

Submission by the United States of America

Potential Additional Guidance on Informing How All Safeguards Are Being Addressed and Respected

April 2, 2012

UNFCCC decision

At its 35th Meeting in Durban in December 2011, the Subsidiary Body for Scientific and Technological Advice (SBSTA) provided recommendations to the Conference of the Parties (COP) on systems for providing information on how safeguards are addressed and respected. The final decision of the COP “requests the Subsidiary Body for Scientific and Technological Advice, at its thirty-sixth session, to consider the timing of the first and the frequency of subsequent presentation of the summary of information referred to in paragraph 3 above, with a view to recommending a decision on this matter for adoption by the Conference of the Parties at its eighteenth session.” It “also requests the Subsidiary Body for Scientific and Technological Advice, at its thirty-sixth session, to consider the need for further guidance to ensure transparency, consistency, comprehensiveness and effectiveness when informing on how all safeguards are addressed and respected and, if appropriate, to consider additional guidance, and to report to the Conference of the Parties at its eighteenth session.”

Purpose of the submission

The United States feels that additional voluntary guidance would be useful as Parties consider how to report on how the safeguards referred to in decision 1/CP.16, appendix 1 are being addressed and respected. The set of questions below may help Parties consider and identify the types of information stakeholders will expect to see to be assured that the safeguards are being addressed and respected. We also believe guidance would similarly be helpful on what types of information might be expected to be provided in future updates, and the frequency different information is reported at, would similarly be helpful. This submission provides our view on what voluntary guidance might be appropriate as Parties seek to comply with the decisions of the UNFCCC related to reporting on safeguards.

Submission content

We have included a set of questions which we feel might be useful as Parties contemplate how to provide information showing how each of the safeguards included in decision 1/CP.16, appendix 1 is being “addressed” and “respected.” (For purposes of this table we have used the rough definitions of these terms as expressed in the SBSTA Expert Workshop held in Panama City in October 2011. “Addressed” has been taken to mean institutions, policies, regulations, strategies, agreements, etc. in place that are relevant to a safeguard. “Respected” has been taken to mean the safeguard is being implemented effectively.)

The SBSTA decision from COP17 “notes that the implementation of the safeguards referred to in appendix I to decision 1/CP.16, and information on how these safeguards are being addressed and respected, should support national strategies or action plans and be included in, where appropriate, all phases of implementation referred to in decision 1/CP.16, paragraph 73, of the activities referred to in paragraph 70 of the same decision.” Accordingly we have attempted to provide suggestions that are relevant to each Phase of REDD+, with the understanding that Parties would submit the appropriate information based on the phase of implementation which they are in at the time of provision.

Flexible, voluntary guidance

The questions below are intended as a voluntary tool which Parties may find useful as they decide how to report on how safeguards are being addressed and respected. It is not intended to be mandatory.

The questions below allow each Party to define terms in the manner most appropriate for national circumstances, respecting national sovereignty. In many cases, it will be possible to draw on existing information and/or point to where such information is reported elsewhere, thereby reducing the reporting burden on Parties.

If useful, we would be willing to provide additional thoughts on the questions included in our submission, and on how they might be answered. We note that other Parties have also provided recommended guidance on what information might be relevant, and believe these constructive suggestions also merit consideration.

Updates

We believe that information provided on safeguards should be updated periodically, but particularly as circumstances change. This could mean that the first report would represent a much greater burden in terms of time and resources than would subsequent reports, which might simply include updates on changes for relevant questions.

For example, information on national laws or policies, national REDD+ strategies or action plans, MRV systems, or international treaties would be updated only if there were a change to those instruments. Data on reversals might be reported at the same frequency with which reporting from a Party's REDD+ MRV system is provided. On the other hand, information on the impacts of REDD+ activities on biodiversity or natural forests, or summaries of the participation of stakeholders in the implementation of a national strategy, would likely be updated more often, as this information is dynamic. These different requirements should be taken into account as reporting formats are considered.

Process

Decision x/CP17 requested SBSTA, at its upcoming thirty-sixth session, to consider the need for further guidance when informing on how safeguards are addressed and respected. We would expect the suggestions on voluntary guidance presented here, as well as those provided by other Parties, to form part of that discussion in Bonn. However, we realize there are a number of issues outlined in decision 1/CP16 and decision x/CP17 that will be discussed before the eighteenth session of the COP. We do feel that adequate time should be allocated to address all these issues fully over the course of this year, allowing for comprehensive and informed outcomes on all issues related to REDD+.

We hope that this initial thinking on potential information types and update frequency will prove useful as Parties begin to construct their systems for providing information on how safeguards are addressed and respected, and as SBSTA considers the need for further guidance on this matter at its thirty-sixth session.

Questions that Parties might consider addressing as they report on how the safeguards as contained in paragraph 2 of Appendix I to decision 1/CP.16 are addressed and respected:

(a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;

How is this safeguard addressed?

- What are the objectives of the national forest programme?
- What are relevant national laws, policies, institutions and regulations?
- Which relevant international conventions and agreements has the Party ratified, and what other relevant international commitments has the Party made?

How is this safeguard respected?

- How is the design and implementation of actions contemplated in the national REDD+ strategy or action plan (and interim subnational strategies, if relevant) consistent with the objectives of the national forest program; laws, policies and regulations; conventions and agreements ratified, or other international commitments a country has made?
- What challenges and tradeoffs, if any, does the Party perceive in implementing their REDD+ strategy or action plan related to these objectives, and how are these being resolved?

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

How is this safeguard addressed?

- What are the relevant formal forest governance structures at the national, subnational, and local levels?
- What are relevant administrative bodies, laws, policies, regulations, and law enforcement mechanisms, including permitting and/ or certification (ie for harvesting, planting, clearing or transport of timber and non-timber forest products)?
- What are relevant traditional forest governance structures at the national, subnational, and local levels?
- Are land tenure and/or land rights clearly defined and stable in areas eligible for REDD+ activities? If not, is there a system that can be described for determining land tenure or land rights in these areas?
- Is there a local or national mechanism for dispute resolution in cases of conflicting land claims in REDD+ eligible areas?
- How are the rights to carbon and carbon-related (REDD+) incentives, and arrangements for the transfer of incentives to relevant stakeholders, defined?

How is this safeguard respected?

- How are relevant laws, policies, and regulations, and carbon rights, made easily available to stakeholders (ie translation into local languages, posting in local communities)?
- How have traditional forest governance structures, including customary tenure or usage, been respected in the design and implementation of REDD+ activities?

- How are carbon-related (REDD+) incentives being provided to relevant stakeholders (eg awareness-building activities, arrangements created, programs established, funds transferred, , accountability mechanisms put in place)?
- Have any changes in land tenure or land rights been associated with REDD+ programs?

(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;

How is this safeguard addressed?

- Which rights-holders may be affected by a national REDD+ strategy or action plan (and interim subnational strategies, if relevant), and what are their unique rights?
- What are relevant laws, policies and regulations?
- Which relevant international conventions and agreements has the Party ratified, and what other relevant international commitments has the country made?
- What indigenous peoples and local communities in areas eligible for REDD+ activities might be affected by REDD+ activities (including explicit location, population, governance structure, and any unique rights allocated)?
- Are there any legally declared or formally claimed indigenous territories in the areas being considered for REDD+ actions?

How is this safeguard respected?

- How are the design and implementation of actions contemplated in the national REDD+ strategy or action plan (and interim subnational strategies, if relevant) consistent with the rights (including usage rights) of indigenous peoples, and members of local communities, (including the relevant laws, policies and regulations and international conventions described)?
- How have the traditional extractive uses and non-extractive forest management practices of indigenous and local communities been recognized, respected and incorporated into the national REDD+ strategy (and interim subnational strategies, if relevant), and the activities contemplated therein?
- How has the knowledge of indigenous peoples and members of local communities, been incorporated into the national REDD+ strategy (and interim subnational strategies, if relevant), and the activities contemplated therein?
- What opportunities have indigenous peoples and local communities, had to provide input on whether and how their knowledge and rights have been protected, and how can this input be accessed?

(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;

How is this safeguard addressed?

- Has a comprehensive mapping of stakeholders that could be involved in and impacted by REDD+ activities been carried out? What methodology was used?
- What stakeholders, including indigenous peoples, members of local communities, and women are involved in or affected by the actions referred to in paragraphs 70 and 72 of the Cancun agreement?

- What relevant national laws, policies, or regulations outline required consultation or participation?
- What provisions for consultation and participation of stakeholders are included in the national REDD+ strategy or action plan, if any?
- What participatory process was used in the design of the national strategy or action plan?
- What systems are used to provide information to, and receive information from, stakeholders?

How is this safeguard respected?

- How has each identified stakeholder group participated in the design and implementation of the national strategy or action plan, and actions referred to in paragraphs 70 and 72 (eg stakeholder committees, stakeholder representatives on national REDD+ councils, local community control over locally-implemented activities, referenda, stakeholder consultations and participants, communication channels for stakeholders)?
- What opportunities do stakeholders have to provide comment on their full and effective participation, and how can these comments be accessed?
- How has information on carbon rights, and potential carbon-related incentives, been made available to local communities?

(e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;

How is this safeguard addressed?

- What nationally- or internationally-recognized biodiversity priority areas (eg ., national parks and protected areas, critical habitats, indigenous reserves, national biodiversity priority areas, High Conservation Value Areas, Key Biodiversity Areas, Alliance for Zero Extinction sites, UNESCO World Heritage Sites, Ramsar Wetlands of International Importance) are included in or affected by the national REDD+ strategy or action plan (and interim subnational strategies, if relevant)?
- What surveys, inventories, studies, or monitoring systems will be used to monitor biodiversity included in or affected by the national REDD+ strategy or action plan (and interim subnational strategies, if relevant)?
- What natural forests, spatially identified by type, are included in or affected by the national REDD+ strategy or action plan (and interim subnational strategies, if relevant), and what definition was used to identify these forests?
- What spatially identified plantations are included in or affected by the national REDD+ strategy or action plan, and what definition was used to identify these plantations?
- What provisions in the national REDD+ strategy or action plan (and interim subnational strategies, if relevant) are used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits?
- What surveys, inventories, studies, or monitoring systems will be used to assess the impact of REDD+ actions on the protection of natural forests, ecosystem services, and other social and environmental benefits?

How is this safeguard respected?

- What changes in forest cover or management regime in any of the identified biodiversity priority areas occurred as a result of the implementation of the national REDD+ strategy or action plan (and interim subnational strategies, if relevant)?
- What changes in biodiversity occurred in the areas included in or affected by the national REDD+ strategy or action plan (and interim subnational strategies, if relevant), and how much of this change may be attributed to REDD+-related activities?
- Does monitoring show any natural forests converted to plantation forests, and if so which?
- What impact does the national REDD+ strategy or action plan (and interim subnational strategies, if relevant) have on the protection of natural forests and their ecosystem services, and other social and environmental benefits?

(f) Actions to address the risks of reversals;

How is this safeguard addressed?

- What are the primary factors behind the risks of reversals, temporary or permanent*?
 - *Examples of reversals include sustainable forest management activities resulting in short term emissions that may later be recaptured in tree growth, or a regrowing forest is claimed as enhanced stock, but where stored carbon is released in the future by disturbance and can no longer be counted as net emissions reductions
- What systems are in place, or actions are implemented, to address reversals (e.g. conservation easements, land contract/laws, buffers, reserve banks, fire/pest management)
- What is the system/infrastructure for identifying reversals in carbon stocks, temporary or permanent, so that they may be measured and reported on in a Party's MRV system?

How is this safeguard respected?

- How are the identified key risks of reversals monitored?
- How are systems or actions to address such risks implemented?
- What major dynamic stock changes were captured by the MRV system, and what were the causes and approximate volumes?

(g) Actions to reduce displacement of emissions;

How is this safeguard addressed?

- What are the possible causes of emissions that might be displaced internationally (leakage) as a result of the implementation of REDD+-related activities, and what are the locations from which these emissions might be displaced?
- (If implementing REDD+ activities at a subnational scale on an interim basis), what are causes of emissions that might be displaced within country (leakage) as a result of the implementation of REDD+-related activities, and what are the locations from which these emissions might be displaced?
- How are related activities (e.g. wood product production, agriculture production, trade in associated products, etc), and the associated land areas, monitored?
- What systems are in place, or measures are planned, to mitigate the risk of this displacement?

How is this safeguard respected?

- What measures were implemented to avoid emissions from displacement of activities associated with REDD+ within the country?

- Are avoided or increased emissions from displacement calculated, and if so how?
- How is information on emissions associated with displacement used to improve the effectiveness of measures to mitigate displacement risk?"