/2012/MISC.9," Thirty-sixth Session, Subsidiary Body for Scientific and Technological Advice, Bonn, Germany, May 14–25, 2012.

53. Ibu Noor, personal communication, May 3, 2012.

54. REDD+ Social and Environmental Standards (REDD+ SES), Governance, 2012, http://www.redd-standards.org/governance.

55. REDD+ SES, Country Overview, 2012, http://www.redd-standards.org/overiew.

56. REDD+ SES, "REDD+ Social & Environmental Standards Initiative, Terms of Reference of the International Standards Committee," 2010, http://www.redd-standards.org/files/pdf/redd-docs/TOR-REDD+SES-International-Standards-Committee-11-27-10.pdf.

57. REDD+ SES, Country Overview, 2012, http://www.redd-standards.org/overiew.

58. See, for instance, K. Evans and M. R. Guariguata, *Participatory Monitoring in Tropical Forest Management: A Review of Tools, Concepts and Lessons Learned* (Bogor, Indonesia: Center for International Forestry Research [CIFOR], 2008). Christian Erni, "Understanding Community-Based REDD+: A Manual for Indigenous Communities" (Thailand: International Work Group for Indigenous Affairs [IWGAI] and Asia Indigenous Peoples' Pact, 2011).

59. The United Nations, for instance, has special rapporteurs for a number of human rights and related issues, including rapporteurs for freedom of opinion and expression, the right to food, and human rights and the environment. These rapporteurs are part of a system to monitor different aspects of human rights implementation.

60. See, for instance, the Convention on International Trade in Endangered Species of Wildlife Flora and Fauna (CITES), which requires countries to submit biennial reports on legislative, regulatory, and administrative measures taken to enforce the provisions of the convention. CITES, article 7(7) (1973). The Convention on Elimination of All Forms of Discrimination against Women (CEDAW) requires parties to submit to the secretary-general of the United Nations "a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the . . . Convention and on the progress made in this respect: (a) within one year after the entry into force for the State concerned; (b) Thereafter at least every four years and further whenever the Committee so requests." CEDAW, article 18 (1966).

61. For instance, ILO Convention 169 is covered by the ILO Constitution. Representations under article 24 of the ILO Constitution can be made by employers or workers organizations that claim that a member state has failed to observe the convention. Representations are filed with a governing body that can make recommendations. The issue is then sent to the Committee of Experts on the Application of Conventions and Recommendations (CEACR) for follow-up. Constitution of the International Labor Organization, Article 24 (1972).

62. Government of Indonesia, Indonesian Strategy, 31.

63. Ibid., p. 30. Government of Mexico, Mexican Strategy, 35, 66.

64. Government of Mexico, Mexican Strategy, 67.

65. Government of Mexico, Ley Agraria (1992), sections 134–47.

66. For more information about the work of this ministry, see http://www.funcionpublica.gob.mx.

67. K. Appendini, "Land Regularization and Conflict Resolution: The Case of Mexico," document prepared for FAO, Rural Development Division, Land Tenure Service, December 2001.

68. Government of Indonesia, Indonesian Strategy, 59. Government of Mexico, Mexican Strategy, 35.

69. See, for example, arrangements for governance of land and land disputes under the Agrarian Law. Government of Mexico, Ley Agraria (1992), sections 21–24, 74, 100, 134–47.

70. Appendini, "Land Regularization and Conflict Resolution." *supra* note 67.

71. Letters from civil society have been translated into English and posted on REDD Monitor at http://www.redd-monitor.org/2012/04/06/ngos-demand-that-forest-investment-program-in-indonesia-is-postponed-until-demands-are-met.

72. Aide Mémoire, "First Joint Mission, 13–22 July 2011. Indonesia: Forest Investment Program (FIP)" (Washington, DC: World Bank, 2011).

73. L. Marinho, "National Commission Rejects Mato Grosso State (MT) Zoning Program" *(O)eco Noticias*, April 6, 2012, http://www.oeco.com.br/en/noticias/25878-comissao-nacional-rejeita-programa-de-zoneamento-do-mt. A. Fanzeres, "Questionable Zoning Law of Mato Grosso" *(O)eco Amazônia Reportagens*, August 31, 2011, http://www.oecoamazonia.com/en/news/brazil/301-questionavel-lei-de-zoneamento-de-mato-grosso.

74. International Development Law Organization (IDLO), "Legal Preparedness for REDD+ in Mexico: Country Study" (Rome: IDLO and FAO, 2011).

75. For further explanation of GFI governance assessments, see the WRI GFI website at http://www.wri.org/project/governance-of-forests-initiative.

76. Santos et al., *Marco regulatório*.

77. World Bank, "Mexico—Forest Carbon Partnership Facil-

ity Readiness Preparation Grant Project, Report No. 64431," (Washington, DC: World Bank, 2011), 14–19. Forest Carbon Partnership Facility (FCPF) Indonesia, "SESA Terms of Reference, May 25, 2011 Draft" (Jakarta: World Bank, 2011).

78. See, for example, Government of Mexico, "Proyecto: Bosques y cambio climático," draft document, SIL, Informe de Evaluación Social México, October 14, 2011.

79. World Resources Institute, "The Governance of Forests Toolkit (version 1): A Draft Framework of Indicators for Assessing Governance of the Forest Sector," 2009, http://www.wri.org/publication/governance-of-forests-initiative-indicator-framework. The other principles are transparency, participation, accountability, and coordination.

80. Ibid., 3.

81. B. Brito, L. Micol, P. Santos, and A. Thuault, "The Governance of Forests Initiative, Preliminary results of the Brazil Assessment" (Belém: IMAZON, ICV, 2009).

82. Ibid.

83. UN-REDD Programme, "Moving Ahead with Indonesia's REDD+ Participatory Governance Assessment," *UN-REDD Programme Newsletter*, no. 26 (February 2012), http://www.un-redd.org/Newsletter26/Indonesia_REDD_PGA/tabid/79443/Default.aspx.

84. The DKN will also review the final results of the GFI governance assessment.

85. The DKN was created in 1999 as a result of Law Number 41 of 1999 regarding forestry, article 70.

86. President of the Republic of Indonesia, "Instruction of the President of the Republic of Indonesia Number 10 of 2011 about Suspension of Granting of New Licenses and Improvement of Governance of Natural Primary Forest and Peat Land" (Jakarta: May 20, 2011).

87. Government of Indonesia, Ministry of Forestry, "Regulation of the Minister of Forestry of the Republic of Indonesia, Number: P.30/Menhut-II/2009, on the Implementation Procedures of Reducing Emissions from Deforestation and Forest Degradation (REDD)" (Jakarta: 2009).

88. A. Sari, presentation at the World Wildlife Fund (WWF) Forest and Climate Initiative, Washington, DC, April 20, 2012.

89. For an analysis of existing laws of relevance to REDD+ in Mexico, see IDLO, "Legal Preparedness for REDD+ in Mexico." *supra* note 74.

90. Government of Mexico, "Dictamen de la Comisión de Medio Ambiente y Recursos Naturales, con opinión de la Comisión de Presupuesto y Cuenta Pública a la minuta proyecto de decreto por el que se expide la Ley General de Cambio Climático," Committee on Environment and Natural Resources of the House of Deputies of Congress, April 12, 2012, http://gaceta.diputados.gob.mx/Gaceta/61/2012/abr/20120412-IV.html#dictamenaD1.

91. The changes amend the country's environmental law (1988) and forest sustainable development law (2003).

92. Government of Mexico, "Dictamen de las Comisiones Unidas de Medio Ambiente, Recursos Naturales y Pesca; y de Estudios Legislativos, primera; minuta con proyecto de decreto que reforma y adiciona diversas disposiciones de las Leyes Generales del Equilibrio Ecológico y la Protección al Ambiente, y de Desarrollo Forestal Sustentable," Legislatura del Senado de la República, April 19, 2012.

93. Presidency of the Republic of Brazil Civil House (Executive

Office), Legal Affairs, "Law No. 12,187, of 29th December 2009, Institutes the National Policy on Climate Change-PNMC (Política Nacional sobre Mudança do Clima) and makes other provisions," http://www.preventionweb.net/files/12488_Brazil-NationalpolicyEN.pdf.

94. President of the Republic of Brazil, Decree No. 7.390, 2010.

95. T. Townshend, S. Fankhauser, A. Matthews, C. Feger, J. Liu, and T. Narciso, "GLOBE Climate Legislation Study" (London: GLOBE International and Grantham Research Institute on Climate Change and the Environment, 2011), 19.

96. A study conducted by IMAZON and FGV (Fundação Getulio Vargas) identified 28 legislative initiatives: 8 at the federal level (2 laws, 2 decrees, and 4 bills) and 20 at the state level (14 laws and 6 decrees) that specifically or functionally could be relevant to discussions about safeguards, REDD+, and/or payments for ecosystem services [PES]). While a PES approach is not the only strategy that would be used to implement REDD+ in Brazil, it is one that has enjoyed some support and interest at the state levels. Santos et al., *Marco regulatório, supra* note 25.

97. Ibid., 15.

98. Government of Brazil, State of Acre, "State of Acre, Bill No. 2.308 of October 22, 2010," unofficial translation, http://www.gcftaskforce.org/documents/Unofficial%20English%20Translation%20of%20Acre%20State%20Law%20on%20Environmental%20Services.pdf [hereinafter Government of Brazil, State of Acre Bill 2010].

99. Santos et al., *Marco regulatório*, 43, *supra* note 25.

100. Bernadinus Steni, private communication, April 20 and 23, 2012.

101. For example, in the Lao Road Sector Project, it was found that the Environmental Assessment Operational Procedure would not be triggered, since the national implementing agency already had harmonized the donor's safeguard requirements with those of the government and prepared a draft environmental and social operations manual (ESOM) with technical assistance from Swedish International Development Agency (SIDA) and the World Bank to address any gaps in their national system. World Bank, "Integrated Safeguards Data Sheet, Appraisal Stage, Project ID: P102398" (Lao People's Democratic Republic: World Bank, 2009), 4.

102. The National Forestry Commission (CONAFOR) is a government agency tasked with developing, supporting, and promoting the conservation and restoration of Mexico's forests, as well as with participating in the development of plans, programs, and policies for sustainable forestry development. It is part of the Secretariat of the Environment and Natural Resources and was created on April 4, 2001. Comisión Nacional Forestal (CONAFOR), "¿Qué es CONAFOR?" Gobierno Federal, Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT), 2012, http://www.conafor.gob.mx/portal/index.php/acerca-de-conafor/que-es-conafor.

103. Personal communications with various members of the CONAFOR team, March–August 2012.

104. Government of Mexico, "Readiness Preparation Proposal (R-PP)" (2010), 90.

105. Government of Mexico, Mexican Strategy, 5.

106. CONAFOR, private communication, April 9–12, 2012.

107. Examples of such deliberations were seen around the national strategy, the safeguard information system, and the FIP.

108. Government of Indonesia, Indonesian Strategy, 9.
109. IDLO, "Legal Preparedness for REDD+ in Mexico," *supra* note 74: 32.
110. The World Bank reportedly granted the DKN this role after the consultations process conducted by the Ministry of Forestry for the initial FCPF readiness preparation plan (R-PP) received heavy criticism. See "Statement on the Need for More Effective Public Consultation of REDDI-Readiness RPP-FCPF, Minister of Forestry, Republic of Indonesia, Jakarta," May 18, 2010, http://www.redd-monitor.org/2010/05/25/world-banks-fcpf-in-indonesia-fails-to-address-civil-society-concerns.
111. Bernadinus Steni, private communication, April 20 and 23, 2012.
112. For instance, CTCs exist in Chiapas, Campeche, and Quintana Roo. These CTCs are not solely focused on REDD+. Government of Mexico, Mexican Strategy, 58, 61, 83.
113. For instance, the agency requested a joint submission from ICV, IMAZON, and WRI.
114. Observatório do REDD, 2012, http://www.observatoriodoredd.org.br/site.
115. Government of Brazil, State of Acre Bill, *supra* note 98.
116. Representatives from the government come from the Institute of Climate Change and Environmental Services Regulation (IMC), the Secretary of Environment (SEMA), the State General Public Attorney (PGE), and the Brazilian Agricultural Research Company (EMBRAPA). The civil society members are WWF Acre, Grupo de Trabalho da Amazônia (GTA), an association of private timber producers (ASSIMANEJO), and Central Única dos Trabalhadores (CUT). The process is facilitated by the Institute of Climate Change and Environmental Services Regulation of the State of Acre and CARE Brasil.
117. The program was based on payment for ecosystem services. Alix-Garcia et al., "Assessment of Mexico's Payment for Ecosystem Services Program," *supra* note 40.
118. Government of Mexico, Mexican Strategy, 35, 85.

NAMES AND AFFILIATIONS OF REVIEWERS

Brazil

- Brenda Brito, Institute for People and Environment in Amazonia (IMAZON)
- Alice Thuault, Center of Life Institute (ICV)

Mexico

National Forestry Commission (CONAFOR):
- Gabriela Alonso Mendieta, Unit of International Affairs and Finance
- Josefina Braña Varela, Climate Change Director, Unit of International Affairs and Finance
- Sofía Magdalena García Sánchez, Project Management and Carbon Markets, General Coordination of Production and Productivity
- Leticia Gutiérrez Lorandi, Project Management and Carbon Markets, General Coordination of Production and Productivity
- Fabiola Hernández Álvarez, Unit of International Affairs and Finance

- María Elena Mesta, Rainforest Alliance
- Claudia Gómez-Portugal M., Sakbe Communication and Defense for Change
- Ricardo Hernández Murillo, senior environmental specialist, World Bank
- Gustavo Sánchez, president of the Directing Council of the Network of Mexican Rural Forestry Organizations (Red-MOCAF)

Indonesia

- Anggalia Putri, Perkumpulan HuMa
- Bernadinus Steni, Perkumpulan HuMa

International

- Joanna Durbin, Conservation International/REDD+ Social and Environmental Standards (REDD+ SES)
- Kristen Hite, Climate Works/Climate and Land Use Alliance (CLUA)
- Joshua Lichtenstein, Bank Information Center (BIC)
- Leo Peskett, consultant for UN-REDD through the United Nations Development Programme (UNDP)
- Kenn Rapp, Forest Carbon Partnership Facility (FCPF)
- Daniela Rey, ClientEarth

World Resources Institute

- Louise Brown
- Edward Cameron
- Crystal Davis
- Paul Joffe
- Janet Ranganathan
- Fred Stolle
- Peter Veit

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