

Jurisdictional REDD+ Program's Safeguards Conformance Assessment Tool-kit

User Guide

# Climate Law&Policy

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## 1. Context.

At COP26, over 140 world leaders committed to "halt and reverse forest loss and land degradation by 2030, whilst delivering sustainable development and promoting an inclusive rural transformation. "Halting and reversing deforestation and forest degradation by 2030 will require the adoption of high-integrity jurisdictional REDD+ (J-REDD+) programs<sup>1</sup>. J-REDD+ programs have the potential to deliver up to 30% of the emissions reductions needed to achieve the goals of the Paris Agreement, while securing global biodiversity, economic prosperity and food supplies.

However, few J-REDD+ programmes have "in place" all the minimum elements of the Warsaw Framework for REDD+ (WFR)<sup>2</sup> and can demonstrate conformance with any specific and/or additional requirements of Jurisdictional REDD+ standards in order to be able to access the voluntary carbon market.

Currently, jurisdictions face constraints on multiple fronts in being able to meet the requirements of Jurisdictional REDD+ standards and are particularly struggling to identify and understand 'what' their level of conformance with the safeguard requirements of Jurisdictional REDD+ standards is, and how to address these gaps. Whereas, auditors are not allowed, by definition, to suggest solutions to shortcomings (findings of non-conformance).

This puts the burden on the jurisdictions' government agencies in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes, who need to:

- ➤ Ensure their registration documents clearly and robustly demonstrate conformance with safeguard requirements, and
- ldentify any gaps and put in place a clear plan for resolving them.

# 2. Objectives and scope

Welcome to the J-REDD+ Program's Safeguards Conformance Assessment Tool-Kit.

This tool-kit aims to offer a collaborative and robust approach to thoroughly assess the level of conformance of J-REDD programs with the safeguard requirements of relevant Jurisdictional REDD+ standards.

This guide will help you navigate the Tool-kit, complete the necessary questionnaires and reports, and build your J-REDD+ program roadmap.

In alignment with the minimum requirements of the WFR, the scope of the tool-kit covers mapping and assessment of the following elements:

<sup>&</sup>lt;sup>1</sup> Jurisdictional REDD+ programs can be described as actions to implement REDD+ at a national or subnational scale with a large degree of government leadership.

<sup>&</sup>lt;sup>2</sup> According to Decision 9/CP.19, paragraph 3, all of the elements referred to in Decision 1/CP.16, paragraph 71, should be in place in order to access results-based payments. All these elements are incorporated as requirements of J-REDD+ standards.

<sup>&</sup>lt;sup>3</sup> As of December 2022, of the 64 countries that have made submissions to the UNFCCC info hub, only 24 have submitted a summary of information (SOI) on how safeguards are addressed and respected, and only 7 have submitted documentation to evidence the safeguard information system (SIS) is in place. For more information please refer to Rey Christen, D., Oliveira, B., et. al. 2022. "Jurisdictional REDD+ programs: Progress on the Elements of the Warsaw Framework for REDD+ and Access to Results-based Finance" Info Brief. Oxford, UK. Climate Law & Policy. Available online at <a href="https://climatelawandpolicy.com/">https://climatelawandpolicy.com/</a>

- 1. **The Safeguard Information System (SIS)**<sup>4</sup>. J-REDD+ programs are required to establish a system to provide information on how the seven UNFCCC safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities, and which must be consistent with the guidance in UNFCCC decision 12/CP.17.

  The tool-kit is intended to help J-REDD+ programs better understand the quality of their SIS in correlation with the UNFCCC's guidance and international best practices.
- 2. The J-REDD+ program's governance arrangements that guarantee the application of the UNFCCC REDD+ safeguards. REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that is consistent with the UNFCCC REDD+ safeguards<sup>5</sup>. This implies that J-REDD+ programs should take steps to clarify what UNFCCC REDD+ safeguards mean in the country context, and determine 'how' they will be applied throughout the implementation of their REDD+ activities. Noting that J-REDD+ programs are using their 'governance arrangements'<sup>6</sup> to guarantee the application of the UNFCCC REDD+ safeguards, the tool-kit is intended to help J-REDD+ programs understand the level of conformance of these governance arrangements with the scope of the UNFCCC REDD+ safeguards, as set out by obligations created by relevant and ratified international instruments.

The tool-kit is also intended to help J-REDD+ programs understand how these governance arrangements apply to the specific scope and nature of the Direct REDD+ actions<sup>7</sup>, and what may be required to guarantee their effective application.

3. **The REDD+ revenue distribution plan or system**. Connected to element '2', the adoption of a REDD+ revenue distribution plan or system is considered a key aspect of the UNFCCC safeguards 'b'<sup>8</sup> and 'c'<sup>9</sup>.

The tool-kit is intended to help J-REDD+ programs better understand the quality of their REDD+ revenue distribution plan or system, in correlation with international best practices.

4. **The grievance redress mechanism(s) (GRMs**). Connected to element '2', the availability of adequate GRMs is considered a key aspect of the UNFCCC safeguard 'b'<sup>10</sup>.

<sup>&</sup>lt;sup>4</sup> UNFCCC Decision 1/CP.16 Paragraph 71(d).

<sup>&</sup>lt;sup>5</sup> "Agrees that, regardless of the source or type of financing, the activities referred to in decision 1/CP.16 paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix I" UNFCCC Decision 2/CP.17 paragraph 63 <sup>6</sup> This tool defines Governance arrangements as the collective frameworks and mechanisms a country has (or plans to put) in place to make decisions and implement actions relevant to safeguards; comprises the following main components - legal framework, institutional framework, information systems, grievance redress mechanisms and non-compliance mechanisms.

<sup>&</sup>lt;sup>7</sup> **Direct REDD+ actions** are understood to be those that seek to achieve results in terms of emissions reductions and/or enhanced removals. Examples include reforestation, fire prevention or energy switching programmes. Enabling REDD+ actions: aim to create an appropriate environment for effective and efficient interventions, often targeting indirect drivers or barriers to the 'plus' activities. **Enabling REDD+ actions** may include capacity building, land-use planning, clarification of tenure frameworks and measures aimed at improving governance, such as transparency in resource and land allocation. While essential to the success of REDD+, their carbon potential may be difficult or impossible to quantify.

<sup>&</sup>lt;sup>8</sup> Characteristics of effective governance structures generally include: laws and regulations relating to forest governance and sustainable use of forests; clear rights of ownership and possession (land tenure) including

for traditional and customary ownership; and fair and equitable benefit sharing arrangements. Annex II, Braña Varela, J., Lee, D., Rey Christen, D., and Swan, S. 2014. "REDD+ Safeguards: Practical Considerations for Developing a Summary of Information." Prepared with support from the Government of Norway's International Climate and Forest Initiative.

<sup>&</sup>lt;sup>9</sup> International instruments recognise the right to an equitable share of the benefits. Convention on Biological Diversity, Articles 8(f)(j), 10(c); Nagoya Protocol, Article 7; Non-legally binding instrument on all types of forests, Article 1(f); ILO Convention No. 169, Article 7.

<sup>10</sup> Characteristics of effective governance structures generally include: access to judicial or administrative procedures that can provide effective remedy for infringements of rights, and to resolve disputes, especially for indigenous peoples. Annex II, Braña Varela, J., Lee, D., Rey Christen, D., and Swan, S. 2014. "REDD+ Safeguards: Practical Considerations for Developing a Summary of Information." Prepared with support from the Government of Norway's International Climate and Forest Initiative.

The tool-kit is intended to help J-REDD+ programs better understand the quality of their GRMs, in correlation with international best practices.

5. **The J-REDD+ program's participatory approaches**. Connected to element '2'<sup>11</sup>, and in response to UNFCCC decision<sup>12</sup>, a key aspect for J-REDD+ programs is to ensure the full and effective participation of all stakeholders in their design and implementation.

The tool-kit is intended to help J-REDD+ programs better understand the quality of their participatory approaches, in correlation with international best practices.

6. **The summary of information (SOI).** In order to receive results-based payments, J-REDD+ programs must present their most recent SOI (or equivalent subnational safeguard report) demonstrating how the safeguards have been addressed and respected (usually referred to as the summary of information or SOI)<sup>13</sup>, which must be consistent with the guidance from the UNFCCC<sup>14</sup>.

The tool-kit is intended to help J-REDD+ programs better understand the level of conformance of their SOIs with the UNFCCC's guidance and international best practices.

A mapping of the requirements and guidance from the UNFCCC and Jurisdictional REDD+ standards is available <u>here</u>, and which informs this scope of this tool-kit.

# 3. Target Audience



<sup>&</sup>lt;sup>11</sup> Characteristics of UNFCCC safeguard 'D' which specifically refers to the 'full and effective participation' is generally associated to the recognition and implementation of procedural rights (also known as access rights) such as access to information, participation, and justice in relation to decision-making processes. Due to the different identities, cultures, languages and institutions of indigenous peoples and local communities, ensuring their full and effective participation is in some cases associated with special procedure or measures, including Free, Prior and Informed Consent (FPIC).

<sup>&</sup>lt;sup>12</sup> UNFCCC Decision 1/CP.16, paragraph 72

<sup>&</sup>lt;sup>13</sup> UNFCCC Decision 9/CP, Paragraph 4; Decision 2/CP.17, Paragraph 63 and 64; Decision 12/CP.17 paragraph 3 and 4.

<sup>&</sup>lt;sup>14</sup> UNFCCC decision 17/CP.2., requires the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities; when developing and implementing 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 UNFCCC safeguards.

This tool-kit is primarily addressed to in-country stakeholders involved in the design and implementation of J-REDD+ programs. This includes civil servants from jurisdictional governments, non-governmental stakeholders, civil society, and representatives of indigenous peoples and local communities.

The jurisdictions' government agency in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes are ideally responsible for completing the questionnaires and report templates included in the tool-kit. Given the technical and detailed nature of the steps and questions, it is important to note that support and guidance from a selected expert international organization might be necessary to ensure accurate and comprehensive completion.

# 4. How to use this tool-kit?

This tool-kit is comprised of three steps (see Figure 1) and associated tools (Table 1), all of which are examined below. Please note that most of the tools can be completed in an online user-friendly platform, or the entire tool-kit can be downloaded and completed offline.

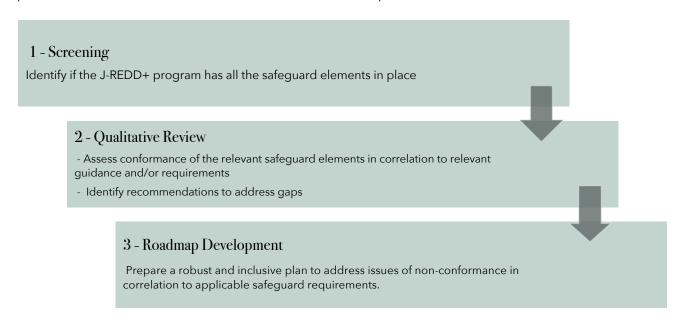


Figure 1 Key steps of this Tool-kit

# 5. Step-by-step Instructions

# Step 1: Complete the Screening Questionnaire

### What is the objective of the screening?

The initial screening is crucial to **identify** if the J-REDD+ program has the minimum elements in place- as per the scope set out in section 2 above-, and identify any gaps. The results from the screening are intended to inform the scope of the qualitative review, which will focus on assessing the elements that are in place.

## How to complete the screening?

In practical terms, the completion of the screening questionnaire should be done through a dedicated joint meeting between the jurisdictions' government agency in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes, and the expert from a selected international organization.

**Tip**: When completing the screening questionnaire, consider convening a dedicated joint meeting between the J-REDD+ program's assigned personnel and the expert from the selected international organization. Allocate approximately 1-2 hours for this meeting.

Additionally, consider conducting a set of meetings across the relevant ministries and agency personnel (e.g. legal department, informatics department, UNFCCC focal point, etc.) in order to gather additional information and insights to complete the screening questionnaire.

Key outputs to aim for include:

- A completed screening questionnaire
- Meeting notes, including the list of personnel consulted

#### **Instructions:**

- 1. Access the Tool:
  - a. Tool 1 can be completed online <u>here</u>
  - b. Tool 1 can be completed offline- downloaded from our website here:
- 2. Complete the Tool
  - a. Follow the guidelines of the Tool to identify the J-REDD+ programs' safeguards elements and any gaps.
  - b. If working online:
    - i. Save your responses (ensure you save the completed form for future reference).
- 3. Complete 'J-REDD program's Safeguards Screening Report', which summarizes the findings and informs the scope of the screening:
  - a. Please check your email for the link to the report template and/or download directly from our website
  - b. Use your responses from the screening questionnaire to complete this report template
  - c. Save the report to inform your next steps with the qualitative review

## Further instructions are provided in the tool.

Step 2: Complete the relevant J-REDD+ Safeguards Conformance Qualitative Review Questionnaires

What is the objective of the qualitative review?

The objective of the qualitative review is to understand what the level of conformance with the requirements of Jurisdictional REDD+ standards is. Based on the results of your screening (Step 1) the table below helps you identify your objectives and which tools to deploy.

	Tools to utilize	Access options		
Objectives		Can be completed online	Can be downloaded and completed offline	
Do you want to understand what is the level of conformance of your safeguard information system with requirements of Jurisdictional REDD+ standards?	Tool 2 - Qualitative assessment of the safeguard information system	Online tool	Downloadable tool	
Do you want to understand what is the level of conformance of <b>your safeguards</b> with requirements of Jurisdictional REDD+ standards?	Tool 3 - Qualitative assessment of J- REDD+ program's governance arrangements in line with UNFCCC REDD+ safeguards	Online tool	Downloadable tool	
Do you want to understand what is the level of conformance of your REDD+ revenue distribution plan or system with requirements of Jurisdictional REDD+ standards?	Tool 4 - Qualitative assessment REDD+ revenue distribution plan or system	Online tool	<u>Downloadable tool</u>	
Do you want to understand what is the level of conformance of your grievance redress mechanism with requirements of Jurisdictional REDD+ standards?	Tool 5 - Qualitative assessment of grievance redress mechanisms	Online tool	Downloadable tool	
Do you want to understand what is the level of conformance of your participatory approaches with requirements of Jurisdictional REDD+ standards?	Tool 6 - Qualitative assessment of participatory approaches	Online tool	Downloadable tool	

Do you want to understand what is the level of conformance of	Tool 7 - Qualitative		
your summaries of information with	assessment of summaries of	Online tool	<u>Downloadable tool</u>
requirements of Jurisdictional REDD+ standards?	information		

The following general guiding criteria are applied in all tools to determine the level of conformance of the J-REDD+ program:

- **Yes:** The J-REDD+ program addresses the element in conformance with relevant guidance and/or requirements.
- **Partially:** The J-REDD+ program partially addresses the element in conformance with relevant guidance and/or requirements, but there are some gaps that need to be addressed to ensure full conformance.
- **No**: The J-REDD+ program does not address the element in conformance with relevant guidance and/or requirements.

# How to best conduct the qualitative review?

In practical terms, each tool can be completed through a dedicated joint meeting between the jurisdictions' government agency in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes, and the expert from selected international organization.

**Tip**: When completing the tools, consider convening dedicated joint meetings between the J-REDD+ program's assigned personnel and the expert from the selected international organization. **Allocate approximately 2 hours for the completion of each tool.** 

Additionally, consider conducting a set of meetings across the relevant ministries and agency personnel (e.g. legal department, informatics department, UNFCCC focal point, etc) as well as with NGOs; universities; Indigenous peoples and local communities (IP and LCs), among others, in order to gather additional information and insights to complete the relevant tools.

Key outputs to aim for include:

- Completed tools
- Meeting notes should be documented, including the list of participants.

## **Instructions:**

- 1. Access the relevant tools (see links in table above, noting you can work online or download the forms to work offline)
- 2. Complete the relevant tools through the dedicated meetings
  - a. If working online: save your responses (ensure you save the completed form for future reference).
- 3. Complete the associated 'Qualitative Assessments Reports', which summarize the findings and gaps identified, and seek to identify potential recommendations for addressing gaps:

- a. Please check your email for the link to the relevant report template and/or download directly from our website
- b. Use your responses from the completed tools to complete the associated report template
- c. Save the reports to inform the development of your roadmap

### Further instructions are provided in the tools.

# Step 3: Prepare a J-REDD+ Program Safeguards Roadmap

# What is the objective of the roadmap?

The objective of the roadmap is to prepare a robust and inclusive plan to address all potential issues of non-safeguard conformance in correlation to the applicable safeguard requirements.

## How best to prepare the roadmap?

In practical terms, the roadmap should be prepared through a two -step process:

#### 1. Preparation of draft roadmap

The jurisdictions' government agency in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes, with the support from the expert from the selected international organization, should lead the preparation of a draft roadmap.

The roadmap template guides users through the development of a plan to ensure all the relevant elements are adequately considered and addressed, helping identify the specific actions that need to be taken, the participatory processes required, responsible parties, timelines, budgets and capacities, among others.

**Tip:** When completing the template roadmap report, consider organizing a joint meeting between the J-REDD+ program's assigned personnel and the expert from the selected international organization. Allocate around 2-3 hours for this meeting.

Key outputs to aim for include:

- A draft completed roadmap report
- Comprehensive meeting notes documenting discussions.

#### Instructions:

- Access the Safeguards Roadmap Template Tool 8 (Please download directly from our website <u>here</u>).
- 2. Complete the Roadmap
  - a. Use the findings from all completed tools to complete the roadmap, and develop a clear, operational, and actionable roadmap.
  - b. Consult our capacity building materials to further guide you while completing the roadmap. You can access them <a href="here">here</a>

#### 1. Participatory review and validation of roadmap

The jurisdictions' government agency in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes (with support from a selected expert international organization<sup>15</sup>) will arrange a 1-day meeting with the relevant REDD+ multi-stakeholder platform in place. If such a platform is not in place, the J-REDD program's assigned personal will arrange a meeting with focal points from interested NGOs; universities; Indigenous peoples and local communities, among others.



The objective of this meeting is to review and discuss the draft roadmap report.

#### General guidelines for this meeting are:

- The jurisdictions' government agency in charge of the preparation and implementation of REDD+ and associated safeguard systems and processes will prepare the necessary documentation for this meeting and circulate it to participants at least 1 week in advance of the meeting. This will include the draft roadmap report, and a proposed agenda for the meeting.
- The meeting sessions will be organized in correlation to the number of elements under review (e.g. Session on SOI, session on SIS, session on GRM, etc.)

### The outputs of the meeting should be:

- Validated roadmap report
- Meeting notes should be taken and documented, including the list of participants.

<sup>&</sup>lt;sup>15</sup> For purposes of the piloting of this tool, Climate Law and Policy will perform this role. In the future, this role could be led by other technical assistance providers with expertise on this matter.