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Submission to SBSTA on behalf of Accra Caucus on Forests and Climate Change

CARE International is an accredited observer to the UNFCCC and a member of the **Accra Caucus on Forests and Climate Change,** on whose behalf it makes this submission. The Accra Caucus is a coalition of NGOs, CSOs and IP representatives from the global North and South that has been following the unfolding REDD process nationally and internationally. The Accra Caucus is mindful that other civil society observers have made detailed technical submissions, with which it believes that the recommendations below are consistent.

At its thirty-fourth session, **FCCC/SBSTA/2011/2,** SBSTA invited Parties and accredited observers to make submissions on systems for providing information on how REDD+ safeguards are addressed and respected, with reference to:
(a) Characteristics;
(b) Design;
(c) Provision of information;
(d) Potential barriers, including barriers, if any, to providing information, on addressing and respecting safeguards;
(e) Other relevant issues.

Through the work of its members in many forested countries across the world, the Accra Caucus has encountered a number of barriers to the application of safeguards in forest and conservation projects that are being seen as the precursors of REDD. This submission outlines and responds to some of these barriers, taking as its starting point (d) above, and concluding with some implications for Characteristics, Design and Provision of Information ((a),(b), &(c) above).

Common barriers:

- "The information needed to monitor the safeguards is too complex and will make REDD inaccessible to developing countries".

If REDD is implemented using the full and effective participation of affected communities and peoples, the collection and analysis of information safeguards can be relatively straightforward. Local rights- and stakeholders can be involved in defining the appropriate indicators for the safeguards, and a mechanism for monitoring, as well as a mechanism for grievance in the event of non-compliance, can generate the required information.

Most countries already have forest programmes that provide national or international reports. Additionally, most of the safeguards refer to state obligations that are enshrined in existing legally and non-legally binding instruments; the ILO 169, the UN Declaration on the Rights of Indigenous

Peoples (UNDRIP), the International Bill of Rights[1], the International Convention on the Elimination of Racial Discrimination (ICERD), and the Convention on the Elimination of Discrimination Against Women (CEDAW), and also the Convention on Biological Diversity (CBD). The conventions carry with them reporting requirements, and a REDD safeguards reporting can be integrated into existing national reporting systems.

- "We already have national laws on safeguards so we don't need anything additional"

REDD was invented after the date of most national legislation and it is to be expected that there will be gaps in the provisions for safeguards. Indeed, in countries where a detailed exercise has been done, it is evident that national laws at best provide an enabling framework, but need additional regulations to fill the gaps. Also, REDD requires coherence between the safeguards provisions of different national sectors, which may be in contradiction.

Therefore, an analysis of the gaps in national legislation is critical to the information system on safeguards. This should be done in a participatory way, to ensure that those most likely to be affected by the failure to respect safeguards are involved in identifying where existing laws have failed to guarantee protection to date. It is a common observation that even when laws exist on paper, the practical implementation is lacking. Stakeholder participation in defining the framework for safeguards can help overcome this.

- "Safeguards will become a new conditionality for REDD funding and end up depriving certain countries of the money they need to implement both REDD and safeguards"

REDD is established as a performance-based mechanism – therefore conditionality is inherent in REDD. Fulfilling the safeguards actually contributes to that performance – enhancing the sustainability and permanence of reduced deforestation.   Thus ensuring that forest communities and peoples are at the heart of REDD design and implementation contributes to enhancing the long term sustainability of REDD from a financial, environmental and social perspective.

The converse is also true. Countries that fail to invest in safeguards will find that their REDD income will be continuously eroded, as they fail to achieve the improvements in forest governance necessary to permanently reduce deforestation and receive performance based income linked to this.

Finally, countries are reminded again of their existing obligations to honour their obligations under existing instruments. Very few if any of the safeguards attached to REDD create new obligations.

- "Participation is a threat because free, prior and informed consent gives individual families the right to block the national process"

FPIC is the collective right of Indigenous Peoples using their own decision making processes with regard to, their own lands and territories. It cannot block a national process that does not apply to

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[1] The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights

their territories. It not the same as, or a substitute for, the full & effective participation of all civil society and community groups. A national process must ensure "the full and effective participation of all relevant stakeholders" (paragraph 72 on the Cancun Agreements).

Conclusion and summary

The system for providing information on safeguards will have many potential uses and demands made on it. Priority must be given to agreeing those elements of the system that will enhance the implementation of safeguards at national level. REDD is already advancing in many countries ahead of a complete REDD+ agreement at UNFCCC, and the need for practical guidance on safeguards is urgent.

The Accra Caucus has noted above the barriers most commonly encountered in its work to defend the rights of those affected by REDD. As a result it urges that the design of the information system on REDD safeguards has the following characteristics:

Characteristics:

- The information system must be **participatory**[2] in its design and implementation. A multi-stakeholder national REDD safeguards body would seem to be an appropriate way of managing such a system.

Design:

- The information system must contain a **complaints mechanism** for the collection of information on non-compliance or other grievances that are not picked up by conventional monitoring tools

Provision of information:

- The information system must provide for **transparent** information-sharing that allows the different REDD actors to be held **accountable** for their actions. This creates an added incentive for compliance and thereby adding to the sustainability and benefits of REDD.

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[2] In including the requirement for **participation** within its guidance on a system for sharing information on how safeguards are respected, SBSTA should highlight the key elements of full effective participation, including ensuring that structures exist for relevant rights and stakeholder groups to participate at all levels, and devoting sufficient time and resources for such participation.