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Report on Sri Lanka's National Approach to REDD+ Safeguards

Sri Lanka UN-REDD Programme

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Contents

SUMMARY	1
INTRODUCTION	1
METHODOLOGY USED TO DEVELOP THE NATIONAL SAFEGUARDS APPROACH.....	1
OUTCOMES.....	1
CONCLUSIONS AND RECOMMENDATIONS FOR NEXT STEPS	6
1. THE PURPOSE OF THE NATIONAL APPROACH TO REDD+ SAFEGUARDS	8
1.1 THE NEED FOR A NATIONAL APPROACH TO REDD+ SAFEGUARDS.....	8
1.2 WHAT CONSTITUTES A NATIONAL APPROACH TO SAFEGUARDS?	8
2. METHODOLOGY USED TO DEVELOP THE NATIONAL SAFEGUARDS APPROACH	10
3. STEP A: DETERMINING GOALS AND SCOPE.....	12
3.1 THE ‘CANCUN’ SAFEGUARDS	12
3.2 OTHER RELEVANT SAFEGUARD REQUIREMENTS	13
3.3 GOALS AND SCOPE FOR SRI LANKA	17
4. STEP B: CLARIFICATION OF THE CANCUN SAFEGUARDS AS THEY RELATE TO SRI LANKA....	19
4.1 SUB-STEP 1: DEVELOPING A METHOD FOR CLARIFYING THE CANCUN SAFEGUARDS IN ACCORDANCE WITH SRI LANKA’S NATIONAL CIRCUMSTANCES.....	19
4.2 SUB-STEP 2: POPULATING THE ANALYTICAL MATRIX USED TO CLARIFY THE CANCUN SAFEGUARDS IN ACCORDANCE WITH SRI LANKA’S NATIONAL CIRCUMSTANCES.....	20
4.3 SUB-STEP 3: REFINING THE LIST OF NATIONAL CRITERIA	20
5. STEP C: DETERMINING RISKS AND BENEFITS OF REDD+ POLICES AND MEASURES	24
5.1 INTRODUCTION	24
5.2 APPROACH TAKEN TO ASSESS RISKS AND BENEFITS OF REDD+ POLICES AND MEASURES.....	24
6. STEP D: ASSESSMENT OF EXISTING POLICIES, LAWS, AND REGULATIONS (PLRS), AND THEIR IMPLEMENTATION IN PRACTICE	27
6.1 INTRODUCTION	27
6.2 OUTCOMES OF THE POLICY, LAW AND REGULATION ANALYSIS	28
6.2.1 Cancun (a).....	29
6.2.2 Cancun (b)	30
6.2.3 Cancun (c).....	32
6.2.4 Cancun (d)	33
6.2.5 Cancun (e).....	34
6.2.6 Cancun (f).....	36
6.2.7 Cancun (g).....	36
6.3 AGENCY RESPONSIBILITY FOR RECOMMENDATIONS	37
7. STEP E: OPTIONS FOR THE DESIGN OF A SAFEGUARD INFORMATION SYSTEM.....	42
7.1 INTRODUCTION	42
7.2 DEFINING SAFEGUARD INFORMATION SYSTEM OBJECTIVES	42
7.3 ESTABLISHING THE INFORMATION NEEDS AND STRUCTURE OF THE SAFEGUARDS INFORMATION SYSTEM.....	43
7.4 ESTABLISHING THE INSTITUTIONAL ARRANGEMENTS FOR THE SAFEGUARD INFORMATION SYSTEM.....	47
8. SRI LANKA’S FIRST SUMMARY OF INFORMATION	51

8.1	UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE REQUIREMENTS	51
8.2	INFORMATION ON HOW THE CANCUN SAFEGUARDS HAVE BEEN ADDRESSED WHEN DEVELOPING THE NRIFAP	53
8.3	INFORMATION ON WHICH REDD+ ACTIVITIES ARE INCLUDED IN THE SUMMARY OF INFORMATION	53
8.4	INFORMATION ON NATIONAL CIRCUMSTANCES RELEVANT TO ADDRESSING AND RESPECTING THE CANCUN SAFEGUARDS.....	53
8.5	A DESCRIPTION OF EACH SAFEGUARD IN ACCORDANCE WITH NATIONAL CIRCUMSTANCES.....	53
8.6	A DESCRIPTION OF EXISTING SYSTEMS AND PROCESSES RELEVANT TO ADDRESSING AND RESPECTING SAFEGUARDS 54	54
8.7	INFORMATION ON HOW EACH OF THE SAFEGUARDS HAS BEEN ADDRESSED AND RESPECTED	54
8.8	ANY OTHER RELEVANT INFORMATION	55
9.	CONCLUSIONS AND RECOMMENDATIONS FOR NEXT STEPS	56
	APPENDIX 1: LIST OF PRIORITY POLICIES AND MEASURES (PAMS)	58

Summary

Introduction

Upcoming REDD+ initiatives will have both benefits and risks associated with them. There is therefore a need to apply a set of safeguards that can strengthen the quality and sustainability of REDD+ implementation, and ensure confidence that REDD+ is delivering benefits and so avoiding/minimizing risks.

There is a recognition that REDD+ safeguards approaches need to be designed to meet the unique needs and circumstances of specific countries. Components of a national approach to safeguards include three core elements:

- (i) policies, laws and regulations which address safeguards;
- (ii) institutional mandates, procedures and capacities to ensure that the safeguards are being respected; and,
- (iii) a safeguards information system which makes information available on how REDD+ safeguards are being addressed and respected.

Methodology used to Develop the National Safeguards Approach

This national safeguards approach has been developed through the execution of the following five steps:

- A. Determining the goals and scope of Sri Lanka's national approach to safeguards.
- B. Clarification of the Cancun safeguards as they relate to Sri Lanka's national circumstances.
- C. Determining the risks and benefits associated with the Policies and Measures (PaMs) that are considered necessary to result in better management of forest resources.
- D. Consolidation of all existing policies, laws, and regulations (PLRs) and institutional framework analyses as they relate to safeguards, and conducting a supplementary review to fill any necessary information gaps.
- E. Options for the design of a Safeguards Information System.

Steps B, C, and D, involved extensive stakeholder consultation, and resulted in voluminous and detailed outcomes. These are presented in separate documents¹.

Outcomes

Step A: Goals and Scope

Sri Lanka is required to meet the seven Cancun safeguards, as a consequence of its commitments to the UNFCCC. Other international donor safeguards are absolute, 'do no harm' requirements for project approval rather than 'goals'. If Sri Lanka wishes to apply for multi-lateral or bi-lateral funding, then it will be required to adhere to the safeguard requirements of the relevant agencies. The goal of this national approach, therefore, is to meet the requirements of the seven Cancun safeguards. With regard to 'scope', discussions with the Forest Department resulted in an agreement that REDD+ safeguards should be applied only to REDD+ actions in the short term, with the possible eventual extension to the whole forestry sector as a means to attract other sources of foreign investment.

¹ Cancun Safeguards as Clarified for Sri Lanka ("the Safeguards Clarification" document). Risks and Benefits Tables for all PaMs ("Risks and Benefits" report). Policies, Laws, and Regulations Report (the "PLR report").

Step B: Clarification of the Cancun Safeguards

The Cancun Safeguards are broad statements which have to be further defined in accordance with national circumstances, in order to be operationalized within a country. They require reaching a shared understanding, or ‘clarification’, of rights and obligations. The ‘clarification exercise’ consisted of the following three sub-steps:

Sub-step 1: Developing a method for clarifying the Cancun safeguards in accordance with Sri Lanka’s national circumstances.

Sub-step 2: Populating an analytical matrix used to clarify the Cancun safeguards in accordance with Sri Lanka’s national circumstances.

Sub-step 3: Refining the list of national criteria.

The complete list of nationally-clarified safeguard criteria is presented in the following table.

National Safeguard Criteria

Cancun Safeguard (a): REDD+ actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements	
a.1:	Consistent with national environmental action plans, national forest programmes and relevant policy and legislative frameworks that cover environmental/ conservation management in the country
a.2:	Consistent with obligations of the country under relevant international environmental treaties and agreements
Cancun Safeguard (b): Transparent, effective forest governance structures, taking into account national legislation and sovereignty	
b.1:	Effectiveness of Law enforcement and compliance
b.2:	Enhanced institutional capacity of relevant institutions at state and local levels for improved forest governance
b.3 :	Transparent and accountable decision-making at all levels of government relating to forest activities
b.4:	Effective cross-sectoral coordination and communication to ensure integration of forest and biodiversity conservation
b.5:	Legal recognition and definition of the rights/responsibilities of all strategic actors that take part in forest management.
b.6:	Effective anti-corruption strategies and design mechanisms specifically for REDD+
b.7:	Consultation and participation of national and local stakeholders in decision-making
b.8:	Governance indicators for REDD+ schemes and participatory approaches in monitoring for REDD+ schemes and participatory approaches in monitoring.
b.9:	Access to recourse to justice and/or dispute resolution to enforce stakeholder rights, grievance redress mechanisms that can be accessed by individuals in response to

	breaches of safeguards, right for compensation and other remedies in event of unavoidable involuntary resettlement and economic displacement.
b.10:	Gender equality and women's empowerment in forest management, especially with regard to benefit sharing, participation, and land tenure/ownership
b.11:	Access to, and disclosure of, up-to-date, accurate and complete information on forest protection/management and access to information at the local level taking into consideration cultural appropriateness of information presentation.
Cancun Safeguard (c): Respect for the knowledge and rights of indigenous peoples and members for local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the UN Declaration on the Rights of Indigenous Peoples	
c.1:	Use of free, prior, informed consent procedures.
c.2:	Minimize resettlement and disruption/loss of traditional and rural livelihoods of indigenous people and forest-dependent communities.
c.3:	Poverty alleviation through alternative livelihood opportunities and improved social services, to improve the standard of forest dependent communities.
c.4:	Benefit-sharing mechanism arising from use of forest resources.
c.5:	Community forest land tenure, land allocation, and demarcation based on customary rights of use and rights of indigenous people and forest dependent communities to customary forest access and sustainable forest use.
Cancun Safeguard (d): Full and effective participation of relevant stakeholders, in particular indigenous people and local communities	
d.1:	Private sector participation
d.2:	Awareness and capacity among stakeholders for effective participation in forest-related decision-making process
d.3:	Reduced human-wildlife conflict
d.4:	Stakeholder mapping of those likely to be affected by REDD+ activities, prior to the decision-making process, at national and local levels
Cancun 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	
e.1:	Protection of biodiversity and natural forests to maintain/enhance ecosystem services at the local and national levels
e.2:	Monitoring and evaluation to demonstrate progress towards management objectives

e.3:	Legal frameworks supporting the mapped spatial distribution of natural forests
e.4:	Independent verification of compliance with forest management standards
e.5:	Access to state-of-the-art technology and resources to monitor natural forest areas and biological diversity
e.6:	Development of pest management plans as a method for protecting biodiversity
e.7:	Integrating the economic value of ecological, biological, climatic, and socio-cultural benefits of forest resources in decision making
e.8:	Conservation research and awareness-raising
e.9:	Mandatory Strategic Environmental Assessment in land-use planning
e.10:	Ecosystem approach to land use planning
e.11:	Strict prohibition of conversion of natural forest and critical natural habitats
e.12:	Increase in natural forest cover
Cancun Safeguard (f): Actions to address the risk of reversals	
f.1:	National-level approach to REDD+ planning and implementation
f.2:	Regulatory guidance in the national legal framework to address risk of reversal and pursue permanence in REDD+ projects
f.3:	Mechanisms to promote environmental disaster risk reduction
Cancun Safeguard (g): Actions to reduce displacement of emissions	
g.1:	National level approach to accounting for emission reductions and increases in removals
g.2:	Regulations on the responsibilities and procedures for monitoring at national and local levels in order for the national accounting system to be coherent
g.3:	Mechanism for undertaking comprehensive risk analysis and mitigation to address direct and indirect drivers of reversals/displacements
g 4:	National and local level monitoring of deforestation

Step C: Determining the Risks and Benefits associated with Proposed Policies and Measures (PaMs)

It is clear that there are both risks and benefits associated with the implementation of Policies and Measures that are aimed at reducing deforestation and forest degradation in Sri Lanka, as well as those aimed at strengthening the quality and quantity of forest conservation, restoration and sustainable management. Environmental risks could conceivably include the replacement of natural forest with plantations; the displacement of deforestation to areas important for biodiversity; and, agricultural intensification and erosion of non-forest biodiversity. Social risks could include contested land/resource rights; inequitable sharing of the benefits of REDD+ PaMs; and, the exclusion of indigenous people and local communities from decision making. The purpose of developing safeguards is to ensure that these risks are properly identified and dealt with. Stakeholder workshops resulted in a long list of benefits and risks, and these are presented in a separate document².

² See footnote 1.

The category with most identified risks was “social” (28), followed by “governance” (22), and “environmental” (12). The most often-mentioned social risks of implementing identified PaMs were:

- * risks to livelihoods;
- * threats to the rights of local stakeholders;
- * difficulties associated with participation;
- * lack of cooperation between government agencies; and,
- * competition for the use of land.

Analysis of the Risks and Benefits report suggests that stakeholders were most concerned about the following governance risks:

- * increases in national/provincial conflict;
- * lack of reliable data;
- * corruption;
- * lack of scientific/institutional capacity; and,
- * lack of access to justice.

Finally, the most often-mentioned environmental risks were:

- * displacement of existing land uses to other natural areas;
- * overexploitation of groundwater; and,
- * change of land use affecting biodiversity.

Step D: Review of Policies, Laws and Regulations (PLRs)

The fourth step in the development of the national REDD+ safeguards approach involved identification of the existing policies, laws, and regulations (PLRs) that are necessary to operationalize the Cancun safeguards, and an analysis of gaps, weaknesses and inconsistencies. Each of the nationally-clarified safeguard criteria introduced in the previous table were allocated to one of the seven Cancun Safeguard ‘categories’. In turn, for each criterion, the following four questions were asked:

- (i) Is the safeguard ‘addressed’ through existing policies, laws, or regulations (PLRs) on paper?
- (ii) Is the safeguard ‘respected’ through implementation of relevant PLRs in practice?
- (iii) What gaps, weaknesses, or inconsistencies are there for each of the PLRs on paper?
- (iv) What gaps, weaknesses, or inconsistencies are there in implementation of the relevant PLRs in practice?

The complete outcomes of the very extensive PLR analysis are presented in full in a separate document³. The analysis resulted in 47 recommendations for PLR gap-filling and strengthening, and specific agencies were identified as being responsible for managing the proposed reforms.

Step E: Options for the Design of a Safeguard Information System (SIS)

The main focus of the final task was to identify how safeguards information can be collected, summarized, and reported through a single coherent national-level SIS. The focus is on outlining options for the design of a Safeguard Information System (SIS) to, inter alia, generate future summaries of information. Task E consisted of three sub-steps: defining objectives; offering ideas for the structure of the SIS; and, suggesting possible institutional arrangements.

³ See footnote 1.

UNFCCC guidance strongly suggests that a SIS should be built on existing systems. The best option would appear to be establishing a central information collection and reporting function housed in a single institution, and where information would be collated from each of the individual ‘holders’ of the information relevant to the safeguard criteria. Sri Lanka already has a UNFCCC Focal Point within the Ministry of Mahaweli Development and Environment. It is recommended that this be the institutional home for the REDD+ Safeguard Information System.

The UNFCCC Focal Point would be the coordinator of the SIS, and would be responsible for producing regular Summaries of Information (SoI) for reporting to the UNFCCC. As indicated in Table 5, the main ‘holders’ of the PLRs that would be reported on are the Central Environmental Authority, the Forest Department, the Ministry of Mahaweli Development and Environment, and the Rights to Information Commission. Given that the UNFCCC Focal Point is within the Ministry of Mahaweli Development and Environment, the latter would have the ultimate responsibility for the SIS.

The ‘holders’ of the PLRs would collect information in a form to be determined by the UNFCCC Focal Point. They would provide information to the Focal Point for analysis and interpretation, and would also be responsible for quality assurance/quality control of their own data.

Conclusions and Recommendations for Next Steps

The table below indicates the extent of completion of the national approach to REDD+ safeguards.

Progress with the Development of the National Approach to REDD+ Safeguards

Step	Progress made	Further work required
A: Determining goals and scope	Initial goals and scope determined	Iteratively revise goals and scope as Sri Lanka’s needs and capacities on REDD+ change
B: Clarification of the Cancun Safeguards as they relate to Sri Lanka	Substantially completed	Rationalise national criteria to a smaller more feasible number for SIS as well as possible Summary of Information structuring purposes
C: Determining risks and benefits or REDD+ policies and measures	Completed for candidate PaMs presented for consideration during the national REDD+ strategizing process	Iteratively re-assess benefits and risks of PaMs as they are modified and re-prioritised through ‘learning by doing’ of PaMs implementation
D: Assessment of PLRs and their implementation in practice	Substantially completed	Further prioritize PLRs for reform, and develop action plans for institutional capacity strengthening. This would include prioritizing the list of current PLR gap-filling recommendations.
E: Options for the design of a Safeguard Information System	Initially outlined	Undertake a thorough SIS design process, which would include, inter alia: <ul style="list-style-type: none"> (i) A government-led, multi-stakeholder consultation to determine the objectives of the SIS; (ii) A comprehensive assessment of

		<p>existing national information systems and international reporting commitments; and,</p> <p>(iii) Drafting a SIS framework design document, through a consultative/participatory process.</p>
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A first iteration of a Sri Lankan approach to REDD+ safeguards has been substantially achieved. There are a few key areas of work that need to be undertaken in the near future to improve this first version of the national approach. Recommendations for further work are outlined below.

Recommendation 1: Step A

As Sri Lanka’s needs and capacities on REDD+ change, ‘goals and scope’ should be iteratively revised. This is a medium-term need.

Recommendation 2: Step B

Fifty safeguard criteria will be difficult to report against, at least in the short term. For the purposes of SIS information structuring and operating, and the initial stages of reporting to the UNFCCC, it may be appropriate to further rationalize the safeguard criteria through a stakeholder consultation exercise. This is a short-term need.

Recommendation 3: Step C

Iteratively re-assess benefits and risks of PaMs as they are modified and re-prioritised through ‘learning by doing’ of PaMs implementation. This is a medium-term need.

Recommendation 4: Step D

The PLR report presents an 86-page analysis of PLRs that are either currently addressed and respected, or in need of reform or initiation. Associated with each of the possible reforms is a long list of recommendations. Tackling the entire list is a somewhat daunting task. There is therefore a need to further prioritize PLRs for reform, and to develop action plans for institutional capacity building, so that implementation can be assured. This is a short-term need.

Recommendation 5: Step E

A possible structure for the SIS and proposed an institutional arrangement for the compilation, analysis, and reporting of information is presented. However, the SIS and Sol need more work. It is recommended that a next step would be to undertake a thorough SIS design process, to include:

- * A government-led, multi-stakeholder consultation to determine the objectives of the SIS;
- * A comprehensive assessment of existing national information systems and international reporting commitments; and,
- * Drafting a SIS framework design document, through a consultative/participatory process.

This is a short-term need.

1. The Purpose of the National Approach to REDD+ Safeguards

1.1 The Need for a National Approach to REDD+ Safeguards

REDD+ is a voluntary international climate change mitigation mechanism adopted under the United Nations Framework Convention on Climate Change (UNFCCC). REDD+ will reward developing countries with results-based payments for measured, reported and verified greenhouse gas emissions reductions, and/or enhanced removals from the atmosphere, through results-based actions that will reduce deforestation and forest degradation, and lead to more sustainable management of forests.

It is tempting to assume that any initiative taken to reduce deforestation and reverse degradation will lead only to environmental and social benefits. Clearly, this is the overall aim of REDD+ initiatives. However, there are potentially many stakeholders involved in the use, management, and conservation of forests. These include indigenous people; forest-dependent communities; investors; and, society as a whole. Such a diverse collection of stakeholders will, by definition, possess differing interests, such as: access to forests and their resources; the ability to participate in decision-making; recognition of customary rights and other forms of land tenure; and the ability to receive benefits from REDD+ actions.

Each of these stakeholder groups will perceive the benefits and risks associated with REDD+ initiatives differently. For example, some stakeholders may focus on benefits, such as clarified resources and tenure rights, improved governance, and more sustainable rural livelihoods. On the other hand, some may focus on perceived risks, such as contested land rights, inequitable sharing of benefits, and the replacement of natural forests with plantations.

Given these different ways of perceiving benefits and risks, there is a clear need to apply a set of safeguards to upcoming REDD+ actions that would:

- strengthen the quality and sustainability of REDD+ implementation;
- ensure confidence that REDD+ is delivering benefits and so avoiding/minimizing risks; and,
- contribute to broader national development goals.

1.2 What Constitutes a National Approach to Safeguards?

There is a recognition that REDD+ safeguards approaches need to be designed to meet the unique needs and circumstances of specific countries⁴. Components of a national approach to safeguards include three core elements:

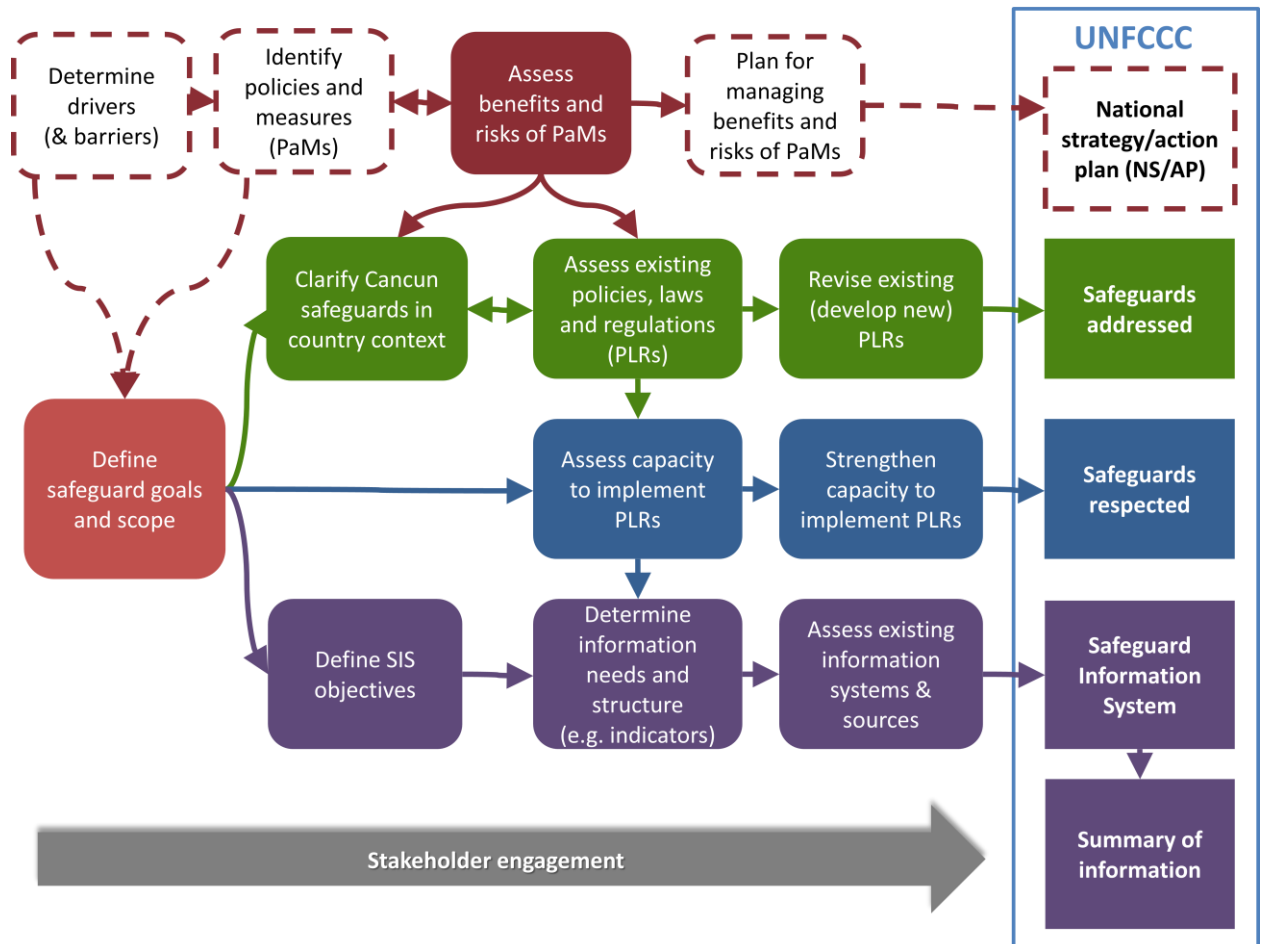
- (i) policies, laws and regulations which address safeguards;
- (ii) institutional mandates, procedures and capacities to ensure that the safeguards are being respected; and,
- (iii) a safeguards information system which makes information available on how REDD+ safeguards are being addressed and respected.

While national circumstances vary greatly, some generic steps are becoming clear as a result of country experiences to date. These steps provide a useful starting point for Sri Lanka to consider for the development of its safeguard approach. Figure 1 presents these tasks in an idealized

⁴ UN REDD Programme (2015), Country Approaches to REDD+ Safeguards: A Global Review of Initial Experiences and Emerging Lessons. Technical Resource Series: Safeguards Edition 2.

sequence. Sri Lanka has already undertaken studies to determine the ‘drivers’ of deforestation and forest degradation, and to determine prioritized ‘policies and measures’ that could be applied to the protection and rehabilitation of forests. These studies, along with others that have focused on land tenure and gender, will inform the development of the national safeguards approach. Figure 1 also indicates crucial links to the proposed national REDD+ strategy or action plan (NS/AP) process.

Figure 1 Generic Steps to Develop a Country Approach to Safeguards



2. Methodology used to Develop the National Safeguards Approach

The development of Sri Lanka's national approach to REDD+ safeguards followed the now generally understood conceptual framework for supporting the development of country approaches to safeguards⁵, which has been developed by the UN-REDD Programme, in conjunction with a number of other initiatives. Developing countries, including Sri Lanka, seeking to implement NS/APs under the UNFCCC, are required to meet three fundamental safeguard-related requirements in order to be eligible for results-based payments:

- Operationalizing safeguards - countries should ensure REDD+ actions, regardless of the source and type of funding, are implemented in a manner consistent with the Cancun safeguards⁶;
- Safeguards information system (SIS) - countries should identify a robust system for providing information on how the Cancun safeguards are being addressed and respected⁷;
- Summary of information - countries should provide a summary of information on how all the Cancun safeguards are being addressed and respected throughout the implementation of REDD+ actions⁸.

These outputs have been reached through the execution of five steps as follows, and as shown in Figure 2:

- A. Determining the goals and scope of Sri Lanka's national approach to safeguards.
- B. Clarification of the Cancun safeguards as they relate to Sri Lanka's national circumstances.
- C. Determining the risks and benefits associated with the Policies and Measures (PaMs) that are considered necessary to result in better management of forest resources.
- D. Consolidation of all existing policies, laws, and regulations (PLRs) and institutional framework analyses as they relate to safeguards, and conduct a supplementary review to fill any necessary information gaps.
- E. Options for the design of a Safeguards Information System.

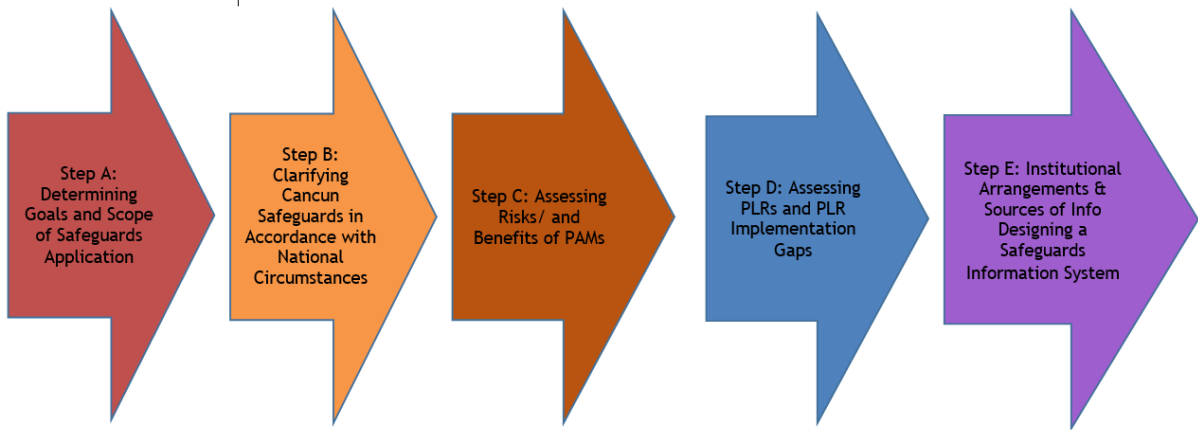
Figure 2: Development of National Approach to REDD+ Safeguards in Sri Lanka

⁵ UN-REDD Programme (2016) [Technical Brief 2: Conceptual framework for country approaches to safeguards](#).

⁶ [UNFCCC Decision 1/CP.16](#) paragraph 69

⁷ [UNFCCC Decision 1/CP.16](#) paragraph 71 (d), Decision 9/CP.19 paragraph 3

⁸ [UNFCCC Decision 12/CP.17](#) paragraph 3, Decision 9/CP.19 paragraph 4



3. Step A: Determining Goals and Scope

3.1 The 'Cancun' Safeguards

Results-based actions under REDD+ must take place under one or more of five UNFCCC-agreed activities:

1. Reducing emissions from deforestation;
2. Reducing emissions from forest degradation;
3. Conservation of forest carbon stocks;
4. Sustainable management of forests; and
5. Enhancement of forest carbon stocks⁹.

To ensure that environmental and social risks associated with REDD+ are addressed and that multiple benefits can be achieved, Parties to the UNFCCC agreed a set safeguards for REDD+ at the 16th Conference of the Parties (COP16) in Cancun, Mexico. These Cancun safeguards constitute seven broad principles that can help to ensure that REDD+ actions “do no harm” to people or the environment, as well as “do good” and enhance environmental and social benefits. They are presented in Box 1.

⁹ [UNFCCC Decision 1/CP.16](#) Paragraph 70

Box 1: The Cancun Safeguards

“When undertaking [REDD+] activities, the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (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;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [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;⁶
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions.”

Source: UNFCCC Decision 1/CP.16, Appendix I, paragraph 2

While the seven Cancun safeguards are a basic requirement for countries to be eligible for results-based payments under the UNFCCC, they are only a default starting point. In addition, in some respects the use of the term “safeguards” can be confusing. This is because the term is generally used by development agencies and environmental regulators to refer only to “do no harm” protection. Because REDD+ actions are supposed to result in benefits, the seven Cancun safeguards should be thought of predominantly as “objectives” rather than safeguards as traditionally understood.

3.2 Other Relevant Safeguard Requirements

The Cancun safeguards are not the only international safeguard standards that Sri Lanka will have to meet if and when it attempts to encourage international investment in REDD+ actions. Different REDD+ financiers have their own requirements. For example, projects funded by the World Bank are

required to meet the obligations specified in the Bank’s Operational Policies, as summarized in Box 2.

Box 2: World Bank Safeguard Policies		
OP/BP	Safeguard	Policy objectives
4.01	Environmental Assessment*	Help ensure the environmental and social soundness and sustainability of investment projects. Support integration of environmental and social aspects of projects in the decision-making process.
4.04	Natural Habitats*	Promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions.
4.09	Pest Management	Minimize and manage the environmental and health risks associated with pesticide use and promote and support safe, effective, and environmentally sound pest management.
4.11	Physical Cultural Resources (PCR)*	Assist in preserving PCR and in avoiding their destruction or damage. PCR includes resources of archeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance.
4.12	Involuntary Resettlement*	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
4.20	Indigenous Peoples*	Design and implement projects in a way that fosters full respect for indigenous peoples’ dignity, human rights, and cultural uniqueness and so that they (1) receive culturally compatible social and economic benefits, and (2) do not suffer adverse effects during the development process.
4.36	Forests*	Realize the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests.
4.37	Safety of Dams	Ensure quality and safety in the design and construction of new dams and the rehabilitation of existing dams, and in carrying out activities that may be affected by an existing dam.
7.50	Projects on International Waterways	Ensure that the international aspects of a project on an international waterway are dealt with at the earliest possible opportunity and that riparians are notified of the proposed project and its details.
7.60	Projects in Disputed Areas	Ensure that other claimants to the disputed area have no objection to the project, or that the special circumstances of the case warrant the Bank’s support of the project notwithstanding any objection or lack of approval by the other claimants.

World Bank-funded project proposals are categorized according to risk, and Operational Policies are triggered when relevant. The Bank has recently undertaken an exhaustive review of its Operational Policies¹⁰, and has approved a new Environmental and Social Framework (ESF). It is now initiating an intensive preparation and training period (12-18 month) to prepare for the transition to the new Framework, which is scheduled to go into effect in early 2018. It remains to be seen how the ESF will effect Bank-funded REDD+ initiatives, although it is certain that environmental and social assessment will remain as project approval requirements.

Another relevant set of environmental and social safeguards can be found in the requirements of the Green Climate Fund (GCF), which is a potential investor in REDD+ initiatives. Box 3 summarizes the interim GCF safeguards, which are modelled in their entirety on the International Finance Corporation's (IFC) Performance Standards. As is the case with the World Bank's ESF, it remains to be seen whether the GCF safeguard system will apply 'as is' after the interim period has been completed.

It needs to be stressed that meeting the Cancun safeguards, and regular reporting on performance against them, is a requirement under the UNFCCC that will necessitate a country approach, using existing governance arrangements (PLRs, institutions, information systems, etc.) to address and respect the safeguards. The World Bank, the GCF, and other relevant multi-lateral and bilateral agency safeguards have investor risk management procedures that applied to specific risk-categorized project proposals. Meeting the requirements of these project-focused agency safeguards is well understood, and the donors apply their own safeguard procedures, rather than relying on governance arrangements.

¹⁰<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTSAFEPOL/0,,menuPK:584441~pagePK:64168427~piPK:64168435~theSitePK:584435,00.html>

Box 3: Green Climate Fund Interim Environmental and Social Safeguards

PS1: Assessment and management of environmental and social risks and impacts

- * Identify funding proposal's environmental and social risks and impacts;
- * Adopt mitigation hierarchy: anticipate, avoid; minimize; compensate or offset;
- * Improve performance through an environmental and social management system;
 - * Engagement with affected communities or other stakeholders throughout funding proposal cycle. This includes communications and grievance mechanisms.

PS2: Labour and working conditions

- * Fair treatment, non-discrimination, equal opportunity;
- * Good worker-management relationship;
- * Comply with national employment and labour laws;
- * Protect workers, in particular those in vulnerable categories;
- * Promote safety and health;
- * Avoid use of forced labour or child labour.

PS3: Resource efficiency and pollution prevention

- * Avoid, minimize or reduce project-related pollution;
- * More sustainable use of resources, including energy and water;
- * Reduced project-related greenhouse gas emissions.

PS4: Community health, safety and security

- * To anticipate and avoid adverse impacts on the health and safety of the affected community;
- * To safeguard personnel and property in accordance with relevant human rights principles.

PS5: Land acquisition and involuntary resettlement

- * Avoid/minimize adverse social and economic impacts from land acquisition or restrictions on land use:
- * Provide alternative project designs;
- * Avoid forced eviction.
- * Improve or restore livelihoods and standards of living;
- * Improve living conditions among displaced persons by providing:
 - adequate housing;
 - security of tenure.

PS6: Biodiversity conservation and sustainable management of living natural resources

- * Protection and conservation of biodiversity;
- * Maintenance of benefits from ecosystem services;
- * Promotion of sustainable management of living natural resources;
- * Integration of conservation needs and development priorities.

PS7: Indigenous peoples

- * Ensure full respect for indigenous peoples
- * Human rights, dignity, aspirations;
- * Livelihoods;
- * Culture, knowledge, practices;
- * Avoid/minimize adverse impacts;
- * Sustainable and culturally appropriate development benefits and opportunities;
- * Free, prior and informed consent in certain circumstances.

PS8: Cultural heritage

- * Protection and preservation of cultural heritage;
- * Promotion of equitable sharing of cultural heritage benefits.

3.3 Goals and Scope for Sri Lanka

The definition of the terms ‘goals’ and ‘scope’ as they relate to national REDD+ safeguard approaches are defined as follows¹¹:

Goals

“Articulation of the policy goals that a country wants to achieve through its approach to safeguards, including, but not necessarily limited to the UNFCCC requirements for REDD+. The Cancun safeguards are a basic requirement to be eligible for REDD+ results-based payments under the UNFCCC, but a country may also want to consider other bi-/multi-lateral safeguards requirements, e.g. World Bank Operational Policies, required by the Forest Carbon Partnership Facility (FCPF) Carbon Fund. Consideration may be given to safeguard requirements and expectations of investors in REDD+ activities as well as those of buyers of verified emissions reductions/enhanced removals.

Defining safeguards goals also means considering what national policies could benefit from addressing and respecting REDD+ safeguards. The safeguards goals should be consistent with the country’s overall goals for REDD+ in terms of additional benefits, beyond climate change mitigation, such as poverty alleviation or biodiversity conservation. Ultimately, safeguards goals are about a country’s expectations towards the social and environmental outcomes of its engagement in REDD+”.

As was discussed in Section 3.2, Sri Lanka is required to meet the seven Cancun safeguards, as a consequence of its commitments to the UNFCCC. It is not correct to consider the WB and GCF safeguards as ‘goals’. This is because they are absolute, ‘do no harm’ requirements for project approval by the Boards of both funders. If Sri Lanka wishes to apply for WB or GCF funding, then it will be required to adhere to the safeguard requirements of these agencies. With regard to the national policies that could benefit from addressing and respecting REDD+ safeguards, the extensive Cancun safeguard ‘clarification’ exercises undertaken during the development of this national approach, and presented in a separate document¹², makes it clear that many policies, laws, and regulations in a number of different sectors would need to be examined to ensure that they are consistent with the REDD+ safeguard needs.

Scope

“The activities to be covered by the safeguards as defined by the country. UNFCCC requirements indicate that safeguards be applied to all relevant REDD+ activities, i.e. the policies and measures identified in the National Strategy and Action Plan.

A country may go beyond the forestry sector, and include other land use sectors implicated as key drivers of deforestation/forest degradation, and could apply the safeguards to a scope broader than REDD+ with a view to attract other sources of investment and achieve domestic policy goals”.

Earlier work undertaken on ‘drivers’ concluded that a number of land use sectors are implicated in deforestation and forest degradation, as well as barriers to forest conservation, restoration and sustainable management.¹³ As a consequence, the development of a national approach to REDD+

¹¹ <http://www.unredd.net/knowledge/glossary.html>

¹² Cancun Safeguards as Clarified for Sri Lanka (“the Safeguards Clarification” document).

¹³ Sri Lanka UN REDD Programme (2015), Drivers of Deforestation and Forest Degradation: Summary Report.

safeguards is likely to require reforms to policies, laws, and regulations that are outside the forests sector. These proposed reforms are outlined in Section 6.

Discussions with the Forest Department also resulted in an agreement that REDD+ safeguards should be applied only to REDD+ actions in the short term, with the possible eventual extension to the whole forestry sector as a means to attract other sources of foreign investment.

4. Step B: Clarification of the Cancun Safeguards as they relate to Sri Lanka

The Cancun Safeguards are broad statements which have to be further defined in accordance with national circumstances, in order to be operationalized within a country; they require reaching a shared understanding, or ‘clarification’, of rights and obligations. The purpose of this national clarification of the Cancun safeguards was twofold:

1. To serve as an analytical framework, applied by the technical team, against which existing national PLRs could be assessed for their potential to contribute to addressing and respecting the Cancun safeguards (see Step 6); and
2. To structure information in the SIS, by breaking down each Cancun safeguard into its constituent thematic elements, in accordance with Sri Lanka’s national circumstances; the resultant national safeguards criteria will be applied by the UNFCCC Focal Point to organise information within the SIS (see Step 7)

The ‘clarification exercise’ consisted of three sub-steps.

4.1 Sub-step 1: Developing a method for clarifying the Cancun safeguards in accordance with Sri Lanka’s national circumstances

The first sub-step was informed by relevant UN-REDD Programme publications¹⁴, along with specific experiences from other REDD+ countries. This review enabled the development of an analytical matrix (Table 1) that could be used to inform stakeholder consultations.

The first column of Table 1 consisted of the seven Cancun safeguards, as specified in [UNFCCC Decision 1/CP.16](#), Appendix I, paragraph 2¹⁵. Key elements/concepts embodied in each of the Cancun safeguards were suggested in the second column based on the references mentioned above. In Table 1, an example is provided for Cancun safeguard A.

The third column consisted of criteria developed during the Policies and Measures (PaMs) prioritization exercise undertaken during 2015. Forty four criteria were developed by stakeholders and applied during this prioritization exercise. Of these, 33 were considered to be directly linked to the seven Cancun Safeguards, and these were used to match against the second column to the extent possible.

Table 1: Analytical matrix used to clarify the Cancun safeguards in accordance with Sri Lanka’s national circumstances

Cancun safeguard	Key elements and concepts embodied in the Cancun safeguards (example from Cancun safeguard A)	Criteria used to select and prioritize Policies and Measures (PaMs)	Diagnostic questions to refine criteria	Cancun safeguards as clarified for Sri Lanka
Default starting	Consistency with objectives of the national	Colombo 44 (33) from PaMS	To help stakeholders	The main output- a revised set of

¹⁴UN REDD Programme (2015), Country Approach to Safeguards: Framework for Clarifying the Cancun Safeguards. UN REDD Programme (2016), Benefits and Risks Tool (BeRT) v2: Supporting Countries to Address and Respect the Cancun Safeguards. Facilitator’s Guide, April.

¹⁵ See Box 1.

point	forest program Consistency with International environmental commitments Consistency with the State's human rights obligations under international law Consistency with Other relevant conventions and agreements	prioritization, and starting point for the clarification exercise	move from previous to next column	criteria (= national clarification)
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The 4th column contained a set of diagnostic questions categorized under three headings: adding criteria; removing criteria; and, refining criteria. These questions were taken from the Benefits and Risks Tool.

4.2 Sub-step 2: Populating the analytical matrix used to clarify the Cancun safeguards in accordance with Sri Lanka's national circumstances

The analytical matrix was presented and populated in a workshop on 1 April 2016. This was carried out in a participatory fashion, with a 'think tank' group consisting of (a) representatives from stakeholder government agencies; and, (b) experts on Sri Lankan/donor social and environmental safeguards frameworks. The outcome of the workshop is presented in the separate Safeguards Clarification document¹⁶. It presents a long list of country-specific criteria.

4.3 Sub-step 3: Refining the List of National Criteria

A second round of safeguard criteria clarification took place at regional workshops in early June 2016. This resulted in a refinement of the criteria introduced in the Safeguards Clarification document. The output of this final step was a set of national criteria that clarify the Cancun safeguards in accordance with Sri Lanka's national circumstances, and which could then be used as the basis for examining the risks/benefits of selected PaMs. The complete list of national criteria is presented below in Table 2.

Table 2 : National Safeguard Criteria	
Cancun Safeguard (a): REDD+ actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements	
a.1:	Consistent with national environmental action plans, national forest programmes and relevant policy and legislative frameworks that cover environmental/ conservation management in the country
a.2:	Consistent with obligations of the country under relevant international environmental treaties and agreements
Cancun Safeguard (b): Transparent, effective forest governance structures, taking into	

¹⁶ See footnote 1.

account national legislation and sovereignty	
b.1:	Effectiveness of Law enforcement and compliance
b.2:	Enhanced institutional capacity of relevant institutions at state and local levels for improved forest governance
b.3 :	Transparent and accountable decision-making at all levels of government relating to forest activities
b.4:	Effective cross-sectoral coordination and communication to ensure integration of forest and biodiversity conservation
b.5:	Legal recognition and definition of the rights/responsibilities of all strategic actors that take part in forest management.
b.6:	Effective anti-corruption strategies and design mechanisms specifically for REDD+
b.7:	Consultation and participation of national and local stakeholders in decision-making
b.8:	Governance indicators for REDD+ schemes and participatory approaches in monitoring for REDD+ schemes and participatory approaches in monitoring.
b.9:	Access to recourse to justice and/or dispute resolution to enforce stakeholder rights, grievance redress mechanisms that can be accessed by individuals in response to breaches of safeguards, right for compensation and other remedies in event of unavoidable involuntary resettlement and economic displacement.
b.10:	Gender equality and women's empowerment in forest management, especially with regard to benefit sharing, participation, and land tenure/ownership
b.11:	Access to, and disclosure of, up-to-date, accurate and complete information on forest protection/management and access to information at the local level taking into consideration cultural appropriateness of information presentation.
Cancun Safeguard (c): Respect for the knowledge and rights of indigenous peoples and members for local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the UN Declaration on the Rights of Indigenous Peoples	
c.1:	Use of free, prior, informed consent procedures.
c.2:	Minimize resettlement and disruption/loss of traditional and rural livelihoods of indigenous people and forest-dependent communities.
c.3:	Poverty alleviation through alternative livelihood opportunities and improved social services, to improve the standard of forest dependent communities.
c.4:	Benefit-sharing mechanism arising from use of forest resources.
c.5:	Community forest land tenure, land allocation, and demarcation based on customary rights of use and rights of indigenous people and forest dependent communities to customary forest access and sustainable forest use.

Cancun Safeguard (d): Full and effective participation of relevant stakeholders, in particular indigenous people and local communities	
d.1:	Private sector participation
d.2:	Awareness and capacity among stakeholders for effective participation in forest-related decision-making process
d.3:	Reduced human-wildlife conflict
d.4:	Stakeholder mapping of those likely to be affected by REDD+ activities, prior to the decision-making process, at national and local levels
Cancun 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	
e.1:	Protection of biodiversity and natural forests to maintain/enhance ecosystem services at the local and national levels
e.2:	Monitoring and evaluation to demonstrate progress towards management objectives
e.3:	Legal frameworks supporting the mapped spatial distribution of natural forests
e.4:	Independent verification of compliance with forest management standards
e.5:	Access to state-of-the-art technology and resources to monitor natural forest areas and biological diversity
e.6:	Development of pest management plans as a method for protecting biodiversity
e.7:	Integrating the economic value of ecological, biological, climatic, and socio-cultural benefits of forest resources in decision making
e.8:	Conservation research and awareness-raising
e.9:	Mandatory Strategic Environmental Assessment in land-use planning
e.10:	Ecosystem approach to land use planning
e.11:	Strict prohibition of conversion of natural forest and critical natural habitats
e.12:	Increase in natural forest cover
Cancun Safeguard (f): Actions to address the risk of reversals	
f.1:	National-level approach to REDD+ planning and implementation
f.2:	Regulatory guidance in the national legal framework to address risk of reversal and pursue permanence in REDD+ projects
f.3:	Mechanisms to promote environmental disaster risk reduction
Cancun Safeguard (g): Actions to reduce displacement of emissions	
g.1:	National level approach to accounting for emission reductions and increases in removals
g.2:	Regulations on the responsibilities and procedures for monitoring at national and local

	levels in order for the national accounting system to be coherent
g.3:	Mechanism for undertaking comprehensive risk analysis and mitigation to address direct and indirect drivers of reversals/displacements
g.4:	National and local level monitoring of deforestation

Compiling and analyzing information against these criteria demonstrates that Sri Lanka is addressing and respecting safeguards, in a way that is relevant to the national context. In addition, these criteria can be used as the basis for structuring information in the required national Safeguard Information System (see Section 7). They can also be used as a method for structuring “summaries of information” that are required as part of regular reporting to the UNFCCC¹⁷ (See Section 8.5).

¹⁷ Decision 17/CP.21 states that summaries should include ‘a description of each safeguard in accordance with national circumstances’.

5. Step C: Determining Risks and Benefits of REDD+ Policies and Measures

5.1 Introduction

During 2015, the Sri Lanka went through an elaborate process to identify and prioritize “policies and measures” (PaMs) that could be applied to overcoming the drivers of deforestation, and barriers to better forest conservation in the country. These PaMs have been refined to a list of 24¹⁸, and these are presented in Appendix 1. As indicated in Figure 2, the third step in the process a national safeguards approach for REDD+ in Sri Lanka is to assess the likely benefits and risks of PaMs implementation.

A benefit/risk assessment is a key step in many national approaches to safeguards. It can:

- (i) give focus to the scope of subsequent policies, laws, and regulations (PLR) assessment, because it is only necessary to assess those PLRs that cover priority benefits and risks;
- (ii) inform iterative revision of national criteria¹⁹;
- (iii) inform the design of the required Safeguard Information System; and,
- (iv) inform the iterative identification, prioritization, selection, and design of PaMs.

It is clear that there are both risks and benefits associated with the implementation of Policies and Measures that are aimed at reducing deforestation and forest degradation. Environmental risks could conceivably include the replacement of natural forest with plantations; the displacement of deforestation to areas important for biodiversity; and, agricultural intensification and erosion of non-forest biodiversity. Social risks could include contested land/resource rights; inequitable sharing of the benefits of REDD+ PaMs; and, the exclusion of indigenous people and local communities from decision making. The purpose of developing safeguards is to ensure that these risks are properly identified and dealt with.

Of course, the overall aim of REDD+ actions is to result in environmental and social benefits. If these do not outweigh costs, then there is not much point in proceeding with the implementation of PaMs. Environmental benefits should include the restoration, maintenance or enhancement of biodiversity and ecosystem services; and, more resilient forest landscapes contributing to climate change adaptation. Social benefits might include: clarified resource and tenure rights; more sustainable rural livelihoods, and improved forest governance. The purpose of the safeguards system is to promote or enhance benefits as articulated in the national safeguards criteria.

5.2 Approach Taken to Assess Risks and Benefits of REDD+ Policies and Measures

The approach taken to the assessment of risks and benefits followed the process specified in the Benefits and Risks Tool (BeRT) v2²⁰. The process of assessment was stakeholder driven, and focused on a two-day residential workshop held on 5-6 May 2016. The workshop consisted of three steps, as follows:

¹⁸ Since the completion of the PaMs prioritization study, this list has been further refined to a total of 14 PaMs.

¹⁹ Ideally, the benefit/risk assessment of PaMs would have been conducted before (and inform) the national clarification of the Cancun safeguards process, as well as the development of national safeguards criteria. Scheduling limitations for the multi-stakeholder benefits/risk assessment workshop, together with the fact that the national safeguards criteria were developed from pre-existing PaMs selection criteria, meant that national clarification came first and benefits/risk assessment second.

²⁰ UN REDD Programme (2015), Benefits and Risks Tool (BeRT) v2: Supporting Countries to Address and Respect the Cancun Safeguards. Facilitator's Guide, April.

1. Introduction to the exercise and explanation of key terms.

The concepts of benefits and risks were explained, along with the situation of the benefits/risks step in the overall development of a REDD+ safeguards system.

2. Establishment of working groups and presentation of the risk/benefits analytical matrices.

Four working groups were established. These corresponded to the way in which the PaMs have been categorized. Two working groups focused on “forest, wildlife and watersheds” (FWW) PaMs; one group focused on “land use planning” PaMs (LUP); and the final group focused on “other forest lands” (OFL) PaMs.

A Group Leader was appointed for each group, to address any questions related to the content of the PaMs. Each group also had a facilitator, who prompted working group members for risks and benefits, and then recorded the outcomes in the analytical matrices.

An example of an analytical matrix is presented in Table 3.

Table 3: Example of a Risk/Benefit Analytical Matrix

Risks relating to: Improvement of law enforcement and monitoring on the ground			
Risks	Rank of Risks		Recommendation for PaMs Implementation
	Probability	Impact	
Leakage possibility	m	h	
Possible human rights violation	l	h	
Violence/conflict (for enforcers)	h	m	
Capacity problems	h	h	
Corruption threat	m/l	m	
Can threaten local stakeholder rights	l	h	
National/Provincial conflict increased	m	m	

Note: “l” stands for “low. “m” stands for “medium”, and “h” stands for “high”

Each facilitator was provided with a list of “prompting” questions to assist participants in carefully identifying risks and benefits, and as aids for discussion. These questions were linked to the seven Cancun Safeguard categories.

3. Recording of potential benefits or risks in the template.

Each group described the benefits and risks associated with each PaM in considerable detail. As can be seen in Table 3, participants were also asked to indicate the “probability” and “impact”

associated with each risk and benefit. The point of this exercise was to gain a deeper understanding of priorities. “Probability” is defined as the likelihood of a benefit or risk occurring, and “impact” is defined as the significance of the effect that the benefit or risk would have if it occurred. Both probability and impact were assessed on a simple qualitative scale. Priority benefits would be those with medium probability and high impact. Priority risks would be those with high probability and high impact.

After the completion of the May 5th/6th workshop, all benefits and risks were entered into a set of tables. An additional consultation was undertaken with forest dependent communities in Nilgala, Bibile and Padavi Siripura in early June to expand upon and further clarify risks and benefits. Each benefit or risk was then categorized according to whether its focus was primarily “environmental”, “social”, or “governance”. The workshops resulted in a long list of benefits and risks, and these are presented in a separate document²¹. Between the workshops and early July, this long list was consolidated to remove duplications and overlaps, and the result of this work is shown in the report on *Benefit/Risk Assessment as part of the Development of REDD+ Safeguards in Sri Lanka*. In addition, each entry was matched to one or more relevant safeguard criteria, as determined during stakeholder consultations undertaken in April and June.

This analysis shows that the category with most identified risks was “social” (28), followed by “governance” (22), and “environmental” (12). The most often-mentioned social risks of implementing identified PaMs were:

- * risks to livelihoods;
- * threats to the rights of local stakeholders;
- * difficulties associated with participation;
- * lack of cooperation between government agencies; and,
- * completion for the use of land.

Analysis of the Risks and Benefits report suggests that stakeholders were most concerned about the following governance risks:

- * increases in national/provincial conflict;
- * lack of reliable data;
- * corruption;
- * lack of scientific/institutional capacity; and,
- * lack of access to justice.

Finally, the most often-mentioned environmental risks were:

- * displacement of existing land uses to other natural areas;
- * overexploitation of groundwater; and,
- * change of land use affecting biodiversity.

²¹ Risks and Benefits Tables for all PaMs (“Risks and Benefits” report).

6. Step D: Assessment of Existing Policies, Laws, and Regulations (PLRs), and their Implementation in Practice

6.1 Introduction

The fourth step in the development of the national REDD+ safeguards approach involved identification of the existing policies, laws, and regulations (PLRs) that are necessary to operationalize the Cancun safeguards, and an analysis of gaps, weaknesses and inconsistencies.

[UNFCCC Decision 12/CP.17](#) paragraph 3, and [Decision 9/CP.19](#) paragraph 4, require that countries seeking to implement national REDD+ strategies/action plans should provide a summary of information on how all of the Cancun Safeguards are being ‘addressed’ and ‘respected’ throughout the implementation of REDD+ actions. The ‘address’ aspect is generally understood to consist of an analysis of existing PLRs, and the extent to which they support safeguard requirements “on paper”. Analyzing the ‘address’ aspect is a desk-based exercise.

The degree to which safeguards are being ‘respected’ requires an assessment of how well the existing PLR framework is being implemented in practice (and, once implementation of REDD+ PaMs has commenced, an ongoing assessment of how implementation of PLRs is affecting environmental and social outcomes on the ground). The assessment of PLR implementation in practice is a more time-consuming exercise, as it involves assessing institutional capacities, which can only really be determined through consultation with government officers whose responsibility is to implement the relevant PLRs, as well as other stakeholders affected by that implementation (or lack thereof, as the case maybe). The key questions posed to rapidly assess how Sri Lanka might ‘respect’ safeguards, as elaborated through national criteria, included the following:

- * Is there one or more institutional agencies responsible for the PLR’s implementation?
- * If they exist, do these institutions have the appropriate mandate to implement the PLR?
- * Do they have the appropriate procedures to execute their mandate?
- * Do they have the adequate financial (i.e. operational budget), human (i.e. trained personnel), and technological (i.e. the right equipment) resources to perform the procedures properly?

Each of the nationally-clarified safeguard criteria introduced in Table 2 were allocated to one of the seven Cancun Safeguard ‘categories’. In turn, for each criterion, the following four questions were asked:

- (i) Is the safeguard ‘addressed’ through existing policies, laws, or regulations (PLRs) on paper?
- (ii) Is the safeguard ‘respected’ through implementation of relevant PLRs in practice?
- (iii) What gaps, weaknesses, or inconsistencies are there for each of the PLRs on paper?
- (iv) What gaps, weaknesses, or inconsistencies are there in implementation of the relevant PLRs in practice?

In addition, for the first two questions, an assessment was provided as to the *extent* to which the PLR was currently either addressed or respected. Based on detailed legal analysis, and interviews with relevant government officers, PLRs were considered to be either fully addressed, addressed in part, or not addressed.

The PLR analysis followed the sequence outlined in Table 4.

Table 4: Method of Assessing Existing Policies, Laws, Regulations and their Implementation in Practice

Specific Cancun Safeguard Criteria (as determined in Step C)				
Example: a.1 Consistent with national environmental action plans, national forest programmes and relevant policy and legislative frameworks that cover environmental/ conservation management in the country				
Safeguard “Addressed” through existing PLRs on paper?	PLR 1 ↓	PLR 2	PLR 3	PLR x
Safeguard “Respected” through implementation of PLR in practice?	Specific to PLR 1 ↓	Specific to PLR 2	Specific to PLR 3	Specific to PLR x
Gap, weakness, inconsistencies in existing PLRs on paper	Specific to PLR 1 ↓	Specific to PLR 2	Specific to PLR 3	Specific to PLR x
Gap, weakness, inconsistencies in implementation of PLRs in practice	Specific to PLR 1 ↓	Specific to PLR 2	Specific to PLR 3	Specific to PLR x
Possible info sources that could demonstrate PLR implementation	Specific to PLR 1	Specific to PLR 2	Specific to PLR 3	Specific to PLR x

Before the PLR analysis was initiated, a considerable amount of work had already been undertaken to better understand Sri Lanka’s policies, laws, and regulations as they relate to proposed REDD+ PaMs. This work included a: study on the drivers of deforestation and forest degradation²²; PaMs prioritization exercise; land tenure study; PLR study; and the REDD+ roadmap. These prior studies provided a strong background for the detailed PLR analysis, which took place during May to July, 2016.

6.2 Outcomes of the Policy, Law and Regulation Analysis

The main outcomes of the PLR analysis were: a) identification of existing PLRs relevant to the national criteria that clarify the Cancun safeguards in accordance with Sri Lanka’s national circumstances; and b) an identification of the gaps, weaknesses, and inconsistencies in the existing PLR framework, and in its implementation. These gaps, weaknesses, and inconsistencies may need to be filled or resolved in order to better address and respect the Cancun safeguards.

²² Sri Lanka UN REDD Programme (2015), Drivers of Deforestation and Forest Degradation in Sri Lanka. Summary Report, April.

UN REDD Programme (2015a), Prioritizing REDD+ Policies and Measures in Sri Lanka, December.

UN REDD Programme (2016), Report on Land Tenure Considerations in Sri Lanka’s Proposed National REDD+ Strategy. April.

UN REDD Programme (2015b), Roadmap for REDD+ Implementation in Sri Lanka. November.

UN REDD Programme (2016b), Policies Laws and Regulations Analysis of Prioritized REDD+ Policies and Measures. January.

The complete outcomes of the very extensive PLR analysis are presented in full in a separate document²³. A summary is presented in this section. For each of the seven Cancun safeguards the summary discusses the key PLRs that are currently in place, and that address the risks identified during the benefits/risks assessment. This analysis allows for an identification of important PLR gaps and implementation challenges. It also allows for the presentation of recommendations for improving the ‘address’ and ‘respect’ aspect of the safeguards.

It should be noted that all of the recommendations listed in Sections 6.2.1 to 6.2.7 were presented to a stakeholder validation workshop held on July 21. Each recommendation was outlined, discussed, and amended when consensus was reached. Readers wishing to better understand the rationale behind each recommendation should consult the full PLR report.

6.2.1 Cancun (a)

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

The two relevant nationally clarified criteria identified through stakeholder consultation, and listed in Table 2 are:

(a.1): “consistent with national environmental action plans, national forest programmes and relevant policy and legislative frameworks that cover environmental/ conservation management in the country”, and (a.2) “consistent with obligations of the country under relevant international environmental treaties and agreements”.

Key PLRs and Extent of Address and Respect

While there are no specific PLRs that require programs to be consistent with the national forestry, biodiversity and environmental management framework, it is implicit that non-compliance can amount to breach of national laws. With regard to consistency with international obligations, clauses in the National Forest Policy 1995, and the National Environmental Policy and Strategies 2003 indicate that the State will observe international forest-related Conventions and principles that have been agreed to by Sri Lanka. It is therefore reasonable to conclude that existing PLRs fully address the national safeguard criteria.

The extent of implementation of existing PLRs is less clear. National environmental strategies, action plans and conservation plans that are prepared periodically, are consistent with and complementary to the objectives of the national forest program and the PLR framework, and set out the detailed vision of the sector for a specified period of time. REDD+ initiatives will fall within this category. However, where infrastructure development is concerned, national development is not always consistent with environmental PLRs and programs.

In addition, treaties and Conventions become legally enforceable in Sri Lanka only when they are incorporated into domestic law. As such, full implementations of the Conventions are at times hampered for lack of supporting provisions in the country’s PLR framework. As a consequence, existing PLRs are only partially respected.

Recommendation: When a new PaM is implemented, it should be made clear how it has taken into account national environmental action plans, national forest programmes and relevant policy and

²³ Policies, Laws, and Regulations Analysis in the Context of Sri Lanka’s Approach to REDD+ Safeguards (the “PLR report”).

legislative frameworks that cover environmental/ conservation management in the country. In addition, where there is a link to an international treaty or Convention, then the PaM should also make this link clear.

6.2.2 Cancun (b)

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

This Cancun safeguard generated much interest and discussion during stakeholder consultations focused on safeguard clarification. Stakeholders presented 11 nationally-relevant safeguard criteria under Cancun (b). These are listed in Table 2.

Key PLRs and Extent of Address and Respect

The full PLR report indicates that there are many policies, laws, and regulations that may be relevant for the implementation of Cancun (b) safeguards. The key PLRs are:

- * Forest Ordinance no 16 of 1907 and amendments;
- * Fauna and Flora Protection Ordinance 1937 and amendments;
- * National Wilderness Heritage Areas Act 1988;
- * National Environmental Act no 56 of 1988;
- * Right to Information Act 2016;
- * Biodiversity Conservation Action Plan;
- * Coast Conservation and Coastal Resource Management Act;
- * National Forest Policy;
- * National Wildlife Policy;
- * National Wetland Policy;
- * National Environmental Policy and Strategies;
- * National Involuntary Resettlement Policy; and
- * Land Acquisition Act and regulations.

In particular, the first four PLRs in the list establish the foundation of the legal basis for forest protection and management in the country. They clearly define permitted and restricted activities within forest areas, and what constitutes a forest/wildlife related offence and the appropriate/corresponding penalties. The measures available to tackle violations of forest law include administrative sanctions, penal sanctions and civil actions.

Overall, it is reasonable to conclude that existing PLRs ‘cover the ground’ with regard to the address aspect, although some gaps are evident. For example, a lack of regulations and clear mechanisms to realize the full potential of stakeholder participation, participatory social mobilization, organizational and sharing of benefits is a main weakness in the overall PLR framework. Another concern is uncertain access to grievance redress mechanisms.

The extent of implementation of relevant PLRs is less certain. Stakeholders indicated that the most significant ‘respect’ issues relate to lack of awareness about anti-corruption and grievance mechanisms, and a lack of law enforcement capacity. Twelve ‘address’ recommendations and eight ‘respect’ recommendations were agreed upon.

Recommendations:

Address

- (i) Implement the RTI Act. Until this comes properly into force, REDD+ should develop its own transparency/accountability strategy.

- (ii) Initial Environmental Examination documents under the NEA, the Coast Conservation Act, and the Flora and Fauna Protection Ordinance should be open for public scrutiny.
- (iii) The Forest Ordinance should be amended to allow public access to information relating to proposed REDD+ actions.
- (iv) The introduction of a Strategic Environmental Assessment article/provision into the National Environmental Act, would require line agencies to undertake cross-sectoral consultation as part of assessing the environmental implications of policies, plans, and programmes.
- (v) The next medium-term national development strategy should formally introduce environmental mainstreaming.
- (vi) Amend EIA regulations to mandatorily integrate ecological impact assessment and adhere to conservation plans such as the BCAP, and the IUCN Red List.
- (vii) Development of regulations that define the roles and responsibilities of different stakeholders in forest management.
- (viii) Section 5(4)(c) and Section 37(2)(g)(ii) of the Forest Ordinance Action No. 65 of 2009 both have provisions for community participation in forest management. In order to realize the full benefit of these provisions, necessary instructions defining participatory mechanisms need to be prescribed in regulations.
- (ix) A special gazette notification to be issued by the CEA requiring all REDD+ projects to be assessed with IEE/EIA.
- (x) The Forest Ordinance should be amended to include Articles that require monitoring of all forest-related initiatives using state-of-the-art technology, to ensure that they meet required objectives. The amended Articles should establish a National Forest Monitoring System.
- (xi) The NEA should be amended to include post-EIA monitoring and reporting as a mandatory requirement.
- (xii) The Forests Department should develop a gender strategy to ensure that women's concerns are included in forest plans and interventions.

Respect

- (i) More financial and capacity-building resources should be channeled towards forest law enforcement.
- (ii) Institutionalization of appropriate mechanisms to integrate biodiversity conservation, land use and climate change into plans, policies, and programmes of development sector agencies.
- (iii) Strengthening the EIA process that builds on strong centralized management, decentralized implementation, and access to independent expertise.
- (iv) Create awareness among forest management stakeholders about anti-corruption mechanisms available in the country and how to access them under REDD+ programmes.
- (v) Strengthen the existing Mediation Boards for grievance redress to handle REDD+ grievances, in line with the procedure outlined in UN REDD Programme (2015), Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms. In addition, general awareness should be created about existing grievance redress mechanisms available to communities and stakeholders participating in REDD+ actions.
- (vi) A comprehensive assessment of institutional/law enforcement capacity in the forest sector should be conducted.

- (vii) Management plans required by the Forest Ordinance include specification of the rights and responsibilities of actors taking part in forest management. Stakeholders need to be made aware of these rights and responsibilities.

6.2.3 Cancun (c)

(Respect for the knowledge and rights of indigenous peoples and members for local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the UN Declaration on the Rights of Indigenous Peoples)

Consultations made it clear that, apart from Veddas, Sri Lanka does not have significant populations of indigenous people. However, concerns about the impact of REDD+ actions on local forest-user community rights were very evident. Stakeholders presented 5 nationally-relevant safeguard criteria under Cancun (c). These are listed in Table 2, and focus on issues such as benefit-sharing, resettlement, alternative livelihood opportunities, land tenure, and use of free, prior and informed consent procedures.

Key PLRs and Extent of Address and Respect

The full PLR report indicates that there are many policies, laws, and regulations that may be relevant for the implementation of Cancun (c) safeguards. The key PLRs are:

- * Forest Ordinance no 16 of 1907 and amendments;
- * Fauna and Flora Protection Ordinance 1937 and amendments;
- * National Wilderness Heritage Areas Act 1988;
- * National Environmental Act no 56 of 1988;
- * Right to Information Act 2016;
- * Biodiversity Conservation Action Plan;
- * Coast Conservation and Coastal Resource Management Act;
- * National Forest Policy;
- * National Wildlife Policy;
- * National Wetland Policy;
- * National Environmental Policy and Strategies;
- * National Involuntary Resettlement Policy;
- * Land Acquisition Act and regulations;
- * National Policy for the Payment of Compensation of 2008;
- * Proposed National Policy on Access to Biological Resources, Sustainable Use and Benefit Sharing; and,
- * Proposed legal framework for the Protection of Traditional Knowledge in Sri Lanka.

Sri Lanka does not have an existing national policy or law that recognizes any community as 'indigenous'. Hence, there is no legal definition. However, the Veddas, who to some extent are dependent on forest resources for their livelihoods, are recognized by various sources as 'indigenous people', although this is not universally accepted.

With regard to involuntary resettlement, the National Involuntary Resettlement Policy is a statement of policy intentions without specific rules and prescriptions to guide implementation. The policy is considered a 'soft law' serving as a normative tool to address gaps in existing legislation. It is therefore not currently legally admissible in a court of law.

There are also weaknesses in the land acquisition process. For example, there is no requirement for impact assessments to be conducted during acquisition, and nor is there recognition in the Land Acquisition Act (LAA) related to remedial measures for non-title holders. Another perceived inadequacy of the LAA is that owners must prove ownership. Often, people displaced by projects are not aware of their rights or time frames to be observed and nor are they prepared to deal with the official procedures. It therefore seems appropriate to conclude that PLRs are not substantially addressed.

Because there are so many PLR gaps, assessment of implementation is problematic. However, for the PLRs that do exist, implementation should be judged overall as being 'partial'.

Recommendations:

Address

- (i) The relevant Ministry should develop a guideline to promote FPIC in REDD+ programmes when needed. In addition, the legal framework for the Protection of Traditional Knowledge in Sri Lanka, and the proposed National Policy on Access to Biological Resources, Sustainable Use and Benefit Sharing both contain FPIC provisions. The relevant Ministry should finalize and approve these instruments.
- (ii) Any significant land use change, other than a change of agricultural use, should be subject to EIA under the NEA. Land use change should therefore be "prescribed".
- (iii) The National Involuntary Resettlement Policy should be enshrined within law, and properly implemented.
- (iv) The Ministry of Mahaweli and Environment should adopt a formal "Alternative Livelihood Opportunities for Forest-User Communities" policy.
- (v) Regulations should be developed that clearly define the mechanisms through which benefits can be accessed, distributed and re-invested, and the roles and responsibilities of stakeholders involved in benefit-sharing.
- (vi) EIA/IEE conducted for REDD+ actions must examine issues of customary access and rights over forest issues.

Respect

- (i) The National Involuntary Resettlement Policy should be properly implemented.

6.2.4 Cancun (d)

(Full and effective participation of relevant stakeholders, in particular indigenous people and local communities)

There were some similarities between stakeholder concerns about safeguard (c) and safeguard (d). Both dealt to a considerable extent on participation, although discussion on (c) tended to focus on rights.

Stakeholders presented 4 nationally-relevant safeguard criteria under Cancun (d). These are listed in Table 2.

Key PLRs and Extent of Address and Respect

The key PLRs that are relevant for the implementation of Cancun safeguard (d) are as follows:

- * National Involuntary Resettlement Policy;
- * Land Acquisition Regulations;
- * Flora and Fauna Protection Ordinance Amendment Act;
- * Forest Ordinance Amendment Act;

- * National Forest Policy;
- * Forest Amendment Act no. 65;
- * National Policy for the Conservation and Management of Wild Elephants in Sri Lanka;
- * National Wildlife Policy;
- * National Environmental Act; and,
- * National Wetlands Policy;

There are no existing PLRs that specifically mention the participation rights of vulnerable/marginalized communities/stakeholders in the management of forest programmes, and the existing legal framework does not define clear processes/mechanisms for public participation, which would be applicable to NRM-related decision-making.

The special needs of disadvantaged stakeholders are mentioned in the National Involuntary Resettlement Policy, which requires that vulnerable groups be identified and given assistance to substantially improve their living standards in the resettlement planning and implementation process. Also, in Section (4)(2)(j) of the Land Acquisition Regulations (2013), there is a stipulation that an extra payment be made for families in a vulnerable situation as determined by the Land Acquisition and Resettlement Committee.

Private sector participation was discussed during consultations, and mention is made of this issue in the National Forest Policy (1995) and the Forest Amendment Act No 65 of 2009.

Several key national policies promote consultation and participation in decision-making by relevant stakeholders as a cornerstone in planning and implementing programs. These policies include the Environment Policy, Wetlands Policy, Wildlife Policy, and the Forest Policy.

Recommendations:

Address

- (i) Regulations should be developed that specify mechanisms for participatory forest management which would give special consideration to vulnerable/disadvantaged stakeholders.
- (ii) Develop regulations that specify mechanisms for private sector participation in forest management, along with their rights and responsibilities.
- (iii) Regulations describing mechanisms for participatory management should mandatorily include a stakeholder mapping requirement.

Respect

- (i) Resources should be applied to implement the National Policy for the Conservation and Management of Wild Elephants, and the associated National Action Plan.

6.2.5 Cancun (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)

Discussions around this safeguard generated 12 nationally-relevant safeguard criteria. These are listed in full in Table 2. The criteria focused on issues such as monitoring, evaluation and verification; ecosystem and strategic environmental assessment approaches to land use planning; and protection of biodiversity and critical habitats.

Key PLRs and Extent of Address and Respect

The key PLRs that are relevant for the implementation of Cancun safeguard (e) are as follows:

- * Forest Ordinance no 16 of 1907 and amendments;
- * Fauna and Flora Protection Ordinance 1937 and amendments;
- * Fauna and Flora Protection Ordinance Amendment Act of 2009
- * National Wilderness Heritage Areas Act 1988;
- * National Environmental Act no 56 of 1988;
- * Right to Information Act 2016;
- * Biodiversity Conservation Action Plan;
- * Coast Conservation and Coastal Resource Management Act;
- * National Forest Policy;
- * National Wildlife Policy;
- * National Wetland Policy;
- * National Environmental Policy and Strategies;
- * National Agricultural Policy 2007;
- * National Involuntary Resettlement Policy; and
- * Land Acquisition Act and regulations.

The PLRs outlined above collectively provide the framework for the creation and maintenance of a network of protected natural areas in the country with high biodiversity. While stakeholders consider that there could be gaps and loopholes in law enforcement, there is generally strict protection of these areas. National biodiversity conservation strategies and targets, as set in BCAP and its addendums, have been restated through the different generations of national environmental action plans (eg; Haritha Lanka, Punarudaya) and the annual programs of the Forest Department and the Department of Wildlife Conservation.

With regard to gaps and weaknesses, the most obvious appear to be associated with environmental impact assessment, and with monitoring in general. The current EIA regulations do not require the Project Proponent to submit a comprehensive environmental management and monitoring plan. This is a significant gap in the law. Even when they do, the EMP is not legally binding. Also the contractor and EIA clearance clauses are not linked, as clearance is issued to the project proponent ... who is not the contractor. Proposed amendments to the Act seek to change these clauses.

In addition, both the Forest Department and the Department of Wildlife Conservation undertake biodiversity monitoring assessments in selected sites, but these are isolated in nature. Systematic country-wide monitoring is not undertaken, largely due to a lack of financial resources and non-availability of expertise in the Forest Department.

Recommendations:

Address

- (i) The Forest Ordinance should be amended to include Articles that require the monitoring of all REDD+ actions using state-of-the-art technology, to ensure that they meet required objectives. The amended Articles should establish a National Forest Monitoring System.
- (ii) The NEA should be amended to include post-EIA monitoring and reporting as a mandatory requirement.
- (iii) The Forest Ordinance should be amended to require the regular mapping of the spatial distribution of natural forests.
- (iv) The Forest Ordinance should be amended to include specific, independently verifiable forest management standards

- (v) The National Environmental Act, the Forest Ordinance, and the Flora and Fauna Protection Ordinance, should be amended to allow for the implementation of the concept of ‘valuation of ecosystems services’.
- (vi) SEA should be made mandatory for all policies, plans, and programmes
- (vii) National Agricultural Policy should be revised to include requirements for the regular production and updating of pest management practices.

Respect

- (i) More financial and capacity-building resources should be channeled towards forest law enforcement.

6.2.6 Cancun (f)

(Actions to address the risk of reversals)

Allocating nationally-clarified criteria between Cancun safeguards (f) and (g) is somewhat problematic. In stakeholder consultations, they were considered to be combined, but have been disaggregated for the purposes of the national safeguards approach, and for eventual proper reporting to the UNFCCC. Three criteria can be considered to apply to the issue of “actions to address the risk of reversals”, and these are listed in Table 2. The criteria relate to national level-REDD+ implementation; regulatory guidance to address the risk of reversal and pursue permanence; and, mechanisms to promote disaster risk reduction.

Key PLRs and Extent of Address and Respect

There are no PLRs that deal specifically with reversals. Most of the gap-filling recommendations focus on establishing the National Forest Monitoring System (NFMS), and ensuring that it provides information on reversals. It is also suggested that the ‘address’ aspect could be met by giving legal backing to the NFMS through amendments to the Forest Ordinance.

Recommendations:

- (i) Despite the requirements of the 13th Amendment, environmental and forests administration effectively remains nationally-directed. Under Cancun requirements, ‘summaries of safeguards information’ will need to be reported at the national level. It is recommended that the UNFCCC REDD+ focal point establish a national safeguards information collection and reporting system.
- (ii) National Forest Monitoring System (NFMS) should be designed to detect and provide information on reversals.
- (iii) Forest Ordinance should be amended to include Articles that require the monitoring of all REDD+ actions using state-of-the-art technology, to ensure that they meet required objectives. The amended Articles should establish a National Forest Monitoring System.
- (iv) The Disaster Management Act should be amended to provide the basis for environmental risk reduction as intended in REDD+, for protection against reversals caused by environmental disasters.

6.2.7 Cancun (g)

(Actions to reduce displacement of emissions)

Four nationally-relevant criteria can be considered to relate to the issue of actions to reduce displacement of emissions, and these are listed in Table 2. The criteria relate to national-level approaches to accounting for emission reductions; establishment of regulations for monitoring in

order for the national accounting system to be coherent; mechanisms for undertaking comprehensive risk analysis and mitigation to address the drivers of displacement; and, national and local level monitoring of deforestation.

Key PLRs and Extent of Address and Respect

There are no PLRs yet in place that address accounting for emission reductions, and nor are there any mechanisms in place for undertaking risk analysis to address drivers of displacement. With regard to monitoring of deforestation, the Flora and Fauna Protection Ordinance Amendment Act requires that all Management Plans be monitored and subject to evaluation within 5 years of the date of adoption. In addition, there are elements of monitoring of protected areas contained with the National Wildlife Policy. With regard to implementation, the Forest Department carries out national level monitoring of deforestation by updating forest cover maps from time to time.

Recommendations:

- (i) The relevant Ministry should establish a national-level approach to accounting for emission reductions and increases in removals. This will need to be integrated with a new National Forest Monitoring System.
- (ii) Comprehensive risk analysis should be part of environmental impact assessment of proposed forest-related projects.
- (iii) EIA regulations should be amended to give CEA authority to direct EIA/IEE on non-prescribed projects as and when required. Under such provisions, the CEA can direct forest programmes for approval.

6.3 Agency Responsibility for Recommendations

The analysis contained in the separate PLR report, and summarized in Section 6.2, indicates that, for the assessed national safeguard criteria:

- (i) 10 had existing PLRs that ‘fully’ addressed the needs of the safeguard;
- (ii) 12 had existing PLRs that ‘partially’ addressed the needs of the safeguard;
- (iii) 22 had no PLRs in place, or where the existing PLRs did not address the needs of the safeguard;
- (iv) 3 had existing PLRs that were ‘fully’ respected;
- (v) 14 had existing PLRs that were ‘partially’ respected; and,
- (vi) 27 had no PLRs in place, or where the existing PLRs were not being respected.

It is possible to conclude, therefore, that a considerable amount of work needs to be done before Sri Lanka’s system of policies, laws, and regulations could be considered to properly safeguard potential REDD+ actions. Consultations with stakeholders did not specify priorities for the implementation of the recommendations presented in Section 6.2. Prioritization should take place as the next step in moving towards an effective system of PLRs.

As a first step in this process, Table 5 organizes the recommendations by sorting them according to Cancun Safeguard, and agency responsibility.

Table 5: Agency Responsibility for PLR Recommendations

Cancun Safeguard	Recommendation	Agency Responsibility
a	When a new PaM is implemented, it should be made clear how it has taken into account national environmental action plans, national forest programmes and relevant policy and legislative frameworks that cover environmental/ conservation management in the country. In addition, where there is a link to an international treaty or Convention, then the PaM should also make this link clear.	All agencies with responsibilities for implementing PaMs
b	Implement the RTI Act. Until this comes properly into force, REDD+ should develop its information sharing strategy that is sensitive to the culture and needs of local forest stakeholders	Right to Information Commission
	Initial Environmental Examination documents under the NEA, the Coast Conservation Act, and the Flora and Fauna Protection Ordinance should be open for public scrutiny.	CEA, , Department of Wildlife Conservation, , Coast Conservation and Coastal Resource Management Dept.
	The Forest Ordinance should be amended to allow public access to information relating to proposed REDD+ actions.	Forest Department
	The introduction of a Strategic Environmental Assessment article/provision into the National Environmental Act, would require line agencies to undertake cross-sectoral consultation as part of assessing the environmental implications of policies, plans, and programmes.	CEA
	The next medium-term national development strategy should formally introduce environmental mainstreaming.	Ministry of Finance
	Amend EIA regulations to mandatorily integrate ecological impact assessment and adhere to conservation plans such as the BCAP, and the IUCN Red List.	CEA
	Development of regulations that define the roles and responsibilities of different stakeholders in forest management.	Forest Department
	Section 5(4)(c) and Section 37(2)(g)(ii) of the Forest Ordinance Action No. 65 of 2009 both have provisions for community participation in forest management. In order to realize the full benefit of these provisions, necessary instructions defining participatory mechanisms need to be prescribed in regulations.	Forest Department
	A special gazette notification to be issued by the CEA requiring all REDD+ projects to be assessed with IEE/EIA.	CEA
	The Forest Ordinance should be amended to include Articles that require monitoring of all forests using state-of-the-art technology, to ensure that they meet management objectives. The amended Articles should establish a National Forest Monitoring System.	Forest Department

Cancun Safeguard	Recommendation	Agency Responsibility
	The NEA should be amended, with supporting regulations, to include post-EIA monitoring and reporting as a mandatory requirement.	CEA
	The Forest Department should develop a gender strategy to ensure that women's concerns are included in forest plans and interventions.	Forest Department
	Develop capacity building programs with more financial and capacity-building resources channeled towards enhanced forest law enforcement.	Forest Department, Dept of Wildlife and Conservation
	Institutionalization of appropriate mechanisms to integrate biodiversity conservation, land use and climate change into plans, policies, and programmes of development sector agencies.	Ministry of Mahaweli Development and Environment
	Strengthening the EIA process that builds on strong centralized management, decentralized implementation, and access to independent expertise.	CEA
	Create awareness among forest management stakeholders about anti-corruption mechanisms available in the country and how to access them under REDD+ programmes.	Forest Department Department of Wildlife Conservation
	Strengthen the existing Mediation Boards for grievance redress to handle REDD+ grievances, in line with the procedure outlined in <i>UN REDD Programme (2015), Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms</i> . In addition, general awareness should be created about existing grievance redress mechanisms available to communities and stakeholders participating in REDD+ actions.	Ministry of Mahaweli Development , Forest Department & Department of Wildlife Conservation
	A comprehensive assessment of institutional/law enforcement capacity in the forest sector should be conducted.	Forest Department
	Management plans required by the Forest Ordinance include specification of the rights and responsibilities of actors taking part in forest management. Stakeholders need to be made aware of these rights and responsibilities.	Forest Department
c	The relevant Ministry should develop a guideline to promote FPIC in REDD+ programmes when needed. In addition, the legal framework for the Protection of Traditional Knowledge in Sri Lanka, and the proposed National Policy on Access to Biological Resources, Sustainable Use and Benefit Sharing both contain FPIC provisions. The relevant Ministry should finalize and approve these instruments.	Ministry of Mahaweli Development and Environment Forest Department Department of Wildlife Conservation
	Any significant land use change, other than a change of agricultural use, should be subject to EIA under the NEA. Land use change should therefore be "prescribed".	CEA
	The National Involuntary Resettlement Policy should be	Ministry of Lands

Cancun Safeguard	Recommendation	Agency Responsibility
	enshrined within law.	
	The Ministry of Mahaweli Development and Environment should adopt a formal “Alternative Livelihood Opportunities for Forest-User Communities” policy.	Ministry of Mahaweli Development and Environment
	Regulations should be developed that clearly define the mechanisms through which benefits can be accessed, distributed and re-invested, and the roles and responsibilities of stakeholders involved in benefit-sharing.	Forest Department
	EIA/IEE conducted for REDD+ initiatives must examine issues of customary access and rights over forest issues.	CEA
	The National Involuntary Resettlement Policy should be properly implemented.	Forest Department and the Department of Wildlife Conservation in close co-ordination with relevant District Secretariats
d	Regulations should be developed that specify mechanisms for participatory forest management which would give special consideration to vulnerable/disadvantaged stakeholders.	Forest Department
	Develop regulations that specify mechanisms for private sector participation in forest management, along with their rights and responsibilities.	Forest Department
	Regulations describing mechanisms for participatory management should mandatorily include a stakeholder mapping requirement.	Forest Department
	Resources should be applied to implement the National Policy for the Conservation and Management of Wild Elephants, and the associated National Action Plan.	Ministry of Mahaweli Development and Environment Department of Wildlife Conservation
e	The Forest Ordinance should be amended to include Articles that require the monitoring of all REDD+ initiatives using state-of-the-art technology, to ensure that they meet required objectives. The amended Articles should establish a National Forest Monitoring System.	Forest Department
	The NEA should be amended to include post-EIA monitoring and reporting as a mandatory requirement.	CEA
	The Forest Ordinance should be amended to require the regular mapping of the spatial distribution of natural forests.	Forest Department
	The Forest Ordinance should be amended to include specific, independently verifiable forest management standards	Forest Department
	The National Environmental Act, the Forest Ordinance, and the	CEA, Forest

Cancun Safeguard	Recommendation	Agency Responsibility
	Flora and Fauna Protection Ordinance, should be amended to allow for the implementation of the concept of 'valuation of ecosystems services'.	Department
	SEA should be made mandatory for all policies, plans, and programmes.	CEA
	National Agricultural Policy should be revised to include requirements for the regular production and updating of pest management practices.	Forest Department
f	Despite the requirements of the 13th Amendment, environmental and forests administration effectively remains nationally-directed. Under Cancun requirements, 'summaries of safeguards information' will need to be reported at the national level. It is recommended that the UNFCCC REDD+ focal point establish a national safeguards information compilation and reporting system.	Ministry of Mahaweli Development and Environment
	National Forest Monitoring System (NFMS) should be designed to detect and provide information on reversals.	Forest Department
	Forest Ordinance should be amended to include Articles that require the monitoring of all REDD+ initiatives using state-of-the-art technology, to ensure that they meet required objectives. The amended Articles should establish a National Forest Monitoring System.	Forest Department
	The Disaster Management Act should be amended to provide the basis for environmental risk reduction as intended in REDD+, for protection against reversals caused by environmental disasters.	Ministry of Disaster Management
g	The relevant Ministry should establish a national-level approach to accounting for emission reductions and increases in removals. This will need to be integrated with a new National Forest Monitoring System.	Forest Department
	Comprehensive risk analysis should be part of environmental impact assessment of proposed forest-related projects.	CEA
	EIA regulations should be amended to give CEA authority to direct EIA/IEE on non-prescribed projects as and when required. Under such provisions, the CEA can direct forest programmes for approval.	CEA

7. Step E: Options for the Design of a Safeguard Information System

7.1 Introduction

As indicated in Figure 2, the main focus of the final step (Step E) is to identify how safeguards information can be compiled, summarized, and reported through a single coherent national-level SIS. This section focuses on outlining options for the design of a Safeguard Information System (SIS) to, *inter alia*, generate future summaries of information.

A safeguard information system refers to a framework in which different information sources and existing systems are identified and coordinated for the provision of information on how the Cancun Safeguards are being addressed and respected through national communications to the UNFCCC and REDD Web Platform.

The development of a SIS could consist of the following key design considerations:

- * setting of objectives;
- * establishing the information needs and structure; and,
- * establishing the institutional arrangements for the SIS.

7.2 Defining Safeguard Information System Objectives

The purpose of this step is to determine what Sri Lanka wants the SIS to do. The default objective, as specified by the UNFCCC, is to demonstrate that the Cancun safeguards are being “addressed and respected” throughout REDD+ implementation. A further default objective can be assumed to be use of information from the SIS to prepare UNFCCC-required summaries of safeguards information. Due to time restrictions, additional SIS objectives, contributing to existing national and international policy goals, were not discussed with stakeholders during the development of this national approach to safeguards. Discussing the possibility of additional objectives for the SIS should be a priority next step for Sri Lanka’s national approach to safeguards. Examples of such SIS objectives from other countries are presented in Box 4.

Box 4: Examples of Safeguard Information System Objectives from other Countries

- providing information to address reputational risk for donors funding readiness and demonstration phases of REDD+;
- attracting financing by demonstrating reduction in risks for (both private and public sector) investment in results-based actions for REDD+;
- meeting safeguards requirements of international entities that are likely to make results-based payments (RBPs) for REDD+;
- enabling access to funding sources for safeguards-related development, such as sustainable rural development, biodiversity conservation, etc;
- improving existing information systems' functioning and resultant improvements in information quality;
- improving National REDD+ Strategy implementation by informing design of more environmentally sustainable, and socially and gender equitable REDD+ actions;
- enhancing domestic legitimacy of REDD+ by increasing transparency through fair and equitable stakeholder participation in various aspects of SIS design and operations;
- contributing to evidence-based policy reform in various sectors - forestry, climate change adaptation, disaster risk reduction, etc;
- contributing to demonstrating compliance with other international conventions beyond that for climate change; and,
- strengthening institutional capacities of existing or planned information systems.

7.3 Establishing the Information Needs and Structure of the Safeguards Information System

A key SIS design consideration is determining what information is needed, and how it is to be structured, to demonstrate whether the Cancun safeguards, as clarified through national criteria, are being addressed and respected.

Tables 6a, 6b, and 6c show how the information in the SIS will be structured, based on information collected and analyzed in Steps A to D:

- **Table 6a** provides information on how the Cancun safeguards, as clarified through the national criteria, are being *addressed* (in terms of the existing PLR framework, gaps therein and proposed gap-filling measures) and *respected* (in terms of how the existing PLR framework is being implemented in practice, gaps and weaknesses in that implementation and corresponding gap-filling measures)
- **Table 6b** provides additional information on how the Cancun safeguards/national criteria are being respected in terms of mitigating *risks* throughout the implementation of REDD+ PaMs. Information in Table 6b demonstrates how risks have been removed, reduced or managed as a consequence of safeguard-relevant PLR implementation (see Table 6a). Note only priority risks (with a score ≥ 9) are to be monitored in Sri Lanka's SIS.

- **Table 6c** provides additional information on how the Cancun safeguards/national criteria are being respected in terms of enhancing *benefits* throughout the implementation of REDD+ PaMs. Information in Table 6c demonstrates how benefits have been enhanced as a consequence of safeguard-relevant PLR implementation (see Table 6a). Note only priority benefits (with a score ≥ 9) are to be monitored in Sri Lanka's SIS.

The tables present one example PaM ("Strengthening the EIA Process") and indicate how the potential risks; relevant national safeguard criteria; national PLRs that are needed to operationalize the safeguard criteria; and PLR gaps, could be organized to allow for the regular reporting of safeguard performance. This process would be repeated for each PaM, linked to each priority benefit and risk (with a score ≥ 9), and then to each relevant safeguard criterion.

For this initial iteration of the SIS, qualitative narrative summaries of benefit and risk outcomes are to be used. Future iterations of Sri Lanka's SIS may develop outcome indicators, against which benefit and risk outcomes will be monitored. There are 41 national safeguard criteria. At this stage, each of these would need to be reported on, at a minimum frequency of every 4 years, according to the timetable set by the UNFCCC. Forty one national safeguards criteria may be too ambitious for an initial SIS structure, and some kind of criteria rationalisation/prioritization may need to take place.

Table 6: Proposed Information Structure for Sri Lanka's Safeguards Information System

Table 6a: ADDRESSING and RESPECTING Safeguards through Existing Polices, Laws and Regulations, and their Implementation, under Sri Lanka's National REDD+ Investment Framework and Action Plan (NRIFAP)

National Safeguards Criteria	PLR	PLR Addressed	Current Gap	Gap-filling Action	PLR Respected	Current Gap	Gap-filling Action	Verifier	Focal Person/ Institution
Cancun safeguard (b) - Transparent, effective forest governance structures, taking into account national legislation and sovereignty									
b.5: Legal recognition of strategic actors in forest management	National Forest Policy	Yes	Discussion of stakeholder types but no legal definition of stakeholders		Implementation of forest conservation programs has involved partnerships with community, CBOs, NGOs, private sector stakeholders to varying degrees and collaboration with the academic community for scientific research.				Forest Dept.
	National Wildlife Policy	Yes	Discussion of stakeholder types but no legal definition of stakeholders		Implementation of wildlife conservation programs has involved partnerships with CBOs, private sector stakeholders to varying degrees and collaboration with the academic community for scientific research.				
	Flora and Fauna Protection Ordinance Amendme	Yes	The Act does not contain any legal definitions or clearly	Developme nt of regulations that define the roles	Implementation of wildlife conservation programs has involved partnerships with CBOs, private sector stakeholders to varying degrees and collaboration				

	nt Act		defined roles and responsibilities of different strategic actors in implementing the Ordinance.	and responsibilities of different actors	with the academic community for scientific research.				
	Forest Ordinance Amendment Act	Not addressed		Development of regulations that define the roles and responsibilities of different actors	Implementation of forest conservation programs has involved partnerships CBOs, NGOs, private sector stakeholders to varying degrees and collaboration with the academic community for scientific research.				

Table 6b: RISKS and Outcomes of REDD+ Policies and Measures Implemented under Sri Lanka's NRIFAP

Policies and measures	Anticipated risk	Category of risk	Probability na=na, 1=low, 2=medium, 3= high	Anticipated impact na=na, 1=low, 2=medium, 3= high	Risk level (Probability x Impact) Range: 1-9	Actual outcome (qualitative summary with links to more detailed information)	Relevant national safeguards criteria
Strengthening the EIA process	Delay in the process of project approval	Governance	3	3	9		b.5: Legal recognition of strategic actors in forest management

Table 6c: BENEFITS and Outcomes of REDD+ Policies and Measures Implemented under Sri Lanka's NRIFAP

Policies and measures	Anticipated benefit	Category of benefit	Probability na=na, 1=low, 2=medium, 3= high	Anticipated impact na=na, 1=low, 2=medium, 3= high	Benefit level (Probability x Impact) Range: 1-9	Actual outcome (qualitative summary with links to more detailed information)	Relevant national safeguards criteria
Strengthening the EIA process	Delay in the process of project approval	Governance	3	3	9		b.5: Legal recognition of strategic actors in forest management

7.4 Establishing the Institutional Arrangements for the Safeguard Information System

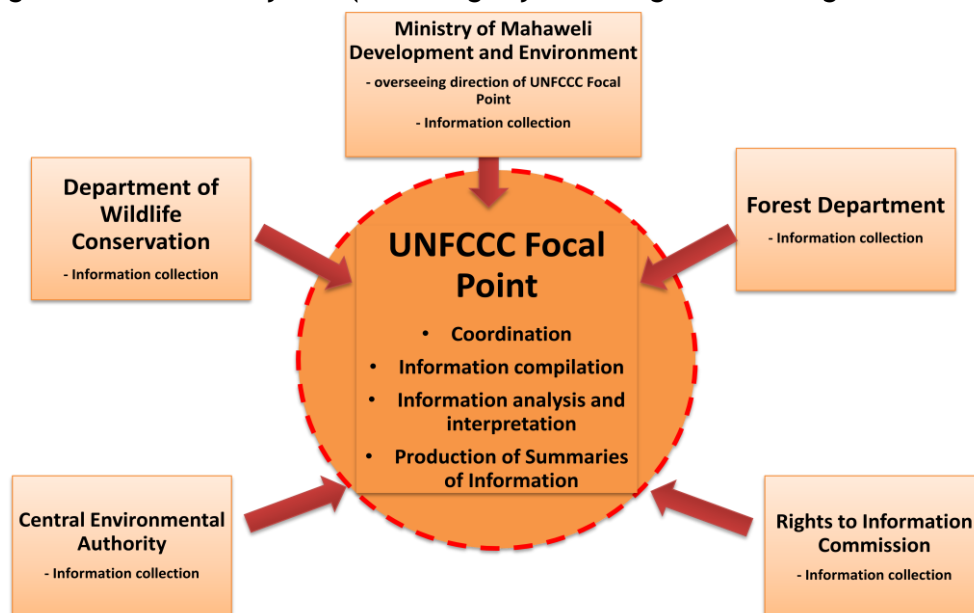
A fundamental SIS design consideration relates to the institutional arrangements for operating the system. UNFCCC guidance suggests that a SIS should be built on existing systems.

The best option for Sri Lanka would appear to be establishing a central information compilation and reporting function housed in a single institution, and where information would be collated from each of the individual ‘holders’ of the PLRs relevant to the national safeguards criteria. PLR holders would report on relevant PLR reforms, new PLRs, PRL implementation and progress on gap-filling actions to improve PLRs on paper as well as PLR implementation (see Table 6a).

The existing PLRs relevant to safeguards also help to define the mandates and responsibilities of existing government institutions that might contribute information to the SIS. The most efficient institutional arrangement for Sri Lanka’s SIS, in its first iteration is presented in Figure 3. Sri Lanka already has a UNFCCC Focal Point within the Ministry of Mahaweli Development and Environment (MoMDE). It is recommended that this be the institutional home for the REDD+ SIS. The UNFCCC Focal Point would have the following key functions within the SIS:

- **Overall coordination** of institutions contributing information to, and disseminating information from, the SIS
- **Information compilation** see Tables 6a-c
- **Analysis and interpretation** of compiled information to demonstrate how the Cancun safeguards/national criteria have been addressed and respected, including attribution of benefits and risks to implementation of PaMs²⁴
- **Production of summaries of information** to be submitted to the UNFCCC

Figure 3: Proposed Institutional Arrangements for Sri Lanka’s first iteration of a REDD+ Safeguards Information System (indicating key national government agencies involved)



²⁴ Noting that compiled information, from the various existing systems and sources, will have been collected for purposes other than demonstrating addressing and respecting of REDD+ safeguards; consequently, additional, novel, analysis and interpretation of this information will be required to meet SIS objectives, and findings captured in SIS products, such as the summaries of information submitted to the UNFCCC.

Notes: The rights to Information Commission has yet to be established

As indicated in Table 5 and Figure 3, the five *primary* PLR holders would compile relevant information on addressing and respecting safeguards (see Table 6a), and submit it in its original format to the UNFCCC focal Point, the:

1. Central Environmental Authority (MoMDE);
2. Forest Department (MoMDE)
3. Department of Wildlife Conservation (Ministry of Sustainable Development and Wildlife);
4. Rights to Information Commission (to be established in the near future under the 2016 Right to Information Act); and

A number of *secondary* PLR holders and contributors of addressing and respecting information (Table 6a) to the SIS are also indicated (and presented in Box 5, under each most relevant safeguard, although some secondary PLR holders could provide information on more than one safeguard). Sri Lanka could consider these secondary PLR holders in future iterations, as the PLR assessment noted that, currently, many of them operate ineffectually or, in some cases, are even defunct. Inclusion of such secondary PLR holders in future iterations of the SIS could present an opportunity and incentive to strengthen their capacities, or even revive their operations in the case of defunct institutions.

Box 5: Indicative Secondary Level Institutions that could Contribute Information to Future Iterations of Sri Lanka's REDD+ Safeguards Information System

Cancun safeguard (a) - Consistent with national forest programmes and relevant international conventions

- No tertiary PLR holders identified

Cancun safeguard (b) - Transparent, effective forest governance structures

1. Bribery Commission
2. Fraud and Corruption Investigation Division
3. Anti-Corruption Committee
4. Supreme Court
5. Human Rights Commission
6. Legal Aid Commission
7. Relevant Project Approving Agencies
8. Ombudsman (Office of the Parliamentary Commissioner)
9. Divisional/District Secretariats

Cancun safeguard (c) - respect for the knowledge and rights of indigenous peoples and members of local communities

10. EIA Technical Evaluation Committees
11. Land Acquisition and Resettlement Committees (LARCs)
12. Super LARC
13. National Planning Department

Cancun safeguard (d) - full and effective participation of relevant stakeholders

14. Community, Environment and Special Mediation Boards
15. National Committee on Women
16. Women's Bureau
17. Department of Agriculture (Women's Extension Department)

UN-REDD (2016) An Assessment of Sri Lanka's Existing Policies, Laws, and Regulations, and their Implementation in Practice, in Relation to Addressing and Respecting REDD+ Safeguards

**Box 5 (cont.): Indicative Tertiary Level Institutions that could Contribute Information to
Future Iterations of
Sri Lanka's REDD+ Safeguards Information System**

Cancun safeguard (e) - conservation of natural forests, biodiversity and enhanced social and environmental benefits

18. National Sustainable Council
19. Sectoral Committees on Environment Policy and Management
20. Committee on Integrating Environment and Development Policy
21. Biodiversity Secretariat
22. Biodiversity Expert Committee
23. National Steering Committee on Biodiversity
24. Mahaweli Authority of Sri Lanka
25. Irrigation Department (MMDE)
26. National Water Supply and Drainage Board (MMDE)

Cancun safeguard (f) - Actions to address the risks of reversals

- No tertiary PLR holders identified

Cancun safeguard (g) - Actions to reduce displacement of emissions

- No tertiary PLR holders identified

UN-REDD (2016) An Assessment of Sri Lanka's Existing Policies, Laws, and Regulations, and their Implementation in Practice, in Relation to Addressing and Respecting REDD+ Safeguards

Through a time series forest cover change analysis, using data from satellite land monitoring component of the NFMS, Sri Lanka's NFMS will also contribute, and disseminate, important information to the SIS with respect to Cancun safeguards:

- (e) non-conversion of natural forests
- (f) reversals
- (g) displacement

The satellite land monitoring system should be updated at an accepted time interval to enhance monitoring capability of the NFMS with respect to these three safeguards. Various ecological (using permanent sample plots) and social parameters, provided by the national forest inventory, could also be relevant to demonstrating respecting of Cancun safeguard (e). Further assessment of ecological and social data collected by the NFI would be required to ascertain exactly what information could contribute to demonstrating Cancun safeguard (e) is being respected.

Information on environmental and social outcomes (benefits enhanced and risks mitigated - see Tables 6b and c) of PaMs implementation should be collected by those institutions responsible for implementing the PaMs. This would include national and subnational government institutions, as well as key non-state actors, including private sector companies, community based organisations and forest-dependent/rural communities. Non-state actors have been identified in the PLR

assessment as potentially important contributors of information on environmental and social outcomes under Cancun safeguards (b - governance), (c - rights), (d - participation) and (e - benefits of natural forests, biodiversity and ecosystem services). As with PLR-based information on addressing and respecting safeguards (Table 6a), information on outcomes would be submitted by institutions implementing PaMs to the UNFCCC Focal Point for analysis and dissemination.

Both state and non-state actors are indicated as responsible for a final quality assurance function, where stakeholders would be provided with the opportunity to review draft SIS products, notably summaries of information before submission to the UNFCCC (see Section 9 on recommendations for next steps).

To determine the precise contribution, in terms of information and functional responsibilities, each institution could make to the SIS, a detailed assessment of existing systems and sources of information would need to be conducted. Such an assessment should prioritise efforts and focus first and foremost on the central host institution, the UNFCCC Focal Point, followed by primary PLR holders. Secondary PLR holders can be assessed as a contribution to future iterations of the SIS. These assessments could consider the following elements, to determine more precisely, each identified institutions' contribution to the SIS:

- Type and format of information available;
- Quality control procedures;
- Frequency of information collections and reporting;
- Means information dissemination;
- Any existing information sharing agreements with other institutions; and, most importantly
- Current institutional capacity and capacity needs to meet demands of the SIS.

8. Sri Lanka's First Summary of information

8.1 United Nations Framework Convention on Climate Change requirements

Developing countries seeking to receive results-based payments for REDD+ are required, under the UNFCCC, to provide the most recent summary of safeguards information upon commencing implementation of REDD+ actions. Once the first summary of information has been submitted, the frequency of subsequent summaries should be consistent with the provisions for submissions of national communications, i.e. at least once every four years²⁵. Additionally, countries may submit a summary of information directly to the [UNFCCC REDD+ web platform](#)²⁶ at any time. There is no UNFCCC-required *structure* for summaries of information. Guidance on the *content* of summaries of information, however, has been recently adopted (Box 6).

The following suggestions on the contents of Sri Lanka's first summary of information follow this guidance and draw on the preceding steps on the national approach to safeguards outlined in this document. The summary could precise the information presented in this national approach to safeguards document, in addition to citing and hyperlinking supplementary analytical reports (i.e. the PLR and benefit/risk assessments, together with the national clarification document), should they be made publically available.

²⁵ UNFCCC [Decision 12/CP.17](#), paragraph 4

²⁶ UNFCCC [Decisions 12/CP.17](#), paragraph 3; UNFCCC [Decision 9/CP.19](#), paragraph 11

UNFCCC guidance on summaries (Box 6) of information encourages countries to improve the quality of information with each successive submission. As such, it will be important for Sri Lanka to demonstrate incremental progress in addressing and respecting safeguards to facilitate payments for REDD+ results in the future. The submission of information on safeguards is an opportunity to showcase not just what is already in place and underway, but also plans to improve on how safeguards are addressed and respected from one summary to the next.

As the National REDD+ Investment Framework and Action Plan (NRIFAP) implementation progresses, changes in: a) drivers of deforestation and forest degradation, b) corresponding REDD+ PaMs and/or c) the goals and scope of the national approach to safeguards can be reflected in the information on changing national circumstances. With progress in NRIFAP implementation will come evolving capacities and perhaps clearer domestic expectations with respect to safeguards. This may be particularly relevant for information on how safeguards are being respected - how PLRs are being implemented in practice, together with the positive outcomes of that implementation - which should be documented from one summary of information to another.

Box 6 UNFCCC guidance on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all of the Cancun safeguards are being addressed and respected

'The Conference of the Parties,

- 4. Decides that developing country Parties should provide information on which [REDD+] activity or activities...are included in the summary of information...;*
- 5. Strongly encourages developing country Parties, when providing the summary of information..., to include the following elements, where appropriate:*
 - (a) Information on national circumstances relevant to addressing and respecting the safeguards;*
 - (b) A description of each safeguard in accordance with national circumstances;*
 - (c) A description of existing systems and processes relevant to addressing and respecting safeguards, including the [safeguards] information systems..., in accordance with national circumstances;*
 - (d) Information on how each of the safeguards has been addressed and respected, in accordance with national circumstances;*
- 6. Encourages developing country Parties to provide any other relevant information on the safeguards in the summary of information...;*
- 7. Also encourages developing country Parties to improve the information provided in the summary of information referred to in paragraph 1 above taking into account the stepwise approach;'*

Source: [UNFCCC decision 17/CP.21](#)

8.2 Information on how the Cancun safeguards have been addressed when developing the NRIFAP

UNFCCC guidance on summaries of information (See Section 8.1) requires countries to provide information on how the Cancun safeguards are being addressed and respected, throughout the implementation of REDD+ PaMs. Even though the Cancun safeguards should also be applied during the NRIFAP development process²⁷, there is no requirement to include information on this readiness phase application in summaries submitted to the Convention. Sri Lanka, nevertheless, may wish to briefly describe how the Cancun safeguards were addressed during the NRIFAP process through the development and application of criteria to identify and prioritise PaMs. The elaborate stakeholder-led multi-criteria analysis²⁸, undertaken in 2015, could be outlined in the first summary of information.

8.3 Information on which REDD+ activities are included in the summary of information

Indication of which of the five generic REDD+ activities - reducing emissions from deforestation; reducing emissions from forest degradation; conservation of forest carbon stocks; sustainable management of forests; and/or enhancement of forest carbon stocks - are covered by the summary of information is the one clear UNFCCC requirement on summary contents; all other elements being '*encouraged*' or '*strongly encouraged*', rather than '*required*' (see Box 6). Sri Lanka may also choose to provide information on the PaMs (Appendix I) that have been identified to deal with the drivers of deforestation and forest degradation, in addition to overcoming the barriers to more effective and/or extensive conservation and enhancement of forest carbon stocks, as well as sustainable management of forests. This would provide additional context for understanding the summary of information as it is these specific PaMs to which the safeguards are applied.

8.4 Information on national circumstances relevant to addressing and respecting the Cancun safeguards

Beyond outlining the nature and scale of REDD+ PaMs that Sri Lanka is planning to implement, information on national circumstances relevant to addressing and respecting safeguards could cover the key elements of the national approach (Figure 2) elaborated in the previous sections, notably:

- The goals and scope of Sri Lanka's national approach to safeguards (Section 3)
- The benefits and risks associated with the PaMs to be implemented under the NRIFAP, i.e. the priority environmental and social issues that are to be safeguarded in Sri Lanka when it comes to REDD+ implementation (Section 5)

8.5 A description of each safeguard in accordance with national circumstances

The Cancun safeguards constitute a broad set of principles to be clarified, in terms of country specific thematic issues, in order for domestic stakeholders to understand and agree on what it means to address and respect these safeguards. As such, Sri Lanka's country specific description of

²⁷ [UNFCCC Decision 1/CP.16](#), paragraph 72

²⁸ UN REDD Programme (2015), Report on Prioritizing REDD+ Policies and Measures in Sri Lanka. December

each Cancun safeguard could comprise the refined criteria (Table 2) developed through the national clarification process (Section 4).

8.6 A description of existing systems and processes relevant to addressing and respecting safeguards

In this section of the summary of information, Sri Lanka could consider including a description of the three key governance arrangements central to the national approach to safeguards (Figure 1):

1. Policies, laws and regulations

Sri Lanka's PLRs (as explained in Section 6) can serve to define how safeguards are to be addressed when implementing REDD+ PaMs. The summary of information could summarise the identification of existing PLRs (detailed in the supplementary PLR assessment report²⁹), as well as plans to reform PLRs to attend to identified gaps, weaknesses and inconsistencies (see Table 5).

2. Institutional arrangements

In the context of REDD+ safeguards, institutional mandates, procedures and capacities for implementing and enforcing Sri Lanka's PLRs are relevant to respecting safeguards when implementing REDD+ PaMs. Again, the PLR assessment report (summarised in Section 6), together with gap-filling measures (Table 5) to strengthen the implementation of Sri Lanka's PLRs, and the respecting of safeguards, can inform this section of the summary of information.

3. Information systems and sources

Information on existing systems and sources of safeguard information making significant contributions to the national SIS (Section 7.4) could be included in this part of the summary of information. Descriptions of any modifications to existing information systems, to accommodate new information needed to close any safeguard information gaps could also be provided, as could links between the SIS and the NFMS, particularly in relation to Cancun safeguards (e - conservation of natural forests), (f - reversals of emissions reductions) and (g - displacement of emissions). The detailed assessment of existing systems and sources of information recommended (in Section 7.4) should be conducted before drafting of the first summary of information, so that such an assessment could contribute to a more informed summary, as well as SIS design. SIS design could be a valuable addition to the first summary of information.

8.7 Information on how each of the safeguards has been addressed and respected

Demonstrating how the safeguards, and their constituent national criteria, have been addressed and respected, is likely to constitute the most significant part of summaries of information. In the case of a first summary of information, submitted before PaMs implementation has commenced, only an indication of how the safeguards/criteria *will* be addressed and respected can be given. Sri Lanka's summaries of information can draw on the SIS information structure (Tables 6a-c), organising information on how safeguards and are being addressed/respected criterion by criterion.

²⁹ UN-REDD (2016) Policies, Laws, and Regulations Analysis in the Context of Sri Lanka's Approach to REDD+ Safeguards

As the Cancun safeguards should be both addressed and respected, a list of safeguard-relevant PLRs alone would not be sufficient. Although the first summary may focus more on demonstrating how safeguards are being addressed (existing PLRs, notable gaps, proposed gap-filling measures, etc.), over time, there would likely be more information included on how they are respected (strengthened institutional arrangements, effective implementation and enforcement of PLRs, evidence of social and environmental outcomes, etc.) in successive summaries of information.

8.8 Any other relevant information

In addition to the core components described above, the quality and credibility of Sri Lanka's summaries of information could be further ensured by including (or providing access to) supplementary information as relevant or applicable, such as :

- the process of how the summary of information was produced;
- the process of developing the national approach to safeguards;
- the processes of SIS design, development and operation; and
- channels and mechanisms for stakeholders to provide feedback on draft and published summaries;
- further sources of information such as annexes or hyperlinks to websites, databases, etc.

Information on how domestic stakeholders were effectively engaged in any safeguards processes outlined in the summary of information, might be particularly valuable in assuring domestic and international stakeholders of the transparency, consistency, comprehensiveness, and effectiveness of the information on how the safeguards are being addressed and respected throughout REDD+ implementation.

9. Conclusions and Recommendations for Next Steps

Figure 1 outlined the five generic steps required for the development of a country approach to REDD+ safeguards. Table 7 reiterates these steps, and indicates the extent to which they have been completed during the development of the national approach during 2016.

Table 7: Progress towards the Development of the National Approach to REDD+ Safeguards

Step	Progress made	Further work required
A: Determining goals and scope	Initial goals and scope determined	Iteratively revise goals and scope as Sri Lanka's needs and capacities on REDD+ change
B: Clarification of the Cancun Safeguards as they relate to Sri Lanka	Substantially completed	Rationalise national criteria to a smaller more feasible number for SIS, as well as possible Summary of Information, structuring purposes
C: Determining risks and benefits or REDD+ policies and measures	Completed for candidate PaMs presented for consideration during the national REDD+ strategizing process	Iteratively re-assess benefits and risks of PaMs as they are modified and re-prioritised through 'learning by doing' of PaMs implementation through periodic revisions of the NRIFAP
D: Assessment of PLRs and their implementation in practice	Substantially completed	Further prioritize PLRs for reform, detailed institutional capacity analysis, and develop action plans for institutional capacity strengthening. This would include prioritizing the list of current PLR gap-filling recommendations, as well as developing additional recommendations on how to strengthen institutional mandates, procedures and capacities to improve implementation of priority PLRs.
E: Options for the design of a Safeguard Information System	Initially outlined	Undertake a thorough SIS design process, which would include, inter alia: <ul style="list-style-type: none"> (i) A government-led, multi-stakeholder consultation to determine the objectives of the SIS; (ii) A comprehensive assessment of existing national information systems and international reporting commitments; and, (iii) Drafting a SIS framework design document, through a consultative/participatory

		process.
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A first iteration of a Sri Lankan approach to REDD+ safeguards has been substantially achieved. There are a few key areas of work that need to be undertaken in the near future to improve this first version of the national approach. Recommendations for further work are outlined below.

Recommendation 1: Step A

As Sri Lanka’s needs and capacities on REDD+ change, ‘goals and scope’ should be iteratively revised. This is a medium-term need.

Recommendation 2: Step B

Forty-one safeguard criteria will be difficult to report against, at least in the short term. For the purposes of SIS information structuring and operating, and the initial stages of reporting to the UNFCCC, it may be appropriate to further rationalize the safeguard criteria through a stakeholder consultation exercise. This is a short-term need.

Recommendation 3: Step C

Iteratively re-assess benefits and risks of PaMs as they are modified and re-prioritised through ‘learning by doing’ of PaMs implementation. This is a medium-term need.

Recommendation 4: Step D

The PLR report presents an 86-page analysis of PLRs that are either currently addressed and respected, or in need of reform or initiation. Associated with each of the possible reforms is a long list of recommendations. Tackling the entire list is a somewhat daunting task. There is therefore a need to further prioritize PLRs for reform, and to develop action plans for institutional capacity building, so that implementation can be assured. This is a short-term need.

Recommendation 5: Step E

Section 7 outlined a possible structure for the SIS, and proposed an institutional arrangement for the compilation, analysis, and reporting of information. The SIS and Sol need more work. It is recommended that a next step would be to undertake a thorough SIS design process, to include:

- * A government-led, multi-stakeholder consultation to determine the objectives of the SIS;
- * A comprehensive assessment of existing national information systems and international reporting commitments; and,
- * Drafting a SIS framework design document, through a consultative/participatory process.

This is a short-term need.

Appendix 1: List of Priority Policies and Measures (PaMs)

The following table presents the final list of PaMs. These were initially developed during an elaborate stakeholder-led multi-criteria analysis process, undertaken in 2015³⁰.

Policy Area 1: Forest, Wildlife and Watershed

PAM 1:	Improvement of law enforcement & monitoring on the ground
PAM 2:	Forest boundaries survey and demarcation as well as declaration in appropriate managerial categories
PAM 3:	Restoration of degraded forests and wildlife ecosystems
PAM 4:	Sustainable Forest Management (natural forests)
PAM 5:	Sustainable management of forest plantations
PAM 6:	Protection of watersheds

Policy Area 2: Land Use Planning

PAM 7:	Support inclusion of Strategic Environmental Assessment under Land Use Planning (LUP)
PAM 8:	Strengthening of Environmental Impact Assessment process
PAM 9:	Improve land productivity and rehabilitation practices
PAM 10:	Improve the tree cover of non-forested lands (home gardens, urban centre, public lands and settlements)

Policy Area 3: Other Forested Lands

PAM 11:	Protection of Vihara Devalagam, Janataha Estate Development Board (JEDB), Sri Lanka State Plantations Cooperation (SLSPC), Regional Plantation Companies (RPCs) & Land Reform Commission (LRC) forested lands
PAM 12:	Identify local supply chain for fuelwood demand
PAM 13:	Development of agroforestry models for addressing forest degradation

³⁰ UN REDD Programme (2015), Report on Prioritizing REDD+ Policies and Measures in Sri Lanka. December.