



## ART Safeguards Primer and Frequently Asked Questions

### Background

Social and environmental integrity are central to ART's mission. The second immutable principle which governs ART's operation specifically requires ART to

“Be consistent with United Nations Framework Convention on Climate Change (UNFCCC) Conference of Parties (COP) decisions including the Paris Agreement, Warsaw Framework for REDD+, and the Cancun Safeguards, which establish environmental, social, and governance principles countries are expected to uphold when undertaking REDD+ activities, in particular to ensure the recognition, respect, protection, and fulfillment of the rights of indigenous peoples and local communities”

The safeguards requirements in TREES unpack the Cancun Safeguards into themes and indicators to promote consistent, transparent implementation and reporting across all Participants. However, the framework was designed to allow ART Participants to build on the existing national safeguards systems and design and implement programs that reflect their unique circumstances.

### How it works

TREES safeguard requirements are based upon the Cancun Safeguards. ART unpacked the Cancun Safeguards into 16 key thematic areas to streamline operationalization and reporting with existing UN requirements and ensure consistency of implementation and reporting across all ART Participants.

Each theme has a structure, process and outcome indicator to mirror the steps countries are using in establishing their national safeguards systems to address and respect all aspects of Cancun Safeguards.

In the first crediting period, participating jurisdictions must conform with all structure and process indicators. In addition, they must either conform with or provide a plan for conforming with the outcome indicators. Conformance with all indicators is required within five years of a jurisdiction joining ART. Participating jurisdictions may use their UNFCCC Summary of Information reports as well as their Safeguard Information Systems, once fully implemented, to monitor and report on the safeguards under TREES, although other forms of reporting are permitted. All safeguard requirements are included in the scope of the independent, third party validation and verification audits. No TREES Credits will be issued if the jurisdiction cannot demonstrate conformance with the TREES safeguards.

## **FAQs**

### **1. Do TREES safeguards protect the rights of Indigenous Peoples?**

Yes. Ensuring the recognition, respect, protection and fulfilment of the rights of Indigenous peoples and local communities is one of ART's immutable principles. TREES requires that participating jurisdictions:

- Identify indigenous peoples and local communities, or equivalent
- Respect and protect traditional knowledge
- Respect, protect, and fulfill rights of Indigenous peoples and/or local communities, or equivalent.

Each of these themes includes structural, process and outcome indicators that will need to be validated and verified.

### **2. Does TREES require stakeholders like Indigenous Peoples and Local Communities to be involved throughout the process or just in the initial planning?**

Yes. TREES requires that all stakeholders - including private landowners, project developers, IPLCs and others - participate in the design, implementation and monitoring of the REDD+ activities. This ensures these stakeholders participate at every step including implementation, gathering data, and assessing the success of the programs, providing additional opportunities for input and feedback. Specifically, TREES requires that participating jurisdictions:

- Respect, protect, and fulfill the right of all relevant stakeholders to participate fully and effectively in the design and implementation of REDD+ actions
- Promote adequate participatory procedures for the meaningful participation of indigenous peoples and local communities, or equivalent.

### **3. Does TREES require benefit sharing plans?**

While TREES does not require a national level benefit sharing plan from participating jurisdiction, it does ensure the fair and equitable use of the proceeds from REDD+ revenue. TREES does this in the following ways:

- By promoting transparency and preventing and combating corruption
- By requiring participating jurisdictions to respect, protect and fulfil land tenure rights
- By requiring participating jurisdictions to respect, protect and fulfil human rights of Indigenous peoples and local communities, or equivalent. These rights include benefit sharing.
- By requiring participating jurisdictions to respect, protect and fulfil the right of all relevant stakeholders to participate fully and effectively in the design and implementation of REDD+ actions
- By requiring participating jurisdictions to promote adequate participatory procedures for the meaningful participation of Indigenous peoples and local communities, or equivalent.
- By incentivize the enhancement of social and environmental benefits



These criteria and their associated indicators ensure that all stakeholders are part of the REDD+ activity development process, and that agreements are adhered to and implemented as agreed. Benefit sharing plans may be developed as part of these processes, but may be at a program level rather than national. The verification guidance also says that benefit sharing plans, if developed, can be forms of evidence the verifiers should review.

In addition, traditional benefit sharing plans tend to focus on monetary compensation. In many instances, stakeholders may prefer to receive non-monetary benefits such as land tenure rights, education and training opportunities, access to markets, improved governance, carbon rights or other benefits. These broader benefits would be identified as part of a participatory REDD+ activity development process.

#### **4. Does ART allow nesting of projects or community activities?**

Yes, ART does allow nesting of project-level activities and other benefit sharing arrangements. ART issues credits only at the jurisdictional level, to national or large subnational governments. This is important not only for achieving results at scale, but also because acting at the jurisdictional level provides incentives to governments to improve forest governance: regulate land-use, enforce laws, promote forest incentives programs, and recognize Indigenous Peoples and Local Community (IPLC) land rights.

However, a jurisdictional approach does not prohibit the government from working with a variety of stakeholders to achieve greater ambition. For REDD+ programs at the jurisdictional scale, it is anticipated and expected that the government will provide oversight and coordination, but that design and implementation will be done in concert with a variety of partners, including regional and local governments, Indigenous Peoples, local communities and the private sector.

While ART does not directly credit project-level activities, they can be implemented under a jurisdictional REDD+ program through a variety of scenarios. ART fully recognizes the important role that projects can play in implementing a jurisdictional REDD+ Strategy. For example, project level activities can target deforestation hot-spots and efficiently allocate the capital and human resources necessary to address immediate threats in high-risk areas.

ART does not prescribe the way that governments work with indigenous peoples, local communities or the private sector. Rather ART offers flexibility for any number of approaches to be used as is best suited to individual country situations for nesting projects or designing benefit allocation agreements.

There are a number of options for how projects can be nested under jurisdictional programs which are described in the Nesting Under ART paper available in the Resources section on the ART website.

**5. Does ART require that participating jurisdictions support or ratify specific international conventions or agreements?**

ART respects the sovereign rights of governments to choose whether or not to support or ratify international agreements. However, through its safeguards, TREES does require that REDD+ activities be consistent with the objectives of any relevant international conventions and agreements that the Participant or its national government has ratified or otherwise officially agreed to implement. In some instances, a country may not have ratified an agreement but may have adopted certain provisions in its legal framework, which would be included by reference.

For the 23 countries that have ratified the Indigenous and Tribal Peoples Convention (International Labor Organization - ILO 169), this agreement's requirements would be included by reference. For the 148 countries that support the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), any UNDRIP requirements that have been codified in their legal framework would be included by reference and other requirements would be the expected best practice.

**6. Does TREES require a grievance mechanism?**

TREES ensures that all stakeholders have access to justice, requiring dispute resolution mechanisms at all relevant levels and in a manner that is non-discriminatory and not cost prohibitive. In other words, a grievance mechanism is required, but TREES does not specify a specific grievance process that must be followed. At a national or sub-national scale, it might be appropriate to have multiple grievance systems addressing different concerns or at different levels. In addition, it is important to recognize and allow flexibility given the differences between legal frameworks from country to country.

**7. Why doesn't TREES prescribe specific safeguards monitoring parameters to be used?**

TREES includes outcome indicators for each theme ensuring that parameters are defined, monitored, reported, and verified. In this way, the most appropriate parameters will be used to ensure the programs and activities are adhering to TREES' safeguards.

Every participating jurisdiction will be implementing a unique set of REDD+ activities in a unique set of locations with a unique set of stakeholders. It is not possible to establish a common set of monitoring parameters to define "successful" implementation of all safeguards. To do so would undermine the participatory planning process where monitoring parameters specific to the circumstances and planned activities will be defined. Arbitrarily defining parameters in TREES may also force some participating jurisdictions to implement activities that no stakeholders desire simply to have data to include for a specific parameter. This is not consistent with the objectives of ART.

**8. Does TREES require participating jurisdictions to demonstrate the REDD+ activities “do no harm”?**

TREES requires participating jurisdictions to go beyond doing “no net harm” and identify priorities for the enhancement of social and environmental benefits that REDD+ actions can deliver. For example, links could be drawn between REDD+ activities and a country’s Sustainable Development Goals (SDGs).

**9. How does TREES address land tenure and prevent land grabbing?**

TREES requires the participating jurisdiction to first describe procedures for the recognition, inventorying, mapping, and securing of customary and statutory land and resource tenure rights where REDD+ actions are implemented. These procedures may be directly related to REDD+ or may be part of other applicable frameworks or policies. Then, resources must be allocated to implement the procedures and finally the participant must demonstrate that stakeholders had access to, use of and control over land and resources in line with their rights.

As outlined in TREES, no credits will be issued unless the Participant can demonstrate ownership to the credit or the right to benefit from payments for the emission reduction or removal (ERRs). For example, in the case where rights to the ERRs are granted to private landowners within the accounting area, the government would need to have an agreement with the landowners either to receive the payment for performance for the ERRs or to have full rights to the credits which would allow for the transfer of title.

**10. Does TREES require Free Prior and Informed Consent (FPIC)?**

TREES Safeguard Theme 2.3 explicitly requires FPIC when relocation is proposed as part of the REDD+ activities. There are additional circumstances which also require FPIC and other decisions for which a consultation is more appropriate. We expect this to be transparently outlined as part of the participatory design process developed by the Participant which will be available for public comment and part of the validation and verification process. The TREES Safeguards guidance document includes additional resources for Participants to aid in making these decisions (for example, the UN-REDD Programme Guidelines on Free, Prior and Informed Consent (FPIC) which includes guidance on when FPIC is appropriate, how to conduct FPIC and how to document the process).