

SAFEGUARDS AND REDD+

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UNFCCC Safeguards for REDD+

- Utilize national laws and systems that support REDD, have good governance structures, and are consistent with international obligations.
- Respect the rights of indigenous peoples and local communities and involve them in decision-making.
- Comply with international obligations.
- Don't destroy biodiversity or ecosystems.
- Make sure trees are not cut down elsewhere.
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Source: COP 16 LCA Decision, ANNEX I, Paragraph 2

What is a safeguard?



What is a safeguard?

- ▣ **Institutional policy/procedure to protect against social and environmental harm**
- ▣ **Identifies, evaluates, minimizes, and mitigates adverse impacts**
- ▣ **Focus on sustainable development—part of development dialogue**



Why do safeguards matter for REDD?

- ▣ Safeguards help minimize risk and improve outcomes.
- ▣ International recognition of the need to respect standards.
- ▣ Demand for compliance is universal.
- ▣ Standards and rights help resolve conflicts.

Minimizing Risks: Key Considerations for REDD

- ▣ ANTICIPATE -- AVOID — MITIGATE
- ▣ Impacts need to include environmental, social, and human rights analyses.
- ▣ Much of remaining forests is found in indigenous lands: respecting traditional management gets a better outcome.
- ▣ Protecting biodiversity and ecosystems means less deforestation and better outcomes.
- ▣ REDD requires special consideration of land and resource tenure and customary rights

Institutional Policies and Procedures

- ▣ UN-REDD: UN system requirements and UN-REDD guidance
- ▣ FIP: World Bank Policies and Procedures + other MDB policies and procedures
- ▣ FCPF: World Bank Policies and Procedures + international obligations
- ▣ Bilateral funds: international instruments, donor and recipient national laws and policies
- ▣ National funds: international and national laws and policies

UN-REDD: policies

- ▣ UN-REDD adopts a **rights-based approach** to its activities.
 - Applies UNDRIP
 - Applies FPIC
 - Applies UNDG Guidelines on Indigenous Peoples
- ▣ **International obligations apply** at different levels:
 - International: human rights and other obligations
 - National: human rights, UN-REDD guidance
 - Sub-national: States and private actors still have international obligations
- ▣ Lacks proscriptive policies and procedures.

International Obligations: Key Instruments

- ▣ Convention on Biological Diversity
- ▣ United Nations Declaration on the Rights of Indigenous Peoples
- ▣ Universal Declaration on Human Rights
- ▣ International Covenant on Economic, Social and Cultural Rights
- ▣ International Covenant on Civil and Political Rights
- ▣ International Convention on the Elimination of All Forms of Racial Discrimination
- ▣ ILO Convention 169
- ▣ Convention on the Protection and Promotion of the Diversity of Cultural Expressions

WB Strategic Climate Fund: Forest Investment Program

- ▣ Each MDB uses funds in accordance with its own policies, guidelines, and procedures.
- ▣ Common “overlay” environmental and social criteria apply to all MDBs.
- ▣ WB is trustee and follows its own Operational Policies and Procedures.
- ▣ Missing: a rights-based approach, no requirement for FPIC or UNDRIP.

FCPF and safeguards

- ▣ Requires compliance with the World Bank's Operational Policies and Procedures
- ▣ Recognizes need for effective participation of Forest-Dependent Indigenous Peoples and Forest Dwellers
- ▣ Respects rights of indigenous peoples and forest-dependent communities under national laws and international obligations.
- ▣ World Bank Staff have consistently affirmed that all safeguards apply to FCPF activities, including at last year's dialogue.
- ▣ Missing: no FPIC requirement, WB policies inconsistent with UNDRIP.

Selected World Bank Policies and Procedures/Safeguards

- ▣ 4.01 Environmental Assessment
- ▣ 4.04 Natural Habitats
- ▣ 4.12 Involuntary Resettlement
- ▣ 4.15 Poverty Reduction
- ▣ 4.20 Indigenous People
- ▣ 4.36 Forests
- ▣ 7.60 Projects in Disputed Areas
- ▣ 11.03 Cultural Property
- ▣ 13.05 Project Supervision

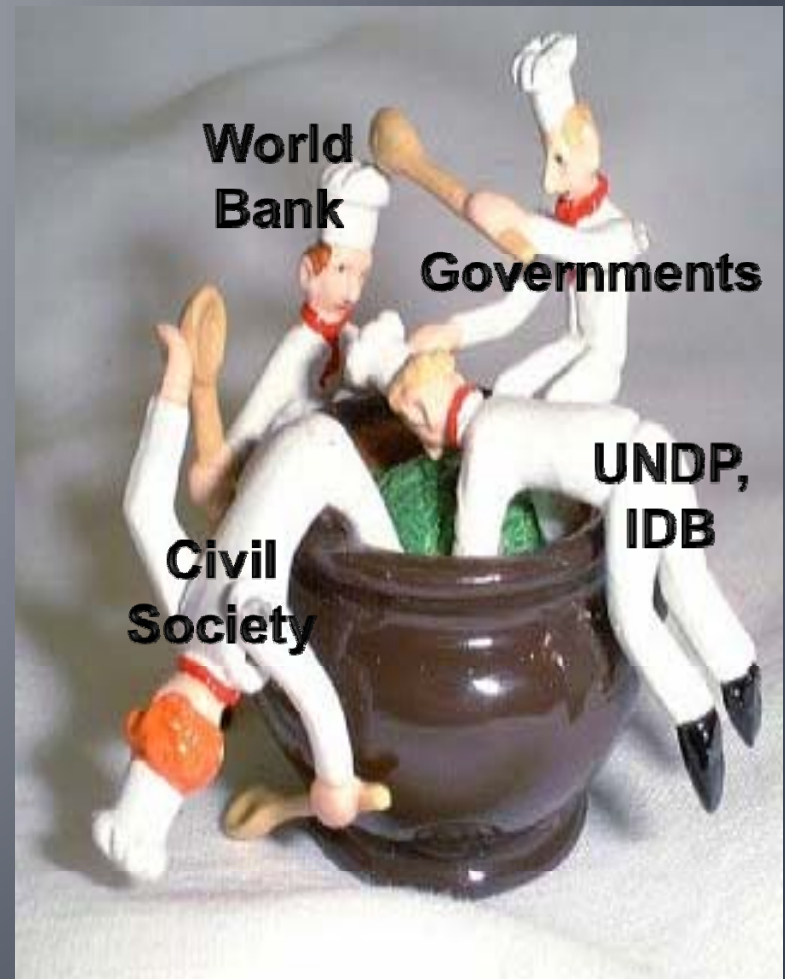
Find the policies here: <http://go.worldbank.org/3GLI3EECP0>

NOTE: Application of these procedures to specific WB activities may depend upon the type of support involved. For example, if this is investment lending, they do apply, as per OP 4.10.

NOTE 2: World Bank operational policies and procedures do not address land tenure in a comprehensive manner.

Challenge and Opportunity: FCPF Multiple Delivery Partners

- Opportunity: common approach for REDD safeguards
- Challenge: reconciling approaches of Bretton Woods institutions (proscriptive do-no-harm economic development) and UN institutions (rights-based principles for sustainable development)
- Pressure to both move quickly and get it right.



Safeguards: Growing Pains

- ▣ No standardized “safeguard” framework
- ▣ Institutional policies can be difficult to harmonize
 - UN: rights-based approach
 - MDBs: varying policies and procedures
- ▣ Incorporating UNFCCC, UNDRIP, and CBD
- ▣ Consistency at national level while increasing country ownership.
- ▣ Means of recourse/accountability vary
- ▣ UNFCCC: guidance to be developed

Going forward: challenges and opportunities

- ▣ Sequencing: agree on rules FIRST (including safeguards) to ensure effective outcome.
- ▣ UNFCCC SBSTA safeguards guidance: national level systems
- ▣ World Bank is revising its safeguards
- ▣ CBD safeguards under development
- ▣ Land and resource tenure: who has the right to a tree? To the carbon?
- ▣ Managing conflict: accountability and Redress

Maintaining consistency

- ▣ Rights-based approach with prescriptive policies and procedures
- ▣ Fully considers both social and environmental impacts
- ▣ Coherent with international obligations, including UNDRIP
- ▣ Protect biodiversity and ecosystems
- ▣ Participatory decision-making processes, including FPIC
- ▣ Robust information disclosure + transparency
- ▣ Accessible recourse mechanism



Thank you!

Questions? Email khite@ciel.org