

Session breakout plan session 3

Title: Identification and gap analysis of national policies, laws and regulations relevant for REDD+ safeguards

Date: 19th September 2013

Time: 09:00 – 12:00 and 13:00-16:00

Participant number: The participants will be split into two groups, one in English one in French, both for the morning session and for the afternoon session. Each group should have 5-6 participants from 2-3 countries.

Time of session: 2.5 hours with a 30 minute break and 30 minutes drafting summaries of outcomes

Facilitators: John-Erik Prydz & Claudia Seggesser (Anglophone), Blaise Bodin (Francophone)

Scribe: Facilitator

Overview:

In this session, participants will be presented with a simple approach to think through the policies, laws and regulations from their national context which might be relevant for the implementation of REDD+ safeguards. Participants cannot be expected to have exhaustive knowledge of their country's legislation and policies, therefore the purpose of the exercise is to introduce the methodology through an example of risk and benefit from a given REDD+ action.

Objectives:

- 1) Raise awareness of the need to consider Policies, Laws and Regulations in the implementation of REDD+ safeguards
- 2) Build capacity on how to design a gap analysis of Policies, Laws and Regulations that adequately covers the Cancun safeguards and the specifics of a national REDD+ Programme
- 3) Provide participants with ideas on how to integrate this gap analysis and the subsequent potential reforms in their national approach to safeguards

Materials required

- Each “delegation” (participants/country) to come with their REDD+ strategy and/or RPP as available, especially sections on (i) national approach to safeguards, (ii) list of intended REDD+ actions, (iii) forest definitions;
- Results of day 2 exercise identifying risks and benefits of specific REDD+ actions

Session plan

Time	Activity
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30mn	Introduction
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Facilitator to introduce how the “Gap analysis of PLRs” fits within a national approach to safeguards.

- PLR are one of two main components of a national approach to safeguards
- PLRs can be existing ones that are relevant to REDD+ or new pieces that are being developed specifically for REDD+ purposes
- Why this is important:
 - Provides a solid basis for the implementation of the safeguards, meaning that they will be weaved throughout the REDD+ policy and legal framework rather than a standalone document/set of recommendations
 - Brings legal security to potential REDD+ project developers in case where a nested approach is envisaged.
 - provide a means by which countries may demonstrate how they are addressing the safeguards for purposes of communication of information to the UNFCCC (SIS)

The session is designed to demonstrate a PLR review based on a list of REDD+ actions from a strategy or an R-PP. Each participant should have a combination of REDD+ action and associated risk that they will apply the exercise to, in the form of their output from Day 2 session on risks and benefits.

The exercise includes two steps :

1. *Participants confront this combination of action and risk-benefit with a list of guiding questions for two of the Cancun safeguards. The aim is to identify PLRs that are relevant, be they supporting the safeguard or conflicting with it.*
2. *Based on the outcome of this first step, participants identify next steps to review the said PLRs or fill any gaps that there might be to prevent risk/enhance benefit.*

At the end of these two steps, participants write down recommendations based on the session that are relevant to their national context specifically to take home with them.

30mn In this example, the action considered is the reinforcement of protected areas management effectiveness to reduce degradation and increase carbon stocks. The gap analysis should in theory be done under each of the Cancun safeguards. For this exercise, we will limit ourselves to safeguard c) and safeguard e) (one social, one environmental).

(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;

(e) Are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions [...] of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and natural forests and their

ecosystem services, and to enhance other social and environmental benefits;

For safeguard c) – rights of indigenous peoples and members of local communities

- Are there existing policies and measures in place that help to respect and promote the recognition and exercise by indigenous and local communities of their rights? (e.g. through decentralisation, recognition of communal and customary tenure)
- Are there existing policies and measures in place that give procedural rights to stakeholders to develop policies?
- Are there existing policies and measures in place that ensure FPIC?
- Are there existing policies and measures in place that help to avoid involuntary resettlement in development programmes, or that deal with involuntary resettlement in a way that protects livelihoods?
- Are there existing policies and measures in place that recognize and help to respect and protect traditional knowledge and cultural heritage?
- Does the country endorse the UN Declaration on the Rights of Indigenous Peoples? How has this been implemented?

For safeguard e) – natural forest, biodiversity, ecosystem services

- Are there any specific laws related to the protection of biodiversity or ecosystem services (e.g. forested watersheds)?
- Is there a list of species that benefit from a special protection status in law?
- What are the different categories of protected areas in the law? What are the activities allowed in each of these categories?
- Does the law define future quantitative objectives for coverage of the territory by protected areas?
- What measures are in place to limit adverse impacts on forest ecosystems? (Environmental Impact Assessment and Strategic Environmental Assessment requirements)

The following table provides an illustration that can be completed together with the group. In a real situation, the questions should help identify pieces of actual legislation and policy. In this case, they will provide a basis for reflection on what these instruments might be.

Tea break	
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45mn	Recommendations based on PLR Gap Analysis
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If necessary PLRs are in place:

- a. Are PLRs effective? Further assessment, studies etc. may be required at this stage.
- b. If they are not effective – what are the suggested actions to improve effectiveness (e.g. recommendations for strengthened institutions, enhanced capacity, additional resources required etc.)

If necessary PLRs are not in place:

What is recommended action to put in place necessary PLRs?
