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Benefits and Risks Tool (BeRT) v2.1:

Workshop Kit

Facilitators' guide

UN-REDD PROGRAMME

May 2017

The UN-REDD Programme is the United Nations Collaborative Initiative on Reducing Emissions from Deforestation and forest Degradation (REDD) in developing countries. The Programme was launched in 2008 and builds on the convening role and technical expertise of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and UN Environment. The UN-REDD Programme supports nationally led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including Indigenous Peoples and other forest-dependent communities, in national and international REDD+ implementation.

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For more information, please see the UN-REDD Programme safeguards webpage: <http://bit.ly/redd-sgds>

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1. ABOUT THIS GUIDE

The UN-REDD Programme Benefits and Risks Tool (BeRT) supports REDD+ countries to assess the social and environmental benefits and risks associated with candidate Policies and Measures (PAMs)¹ and analyse how existing policies, laws and regulations (PLRs) could ensure that the REDD+ safeguards agreed under the United Nations Framework Convention on Climate Change (UNFCCC) are addressed and respected. This facilitators' guide supports the application of the BeRT in a workshop setting. Building on version 2.0 of the original Excel-based tool², the guide and accompanying worksheets provide targeted advice for the documentation of possible PAMs, the identification of those PAMs' associated benefits and risks, and the analysis of PLRs that address the safeguards. The guide is aimed at facilitators of benefits and risks assessment or PLR analysis workshops, and is designed as a reference to help plan and execute such workshops. The guide also provides links to workshop materials. Work undertaken to meet requirements of specific funding mechanisms (e.g. the Forest Carbon Partnership Facility's Strategic Environmental and Social Assessment (SESA)) or experiences from REDD+ pilot projects or forest-related projects and initiatives pre-dating REDD+ may provide useful inputs to this exercise.

Many methods can be applied to the assessment of benefits and risks and of policies, laws and regulations. While participatory workshops can bring out issues from the perspective of a range of stakeholders and contribute to the broader processes for developing PAMs and identifying benefits, risks, PLRs and institutions, expert analyses might also be needed in this context.

2. BACKGROUND

UNFCCC REDD+ safeguards requirements

The UNFCCC decisions on REDD+ safeguards span a five-year period from 2010 to 2015. It was agreed at the UNFCCC Conference of the Parties in Cancun in 2010 (COP16) that a set of seven safeguards (subsequently referred to as the "Cancun safeguards") should be promoted and supported when undertaking PAMs, or REDD+ actions, under the five agreed REDD+ activities of the Convention³. The Cancun Agreements, the subsequent Durban Agreement (COP 17, 2011)⁴, and Warsaw Framework for REDD+ (COP 19, 2013⁵) also requested Parties implementing REDD+ to provide information on how safeguards are being addressed and respected throughout the implementation of their REDD+ PAMs. This is all part of the existing framework on REDD+ that is referred to in the Paris Agreement (COP 21, 2015⁶).

The safeguards requirements in this set of Decisions can be summarized as follows:

1. **promote and support** the Cancun safeguards throughout the implementation of REDD+ actions, regardless of the source and type of funding⁷;
2. develop a **system for providing information** on how the Cancun safeguards are being addressed and respected (i.e. a "safeguards information system" (SIS)⁸; and

¹ Also known as "REDD+ actions"

² The Excel-based tool may be more suitable for an individual or small expert team going conducting these assessments.

³ (a) reducing emissions from deforestation; (b) reducing emissions from forest degradation; (c) conservation of forest carbon stocks; (d) sustainable management of forest; and (e) enhancement of forest carbon stocks - Decision 1/CP.16, paragraph 70.

⁴ Decision 1/CP.16 'Cancun Agreements'. Decision 12/CP.17 'Durban Guidance'.

⁵ Decision 12/CP.19 'Warsaw Framework'

⁶ Decision 1/CP.21 'Paris Agreement'

⁷ Ibid

⁸ UNFCCC Decision 1/CP. 16, paragraph 71 (d) ; Decision 9/CP.19 paragraph 3

- provide **summaries of information** on how all the Cancun safeguards are being addressed and respected throughout the implementation of REDD+ actions⁹.

Conceptual framework for country approaches to safeguards

The knowledge products and tools developed by the UN-REDD Programme on REDD+ safeguards are designed to enable countries to take a flexible “country approach” in responding to the UNFCCC (and other relevant initiatives’) requirements. Country approaches to safeguards are intended to help countries to minimize, mitigate and manage social and environmental risks and enhance the non-carbon benefits associated with REDD+.

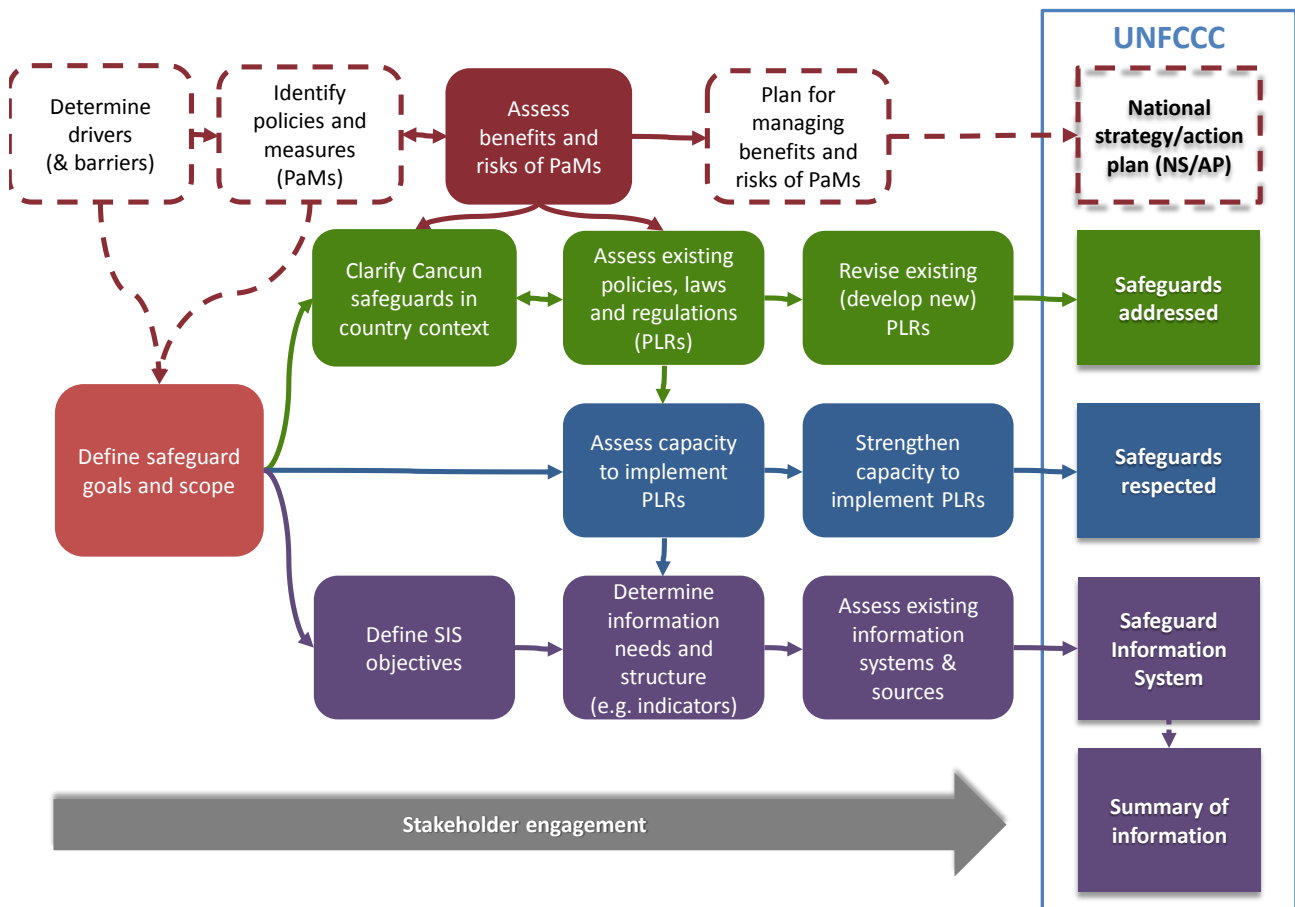


Figure 1 A conceptual framework for country approaches to REDD+ safeguards indicating entry points for application of the Benefit and Risks Tool's modules

A country approach to safeguards refers here to the set of governance arrangements and processes that a country has in place or will put in place, in order to respond to safeguards requirements for REDD+. It has the potential to be a single, unified approach through which a country can accommodate the safeguards obligations of different initiatives, donors and investors. It helps countries to meet UNFCCC safeguards requirements and access results-based payments for REDD+.

There is no single blueprint for country approaches to safeguards. Rather, each country will have its own particular approach, reflecting its unique needs and circumstances, and taking into account the range of socio-economic issues and environmental concerns that are likely to be important in addressing its drivers of

⁹ UNFCCC Decision 12/CP.17, paragraph 3; Decision 9/CP.19, paragraph 4; Decision 17/CP.21

deforestation and forest degradation. Experiences to date, however, indicate that country approaches generally comprise three core elements, collectively referred to as 'governance arrangements'. In the conceptual framework for country approaches to safeguards used by the UN-REDD Programme (Figure 1)¹⁰, these are described as:

1. **policies, laws and regulations** (PLRs) - defining, on paper, what needs to be done in order to support REDD+ implementation in a manner consistent with the Cancun (and other) safeguards;
2. **institutional arrangements** - the mandates, procedures and capacities of institutions responsible to ensure that the relevant PLRs are implemented in practice; and
3. **information systems and sources** - collecting and making available information on how safeguards are being addressed and respected throughout implementation of REDD+ actions.

Though 'addressed' and 'respected' are not specifically defined in the UNFCCC decisions, for the BeRT, safeguards are "addressed" when a coherent body of PLRs, and associated institutional arrangements, are in place to deal with the potential benefits and risks associated with REDD+ PAMs. "Respected" is understood to mean effective application of PLRs, through the associated institutional (and individual) arrangements, such that the PLRs are implemented and enforced in practice and effect real and positive outcomes on the ground. This understanding is consistent with general convergence around the practical meaning of these terms.

BeRT applications

BeRT is designed to support country teams to do one or more of the following:

- Contribute to the identification, prioritization and design of PAMs comprising the national REDD+ strategy or action plan (NS/AP).
- Identify benefits and risks associated with PAMs for REDD+ in the context of the Cancun safeguards.
- Determine how application of the country's existing PLRs could already reduce the risks or enhance the benefits identified.
- Identify any weaknesses, inconsistencies and gaps in the PLR framework that may need to be filled in order to strengthen how the Cancun safeguards are addressed and respected during REDD+ implementation.
- Use information on the potential benefits and risks of specific PAMs to inform refinement of PAMs design, prioritization and selection in the NS/AP, as well as the identification of possible measures to mitigate risks associated with selected PAMs.
- Use information on potential benefits and risks of PAMs in the context of specific safeguards to "clarify" the Cancun safeguards in accordance with national circumstances.
- Contribute to SIS design by indicating information *needs* (i.e. in relation to the identified benefits and risks of priority PAMs and how these can be enhanced or mitigated) for the system, from which information *structure*¹¹ can be elaborated.

¹⁰ See UN-REDD (2016) *Concept Note: Country Approaches to Safeguards* for details. Available at: http://www.unredd.net/index.php?view=document&alias=11892-un-redd-framework-for-supporting-the-development-of-country-approaches-to-safeguards-en-11892&category_slug=studies-reports-and-publications-1364&layout=default&option=com_docman&Itemid=134.

¹¹ e.g. principles, criteria and/or indicators

- Provide content for use in summaries of information (SOI) on how countries are addressing and respecting the safeguards through implementation and strengthening of existing governance arrangements¹².

BeRT structure

BeRT comprises three modules:

| | |
|-----------------|---|
| Module 1 | <p>Objective: List the REDD+ PAMs that are anticipated in the country (or if these are not known, the PAMs that may be feasible) and select priority PAMs for assessment.</p> <p>Output: A list of REDD+ PAMs prioritized for assessment.</p> |
| Module 2 | <p>Objective: Identify the potential benefits and risks of the PAMs documented in Module 1.</p> <p>Output: Table of potential benefits and risks for each PaM and related to each of the Cancun safeguards, with a qualitative assessment of the impact and probability of benefits and risks identified.</p> |
| Module 3 | <p>Objective: Identify existing PLRs that could enhance the benefits and reduce/manage the risks documented in Module 2; identify gaps in coverage and implementation; and determine whether there are any PLRs that are in conflict with the Cancun safeguards in the context of specific PAMs.</p> <p>Output: Table of existing PLRs that address the Cancun safeguards, an assessment of how well, both on paper and in practice, they are suited to enhance benefits and reduce/manage risks identified, together with a list of gaps in PLRs and PLR implementation.</p> |

Relevance to other major safeguards initiatives

In addition to the UNFCCC Cancun safeguards, a number of REDD+ initiatives present further safeguards requirements covering both process and content. Such initiatives include the Green Climate Fund (GCF)¹³, Forest Carbon Partnership Facility (FCPF)¹⁴; Germany's REDD+ Early Movers (REM) Programme; together with bilateral arrangements with donor countries. Integrating the safeguards requirements, in terms of both contents and particularly process, of these various initiatives into a unified approach has proved to be a major challenge to REDD+ countries.

It is important to note that the conceptual framework for country approaches to REDD+, as described above, is designed to help countries in developing a *single, unified approach* through which they can accommodate the safeguards requirements of multiple REDD+ initiatives, donors and investors. In this way, although the BeRT has been designed to support countries to meet their UNFCCC obligations in the context of the Cancun safeguards, it is also flexible enough to accommodate the interests of countries who wish to assess benefits and risks of PAMs and their PLRs/PLR implementation using other safeguards frameworks as benchmarks (e.g. existing national environmental and social standards, World Bank safeguards¹⁵ or those adopted by the GCF) in conjunction with the overarching safeguards requirements of the UNFCCC.

¹² The outputs from all three BeRT modules could be relevant for summaries of information: Module 1 provides summary information on PAMs included in the NS/AP and their corresponding REDD+ activities; Module 2 brings together information on the benefits and risks specific to those PAMs in accordance with national circumstances; and Module 3 provides information on how safeguards are being addressed and respected through implementation of existing PLRs. The analysis of PLRs may also lead to the identification of steps to strengthen PLRs or institutional arrangements that could be referred to in the summary. Note that the use of BeRT is unlikely to provide all the information required for the summary, and further collation of information is likely to be needed.

¹³ Noting that GCF has adopted the International Finance Corporation's (IFC) Environmental and Social Performance Standards as an interim measure, until 2017 but has yet to adopt or develop standards for REDD+ RBPs

¹⁴ Both Readiness (Common Approach) and Carbon Fund (Methodological Framework) requirements

¹⁵ For a comparison of the UNFCCC REDD+ Safeguards and the World Bank Safeguard Policies, see: Forest Carbon Partnership Facility (2013) 'World Bank Safeguard Policies and the UNFCCC REDD+ Safeguards'. FMT Note CF-2013-3/ Available at: <http://bit.ly/1SkqEQD>

Considering other safeguards or standards together with the Cancun safeguards when using BeRT could be relatively straightforward: questions related to additional safeguards or specific criteria could be incorporated into the list of questions available (see worksheet 2.1) to identify the potential benefits and risks of a PAM in Module 2. The benefit/risk assessment results, relevant to multiple sets of safeguards, could then be carried through into Module 3, retaining the Cancun safeguards as the overall organizing framework.

In addition to helping countries to plan and review the development of their approaches to safeguards, the UN-REDD Programme's [Country Approach to Safeguards Tool \(CAST\)](#) refers to relevant elements of the FCPF Strategic Environmental and Social Assessment (SESA) process and may be useful for exploring the complementarities between the different requirements for REDD+ processes or initiatives.

3. USING BERT

The BeRT Workshop Kit has been designed for use in multi-day, multi-stakeholder workshops, supported by preparatory work to be completed in advance of holding these workshops. It is suggested that Module 1 (PAMs) be completed by a representative of the country's REDD+ team before the workshops, and reviewed during the first workshop session to ensure a common and agreed upon starting point. The approach has been designed to be flexible with regard to the choice and/or sequencing of Modules 2 (benefits and risks) and 3 (PLRs), depending on the users' interests and objectives (as well as the expertise of participants of a specific workshop). Module 2 can first be completed in its entirety for all safeguards, followed by Module 3 for all safeguards. Alternatively, Modules 2 and 3 can be completed together for each safeguard. Box 1 provides some quick facts on using BeRT in a workshop setting.

BeRT provides lists of key issues and guiding questions to help countries clarify the meaning of the Cancun safeguards in the national context in order to assess the potential benefits and risks of PAMs, and to analyze weaknesses, inconsistencies and gaps in PLRs. When applying the Cancun safeguards in a national context, countries may choose to consider additional social and environmental issues that are not covered by the generic interpretation provided by BeRT.

Box 1: Quick Facts on using BeRT in a workshop setting

Time requirements: The time required to apply BeRT depends on the scope of the workshop(s), how many PAMs and which safeguard frameworks (just Cancun safeguards or Cancun safeguards and others, e.g. World Bank safeguards) it aims to cover. Time estimations for each module are provided below. See also draft workshop agenda in Annex 2.

- **Module 1:** Discussion of PAMs to ensure a shared understanding of what they entail, and selection of priority PAMs for assessment from a list prepared in advance of the workshop: 0.5-1 hour
- **Module 2:** 2-3 hours per safeguard (some safeguards may take more time than others; note that it may also be possible to consider some safeguards together)
- **Module 3:** 2 hours per safeguard
- It is estimated that it would take 4 days to go through Modules 2 and 3 for all safeguards.

Breakout groups: It is recommended that workshop participants are divided into breakout groups, to simultaneously consider different Cancun safeguards/PAMs. The division of the groups should match participants' expertise relevant to the safeguard/PAM in question. The optimal breakout group size is likely to be between three to five participants. It however is important to recognise the overlapping nature of the safeguards, and the interlinked nature of social and environmental issues. It is also important to ensure that breakout groups share findings with one another in plenary. An alternative approach would be for different groups to focus on different PAMs across the safeguards. An experienced facilitator, with understanding of the Cancun safeguards and preferably some experience using BeRT, is recommended to accompany each breakout group. The number of facilitators needed depends on the number of simultaneous breakout groups.

Before the workshop:

- 1. Define objectives of the workshop, in relation to the country approach to safeguards, and design the workshop to achieve them.** If the workshop aims to inform a safeguards roadmap, what inputs are required? Does the identification of benefits and risks aim to inform the selection, prioritization and/or design of PAMs (for NS/AP development)? Is the key area of interest existing PLRs and their coverage of the Cancun safeguards, e.g. for the purposes of informing a submission of a summary of information (SOI) to the UNFCCC on how the country is addressing and respecting the Cancun safeguards? Is it timely to identify gaps in the application of the safeguards and ways of filling them?
- 2. Select priority REDD+ PAMs for consideration in the workshop and complete Module 1.** Selection of PAMs for assessment may draw from the country's NS/AP (if completed), its REDD+ Readiness Preparation Proposal (R-PP), Emissions Reduction Programme Idea Note (ER-PIN), studies on drivers of deforestation and forest degradation, consultations with the national REDD+ team on candidate PAMs, or a combination of these or similar sources. If information on priority PAMs exists, it may be helpful in narrowing down a list of PAMs for analysis in the workshop. If no information on priorities is available, the workshop could include an initial prioritization exercise.
- 3. Identify existing PLRs that are relevant to the safeguards.** A national partner or consultant could be tasked to undertake an identification of the national and subnational, as appropriate, policy, legal and regulatory frameworks to identify relevant PLRs. This could include initial mapping of PLRs against the Cancun safeguards. The identification should aim to collate relevant PLRs, highlighting relevant sections where applicable. Guidance for identifying relevant PLRs (Annex 4) may provide a

useful reference for this process. It is recommended that summaries of the key provisions contained in each PLR, are made available for the workshop.

4. **Map national safeguards or standards against the Cancun safeguards (where applicable).** If a country has already developed a set of national safeguards or standards that is not structured by the Cancun safeguards, it is advisable to map them against the Cancun safeguards if this has not yet been done.
5. **Ensure participation of a broad range of stakeholders, optionally following a smaller team conducting an in-depth assessment.** Depending on which safeguards and PAMs are being considered, multi-stakeholder participation, covering the breadth of knowledge and experience relevant to the safeguards and PAMs, is encouraged. This might involve including participants with backgrounds in law and policy, rural development, sustainable livelihoods, environmental impact assessment, forestry, agriculture, etc. Multi-stakeholder participation can help ensure that a full range of benefits and risks are considered. Due to the interlinkages between work on safeguards and the development of the NS/AP and the National Forest Monitoring System, inviting participants with knowledge of these processes is strongly encouraged.

Due to the technical nature of BeRT, broader stakeholder engagement could follow the application of the tool in one or more smaller workshops. For example, this engagement could involve validation of results, broader discussion of the real-world effectiveness of the identified PLRs in applying the safeguards, and/or could focus on groups most able to fill gaps in knowledge from the first workshop. The [UN-REDD/FCPF Stakeholder Engagement Guidelines](#) provide further guidance on stakeholder engagement, particularly on the inclusion of indigenous peoples and other forest-dependent communities.

6. **Consider links to other REDD+ processes and work areas** that could be useful in this context. For example, guidelines on stakeholder engagement, corruption risk assessments¹⁶, FPIC guidelines¹⁷, legal preparedness assessments¹⁸; participatory governance assessments; work undertaken for the FCPF SESA-ESMF; and tenure assessments¹⁹ could be useful to build on under work on safeguards.

During the workshop:

1. **Record results.** Record results for each Module on the worksheets provided and write down key points from the discussion that go beyond the worksheets. Make these resources available to all participants to ensure a common understanding, particularly for next steps and agreed outcomes. Make materials available in useful formats (e.g. local language, printed if necessary).
2. **Emphasize progress.** The task of considering all the safeguards can be a daunting one. Consider daily updates, to highlight what participants have learned and what is coming next, as well as involve and engage people and institutions that could not attend.

¹⁶ See: UN-REDD Programme (2014) *Guidance on Conducting REDD+ Corruption Risk Assessments (REDD+ CRA)*. Available at: <http://tinyurl.com/REDD-CRA-V2>

¹⁷ See: UN-REDD Programme (2012) *UN-REDD Programme Guidelines on Free, Prior and Informed Consent*. Available at: <http://bit.ly/2av77zt>

¹⁸ See: UN-REDD Programme (2016) *UN-REDD support & country examples on legal preparedness for REDD+*. Available at: <http://www.fao.org/3/a-i5108e.pdf>

¹⁹ UN-REDD Programme (no date) *UN-REDD supporting work on tenure & REDD+*. Available at: <http://bit.ly/2awInWX>

- 3. Obtain feedback** during the workshop on whether the content or methods need any alteration. After the workshop, feedback can help assess whether the goals of the workshop have been achieved. Feedback from participants can also indicate where gaps remain and next steps.

After the workshop:

- 1. Prepare a workshop report** to record the results of the workshop and any recommendations for next steps. Consider including workshop results in the annex of the report.
- 2. Share the report and materials** immediately after the workshop to participants, facilitators and others with an interest in the workshop and thank the participants for their time and inputs. Use www.unredd.net to share materials that can be released into the public domain.

Resources for facilitators

- Draft workshop agenda, including hyperlinks to presentations and worksheets (Annex 1)
- Guidance for identifying relevant Policies, Laws and Regulations (PLRs) (Annex 2)
- Guidance for Clarifying the Cancun Safeguards [http://bit.ly/Clarifying Cancun Safeguards](http://bit.ly/Clarifying_Cancun_Safeguards)
- Guiding questions for Modules 1 and 2; Worksheets for Modules 1, 2 and 3 - http://bit.ly/bert_materials

MODULE 1: PRIORITY POLICIES AND MEASURES FOR ASSESSMENT

Objective: The purpose of this Module is to list the REDD+ PAMs that are anticipated in the country (or if these are not known, the PAMs that may be feasible) and to select priority PAMs for assessment.

This module needs to be completed prior to working on Modules 2 and 3. It can draw from the country's existing NS/AP, R-PP, ER-PIN, UN-REDD National Programme document, REDD+ roadmap or other relevant plans for REDD+, as well as final or interim results of relevant studies.

Output: A list of REDD+ PAMs prioritized for assessment

N.B. It is recommended to complete a list of anticipated PAMs prior to a workshop, and review it during the workshop to ensure a common and agreed upon starting point.

Steps:

1) Introduce participants to Module 1 and explain key terms

- Consider beginning with an introductory presentation on country progress on REDD+ to date, e.g. if needed for civil society participants, and on the country's candidate PAMs, in preparation to this exercise.
- Introduce the objective of the module.
- Clarify the difference between the 'REDD+ activities' and 'REDD+ policies and measures (PAMs)' (See Box 1, below).
- Depending on the size of the group, divide participants into breakout groups or run the exercise/discussion in plenary.

2) Enter anticipated PAMs

- Enter PAMs into the first column in Worksheet 1 (as below)
- Rather than listing broad strategies, encourage participants to be as specific as possible in documenting potential PAMs and explaining the intended outcomes with regard to REDD+ objectives. This facilitates more precise consideration of potential benefits and risks.

3) Agree on a list of priority PAMs to consider

- If a list of PAMs has been completed prior to the workshop, review the list in the workshop, and proceed with this step.
- As a country's plans for REDD+ are likely to involve a large number of policies and measures, it is advised that a sub-set are chosen as priorities for analysis.
- Worksheet 1 provides questions to aid participants in identifying priorities for assessment:
 - 'Is this PAM expected to have a major role in REDD+ implementation?'
 - 'Have any concerns been raised about this PAM?'
- On the basis of the discussion, Worksheet 1 asks participants to describe the PAMs' priority for assessment using BeRT as low, medium or high.
- Prioritization could also be informed by the recommendation of the national REDD+ coordination, a plenary discussion, or voting by participants.
- Ultimately the number of PAMs chosen for consideration will depend on time and number of participants available. It is recommended that PAMs that are not assessed during the workshop are considered in a further workshop, or by a dedicated team familiar with the process.

Box 2: Explaining key terms in Module 1

The UNFCCC defines REDD+ as comprising any or all of five **activities**: (a) reducing emissions from deforestation; (b) reducing emissions from forest degradation; (c) conservation of forest carbon stocks; (d) sustainable management of forests; and (e) enhancement of forest carbon stocks. These are referred to here as **REDD+ activities**.

REDD+ policies and measures (PAMs) (or REDD+ actions), are understood as the specific interventions (e.g. extending the network of protected areas) that implement these activities in practice. Most of the Cancun safeguards refer to actions, but the UNFCCC text seems to use this word interchangeably with

Workshop material:

- Worksheet 1.1: Priority Policies and Measures for assessment.

The worksheet below is only an illustration, for the full worksheet please go to [Worksheet 1 PAMs](#)

Worksheet 1: Priority Policies and Measures for assessment

| Possible REDD+ Policies and Measures (PAMs) | Is this PAM expected to have a major role in REDD+ implementation? | Have any concerns been raised about this PAM? | Priority for assessment (high, medium, low)? |
|--|--|---|--|
| E.g. Strengthening the sustainable management of production forest by linking the renewal of concessions to compliance with the provisions of the forest law | | X | <i>Medium</i> |
| E.g. Fire management (including study on fire ecology in affected forests, developing fire hazard assessment tools) | X | | <i>High</i> |
| | | | |

MODULE 2: IDENTIFYING BENEFITS AND RISKS OF POLICIES AND MEASURES FOR REDD+

Objective: To assess the potential benefits and risks of the REDD+ PAMs documented in Module 1. The module is structured using the Cancun safeguards, using guiding questions to help clarify the broad principles set out in the Cancun agreements. For each safeguard, participants are asked to identify the possible benefits and risks of the different PAMs. These benefits and risks will then be used in Module 3 to determine how well existing PLRs cover the Cancun safeguards on paper (addressing safeguards) and in practice (respecting safeguards).

Output: Tables of potential benefits and risks, organized by the Cancun safeguards, with a qualitative assessment of the impact and probability of benefits and risks identified.

N.B. Workshop participants will find it useful to have the PAMs identified in Module 1 at hand, as a print-out or on a screen, while working on the identification of benefits and risks.

Steps:

1. Introduce the exercise and explain key terms.

- Consider explaining what is understood by benefits and risks in this context (see Box 3).
- Consider offering a single example from another country (action with risk and benefit).

2. Choose a safeguard for discussion and ensure that participants understand the content of the safeguards.

- Depending on participants' knowledge, consider giving a short presentation running through the key issues of the safeguards (an introductory presentation can be accessed through a link in Annex 2). Please note that the key issues provided are generalized and indicative, and will need to be understood in the country context. You may have better examples.
- Key issues are provided in worksheet 2.1.

3. Use the guiding questions to start the identification of benefits and risks (worksheet 2.1)

- For each safeguard, a number of guiding questions are provided. These assist participants in identifying risks and benefits, and are intended as aids for discussion.
- Questions are in a 'yes' or 'no' format and aim to help participants to identify a potential benefit or a risk for specific PAMs. Use the space provided to record answers in the questions sheet or proceed to describing potential benefits and risks in Worksheet 2.
- If participants lack information to answer a question, this can be noted by the facilitator as a useful record of gaps in knowledge.
- Guiding questions are not exhaustive and participants should be encouraged to think of benefits and risks beyond those indicated by the guiding questions.

4. Record potential benefits or risks in the worksheet provided (worksheet 2.1).

- Describe the benefits and risks in relation to the relevant PAM(s), in as much detail as possible.
- If you come across overlaps with other safeguards, use the notes and comments box to record these.

5. Assign probability and impact to the benefits and risks

- Explain the terms 'probability' and 'impact' (see Box 3). The quick, preliminary assessment of probability and impact aims to rank the benefits and risks in terms of priority for addressing them, and to highlight those most important for analysis in Module 3.

- Discuss the probability and impact of the benefits and risks identified and record answers in the worksheet.
- Encourage participants to think about whether the probability of the benefit/risk depends on how, or where, the PAM is implemented.

Workshop materials:

- Worksheet 2.1: Key issues and guiding questions for identifying benefits and risks.
- Worksheet 2.2: Identifying benefits/ Identifying risks.

The worksheets below are only an illustration, for the full worksheets please go to [Worksheet 2.1 guiding questions](#) and [Worksheet 2.2 risks and benefits](#)

Box 3: Explaining key terms in Module 2

In the context of BeRT, the **benefits of REDD+** generally refer to the additional social and environmental benefits of REDD+ beyond climate change mitigation. These are also referred to as multiple benefits, co-benefits and non-carbon benefits.

The **risks of REDD+** generally refer to possible social and environmental risks of REDD+ policies and measures. In the case of safeguards (f) (risks of reversals) and (g) (displacement of emissions), these however are risks to the long-term success of REDD+ itself.

Probability is defined as the likelihood of a benefit or risk occurring, and is assessed on a simple qualitative scale of high, medium and low.

Impact is defined as the significance of the effect that the benefit or risk would have if it occurred, and is assessed on a simple qualitative scale of high, medium and low.

Worksheet 2.1: *Safeguard (a) – [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements*

Key Issues

- Consistency and complementarities with the objectives of the national forest programme.
- Consistency with international commitments on climate; contribution to national climate policy objectives, including those of mitigation and adaptation strategies.
- Coordination among agencies and implementing bodies for REDD+, national forest programmes and national policy(ies) that enact the relevant international conventions and agreements.
- Consistency with the achievement of the Sustainable Development Goals; contribution to national poverty reduction strategies.
- Consistency with international commitments on the environment; contribution to national biodiversity conservation policies (including National Biodiversity Strategies and Action Plans), other environmental and natural resource management policy objectives.
- Consistency with State’s human rights obligations under international law, including the core international human rights treaties and ILO 169, where applicable.
- Consistency with other relevant international conventions and agreements.

Risk/Benefit Analysis

Yes / No / I don’t know

If yes, which PAM?

Could any of the candidate PAMs:

- Make a specific contribution to achieving the objectives of the national forest programme?
- Make a specific contribution to achieving policy objectives on climate change adaptation or objectives for additional climate change mitigation?
- Make a specific contribution to achieving the Sustainable Development Goals or other commitments on poverty reduction?
- Make a specific contribution to achieving the objectives of the Convention on Biological Diversity)?

Is there a risk of conflict between the candidate PAMS and:

- Other climate change mitigation strategies (e.g. concerning land or woody biomass requirements for bioenergy production, or alternative energy development such as hydropower or wind farms)?
- National poverty reduction or development strategies (e.g. plans for infrastructure development, resource extraction or agricultural expansion)?
- Other environmental policy objectives and strategies (e.g. plans for community forests under the national forest programme)?
- The State’s human rights obligations under international law, including the nine core international human rights treaties and ILO 169?

Could any of the candidate PAMs:

- Have inequitable or discriminatory adverse impacts on affected populations, particularly people living in poverty or marginalized or excluded individuals or groups?

| Worksheet 2.2: Identifying benefits relating to safeguard (a) - [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements | | | |
|--|---|------------------|--------|
| REDD+ PAM | Benefits | Rank of benefits | |
| | | Probability | Impact |
| e.g.: Overarching | e.g.: Efforts at better coordination initiated through the REDD+ process lead to improved communication between Ministries and greater consistency between sectoral policies overall. | Medium | High |
| | | | |
| PAMs design refinements | | | |

| Worksheet 2.2: Identifying risks relating to safeguard (a) - [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements | | | |
|---|---|------------------|--------|
| REDD+ PAM | Risks | Rank of benefits | |
| | | Probability | Impact |
| e.g.: Fire management | e.g.: Reduction in fire frequency far below natural background levels results in change in ecosystem structure and function (e.g. from savannah to forest). This may hinder achieving commitments under the Convention on Biological Diversity (CBD). | Low | High |
| | | | |
| PAMs design refinements | | | |

MODULE 3: IDENTIFYING RELEVANT POLICIES, LAWS AND REGULATIONS AND GAPS

Objective: To determine whether there are existing PLRs that could address the benefits and risks identified; what the gaps and weakness are, on paper and in practice through the PLRs' implementation; and whether there are any PLRs that conflict with those identified as supporting the safeguards. For each safeguard, participants are asked to identify the PLRs in place that cover the benefits and risks identified in Module 2. This can form the basis of a clearer understanding of how PLRs may need to be modified or introduced, and their implementation strengthened, to better address and respect REDD+ safeguards.

As previously mentioned, many methods are available for undertaking PLR assessments, and many require legal specialist knowledge. The BeRT kit offers a quick and rough, yet participatory, option for or contribution to such assessments.

Output: Table of existing PLRs that address the Cancun safeguards (with reference to specific provisions where applicable), an assessment of how well they address the benefits and risks identified (on paper and in practice) and a list of gaps, weaknesses and inconsistencies in PLRs and PLR implementation.

N.B. Workshop participants will need to have the benefits and risks identified in Module 2 at hand, as a print-out or on a screen, while working on the PLR analysis. Participants will also benefit from having legal/policy texts or summaries of their content available, as a print-out or on a screen.

Note that as Cancun safeguards (f) and (g) focus on risks, the sections on these safeguards in Module 3 focus only on risks, whilst the others also consider benefits.

Steps (Worksheet 3.2):

1. Introduce the exercise and explain key terms.

- If necessary, explain what is understood by PLRs in this context (see Box 4).
- Choose a safeguard for discussion and review benefits and risks if required.

2. Select all or potential priority benefits and risks for discussion.

- Depending on the number of benefits and risks identified, decide whether it is useful to narrow down the discussion to potential priority benefits and risks or consider all benefits and risks identified.
- **Potential priorities are defined as benefits with a medium probability and high impact, and risks with a high-probability and high-impact.** The thinking behind this is that high probability benefits and low probability benefits do not need much policy attention, because they are already likely or unlikely to occur. High impact, but medium-probability benefits could be influenced by policy-makers to become high-impact, high-probability benefits, so this subset is regarded as the most urgent priority. The high-probability, high-impact risks are clearly those that are most urgent to tackle through appropriate PLRs, or in the selection of PAMs.

3. If no identification of relevant PLRs has been completed prior to the workshop, use the guiding questions to identify potentially relevant policies, laws and regulations.

4. Identify PLRs that promote the benefits or mitigate the risks identified.

- Record PLRs that contribute to achieving the benefits or address the risks identified in worksheet 3.

- Discussion may draw from a prepared list of relevant PLRs and examination of copies of PLR text provided or from summaries of key PLRs.

5. Discuss how the PLRs identified enhance the benefit or mitigate the risk

- In the worksheet column 'How does this PLR cover the benefit/risk?' enter a brief description of how the PLR covers the benefit or risk. Will its effective implementation ensure that the benefit will be achieved? Are there some aspects of achieving the benefit or mitigating the risk that the PLR does not address?

6. Assess effectiveness of the PLRs identified

- Discuss effectiveness of the PLRs identified. How effectively is the PLR being put into practice? If it is a law or regulation, how effectively is it enforced? If it is a policy, how much commitment and effort is there to ensure its implementation? How effective are the PLRs in achieving the benefits or reducing the risks?
- Record results in the relevant column of the worksheet.

7. Assess conflicts

- Identify any other PLRs that conflict with the aims of particular PLRs you have listed and record them in the worksheet. Are there PLRs that create incentives for people to act in ways that undermine the benefits or enhance risks?

8. Identify gaps in PLRs

- Consider the results of this discussion, including the coverage of particular PLRs, their effectiveness and the impacts of any conflicting PLRs. Are there important gaps in the ability of current PLRs to promote the benefits that have been identified as relevant to the PAMs? Are there gaps in addressing risks identified? Are there any potential benefits or risks that are not addressed by current PLRs? Add to the 'gaps identified' column against particular benefits and risks, as appropriate.

Box 4: Explaining key terms in Module 3

Policies, laws and regulations

For the purposes of the tool, policies, laws and regulations (PLRs) are understood as follows.

- **A policy** is a strategic, guiding or planning document prepared by a governmental institution and that describes a vision to address a specific issue or theme. It may be supported by an action plan and specified allocation of funds.
- **A law** is a legally binding act that is enacted by a legislative body (e.g. Parliament).
- **A regulation** is a legally binding instrument to apply the laws and to provide operational directives issued by an executive body (e.g. a Ministry).

In some regions there will also be customary laws, which informally govern rights and resource use. It is envisaged that the PLR analysis may consider whether PLRs are consistent with these customary laws. This is especially likely to be relevant for safeguard (c) on the respect for knowledge and rights of indigenous peoples and members of local communities.

Steps (Worksheet 3.3):

9. Identify measures that could enhance the benefits or mitigate the risks.

- Consider improved implementation or revision of the PLRs or the design of the REDD+ PAMs themselves.

10. Discuss overall PLR coverage and gaps of safeguard

- Spend some time discussing the overall coverage and gaps in PLRs for particular safeguards. This is your opportunity to interpret the results, gather viewpoints, select the gaps that are most pressing to fill, and create an overall picture of how the safeguard is being addressed.

11. Consider how gaps identified could be filled, in order to ensure the Cancun safeguards are addressed and respected.

- What plans are already in place to address some of the gaps?
- Which institutional capacities could be strengthened to address the gaps? Discussion may consider:
 - Mandates (who has the appropriate authority and responsibility to implement PLRs?);
 - Procedures (are the right processes and systems in place, and do they function, to implement the mandates?);
 - Financial, human resource and technological capacity (is there sufficient operational budget, trained personnel, and equipment to perform the procedures?).
- Which processes could be put in place to address the gaps?
- What is realistically feasible in terms of legal reform?

12. Identify potential sources of information that could be used to provide information on addressing and respecting the safeguard.

- If time allows, a preliminary identification of information systems and sources can contribute to SIS design considerations, and the contents of a Summary of Information, at a later stage.

Workshop materials

- Worksheet 3.1: Guiding questions for identifying relevant PLRs.
- Worksheet 3.2: Analyzing PLRs .
- Worksheet 3.3: Provision of information and measures to enhance benefits, mitigate risks and fill gaps Analysis of planned or possible measures to enhance benefits, mitigate risks and fill gaps.
- For each safeguard, a list of potentially relevant national and international PLRs is provided in Annex 2. It can be particularly helpful for a pre-workshop identification of relevant PLRs.

The worksheets below are only an illustration, for the full worksheets please go to [Worksheet 3.1 guiding questions](#), [Worksheet 3.2 PLR analysis](#) and [Worksheet 3.3 enhancing benefits and mitigating risks](#)

Worksheet 3.1: *Safeguard (a) - [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements*

| Policy, law and regulation review | Answers/Comments |
|--|------------------|
| <p>Does the national REDD+ strategy or action plan refer to, and make use of, the following national laws and policies contributing to the implementation of relevant international conventions and agreements:</p> <ul style="list-style-type: none"> • National forest programme? • Forest code/Forest law/Forest policy? • Climate change mitigation strategy/policy/NDC? • Climate change adaptation strategy/policy/NDC? • Development policies/national poverty reduction strategies? • Legal instruments related to biodiversity/ecosystem services? • Legal instruments related to protected areas? • Infrastructure development plans? • Agricultural development plans and policies? • Other existing land-use plans? • Registry of mining and logging concessions? • Land tenure? <p>Even if there are no explicit references, is the national REDD+ strategy in line with the aims of these laws and policies?</p> <p>Are there policies, laws, regulations or other measures (e.g. institutional processes) in place (or planned) to:</p> <ul style="list-style-type: none"> • Explore and enhance complementarities between REDD+ and the national forest programme and relevant international conventions and agreements? • Facilitate coordination and communication between the agencies and actors implementing these national policies and those involved with REDD+? | |

Worksheet 3.2: *Analyzing PLRs related to safeguard (a) - [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements*

| | Addressing | | Respecting | | Identified Gaps |
|---|---|---|--|-------------------|---|
| Benefit | PLRs that address this benefit | How does this PLR cover this benefit? | How effectively the PLR is being implemented? | Conflicting PLRs? | |
| Efforts at better coordination initiated through the REDD+ process lead to improved communication between Ministries and greater consistency between sectoral policies overall. | Poverty Reduction Strategy elements on climate change mitigation. | Mandates inter-ministerial communication on achieving the poverty reduction strategy and its mitigation elements. | Some ministries have more influence than others. | No. | Current practice limits inter-ministerial communication, e.g. few meetings involving personnel; from multiple ministries. |
| | | | | | |

Worksheet 3.2: *Analyzing PLRs related to safeguard (a) - [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements*

| | Addressing | | Respecting | | Identified Gaps |
|--|--|---|---|-------------------|---------------------------------|
| Risk | PLRs that address this risk | How does this PLR cover this risk? | How effectively the PLR is being implemented? | Conflicting PLRs? | |
| Reduction in fire frequency far below natural background levels results in change in ecosystem structure and function (from savannah to forest) and may hinder achieving commitments under the Convention on Biological Diversity (CBD). | National Forest Policy best practice guidelines for fire management. | Best practice guidelines require an assessment of the ecosystem prior to the application of fire management and only allows limited natural fire. | Despite the provision for an assessment, due to lack of capacity, the assessments are not undertaken in practice. | No. | Capacity gap in implementation. |

Worksheet 3.3: Analysis of planned or possible measures to enhance benefits, mitigate risks and fill gaps, in relation to safeguard (a)

What measures could enhance the benefits or mitigate the risks?

What potential sources of information could be used to provide information on addressing and respecting the safeguard?

How could information be provided?

How could gaps identified be filled?

ANNEX 1: DRAFT WORKSHOP AGENDA FOR USING THE BENEFITS AND RISKS TOOL (BeRT)

This annex provides example agendas for covering the three BeRT modules and can be adapted for use in one or more workshops, enabling a stepwise participatory process. It includes an introductory day of presentations and Module 1, two days of three parallel breakout groups working on Modules 2 and 3, and a final day working towards recommendations for addressing identified gaps in PLRs. An optional half day is included for disseminating workshop results to a wider stakeholder audience.

If you have customized materials for your own workshop, the hyperlinks included in the agenda will need to be updated.

| Day 1: Country approaches to safeguards and the context of REDD+ in the country | Facilitator's notes |
|--|--|
| Introduction and workshop objectives | |
| Presentation: Cancun safeguards and UNFCCC requirements on safeguards Q&A | |
| Presentation: UN-REDD support on developing country approaches to safeguards, including links to SESA/ESMF Q&A | |
| Presentation: Overview of the Benefits and Risks Tool and workshop structure for the week Q&A | |
| Plenary Discussion: Questions and Answers on the content so far | |
| Presentation: A refresher on the country's policies and measures | |
| Interactive exercise: Policies and Measures to implement REDD+ activities as defined by the UNFCCC (Module 1) Worksheet 1 PAMs | Depending on size of the group, consider dividing participants into breakout groups. Recommend selecting 4-5 priority actions for analysis. |

| Day 2: Identifying benefits and risks in the context of the Cancun safeguards | Facilitator's notes |
|---|---|
| Demonstration: Working through an example of identifying benefits and risks | |
| <p>Interactive exercise: Identifying benefits and risks under Cancun safeguards, for priority actions</p> <ul style="list-style-type: none"> • Group 1: with a focus on the social safeguards <ul style="list-style-type: none"> ○ Overview of links between Corruption Risk Assessment and Stakeholder Engagement Guidelines ○ Relevant issues from safeguard a) ○ Safeguard b) - <i>Transparent, effective forest governance and sovereignty</i> ○ Safeguard c) - <i>Respect for knowledge and rights of indigenous peoples and members of local communities</i> ○ Safeguard d) - <i>Full and effective participation of stakeholders</i> • Group 2: with a focus on the environment safeguards: <ul style="list-style-type: none"> ○ Relevant issues from safeguard a) ○ Safeguard e) - <i>Natural forest, biological diversity and enhancement of benefits</i> ○ Safeguard f) - <i>Address risk of reversals</i> ○ Safeguard g) - <i>Reduce displacement of emissions</i> <p>Worksheet 2.1 guiding questions Worksheet 2.2 risks and benefits</p> | <p>Divide participants into breakout groups, considering their backgrounds and areas of interest.</p> <p>Depending on the backgrounds of the participants, consider mixing environmental and social backgrounds.</p> <p>Mid-way through the day (e.g. after lunch), the groups could visit each other's workstations and exchange on issues raised.</p> |
| Report back from group exercises | |
| Plenary discussion: <i>How could the benefits and risks identified for each safeguard help clarify the Cancun safeguards in the national context?</i> | |
| Feedback from participants – Evaluation Forms | |

| Day 3: Analysing PLRs in the context of the Cancun safeguards | Facilitator's notes |
|---|--|
| Presentation: Preliminary review of relevant policies, laws and regulations in the country | Presentation of the results of the preliminary PLR review, if drafted in preparation for the workshop. |
| Q&A | |
| Demonstration: Working through an example of analyzing PLRs | |
| <p>Interactive exercise: Identifying relevant PLRs, gaps and conflicts</p> <p>Worksheet 3.1 guiding questions Worksheet 3.2 PLR analysis</p> | <p>Using initial PLR review and table of relevant PLRs for each safeguard as a starting point, if prepared.</p> <p>Same groups throughout workshop</p> |
| Feedback from participants – Evaluation Forms | |

| Day 4: Next steps in filling gaps in PLRs and implementing the country's Road map for safeguards | Facilitator's notes |
|---|------------------------|
| Plenary discussion: Report back from group exercises the day before | |
| <p>Interactive Exercise: Filling gaps identified in PLRs to ensure the Cancun safeguards are addressed and respected</p> <ul style="list-style-type: none"> - <i>What plans are already in place to address some of the gaps?</i> | Same groups throughout |

| | |
|---|------------------------|
| <ul style="list-style-type: none"> - Which institutional capacities could be strengthened to address the gaps? - Which processes could be put in place to address the gaps? - What is realistically feasible in terms of legal reform? <p>Worksheet 3.3 enhancing benefits and mitigating risks</p> | |
| <p>Group discussion: Next Steps to Address the Gaps - Developing and implementing a Draft Roadmap for a country approach to safeguards</p> <ul style="list-style-type: none"> - Next steps to achieve the measures? - Who / which ministry is best placed to undertake the measures identified? - Which of the measures are 'easiest' to achieve? Which are most difficult? - How best to sequence the measures? | Same groups throughout |
| <p>Plenary Discussion:</p> <p>Report back to plenary</p> <p>Next steps for developing country approach to safeguards</p> | |
| <p>Plenary Discussion:</p> <p>Preparing for stakeholder meeting for presenting workshop results</p> | |
| <p>Feedback from participants – Evaluation Forms</p> | |

| Day 5: Dissemination of workshop results to a larger group of stakeholders | Facilitator's notes |
|--|---------------------|
| <p>Presentation: Workshop results</p> <p>Plenary discussion: Discussing results and next steps</p> | |

ANNEX 2: GUIDANCE FOR IDENTIFYING RELEVANT POLICIES, LAWS AND REGULATIONS (PLRS)

The following tables highlight key issues related to the Cancun safeguards and types of policies, laws and regulations that are potentially relevant to each safeguard. These may be a helpful reference to guide a pre-workshop PLR review.

Safeguard (a) - [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements |
|--|---|--|
| <p>1. Consistency and complementarities with the objectives of the national forest programme.</p> <p>2. Consistency with international commitments on climate; contribution to national climate policy objectives, including those of mitigation and adaptation strategies.</p> <p>3. Coordination among agencies and implementing bodies for REDD+, national forest programmes and national policy(ies) that enact the relevant international conventions and agreements.</p> <p>4. Consistency with the achievement of the Sustainable Development Goals; contribution to national poverty reduction strategies.</p> <p>5. Consistency with international commitments on the environment; contribution to national biodiversity conservation policies (including National Biodiversity Strategies and Action Plans), other environmental and natural resource management policy objectives.</p> <p>6. Consistency with the State's human rights obligations under international law, including the core international human rights treaties and ILO 169, where applicable.</p> | <ul style="list-style-type: none"> • National Forest Programme • Forest management policies and standards • National climate policy or legislation • National poverty reduction strategy • National Biodiversity Strategy and Action Plan (NBSAP) • Natural resource management policy and objectives • Decentralization act/ law on local government • Policies related to REDD+ | <ul style="list-style-type: none"> • Rio+20 outcome document, "The future we want", section III on 'Green economy in the context of sustainable development and poverty eradication' (2012) • Non-Legally Binding Instruments on All Types of Forests (NLBI on Forests) (2007) • United Nations Convention to Combat Desertification (UNCCD) (1994) • United Nations Framework Convention on Climate Change (UNFCCC) (1992) • Convention on Biological Diversity (CBD) (1992) • Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles) (1992) • Convention on Wetlands of International Importance (Ramsar Convention) (1971) <p>Core human rights treaties:</p> <ul style="list-style-type: none"> • International Convention for the Protection of All Persons from Enforced Disappearance (2010) • Convention on the Rights of Persons with Disabilities (2008) • International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003) • Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) (1989) • Convention on the Rights of the Child (1989) • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) • Convention on the Elimination of All Forms of Discrimination against Women (1979) • International Covenant on Civil and Political Rights (1976) • International Covenant on Economic, Social and Cultural Rights (1966) • International Convention on the Elimination of All Forms of Racial Discrimination (1965) <p>N.B. Due to the crosscutting nature of safeguard (a), many of the international commitments detailed below are likely to be relevant.</p> |

| | | |
|--|--|--|
| 7. Consistency with other relevant international conventions and agreements. | | |
|--|--|--|

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

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements Source: WRI/ClientEarth (2011) |
|--|--|--|
| <p>8. Access to information</p> <p>9. Accountability</p> <p>10. Land tenure</p> <p>11. Enforcement of the rule of law</p> <p>12. Adequate access to justice, including procedures that can provide effective remedy for infringement of rights, and to resolve disputes (i.e., grievance mechanisms) (NB: overlaps with Safeguard (c))</p> <p>13. Gender equality</p> <p>14. Coherency of national/subnational legal, policy and regulatory framework for transparent and effective forest governance</p> <p>15. Corruption risks</p> <p>16. Resource allocation/capacity to meet institutional mandate</p> <p>17. Institutional capacity to conduct appropriate data collection and planning for forest management</p> <p>18. Participation in decision-making processes (overlaps with Safeguards (c) and (d))</p> | <ul style="list-style-type: none"> • Forest Law • Forest management policies and standards • National Forest Programme • Establishment of community forestry/ community fisheries • Land use and zoning plans • Decentralization act/ law on local government • Sectoral plans • Tenure Legislation • Land Law / Land Registration Law • Land Titles • Concessions/ licenses (e.g. to withdraw timber products for commercial purposes) | <ul style="list-style-type: none"> • Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (ABS) to the Convention on Biological Diversity (2010) • Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008) • United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) • Non-Legally Binding Instruments on All Types of Forests (NLBI on Forests) (2007) • Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) • UN Convention Against Corruption (UNCAC) (2003) • Convention for the Safeguarding of Intangible Cultural Heritage (2003) • UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (1998) • Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998) • Agenda 21 (1992) • Declaration on the Right to Development (1986) • Universal Declaration of Human Rights (UDHR) (1948) <p>Core human rights treaties:</p> <ul style="list-style-type: none"> • International Convention for the Protection of All Persons from Enforced Disappearance (2010) • Convention on the Rights of Persons with Disabilities (2008) • International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003) • Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) (1989) • Convention on the Rights of the Child (1989) • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) |

| | | |
|--|--|---|
| | | <ul style="list-style-type: none"> • Convention on the Elimination of All Forms of Discrimination against Women (1979) • International Covenant on Civil and Political Rights (1976) • International Covenant on Economic, Social and Cultural Rights (1966) • International Convention on the Elimination of All Forms of Racial Discrimination (1965) |
|--|--|---|

Safeguard (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

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements Source: WRI/ClientEarth (2011) |
|--|--|---|
| 19. Definition/determination of indigenous peoples and local communities 20. Recognition of rights to lands, territories and resources 21. Right to compensation and/or other remedies in the case of involuntary resettlement and/or economic displacement 22. Right to share in benefits when appropriate 23. Right to self-determination 24. Right to participate in decision making on issues that may affect them 25. Free, prior and informed consent (FPIC) 26. Recognition and protection of indigenous peoples' and local communities' traditional knowledge, cultural heritage, intellectual property | <ul style="list-style-type: none"> • Constitutional rights and national legislation which recognize the rights of indigenous peoples and their specific forms of participation • Policies or legislation protecting indigenous rights and property, including the right to preserve customary and administrative systems and practices. • Legislation, protocols or guidelines on Free, Prior and Informed Consent (FPIC) • Tenure legislation • Land Titles • Legislation on land titling process • Concessions/ licenses • Written permission for indigenous people and communities to live in conservation areas and/or participate in their management | <ul style="list-style-type: none"> • Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (ABS) to the Convention on Biological Diversity (2010) • Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) • United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) • Convention on Biological Diversity (CBD) (1992) • Rio Declaration on Environment and Development (1992) • Agenda 21 (1992) • Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992) <p>Core human rights treaties:</p> <ul style="list-style-type: none"> • International Convention for the Protection of All Persons from Enforced Disappearance (2010) • Convention on the Rights of Persons with Disabilities (2008) • International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003) • Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) (1989) • Convention on the Rights of the Child (1989) • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) • Convention on the Elimination of All Forms of Discrimination against Women (1979) • International Covenant on Civil and Political Rights (1976) • International Covenant on Economic, Social and Cultural Rights (1966) • International Convention on the Elimination of All Forms of Racial Discrimination (1965) |

Safeguard (d) - The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities [in REDD+ actions]

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements Source: WRI/ClientEarth (2011) |
|---|--|--|
| <p>27. Identification of relevant stakeholders - those who may affect, or be affected by, specific REDD+ actions</p> <p>28. Legitimacy and accountability of bodies representing relevant stakeholders</p> <p>29. Mechanisms or platforms to facilitate participatory processes during design, implementation and monitoring of REDD+ architecture, particularly NS/APs, and associated social and environmental safeguard measures</p> <p>30. Functional feedback and grievance redress mechanisms</p> <p>31. Recognition and implementation of procedural rights, such as access to information, consultation and participation (including FPIC) and provision of justice</p> <p>32. Transparency and accessibility of information related to REDD+ (NB: overlaps with Safeguard (b))</p> | <ul style="list-style-type: none"> • Constitutional rights and national legislation which recognize the rights of indigenous peoples and their specific forms of participation • Policies or legislation protecting indigenous rights and property, including the right to preserve customary and administrative systems and practices. • Legislation, protocols or guidelines on Free, Prior and Informed Consent (FPIC) • Tenure legislation • Land Titles • Legislation on land titling process • Concessions/ licenses • Written permission for indigenous people and communities to live in conservation areas and/or participate in their management | <ul style="list-style-type: none"> • Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (ABS) to the Convention on Biological Diversity (2010) • United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) • Convention for the Safeguarding of the Intangible Cultural Heritage (2003) • UNESCO Universal Declaration on Cultural Diversity (2001) • UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (1998) • Convention on Biological Diversity (CBD) (1992) • Agenda 21 (1992) • Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) (1989) • Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) (1972) • UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) • International Convention on the Elimination of All Forms of Racial Discrimination (1965) • Universal Declaration of Human Rights (UDHR) (1948) |

Safeguard (e) - [REDD+] actions are consistent with the conservation of natural forests and biological diversity, ensuring that REDD+ actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements Source: WRI/ClientEarth (2011) |
|---|--|--|
| 33. Definition of natural forest (consistent across legal framework, forest reference emission level/forest reference level, NS/AP) and understanding of the spatial distribution of natural forest | <ul style="list-style-type: none"> • General law on the environment • Natural resource management policy and objectives • Forest Law • Forest management policies and standards | <ul style="list-style-type: none"> • Convention on Biological Diversity (CBD) (1992) • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1976) • International Tropical Timber Agreement (ITTA) (1985/2006) |
| 34. Design, prioritisation and implementation of REDD+ actions in a way that avoids or minimises adverse impacts, including through indirect land-use change, on natural forests, carbon stocks, biodiversity and other ecosystem services, both within and outside forests, and that instead promotes their conservation | <ul style="list-style-type: none"> • Establishment of community forestry/ community fisheries • Law or policy establishing protected areas • Wildlife law or policy • National Biodiversity Strategy and Action Plan (NBSAP) • Tenure Law | <ul style="list-style-type: none"> • Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (ABS) to the Convention on Biological Diversity (2010) • Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles) (1992) |
| 35. Design, prioritisation and implementation of REDD+ actions in a way that avoids or minimises adverse social impacts and that promotes and enhances economic and social well-being, with special attention to the most vulnerable and marginalised groups | <ul style="list-style-type: none"> • Land use and zoning plans • Sectoral plans • Agricultural policies • Energy Strategy • Water statute or policy • Environmental Impact Assessment/ Strategic Environmental Assessment Requirements | <ul style="list-style-type: none"> • Non-Legally Binding Instruments on All Types of Forests (NLBI on Forests) (2007) • International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) (2001) • WTO/GATT Agreements |
| 36. REDD+ actions are not used for the conversion of natural forest, including conversion from natural to planted forest | <ul style="list-style-type: none"> • Low carbon development strategy • National poverty reduction strategy | |
| 37. Where significant deforestation and forest degradation is ongoing, prioritization of REDD+ actions that incentivize the protection and conservation of natural forests and avoid or minimize degradation of natural forest, over other types of REDD+ actions | | |
| 38. Identification and use of opportunities to incentivise enhanced environmental and social benefits through the way REDD+ actions are designed, located and implemented | | |
| 39. Promotion of actions that involve the management of planted and natural forests to maintain or restore biodiversity and ecosystem services | | |

Safeguard (f) - Actions to address the risks of reversals

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements |
|---|--|--|
| <p>40. Selection and design of REDD+ actions taking into account the risk of reversals; this may involve consideration of the long-term financial and ecological sustainability of planned actions, legal and regulatory frameworks including tenure, support and ownership among stakeholders, and potential changes in environmental conditions and the drivers of deforestation and forest degradation, and the barriers to sustainable management, conservation, enhancement of forest carbon stocks</p> <p>41. Design, prioritization and implementation of REDD+ actions that address the underlying and indirect drivers of deforestation and forest degradation, and barriers to sustainable management, conservation, enhancement of forest carbon stocks and land use change rather than only addressing direct drivers at specific locations</p> <p>42. Analysis of the risk of reversals of emissions reductions, also referred to as 'non-permanence'</p> <p>43. National Forest Monitoring System (NFMS) - including satellite land monitoring system, national forest inventory, greenhouse gas inventory designed, maintained and implemented with the appropriate frequency to detect and provide information on reversals and to perform the functions of monitoring, measuring and reporting results of REDD+ policies and measures, with human resources and technical capacities institutionalized</p> | <ul style="list-style-type: none"> • Land use and zoning plans • Forest law • Sectoral plans • National Adaptation Programme of Action (NAPA) • Nationally Appropriate Mitigation Action (NAMA) • National climate policy or legislation • National carbon emission reduction or sequestration goal • National REDD+ Strategy/ Action Plan | <ul style="list-style-type: none"> • Non-Legally Binding Instruments on All Types of Forests (NLBI on Forests) (2007) • International Tropical Timber Agreement (ITTA) (2006) • Mercosur Framework Agreement on Environment (2004) • Inter-regional Framework Cooperation Agreement between the European Community and its Member States, on the one part, and the Southern Common Market and its Party States on the Other Part (1999) • Regional Convention for the Management and Conservation of the Natural Forest Ecosystems and the Development of Forest Plantations (1993) • Convention on Biological Diversity (CBD) (1992) • Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (1986) • Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention) (1979) • Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1976) • African Convention on the Conservation of Nature and Natural Resources (1968) • International Labour Organisation Convention Concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169) (1989) |

Safeguard (g) - Actions to reduce displacement of emissions

| Key issues | Potentially relevant national PLRs | Potentially relevant international conventions and agreements Source: WRI/ClientEarth (2011) |
|---|--|--|
| <p>44. Preparation, endorsement and continuous updating of a NS/AP covering the entire national territory</p> <p>45. Plan to move towards national scale REDD+ implementation, including all significant REDD+ activities</p> <p>46. Design, prioritization and implementation of REDD+ actions that address the underlying and indirect drivers of deforestation and forest degradation, and barriers to the conservation, enhancement, and sustainable management of forests, as well as other land-use changes, rather than only addressing direct drivers at specific locations</p> <p>47. Design, prioritization and implementation of actions to reduce displacement of emissions from specific REDD+ actions at the local, sub-national and national scales, taking into account the potential impacts of REDD+ actions on livelihoods, as well as the demand for and supply of forest and agricultural products</p> <p>48. Selection and design of REDD+ actions taking into consideration the risk of emissions displacement; displacement risk analysis for the selected REDD+ actions, including risk of emissions displacement to other ecosystems, e.g. through draining of peatlands for agricultural use or displacement of pressures on forests to another region or area</p> <p>49. NFMS designed, maintained and implemented with the appropriate frequency to detect and provide information on displacement (i.e. to detect land use changes) at national, subnational and local levels, and human resources and technical capacities institutionalized</p> <p>50. Analysis of possible reasons for displacement of emissions, such as ineffective implementation of REDD+ actions, or REDD+ actions that are not designed to address underlying (local, subnational, national) drivers of deforestation and forest degradation, and the barriers to sustainable management, conservation and enhancement of forest carbon stocks</p> | <ul style="list-style-type: none"> • National carbon emission reduction or sequestration goal • National climate policy or legislation • National adaptation policy • Nationally Appropriate Mitigation Action (NAMA) • Land use and zoning plans • Forest law • Sectoral plans • National REDD+ Strategy/ Action Plan | <ul style="list-style-type: none"> • International Tropical Timber Agreement (ITTA) (2006) • General Agreement on Tariffs and Trade (1994) / other relevant WTO agreements • United Nations Framework Convention on Climate Change (UNFCCC) (1992) • FLEGT Voluntary Partnership Agreements (VPAs) |

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