

**Volume I
Working Paper**

**Preliminary review and approach to develop
a Safeguards Information System
for REDD+ in Cambodia**

Cambodia, 2014



Introduction

This Working Paper is in two volumes.

VOLUME I

This is the main report and presents background information, insights and analyses based on research in Cambodia, review of lessons from selected REDD+ countries, and from international organisations. The paper outlines the need for safeguards in REDD+, provides an overview of UNFCCC decisions related to safeguards, safeguard frameworks at the global level, draws lessons from Cambodia and Asia, and proposes an approach to develop a Safeguards Information System for Cambodia. The paper acknowledges the need for additional research and analyses and suggests that as first step stakeholder consultations should be used to refine the approach and contribute to the National REDD+ Strategy development process in Cambodia.

VOLUME II

This section provides the Annexures to Volume I.

Disclaimer

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EXECUTIVE SUMMARY

UNFCCC decisions encourage countries to promote and support Cancun safeguards when undertaking REDD+ activities. Participating countries are required to address and respect seven Cancun safeguard principles, develop a Safeguard Information System (SIS), and report on how these safeguards are addressed and respected in their countries.

The objective of this document is to present research findings on approaches to safeguards in REDD+ pilot projects in Cambodia; draw lessons from comparative best and emerging practices from selected countries in Asia, and to present an approach that will contribute to the process of developing a Safeguards Information System for Cambodia.

Potential social and environmental risks of REDD+ and rationale for safeguards

Social risks refer to adverse impacts on Indigenous Peoples and local communities who reside within and near forests. Environmental risks are negative impact from conversion of natural forests on biodiversity and ecosystem services, and risks of reversals and displacement.

The goal of REDD+ safeguards is to ensure that REDD+ reduces risks and benefits. To reduce risks, safeguards, at a minimum, are expected to avoid, eliminate or minimise negative social and environmental impacts of REDD+. To enhance benefits, safeguards are envisaged to contribute to co-benefits such as improved forest governance, tenure security, employment opportunity, and improved ecosystem services, and biodiversity.

Safeguards frameworks at the global level

Safeguards frameworks that are available at the global level are: UN-REDD: Social and Environmental Principles and Criteria (SEPC); World Bank FCPF: Strategic Environmental and Social Assessment (SESA); The Climate, Community and Biodiversity Alliance (CCBA) and CARE International: REDD+ Social and Environmental Standards (SES).

The SEPC were developed as a guiding framework building on the Cancun safeguards. The SESA has been developed with the objective of meeting the World Bank Operational Policies and Procedures. There is no mandatory process attached to the SEPC. It is intended as a tool for countries to interpret the Cancun safeguards. These three systems address the seven Cancun safeguards although there are differences in the kinds of criteria that each safeguard framework recommends for inclusion in a national safeguards system.

Lessons learned from safeguard approaches in Cambodia and Asia

Lessons from two REDD+ pilot projects, Oddar Meanchey Community Forestry and the Seima Protection Forest Project are as follows:

- Clarifying land tenure is important but requires time, financial, and human resources
- Additional work is required for effective FPIC in raising awareness amongst all community members about REDD+ and the agreements that were made among different REDD+ stakeholders
- Raising expectations about REDD+ payments may risk discouraging communities to engage in REDD+ unless promised financial incentives are provided
- Monitoring impacts of REDD+ on ecosystems, biodiversity, and especially communities needs to be strengthened.

The key lesson from Vietnam and Indonesia that can inform the development of an effective SIS system for Cambodia is that at a minimum Cancun safeguards should be promoted and supported but an additional set of criteria and indicators may need to be developed that fully reflect stakeholders'

perspectives into a national approach to safeguards. It is important to limit the numbers of principles, criteria and indicators to keep monitoring and reporting practical and feasible.

Gap analysis of policies, laws, and regulations

An analysis of gaps in existing policies, laws and regulations (PLRs) in Cambodia and a proposed set of safeguards principles and criteria for Cambodia indicate that, the RGC already have a set of PLRs that can “address” safeguards principles and criteria but RGC may need to consider PLRs for the following:

- Ensure REDD+ will not be used for conversion of natural forests into planted forest
- Address risk of reversals
- Address risk of displacement.

Additional analysis and assessment is required on how these principles and criteria will be implemented in practice to meet the Cancun safeguards requirement that these are addressed and respected.

Conclusion and approach for Safeguards in Cambodia

In conclusion the paper provides the following outcomes:

1. **Principles and criteria:** This report proposes a set of safeguard principles and criteria for Cambodia that builds primarily on the Cancun safeguards but proposes additional principles and criteria to be included to incorporate stakeholders’ concerns.
2. **Policies, laws and regulations:** The gap analysis concludes that the RGC already has a set of PLRs that can “address” a proposed set of safeguards principles and criteria except for the followings:
 - Ensure REDD+ will not be used for the conversion of natural forests for planted forest
 - Address the risk of reversals
 - Address the risk of displacement.

Approach to developing a SIS: As an immediate next step, these outcomes should be shared with relevant stakeholders through consultations to receive inputs. In particular whether the proposed set of safeguards principals and criteria cover all relevant social and environmental concerns for REDD+; PLR gap analysis covers a complete set of PLRs that are relevant for REDD+; and to assess if the indicators, and data collection methods are relevant.

1. UNFCCC GUIDANCE ON SAFEGUARDS FOR REDD+

1.1 Background to REDD+ and safeguards

The 16th Conference of the Parties (COP16) to the United Nations Framework Convention on Climate Change (UNFCCC) was held in Mexico in 2010. These negotiations led to the adoption of the Cancun Agreements that explicitly stated that “climate change represents an urgent and potentially irreversible threat to human societies and the planet, thus requires to be urgently addressed by all Parties” (UNFCCC 2010).

COP 16 also emphasised the importance of REDD+ as one of the key climate change mitigation strategies. The goal of REDD+ is to reduce forest degradation and deforestation, and to promote forest conservation, to enhance carbon stocks by offering results-based payments as a financial incentive to developing countries (Nguon and Kulakowski 2013). Under REDD+ developing countries shall receive financial incentives according to the incremental volume of reduced emissions and/or enhanced carbon stocks against historical emission levels.

Concerns have been raised that REDD+ may exclude forest dependent and poor communities from policy making and benefit sharing and even drive them away from forests (Angelsen *et al.* 2012). In developing countries, millions of rural poor including indigenous peoples depend upon forests for their subsistence and income (World Bank 2012). As most of them lack forest tenure, they may not be able to claim their rights to customary territories and resources. Thus, REDD+ may induce restrictions or bans over local use of forests to meet carbon sequestration objectives (Beymer-Farris and Basset 2012). This in turn may negatively impact communities who rely on collection of forest products such as fuel wood and non-timber forest products (NTFP) for subsistence and livelihoods.

In addition to these potential social risks, REDD+ may cause adverse impacts on forests that provide vital ecosystem services such as supply of clean water, prevention of soil erosion, and conservation of biodiversity (Conservation International 2012). In the absence of appropriate safeguards, REDD+ may be used for conversion of natural forests into mono-culture plantation forests that could damage the function and quality of ecosystem services and lead to biodiversity loss. These efforts to arrest deforestation and forest degradation in one area may also result in displacing deforestation and forest degradation to other areas. Moreover, risk of reversals could happen in the areas improved and protected under REDD+, through afforestation or reforestation activities, that could be deforested and degraded in future after carbon accounting and accreditation is completed (Angelsen *et al.* 2012).

To address these social and environmental risks and to ensure that co-benefits associated with the implementation of REDD+ are realized, the UNFCCC adopted three decisions related to safeguards, namely: the Cancun Agreements adopted at COP 16 in Mexico, in 2010; the Durban Guidance adopted at COP 17 in South Africa, in 2011; and the Warsaw Framework for REDD+ adopted at COP 19 in Poland, in 2013. The UNFCCC proposes that participating countries, including Cambodia, should develop a set of safeguards that correspond with the seven safeguards adopted under the Cancun Agreements. Countries are also required to establish a safeguard information system (SIS) that informs the UNFCCC on how safeguards are being addressed and respected in accordance with the Durban Guidance. Finally, the Warsaw Framework outlines the timing and frequency of information to be provided to the UNFCCC on how safeguards have been addressed and respected in participating countries. The UNFCCC defines REDD+ safeguards and information systems as two crucial components to a national safeguards approach and as a pre-requisite for REDD+ implementation and results-based payments.

Taking notes the UNFCCC guidance on safeguards, institutions, organizations and project-based REDD+ implementing organisations have developed their own set of criteria for safeguarding REDD+ related activities. The UN-REDD Programme and the FCPF introduced the Social and Environmental Principles and Criteria (SEPC), and the Strategic Environmental and Social

Assessment (SESA), respectively as their safeguard frameworks. The Climate, Community and Biodiversity Alliance (CCBA) and CARE International introduced Social and Environmental Standards (SES) for REDD+ initiatives. In addition, several project-based and voluntary safeguard measures such as Verified Carbon Standard (VCS), and the Climate, Community and Biodiversity Standards (CCBS) have been developed and tested for pilot projects that are being implemented globally including in Cambodia.

In the UNFCCC context, the term “safeguards” has been used to refer to principles to avoid or mitigate negative impacts of REDD+ while, if possible, ensuring that REDD+ delivers social and environmental co-benefits.

1.2 Social and environmental risks from REDD+

REDD+ safeguards aim to address the following potential social and environmental concerns.

Adverse impacts on livelihoods of IPs and local communities

- Restriction and ban on customary use of forests: REDD+ may not recognize customary rights to territories and resources and may (further) restrict and prohibit their use of forests in order to sequester forest carbon (Beymer-Farris and Bassett 2012).
- Involuntary resettlement of IPs and local communities: Communities may be forced to move out of forests in which they presently settle.

Exclusion and further marginalization of IPs and local communities in decision-making and benefit sharing: REDD+ may exclude IPs and local communities in decision-making and benefit sharing (Brown *et al.* 2008; Cotula and Mayers 2009). Even if they are included in these processes, socially vulnerable communities such as the poorest of the poor, and women may be excluded and further marginalized under REDD+ (Saito-Jensen *et al.* 2010).

Conversion of natural forests: REDD+ may be used for conversion of natural forests into monoculture planted forests, with adverse impacts on existing ecosystem services and biodiversity (Conservation International 2012).

Displacement of deforestation pressure to other areas: Efforts to reduce deforestation and forest degradation in one area may shift such pressure to forests located outside REDD+ areas. For example, if REDD+ introduces restrictions on the use of a particular forest, those who use these resources (e.g. local communities, the private sector, governments) may exploit forests in other areas (Conservation International 2012).

Reversals: Risk of reversals is the possibility that areas protected and treated under REDD+ will be deforested and degraded in the future after carbon accounting and accreditation process is completed (Murray *et al.* 2012).

Safeguards have been developed to address these risks and to achieve the following objectives:

Reduce risks: Safeguards are expected at a minimum to avoid, eliminate or minimise the potential negative social and environmental impacts of REDD+.

Enhance benefits: In addition to reducing risks, REDD+ actions are envisaged to provide co-benefits. Co-benefits generally refer to additional benefits – beyond carbon – including improved forest governance, secure tenure rights for forest-dependent people, creation of job opportunities, improved biodiversity and enhanced ecosystem services.

1.3 UNFCCC decisions related to safeguards

Three UNFCCC decision - Cancun Agreements, Durban Guidance and the Warsaw Framework for REDD+, provide guidance to countries in designing and implementing REDD+ safeguards. See Box 1.

Box 1. UNFCCC decisions on safeguards

Cancun Agreements

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

Durban Guidance

Decision 12/CP.17 agrees that systems for providing information on how the safeguards referred to in appendix I to decision 1/CP.16 are addressed and respected should, taking into account national circumstances and respective capabilities, and recognizing national sovereignty and legislation, and relevant international obligations and agreements, and respecting gender considerations:

- a. Be consistent with the guidance identified in decision 1/CP.16, appendix I
- 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 are being addressed and respected
- e. Be country-driven and implemented at the national level
- f. Build upon existing systems, as appropriate.

Warsaw Framework

- a. Developing countries should provide a summary of information on safeguards, throughout the implementation of the activities
- b. The summary of information referred to the above should be provided periodically and be included in national communications, or communication channels agreed by the Conference of the Parties
- c. The summary of information could also be provided, on a voluntary basis, via the web platform on the UNFCCC website
- d. Developing countries should start providing the summary of information in their national communication or communication channel, including via the web platform of the UNFCCC after the start of the implementation of activities
- e. The frequency of subsequent presentations of the summary of information should be consistent with the provisions for submissions of national communications from countries not included in Annex I to the Convention and, on a voluntary basis, via the web platform on the UNFCCC

website.

The Warsaw Framework for REDD+ requests a summary of information on how the Cancun safeguards have been addressed and respected before REDD+ countries become eligible to receive results-based payments (Decision 9 (4)/ CP 19). The Framework also includes a decision on the timing and frequency of presentations of the summary of such information. See Annexure 1 for more information on the decisions. Figure 1 illustrates the approach to develop a safeguards system and Table 1 provides a summary of principles.

Figure 1. Proposed systems of safeguards

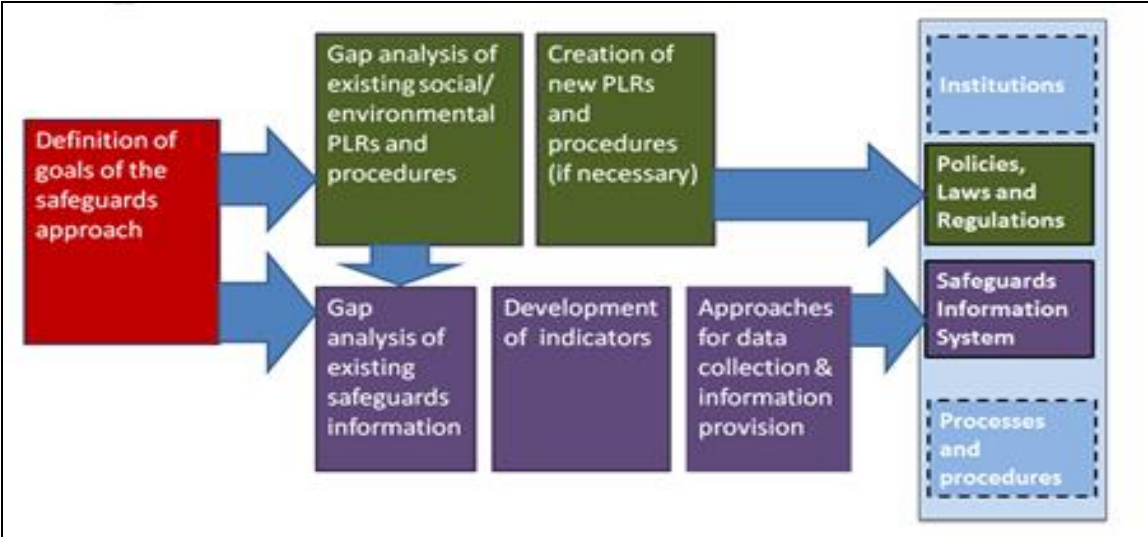


Table 1. Governance, social and environmental principles

<p>Governance and social principles</p>	<ul style="list-style-type: none"> • REDD+ activities and safeguards should take into account and be consistent with the objectives of national forest programmes and relevant international conventions and agreements • Transparent and effective national forest governance structures, taking into account national legislation and sovereignty • Respect for the knowledge and rights of IPs and members of local communities including the application of FPIC procedures, with reference to the UNDRIP • Full and effective participation of relevant stakeholders in REDD+, in particular IPs and local communities • Enhance social benefits
<p>Environmental principles</p>	<ul style="list-style-type: none"> • Not to be used for conversion of natural forests • Address the risks of reversals • Address risks of displacement of emissions • Conservation of natural forests and biodiversity, and • Enhance environmental benefits.

2. SAFEGUARD FRAMEWORKS AT THE GLOBAL LEVEL

Different safeguard initiatives for a national or sub-national jurisdictional level REDD+ are available at the global level. These include:

- UN-REDD Programme: Social and Environmental Principles and Criteria (SEPC)
- World Bank FCPF: Strategic Environmental and Social Assessment (SESA)
- The Climate, Community and Biodiversity Alliance (CCBA) and CARE International: REDD+ Social and Environmental Standards (SES).

SEPC and SESA were proposed by UN-REDD and the World Bank's FCPF respectively that provide assistance to developing countries, including Cambodia, to be ready for REDD+. The SEPC were developed as a guiding framework to assist participating countries in developing its national safeguards framework to address Cancun safeguards requirements. The SESA has mainly been developed with the aim of meeting the World Bank Operational Policies and Procedures. The CCBA and Care International's SES was developed as a result of extensive consultations with a range of stakeholders including civil society and the private sector.

2.1 Social and Environmental Principles and Criteria, UN-REDD

The UN-REDD Programme developed SEPC as a guiding framework to address social and environmental issues and to assist participating countries in developing national approaches to REDD+ safeguards as per the UNFCCC decisions. SEPC consists of seven Principles as follows:

1. Apply norms of democratic governance, as reflected in national commitments and multilateral agreements A
2. Respect and protect stakeholder rights in accordance with international obligations R
3. Promote sustainable livelihoods and poverty reduction Pr
4. Contribute to low-carbon, climate-resilient sustainable development policy, consistent with national development strategies, national forest programmes, and commitments under international conventions and agreements C
5. Protect natural forest from degradation and/or conversion Pr
6. Maintain and enhance multiple functions of forest including conservation of biodiversity and provision of ecosystem services
7. Avoid or minimise adverse impacts on non-forest ecosystem services and biodiversity.

For the 24 criteria please see Annexure 2. In addition to the SEPC, the Benefits and Risks Tool (BERT) has been developed to assist with the gap analysis of PLRs. This tool includes three modules and helps to identify REDD+ actions; potential risks and benefits from these actions, in relation to the Cancun safeguards; policies, laws and regulations relevant to these risks and benefits; and gaps in the PLRs that may need to be addressed.

2.2 Strategic Environmental and Social Assessment (SESA), World Bank's Forest Carbon Partnership Facility

In principle, all countries that receive FCPF financing must comply with the World Bank's Operational Policies and Procedures. Relevant Operational Policies for REDD+

include Environmental Assessment, Natural Habitats, Forests, Physical Cultural Resources, Indigenous Peoples, and Involuntary Resettlement. Annexure 3.

To comply with these safeguards countries are required to conduct a Strategic Environmental and Social Assessment (SESA). SESA helps countries to identify potential social and environmental risks associated with REDD+ projects, whether or not REDD+ projects may violate any of the Bank's operational policies and procedures. Countries also need to develop an Environmental and Social Management Framework (ESMF) based on the results of SESA to present specific strategies and means for addressing potential social and environmental impacts from REDD+ activities. In case an organisation other than the World Bank is selected as a "Delivery Partner" for the FCPF, the Common Approach to Safeguards can be applied allowing the delivery partner to apply its own safeguards standards as long as these are substantially equivalent to, or more stringent than, the World Bank's standards. In the case of Cambodia, UNDP has been selected as a delivery partner for the FCPF REDD+ readiness project. Under the Common Approach, UNDP is able to use its own safeguards standards.

2.3 REDD+ Social and Environmental Standards, Climate Community and Biodiversity Alliance and CARE International

The REDD+ Social and Environmental Standards (SES) were developed through a consultative process with governments, NGOs, civil society organisations, IPs' organisations, international policy and research institutions and the private sector. The main goal of the SES is to provide a voluntary but comprehensive framework for safeguard measures that conforms to the UNFCCC standards and serves, as guidance to governments, NGOs, other agencies that implement sub-national and national REDD+ programme. The SES comprises of seven principles and 28 criteria to be applied to all countries that choose the SES as a safeguard tool. See Annexure 4. Indicators can be developed within the country context through a country-level multi-stakeholder consultation process. The seven principles are:

1. The REDD+ programme recognises and respects rights to lands, territories and resources
2. The benefits of the REDD+ programme are shared equitably among all relevant rights holders and stakeholders
3. The REDD+ programme improves long-term livelihood security and well-being of IPs and local communities with special attention to women and the most marginalised and/or vulnerable people
4. The REDD+ programme contributes to good governance, to broader sustainable development and to social justice
5. The REDD+ programme maintains and enhances biodiversity and ecosystem services
6. All relevant rights holders and stakeholders participate fully and effectively in the REDD+ programme
7. The REDD+ programme complies with applicable local and national laws and international treaties, conventions and other instruments.

2.4 Comparison of key principles and criteria in safeguard frameworks

At a minimum, RGC should address and respect the Cancun (UNFCCC) safeguards. Comparison of global safeguard standards that address Cancun safeguards identifies key principles and criteria. For the analysis, we categorised all key safeguard principles and criteria included under SEPC, SESA and SES according to the types of UNFCCC safeguards (See Annexure 5)

3 LESSONS FROM SAFEGUARD APPROACHES IN CAMBODIA AND ASIA

Cambodia has been classified as a country with “high forest cover”, and “high deforestation rate”. It has approximately 10 million hectares of forest that constitutes 57% of the total land area (Forest Cover Data in 2010). From 1965 to 2010, Cambodia has lost 2.86 million ha of forest (FA, 2010).

The RGC recognizes REDD+ as a crucial strategy to tackle the high rates of deforestation and forest degradation in the country and follows the three-phased approach to REDD+, namely: 1) readiness, 2) implementation, and 3) results-based payment. Currently Cambodia is in the first phase of readiness that involves four major activities: 1) establishment of an institutional structure for REDD+ implementation 2) development of a national REDD+ strategy 3) supporting sub-national activities; and 4) establishment of a Measurement, Reporting and Verification (MRV) and monitoring systems (Forestry Administration 2011).

In accordance with UNFCCC decisions, Cambodia is also required to establish a safeguards information system, to be eligible for results-based payments (Warsaw decision 12/CP.19). The proposed system should take into consideration national circumstances and existing policies, laws, and regulations (PLRs), and international agreements and commitments. It is therefore important to: 1) analyse and identify key principles and goals of the international safeguards initiatives, those that are currently in use or is promoted, that can be applicable in the context of Cambodia; 2) analyse gaps between these measures and existing PLRs in Cambodia; and 3) select key measures and/or create new PLRs if necessary for addressing and respecting REDD+ safeguards.

This section draws lessons from social and environmental safeguards adopted by two pilot projects in Cambodia - the first in OddarMeanchey and the second in Mondulkiri.

3.1 OddarMeanchey Community Forest REDD+ Pilot Project

The OddarMeanchey Community Forestry REDD+ pilot project was started in February 2008 with Forestry Administration and Pact (since 2009) as project partners. The project is located in northwestern Cambodia and covers 13 community forestry sites with a total area of 64,318 hectares, and 58 villages with a total numbers of about 10,000 households.

The goals of the project are: 1) mitigation of climate change impacts by sequestering 8.3 million tons of carbon dioxide over 30 years; 2) improvement of local livelihoods; and 3) protection and enhancement of forests and biodiversity. The VCS has completed verification of the project document and carbon from the area has been ready for sale since 2013. Over its 30-year crediting period, the project is expected to generate about 8 million tons CO₂e of emission reductions.

Governance and social criteria

Respect for existing laws and policiesThe project sought to comply with national PLRs such as the Forestry Law (2002), Community Forestry Sub-Decree (2003), National Forest Programme (2010-2029), Government Decision No. 699, and Cambodian Labour Law (1997) through awareness raising.

Recognition of rightsThe project secured Tenure Rights for 13Community Forestry (CF) sites with a 15-year agreement between the FA andCF Groups. This required training and coaching of communities to follow the process and requirements for CF legalization. Thus, communities’ rights were recognized for subsistence use of timber and NTFPs and use of existing agricultural land located inside the CF boundaries as long as they do not expand to new areas.

Ensuring social benefitsThe project identified high conservation value (HCV) areas that are important to local communities, such as areas that are abundant with NTFPs and traditional spirit forests to ensure livelihoods and preserve culture.

Consultation Numerous consultation meetings were held to ensure that stakeholders are sufficiently informed and willing to participate in the project. The project facilitated workshops in more than 50 villages, and at district and provincial levels to raise communities' awareness about REDD+ drawing from many of the FPIC principles. As a result, all 13 CF verbally agreed to participate in the project. In addition, the project organized three district workshops attended by 129 district officials, police and military personnel.

A notable aspect was that the project informed the communities that they would receive significant payments from the REDD+ project. This created an expectation for monetary benefits. However, delays in REDD+ payments has created challenges in assuring continuous support from CF members to participate in REDD+ related activities.

Stakeholder participation This project has involved stakeholders in consultation, project implementation and monitoring. Yet, further work is needed to promote gender equality.

Benefit sharing Though no monetary benefits had accrued or had been shared among communities, all community representatives requested a transparent benefit-sharing system where everyone should be invited to make consensus-based decisions. They further requested that incentives should be used to support forest protection activities such as patrolling and demarcation as well as livelihood improvement activities through the provision of livestock, tractors, and credit mechanisms.

Access to information The project made information on the project available in Khmer and accessible to all stakeholders. In general, communities seem well informed about the project. Community suggested that information on the use of incentives should be made available publicly in Khmer to ensure transparency and accountability.

Grievance mechanism According to the Project Document, a complaint or grievance from any of the project stakeholder is handled by the Project Team. The 13 CF representatives reported that various complaints and grievances have been submitted to the Project Team. However, the complainants have been dissatisfied with the limited ability and response from the Project Team to address their grievances. However, they did not pursue third party help to address their grievances due to budgetary and knowledge constraints.

Environmental criteria

Protection and enhancement of ecosystems and biodiversity The project sought to protect biodiversity and forest ecosystems with special attention to the HCV areas important for wildlife species. The strategy entailed raising awareness among local communities regarding the value of biodiversity, as well as improving patrolling and habitat restoration skills so as to protect the forests against illegal logging and hunting and fire and to prevent degradation of critical habitats.

Risks of reversals and displacement The project lacks explicit measures to address risks of reversals and displacement. In fact, encroachment activities pose a critical threat of reversal with some communities being intimidated. There is also lack of clarity as to which institution is responsible for forest protection in the buffer zone, or the "leakage belt", surrounding the community forests.

3.2 Seima Protection Forest REDD+ Pilot Project

The Seima Protection Forest REDD+ pilot project was initiated in July 2008 by the Wildlife Conservation Society (WCS) and FA as project partners. This project aims to support protection of old-growth forests within a core area of 180,515 hectares in the Seima Protection Forest in the eastern province of Mondulkiri. The area is renowned for its abundance of globally important species and is also home to a population of about 10,000 Bunong IPs. These indigenous peoples live in 20 villages across the landscape, rely on forest resources and practice traditional swidden agriculture. Since 2010, the Seima project has sought to secure validation under the VCS and CCB standards. While the

crediting period continues for 60 years, the project is estimated to generate approximately 58 million tons CO₂e of emission reductions over its first ten years.

Governance and social criteria

Social impact assessment Prior to project initiation, a social impact assessment was done to examine possible social impacts on forest users. As a result, 20 villages with 2,624 households were identified for inclusion in the project. These villages are divided into two groups, group one includes 17 villages with farmland or residential land, while group two comprises of three villages that do not possess any land but are dependent on forest resources in the project area.

Recognition of rights The project explicitly stated that communities have usufructuary rights to timber and NTFPs and are allowed to continue their subsistence-based agriculture. The project also sought to secure their tenure rights on agricultural, fallow and residential lands. This process entailed participatory mapping of communal lands and developing the legal documents to request communal land titles from the government. There has been no involuntary relocation of occupants of the area from either residential land or farmland.

Yet, the project document identifies shifting cultivation as a major deforestation and forest degradation threat that the project attempts to address. It is also notable that due to a large influx of migrants in the area, there is confusion as to who (IPs or non-IPs) is practicing shifting cultivation. Therefore, there is a need to investigate 1) who (IPs or non-IPs) is practicing shifting cultivation, 2) potential project impacts on the IP's customary rights of shifting cultivation, and 3) what kinds of compensation the project would offer if their current livelihood activities are affected.

FPIC consultation For consultation, the project applied FPIC, and used the following three steps. The first step focused on raising awareness amongst participating villages on the proposed REDD+ project and its potential impacts, as well as findings of the impact assessments. Unlike the Oddar Meanchey project, Seima project did not mention potential payments to be provided to communities. Rather, the project staff emphasized other benefits such as secure tenure, improved forest conditions, and increased availability of NTFPs to meet livelihood needs. The second phase centered on development of an agreement between participating villages and the FA with regard to REDD+. A draft agreement was presented at workshops with the participation of a group of 20-30 community leaders in each commune. The agreement describes in detail what is being consented to, the term of the agreement and its tenure of 60 years, and the rights and liabilities. The third phase entailed finalization of text in the agreements and demonstration of communities' consent to the REDD+ project. All 20 participating community leaders signed the Agreements, with thumb-prints support from 82 percent of the families in the project area in January 2013. According to our field investigation, there was no pressure or coercion for them to be part of the project. However, there was limited knowledge on the content of the agreements among communities including those who have provided their thumb prints and/or signatures. It is important to note that the communities signed the Agreements because of their expectation for positive livelihood impacts from REDD+ and because they trusted WCS and decisions of their community leaders. This observation points to the importance of trust between those who introduce the idea of REDD+ to communities.

Stakeholder participation As stated in the project document, the implementation of Seima project has involved diverse stakeholders. The project partners have conducted extensive stakeholder consultations on various REDD+ and non-REDD+ topics. Yet, communities raised two issues. Firstly, further stakeholder consultations should focus on activities or restrictions that would come with the implementation of REDD+ in the area. For example, the informants wanted to know if their current shifting cultivation practices would be restricted through REDD+ project implementation. Secondly, they emphasized the importance of increasing women's participation in the consultation processes in Seima.

Grievance mechanism The project introduced a grievance mechanism where complaints can be directly submitted to the project implementation team for assessment and resolution. In addition, existing Commune Councils who have a legal mandate in the project zone have been identified to function as a third party to receive complaints from their constituents and either direct them to the appropriate authority or seek to resolve these directly, often by mediating between affected parties. The project proponents have provided on-going capacity-building support to the Commune Councils to enhance their understanding of the REDD project and their role in resolution of grievances.

Communities in Seima have complained that their information on illegal logging activities to relevant authorities has not been addressed “satisfactorily”. This has raised doubts amongst communities as to whether REDD+ would be able to effectively address deforestation caused by external actors.

Access to information The 300-page project document (in English) and 50-page handbook summarizing the proposed project (in Khmer) were available for public consultations and comments on the CCBS website. However, there was limited access to complete information on the project to those without internet access and ability to read English or Khmer. Communities requested that there need to be more consultations – preferably in indigenous language or with translation – on REDD+ activities that will be implemented. This finding highlights the importance of providing comprehensive information to local communities in local languages through FPIC.

Environmental criteria

Protection and conservation of ecosystem and biodiversity The project sought to maintain forest diversity, and cover all forest types and to increase populations of wildlife of conservation importance. To do so, the project aims to reduce environmental threats such as habitat loss (forest and lowland wetlands/ grasslands), hunting, and selective logging and over harvesting of NTFPs.

Risks of displacement and reversals The project sought to prevent leakage - displacement of pressure - partly through agricultural intensification and partly by including all anthropogenic non-forest land that was located within the project zone into a leakage area, defined as all non-forest or recently deforestation as of 2010 within 3 km of a settlement. The project conducted several leakage management activities such as ecotourism and NTFP management within forested parts of the project area and the leakage belt. Field findings however suggest that there is ongoing unauthorized logging activity within project villages mainly by external actors at an alarming rate and scale that may result in risks of reversal, leakage, and non-permanence.

3.3 Lessons from Oddar Meanchey and Seima

Governance and social criteria

Social impact assessment A social impact assessment is a critical tool to identify possible social impacts on different types of stakeholders in project areas, to map impacts of REDD+ activities, and to devise strategies to reduce potential risks and enhance co-benefits.

Rights of communities It is important to ensure customary rights of IPs and local communities to their forests and existing agriculture lands. The establishment of CF and land titling are important means to address these issues. However, such processes require significant amount of time and resources. REDD+ activities may need to examine if shifting cultivation is actually detrimental to forest ecosystems. If so, alternative options can be proposed.

Consultation While FPIC is an important tool to ensure that participation is free and that consent is given prior to the implementation of project activities, it is important for FPIC implementers to guarantee that information is fully – not selectively – provided to communities before consent is solicited and received. For instance, there is further need to inform communities about the nature and scope of REDD+ activities, and the content of the agreements to ensure their consent is based on a complete understanding of the objectives, activities, benefits, and possible negative impacts.

Benefit Sharing It is important to provide information on financial benefits to stakeholders without raising unrealistic expectations about REDD+ projects. Even though the promise of payments helps raise stakeholders' motivation to participate in REDD+, it can also create a risk that they will lose such motivation if payment are delayed or if the amounts are smaller than those promised.

Gender considerations Although women have been invited to the consultations and meetings conducted in both sites, there need to be efforts to ensure that women are given the opportunities to speak, to be listened to, and taken seriously.

Access to information There is a further need to ensure transparency of, and accessibility to information related to the development and implementation of REDD+ projects amongst stakeholders at the village level. In particular, information on the goals, objectives and activities in general and the roles and rights of community members in project activities should be clearly communicated to communities in local languages and in an accessible manner.

Grievance mechanism There is a need to ensure the effective handling of grievances that emerge from the REDD+ implementation or grievances that are due to external actors' activities. Ineffective handling of grievances has raised doubts amongst communities in both pilot projects on the effectiveness of REDD+.

Environmental criteria

Environmental impact assessment An environmental impact assessment is an important tool to map locations according to ecological importance, which enable effective conservation and management.

Risks of reversals and displacement Both projects currently face threats of reversal and conversion of natural forests caused by external pressures such as unauthorized logging. Thus, it is important to re-evaluate the drivers of deforestation and forest degradation that they are attempting to address. It is also important to ensure effective law enforcement for REDD+ to be successful.

3.4 Lessons from Vietnam and Indonesia

Vietnam and Indonesia have developed a national REDD+ strategy in which the concept of safeguards approach is included. Please refer to Annexures 6 and 7 for more information about how each country has progressed in its national approach to safeguards including SIS. Table 2 provides a comparison of these approaches.

Table 2: Comparison of approach to safeguards in three Indochina countries (Fujisaki 2013)

	Vietnam	Indonesia
National REDD+ Strategy	National REDD+ Action Programme (2012)	National REDD+ Strategy (2012)
Safeguards approach	- Cancun safeguards	- Cancun safeguards + additional principles
Status of safeguards	- Safeguard Roadmap for Vietnam's National REDD+ Action Programme ver.2 (SNV, 2014)	- SIS-REDD+ by MOF (2011) - PRISAI by REDD+ Taskforce (REDD+ Agency)

In Vietnam, the government has made a decision to adopt the Cancun safeguards. The National REDD+ Action Programme and Safeguard Technical Working Group has developed a safeguards roadmap including a legal analysis gap, a country-led approach to operationalize Cancun safeguards, and recommendations to be considered and addressed by the government.

In Indonesia, two safeguards approaches have been proposed. One is a System for Providing Information on REDD+ safeguards implementation (SIS REDD+) led by the Ministry of Forestry. This SIS system proposes 7 principles, 17 criteria, and 32 indicators. A parallel approach is Principles,

Criteria, and Indicators for REDD+ safeguards (PRISAI) developed by the REDD+ agency with involvement from various stakeholders such as NGOs, local and national governments. The PRISAI proposes 10 principles, 29 criteria and 101 indicators. The country has not made a decision as to which safeguard system will be applied.

Vietnam made a decision to promote and support the Cancun safeguards only without incorporating additional principles. Indonesia decided to broaden the scope of the Cancun safeguards by including an additional set of criteria and indicators to fully reflect stakeholders' concerns and national circumstances. Yet, it is likely to be challenging to regularly monitor and report on a large number of criteria and indicators, especially with the case of PRISAI that proposes to use 101 indicators.

Lessons for Cambodia

Experiences from Vietnam and Indonesia offer the following lessons for developing an effective SIS system for Cambodia:

- At a minimum Cancun safeguards should be promoted and supported but an additional set of criteria and indicators could be developed to fully reflect stakeholders' views
- The numbers of principles, criteria and indicators should be simple and kept to a minimum to keep monitoring and reporting practical and feasible.

4 APPROACH TO DEVELOP A SAFEGUARDS INFORMATION SYSTEM IN CAMBODIA

This section analyses major concerns raised by stakeholders in regional consultations in Cambodia and presents preliminary proposals for an approach to safeguards in Cambodia. The proposed principles and criteria primarily build on the Cancun safeguards but draws on stakeholders' feedback from the consultation process.

4.1 Integrating stakeholder concerns

Four sub-national consultative meetings were organised in Kratie, Siem Reap, Pursat, and Sihanouk Ville. The meetings were attended by 249 participants from 22 out of a total of 25 provinces in Cambodia. Participants included representatives from government agencies (FA, MoE, Fisheries Administration, Ministry of Economy and Finance, Ministry of Interior, Ministry of Land Management Urban Planning and Construction, Ministry of Mines and Energy), local civil society organizations, local communities, and indigenous peoples. The key objectives of these consultations were: 1) to inform stakeholders about potential social and environmental risks 2) to provide information about the Cancun safeguards and other global safeguards, and 3) to receive stakeholders' feedback to potential risks related to REDD+.

Stakeholders' inputs to potential risks were compiled and grouped together according to major concerns. Those concerns were further classified, and linked to each Cancun safeguards as shown in Table 3.

Table 3: Major concerns of stakeholders on safeguards in Cambodia

Major concerns expressed by stakeholders	Cancun safeguards
<ul style="list-style-type: none"> • Potential changes in governments policies and development priorities 	a
<ul style="list-style-type: none"> • Lack of political support for REDD+ 	a
<ul style="list-style-type: none"> • REDD+ awareness raising material is not consistent, causing confusion among local communities 	b
<ul style="list-style-type: none"> • Corruption in how REDD+ fund is managed <ul style="list-style-type: none"> ○ Lack of transparency in distributing funds 	b
<ul style="list-style-type: none"> • Institutional conflicts, roles and responsibilities among different government institutions 	b
<ul style="list-style-type: none"> • Conflicts with Economic Land Concessions (ELCs), companies and other elites 	b
<ul style="list-style-type: none"> • Benefit sharing <ul style="list-style-type: none"> ○ Inequitable benefit sharing ○ Conflicts on how benefits should be distributed amongst government, communities, and other stakeholders ○ High expectations about benefits 	b
<ul style="list-style-type: none"> • Lack of clear grievance mechanisms 	b
<ul style="list-style-type: none"> • Competing interests for land use e.g. Economic Land Concessions, agriculture expansion 	b
<ul style="list-style-type: none"> • Potential conflicts between REDD+ sites and development plans 	b
<ul style="list-style-type: none"> • Lack of awareness about REDD+ that may result in uninformed decisions by local communities including Indigenous Peoples 	c
<ul style="list-style-type: none"> • Unclear ownership of land and forest areas for community forest groups, community protected areas groups. Lands belonging to the state 	c
<ul style="list-style-type: none"> • Negative impact on livelihoods of local communities: <ul style="list-style-type: none"> ○ Restriction on use of timber, non-timber forest products and fisheries ○ Prohibition of swidden agriculture ○ Prohibition of traditional practice of wildlife hunting ○ Prohibition of Indigenous Peoples' rights to use forests for their cultural purpose spiritual forests, burial grounds 	c

○ Involuntary resettlement of local communities due to REDD+ interventions	
• Lack of full and effective participation by stakeholders ○ Lack of participation by the private sector	d
• Population increase leverages demand for agriculture lands causing further deforestation	a,e
• Introduction of new tree species to increase carbon sequestration ability may change local ecosystems, and lead to loss of biodiversity, and endemic species	e
• Other climate change induced impacts such as disease, forest fires, floods and erosion may impact REDD+ implementation	e
• Migration of species from non-REDD+ to REDD+ sites may have damaging effects on ecosystems by causing an imbalance in the species population	e
• Unsustainable forest management after REDD+ risk of reversals	f
• Drivers of deforestation move to other non-REDD+ areas - risk of displacement	g

An analysis of PLRs was conducted to examine whether the Cancun safeguards principles encompass these concerns and those related to gender equality. If not, inclusion of additional wordings to Cancun safeguards was suggested. These include addition of the term “women” to Cancun safeguards (d), and additions of text “for planted forests”, and “among others to mitigate climate change impacts” to the Cancun safeguards (e). In addition, a set of criteria were proposed to address and respect the revised set of safeguards in order to fully reflect stakeholders’ concerns (See Table 4).

Table 4: Proposed REDD+ safeguards principles and criteria in Cambodia

Cancun safeguards	Proposed principles	Proposed criteria
a. Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;	Actions complement or are consistent with the objectives of national forest programme and relevant international conventions and agreements	1. Effective enforcement of and compliance with existing policies, laws and regulations and international conventions and agreements
b. Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;	Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;	2. Transparency and accessibility of information related to planning and implementing of REDD+ activities including national fund management and benefit sharing 3. Accountability of all bodies representing relevant stakeholders, including through establishing and operationalizing effective grievance mechanisms
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;	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;	4. Prior identification of 1) areas to be used for REDD+ and 2) all types of stakeholders and their rights in the proposed areas 5. Application of Free, Prior and Informed Consent (FPIC) for Indigenous Peoples and affected local communities 6. Avoidance of involuntary resettlement of IPs and local communities 7. Customary rights of IPs and local communities are respected • Rights for subsistence use of Timber, NTFPs, and fish • Rights to use forests for their cultural purpose (spiritual, ancestral, burial forests) • Rights of “sustainable and non-

Cancun safeguards	Proposed principles	Proposed criteria
		expansionary” shifting cultivation by indigenous peoples and communities recognized by the state.
d. The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities,	The full and effective participation of relevant stakeholders in particular indigenous peoples and local communities and women	8. Full and effective participation of relevant stakeholders in particular indigenous peoples and local communities and women in designing and implementing a national REDD+ strategy and implementation framework 9. Promote gender equality into a REDD+ national policy and implementation framework
e. 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;	<ul style="list-style-type: none"> • Consistent with the conservation of natural forests, ecosystems and biological diversity • Ensure that REDD+ actions will not be used for the conversion of natural forests to planted forests • REDD+ actions are used to incentivize the protection and conservation of natural forests and their ecosystems and to enhance other social and environmental benefits among others to mitigate climate change related impacts 	10. Identify areas of natural forests, critical ecosystems, and biodiversity for further conservation and protection 11. Conserve and protect natural forests, ecosystems, and biological diversity and avoid or minimize degradation of natural forest by REDD+ activities 12. Ensure that REDD+ activities do not cause the conversion of natural forests to planted forest, 13. Enhance social and environmental benefits reduction of forest fire, and floods
f. Actions to address the risks of reversals	<ul style="list-style-type: none"> • Address the risk of reversals 	14. Address the risk of reversals of REDD+ achievements, including potential future risks to forest carbon stocks and other benefits
g. Actions to reduce displacement of emissions	<ul style="list-style-type: none"> • Reduce displacement of emissions. 	15. Avoid or minimize indirect land-use change impacts of REDD+ activities on forest carbon stocks, biodiversity and other ecosystem services

4.2 Gap analyses of policies, laws, and regulations

There is no obligation from the UNFCCC for REDD+ participating countries to draft completely new sets of policies, laws and regulations to address and respect the Cancun safeguards if such PLRs are already adequate. However, if any gaps are found countries may need to address these gaps in the REDD+ national strategy.

It is important to distinguish the terms, “address” and “respect” with regard to the Cancun safeguards. If there are no gaps in existing PLRs and governance structures then the Cancun safeguards are fully addressed by existing PLRs. Yet, this does not mean that these existing PLRs are fully respected, i.e. being enforced in practice. The PLR gap analysis can only indicate as to how a set of safeguards are being “addressed” but does not provide information on how these are being “respected”. Further

analysis of governance structures that implement PLRs, and how existing PLRs are being respected in practice is required.

All key national level policies, laws and regulations that are related to forest governance were reviewed, including those developed by the Forestry Administration, the Ministry of Environment, the Fisheries Administration, and the Ministry of Land Management, Urban Planning, and Construction. Other PLRs reviewed were: 1) major international conventions/agreements 2) national policies 3) the national Constitution (hereafter, Constitution) 4) laws 5) royal decrees 6) sub-decrees 7) decisions 8) circulars and 9) prakas. Annexure9 provides an overview of the legal framework in Cambodia and Annexure 10 provides a list of PLRs that were included in the review. Each PLR was examined to check if clauses addressed any of the safeguards principles and criteria proposed for Cambodia.

The results in Table 5 indicate that many of the proposed safeguards principles and criteria are addressed by existing PLRs in Cambodia except for the following:

- Ensure REDD+ will not be used for conversion of natural forests for planted forest
- Address the risk of reversals
- Address the risk of displacement.

RGC may need to address these gaps as part of the REDD+ national strategy approach to safeguards.

Table 5. Summary of PLR gap analysis results

Proposed safeguards for Cambodia	Proposed criteria	Summary analysis of existing PLRs
REDD+ activities are consistent with the objectives of national forest programme and relevant conventions and agreements	Effective enforcement of and compliance with existing policies, laws and regulations and international conventions and agreements	All relevant PLRs
Ensure transparency and accountability in implementing REDD+ policies and measures	Transparency and accessibility of information related to planning and implementing of REDD+ activities including national Fund management and allocation of incentives	<p><u>Transparency</u></p> <ul style="list-style-type: none"> • United Nations conventions against corruption • Anti-corruption law (2010): aims to strengthen good governance and rule of law in leadership and state governance as well as to maintain integrity and justice. <p><u>Accessibility of information</u></p> <ul style="list-style-type: none"> • Draft EIA law: provides comprehensive guidance on how to ensure transparency of decision making process, by ensuring access to information for potential stakeholders <p>Other PLRs that include some requirements for information dissemination are:</p> <ul style="list-style-type: none"> • National Biodiversity Strategy and Action Plan (2002) • Environmental protection and natural resources management law (1996) • Protected area law (2008)
	Accountability of all bodies representing relevant stakeholders, including through establishing effective grievance	<p><u>Good governance and accountability</u></p> <ul style="list-style-type: none"> • Both Rectangular strategy phase III (2013) and National strategic development plan (2014) identifies good governance (which entails actions to fight corruption) as a core strategy. <p><u>Grievance mechanisms</u></p> <ul style="list-style-type: none"> • Constitution (article 39) states that Khmer citizens have the right to make complaints or file claims against any breach of law by state and social organs or members of such organs.

	mechanisms	<ul style="list-style-type: none"> • Draft EIA law: Project stakeholders shall consult with the MoE to assist for assistance in the mediation process. In the settlement of environmental problems or disputes, all stakeholders have the right to settle their problems through consultation with the project proponents before taking the action to higher administrative body or court system • Protected Area law (2008): A national committee for conflict resolution on protected area management chaired by the Minister of Environment and representation of relevant ministries and institutions as members shall be established to assist in the discussion, consultation, and conflict resolution on the protected area • Land law (2002): Disputes over an immovable property between possessors shall be submitted for investigation and resolution under determined procedures. <p>Other PLRs that have guidance for conflict resolution mechanisms include:</p> <ul style="list-style-type: none"> • Sub-decree on Permanent Forest Estate (2005) • Sub-decree on Forest Concession Management (2000) • Sub-decree on Economic Land Concession (2005)
Respect for the knowledge and rights of Indigenous Peoples and members of local communities in accordance with international obligations.	Prior identification of 1) areas to be used for REDD+ and 2) all types of stakeholders and their rights in the proposed areas	<ul style="list-style-type: none"> • Draft EIA law, Forest Law (2002) and Protected Area Law (2008) require an environmental and social impact assessment. Draft EIA has an elaborate process for impact assessments and public information sharing. • Forest Law (2002) • Law on Mineral Resource Management and Exploitation require a written agreement of the private owner or respective government institution before exploration
	Application of Free, Prior and Informed Consent (FPIC) for Indigenous Peoples and affected local communities	<ul style="list-style-type: none"> • The RGC supports the Declaration on the Rights of Indigenous Peoples supported by Cambodia • Draft law on EIA requires FPIC and contains detailed guidance for how to inform the public prior to any activities <p>Other PLRs that require consultation with communities prior to activities include:</p> <ul style="list-style-type: none"> • Forest law (2002): • Sub decree on forest concession management (2000)
	Avoidance of involuntary resettlement of local communities and IPs	<ul style="list-style-type: none"> • Constitution (article 44) states that (Khmer) persons, individually or collectively shall have the right to ownership and that the right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance. • Draft EIA law requires the involvement of project affected person in any resettlement planning and requirement of compensation to be provided for lost assets • Land law (2008) has a specific reference to IPS by stating that no authorities outside the community may acquire any rights to immovable properties belonging to IP • National Policy on the Development of IPs (2009) provides additional guidance for IP's lands <ul style="list-style-type: none"> • The lands of IPs communities that are collective properties shall not be sold or transferred to any individual or group outside the communities. • IP's communities may not be forced to leave the lands they have been occupying and using as collective ownership. • Should there be any resettlement, this relocation can be carried out in compliance with the standards on resettlement, subject to prior, appropriate and fair compensation • Sub-decree on economic land concession (2005) also prohibits involuntary resettlement of lawful land holders
	Customary rights of local communities and IPs are	<ul style="list-style-type: none"> • Land law (2008) recognizes the collective property rights of IPS by stating that the IPs shall continue to manage their community and immovable property according to their traditional customs

	respected	<ul style="list-style-type: none"> • Forest law (2002) recognizes customary, subsistence use rights of forest produces and by products for local communities, and rights of shifting cultivation by indigenous communities registered with the state. It also states that concessionaires shall not interfere with customary user rights taking place on land property of IPs who have customary access to user rights practiced by communities • Fishery law (2004): recognizes the traditional use rights of fisheries resources for local communities under the regulation of this law • Protected area law (2008): Access to traditional use of natural resources and customary practices of local community and Indigenous ethnic minority groups on family scale may be allowed as follows. <ul style="list-style-type: none"> • Core zone: no access • Conservation zone: recognition of access to traditional use, local customs, belief and religions of the local communities the ethnic groups • Sustainable zone: same as above • Community protected area recognition of use of natural resource in accordance with the management plan but no right to clear or work forest lands <p>Other PLRs that recognize customary rights include:</p> <ul style="list-style-type: none"> • Sub-decree on community forestry management (2003) • Sub-decree on measure of using state forest for plantation • National Forest sector policy (2002): • National Biodiversity Strategy and Action plan (2002):
The full and effective participation of relevant stakeholders including women and other marginalized groups in making and implementing REDD+ policies and measures	Full and effective participation of relevant stakeholders	<ul style="list-style-type: none"> • Constitution (Article 35) stipulates that Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation. <p>The following PLRs encourage participation of stakeholders in the decisions, and activities related to management/protection of resources</p> <ul style="list-style-type: none"> • Forest law (2008) • Environmental protection and natural resource management law (1996). • Protected area law (2008). • Draft EIA. • Fishery Law (2004). • Strategic Plan of the Ministry of Environment 2009-2013 • National Biodiversity Strategy and Action Plan (2002) • Cambodia Climate Change Strategic Plan 2013 (2014-2023) • Sub-decree on CFM • Sub-Decree No 53 on Establishment of Fisheries Conservation area in Kandal, Kampong Cham, Prey Veng and Takeo province • National Forest Sector Policy (2002) • National policy on the development of IPs (2009). • National Policy on the Development of IPs (2009) <p>The following PLRs have a specific reference to promote women to participate in decision making and activities.</p> <ul style="list-style-type: none"> • National policy on the development of IPs • National Biodiversity Strategy and Action Plan (2002) • Cambodia Climate Change Strategic Plan 2013 (2014-2023)
	Promote gender equality in the national REDD+ strategy and implementation framework	<ul style="list-style-type: none"> • The RGC supports Convention on the elimination of all forms of discrimination against women CEDAW (1992) • Constitution (45) stipulates that all forms of discrimination against women shall be abolished • CMDG 3: Promote Gender Equity and Empower Women
	Prior identification of areas of natural forests, critical	<p>The following PLRs require prior environmental impact assessments</p> <ul style="list-style-type: none"> • Draft EIA law

	ecosystems, and biodiversity for further conservation and protection	<ul style="list-style-type: none"> • Forest Law (2002) • Environmental protection and natural resource management law (1996) • Protected area law (2008) • Fishery Law (2004): • National biodiversity strategy and action plan (2002). • Sub-decree on Social Economic Land Concession (2003) • Sub-decree on EIA
<ul style="list-style-type: none"> • Promote the conservation of natural forests, ecosystems and biological diversity 	<p>Conserve and protect natural forests, ecosystems, and biological diversity</p> <p>Avoid or minimize degradation of natural forest by REDD+ activities</p>	<ul style="list-style-type: none"> • CMDG 7: ENSURE ENVIRONMENTAL SUSTAINABILITY • Constitution (Article 59) stipulates that the State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, air, wind, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forestry products, wildlife, fish and aquatic resources. • Forest law (2002) <ul style="list-style-type: none"> • Ensure conservation of biological diversity and cultural heritage • Protect rare and endangered wildlife species • The forests shall be protected against damaging activities caused by excessive exploitation, abusive forest clearing, forest ecosystem pollution, forest fires, shifting cultivation, diseases, • Environmental protection and natural resource management law (1996) <ul style="list-style-type: none"> • Ensure the management and conservation of a protected area already designated as world or regional heritage site, • Natural resources shall be preserved, developed, and managed to use in a rational and sustainable manner • Protected area law (2008). Protected areas shall be divided into four management zones, 1) core zone with maximum protection measures, 2) conservation zone, 3) sustainable use zone, and 4) community zone. • Fishery Law (2004): community fisheries have to sustainably manage their own areas following the plan, procedure and guideline of community fisheries. <p>Other PLRs that promote conservation and protection of forests and biodiversity</p> <ul style="list-style-type: none"> • Political Platform of the Royal Government of Cambodia of the Fifth Legislature of the National Assembly (2013) p13. • Rectangular strategy III (one of the four key objectives) • National Biodiversity Strategy and Action Plan (2002) • Strategic Plan of the Ministry of Environment (2009-2013) • National Forest sector policy (2002) • The Strategic Planning Framework for Fisheries: 2010-2019 (V1 and2) • Statement of the Royal Government of Cambodia on the National Fisheries Sector Policy • National water policy
<ul style="list-style-type: none"> • Ensure REDD+ will not be used for the conversion of natural forests for planted forest 	<ul style="list-style-type: none"> • Avoidance of conversion of natural forest into planted forest 	<p><u>Reforestation/afforestation activities targeted at barren lands or degraded forests</u></p> <ul style="list-style-type: none"> • Forest law (2002): Promote afforestation on degraded forest land and idle forest land <p><u>Avoidance of conversion of natural forest into planted forests</u></p> <p>NoPLRs</p>
<ul style="list-style-type: none"> • Enhance other social and environmental 	<ul style="list-style-type: none"> • Enhancement of social and environmental 	<ul style="list-style-type: none"> • National Forest Programme (2010-2029) <ul style="list-style-type: none"> • Objective 1. Maximize sustainable forest contribution to poverty alleviation, enhanced livelihoods and equitable economic growth

<p>benefits among others to mitigate climate change related impacts such as forest fire, and floods</p>	<p>benefits</p>	<ul style="list-style-type: none"> • Objective 2., Adapt to climate change and mitigate its effects on forest based livelihoods • National policy on green growth (2013): enhance the well-being and livelihood of all people in harmonization with ecological safety through green development growth,. • National Biodiversity Strategy and Action Plan (2002): Reduce poverty in rural communities through appropriate community-based capacity building programs • Strategic Plan of the Ministry of Environment 2009-2013: Ensure environmental protection and natural resources preservation in maintaining sustainable development, improving the environmental quality and human health • Statement of the Royal Government of Cambodia on the National Fisheries Sector Policy: Ensure people’s food security and to socioeconomic development in order to enhance people’s livelihoods and the nation’s prosperity” • National Policy on the Development of IPs (2009): Enable the IPs to gain benefits under the Constitution of the Kingdom of Cambodia • Forestry law (2002): Ensure sustainable forest management, Promote the development of community forestry agreements and programme and maximize the social, economic, environmental and cultural heritage benefits for Cambodia and its people • Government Decision 699: Funds from carbon sale shall be used to: <ol style="list-style-type: none"> 1. Improve the quality of the forests 2. Maximize the benefits to local communities who are participating in the project; and 3. Study potential sites for additional forest carbon credit REDD+ projects.
<p>Address the risk of reversals</p>	<ul style="list-style-type: none"> • Address the risk of reversals of REDD+ achievements, including potential future risks to forest carbon stocks and other benefits 	<p>NO PLRs</p>
<p>Address the risk of displacement</p>	<ul style="list-style-type: none"> • Avoid or minimize indirect land-use change impacts of REDD+ activities on forest carbon stocks, biodiversity and other ecosystem services 	<p>NO PLRs</p>

4.3 Conceptual framework to a safeguards information system

The Cancun Agreements state that REDD+ participating countries are requested to develop a system for providing information on how safeguards are being addressed and respected throughout the implementation of REDD+ activities. COP also decided that this information should be provided periodically as part of the national communications to the UNFCCC; or be provided on a voluntary basis through the web platform of the UNFCCC’s website. Finally, the Warsaw Framework on REDD+ requests participating countries to provide the most recent summary of information on how safeguards are being addressed and respected before they seek to obtain results-based payments for their REDD+ activities.

While taking into account the contextual differences and the varied abilities among REDD+ participating countries to provide a summary of information on how safeguards are addressed and respected, Peskett and Todd (2013) propose three common components to be included in a national SIS.

The first component is **indicators, the parameters** to determine what information needs to be collected to demonstrate that safeguards are being addressed and respected throughout REDD+ implementation. Countries can demonstrate how the REDD+ safeguards have been addressed throughout the implementation of REDD+ activities by discussing how the current governance arrangements (e.g. PLRs, institutions, etc.) ensure that REDD+ activities are implemented in accordance with the identified indicators. To demonstrate that REDD+ safeguards have been respected throughout the implementation of REDD+ activities, countries need to show how effective the governance arrangements have been in implementing the indicators (Brana et al. 2014).

Once indicators have been selected, the second step is to outline the types of information to be collected for each indicator, and how the information collection would be carried out. The approaches and methodologies applied for collection of information should aim to ensure completeness and consistency of the information over time and scale. In addition, they suggest that methodologies to collect information should clearly define: (1) types of data to be collected, (2) methodologies to be used; (3) who is to collect the data; (4) frequency of data collection; and (5) scale at which data is collected.

Thirdly, REDD+ participating countries need to develop a framework that defines how information is stored and the mechanisms through which it would be shared both internationally and at the national level. In cases where these mechanisms already exist, they shall be evaluated in relation to whether these adequately meet country-defined goals of the safeguards approach. If these are not adequate, additional approaches need to be developed (Peskett and Todd 2013).

4.3 Initial sets of indicators

Table 6 presents an initial set of indicators to be used for SIS in Cambodia.

Table 6. Initial sets of indicators (ver. Dec 23, 2014)

Proposed principles	Proposed criteria	Indicators
Actions complement or are consistent with the objectives of national forest programme and relevant international conventions and agreements	1. Effective enforcement of and compliance with existing policies, laws and regulations and international conventions	1.1. All proposed REDD+ PAMs are consistent with identified actions in the National Forest Programme”

Proposed principles	Proposed criteria	Indicators
Transparent and effective national forest governance structures, taking into account national legislation and sovereignty	2. Transparency and accessibility of information related to planning and implementing of REDD+ activities including national Fund management and benefit sharing	<p>2.1. Number of REDD+ outreach materials disseminated in Khmer, via radios, websites, and other means to reach those who cannot read Khmer</p> <p>2.2. Regular updates on REDD+ activities through RTS websites, Facebook in Khmer</p> <p>2.3. Technical papers related REDD+ national policy and implementation being posted at the RTS website before final decisions are made</p> <p>2.4. Consultation group is updated on policy discussion for their inputs before the Taskforce Meeting</p> <p>2.5. Regular disclosure of information regarding REDD+funds and benefit sharing</p>
	3. Accountability of all bodies representing relevant stakeholders, including through establishing and operationalizing effective grievance mechanisms	<p>3.1. Noncompliance with REDD+ PAMs and safeguards is reported promptly and dealt effectively through relevant administrative and legal processes</p> <p>3.1.2. Number of REDD+ grievances reported to relevant government agencies</p> <p>3.1.3. Number of grievances resolved/unresolved</p>
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,	4. Prior identification of 1) areas to be used for REDD+ and 2) all types of stakeholders and their rights in the proposed areas	4.1. Implementation rates of prior social and environmental assessments under REDD+ areas (e.g. by EIA, Forest Law)
	5. Application of Free, Prior and Informed Consent (FPIC) for Indigenous Peoples and affected local communities	<p>5.1. Number of Indigenous Peoples households and affected communities being consulted based on FPIC principles under REDD+ areas</p> <p>5.2. Number of documented consents by IPs and local communities in areas with REDD+ activities</p>
	6. Avoidance of involuntary resettlement of IPs and local communities (except for those areas with high conservation values such as core zones under protected areas).	6.1. Number of Indigenous Peoples Households being evicted from their customarily owned land under REDD+ areas (except for those areas with high conservation values such as core zones under protected areas)
	7. Customary rights of IPs and local communities are respected (except for those areas with high conservation values such as core zones under	<p>7.1. Percentage of IPs and community households having their customary rights recognized under REDD+ areas (except for those areas with high conservation values such as core zones under protected areas).</p> <p>7.1.1. Total number of Community Forestry</p>

Proposed principles	Proposed criteria	Indicators
	<p>protected areas).</p> <ul style="list-style-type: none"> • Rights to subsistence use of Timber, NTFPs, and fish • Rights to use forests for their cultural purpose spiritual, ancestral, burial forests • Rights of “sustainable and non-expansive” shifting cultivation by indigenous peoples and communities recognized by the state. 	<p>and total forest areas they manage</p> <p>7.1.2. Total number of Community Protected Areas and total forest areas they manage</p> <p>7.1.3. Total number of Community Fishery and total areas they manage</p> <p>7.1.4. Number of land titles given for Indigenous Peoples</p> <p>7.1.5. Number of cases the state gives recognition of rights for shifting cultivation</p> <p>7.2. Noncompliance with this safeguards is reported promptly and dealt effectively through relevant administrative and legal processes</p> <p>7.2.1. Number of grievances about violation on customary rights reported to relevant government agencies</p> <p>7.2.2. Number of grievances resolved/unresolved</p>
<p>The full and effective participation of relevant stakeholders in particular indigenous peoples and local communities and women</p>	<p>8. Full and effective participation of relevant stakeholders in particular indigenous peoples and local communities and women in designing and implementing a national REDD+ strategy and implementation framework</p>	<p>8.1. Regular meetings of the Consultation Group and Gender Group prior to the Taskforce meeting to discuss relevant policy decisions and implementation modalities under REDD+</p> <p>8.2. Policy documents posted at the RTS website for stakeholder comments.</p> <p>8.3. Representations of stakeholders from line agencies, community forestry, community protected area, community fishery, local communities, Indigenous Peoples, women, civil societies, and the private sector in subnational and national level meetings on REDD+ subjects</p>
	<p>9. Promote gender quality into the REDD+ national policy and implementation framework</p>	<p>9.1. Gender concerns being incorporated into the national REDD+ strategy and implementation framework</p>
<ul style="list-style-type: none"> • Consistent with the conservation of natural forests, ecosystems and biological diversity • Ensure that REDD+ actions will not be used for the conversion of natural forests for planted forests • REDD+ actions are used to incentivize the protection and conservation of natural forests and their ecosystems and to enhance 	<p>10. Ensure prior identification of areas of natural forests, critical ecosystems, and biodiversity for further conservation and protection</p>	<p>10.1. Implementation rates of prior social and environmental assessments (e.g. EIA, forest law) under REDD+ areas</p>
	<p>11. Conserve and protect natural forests, critical ecosystems, and biodiversity</p>	<p>11.1. Areas of natural forests, critical ecosystems, conserved and protected</p> <p>11.2. Number of endangered species increased/decreased under forests</p> <p>11.3. Number of wildlife increased/decreased under forests</p> <p>11.4. Decrease/increase in fish stocks under flooded and mangrove forests</p>
	<p>12. Avoidance of REDD+ being used for conversion</p>	<p>12.1. Size of areas changed from natural forests into planted forests</p>

Proposed principles	Proposed criteria	Indicators
other social and environmental benefits among others to mitigate climate change related impacts	of natural forest into planted forests (i.e. reforestation/afforestation activities targeted at barren lands/degraded forests forests)	12.2. Size of degraded and barren areas reforested/afforested
	13. Enhancement of social and environmental benefits (reduction of forest fires, and floods)	13.1. Rates of poverty in REDD+ areas 13.2. Secure tenure for communities (number of CFs, CPAs, and CFI) 13.3. The amounts of benefits shared to local communities and Indigenous Peoples 13.4. Incidents of forest fires (annual) 13.5. Incidents of floods (annual)
• Address the risk of reversals	14. Address the risk of reversals of REDD+ achievements, including potential future risks to forest carbon stocks and other benefits	14.1. Changes in the size of forest areas and their quality under REDD+ activities over time
• Reduce displacement of emissions.	15. Avoid or minimise indirect land-use change impacts of REDD+ activities on forest carbon stocks, biodiversity and other ecosystem services	15.1. Deforestation rates in areas under REDD+ and its surroundings

5 Conclusion

The main objective of this document is to provide information to the Royal Government of Cambodia that contributes to discussion on 1) a set of safeguard principles and criteria, 2) a set of policies, laws and regulations to be applied for addressing the Cancun safeguards, and 3) an approach to a safeguard information system.

The following outcomes based on research and analyses are provided:

1.Principles and criteria: This report proposes a set of safeguard principles and criteria for Cambodia that builds primarily on the Cancun safeguards but proposes additional principles and criteria to be included to incorporate stakeholders' concerns.

2. Policies, laws and regulations: The gap analysis concludes that the RGC already has a set of PLRs that can “address” a proposed set of safeguards principles and criteria except for the following:

- Ensure REDD+ will not be used for the conversion of natural forests for planted forest
- Address the risk of reversals
- Address the risk of displacement.

Approach developing an SIS: As an immediate next step, these outcomes should be shared with relevant stakeholders through consultations to receive inputs. In particular whether the proposed set of safeguards principals and criteria cover all relevant social and environmental concerns for REDD+; PLR gap analysis covers a complete set of PLRs that are relevant for REDD+; and to assess if the indicators, and data collection methods are relevant.

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Volume II

ANNEXURES

**Preliminary review and approach to develop a
Safeguards Information System
for REDD+ in Cambodia**

Cambodia REDD+

November 2014

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ANNEXURE 1

UNFCCC COP decisions related to safeguards

COP 16 in 2010

Conference of the Parties: Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010

III. Enhanced action on mitigation

C. Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

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

70. *Encourages* developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances:

- a) Reducing emissions from deforestation
- b) Reducing emissions from forest degradation
- c) Conservation of forest carbon stocks
- d) Sustainable management of forests
- e) Enhancement of forest carbon stocks.

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

72. *Also requests* developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;

76. *Urges* Parties, in particular developed country Parties, to support, through multilateral and bilateral channels, the development of national strategies or action plans, policies and measures and capacity-building, followed by the implementation of national policies and measures and national strategies or action plans that could involve further capacity-building, technology development and transfer and results-based demonstration activities, including consideration of the safeguards referred to in paragraph 2 of appendix I to this decision, taking into account the relevant provisions on finance including those relating to reporting on support;

Appendix I

Guidance and safeguards for policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

1. The activities referred to in paragraph 70 of this decision should:
 - a) Contribute to the achievement of the objective set out in Article 2 of the Convention;
 - b) Contribute to the fulfillment of the commitments set out in Article 4, paragraph 3, of the Convention;
 - c) Be country-driven and be considered options available to Parties;
 - d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems;
 - e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty;
 - f) Be consistent with Parties' national sustainable development needs and goals;
 - g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change;
 - h) Be consistent with the adaptation needs of the country;
 - i) Be supported by adequate and predictable financial and technology support, including support for capacity-building;
 - j) Be results-based;
 - k) Promote sustainable management of forests;
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;
 - 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;
 - 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.

COP 17 in 2011

Conference of the Parties: Report of the Conference of the Parties on its seventeenth session, held in Durban from 28 November to 11 December 2011

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

Noting that guidance on systems for providing information on how safeguards referred to in appendix I to decision 1/CP.16 are addressed and respected should be consistent with national sovereignty, national legislation and national circumstances.

I. Guidance on systems for providing information on how safeguards are addressed and respected

1. *Notes* that the implementation of the safeguards referred to in appendix I to decision 1/CP.16, and information on how these safeguards are being addressed and respected, should support national strategies or action plans and be included in, where appropriate, all phases of implementation referred to in decision 1/CP.16, paragraph 73, of the activities referred to in paragraph 70 of the same decision;

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

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

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

4. *Decides* that the summary of information referred to in paragraph 3 above should be provided periodically and be included in national communications, consistent with relevant decisions of the Conference of the Parties on guidelines on national communications from Parties not included in Annex I to the Convention, or communication channels agreed by the Conference of the Parties;

5. *Requests* the Subsidiary Body for Scientific and Technological Advice, at its thirty sixth session, to consider the timing of the first presentation and the frequency of subsequent presentations of the summary of information referred to in paragraph 3 above, with a view to recommending a decision on this matter for adoption by the Conference of the Parties at its eighteenth session;

6. *Also requests* the Subsidiary Body for Scientific and Technological Advice, at its thirty-sixth session, to consider the need for further guidance to ensure transparency, consistency, comprehensiveness and

effectiveness when informing on how all safeguards are addressed and respected and, if appropriate, to consider additional guidance, and to report to the Conference of the Parties at its eighteenth session;

COP 19 in 2013

Conference of the Parties: Report of the Conference of the Parties on its nineteenth session, held in Warsaw from November 2013

Decision -/CP.19: The timing and the frequency of presentations of the summary of information on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected

1. *Reiterates* that according to decision 12/CP.17, paragraph 3, 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;
2. *Also reiterates* that according to decision 12/CP.17, paragraph 4, the summary of information referred to in paragraph 1 above should be provided periodically and be included in national communications, or communication channels agreed by the Conference of the Parties;
3. *Agrees* that the summary of information referred to in paragraph 1 above could also be provided, on a voluntary basis, via the web platform on the UNFCCC website;¹
4. *Decides* that developing country Parties should start providing the summary of information referred to in paragraph 1 above in their national communication or communication channel, including via the web platform of the UNFCCC, taking into account paragraph 3 above, after the start of the implementation of activities referred to in decision 1/CP.16, paragraph 70;
5. *Also decides* that the frequency of subsequent presentations of the summary of information as referred to in paragraph 2 above should be consistent with the provisions for submissions of national communications from Parties not included in Annex I to the Convention and, on a voluntary basis, via the web platform on the UNFCCC website.

ANNEXURE 2

UN-REDD Social and Environmental Principles and Criteria

Principle 1 Apply norms of democratic governance, as reflected in national commitments and Multilateral Agreements

- Criterion 1 Ensure the transparency and accountability of fiduciary and fund management systems linked to REDD+ activities
- Criterion 2 Ensure legitimacy and accountability of all bodies representing relevant stakeholders, including through establishing responsive feedback and grievance mechanisms
- Criterion 3 Ensure transparency and accessibility of information related to REDD+, including active dissemination among relevant stakeholders
- Criterion 4 Ensure the full and effective participation of relevant stakeholders in design, planning and implementation of REDD+ activities, with particular attention to indigenous peoples, local communities and other vulnerable and marginalized groups
- Criterion 5 Promote coordination, efficiency and effectiveness among all agencies and implementing bodies relevant to REDD+
- Criterion 6 Promote and support the rule of law, access to justice and effective remedies

Principle 2 Respect and protect stakeholder rights in accordance with international obligations

- Criterion 7 Respect and promote the recognition and exercise of the rights of indigenous peoples, local communities and other vulnerable and marginalized groups to land, territories and resources, including carbon
- Criterion 8 Promote and enhance gender equality, gender equity and women's empowerment
- Criterion 9 Seek free, prior and informed consent of indigenous peoples and respect and uphold the decision taken (whether consent is given or withheld)
- Criterion 10 Ensure there is no involuntary resettlement as a result of REDD+
- Criterion 11 Respect and protect traditional knowledge, and cultural heritage and practices

Principle 3 Promote sustainable livelihoods and poverty reduction

- Criterion 12 Ensure equitable, non-discriminatory and transparent benefit sharing among relevant stakeholders with special attention to the most vulnerable and marginalized groups
- Criterion 13 Protect and enhance economic and social well-being of relevant stakeholders, with special attention to the most vulnerable and marginalized groups

Principle 4 Contribute to low-carbon, climate-resilient sustainable development policy, consistent with national development strategies, national forest programmes, and commitments under international conventions and agreements

Criterion 14 Ensure consistency with and contribution to national climate policy objectives, including those of mitigation and adaptation strategies and international commitments on climate

Criterion 15 Address the risk of reversals of REDD+ achievements, including potential future risks to forest carbon stocks and other benefits to ensure the efficiency and effectiveness of REDD+

Criterion 16 Ensure consistency with and contribution to national poverty reduction strategies and other sustainable development goals (including those outlined under the Millennium Development Goals framework), including alignment with ministries' and sub-national strategies and plans that may have an impact on, or be affected by the forest sector and/or land use change

Criterion 17 Ensure consistency with and contribution to national biodiversity conservation policies (including National Biodiversity Strategies and Action Plans), other environmental and natural resource management policy objectives, national forest programmes and international commitments on the environment

Principle 5 Protect natural forest from degradation and/or conversion

Criterion 18 Ensure that REDD+ activities do not cause the conversion of natural forest to planted forest, unless as part of forest restoration, and make reducing conversion of forests to other land uses (e.g. agriculture, infrastructure) a REDD+ priority

Criterion 19 Avoid or minimise degradation of natural forest by REDD+ activities and make reducing degradation due to other causes (e.g. agriculture, extractive activities, infrastructure) a REDD+ priority

Criterion 20 Avoid or minimise indirect land-use change impacts of REDD+ activities on forest carbon stocks, biodiversity and other ecosystem services

Principle 6 Maintain and enhance multiple functions of forest including conservation of biodiversity and provision of ecosystem services

Criterion 21 Ensure that land-use planning for REDD+ explicitly takes account of potential synergies and trade-offs between the multiple functions of forest and the benefits they provide, respecting local and other stakeholders' values

Criterion 22 Ensure that planted and natural forests are managed to maintain and enhance ecosystem services and biodiversity important in both local and national contexts

Principle 7 Avoid or minimise adverse impacts on non-forest ecosystem services and biodiversity

Criterion 23 Avoid or minimise adverse impacts on carbon stocks, other ecosystem services and biodiversity of non-forest ecosystems resulting directly from REDD+ activities

Criterion 24 Avoid or minimise adverse impacts on carbon stocks, other ecosystem services and biodiversity of non-forest ecosystems resulting indirectly from REDD+ activities (including those of indirect land-use change impacts and intensification of land use).

ANNEXURE 3

World Bank safeguard policies

Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles

<i>Objectives</i>	<i>Operational Principles</i>
A. Environmental Assessment	
To help ensure the environmental and social soundness and sustainability of investment projects.	1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment (EA) so that appropriate studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts. Use sectoral or regional environmental assessment when appropriate.
To support integration of environmental and social aspects of projects into the decision making process.	<p>2. Assess potential impacts of the proposed project on physical, biological, socio-economic and physical cultural resources, including transboundary and global concerns, and potential impacts on human health and safety.</p> <p>3. Assess the adequacy of the applicable legal and institutional framework, including applicable international environmental agreements, and confirm that they provide that the cooperating government does not finance project activities that would contravene such international obligations.</p> <p>4. Provide for assessment of feasible investment, technical, and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them.</p> <p>5. Where applicable to the type of project being supported, normally apply the Pollution Prevention and Abatement Handbook (PPAH). Justify deviations when alternatives to measures set forth in the PPAH are selected.</p> <p>6. Prevent and, where not possible to prevent, at least minimize, or compensate for adverse project impacts and enhance positive impacts through environmental management and planning that includes the proposed mitigation measures, monitoring, institutional capacity development and training measures, an implementation schedule, and cost estimates.</p> <p>7. Involve stakeholders, including project-affected groups and local nongovernmental organizations, as early as possible, in the preparation process and ensure that their views and concerns are made known to</p>

	<p>decision makers and taken into account. Continue consultations throughout project implementation as necessary to address EA-related issues that affect them.</p>
	<p>8. Use independent expertise in the preparation of EA where appropriate. Use independent advisory panels during preparation and implementation of projects that are highly risky or contentious or that involve serious and multi-dimensional environmental and/or social concerns.</p>
	<p>9. Provide measures to link the environmental assessment process and findings with studies of economic, financial, institutional, social and technical analyses of a proposed project.</p>
	<p>10. Provide for application of the principles in this Table to subprojects under investment and financial intermediary activities.</p>
	<p>11. Disclose draft EA in a timely manner, before appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.</p>
<p>B. Natural Habitats</p>	
<p>To promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions.</p>	<p>1. Use a precautionary approach to natural resources management to ensure opportunities for environmentally sustainable development. Determine if project benefits substantially outweigh potential environmental costs.</p>
	<p>2. Avoid significant conversion or degradation of critical natural habitats, including those habitats that are (a) legally protected, (b) officially proposed for protection, (c) identified by authoritative sources for their high conservation value, or (d) recognized as protected by traditional local communities.</p>
	<p>3. Where projects adversely affect non-critical natural habitats, proceed only if viable alternatives are not available, and if appropriate conservation and mitigation measures, including those required to maintain ecological services they provide, are in place. Include also mitigation measures that minimize habitat loss and establish and maintain an ecologically similar protected area.</p>
	<p>4. Whenever feasible, give preference to siting projects on lands already converted.</p>
	<p>5. Consult key stakeholders, including local nongovernmental organizations and local communities, and involve such people in design, implementation, monitoring, and evaluation of projects, including mitigation planning.</p>
	<p>6. Provide for the use of appropriate expertise for the design and implementation of mitigation and monitoring plans.</p>
	<p>7. Disclose draft mitigation plan in a timely manner, before appraisal formally begins, in an accessible place and in a form and language</p>

	understandable to key stakeholders.
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C. Integrated Pest Management

To minimize and manage the environmental and health risks associated with pesticide use and promote and support safe, effective, and environmentally sound pest management.	1. Promote use of demand driven, ecologically based biological or environmental pest management practices (Integrated Pest Management [IPM] in agricultural projects and Integrated Vector Management [IVM] in public health projects) and reduce reliance on synthetic chemical pesticides. Include assessment of pest management issues, impacts and risks in the EA process.
	2. Procure pesticides contingent on an assessment of the nature and degree of associated risks, taking into account the proposed use and intended users. Do not procure formulated products that are in WHO Classes IA and IB, or formulations of products in Class II unless there are restrictions that are likely to deny use or access to lay personnel and others without training or proper equipment Reference: WHO's "Recommended Classification of Pesticides by Hazard and Guidelines to Classification" (IOMC, 2000-2002).
	3. Follow the recommendations and minimum standards as described in the United Nations Food and Agriculture Organization (FAO) International Code of Conduct on the Distribution and Use of Pesticides (Rome, 2003) and procure only pesticides that are manufactured, labelled, handled, stored, applied and disposed of according to acceptable standards as described in FAO Pesticide Guidelines on Storage, Labelling, and Disposal (Rome, 1985).
	4. Support policy reform and institutional capacity development to (a) enhance implementation of IPM- and IVM-based pest management, and (b) regulate and monitor the distribution and use of pesticides.
	5. Disclose draft mitigation plan in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.

D. Involuntary Resettlement

To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation,	1. Assess all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement.
	2. Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.
	3. Identify and address impacts also if they result from other activities that are (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.
	4. Consult project-affected persons, host communities and local

whichever is higher.

nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement programme, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

5. Inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives and needed assistance, including (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.

6. Give preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based.

7. For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods.

8. Disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.

9. Apply the principles described in the involuntary resettlement section of this Table, as applicable and relevant, to subprojects requiring land acquisition.

10. Design, document, and disclose before appraisal of projects involving involuntary restriction of access to legally designated parks and protected areas, a participatory process for: (a) preparing and implementing project components; (b) establishing eligibility criteria; (c) agreeing on mitigation measures that help improve or restore livelihoods in a manner that maintains the sustainability of the park or protected area; (d) resolving conflicts; and (e) monitoring implementation.

11. Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.

	12. Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.
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E. Indigenous Peoples

<p>To design and implement projects in a way that fosters full respect for Indigenous Peoples' dignity, human rights, and cultural uniqueness and so that they: (a) receive culturally compatible social and economic benefits; and (b) do not suffer adverse effects during the development process.</p>	<ol style="list-style-type: none"> 1. Screen early to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area. Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions; and indigenous language. 2. Undertake free, prior and informed consultation with affected Indigenous Peoples to ascertain their broad community support for projects affecting them and to solicit their participation: (a) in designing, implementing, and monitoring measures to avoid adverse impacts, or, when avoidance is not feasible, to minimize, mitigate, or compensate for such effects; and (b) in tailoring benefits in a culturally appropriate manner. 3. Undertake social assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options preferred by the affected Indigenous Peoples in the provision of benefits and design of mitigation measures. Identify social and economic benefits for Indigenous Peoples that are culturally appropriate, and gender and inter-generationally inclusive and develop measures to avoid, minimize and/or mitigate adverse impacts on Indigenous Peoples. 4. Where restriction of access of Indigenous Peoples to parks and protected areas is not avoidable, ensure that the affected Indigenous Peoples' communities participate in the design, implementation, monitoring and evaluation of management plans for such parks and protected areas and share equitably in benefits from the parks and protected areas. 5. Put in place an action plan for the legal recognition of customary rights to lands and territories, when the project involves: (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied; or (b) the acquisition of such lands. 6. Do not undertake commercial development of cultural resources or knowledge of Indigenous Peoples without obtaining their prior agreement to such development. 7. Prepare an Indigenous Peoples Plan that is based on the social assessment and draws on indigenous knowledge, in consultation with the affected Indigenous Peoples' communities and using qualified professionals. Normally, this plan would include a framework for continued consultation with the affected communities during project implementation; specify measures to ensure that Indigenous Peoples receive culturally appropriate benefits, and identify measures to avoid,
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	<p>minimize, mitigate or compensate for any adverse effects; and include grievance procedures, monitoring and evaluation arrangements, and the budget for implementing the planned measures.</p>
	<p>8. Disclose the draft Indigenous Peoples Plan, including documentation of the consultation process, in a timely manner before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.</p>
	<p>9. Monitor implementation of the Indigenous Peoples Plan, using experienced social scientists.</p>

F. Forests

<p>To realize the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests.</p>	<p>1. Screen as early as possible for potential impacts on forest health and quality and on the rights and welfare of the people who depend on them. As appropriate, evaluate the prospects for new markets and marketing arrangements.</p>
	<p>2. Do not finance projects that would involve significant conversion or degradation of critical forest areas or related critical natural habitats, or that would contravene applicable international environmental agreements.</p>
	<p>3. Do not finance natural forest harvesting or plantation development that would involve any conversion or degradation of critical forest areas or related critical natural habitats.</p>
	<p>4. Support projects that adversely impact non-critical natural forests or related natural habitats only if viable alternatives to the project are not available and only if appropriate conservation and mitigation measures are in place.</p>
	<p>5. Support commercial, industrial-scale forest harvesting only when the operation is certified, under an independent forest certification system, as meeting, or having a time-bound action plan to meet, internationally recognized standards of responsible forest management and use.</p>
	<p>6. Ensure that forest restoration projects maintain or enhance biodiversity and ecosystem functionality and that all plantation projects are environmentally appropriate, socially beneficial and economically viable.</p>
	<p>7. Give preference to small-scale community-level management approaches where they best reduce poverty in a sustainable manner.</p>
	<p>8. Support commercial harvesting by small-scale landholders, local communities or entities under joint forest management where monitoring with the meaningful participation of local communities demonstrates that these operations achieve a standard of forest management consistent with internationally recognized standards of responsible forest use or that they are adhering to an approved time-bound plan to meet these standards.</p>
	<p>9. Use forest certification systems that require: (a) compliance with relevant laws; (b) recognition of, and respect for, legal or customary land tenure and use rights as well as the rights of Indigenous Peoples and workers; (c) measures to enhance sound community relations; (d) conservation of</p>

	<p>biological diversity and ecological functions; (e) measures to maintain or enhance environmentally sound multiple benefits from the forest; (f) prevention or minimization of environmental impacts; (g) effective forest management planning; (h) active monitoring and assessment of relevant forest management areas; and (i) independent, cost effective, third-party assessment of forest management performance against measurable performance standards defined at the national level and compatible with internationally accepted principles and criteria of sustainable forest management through decision making procedures that are fair, transparent, independent, designed to avoid conflict of interest and involve the meaningful participation of key stakeholders, including the private sector, Indigenous Peoples, and local communities.</p>
	<p>10. Disclose any time-bound action plans in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.</p>

G. Physical Cultural Resources

<p>To assist in preserving physical cultural resources and avoiding their destruction or damage. PCR includes resources of archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance.</p>	<p>1. Use an environmental assessment (EA) or equivalent process to identify PCR and prevent or minimize or compensate for adverse impacts and enhance positive impacts on PCR through site selection and design.</p>
	<p>2. As part of the EA, as appropriate, conduct field based surveys, using qualified specialists.</p>
	<p>3. Consult concerned government authorities, relevant non-governmental organizations, relevant experts and local people in documenting the presence and significance of PCR, assessing the nature and extent of potential impacts on these resources, and designing and implementing mitigation plans.</p>
	<p>4. For materials that may be discovered during project implementation, provide for the use of "chance find" procedures in the context of the PCR management plan or PCR component of the environmental management plan.</p>
	<p>5. Disclose draft mitigation plans as part of the EA or equivalent process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.</p>

H. Safety of Dams

<p>To assure quality and safety in the design and construction of new dams and the rehabilitation of existing dams, and in carrying out activities that may be affected by an existing dam.</p>	<p>1. Identify existing dams and dams under construction that can influence the performance of the project and implement necessary safety measures/remedial works.</p>
	<p>2. Use experienced and competent professionals to design and supervise the construction, operation, and maintenance of dams and associated works.</p>
	<p>3. Develop detailed plans, including for construction supervision, instrumentation, operation and maintenance and emergency preparedness.</p>
	<p>4. Use independent advice on the verification of design, construction, and operational procedures and appoint independent panels of experts for</p>

	large or high hazard dams.
	5. Use contractors that are qualified and experienced to undertake planned construction activities.
	6. Carry out periodic safety inspections of new/rehabilitated dams after completion of construction/rehabilitation, review/monitor implementation of detailed plans and take appropriate action as needed.

ANNEXURE 4

CCBA and Care International's SES

Principle 1: Rights to lands, territories and resources⁴ are recognized and respected⁵ by the REDD+ Programme	
<p>1. The REDD+ programme⁷ effectively identifies the different rights holders⁸ (statutory and customary⁹) and their rights to lands, territories and resources relevant to the programme.</p>	<p>1.1.1 A participatory process is established to inventory and map existing statutory and customary lands, territories and resources tenure/use/access/management rights relevant to the programme including those of marginalized and/or vulnerable groups, and including any overlapping or conflicting rights.</p> <p>1.1.2 Land-use plans including forest management plans¹⁰ in areas included in the REDD+ programme identify the rights of all relevant¹¹ rightsholders and their spatial boundaries including any overlapping or conflicting rights.</p>
<p>1.2 The REDD+ programme recognizes and respects both statutory and customary rights¹² to lands, territories and resources which Indigenous Peoples or local communities¹³ have traditionally owned, occupied or otherwise used or acquired¹⁴.</p>	<p>1.2.1 The policies of the National REDD+ programme include recognition of and respect for the customary rights of Indigenous Peoples and local communities.</p> <p>1.2.2 Land-use plans including forest management plans in areas included in the REDD+ programme recognize and respect customary and statutory rights of Indigenous Peoples and local communities.</p> <p>1.2.3 The REDD+ programme promotes securing statutory rights¹⁵ to lands, territories and resources which Indigenous Peoples or local communities have traditionally owned, occupied or otherwise used or acquired.</p>
<p>1.3 The REDD+ programme requires the free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources.</p>	<p>1.3.1 The policies of the REDD+ programme uphold the principle of free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources.</p> <p>1.3.2 The REDD+ programme effectively disseminates information about the requirement for free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources.</p>

	<p>1.3.3 Collective rights holders define a verifiable process of obtaining their free, prior and informed consent including definition of their own representative and traditional institutions that have authority to give consent on their behalf.</p> <p>1.3.4 Free, prior and informed consent is obtained from Indigenous Peoples, in accordance with their customs, norms and traditions, for activities that may affect their rights, particularly their rights to own and control traditionally owned lands, territories and resources.</p> <p>1.3.5 Free, prior and informed consent is obtained from members of local communities for any activities affecting their customary or other rights to lands, territories and resources pursuant to mutually acceptable procedures.</p> <p>1.3.6 Where any relocation or displacement, whether physical or economic, occurs in accordance with free, prior and informed consent, there is prior agreement on the provision of alternative lands and/or fair compensation, and the right to return once the reasons for the displacement have ceased.</p>
<p>1.4 The REDD+ programme identifies and uses a process for effective resolution of any disputes over rights to lands, territories and resources related to the programme and does not proceed with any activity that could prejudice the outcome of the dispute resolution process.</p>	<p>1.4.1 A transparent, accessible and effective mechanism to resolve any disputes over rights to land, territories and resources related to the REDD+ programme is identified or developed.</p> <p>1.4.2 Disputes over rights to lands, territories and resources created by the REDD+ programme are transparently resolved within an agreed timeframe.</p> <p>1.4.3 No activity is undertaken by the REDD+ programme that could prejudice the outcome of an unresolved dispute over rights to lands, territories and resources related to the programme.</p>
<p>1.5 Where the REDD+ programme enables private ownership¹⁶ of carbon rights¹⁷, these rights are based on the statutory and customary rights to the lands, territories and resources¹⁸ that generated the greenhouse gas emissions reductions and removals.</p>	<p>1.5.1 Where the REDD+ programme enables private ownership of carbon rights, a transparent process for defining carbon rights is developed and implemented based on the statutory and customary rights to the lands, territories and resources that generated the greenhouse gas emissions reductions and removals</p>
<p>Principle 2: The benefits of the REDD+ programme are shared equitably¹⁹ among all relevant²⁰ rights holders and stakeholders²¹.</p>	
<p>2.1 The projected costs, potential benefits and associated risks²² of REDD+ programme</p>	<p>2.1.1 Projected costs, potential revenues and other benefits and associated risks of the REDD+ programme are analyzed for each</p>

<p>are identified for relevant rights holder and stakeholder groups²³ at all levels²⁴ using a participatory process.</p>	<p>relevant rights holder and stakeholder groups at all levels using a participatory process.</p>
<p>2.2 Transparent, participatory, effective and efficient²⁵ mechanisms are established for equitable sharing of benefits of the REDD+ programme among and within relevant rights holder and stakeholder groups taking into account costs, benefits and associated risks.</p>	<p>2.2.1 There is full and effective participation²⁶ of relevant rights holders and stakeholder that want to be involved, including the marginalized and/or vulnerable people among them, in defining the decision-making process and the distribution mechanism for equitable benefit-sharing among and within relevant rights holders and stakeholder groups.</p> <p>2.2.2 The REDD+ programme adopts an inclusive and transparent process that requires Indigenous Peoples and local communities, including the marginalized and/or vulnerable people among them, to determine the form that the benefits will take, how they are delivered and how they will improve their long-term livelihood security and well-being.</p> <p>2.2.3 Clear policies and guidelines for benefit-sharing are developed, agreed, disseminated and implemented.</p> <p>2.2.4 Administrative procedures for fund management and benefits distribution are timely and cost-effective.</p> <p>2.2.5 The design of the benefit-sharing mechanisms is based on a review of options with respect to the equity, effectiveness²⁷ and efficiency of the REDD+ programme.</p> <p>2.2.6 The benefit-sharing process includes a transparent and accessible procedure for submitting and resolving complaints.</p>
<p>2.3 There is transparent and participatory monitoring of the costs and benefits of the REDD+ programme, including any revenues, and their distribution among relevant rights holders and stakeholders.</p>	<p>2.3.1 Relevant rights holders and stakeholders, including representatives of the marginalized and/or vulnerable groups, participate effectively in monitoring of the implementation of the agreed benefit-sharing process at national and local levels.</p> <p>2.3.2 Relevant rights holders and stakeholders, including representatives of the marginalized and/or vulnerable groups, participate effectively in the reporting and review of costs, revenues and other benefits and how they have been distributed, taking into account the initial analysis of projected costs, potential benefit and associated risks²⁸.</p>
<p>Principle 3: The REDD+ programme improves long-term livelihood²⁹ security and well-being of Indigenous Peoples and local communities with special attention to the most vulnerable people.</p>	

<p>3.1 The REDD+ programme generates additional, positive impacts on the long-term livelihood security and well-being of Indigenous Peoples and local communities, with special attention to the most vulnerable people.</p>	<p>3.1.1 The objectives of the REDD+ programme include improving long-term livelihood security and well-being of Indigenous Peoples and local communities, with special attention to the most vulnerable people.</p> <p>3.1.2 The most vulnerable people are identified among the Indigenous Peoples and local communities participating in the REDD+ programme.</p> <p>3.1.3 Indigenous Peoples and local communities, including the most vulnerable people among them, acknowledge that they have received benefits from participation in the REDD+ programme.</p> <p>3.1.4 The REDD+ programme generates additional resource³⁰ to improve long-term livelihood security and well-being of Indigenous Peoples and local communities.</p> <p>3.1.5 Measures are adopted to ensure long-term livelihood security and well-being benefits for Indigenous Peoples and local communities are sustainable.</p>
<p>3.2 There is participatory assessment of positive and negative social, cultural, human rights, environmental and economic impacts of the REDD+ programme for Indigenous Peoples and local communities including both predicted and actual impacts.</p>	<p>3.2.1 A participatory process is established and implemented to assess the predicted and actual positive and negative social, cultural, human rights, environmental and economic impacts of the REDD+ programme for Indigenous Peoples and local communities and specifically for the most vulnerable people among them, including gender differentiated impacts.</p> <p>3.2.2 The social, cultural, human rights, environmental and economic impact monitoring takes a differentiated approach that can identify positive and negative impacts on the most vulnerable people, including gender differentiated impacts.</p>
<p>3.3 The REDD+ programme is adapted based on predictive and ongoing impact assessment to mitigate negative, and enhance positive, long-term livelihood security and well-being impacts for indigenous peoples and local communities</p>	<p>3.3.1 Measures to identify and effectively mitigate potential negative impacts on Indigenous Peoples and local communities in general, and the most vulnerable people in particular, are included in the design of the REDD+ programme³¹.</p> <p>3.3.2 Feedback from monitoring is used to develop and implement measures to further mitigate potential and actual negative impacts on the most vulnerable people in particular, during the implementation phase of the REDD+ programme.</p> <p>3.3.3 Feedback from monitoring results in measures to enhance the positive impacts on Indigenous Peoples and local communities in general, and the most vulnerable people in particular</p>

<p>Principle 4: The REDD+ programme contributes to broader sustainable development, respect and protection of human rights and good governance³² objectives.</p>	
<p>4.1 The REDD+ programme contributes to achieving the objectives of sustainable development policies, strategies and plans³³ established at national and other relevant levels.</p>	<p>4.1.1 The REDD+ programme elaborates how its policies and measures will contribute to the implementation of any existing poverty reduction policies, strategies and plans developed at national and other relevant levels.</p> <p>4.1.2 The REDD+ programme elaborates how its policies and measures will contribute to the implementation of any existing biodiversity policies, strategies and plans³⁴ developed at national level and other relevant levels.</p> <p>4.1.3 National livelihood, poverty and the millennium development goal monitoring shows improvements in areas where REDD+ programme activities are implemented.</p>
<p>4.2 The REDD+ programme leads to improvements in governance of the forest sector and other relevant sectors.</p>	<p>4.2.1 The REDD+ programme identifies the broader forest governance issues that it can address, particularly those related to the equity³⁵, effectiveness and efficiency of the REDD+ programme, and establishes country-specific performance targets.</p> <p>4.2.2 The REDD+ programme includes institutional capacity strengthening and other measures that aim to improve these governance aspects.</p> <p>4.2.3 The REDD+ programme monitoring and evaluation plan includes key forest governance indicators.</p>
<p>4.3 The REDD+ programme contributes to respect and protection of human rights.</p>	<p>4.3.1 The REDD+ programme elaborates how its policies and measures will contribute to the improved respect and protection of human rights.</p> <p>4.3.2 The REDD+ programme monitoring and evaluation plan includes key human rights indicators.</p>
<p>4.4 There is strong government commitment to the REDD+ programme in their country.</p>	<p>4.4.1 REDD+ programme institutional arrangements reflect government leadership.</p> <p>4.4.2 Government agencies/organizations play a leading role in the development, implementation and evaluation of the REDD+ programme.</p>
<p>4.5 The REDD+ programme is coherent with relevant policies, strategies and plans at all relevant levels and there is effective coordination between government and other agencies/organizations</p>	<p>4.5.1 Land use planning elements of the REDD+ programme including recognition of customary rights to land and territories and resources are consistent with other land use planning processes.</p> <p>4.5.2 The REDD+ programme is consistent with national policies and strategies to protect human rights and combat discrimination</p>

<p>responsible for the design, implementation and evaluation of the REDD+ programme and other relevant government agencies/organizations</p>	<p>against marginalized groups.</p> <p>4.5.3 The REDD+ programme is integrated into the broader policy framework of the forest sector and other relevant sectors.</p> <p>4.5.4 Inconsistencies between the REDD+ programme and other relevant sustainable development, governance, and, human rights policies, strategies and plans are identified and resolved.</p> <p>4.5.5 A review process and timeline for resolving the inconsistencies between the REDD+ programme and other relevant sustainable development policies, strategies and plans is established and implemented.</p> <p>4.5.6 An effective and efficient process is established to link the REDD+ programme with all relevant ministries and government agencies/organizations at all relevant levels</p>
<p>Principle 5: The REDD+ programme maintains and enhances³⁶ biodiversity and ecosystem services³⁷.</p>	
<p>5.1 Biodiversity and ecosystem services potentially affected by the REDD+ programme are maintained and enhanced.</p>	<p>5.1.1 Biodiversity and ecosystem services³⁸ potentially affected by the REDD+ programme are identified, prioritized and mapped³⁹ at a scale and level of detail appropriate to each element/activity within the programme⁴⁰.</p> <p>5.1.2 The objectives of the REDD+ programme include making a significant contribution to maintaining and enhancing biodiversity and ecosystem services.</p> <p>5.1.3 The REDD+ programme identifies and implements measures that aim to maintain and enhance the identified biodiversity and ecosystem service priorities potentially affected by the REDD+ programme.</p> <p>5.1.4 The REDD+ programme does not lead to the conversion of natural forests or other areas that are important for maintaining and enhancing the identified biodiversity and ecosystem service priorities.</p> <p>5.1.5 The REDD+ programme generates additional resources⁴¹ to maintain and enhance biodiversity and ecosystem services.</p>
<p>5.2 The positive and negative environmental impacts of the REDD+ programme on biodiversity and ecosystem service priorities and any other negative environmental impacts are assessed including both predicted and actual impacts.</p>	<p>5.2.1 A monitoring plan and indicators are defined for measurement of the identified biodiversity and ecosystem service priorities potentially affected by the REDD+ programme drawing from traditional knowledge and scientific research as appropriate.</p> <p>5.2.2 There is an assessment of both predicted and actual environmental impacts of the REDD+ programme⁴², involving Indigenous Peoples and local communities and other stakeholders as appropriate.</p>

<p>5.3 The REDD+ programme is adapted based on predictive and ongoing impact assessment to mitigate negative, and enhance positive, environmental impacts.</p>	<p>5.3.1 Measures to identify and effectively mitigate potential negative environmental impacts are included in the design of the REDD+ programme.</p> <p>5.3.2 Feedback from monitoring is used to develop and implement measures to further mitigate potential and actual negative environmental impacts, during the implementation phase of the REDD+ programme.</p> <p>5.3.3 Feedback from monitoring results in measures to enhance environmental impacts.</p>
<p>Principle 6: All relevant⁴³ rightsholders and stakeholders participate fully and effectively⁴⁴ in the REDD+ programme.</p>	
<p>6.1 The REDD+ programme identifies and characterizes the rights and interests of all rightsholder and stakeholder Groups⁴⁵ and their relevance to the REDD+ programme.</p>	<p>6.1.1 Rightsholder and stakeholder groups are identified including Indigenous Peoples, local communities, with special attention to marginalized and/or vulnerable groups.</p> <p>6.1.2 The rights and interests of each rightsholder and stakeholder group in relation to the REDD+ programme are characterized, including potential barriers to their participation, and their relevance to the REDD+ programme defined.</p> <p>6.1.3 There is a procedure to enable any interested party to apply to be considered as a relevant rightsholder or stakeholder based on their rights and interests related to REDD+ programme.</p>
<p>6.2 All relevant rightsholder and stakeholder groups that want to be involved in REDD+ programme Design⁴⁶, implementation⁴⁷ and evaluation are fully involved through culturally appropriate and effective participation.</p>	<p>6.2.1 The process and institutional structure are established and functional to enable all relevant rightsholder and stakeholder groups to participate fully and effectively in programme design, implementation and evaluation.</p> <p>6.2.2 There is effective and equitable representation of marginalized and/or vulnerable groups in the rightsholder and stakeholder participation process, including women.</p> <p>6.2.3 Consultations about the REDD+ programme are tailored to the local context using socially and culturally appropriate methods and are conducted at mutually agreed locations.</p> <p>6.2.4 Local government is involved in the REDD+ programme as well as government at national or other relevant levels and their roles and responsibilities are clearly defined.</p> <p>6.2.5 The REDD+ programme design and implementation is adapted based on ongoing rightsholder and stakeholder participation in design, implementation and evaluation of the programme.</p> <p>6.2.6 Relevant rightsholders and stakeholder groups have access to sufficient resources to participate fully and effectively in the design, implementation and evaluation of the REDD+ programme.</p>
<p>6.3 The relevant rightsholder and</p>	<p>6.3.1</p>

<p>stakeholder groups determine, in a verifiable manner, the process and mechanism by which they will participate and be represented in relation to the REDD+ programme, taking account of statutory and customary institutions.</p>	<p>The participation processes employed by the REDD+ programme are developed with and approved by the relevant rightsholder and stakeholder groups, taking account of statutory and customary institutions and practices.</p> <p>6.3.2 The REDD+ programme recognizes and respects and does not undermine rightsholder and stakeholder groups' own decision-making structures and processes particularly those of Indigenous Peoples and local communities.</p> <p>6.3.3 Rightsholder and stakeholder groups select their own representatives to participate in decision-making about the REDD+ programme.</p> <p>6.3.4 Rightsholder and stakeholder group representatives ensure effective involvement of, and accountability to, the people they represent, informing them about how the REDD+ programme could potentially affect them and facilitating discussion and feedback.</p>
<p>6.4 The relevant rightsholders and stakeholder groups have a good understanding of the key issues related to the REDD+ programme and the capacity to participate effectively.</p>	<p>6.4.1 Information dissemination and other awareness-raising activities ensure that relevant rightsholders and stakeholders have a good understanding of the REDD+ programme, particularly Indigenous Peoples and local communities, including marginalized and vulnerable people among them.</p> <p>6.4.2 Constraints to the effective participation of relevant rightsholder and stakeholder groups in design, implementation and evaluation are identified and resolved through effective capacity building that is appropriate to the situation and needs of the groups concerned.</p>
<p>6.5 Design, implementation and evaluation of the REDD+ programme build on, respects and supports rightsholders' and stakeholders' traditional and other knowledge, skills and management systems including those of Indigenous Peoples and local communities.</p>	<p>6.5.1 A process is established to identify traditional and other knowledge, skills and management systems of relevance to the REDD+ programme.</p> <p>6.5.2 The REDD+ programme build on and respects, as appropriate, the identified relevant rightsholder and stakeholder traditional and other knowledge, skills and management systems in planning, implementation and evaluation.</p> <p>6.5.3 Where the traditional knowledge, innovations and practices of Indigenous Peoples and local communities is used, recorded or exploited, this is with their free, prior and informed consent in accordance with relevant international standards⁴⁸.</p>
<p>6.6 Mechanisms are in place to receive and resolve grievances and disputes effectively relating to the design, implementation and evaluation of the REDD+ programme.</p>	<p>6.6.1 A transparent, impartial, and accessible process is established to address grievances and disputes that arise during REDD+ programme design, implementation and evaluation including a process for hearing, responding to and resolving rightsholder and stakeholder grievances within an agreed time period.</p> <p>6.6.2 The grievance and dispute resolution process is publicized to all rightsholders and stakeholders.</p>

	6.6.3 Rightsholders and stakeholders have information on and are able to access relevant international mechanisms to resolve grievances related to the operational procedures of relevant international agencies and/or international treaties, conventions or other instruments.
6.7 Rightsholders and stakeholders have access to legal advice and understand relevant legal processes, and legal and financial implications related to the REDD+ programme.	6.7.1 A legal advice service is available and accessible to rights holders and stakeholders to advise them on relevant legal processes and legal and financial implications related to the REDD+ programme.
Principle 7: All rightsholders and stakeholders have timely access to appropriate and accurate information to enable informed decision-making and good governance of the REDD+ programme.	
7.1 Adequate information about the REDD+ programme is publicly available to promote general awareness and good governance.	7.1.1 Adequate information about the REDD+ programme is made publicly available and accessible to potentially interested members of the public, including information about programme design, implementation and evaluation, including social and environmental impact assessment, benefit-sharing, biodiversity and ecosystem services and rights to lands, territories, resources. 7.1.2 Government policies support free and timely stakeholder access to information about the REDD+ programme, including information on rights to lands, territories, resources.
7.2 Rightsholders and stakeholders have the information that they need about the REDD+ programme, provided in a culturally appropriate and timely way, to participate fully and effectively in programme design, implementation and evaluation, including information about potential social, cultural, economic and environmental risks and opportunities, legal implications, and the global and national context.	7.2.1 Rightsholders and stakeholders know what information is available about the REDD+ programme and how to access it. 7.2.2 The most effective means of dissemination of information about the REDD+ programme are identified and used for each rights holder and stakeholder group. 7.2.3 Rightsholders and stakeholders have access to relevant information about the REDD+ programme, including the results of monitoring and evaluation, potential social, cultural, economic and environmental risks and opportunities, legal implications, opportunities to participate in decision-making processes, grievance mechanisms and the global, national and local context. 7.2.4 Indigenous Peoples and local communities, including marginalized and/or vulnerable groups among them, have access

	to the relevant information they need about the REDD+ programme in a form they understand.
7.3 Rights holder and stakeholder group representatives collect and disseminate all relevant information about the REDD+ programme from and to the people they represent in an appropriate and timely way.	7.3.1 Rights holder and stakeholder group representatives collect and disseminate all relevant information related to the REDD+ programme from and to the people they represent. 7.3.2 A process is established to ensure that rights holders and stakeholders receive and supply all relevant information related to the REDD+ programme through their representatives.
7.4 Information is available and disseminated about the REDD+ programme in time to enable rights holder and stakeholder feedback to their representatives and respecting the time needed for inclusive decision making.	7.4.1 Information is available and disseminated about the REDD+ programme allowing adequate time between information dissemination and decision-making to enable rights holders and stakeholders to coordinate their response.
7.5 The REDD+ programme makes sufficient resources available to provide and collect information in a timely and appropriate manner.	7.5.1 There are sufficient resources to ensure that relevant information about the REDD+ programme is disseminated to, and collected from, rights holders and stakeholders in a timely and appropriate manner.

<p>Principle 8: The REDD+ programme complies with applicable local⁴⁹ and national laws and international treaties, conventions and other instruments⁵⁰</p>	
<p>8.1 The REDD+ programme complies with applicable local law, national law and international treaties, conventions and other instruments ratified or adopted by the country.</p>	<p>8.1.1 International treaties, conventions and other instruments ratified or adopted by the country relevant to the REDD+ programme are identified.</p> <p>8.1.2 National and local laws relevant to the REDD+ programme are identified.</p> <p>8.1.3 The REDD+ programme recognizes and respects the human rights⁵¹ of Indigenous Peoples and local communities, including women and other marginalized groups, as defined by national and international law.</p> <p>8.1.4 Any possible areas where the design and/or implementation of the REDD+ programme does not, or may not, comply with the relevant local and national laws and international treaties, conventions and other instruments⁵² are identified⁵³ and monitored, and appropriate measures are taken to ensure compliance.</p>
<p>8.2 Where local or national law is not consistent with the standards, a review process should be undertaken that results in a plan to resolve the inconsistencies.</p>	<p>8.2.1 A review process is established to address the inconsistencies between the standards and local or national law, including pre-existing laws and changes in the legal framework that may occur during implementation of the REDD+ programme.</p>
<p>8.3 Relevant⁵⁴ rightsholders and stakeholders have the capacity to understand, implement and monitor or legal requirements related to the REDD+ programme</p>	<p>8.3.1 Relevant rightsholders and stakeholders have the capacity to enable them to understand, implement and monitor legal requirements related to the REDD+ programme.</p>

ANNEXURE 5

Comparison of SEPC, SESA and SES against Cancun safeguards

Cancun safeguards	SEPC (UN-REDD)	SESA (World Bank)	SES (CCBA and Care International)
<p>Consistent with the objectives of national forest programmes and relevant international conventions and agreements</p> <p>Reflect the national circumstances and existing information structures</p>	<ul style="list-style-type: none"> • Contribute to low-carbon, climate-resilient sustainable development policy, consistent with national development strategies, national forest programmes, and commitments and under international conventions and agreements • Ensure consistency with and contribution to <ul style="list-style-type: none"> ○ national climate policy objectives ○ national poverty reduction strategies and other sustainable development goals ○ national biodiversity conservation policies and other environmental and natural resource management policy objectives ○ international commitment on the environment 	<ul style="list-style-type: none"> • R-PP to be structured to comply with the UNFCCC and all other relevant international and national agreements and laws 	<ul style="list-style-type: none"> • Coherent with relevant policies, strategies and plans at all relevant levels • Contributes to achieving the objectives of sustainable development policies • Comply with applicable local law, national law and international treaties, conventions and other instruments ratified or adopted by the country • Respect, protect, and fulfil human rights
<p>Transparent and effective national forest governance structures taking into account national legislation and sovereignty</p>	<ul style="list-style-type: none"> • Apply norms of democratic governance • Ensure the transparency, accountability of fiduciary and fund management systems • Ensure legitimacy and accountability of all bodies representing relevant stakeholders including through establishing responsive feedback and grievance mechanisms • Promote coordination, efficiency and effectiveness among all agencies and implementing bodies relevant to REDD+ • Promote and enhance gender equity and women's empowerment • Promote and support the rule of law, access to justice and effective remedies • County specific indicators can be developed 	<ul style="list-style-type: none"> • ESMF can be revised over time 	<ul style="list-style-type: none"> • The REDD+ programme contributes to good governance, to broader sustainable development and to social justice • The governance structure of the REDD+ programme are clearly defined, transparent, effective and accountable • Improved governance in the forest sector and other relevant sectors • Effective coordination between agencies/organizations responsible for the design, implementation and evaluation of the REDD+ programme and other relevant agencies • Finances of the REDD+ programme are managed with integrity, transparency and accountability
<p>N.A. (Additional)</p>		<ul style="list-style-type: none"> • Identify, avoid and mitigate potential adverse impacts on the rights and welfare of the people 	<ul style="list-style-type: none"> • Conduct transparent and participatory assessment of predicted and actual benefits, costs, and risks of the REDD+

		who depend on forest including Indigenous Peoples	programme for relevant rights holder and stakeholder groups at all levels, in order to mitigate negative and enhance positive effects on them with special attention to women and marginalized groups
Respect for the knowledge and rights of IPs and members of local communities including the application of FPIC procedures, in reference to the UNDRIP	<ul style="list-style-type: none"> • Respect and protect stakeholder rights to land, territories and resources including carbon • Seek Free Prior Informed Consent (FPIC)¹ • Ensure no involuntary resettlement • Respect and protect traditional knowledge and cultural heritage and practices 	<ul style="list-style-type: none"> • Pay special attention to the issues of land tenure, resource-use rights and property rights. Clarify and ensure their rights to land and carbon assets, including community (collective) rights • Undertake free, prior informed consultation² with affected Indigenous Peoples • Avoid or minimize involuntary resettlement and compensate those who are replaced 	<ul style="list-style-type: none"> • Identify, recognize and respect both statutory and customary rights to lands, territories and resources of indigenous peoples or local communities • Where the REDD+ programme enables private ownership of carbon rights, recognition the rights based on the statutory and customary rights to the lands, territories and resources • Identify all rights holder and stakeholder groups and characterizes their rights and interests and their relevance to the REDD+ programme • Require FPIC of Indigenous Peoples and local communities affecting their rights to lands • Respect, support and protect rights holders 'and stakeholders' traditional and other knowledge, skills, institutions and management systems
Full and effective participation of relevant stakeholders in REDD+	<ul style="list-style-type: none"> • Full and effective participation of relevant stakeholders in design, planning and implementation of REDD activities with particular attention to indigenous peoples, Local communities and other vulnerable and marginalized groups 	<ul style="list-style-type: none"> • Involvement of stakeholders especially indigenous peoples in the preparation process to incorporate their views and concerns • Consultation and benefits to indigenous peoples 	<ul style="list-style-type: none"> • Fully involve rights holders and stakeholder groups in REDD+ programme design, implementation and M & E through culturally appropriate, gender sensitive and effective participation

¹Free, Prior and Informed Consent (FPIC) is the collective right of indigenous peoples to participate in decision-making and to give or withhold their consent to activities affecting their lands, territories and resources or rights in general. Consent must be freely given, obtained prior to implementation of activities and be founded upon an understanding of the full range of issues implicated by the activity or decision in question; hence the formulation: free, prior and informed consent

²FCPF does not mandate "consent" in FPIC but will support adherence to FPIC if the country has ratified ILO 169, adopted national legislation on FPIC or if a development partner applies the principle.

		<ul style="list-style-type: none"> • Inclusion of a broad range of relevant stakeholders for the consultation process at the national and local levels including indigenous peoples, forest dependent communities, women and other marginalized groups (Guideline on stakeholder engagement). 	
N.A. (Additional)		<ul style="list-style-type: none"> • Establish effective resolution of grievances and disputes • Impartial, accessible and fair mechanisms for grievance, conflict resolution and redress must be established (Guideline on stakeholder engagement). 	<ul style="list-style-type: none"> • Effective resolution of grievances and disputes relating to the design, implementation and evaluation of the REDD+ programme
Enhance social benefits	<ul style="list-style-type: none"> • Promote sustainable livelihoods and poverty reduction • Protect and enhance economic and social well-being of relevant stakeholders with special attention to the most vulnerable and marginalized groups • Ensure equitable, non-discriminatory and transparent benefit sharing among relevant stakeholders with special attention to the most vulnerable and marginalized groups 	<ul style="list-style-type: none"> • Realize the potential of forests to reduce poverty in a sustainable manner, and integrate forest effectively into sustainable economic development 	<ul style="list-style-type: none"> • Provide positive impacts on the long-term livelihood security and well-being of Indigenous Peoples and local communities with special attention to women and the most marginalized/vulnerable groups (P3) • Transparent., participatory, effective and efficient mechanisms are established for equitable sharing of benefits of the REDD+ programme among and within relevant right holders and stakeholder groups
N.A. (Additional)		<ul style="list-style-type: none"> • Identify, avoid and mitigate negative impacts on forest health and quality including forest conversion and degradation 	<ul style="list-style-type: none"> • Identify, avoid and mitigate negative impacts on biodiversity and ecosystem services

<p>Conservation of natural forests and biodiversity</p> <p>Enhancement of environmental benefits (e.g. biodiversity and ecosystem services)</p>	<ul style="list-style-type: none"> • Maintain and enhance multiple functions of forest including conservation of biodiversity and provision of ecosystem services • Ensure that land-use planning for REDD+ explicitly takes account of potential synergies and trade-offs between the multiple functions of forest and the benefits they provide, respecting local and other stakeholders' values • Ensure that planted and natural forests are managed to maintain and enhance ecosystem services and biodiversity important in both local and national contexts 	<ul style="list-style-type: none"> • Preservation of areas with high biodiversity value and promotion of the protection of ecosystem services • Protect the vital local and global environmental services and values of forests • Enhance positive impacts 	<ul style="list-style-type: none"> • Maintain and enhance biodiversity and ecosystem services • Enhance positive impacts
<p>Not to be used for conversion of natural forests</p>	<ul style="list-style-type: none"> • Avoid conversion of natural forest to planted forest, unless as a part of forest restoration, and make reducing conversion of forest to other land uses a REDD+ priority • Avoid or minimise <u>degradation of natural forest</u> by REDD activities and reduce degradation due to other causes 		<ul style="list-style-type: none"> • Avoid conversion or degradation of natural forests or other areas that are important for maintaining and enhancing biodiversity and ecosystem services
<p>Address the risks of reversals</p>	<ul style="list-style-type: none"> • Address the risk of reversals of REDD+ achievements 		
<p>Reduce displacement of emissions</p>	<ul style="list-style-type: none"> • Avoid or minimise indirect land-use change impacts of REDD+ activities <u>on forest carbon stocks, biodiversity and other ecosystem services</u> • Avoid or minimise adverse impacts on carbon stocks, other ecosystem services and biodiversity of <u>non-forest ecosystems</u> resulting directly or indirectly from REDD+ activities 		

ANNEXURE 6

Lessons from Vietnam and Indonesia

1.0 VIETNAM

Since 2008, the government of Vietnam has decided to mitigate climate change impacts and implemented a variety of activities to develop a National REDD+ mechanism. Vietnam, with support from the UN-REDD Programme and the FCPF, has been implementing REDD+ activities by following the three phased approach: 1) readiness, 2) implementation, and 3) performance based payment, in accordance with the Cancun Agreements. Presently, Vietnam is in phase 2. Vietnam has also set up six REDD+ Sub-Technical Working groups (REDD+ STWG), that are comparable to the four REDD+ Technical Teams in Cambodia. One of the six REDD+ STWGs focuses on safeguards. This group is co-chaired by the Vietnam REDD+ Office and the Netherlands Development Organization (SNV) REDD+ Programme and was reviewed how safeguards under the Cancun Agreements could be addressed and respected for Vietnam.

Safeguards Roadmap under the National REDD+ Action Programme (NRAP)

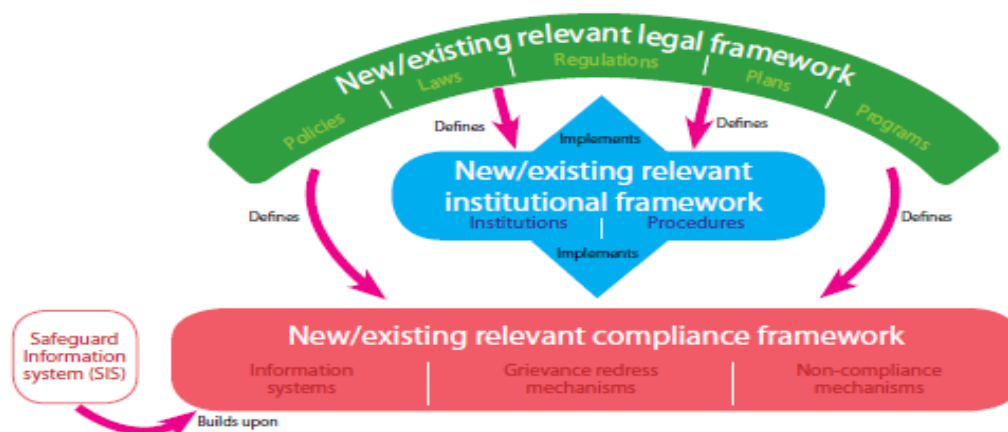
In June 2012, the Government of Vietnam, with the approval of the Prime Minister (Decision 799/QĐ-TTg of 27 June 2012), developed the National REDD+ Action Programme (NRAP). The NRAP is a comprehensive REDD+ roadmap and gives primacy to the UNFCCC Cancun safeguards and associated UNFCCC requirements. The Safeguards Roadmap for NRAP aims to provide the initial generate initial options, priorities, milestones and recommendations on all aspects related to REDD+ safeguards in Vietnam, consistent with national regulations, capacities and circumstances, and with the international REDD+ processes. (Rey, *et al.*, 2014) The safeguards roadmap demonstrates a high policy commitment to a country-led approach to social and environmental safeguards.

As key steps, the safeguards roadmap examines UNFCCC safeguards, REDD+ multilateral safeguards, and Vietnam's national policy response to these safeguards. It also proposes a country-led safeguards approach (CSA) as comprehensive framework to identify a variety of options as part of a national safeguards response. This framework is composed of three elements: (1) Legal framework; (2) Institutional framework; and (3) compliance framework. These frameworks can be used to operationalize safeguards and provide information on safeguards.

Recommendations of the Safeguards Roadmap

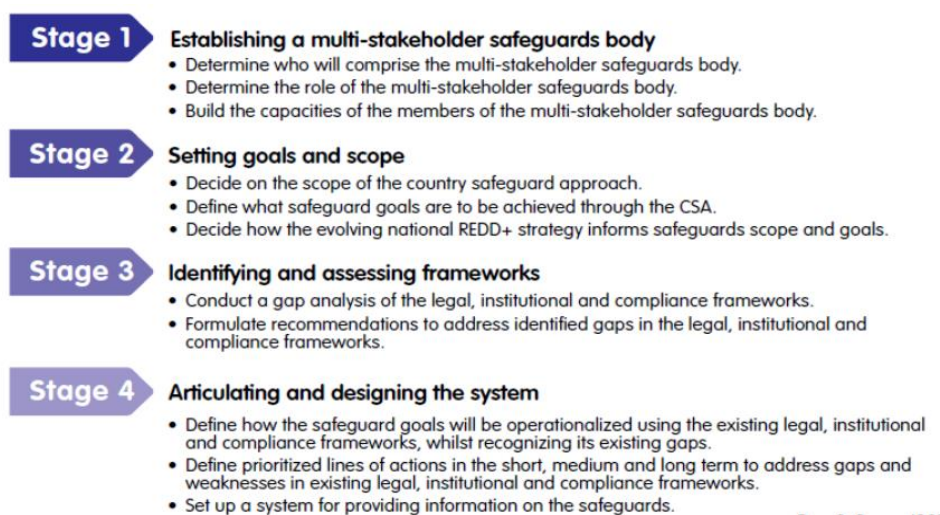
By using this framework legal gap analysis was carried out and its results included in the safeguards roadmap. Specific recommendations are only made in relation to the legal framework. There is no systematic analysis of institutional and compliance frameworks but recommendations are made for those frameworks in the near term.

Figure 1. Frameworks of a country's existing governance system



The safeguards roadmap also describes a stepwise process to develop a CSA approach in order to respond to Cancun safeguards requirements. (Figure 2)

Figure 2. Stepwise process to develop CSA (Rey &Swan 2014)



The CSA guidelines were produced by SNV and are accessible from the following website:

URL: <http://www.snvworld.org/en/redd/publications/a-country-led-safeguards-approach-guidelines-for-national-redd-programmemes>

Recommendations in the near term (2014-2020)

Legal Framework

- Develop a national REDD+ safeguards framework by building on existing national PLRs while ensuring that this system is in line with the Cancun safeguards.
- Engage in on-going reformative agendas for relevant PLRs to fill in gaps identified in the analysis.
- Commission an assessment on the practical implementation of the legal framework.

Institutional Framework

- Commission an assessment on the existing institutional framework and its functions in practice.
- Design and conduct institutional capacity building programmes for safeguards.

Compliance Framework

- Commission an assessment on the different elements comprising the compliance framework and its function in practice.
- Consider utilising existing and relevant information and reporting systems to collect information on the Cancun safeguards implementation.

- Consider the requirements from the UNFCCC in terms of format and frequency for reporting the Cancun safeguards.
- Consider using FCPF support and guidelines to develop grievance and redress mechanisms

The safeguards roadmap also provides a long-term vision (post-2020) for a legal framework. But the recommendations will require cross-sector political commitment and coordination in relation to legal, institutional and compliance perspective of the Cancun safeguards. (Please find the details in the safeguards roadmap: <http://www.snvworld.org/node/9447/>)

2.0 INDONESIA

Indonesia has been known as one of the leading countries globally, in terms of REDD+ initiatives. The government undertook action in the readiness phase (2009-2012) and has moved to the implementation phase since 2012. Initially, six technical teams were set up under the Indonesia REDD+ National Taskforce, but later increased to ten technical teams due to the establishment of the REDD+ Agency as a replacement for the National Taskforce in June 2013. The REDD+ Agency has the mandate to facilitate the formation of the framework and a safeguards information system, establish a Safeguard Committee as well as legalise and coordinate the implementation of a REDD+ integrity system which involves safeguards and audits in the field of finance, social interaction and the environment (REDD+ National Strategy, 2012).

Indonesia REDD+ National Strategy

In 2012, the Indonesia REDD+ National Strategy was developed that plans to develop an Information System for REDD+ Safeguards (SIS-REDD+), during the first phase (2011-2012) of the REDD+ National Strategy. It also includes a plan to propose policy instruments for a national safeguard framework. Based on the plan, two safeguards approaches have been under development. One is a System for Providing Information on REDD+ Safeguards Implementation (SIS-REDD+) led by the MoF and the other is to develop principles, criteria and indicators for REDD+ Safeguards (PRISAI) led by the REDD+ Agency.

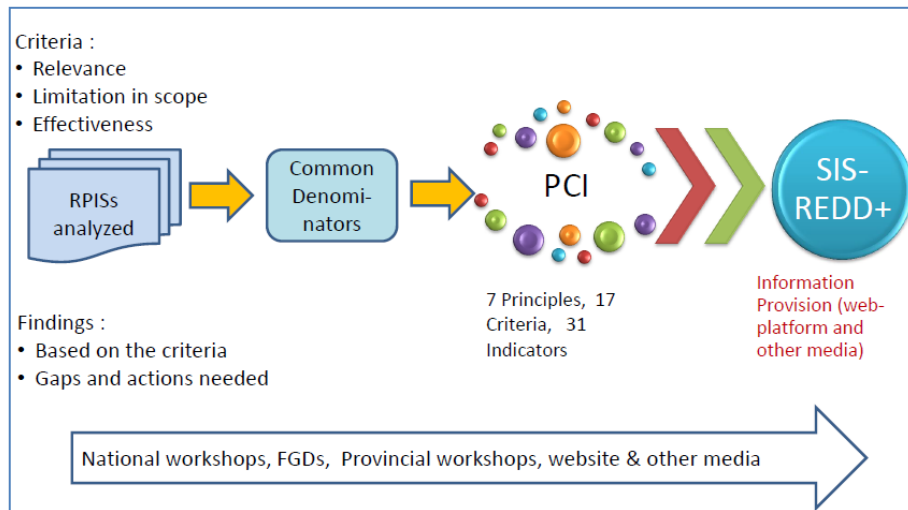
1. Principles, Criteria and Indicators for a System for Providing Information on REDD+ Safeguards Implementation (SIS-REDD+)

The MoF has been preparing SIS-REDD+ and aims to develop that guidelines, criteria and indicators that can be applied nationally and are recognized internationally (Ibarra, 2012). The MoF has conducted multi-stakeholder consultations during 2011 - 2012, analysed relevant policy instruments and nationally existing safeguards, and developed principles, criteria and indicators (PCI) for assessing safeguards implementation against the seven Cancun safeguards (Figure 3). Currently a data-base system and a web-based safeguards information mechanism are also under construction (Masripatin, 2013).

The following policy instruments were identified for analysis:

1. Environmental Impact Assessment (AMDAL)
 2. Strategic Environmental Assessment (KLHS)
 3. Sustainable Management of Production Forest (PHPL)
 4. SFM Certification (LEI, FSC)
 5. System for Verification of Timber Legality (SVLK)
 6. High Conservation Value Forest (HCVF)
 7. Free Prior and Informed Consent (FPIC)
 8. Strategic Environmental and Social Safeguards Assessment (SESA)
- Others to be identified (e.g. Rights-based safeguards, Partnership Governance Index, SESA, Legislation related to environmental management, biodiversity conservation, etc.)

Figure 3. The process of developing PCI for SIS-REDD+ (Masripatin 2013)

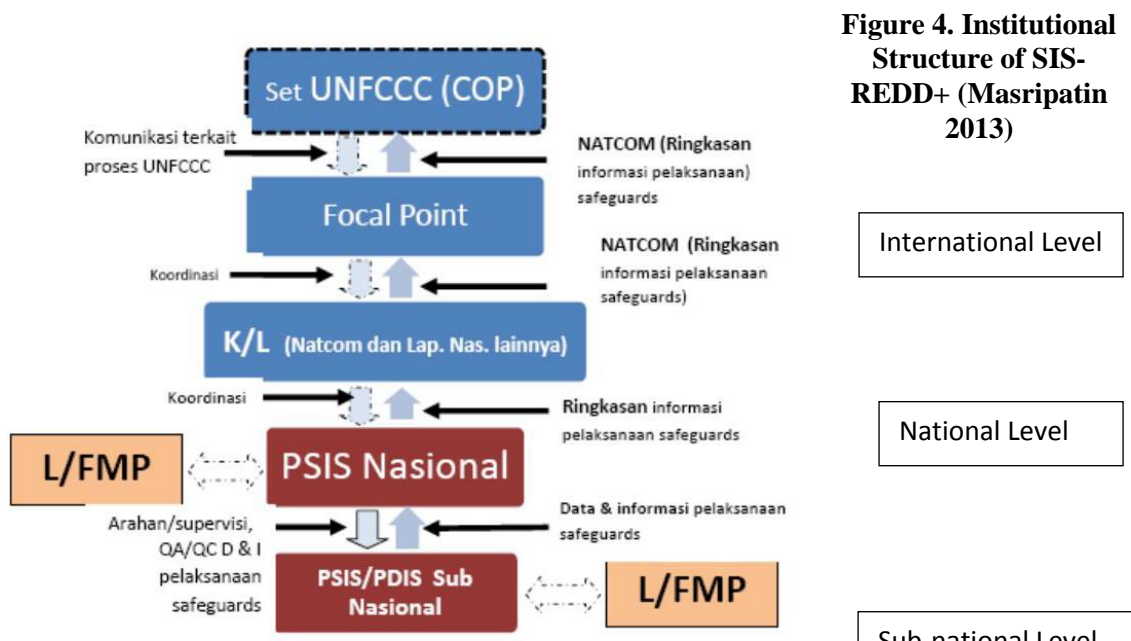


Each of the above policy instruments was evaluated against the following criteria: relevance to the Cancun Safeguards; imitation in scope of instruments; and effectiveness of instruments at different scales and contexts.

Based on the results of this analysis, policy instruments were further broken down into respective components to identify elements, relevant to the Cancun Agreements. From the identified component, major clusters of elements or common denominators were identified and categorised into themes. During the process, the emerging major clusters were considered as Principles of PCI and were mapped against the seven Cancun safeguards.

With the identified clusters/principles of PCI, the component elements were reviewed to make criteria and relevant indicators, both of which were referred to originally selected instrument. As a result of assessing the safeguards implementation, consultation meetings were held with respective owners/ initiators of different existing instruments. These results have been brought to PCI for SIS-REDD+, including 7 principles, 17 criteria and 32 indicators, which addressed seven Cancun safeguards (See Annex 9). In addition to PCI, the government of Indonesia designed a reliable institution which has created a two-way communication from the site level to international levels (Figure 4).

The flow of information was also created within the institution. A database system is being developed to manage data and information received by PSIS-NAS. In addition, the web-based is used to provide information on the implementation of safeguards.



2. Principles, Criteria, Indicators, and Safeguards of Indonesia (PRISAI)

PRISAI was established as a national protocol under the REDD+ Agency. PRISAI has been developed with involvement from various stakeholders such as NGOs, local to national level of government institutions, private sector, IPs and local communities. Different communication tools, such as public consultation and email, were used to facilitate feedback from various stakeholders (Steni, 2013). The PRISAI consists of 10 environmental and social safeguard principles that are linked to the seven Cancun safeguards as below (Stein, 2013).

1. Clarifying the status of tenure and land rights (Safeguard (Sf) 3 Cancun Agreement - CA);
2. Ensuring actions complement, or are consistent with, the objectives of emission reductions and relevant international conventions and agreements (Sf 1 CA);
3. Improving forest governance (Sf 2 CA);
4. Respecting and empowering the knowledge and rights of indigenous peoples and local communities (Sf 3 CA);
5. Full and effective participation of relevant stakeholders with attention to gender (Sf 4 CA);
6. Improving the conservation of natural forests biological diversity and ecosystem services (Sf 5 CA);
7. Addressing the risks of reversals (Sf 6 CA);
8. Reducing displacement of emissions (Sf 7 CA);
9. Equitable REDD+ benefit sharing to all relevant stakeholders and rights holders (Sf 1 and 4);
10. Generating a transparent, accountable and institutionalised information system (Sf 2 CA).

Relevant Criteria and Indicators to each Principle have been developed. For example, the Principle 2 (Ensuring the rights to land and territory) is illustrated in Figure 5.

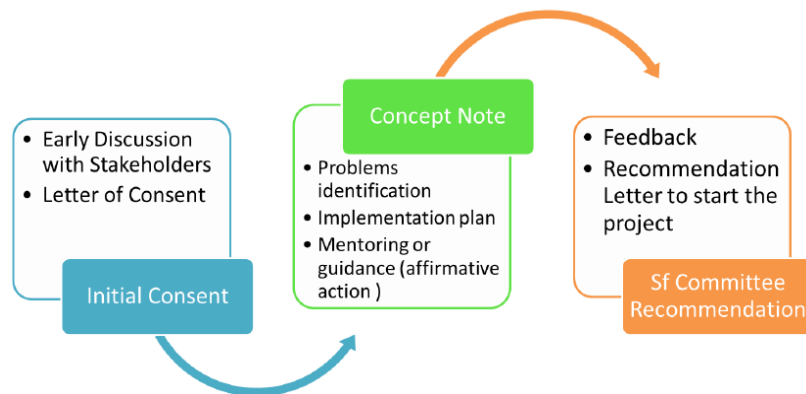
PRISAI includes not only social and environmental principles but fiduciary principles that address the issues of corruption, efficiency, accountability and transparency. PRISAI can be applied in the design process of REDD+ project and programme (Figure 6). Operational

Figure 5. Example of PCI Social Aspects (Steni 2013)

Principles	Criteria	Indicators
Ensuring the rights to land and territory	1.1. Identification of rights holders in potential REDD+ locations, and identification of the objects and types of rights over land, territory and natural resources	1.1.1. The practice of participative processes in inventorying and mapping holders of rights, objects of rights, and types of rights to land, territory and natural resources relevant to REDD+ activities, specifically the rights and types of marginalized people (Implementing Agency) 1.1.2. Participative identification of clear boundaries, overlapping claims involving claimants, and objects and types of rights in REDD+ locations (Implementing Agency) 1.1.3. The use of participative mapping as one basis in the development and review of landscapes and boundaries of forest areas (Government)

guidelines for PRISAI are currently being developed and tested on the ground at four existing project sites, for example, a jurisdictional REDD+ project in East Kalimantan. According to Ibarra (2012), PRISAI has issues to be addressed such as insufficient public consultation with representatives of local actors and lack of recognition of the rights of indigenous peoples

Figure 6. Steps of Project/Programme Design with PRISAI (Steni 2013)



ANNEXURE 7

Principles, criteria and indicators for Indonesia SIS-REDD+

In accordance with Decision of COP-16/2010, Center for Standardization and Environment, Ministry of Forestry (2013)

SAFEGUARD 1. Actions complement or are consistent with the objectives of national forest programme and relevant international conventions and agreements.

Principle 1. Legal compliance and consistency with national forest programmes

REDD+ activities shall comply with government regulations and nationally ratified international conventions/ agreements and shall be consistent with the objectives of national forest programme. [PHPL/SVLK: Prerequisite 1.1 – 1.5; LEI: Prerequisite II.1-II.3; FSC: Principle 1; Permenhut No.8/2010]

1.1 REDD+ activities shall be coordinated/governed/managed under the authority of the appropriate sub-national or national institution and, where appropriate, under a legal entity incorporated under Indonesian laws and regulations. [PHPL/SVLK: Prerequisite 1.1 – 1.5; LEI: Prerequisite II.1-II.3]

1.1.1 The availability of legal and administrative documents that evidence clear authority for the REDD+ activities, aligned to the scale and context of implementation.

1.2 REDD+ activities at sub-national and national levels shall comply with the applicable laws and international conventions ratified by Indonesia. [PHPL/SVLK: Prerequisite 1.1 – 1.5; LEI: Prerequisite II.1-II.3; FSC: Principle 1]

1.2.1 The availability of planning documents, procedures and periodical reports on the implementation of relevant government regulations

1.2.2 The availability of reports on the implementation of international conventions/agreement.

1.3 REDD+ activities are in line with the objectives of national forest programme as described in the long-term strategic planning of the Indonesian forestry sector. [Permenhut No.49/2011 on long term planning of the Indonesian Forestry Sector for 2011-2030 and the prevailing RENSTRA of the Ministry of Forestry]

1.3.1 REDD+ activities at the sub-national level are aligned with and support objectives prioritized in the long-term strategic plan of the Indonesian forestry sector.

SAFEGUARD 2. Transparent and effective national forest governance structures, taking into account national legislation and sovereignty

Principle 2. Transparency and effectiveness of national forest governance REDD+ activities at all scales and contexts shall contribute to transparent and effective forest governance in accordance with national sovereignty.

2.1 Appropriate to the scale and context of REDD+ activities, institutional arrangements support communication between stakeholders for effective monitoring of implementation of good governance principles. [site level: PHPL/SVLK: Prerequisite 1.2; LEI: Prerequisite 1.1-1.5]

2.1.1 Clear statement of policy on information disclosure by the entity responsible for REDD+ activities, appropriate to the scale and context of implementation.

2.1.2 Clear statement outlining the organization structure, tasks and functions of the entity responsible for REDD+ activities, appropriate to the scale and context of implementation.

2.2 The entity responsible for REDD+ activities shall publicize commitment not to offer or accept bribes in money or any other form of corruption [FSC: Criteria 1.7], and shall comply with Indonesia's anti-corruption legislation [Undang-Undang Anti Korupsi No. 31/1999; UN Convention Against Corruption, ratified by Indonesia with UU 7/2006; Permenhut No.67/2011; Instruksi Menteri Kehutanan, 2012; Pakta Integritas].

2.2.1 Clear policy statement on anti-corruption.

SAFEGUARD 3. 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.

Principle 3. Rights of Indigenous and Local Communities (Masyarakat adat dan masyarakat lokal)

REDD+ activities shall respect indigenous and local communities' rights through actions appropriate to the scale and context of implementation.

3.1 REDD+ activities shall include identification of the rights of indigenous and local communities, such as tenure, access to and utilization of forest resources and ecosystem services, with increasing intensity at sub-national and site-level scales. [FSC: Criteria 3.1; PP 28/2009]

3.1.1 Availability of maps and/or any related documents of identified indigenous and local communities including their rights in the area of REDD+ activities. [LEI: S1.3]

3.1.2 Availability of work plan or arrangement to accommodate the indigenous and local communities' rights and aspirations in using forest resources. [LEI: P2.9]

3.2 Applicable at the site level, REDD+ preparation activities shall include a process to obtain the free, prior, informed consent of affected indigenous and local communities before REDD+ activities commence. [SVLK/PHPL: Prerequisite 1.5; FSC Principle 3 and 4]

3.2.1 Availability of a documented process of consultation that demonstrates effort, appropriate to the scale and intensity of activities, towards obtaining the free, prior and informed consent of indigenous and local communities potentially affected by REDD+ activities. [SVLK/PHPL: Prerequisite 1.5; FSC Principle 3 and 4]

3.3 REDD+ activities shall contribute to maintaining or enhancing the social economic wellbeing of indigenous and local communities, by sharing benefit fairly with them, including for the future generations. [FSC: Principle 4; LEI: S1.3]

3.3.1 Policies, plans and/or programmes do not result in marginalization of certain groups of communities because of limitation of access to and control of natural resources, capital or knowledge. [KLHS/AMDAL: Permen LH 09/2011, KLHS Justice Value]

3.3.2 A documented mechanism for fair distribution of benefits among affected indigenous and local communities and demonstrated proof of implementation. [SVLK/PHPL: 4.3]

3.4 REDD+ activities shall recognize the value of traditional knowledge and compensate for commercial use of such knowledge where appropriate. [FSC: Criteria 3.6 & 4.8; LEI: S.2.2]

3.4.1 Availability of mechanisms or procedures for compensation of the commercial use of traditional knowledge where appropriate.

SAFEGUARD 4. 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 decision 1/CP. 16

Principle 4. Effectiveness of Stakeholder Participation REDD+ activities shall be based on proactive and transparent identification of relevant stakeholders, and the engagement of them in planning and monitoring processes, with an increasing level of intensity from national level to site level scales.

4.1 The entity responsible for REDD+ activities will coordinate with appropriate authorities to identify relevant stakeholders, will engage these stakeholders in the planning process, and will ensure the process is recognized by stakeholders. [PHPL/SVLK: Prerequisite 1.1; KLHS/AMDAL: Permen LH 09/2011, FSC Principle 6 on Participation]

4.1.1 Availability of list of stakeholders engaged.

4.1.2 Documented processes of engagement with stakeholders.

4.1.3 Documented evidence of planning and monitoring process engaging relevant stakeholders.

4.2 Applicable at the site level, REDD+ activities include a procedure or mechanisms for resolving grievances and disputes. [SVLK/PHPL: 4.4]

4.2.1 Availability of records of grievances including the resolution processes.

4.2.2 Documented evidence that a functioning conflict resolution mechanism is in place. [SVLK/PHPL: 4.4]

4.2.3 Evidence of active use of appropriate procedures or mechanisms for resolving conflicts or grievances. [LEI: S1.4]

SAFEGUARD 5. Actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of decision 1/CP. 16 are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation for natural forests and their ecosystem services, and to enhance other social and environmental benefits.

Principle 5. Conservation of Biodiversity, Social and Environmental Services REDD+ activities will include effective strategies that maintain, conserve or restore biodiversity and ecosystem services for social and environmental benefits.

5.1 REDD+ activities shall include the identification and assessment of the potential impacts of activities on social and environmental services. Assessments shall be designed in accordance with the scale and intensity of the activities. [FSC: Criterion 6.2; AMDAL (Permen LH No.8/2006; PedomanPenyusunan AMDAL, Lampiran I No.7c point i)]

5.1.1 Availability of reports on impact assessment on social and environmental services.

5.1.2 Management & monitoring plan for maintaining social and environmental services is available [SVLK/PHPL: E3-4-3.5; LEI: E.2.8; FSC: P9 on HCV]

5.2 REDD+ activities shall include an assessment of the impacts on biodiversity and develop a strategy to implement biodiversity management to ensure its conservation and protection. [SVLK/PHPL: E3-4-3.5; LEI: E.2.8; FSC: Principle 9 on HCV]

5.2.1 Records of endangered, rare, threatened and endemic species are available.

5.2.2 Availability of biodiversity management plan

5.2.3 Evidence for the consistent implementation of biodiversity management plan.

5.2.4 Evidence from remote sensing that REDD+ activities have avoided conversion of natural forests as defined by Indonesian government regulations. [Permenhut No.5/2010; FSC: Criterion 6.9]

SAFEGUARD 6. Actions to address the risks of reversals.

Principle 6. Reducing Risk of reversals REDD+ activities shall seek to reduce risks of reversals through means appropriate to the scale and context, emphasizing sub-national action and national level policy initiatives.

6.1 Depending upon the scale and context, REDD+ activities shall define the risks from internal and external threats to carbon stock and forest maintenance, and develop a mitigation plan to address these.

6.1.1 Availability of a risk assessment for the site or region of REDD+ activity areas, encompassing fire, encroachment, illegal logging, and other external impacts.

6.1.2 Availability of a related risk mitigation plan addressing major reversal threats.

6.2 REDD+ activities shall include periodical monitoring of threats and implement adaptive management to mitigate reversals.

6.2.1 Availability of annual monitoring report that allows periodic assessment of risks of reversal, and recommends adaptive management steps for mitigation where necessary.

6.2.2 Evidence of active management against reversal threats, aligned to the recommendations arising from annual monitoring.

SAFEGUARD 7. Actions to reduce displacement of emissions

Principle 7. Reduction of Emission Displacement Recognizing that monitoring and reduction of emissions displacement is the responsibility of sub-national (FMU, District, Province) and national government, REDD+ activities shall include strategies to reduce displacement of emissions and support sub-national and national monitoring.

7.1 Appropriate to scale and context, REDD+ activities shall include a strategy to reduce emissions displacement within the national boundary.

7.1.1 Availability of assessment documentation and analysis on the types of emission displacement that are likely to occur outside REDD+ activities within the national boundary.

7.1.2 Availability of a documented strategy for emission reductions, under realistic scenarios, that avoid emissions displacement outside areas of REDD+ activities within the national boundary.

7.2 Appropriate to scale and context, periodic monitoring of forest-related emissions and carbon stock changes in the area of REDD+ activities shall be implemented, and should include monitoring of efforts and results in reducing emission displacement.

7.2.1 Availability of an annual monitoring report on forest-related emissions and carbon stocks changes, for the area of REDD+ activities and emission displacement reduced outside areas of REDD+ activities within the national boundary.

ANNEXURE 8

Overview of Cambodia's legal system

The legal system in Cambodia exists within the overall governance structure that is created under the Constitution of Cambodia which is the supreme law of the land. The laws and regulations of the Royal Government of Cambodia (RGC), are hierarchical in nature, as outlined below.

- 1) Constitution
- 2) Laws (Chhbab)
- 3) Royal Decree (Reach-Kret)
- 4) Sub-Decree (Anu-Kret)
- 5) Decision (SorChor Nor)
- 6) Regulations/Guidelines (Prakas)
- 7) Circular (Sarachor)/Instruction (SechdeiNanoam)
- 8) Orders (Deika).

Within this hierarchy of law, the higher the level of the instrument that is being enacted, the greater the amount of time for actual enactment due to various levels of reviews it must go through. Another aspect that should be considered is scope or reach of the legal document. Laws have broad scope and apply to all government entities and geographic locations within the country, unless specifically limited within their text. Prakas are only binding within the Ministry in which they are promulgated, and Deika only apply to the geographical area of the province, district or commune that enacts them. These issues of time and scope are more fully explored in the detailed explanation of the different legal documents.

Law: Laws are the primary source of law in Cambodia, passed by the National Assembly (lower house) and the Senate (upper house).

Royal Decree: The Constitution states that “upon proposal by the Council of Ministers, the King (or Head of State) shall sign decrees appointing, transferring or ending the mission of high civil and military officials...” Royal Decrees have also been used in the past to establish Nature Reserves in Cambodia, though the Constitutionality of such enactments were often questioned until ratified by the legislative branch in the NPA Law (2008).

Sub-Decree: Sub-Decrees are regulatory enactments of the executive branch that are generally used to implement and clarify specific provisions within Laws, though they are also utilized to outline the roles, duties and responsibilities of government entities, such as a Ministry, or for the appointment of high-ranking government officials. Sub-Decrees tend to be drafted within a Ministry or amongst several ministries that have subject matter competence on the area to be regulated. Once drafted, the Sub-Decree is submitted to the Council of Ministers (CoM) for examination and adoption. Once adopted by the CoM, the Prime Minister signs the Sub-Decree. Authorization for the Sub-Decree, whether direct or indirect, must come from a higher-level legal instrument, such as a Law passed by the Legislative branch or the Constitution. Since Sub-Decrees are adopted at the level of the CoM/RGC, their scope can be quite broad and apply to all Ministries within the RGC.

Decision: Decisions are issued by the Cabinet of the CoM or the CoM/RGC on a specific issue, such as relating to a limited delegation of authority to a State agency, or granting of a special permission such as granting a long-term lease over an area of State land to a legal entity in instances where there

may not be established legal mechanisms by which to do so already in place. Lower level government entities, such as ministries, may also issue decisions on a specific issue that is within the scope of their subject matter jurisdiction.

Prakas: Prakas are ministerial or inter-ministerial regulations that are used, like Sub-Decrees, to implement and clarify specific provisions within higher-level legislative or regulatory documents. They are also often used for the creation of guidelines that are necessary for the implementation of Laws or Sub-Decrees. Prakas are usually drafted at the technical department level and then signed into effect by the minister (or ministers) in charge of the Ministry within which the regulation or guidelines apply. It should be noted that Prakas are largely used to implement Laws and Sub-Decrees in Cambodia, and that lessons learned can be quickly incorporated since the process for enacting or amending a Prakas are relatively simple and quick. The drawback to Prakas is that their scope is limited to the subject matter jurisdiction of the ministries that enact them. In order to address this limitation, joint Prakas are often promulgated by multiple ministries and signed by multiple ministers.

Circulars: Circulars/Instructions are instruments that are issued by the Prime Minister or a minister to explain or clarify certain legal or regulatory measures, or to provide instructions. Like Prakas, these are limited in scope, but easily issued.

Deika:Deika are orders given by local authorities (provincial, district or commune) that have the force of law within the geographical and subject matter limits of their jurisdictional authority. Deika cannot conflict with or contradict existing rules and regulations enacted at the national level (Laws, Sub-Decrees, Prakas, etc.).

ANNEXURE 9

Policies, laws, and regulations reviewed

International conventions/agreements where Cambodia is a part of;
<ul style="list-style-type: none"> • Convention on Biological Diversity (CBD) • Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) • International Labour Organization Convention 169 (ILO 169) • United Nations Convention Against Corruption (UNCAC) • United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) • United Nations Convention on the Elimination of All Forms of Racial Discrimination (UNCERD) • United Nations Framework Convention on Climate Change (UNFCCC) • Kyoto Protocol • The Millennium Development Goals (MDGs)
National Policies
<p>Key national policies</p> <ul style="list-style-type: none"> • Political Platform of the Royal Government of Cambodia of the Fifth Legislature of the National Assembly (2013) • Rectangular Strategy (III) • National Strategic Development Plan (NSDP) • National Poverty Reduction Strategy (NPRS) <p>Key sector policies relevant for REDD+</p> <ul style="list-style-type: none"> • National Forest Sector Policy • National Forest Programme(NFP) • National Biodiversity Strategy and Action Plan (NBSAP) • National Adaptation Programme of Action to Climate Change (NAPA) • Strategic Plan of the MoE • Cambodia Climate Change Strategic Plan (CCCSP) • Statement of the Royal Government of Cambodia on National Fisheries Sector Policy (Khmer and English) • Strategic Planning Framework for Fisheries 2009-2019 v1 and v2 • National Policy on Development of Indigenous Minorities (2009) • Policy on Registration and Right to Use of Land of Indigenous Communities in Cambodia (2009) • National Action Programme to combat land degradation (in draft) • National Water Resources Policy (2004) • Declaration on Land Policy (2009)
Constitution
<ul style="list-style-type: none"> • The national constitution
Law
<ul style="list-style-type: none"> • Forestry Law 2002 • Protected Area Law 2008 • Environmental Protection of Nature Resource Management Law 1996 • EIA law (in draft) • Fisheries Law 2006 • Land Law 2002 • Law on Concessions 2007 • Law on Water Resource Management 2007 • Law on Mineral Resource Management and Exploitation 2001 • Anti Corruption Law 2010 • Law on Amendment to the Law on Anti-Corruption

Royal Decree
<ul style="list-style-type: none"> • Establishment of Community Fisheries
Sub-decrees
<ul style="list-style-type: none"> • Community Forestry • Permanent Forest Estate • No. 26 on Planting Tree • Permanent Forest Estate • Forest Concession Management • Economic Land Concession (ELC) • Watershed Management (i.e. KbalChay Watershed Management Area in Sihanouk Ville) • Community Protected Area (in draft) • PA and Biodiversity Programme Framework (on-going) • Draft EIA Law • PA zoning • Identification of Flooded Forest in the six Provinces bordering Tonle Sap Great Lake • Abolishing the Fishing Lots around Tonle Sap Lake • Abolishing the Fishing Lots in Kandal, Kampong Cham, Prey Veng and Takeo Province • Establishment of Fisheries Conservation Area in Kandal, Kampong Cham, Prey Veng and Takeo Province • Management of Community Fisheries • Procedures of Registration of Land of Indigenous Communities (2009) • Social Economic Land Concession
Government Decision
<ul style="list-style-type: none"> • No.699 for OddarMeanchey REDD Project