



The role of the legal framework in ensuring REDD+ activities are consistent with the UNFCCC REDD+ safeguards: Country experiences implementing a Country Safeguard Approach

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I. Introduction

Since its 19th Conference of the Parties (COP19) in Warsaw, the United Nations Framework Convention on Climate Change (UNFCCC) now has a consolidated set of requirements that must be met in order to receive results-based payments from the implementation of REDD+. However the specific formulation of the requirements is the result of negotiation and political compromise and therefore was left somewhat broad in the interests of flexibility and preserving national sovereignty. This is particularly true in the case of the REDD+ safeguards. The UNFCCC requires developing countries to ensure that REDD+ activities are implemented in a manner ‘consistent’ with the UNFCCC REDD+ safeguards.¹ The question is how best to do this? The safeguards are broad thematic objectives that encompass fundamental pre-conditions that must be met to ensure the equity and permanence of REDD+. In order to ensure that they are both addressed and respected, the rights and obligations that they embody must be made enforceable nationally and therefore anchored to the legal framework. This can be achieved by building on countries’ existing legal frameworks in as far as such frameworks exist.

This paper will demonstrate how countries are working to achieve this through the application of a Country Safeguards Approach, drawing on examples from countries in Latin America. The information on country experiences contained in this article is drawn from CLP’s extensive work developing and implementing Country Safeguard Approaches around the world.

II. International Context

The international legal framework for REDD+

After several years of negotiations and discussions at the international level, the UNFCCC COP adopted the ‘Warsaw Framework for REDD+ at its 19th meeting in December 2013. This act officially anchored REDD+ to the UNFCCC regime. The Warsaw Framework for REDD+, also commonly referred to as the ‘REDD+ Rulebook’,² builds on previous COP decisions³ and clarifies and consolidates the requirements and methodological guidance countries must meet in order to access results based finance, and which all existing and potential REDD+ funding agencies are expected to follow.⁴

¹ UNFCCC Decision 1/CP.16 paragraph 69

² Denier, L., Korwin, S., Leggett, M., MacFarquhar, C., (2014) The Little Book of Legal Frameworks for REDD+, Global Canopy Programme: Oxford

³ Including Decisions 1/CP.13, 2/CP.13, 4/CP.15, 1/CP.16, 2/CP.17 and 12/CP.17

⁴ UNFCCC Decision 9/CP.19 paragraphs 5 and 6

According to the Warsaw Framework, developing country Parties looking to receive results-based finance for REDD+ must:

- Ensure that the anthropogenic forest-related emissions by sources and removals resulting from the implementation of REDD+ activities are fully measured, reported and verified (MRV) in accordance with UNFCCC guidance;⁵
- Have in place:⁶
 - a. A national strategy or action plan
 - b. A national forest reference emission level and/or forest reference level, or if appropriate, as an interim measure, subnational forest reference emission levels and/or forest reference level
 - c. A robust and transparent national forest monitoring system for the monitoring and reporting of REDD+ activities, and
 - d. A system for providing information on how the safeguards are being addressed and respected (SIS)
- Ensure that REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the UNFCCC REDD+ safeguards⁷
- Provide the most recent summary of information on how all of the UNFCCC REDD+ safeguards have been addressed and respected before they can receive results-based payments.⁸

A closer look at the UNFCCC safeguard requirements

Although REDD+ is primarily a mechanism to incentivise forest-based climate change mitigation, it is broadly agreed that it should, as a minimum, ‘do no harm’, but also go beyond this to ‘do good’ and achieve multiple (carbon and non-carbon) benefits.⁹ Given the potential environmental risks and benefits of REDD+,¹⁰ Parties to the UNFCCC recognised the need to ensure that the rules and guidance for REDD+ include measures to protect those at risk from its implementation, namely indigenous peoples, local communities and biodiversity. For this reason, they agreed to a set of seven safeguards for REDD+ at the 16th Conference of the Parties (COP16) also known as the ‘Cancun Safeguards.’¹¹

⁵ Decision 9/CP.19 paragraph 3

⁶ Decision 9/CP.19 paragraph 3, the elements initially referred to in decision 1/CP.16 paragraph 71

⁷ UNFCCC Decision 2/CP.17 paragraph 63

⁸ Decision 9/CP.19 paragraph 4

⁹ Rey, D., Roberts, J., Korwin, S., Rivera, L., and Ribet, U. (2013) A Guide to Understanding and Implementing the UNFCCC REDD+ Safeguards. ClientEarth, London, United Kingdom.

¹⁰ Risks include corruption, misappropriation of REDD+ funds and land grabbing, while potential benefits include pro-poor rural development, improved forest governance and biodiversity conservation. See Rey, D., Swan, S., & Enright, A., (2013) A country-led approach to REDD+ safeguards and multiple benefits. SNV – The Netherlands Development Organisation, Ho Chi Minh City.

¹¹ Decision 1/CP.16 Appendix 1 paragraph 2

Box 1: The Cancun Safeguards

When undertaking the activities referred to in paragraph 70 of this decision, 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, in the actions referred to in paragraphs 70 and 72 of this decision;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;¹²
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions

UNFCCC decisions recognise that safeguards are a key part of REDD+ by linking the Cancun Safeguards to results-based payments, and requiring that the countries involved in implementing REDD+ activities demonstrate how they have addressed and respected them in accordance with the relevant decisions.¹³ The UNFCCC links REDD+ financing to the implementation of the following three safeguard-related requirements:

Requirement 1: Implementing REDD+ activities in a manner consistent with the Cancun Safeguards

REDD+ activities, regardless of their type of funding source, are to be implemented in accordance with the Cancun Safeguards, and such compliance should be promoted and supported.¹⁴ This implies that countries should take steps to define "how" the Cancun Safeguards will be implemented, and to ensure compliance with the safeguards during the implementation of REDD+ activities.

¹² Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.

¹³ Decision from UNFCCC 2/CP.17, Paragraphs 63 and 64 should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix 1, Paragraph 2.

¹⁴ Decision 1/CP.16 paragraph 69, Decision 2/CP.17, Paragraph 63

Requirement 2: Establishing a system to provide information on how the Cancun Safeguards are being addressed and respected

The governments of countries implementing REDD+ activities are required to establish a system to provide information on how the seven Cancun Safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities.¹⁵ This is commonly referred to as the Safeguard Information System (subsequently referred as the SIS). According to the UNFCCC guidelines, the SIS should:¹⁶

- (a) Be consistent with guidance in decision 1/CP.16, appendix I, paragraph 1¹⁷
- (b) Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis
- (c) Be transparent and flexible to allow for improvements over time
- (d) Provide information on how all of the safeguards are being addressed and respected
- (e) Be country-driven and implemented at the national level
- (f) Build upon existing systems, as appropriate.

Requirement 3: Providing a summary of information on how the Cancun Safeguards are being addressed and respected

The UNFCCC requires that the governments of the countries implementing REDD+ activities provide a summary of information on how the Cancun Safeguards are being addressed and respected. In order to receive payment for results, countries must present their most recent information summary on how the safeguards have been addressed and respected.¹⁸

The UNFCCC establishes that countries should begin reporting as soon as REDD+ activities are being implemented.¹⁹ This means that countries must take steps to ensure that the implementation of REDD+ activities is consistent with the Cancun Safeguards, from the start and throughout implementation (i.e. requirement 1 must be met before reporting begins).

The UNFCCC establishes that the safeguards information summary should be provided periodically and be included in national communications or the communication channels identified by the COP. An

¹⁵ UNFCCC Decision 1/CP.16 Paragraph 71(d).

¹⁶ UNFCCC Decision 12/CP.17 Paragraph 2

¹⁷ Which states that REDD+ activities should: (a) Contribute to the achievement of the objective set out in Article 2 of the Convention; (b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention; (c) Be country-driven and be considered options available to Parties; (d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems; (e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty; (f) Be consistent with Parties' national sustainable development needs and goals; (g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change; (h) Be consistent with the adaptation needs of the country; (i) Be supported by adequate and predictable financial and technology support, including support for capacity-building; (j) Be results-based; (k) Promote sustainable management of forests;

¹⁸ Decision 9/CP, Paragraph 4, UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

¹⁹ Decision 12/CP.19, Paragraph 4

additional and voluntary format for providing information to the UNFCCC is through the UNFCCC web platform.²⁰

It should be noted that the UNFCCC does not provide guidelines on the types of information that should be provided in the information summary, nor does it provide a format to follow.²¹ Therefore, it is currently up to the countries to determine what type of information and what level of detail should be provided to the UNFCCC.

III. Challenges countries are facing in their efforts to ensure consistency with the Cancun Safeguards

Given the very broad guidance from the UNFCCC, domestic efforts to ensure consistency with the Cancun Safeguards (and how to demonstrate this) have varied according to the national context.

Based on feedback gathered from implementers in a number of countries²² common challenges to ensuring consistency with the Cancun Safeguards have been identified. Following an exposition of these challenges, the paper will demonstrate how the legal framework can and has been used to achieve this, drawing on examples from selected country experiences.

1. Challenges to specifying the Cancun Safeguards to the country context

The Cancun Safeguards encompass broad thematic objectives that should be tailored to each country's unique context and circumstances. An essential step in addressing and respecting the safeguards is therefore to specify, or articulate them relative to the country context.

Specifying the Cancun Safeguards to the country context requires reaching a shared understanding of the rights and obligations that are embodied in the Cancun Safeguards (i.e. obligation to ensure transparency of forests governance structures under safeguard b), and how these rights and obligations

²⁰ Decision 12/CP.19, Paragraph 2 and 3

²¹ This is the case as of today, however the UNFCCC's Subsidiary Body on Scientific and Technical Advice (SBSTA) still has a mandate to explore further guidance on how to demonstrate that the Cancun Safeguards have been addressed and respected as the issue was not satisfactorily resolved at COP 20 in Lima. Further guidance is therefore still a possibility.

²² REDD/CCAD-GIZ Experience Exchange Workshop on Country-Led Safeguards Approaches, held on October 2 and 3 in San Salvador, El Salvador. During the workshop, experiences were shared from Mexico, Belize, Costa Rica, Guatemala, Honduras, Panama, Peru, the Dominican Republic, and Vietnam. Rey, D., Lopez, A., Rivera, L., y Ribet, U. (2014) Country-led Approaches to REDD+ Safeguards: Early Experiences and Lessons Learned. GIZ, San Salvador, El Salvador

are articulated in the country context. This essentially means identifying the ‘constituent elements’ of the safeguards.

The reason this is such an important process is that countries, depending on their geographical location or history may recognise the rights and obligations embodied in the Cancun Safeguards, but may articulate them differently in their domestic context. For instance, Cancun Safeguard (c) requires that countries respect “the knowledge and rights of indigenous peoples and members of local communities.” While some countries have important populations of indigenous peoples, and therefore recognise their rights and knowledge through domestic laws, others may not recognise the term in their legal frameworks, instead referring to ‘local communities’. This variety of domestic contexts is the reason the wording of the Cancun Safeguards was kept intentionally broad, and requires this process of specification, or identification of constituent elements.²³

Many countries have struggled to specify the Cancun Safeguards to their country context however, due to a lack of rigorous methodology or incomplete understanding of the process of specification. In fact, some countries have chosen to arbitrarily define criteria (which we refer to as the ‘constituent elements’ of the Cancun Safeguards) without defining a methodology to determine these criteria based on their own country context. This process has therefore resulted in the formulation of principles and criteria that represent more of a ‘wish list’ of desired behaviours or outcomes rather than an accurate representation of the constituent elements of the Cancun Safeguards in relation to the country context. As a result of this lack of methodological framework, these countries have struggled to then ensure that the identified criteria are effectively linked to relevant domestic legal obligations and therefore ensure that the Cancun Safeguards are implemented.

As shall be seen in section IV, it is the legal framework that enables the Cancun Safeguards to be implemented as they become enforceable through the process of specification, which anchors them existing legal framework. Once anchored to the legal framework, it becomes possible to identify and articulate the relevant governance arrangements (laws, institutions, monitoring systems, compliance) and therefore pave the way for them to be implemented.

²³ For an indicative breakdown of each Cancun safeguard based on a comprehensive analysis of international law, see Rey, D., Roberts, J., Korwin, S., Rivera, L., and Ribet, U. (2013) A Guide to Understanding and Implementing the UNFCCC REDD+ Safeguards

2. Understanding how to ensure that the Cancun Safeguards are adhered to when undertaking REDD+ activities

It has been shown in the previous section that the Cancun Safeguards requirements are three-fold, with one focused on ensuring that they are adhered to when undertaking REDD+ activities, and two focused on ensuring that such adherence is monitored and reported (through the SIS) and demonstrated through summaries of information to the UNFCCC.

As noted above, many countries are struggling to ensure that the Cancun Safeguards are effectively linked to relevant domestic legal obligations, which in turn means that they are struggling to define how to best ensure consistency with the Cancun Safeguards. This is even the case for those that have already developed REDD+ strategies and defined the REDD+ activities they will implement.²⁴ In other words, countries are struggling to link the implementation of REDD+ with the safeguards.

This is once more largely linked to a lack of rigorous methodological framework, without which it is extremely difficult to conceptualise how the broad language of the Cancun Safeguards can be operationalized, that is, result in a series of rights and obligations that are legally enforceable and implemented, enforced and monitored by the existing domestic system (legal, institutional and compliance).²⁵

IV. Role of the domestic legal framework in helping to meet REDD+ safeguard requirements (with case studies)

While the previous section has highlighted some of the major challenges faced by countries looking to comply with REDD+ safeguard requirements, this section will give an indication of how the legal framework can, and in many cases has been used to meet these requirements, namely:

- Specifying the Cancun Safeguards to the context of the country, and
- Articulating how to ensure adherence with the Cancun Safeguards

The legal framework of a country is part of its governance system, which can be understood as

²⁴ Rey, D., Lopez, A., Rivera, L., y Ribet, U. (2014) Country-led Approaches to REDD+ Safeguards: Early Experiences and Lessons Learned. GIZ, San Salvador, El Salvador

²⁵ For a more comprehensive conceptualization of the governance system see Denier, L., Korwin, S., Leggett, M., MacFarquhar, C., (2014) The Little Book of Legal Frameworks for REDD+

comprising 3 major components:²⁶

- **The legal framework**, made up primarily of laws, policies and regulations (PLRs), as well as plans and programmes that can assist in implementing these PLRs. The PLRs and the plans/programmes of a country define acceptable behaviour, but also the policy objectives a country commits to promote and protect.²⁷
- **The institutional framework**, comprised of institutions and institutional arrangements relevant to the implementation of the legal and compliance frameworks.

The third component of the governance system is the **compliance framework**, which overlaps with both of these components (in that it is created by the legal framework and implemented by the institutional framework) and includes:

- **Information systems**, used to provide information on the implementation of the relevant legal framework.
- **Grievance redress mechanisms**, used to settle disputes in relation to the implementation of the legal framework by the institutional framework.
- **Non-compliance mechanisms**, used to address any failure to implement the requirements or respect the rights set forth in the legal framework.

It is important to highlight that many countries' legal frameworks are likely to already protect and regulate a number of the objectives enshrined in the Cancun Safeguards, if not all. The legal framework therefore serves to **anchor** the REDD+ Safeguards to the domestic system and link these existing legal and/or policy provisions to the implementation of REDD+ activities, making consistency with REDD+ Safeguards practically achievable provided the laws are respected and enforced. In each case, concrete examples will be given of how selected REDD+ countries are using their legal frameworks to meet these requirements (see **Table 1**).

²⁶ Denier, L., Korwin, S., Leggett, M., MacFarquhar, C., (2014) The Little Book of Legal Frameworks for REDD+

²⁷ Rey, D., & Swan, S., (2014) A Country-Led Safeguards Approach: Guidelines for National REDD+ Programmes

Table 1: Examples of how REDD+ Safeguards can be anchored to the existent legal framework²⁸

Cancun Safeguards	Examples from the legal framework
(b) Transparent and effective governance structures	A law on access to information can contribute to this safeguard by clearly indicating in which cases this right must be protected, and how this right is to be guaranteed, e.g. the form and the content of information to be disclosed.
(c) Respecting the rights of indigenous peoples and local communities	A law on indigenous peoples' rights can provide a basis for this safeguard by defining and regulating the rights that indigenous peoples in the country are entitled to and how these rights are to be promoted and protected.
(d) Full and effective participation of all relevant stakeholders	A regulation on environmental impact assessments can provide a basis for this safeguard by requiring and regulating that a meaningful stakeholder participation process is carried out with relevant stakeholders, following certain requirements, procedures and timeframes.
(e) Protection of natural forests and biodiversity	A forest law or forest code can provide a basis for this safeguard by requiring and regulating that natural forests are defined and outlines what is to be conserved.

As noted in section III, specifying the Cancun Safeguards to the country context essentially means identifying the constituent components of the safeguards and how these are embodied in the existing domestic legal framework.

This means that the relevant and applicable legal obligations of the country (both in the domestic legal framework and under international law) will serve to specify the Cancun Safeguards to the national context. The process of specifying the Cancun Safeguards requires the determination of a robust methodological framework, which will then be applied to the domestic legal framework and guide a comprehensive legal analysis that serves to.²⁹

- a) Clearly identify the components of the safeguards as they appear in the existing legal framework (i.e. tailoring the Cancun Safeguards to the national context); and
- b) Provides the basis for anchoring the Cancun Safeguards to the domestic legal framework and therefore link the implementation of REDD+ to the implementation of the safeguards.

²⁸ *ibid*

²⁹ It is important to note that this process can serve to demonstrate how the Cancun Safeguards can be addressed and respected and should therefore be monitored and reported accordingly. Brana Valera, J., Lee, D., Rey Christen, D., and Swan, S., (2014) REDD+ Safeguards: Practical Considerations for Developing a Summary of Information. Prepared with support from the Government of Norway's International Climate and Forest Initiative

It is only with a robust methodological framework that such a legal analysis can be undertaken. Additionally, it cannot be overstated how fundamental the process of identifying the specific aspects of a country's legal framework (relevant laws) applicable to the Cancun Safeguards is to the process of tailoring the safeguards to the national context (reaching agreement on their thematic elements).

The legal analysis also greatly assists in ensuring adherence with the Cancun Safeguards, as it enables the articulation of the appropriate necessary governance arrangements.³⁰

The key value of the gap analysis is that it provides the basis upon which the architecture of the Country Safeguard Approach (including the SIS) will be articulated. In concrete terms articulating the architecture of the country safeguards approach means:

- Clarifying the relevant elements of the legal framework that will be used to enforce the safeguards (which existing laws reflect the content of the safeguards);
- Outlining which institutions and institutional arrangements (including procedures and rules) will be relied upon to oversee and guarantee consistency with the safeguards when implementing REDD+ activities;
- Clarifying which information systems (including monitoring and reporting) will be used to gather information on how the safeguards have been respected during the implementation of REDD+ activities. This forms the basis of the SIS;
- Identifying which grievance and redress mechanisms will serve to address grievances linked to breaches of the safeguards; and
- Specifying the non-compliance mechanisms that will be used to deal with failures to address and respect the safeguards.

As of today, most countries are still engaged in the gap analyses of their various frameworks and therefore we have yet to see a fully articulated Country Safeguard Approach.

Box 2: Experiences from Mexico and Vietnam with respect to the analysis of existing frameworks³¹

Mexico

In 2013, the National Forest Commission of Mexico (CONAFOR) conducted a detailed and comprehensive analysis of its legal framework, with technical assistance from the M-REDD+

³⁰ A description of the types of governance arrangements that need to be developed and reported on (in correlation with the specification of the safeguards to the national context) can be found in Brana Valera, J., Lee, D., Rey Christen, D., and Swan, S., (2014) REDD+ Safeguards: Practical Considerations for Developing a Summary of Information

³¹ Rey, D., Lopez, A., Rivera, L., y Ribet, U. (2014) Country-led Approaches to REDD+ Safeguards: Early Experiences and Lessons Learned. GIZ, San Salvador, El Salvador

project. The CONAFOR decided to begin the Country Safeguards Approach in Mexico through a gap analysis of the legal framework.

The main objective of the legal framework analysis was to determine specifically "what" the Cancun Safeguards meant for the country context, and "which" aspects of the legal framework could be used to support their implementation.

The legal framework analysis included over 65 policies, laws, regulations, plans, programs, and international legal commitments. The analysis was done on paper and in practice (through interviews with relevant stakeholders). The analysis demonstrated that the existing legal framework in Mexico firmly enshrines the principles from the Cancun Safeguards, and can be used to support the effective implementation of these safeguards. Certain gaps were identified in the legal framework, and recommendations were developed to address these gaps. Mexico also plans to perform an assessment of its institutional and compliance frameworks.

Vietnam

In 2013, the Vietnam REDD+ Office (VRO) also performed a detailed and comprehensive analysis of its legal framework, with technical assistance from the Multiple Benefits REDD+ project from SNV (MB-REDD). After reviewing different options to implement the Cancun Safeguards and the preparatory initiatives for REDD+, along with the country-applicable safeguards such as FCPF and World Bank measures, the VRO decided to begin a Vietnam Country Safeguards Approach with a legal framework gap analysis.

The objective of the legal framework analysis was to identify aspects of the legal framework that could be used to support the effective implementation of the safeguards. The legal analysis included over 60 policies, laws, regulations, plans, programmes, and international legal commitments. It should be noted that this evaluation was conducted on paper only, and it did not implicate an assessment of the practical implementation of the legal framework. The analysis demonstrated that the existing legal framework in Vietnam firmly enshrines the principles from the Cancun Safeguards, and can be used to support the effective implementation of these safeguards. Additionally, the certain gaps were identified in the legal framework, and recommendations were developed to address these gaps.

The results of the legal framework analysis were shared and discussed with the technical working group on safeguards in Vietnam. The results of the analysis are being used as a technical contribution to building the CSA in Vietnam.

Honduras

In September of this year, the Forest Conservation Institute in Honduras (ICF) conducted a detailed and comprehensive analysis of the Honduran legal framework, with technical assistance from the REDD+/CCAD-GIZ program. The main objective of this analysis was to help inform the design of the Country Safeguards Approach.

In order to conduct the legal framework gap analysis for Honduras, a detailed methodology and analytic framework was designed using the interpretation guide from the Cancun Safeguards

(Rey et. al., 2013). This matrix supported the identification of applicable national norms (laws, policies, and regulations) and relevant international commitments for Honduras, and a detailed analysis of the provisions in order to identify what aspects of the legal framework could be used to facilitate the implementation and protection of the safeguards.

The analysis included a review of over 90 policies, laws, regulations, plans, programs, and international legal commitments. Interviews were also conducted with some relevant stakeholders in order to gain information on the practical implementation of the legal framework.

In addition to identifying findings and gaps, the report provides recommendations from the paper and practical analysis to address the gaps. The report is being shared with relevant stakeholders in order to gain feedback and input. Later, a workshop is planned with all of the parties to formally present the results of the analysis and determine the next steps for developing the CSA.

Ref. Adapted from Rey and Swan (2014) and Presentations from the Experience Exchange Workshop held in San Salvador on October 2 and 3, 2014.

V. Conclusions and recommendations

Although we have yet to see a fully articulated Country Safeguard Approach, the exposition of the international requirements and major challenges faced by countries in relation to safeguards underscore the importance of the legal framework for developing such a country approach. Secondly, this exposition has shown the importance of specifying the Cancun Safeguards to the domestic context and linking them with the implementation of REDD+ activities.

Experiences from selected countries show that by building on existing governance structures (national legal, institutional, and compliance frameworks), countries can respond more effectively to both national and international safeguards commitments in a rigorous yet flexible manner. This flexibility allows countries to tailor the broad international requirements to their own context and circumstances and thus comply with diverse requirements from donors, investors, and programmes, rather than following a donor-by-donor or programme-by-programme approach. The legal framework is therefore the fundamental vehicle through which countries can anchor REDD+ safeguards to their existing systems and operationalize them.

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