



3.3 Analyzing synergies and overlaps in safeguard approaches

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Different approaches, but overlapping and associated risks

Realizing the specific objective of REDD+ and FLEGT — reducing emissions from deforestation and degradation on the one hand and tackling illegal logging on the other — involves different approaches. FLEGT, as expressed in the EU FLEGT Action Plan, assists trade partners to address government weaknesses that undermine the management of forest production and the legal trade in timber and helping timber-producing countries to promote sustainable forest management (EC 2003). REDD+'s main objective is to reduce carbon emissions and conserve carbon stocks.¹ These reductions are to be achieved through the development and implementation of national REDD+ strategies and action plans.² Achieving REDD objectives also requires participating countries to address the drivers of deforestation and forest degradation as well as forest governance issues.³



REDD+ AND FLEGT HAVE
SIMILAR OBJECTIVES AND FACE
SIMILAR CHALLENGES AND RISKS
IN THE COUNTRIES WHERE THEY
OPERATE.

Although each initiative's approach is different, both seek to improve forest governance. A number of social and environmental risks exist in the implementation of each initiative. These include negative impacts on biodiversity and on the livelihoods of forest-dependent local communities and indigenous peoples, and the potential exclusion of vulnerable stakeholders from decision-making processes related to implementation.

This article compares the types of social and environmental risks associated with the implementation of each initiative and how these risks are addressed. It is based on a literature review and the professional experiences of the authors in working on REDD+ safeguards and their potential synergies with FLEGT. The article also draws on perspectives gained from fieldwork in Latin America.

Identified risks of REDD+ and FLEGT

Socio-economic impacts to local communities and forest-dependent indigenous peoples

Numerous potential negative socio-economic impacts on local communities and indigenous peoples arise from the implementation of REDD+ and FLEGT. Lack of clarity

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surrounding tenure arrangements in many countries is compounded by poorly maintained land title documents. This means that forest-dependent local communities and indigenous peoples, who often enjoy customary ownership or use rights rather than legal title, are vulnerable to negative socio-economic impacts from both processes.

The financial incentives from the implementation of REDD+ will likely enhance the value of land, thus increasing the risk of political and business elites securing ownership of forests. This could lead to forced evictions or restrictive control of the economic and livelihood activities of forest-dependent local communities and indigenous peoples (CBD Secretariat 2011).

Similarly for FLEGT, the financial incentive of access to EU markets can have negative impacts on the livelihoods of forest-dependent local communities and indigenous people (Box 1). Weak governance and lack of enforcement of the Legality Assurance System (LAS) can lead to illegal exploitation of community forests or inequitable benefit sharing.

Box 1. Implementation of the Voluntary Partnership Agreement in Ghana

Voluntary Partnership Agreements (VPAs) are a key element of the EU FLEGT Action Plan. In Ghana, it was recognized that enforcement of the VPA could result in a denial of customary forest use rights, a ban on small-scale subsistence practices such as chainsaw milling, and a focus on technical issues such as legal timber production and tracking systems, as well as a lack of consideration of benefit-sharing mechanisms (Tropenbos Ghana 2010).

Biodiversity impacts

Risks to biodiversity from the implementation of REDD+ include perverse incentives that would facilitate the conversion of natural forests into plantations, which while higher in carbon are generally much lower in biodiversity. Leakage is another potential negative impact on biodiversity: this occurs when forest conversion or degradation is not eliminated but merely relocated to another ecosystem, either in the country or in another country (CBD Secretariat 2011).

Under FLEGT, a potential risk to biodiversity is a VPA that concentrates on legitimizing trade flows rather than governance reforms to reduce deforestation and ensure environmental sustainability. Several VPAs have already been signed; many lack consideration for the protection and conservation of biodiversity. The VPA legality definition and TLAS focus on the licensing of timber (FERN 2013). Furthermore, there is a possibility that VPAs will legitimize illegal timber (so-called timber laundering), thus posing an even bigger risk to protected forests and biodiversity (FoE 2008).

Lack of participation by indigenous peoples and local communities

Many indigenous peoples and local communities depend on forests for their livelihoods, and it is essential to ensure that they can participate effectively in both REDD+ and VPA

processes. The biggest obstacles to such participation are lack of awareness of the details of REDD+ and the VPA and their implementation and the limited capacities of local communities, which could result in their exclusion from the process and in disregard of their rights and interests (Box 2).

Box 2. Lack of participation in the Democratic Republic of Congo

The potential exclusion of vulnerable stakeholders in the implementation of REDD+ was noted in the Democratic Republic of Congo. The REDD+ planning bodies' lack of resources and lack of commitment from the government to assume responsibility for adequate consultations with local communities has led to the exclusion of vulnerable rural stakeholders from the decision-making process. It has been left up to Congolese civil society to carry out capacity-building activities and create networks for participation (Accra Caucus 2013).

Similarly, although VPAs have generally provided a new and strong platform for involvement, there has been a lack of commitment by authorities to ensure adequate participation (Box 3). This has resulted in the exclusion of key stakeholders due to their limited awareness of and involvement in the negotiations and implementation of the VPA. In many countries, it has been up to civil society to ensure that all stakeholders participate in the negotiations, and to raise the concerns of forest communities.

Box 3. Lack of participation in Ghana

In the first phase of its VPA negotiation process (2005–07) the government had no real intention to create an inclusive process. Only by threatening legal action and by using the media was civil society granted access to participate effectively. In addition, no specific measures were taken to facilitate the participation of local communities and indigenous peoples (FERN 2013).

Safeguard responses to the risks of REDD+ and FLEGT

Safeguards for REDD+

In reaction to these risks, UNFCCC COP-16 acknowledged the need to address national forest governance shortcomings and mitigate any potential adverse social and environmental effects that could prevent REDD+ from achieving its long-term goals of sustainable reductions of greenhouse gas (GHG) emissions.

The framework for REDD+ was agreed to at COP 16 in the form of seven social and environmental safeguards.⁴ The Cancun Agreement that was concluded at COP-16 states that all REDD+ activities should be carried out in accordance with these safeguards. This means that any actor involved in the implementation of REDD+ activities — including national governments, multilateral financial institutions, bilateral donors, civil society and

the private sector — must comply with them. The safeguards address key thematic areas and reflect existing international law, rather than create new obligations.⁵

UNFCCC REDD+ Safeguard (a) states: “That [REDD+] actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements...” This requires REDD+ activities to complement and be consistent not only with national forest programmes, but also with existing relevant international obligations that REDD+ countries have signed, ratified or otherwise agreed to. These instruments pertain not only to the environment, but also to human rights and indigenous peoples’ rights.

UNFCCC REDD+ Safeguard (b) refers to “transparent and effective forest governance structures...” This requires access to information, financial accountability and measures to tackle corruption, appropriate institutional and legal frameworks, ensuring participation in decision-making processes that affect the environment and adequate access to justice when implementing REDD+ activities.

UNFCCC REDD+ Safeguard (c) refers to ensuring “respect for the knowledge and rights of indigenous peoples and members of local communities...” when implementing REDD+ activities. This involves defining and recognizing indigenous peoples and local communities and recognizing their rights (both substantive and procedural, such as the right to Free, Prior and Informed Consent) in accordance with key international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples.

UNFCCC REDD+ Safeguard (d) refers to the “full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in [REDD+] actions...” This requires providing adequate, timely and culturally appropriate access to information, implementing participatory and conflict resolution mechanisms and creating an enabling environment for the effective participation of particularly vulnerable stakeholders.

UNFCCC REDD+ Safeguard (e) requires “that [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.” This requires adequate regulation, use and protection of natural forests, biological diversity and ecosystem services in accordance with international law and calls on REDD+ actions to not result in the conversion of natural forests.

UNFCCC Safeguards (f) and (g) require that the implementation of REDD+ activities includes actions to “address the risk of reversals” and “reduce the risk of displacement of emissions” respectively. Much of what makes up these safeguards is technical in nature,



relating closely to accounting, monitoring, reporting and compliance rules for GHG emissions developed under the UNFCCC. Nevertheless, social and environmental measures used to implement the other UNFCCC REDD+ safeguards will be extremely relevant to Safeguards (f) and (g) in ensuring that leakage does not occur, and that reductions in GHG emission are lasting.

The process of identifying such risks is supported by multilateral REDD+ initiatives such as the Forest Carbon Partnership Fund (FCPF). As part of the implementation of a Readiness Preparation Proposal (R-PP), each country must carry out a Strategic Environmental and Social Assessment (SESA), which identifies social and environmental risks arising from implementation of the R-PP's proposed activities (FCPF 2012). Combined with an understanding of the requirements of the UNFCCC REDD+ safeguards, the SESA process can be a useful tool for ensuring that REDD+ national strategies identify and address any risks that arise from implementation. Due to the absence of a binding international regulatory framework for REDD+, however, the implementation of safeguards relies mainly on the political will in each REDD+ country.

Safeguards for FLEGT VPAs

Although the EU FLEGT Action Plan aims to achieve sustainable forest management and support timber-producing countries in forest sector governance reforms in an equitable manner to avoid adverse impacts on rural poor people (EC 2003), it provides only general principles and guidance on implementation. This includes the statement that “partner countries should have or be committed to developing credible legal and administrative structures and technical systems for the purpose of verifying the legality of wood according to national laws.”

The EU Action Plan sets out the need for equitable and just solutions, effective verification systems, transparency, capacity building and policy reform. Guidance on defining the legality of timber mentions the importance of taking into account environmental and social considerations (EC 2003).

Similarly, in its endorsement of the EU FLEGT Action Plan, the European Council (2003) highlighted the importance in key target countries of certain forest sector governance reforms:

- strengthening land tenure and access rights, especially for marginalized rural communities and indigenous peoples;
- strengthening the effective participation of all stakeholders;
- increasing transparency in forest exploitation operations; and
- reducing corruption in the forest sector.

Elements within the VPA can assist in improving governance and reducing risks. These include the legality definition, verification procedures, control of the supply chain, the independent audit, complaint mechanisms and a structure for monitoring implementation (FERN 2013). Involving all stakeholders in the VPA negotiations is also a key element.

Social and environmental issues are only partially addressed in the implementation of VPAs, however. There is no obligation to put measures in place to prevent the risks outlined above, nor is much guidance provided. Indeed, there is no blueprint for the agreement and implementation of VPAs. They are tailor-made agreements, agreed to on a case-by-case basis, leaving social and environmental considerations to be dealt with in the negotiations between the EU and the partner country.

Ghana, for example, which was the first country to conclude a VPA with the EU in 2009, mentions “social safeguards” in article 17 of the VPA: “In order to minimise possible adverse impacts, the Parties agree to develop a better understanding of the livelihoods of potentially affected indigenous and local communities as well as the timber industry, including those engaged in illegal logging,” and “the Parties will monitor the impacts of this Agreement on those communities and other actors identified in paragraph 1, while taking reasonable steps to mitigate any adverse impacts. The Parties may agree on additional measures to address adverse impacts” (EC and Republic of Ghana 2009).

Some LASs highlight certain social aspects more explicitly than others, according to the priorities set by the country’s stakeholders. For example, the Republic of the Congo’s VPA includes implementation decrees for an Indigenous Peoples Law and the recognition of community rights, whereas the VPA in Cameroon has been described as limited in ensuring the respect of community rights (FERN 2013).

Honduras, which is in the early negotiation phase of a VPA, has taken steps to address safeguards under FLEGT and REDD+. The Honduras R-PP (July 2013) looks at the links and synergies between the preparation for REDD+ and FLEGT VPA negotiations. The country seeks to address the requirements of both processes coherently. This includes requiring that the legality definition of the VPA not contradict REDD+ safeguards, e.g., in terms of conversion of natural forests (FCPF 2013). The progress made in implementation of REDD+ safeguards is being taken into account in the country’s VPA negotiations. The R-PP also mentions including links to a future safeguard information system during VPA negotiations and implementation.

Synergies in process between the REDD+ safeguards and FLEGT

Although REDD+ and FLEGT have a different focus, they have similar objectives and face similar challenges and risks. Synergies between the REDD+ safeguards and the implementation of VPAs should be explored to avoid duplication of efforts and to maximize the potential to address the risks and benefits of both processes.

Both mechanisms, to a different extent, put processes in place to mitigate their potential risks and achieve their objectives. Table 1 presents an overview of potential synergies.

Although many legality definitions have already been agreed to and several VPAs have been signed, synergies with REDD+ safeguards should be sought in the implementation of these VPAs, and in the development of future VPAs in other countries.

Table 1. Potential synergies in content and process

REDD+	VPA	Potential synergies in content	Potential synergies in process
1. Potential negative socio-economic impacts on local communities and indigenous peoples			
national implementation of UNFCCC REDD+ Safeguards (c) and (e)	developed on a case-by-case basis: social and environmental considerations are dealt with in each VPA through negotiations in each country	<ul style="list-style-type: none"> ▪ strengthen national legal frameworks to clarify and respect the rights of local communities and indigenous peoples, including land tenure and benefit sharing ▪ strengthen the institutional framework to guarantee and enforce the rights of local communities and indigenous peoples 	<ul style="list-style-type: none"> ▪ ensure cooperation/ coordination between national working groups responsible for implementing REDD+ safeguards and FLEGT ▪ build on participatory platforms developed under each initiative ▪ ensure that complaint mechanisms under REDD and FLEGT are consistent and mutually supportive
2. Potential negative impacts on biodiversity			
national implementation of UNFCCC REDD+ Safeguards (b), (e), (f) and (g)	developed on a case-by-case basis	<ul style="list-style-type: none"> ▪ ensure that the legality definition in the VPA (or, if already defined, its implementation) is consistent with the requirements set out in UNFCCC REDD+ Safeguard (e), specifically, in measures that protect biodiversity and prohibit the conversion of natural forests ▪ ensure that implementation measures under UNFCCC REDD+ Safeguard (b), (f) and (g) are consistent with and complement efforts under the FLEGT VPA 	<ul style="list-style-type: none"> ▪ ensure that the FLEGT VPA legality definition (or if already defined, its implementation) takes into account the national implementation measures of UNFCCC REDD+ Safeguard (e) ▪ ensure that monitoring and reporting systems under REDD+ and FLEGT provide information in a complementary manner and satisfy the requirements of both processes ▪ make use of independent audit systems or mechanisms under REDD+ and FLEGT VPA to protect biodiversity
3. Potential exclusion of local communities and indigenous peoples from participation			
national implementation of UNFCCC REDD+ Safeguards (b) and (d)	developed on a case-by-case basis	<ul style="list-style-type: none"> ▪ build on guidance provided for stakeholder engagement and best practices from each process ▪ ensure that implementation measures under UNFCCC REDD+ Safeguard (d) are consistent with and complement efforts under the FLEGT VPA 	<ul style="list-style-type: none"> ▪ build on participatory platforms developed under each initiative ▪ build on relevant national implementation measures under UNFCCC REDD+ safeguards (d) and (b) ▪ ensure that complaint mechanisms under FLEGT VPA and REDD+ are consistent

Endnotes

1. See UNFCCC Decision 1/CP.16 FCCC/CP/2010/7/Add.1 para 70, also known as the Cancun Agreement.
2. See Cancun Agreement para 71(a).
3. See Cancun Agreement para 71(d) and 72.
4. See UNFCCC Decision 1/CP.16, Appendix 1, para 2.
5. For a full analysis of the scope, content and examples of key implementing activities of the UNFCCC REDD+ Safeguards see Rey et al. (2013).

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