



global witness

**Global Witness comments on the UN-REDD Programme
Social & Environmental Principles and Criteria, Version 1
*15 April 2011***

This submission presents Global Witness’s comments on the UN-REDD Programme Social and Environmental Principles and Criteria, Version 1 (UNREDD/PB6/2011/IV/1) developed in collaboration between UNDP and UNEP and presented to the 6th Policy Board meeting in Da Lat, Vietnam, 21-22 March 2011. The submission elaborates on a number of shortcomings raised by Global Witness in an intervention at the meeting, both in relation to substance and to the process by which the Principles and Criteria have been developed to date.

1. Summary

Our substantive concerns relate to the manner in which this Principles and Criteria document proposes to interpret the safeguards provisions adopted in the Cancun Agreement.¹ In particular, we find that the Cancun safeguards provisions have been selectively interpreted in a way that could undermine their implementation. If the Principles and Criteria are intended to contribute to the interpretation and operationalisation of the Cancun safeguard provisions, as is indicated in the opening section of the document under consideration, their weaknesses are a major concern. In their current form, the Principles and Criteria propose standards that are unclear and unacceptably low.

We have noted that the framing of the Principles and Criteria has become progressively weaker in subsequent drafts since last summer. A working paper from August 2011 on the “UN-REDD Social and Environmental Due Diligence Approach” acknowledged the need for both “minimum compliance standards” and a set of guidelines for enhancing benefits beyond minimum standards. This was also recognized in the document presented at the 5th Policy Board meeting (UNREDD/PB5/2010/12),

¹ Decision 1/CP.16: The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long Term Cooperative Action under the Convention *in* Report of the Conference of the Parties on its Sixteenth Session, held in Cancun from 29 November to 10 December 2010, UN Doc. FCCC/CP/2010/7/Add.1 (15 March 2011) [hereinafter Cancun Agreement].

although the phrase “minimum standard risk assessment and mitigation framework” was used. References to “compliance” or “due diligence” were removed from this version. In the latest version, all references to the need for minimum standards have been removed. On the whole, we are concerned about the lack of transparency around the process by which the current version of the document was produced and what in our view is a significant weakening of the Principles and Criteria.

The objectives of these Principles and Criteria, as outlined in the first section of the document under consideration, are *inter alia* to provide the UN-REDD Programme with a framework to “promote social and environmental benefits and reduce risks” and to support countries in “operationalising the Cancun agreement’s guidance and safeguards for REDD+.” As discussed in more detail below, the Cancun Agreement requires that REDD+ activities are carried out “in accordance with” the guidelines and safeguards outlined in Appendix 1, necessitating the development of clear standards with which to assess how these provisions are being followed. The latest version of the Principles and Criteria includes some Criteria that could form the basis for minimum standards in interpreting the Cancun safeguards, but these appear to be combined with Criteria that provide guidelines for assessing and maximizing the benefits of REDD+. As a result, interpretation is difficult and objectives are unclear, and we note that the elaborations provided for a number of the Criteria (in the “Elaboration” column) are nothing more than a restatement of the Criteria with no additional information to aid in interpretation. We note that the Risk Assessment tool also under development contains additional specific guidelines for assessing social and environmental risks, but the links between the tool and the Principles and Criteria need to be clarified.

Further clarification is also needed regarding the objectives of the Principles and Criteria: How and when will they be applied within the context of UN-REDD Programme pilot country activities, and how will they be used to contribute more broadly to the development and implementation of the guidelines and principles outlined in the Cancun Agreement?

Overall, we find that the principles and criteria addressing governance and social safeguards are inadequate in their present form. It is evident that the safeguards as set out in this document have become progressively weaker compared with the two earlier versions as mentioned above. The reasons for this are not clear. The environmental Principles and Criteria provide a reasonable basis for moving forward but need additional refining and tightening. Taken together, there is a lack of coherence and consistency across the six Principles. As an example, the impacts of REDD+ on forest-dependent livelihoods are not adequately considered in Principle 2 (Stakeholder Livelihoods), where this would seem most appropriate, but are addressed to some extent under Principle 3 (Policy

Coherence) and indirectly under Principle 5 (Maintain and enhance the multiple functions of forests). We question whether Principle 3 – Policy coherence – warrants elaboration as a separate Principle with four Criteria of its own. One of these – Criterion 9 on addressing reversals – seems more appropriately included under governance, and arguably the concept of policy coherence itself would be more suited as a Criteria under the governance Principle.

There has clearly been no attempt to harmonise the Criteria on governance with the pillars and components on governance being developed under the UN-REDD/Chatham House process on REDD+ governance monitoring or with the FAO/World Bank process on assessing and monitoring forest governance. This lack of harmonisation and the failure to produce coherent tools will cause confusion, and is unacceptable, particularly considering that UN-REDD is a collaborative programme.

In addition to these observations, additional specific comments on the Principles and Criteria are given below.

2. Interpretation of the Cancun safeguards

The introductory text of the Principles and Criteria document contains a selective and, in our opinion, incorrect interpretation of the Cancun safeguards text. In particular, the document provides that the safeguards should be promoted and supported, but fails to include a key provision in paragraph 69 of the Agreement.

Paragraph 69 states that:

*... the implementation of the activities referred to in paragraph 70 below should be carried out **in accordance with** appendix I to this decision, and that the safeguards referred to in paragraph 2 of appendix I to this decision should be **promoted and supported** (emphasis added)*

In effect, the paragraph contains two provisions: that activities be carried out in accordance with the guidelines and safeguards in appendix I, *and* that the safeguards within appendix I be promoted and supported. However, the Principles and Criteria document omits reference to the first operational provision, an omission that could lead to confusion and misinterpretation of the role of the Cancun safeguards. It is important that these two provisions be interpreted in combination and not in isolation, and in conjunction with other provisions regarding the safeguards, notably the request for parties to develop:

A system for providing information on how the safeguards referred to in annex I to this decision are being addressed and respected throughout the implementation of the activities referred to in paragraph 70... (paragraph 71(d), emphasis added)

Collectively, the provisions make clear that the REDD+ activities should be implemented *in accordance* with the safeguards *throughout*, and that, *in addition*, the safeguards are to be promoted and supported. In effect, the activities and safeguards are two sides of the same coin, to be implemented together.

3. Specific comments on the Principles and Criteria

Principle 1: Democratic governance

- The title of the document omits reference to ‘governance’, but then attempts to define three criteria for ‘democratic governance’ in Principle 1, relating them to Cancun safeguard 2(b), which provides for “transparent and effective national forest governance structures”. There has been no attempt to harmonise these ‘governance criteria’ with, or even refer to, the UN-REDD/Chatham House process on REDD+ governance monitoring or the FAO/World Bank process on forest governance assessment. These two aligned processes are producing complementary guidance using common terminology and a core framework of governance ‘pillars and components’. Both processes are grounded in thorough research, and have been broadly consultative, engaging a wide range of governance experts from research institutes and civil society organisations, as well as participants from donor and REDD+ countries. In contrast, the process by which the Social and Environmental Principles and Criteria have been developed is unclear, and appears not to have involved similar broad-based consultation and expertise, resulting in governance criteria that are weak and incomplete. The two UN-REDD tools appear to have developed along separate and parallel tracks. They use different terminology and a different interpretation of governance, and are on the way to producing products that are not coherent with one another. This is confusing and unacceptable, particularly given that UN-REDD is meant to be a collaborative programme.

Principle 2: Stakeholder livelihoods

- Principle 2 only addresses the need to respect traditional knowledge (Criteria 6); it makes no reference to respecting the rights of indigenous peoples and members of local communities. In our view, this omission undermines Cancun Agreement safeguard 2(c), which provides for respecting “the knowledge *and rights* of indigenous peoples and members of local communities, by taking into account relevant international obligations” (emphasis added).² Although there is reference to the ‘rights’ of indigenous peoples in some of the hyperlinks, the process by which these link to the Principles and Criteria is unclear. The issue of rights needs to be spelt out more clearly in the document.
- Overall, when compared with the Working Paper from August 2010 and the November update for the 5th Policy Board meeting, the current version has lost reference to broad consideration of social, political and economic well-being. This has been replaced with four very specific criteria, two seemingly drawn from the text of the Cancun Agreement, addressing gender equality and respect for traditional knowledge, along with additional criteria on involuntary resettlement and equitable benefit distribution systems. While important, these criteria when taken together do not begin to address the potential adverse impacts that REDD+ could have on livelihoods – impacts that were more comprehensively addressed in previous versions of the Social Principles and Criteria.
- The Principles and Criteria also fail to recognise the provisions found in the footnote to Cancun safeguard 2(e) which highlights the importance of “Taking into account the need for *sustainable livelihoods* of indigenous peoples and local communities and their interdependence on forests” (emphasis added).³

Principle 3: Policy coherence

- It is unclear why Policy Coherence is considered a Principle in its own right or why criterion 9 ‘Address the risk of reversals: Plan for long-term effectiveness of REDD+’ is listed under Policy Coherence. The coherence of policies, laws and regulations is a key component of governance, and while it contributes to ensuring permanence, it is not the only factor. Ensuring permanence of carbon stocks is dependent more broadly on good governance, not just on the coherence of policies.

Principle 4. Protect and conserve natural forest

² See Cancun Agreement, appendix 1, paragraph 2(c).

³ See Cancun Agreement, appendix 1, footnote to paragraph 2(e).

- Criterion 13 should state that REDD+ interventions that prevent the degradation of natural forests and conserve biological diversity should be prioritized.

Principle 5. Maintain and enhance multiple function of forest

- This Principle should more clearly incorporate social benefits as part of the multiple functions of forests. Social benefits are explicitly referenced in the Cancun Agreement, appendix I, paragraph 2e.
- Be more explicit about what is meant by “new” forest in Criteria 14.
- Criterion 14 should specify in particular the importance of “enhancement of ecosystem services and biodiversity” in degraded forests.
- The reference to the “impacts of species choice in new planting” in the elaboration of Criterion 14 seems overly specific and proscriptive in this context.

Principle 6. Minimize indirect adverse impacts on ecosystem services and biodiversity

- Consider re-titling this Principle “Indirect impacts on ecosystems and carbon stocks: The programme includes measures to monitor and reduce or avoid the displacement of emissions or other negative impacts on natural ecosystems”
- Replace “Minimize” in Criteria 16 – 18 with “Put measures in place to reduce or avoid displacement of [emissions/loss of biological diversity or other ecosystem functions]”
- The use of the formulation “displacement of land-use change” would seem to exclude the displacement of emissive forest management activities such as industrial logging that do not necessarily constitute a change in land-use but that may nonetheless result in displacement of emissions (see suggestion above).
- In Criteria 18, it is not clear why the intensification of “forestry” would be considered an “indirect” factor impacting biodiversity.

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