

Delivering REDD+: The role of safeguards

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Summary

- What are safeguards
- What do REDD+ safeguards say?
- Evidence from implementation

Why REDD+ safeguards?



REDD+ Safeguards:

Decision 1/CP.16, Cancun Agreements, Appendix I, para. 2

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards **should be promoted and supported**:

- (a) That actions complement or are consistent with the objectives of national forest programmes and **relevant international Conventions and agreements**;
- (b) Transparent and effective national forest governance structures, taking into account **national legislation and sovereignty**;

Social Safeguards

[When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:]

- (c) Respect for the **knowledge and rights of indigenous peoples and members of local communities**, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The **full and effective participation of relevant stakeholders**, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;

Ecological and carbon integrity safeguards

[When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:]

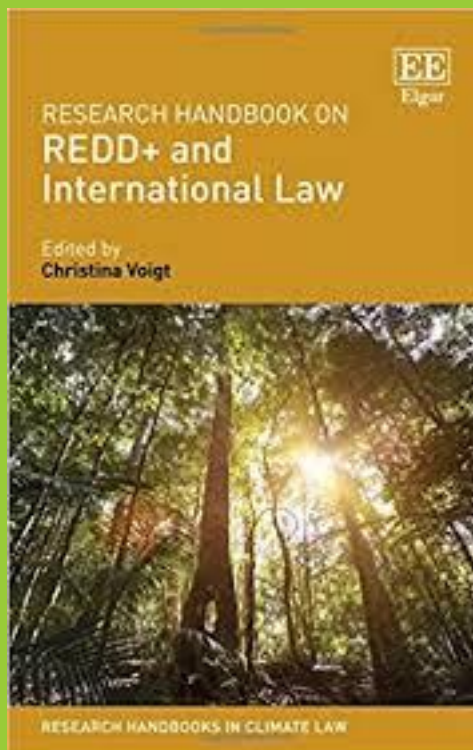
- (e) That actions **are consistent with the conservation of natural forests and biological diversity**, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but **are instead used to** incentivize the protection and conservation of natural forests and their ecosystem services, and to **enhance other social and environmental benefits**;
- (f) Actions to address the risks of **reversals**;
- (g) Actions to reduce **displacement of emissions**.

What are safeguards?

- Measures making **financial aid conditional** to the prevention and mitigation of “**undue harm to people and their environment**” that may result from funded activities. E.g. World Bank environmental and social safeguard policies.
- Safeguards are typically part of **conditions** imposed upon countries receiving aid, and their fulfilment is a prerequisite for the provision of funding.
- Safeguards are often coupled with arrangements to **monitor and verify their implementation**.
- The **consequences** attached to lack of compliance with safeguards depend on whether conditionality is based on policy dialogue, agreement and support, or, rather, on recourse to **sanctions** or aid **withdrawal**.

What are REDD+ safeguards?

Savaresi, Annalisa, The Legal Status and Role of REDD-Plus Safeguards, Available at SSRN: <https://ssrn.com/abstract=2638394>



Voluntary guidance?

Legal obligations?

Conditionality?

Clues on the legal nature of safeguards

Decision 2/CP.17, Outcome of the work of the Ad Hoc Working Group on Long-term ^[L]_[SEP] Cooperative Action under the Convention, FCCC /CP/2011/9/Add.2, para 63

Regardless of the source or type of financing, the activities referred to in decision 1/CP.16, paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix I, in accordance with relevant decisions of the Conference of the Parties;

Conditionalities?

Decision 9/CP.19, Work programme on results-based finance to progress the full implementation of the activities referred to in decision 1/CP.16, paragraph 70, para 4

*Agrees that **developing countries seeking to obtain and receive results-based payments** in accordance with decision 2/CP.17, paragraph 64, **should provide the most recent summary of information** on how all of the safeguards referred to in decision 1/CP.16, appendix I, paragraph 2, have been addressed and respected before they can receive results- based payments;*

Safeguard information system (SIS)

Decision 1/CP.16, para 71

***Requests* developing country Parties** aiming to undertake the activities referred to in paragraph 70 above (...) **to develop** the following elements:

- **A system for providing information** on how the safeguards referred to in appendix I to this decision **are being addressed and respected** throughout the implementation of the activities referred to in paragraph 70 above, while respecting sovereignty;

SIS Guidance

Decision 12/CP.17, Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emission levels and forest reference levels as referred to in decision 1/CP.16, para 2

- (a) Be consistent with the guidance identified in decision 1/CP.16, appendix I, paragraph 1;
- (b) **Provide transparent and consistent information** that is **accessible by all relevant stakeholders** and **updated** on a regular basis;
- (c) Be **transparent and flexible** to allow for improvements over time;
- (d) Provide information on how all of the safeguards referred to in appendix I to decision 1/CP.16 are being addressed and respected;
- (e) Be **country-driven** and implemented at the national level;
- (f) **Build upon existing systems, as appropriate.**

Summaries of information

Decision 12/CP.17, at 3-4

Agrees also that developing country Parties undertaking the activities referred to in decision 1/CP.16, paragraph 70, **should provide a summary of information** on how all of the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected **throughout the implementation of the activities**;

Decides that the summary of information referred to (...) above should be provided **periodically** and be included in **national communications**, consistent with relevant decisions of the Conference of the Parties on guidelines on national communications from Parties not included in Annex I to the Convention, or communication channels agreed by the Conference of the Parties;

Review: the role of the GCF

The provision of summaries of information on how safeguards are implemented is a **prerequisite** for REDD+ results-based payments.

Interim environmental and social safeguards of the GCF (2014)

Pilot programme for REDD+ results-based payments (2017)

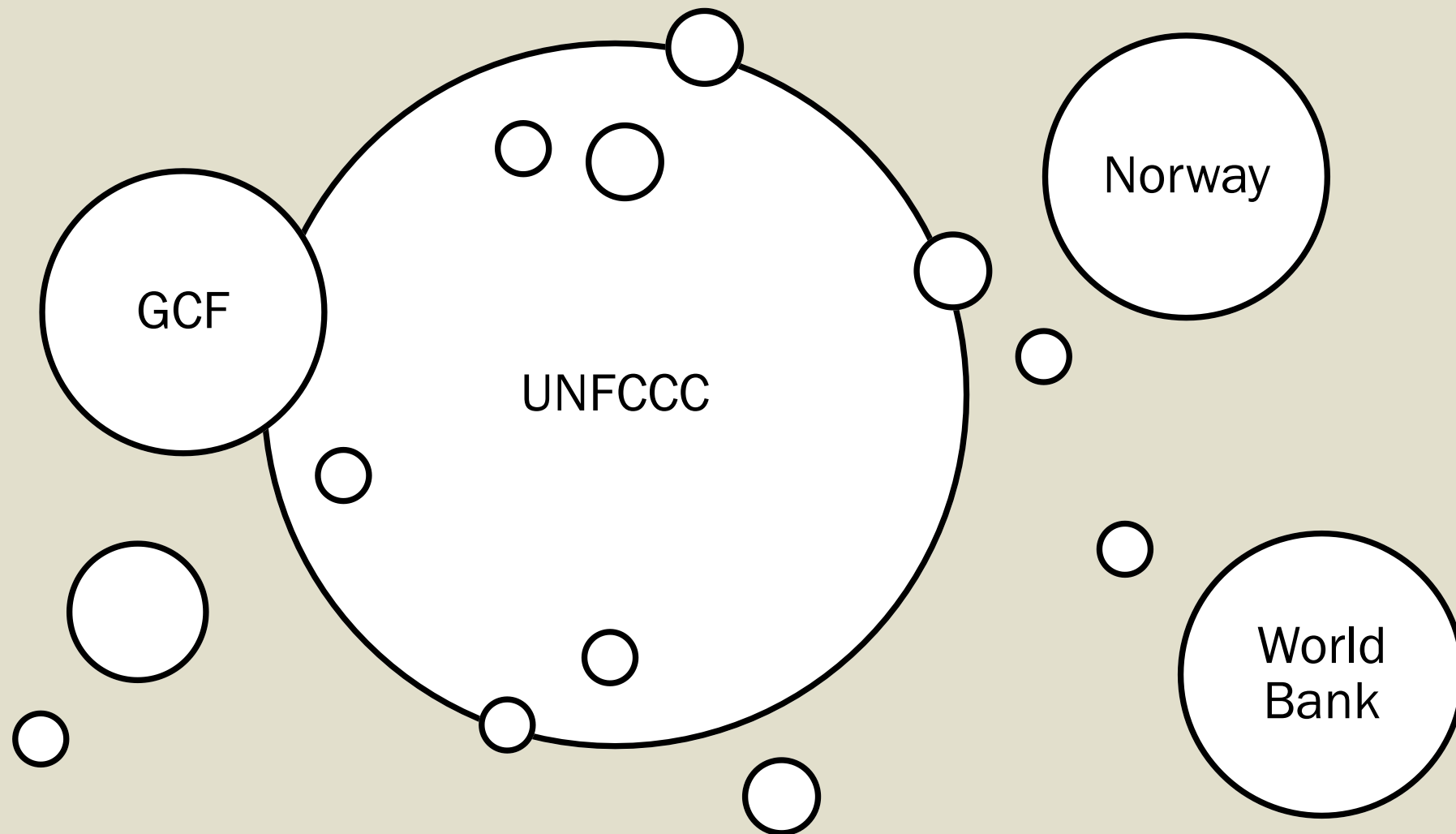
- Accredited entities must submit an **assessment of measures undertaken** to identify, assess, and manage environmental and social risks and impacts

- The Secretariat should **take such assessment into account** as part of its overall consideration of the funding proposal

In sum: what are REDD+ safeguards?

- **Compliance with safeguards is mandatory** and therefore a legal obligation for Parties seeking REDD+ results-based payments.
- UNFCCC guidance says little on how **compliance** with safeguards will be assessed and what **consequences** may be associated with it.
- **Only when REDD+ results-based payments start to be disbursed** will it be possible to gauge how strictly compliance with safeguards is treated

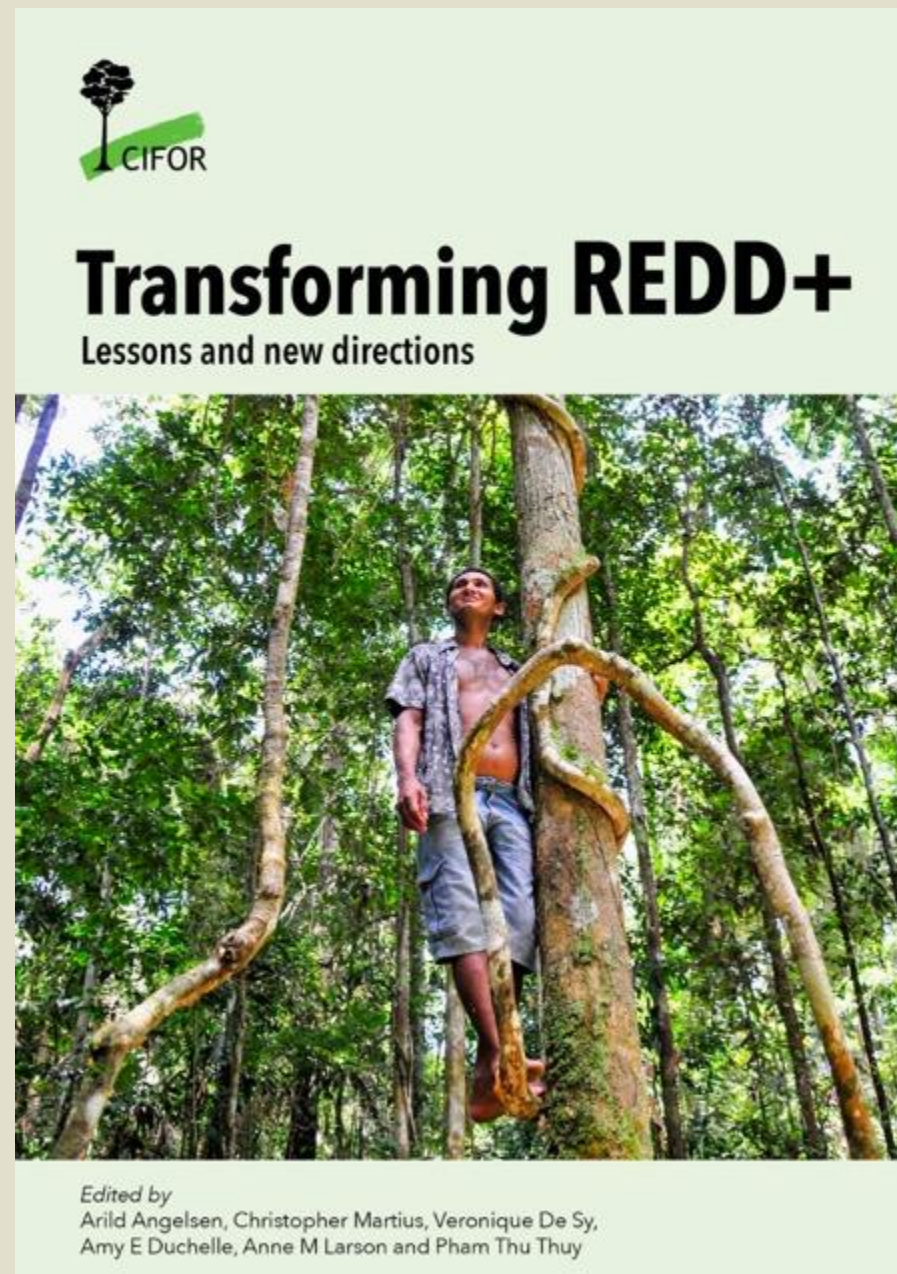
Other standard-setters



A labyrinth of safeguards and guidance?



Evidence from implementation – CIFOR Global Comparative Study



Evidence from implementation – environmental safeguards

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

Evidence from implementation – social safeguards

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

Evidence from implementation – local participation

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

Evidence from implementation – land tenure

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

Preliminary conclusions

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