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Making REDD work for Communities and Forest Conservation in Tanzania

TFCG Technical Report 32

Integrating REDD+ Social and Environmental Safeguards and Standards in Tanzania

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for MJUMITA and the Tanzania Forest Conservation Group (TFCG)
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About the project 'Making REDD work for Communities and Forest Conservation in Tanzania'

The project 'Making REDD work for communities and forest conservation in Tanzania' aims to reduce greenhouse gas emissions from deforestation and degradation in Tanzania in ways that provide direct and equitable incentives to communities to conserve and manage forests sustainably. The project will achieve this by supporting the development of a Community Carbon Enterprise hosted within the existing Network of Tanzanian communities engaged in participatory forest management. The Enterprise will aggregate voluntary emission reductions from its members and market them according to internationally recognised standards. A proportion of project funds and carbon market revenue will be channelled directly to the communities on a results-based basis thereby maximising incentives to maintain forest cover and reduce deforestation. The project is being implemented at two sites, one in Kilosa and Mpwapwa District and the other in Lindi Rural District. The project includes an evaluation and communication component designed to capture the lessons learnt in order to inform project implementation and share them with the national and international community. The project also focuses on building in-country capacity with regards to REDD at both local and national governmental levels. This is linked with a strategic advocacy component aimed at forging a smooth path for REDD in Tanzania by engaging in the formulation of REDD frameworks and processes at national and international level.

The project is a 5 year project that will run from September 2009 to August 2014. It is a partnership between TFCG and MJUMITA, (the Tanzanian Community Forest Network). The project is financed by the Norwegian Ministry of Foreign Affairs.

For more information please visit: <http://www.tfcg.org/makingReddWork.html>

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Acronyms

AWG LCA	Ad Hoc Working Group on long-term Cooperative Action under the Convention
CBFM	Community Based Forest Management
CCBA	Carbon, Community, and Biodiversity Alliance
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
FCPF	Forest Carbon Partnership Facility
IDB	Inter-American Development Bank
JFM	Joint Forest Management
MJUMITA	Mtandao wa Jamii wa Usimamizi wa Misitu Tanzania
MKUKUTA II	National Growth and Poverty Reduction Strategy (Kiswahili)
MRV	Monitoring, verification, and reporting
NCCSC	National Climate Change Steering Committee
NCCTC	National Climate Change Technical Committee
NEMC	National Environmental Management Council
OPs	Operational Policies (of the World Bank)
PFM	Participatory Forest Management
REDD(+)	Reducing Emissions from Deforestation and Forest Degradation (and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks)
REDD+ SES	REDD+ Social and Environmental Standards
SEAs	Strategic Environmental Assessments
SESA	Strategic Environmental and Social Assessment
TFCG	Tanzania Forest Conservation Group
UN FCCC	United Nations Framework Convention on Climate Change
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
VNRC	Village Natural Resources Committee
WB	World Bank

Executive Summary

REDD+¹ has substantial potential benefits *and* risks for forest dependent communities and the environment in Tanzania. It is important that social and environmental risks be mitigated, benefits be enhanced, and costs and benefits be equitably shared.

This report compares four internationally recognized social and environmental safeguards and standards: **UN FCCC**² guidance and safeguards; **FCPF**³ / **World Bank** policies; **UN-REDD** Programme draft principles and criteria, and related guidance; and **REDD+ SES**⁴. The report then compares the Tanzania draft National REDD+ Strategy (the Strategy) and other policies to these standards, identifying key strengths, weaknesses, and gaps. Finally it offers preliminary recommendations for strengthening standards integration in REDD+ in Tanzania.

Social and Environmental Safeguards and Standards Comparison

Taken together, the standards provide a sound basis for integrating social and environmental concerns in REDD+ in Tanzania, from avoiding/ mitigating adverse impacts to generating substantial and sustainable additional benefits. However, while there are many motivations to incorporate the standards, there is little to *ensure* compliance with them. Further, international standards would have to be adapted to the country context to be meaningfully applied in Tanzania. Finally, while relatively comprehensive, the international standards may not be *sufficient*. They are, for example, relatively weak regarding gender equity. Thus, the international instruments provide an important basis, but social and environmental standards ultimately also need to be reflected in the national REDD+ framework, and supported by country specific guidance.

Table A: Comparative Summary of Safeguards and Standards Key Features

Safeguard/ Standard	UN FCCC	FCPF (World Bank)	UN-REDD	REDD+ SES
Key components	Guidance and safeguards directed to States Parties	<ul style="list-style-type: none"> World Bank OPs⁵ Developing guidance on SESA⁶ and ESMF⁷ 	<ul style="list-style-type: none"> Draft principles and criteria Draft guidance, e.g.: free, prior and informed consent 	Principles, criteria, and compliance indicators
Level of specificity	General / high-level	Most detailed guidance regarding displacement and indigenous peoples	Most detailed on free, prior, informed consent and complaints mechanisms	Most detailed overall
Coverage of issues	<ul style="list-style-type: none"> Mostly focused on avoiding/ mitigating negative impacts “Incentives” for some benefits 	<ul style="list-style-type: none"> Mostly focused on avoiding/ mitigating negative impacts Some (weaker) focus on benefits 	<ul style="list-style-type: none"> Mostly focused on avoiding/ mitigating negative impacts Some (weaker) focus on benefits 	Strongest focus on social benefits and enhancements
Motivation/ Compliance	<ul style="list-style-type: none"> Eventually in legally binding agreement “Support and promote” weak 	<ul style="list-style-type: none"> Condition for FCPF funds Utilizes widely recognized OPs 	<ul style="list-style-type: none"> Expected as good practice in UN-REDD Links to other international instruments 	<ul style="list-style-type: none"> Completely voluntary May be attractive for investment but this cannot be verified yet

¹ Reducing Emissions from Deforestation and Forest Degradation (and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks)

² United Nations Framework Convention on Climate Change. See FCCC/CP/2010/7/Add.1 Annex I

³ Forest Carbon Partnership Facility

⁴ REDD + Social and Environmental Standards

⁵ Operational Policies

⁶ Strategic Environmental and Social Assessment

⁷ Environmental and Social Management Framework

Standards Integration in Draft National REDD+ Strategy

While the draft Strategy addresses many components of international standards to some degree, in most cases they can be significantly strengthened and/or clarified. Further, there are some key gaps.

Table B: Social & Environmental Standards Components in National REDD+ Strategy

International standards components that are not present in the National REDD+ Strategy¹
<p>Governance, equity, participation, and rights</p> <ul style="list-style-type: none"> - Meaningful representation - Avoiding (or at least mitigation and lawful execution of) economic or physical displacement - Application of standards to sub-projects/ partners - Specific commitment to free, prior, informed consent - Ensuring sustainability of social and environmental co-benefits
International standards components that are present in Strategy in some respect, but that require clarification and/or strengthening
<p>Stakeholder Livelihoods:</p> <ul style="list-style-type: none"> - Do not make vulnerable people worse off ('do no harm') - Equitable sharing of REDD costs and benefits - Income generation ('poverty reduction') - Consistent with adaptation needs - Particular attention to vulnerable people - Enhanced livelihood security/ wellbeing (including from ecosystem services)
<p>Environment:</p> <ul style="list-style-type: none"> - Maintains other ecosystems/ ecosystem services - Enhances other ecosystems/ ecosystem services - maintains biodiversity - Enhances biodiversity
<p>Governance, equity, participation, and rights:</p> <ul style="list-style-type: none"> - Good governance broadly - Transparency - Accountability - Equity (including gender) - Full and effective / timely participation (including in highest level REDD+ governance bodies) - Full and effective / timely information sharing - Respect for/ support for communities' own decision making structures - Ensuring sufficient rights-holder/ forest-dependent community capacity - complaints/ redress mechanism/ access to justice - Tenure security - Respect for other customary and statutory human rights of forest dependent communities
<p>Assessment and MRV:</p> <ul style="list-style-type: none"> - Initial assessment - Ongoing MRV - Independent verification required - Assessment and/or MRV supported (e.g., tools provided) - Financing and financial management capacity
International standards components that are addressed by the Strategy in more comprehensive and/or clear manner
<p>Stakeholder Livelihoods: Support small-scale/ community forest ownership</p>
<p>Environment:</p> <ul style="list-style-type: none"> - Maintains forests - Enhances forests
<p>Governance, equity, participation, and rights:</p> <ul style="list-style-type: none"> - Law enforcement - Policy coherence / harmonization - Attention to quality of broader governance ("enabling") environment

Standards Integration in Other National Policy Instruments

Preliminary analysis of other laws and policy instruments in Tanzania⁸ suggests that existing instruments address many core social and environmental concerns for REDD+ to some extent. However, there are weaknesses and gaps, and these often overlap with the weaknesses and gaps in the Strategy itself. Further, there are some key provisions – including EIA⁹ under EMA¹⁰ – that would not necessarily apply to all REDD+ projects. At the same time, some Strategy gaps are partly addressed. The Forest Act and Village Land Act, for example, include some provisions for meaningful representation, though only at the village level.

Thus, the current policy framework is not sufficient to ensure REDD+ in Tanzania reflects international environmental and social safeguards and standards. At the same time, existing law and policy instruments illustrate that REDD+ standards are not wholly “new” issues for Tanzania. Existing instruments provide a strong starting point for further elaboration of REDD+ specific standards.

Practical Considerations for Standards Implementation

Ultimately, social and environmental standards are only meaningful to the degree that they can be *practically* applied in a specific context. One important step will be ‘translating’ international standards to fit the country context. Experience elsewhere illustrates that highly inclusive processes for national standards development are best. Other factors to consider for the adoption and/or development of standards for REDD+ in Tanzania include: accountability for clear rights and responsibilities; coordination ; political will and national ‘ownership’; implementation support tools; technical capacity; time; financing; human resources; data availability; context appropriateness; and adaptability.

Recommendations for Supporting Standards Integration in Tanzania

The following *preliminary* recommendations aim to help ensure a REDD+ programme that:

- Meets the highest standard for avoiding/ mitigating social or environmental harm;
- Meets the highest standard for governance, participation and respect for rights;
- Realizes the greatest additional benefits, particularly for the most vulnerable;
- Is feasible to implement (time, finance, information needs, etc); and
- Maximizes policy harmonization and coherence.

Recommendations for addressing gaps in the Strategy:

- Include clear guiding social and environmental principles for REDD+ in Tanzania
- Make an overarching, explicit commitment to
 - Complying with strongest international standards for avoiding negative impacts
 - Complying with strongest international standards regarding good governance and respect for rights
 - Seeking greatest possible *additional* social and environmental benefits
- Include an explicit commitment to securing free, prior, and informed consent
- Include an explicit commitment to avoiding (or where not possible, fully compensating for and legally executing) involuntary physical or economic displacement.
- Include actions to support communities’ capacity and opportunity to fully and effectively engage/ claim rights
- Include provisions for ensuring meaningful representation, including at the sub-village level

⁸ The analysis includes:

- Environmental Management Act (EMA) 2004 (and the related Environmental Impact Assessment (EIA) and Audit Regulations 2005)
- National Environmental Policy (NEP) 1997
- National Forest Policy 1998
- National Forest Act 2002
- MKUKUTA II 2010
- National Land Policy 1995
- Village Land Act 1999

⁹ Environmental Impact Assessment (as required under EMA 2004)

¹⁰ Environmental Management Act (2004)

Recommendations for strengthening and clarifying components of the Strategy:

- Include an explicit commitment develop comprehensive social and environmental national standards policy
- Clarify that provisions in international standards directed to ‘indigenous peoples’ apply to ‘forest-dependent’ local communities in Tanzania, including pastoralist people that rely on forests.
- Clarify distinction between benefits and co-benefits, and strengthen provisions for equitable sharing of both
- Strengthen commitments to ensuring transparency and accountability in all activities
- Strengthen commitment to equity in REDD+ policy, processes, and outcomes, including gender equity
- Strengthen provisions for *full and effective* participation and information sharing with forest communities
- Clarify which provisions from other policies are binding (vs. aspirations)
- With regard to assessment and MRV¹¹, clarify:
 - Specific social and environmental issues to be monitored (or note that these will be forthcoming);
 - Processes to be used for participation, information sharing, and representation;
 - Governance issues (e.g., Who will have authority to respond to assessment and MRV outputs? How will this support free, prior, and informed consent?).
- Strengthen provisions for effective, equitable, accessible conflict resolution, including redress
- Modify the interpretation of ‘general lands’ to ensure that it is line with the 1999 Village Act, and that community land rights are fully protected²
- Address governance challenges already identified in context of PFM (e.g., JFM agreements)
- Specify how social and environmental assessment, monitoring, and action will be financed

Recommendations for other existing policy instruments:

- Amend Forest Act or EMA to recognize REDD+ Strategy and forthcoming REDD+ policy
- Include in Forest Act or EMA explicit commitment to securing free, prior, and informed consent for forest activities that substantially impact communities’ rights to land, territories, resources

Recommendations for additional policy, guidance and related capacity

- Develop, with stakeholders’ full and effective participation, a national social and environmental standards policy including minimum standards (avoid/ mitigate harm) and additional social and environmental benefits
- With REDD+ rights-holders and stakeholders, develop practical tools and guidance for standards application
- Establish well governed and participatory assessment and ongoing MRV processes for the standards policy
- Ensure sufficient resources (time, financing, technical capacity, human resources) for full and effective standards application, as well as full and effective assessment and MRV

¹¹ Monitoring, reporting, and verification

1. Introduction and Rationale

As a country with over 35 million ha of forestland, national and international interest in REDD+ in Tanzania is high. 'REDD+' refers to climate change mitigation (and payment for REDD) schemes based on reducing emissions from deforestation and forest degradation, and fostering conservation, sustainable management of forests, and enhancement of forest carbon stocks.³ It is now widely recognized that REDD+ has substantial potential *benefits* and *risks* for forest dependent communities, including indigenous peoples and other local communities,⁴ and for the environment.⁵ REDD+ payments can generate additional income and alternative livelihood resources. REDD+ can also produce so-called co-benefits, e.g., forest maintenance and enhancement can improve the ecosystem services on which many communities rely. At the same time, if not well governed, REDD+ can exacerbate biodiversity loss, lead to local people's physical or economic displacement, and present other potential social and environmental risks. Further, REDD+ costs and benefits (including direct payments and 'co-benefits') will not necessarily be equitably shared at the national or local/ project level.

Forests are integral components of Tanzania's biodiversity and ecosystems, and critical to local economies and livelihoods. It is therefore imperative that REDD+ social and environmental risks be avoided and mitigated, that benefits be enhanced, and that costs and benefits be equitably shared. Doing so requires that such issues be systematically understood and addressed in REDD+ policy, practice, and outcomes. Important lessons have been learned in the context of ongoing REDD+ pilot projects, and more generally under Participatory Forest Management (PFM). However, many questions are open, and many challenges remain.

To help ensure that such issues are addressed in REDD+, several international organizations are developing **social and environmental safeguards and standards**, which have a variety of benefits (see Box 1). Generally speaking, 'safeguards' represent minimum standards for REDD+, e.g., avoiding or mitigating negative impacts, while 'standards' also aim for additional positive benefits for people and the environment. However, many so-called 'safeguards' also include livelihood or environmental enhancements, and thus there is no strict distinction. For purposes of this report, hereafter the term 'standards' is used to refer to both the safeguards and standards.

Box 1: Safeguards and Standards Benefits

Adapted from Moss et al 2011:5

Benefits of adopting REDD+ social and environmental safeguards and standards include the following:

- **Country Governments:** guiding principles in defining a national program framework that will integrate social and environmental considerations and ensure that REDD+ contributes to sustainable development.
- **Indigenous peoples and forest dependent communities:** as the group most directly affected by REDD+, safeguards form the basis for ensuring that their rights and interests are addressed
- **Donors:** assurance that funds will be directed towards actions that minimize adverse social and environmental impacts and potentially enhance social and environmental aspects
- **Financiers and investors:** assurance that adverse social and environmental impacts will be managed in countries and thus reduce the risks for investment in REDD+ programmes.
- **Multilateral institutions:** provide large international organizations with a consistent means to meet legal and policy commitments.
- **Private sector:** clear set of environmental and social terms by which to engage in ventures
- **Civil Society:** assurance that major social and environmental issues will be effectively integrated into the planning of national programs, as well as provide a framework of social and environmental standards to shape civil society-driven REDD+ initiatives.
- **All:** understanding that the application of social and environmental safeguards to REDD+ will improve the sustainability of the REDD+ mechanism and the potential that it will deliver measurable lasting emissions reductions and enhanced removals, as well as reduce exposure to legal, financial, and reputational risks for donors, financiers, multilateral institutions, the private sector, and civil society.

Standards adoption and/or development will be important for ensuring that social and environmental risks and opportunities are addressed in REDD+ policy, programming, implementation, and outcomes in Tanzania. This report analyzes and **compares four sets of internationally recognized standards**. The report then **compares the draft National REDD+ Strategy** (the Strategy) and other national law and policy instruments to these international standards, to identify key strengths, weakness, and gaps. Finally it offers preliminary recommendations for strengthening social and environmental standards integration in REDD+ in Tanzania.

Given the scope of the issues, this report is necessarily limited. It is intended to be a preliminary contribution towards a longer, dynamic, and iterative process for standards development and integration in Tanzania.

2. Comparison of REDD+ Standards and Safeguards

Among several existing and developing REDD+ standards, four internationally recognized sets are particularly applicable to the Tanzanian national programme:

1. United Nations Framework Convention on Climate Change (**UN FCCC**) Guidance and Safeguards as prepared by the Ad Hoc Working Group on long-term Cooperative Action under the Convention (AWG LCA);⁶
2. Forest Carbon Partnership Facility (**FCPF**) standards, including World Bank operational policies (OPs) and strategic environmental and social assessment (SESA) procedures;
3. The **UN REDD programmes'** draft Social and Environmental Principles and Criteria; free, prior, and informed consent guidance; and complaints mechanisms guidance; and
4. REDD + Social and Environmental Standards (**REDD+ SES**).

Several of these safeguards and standards are still developing (e.g., UN-REDD draft guidance) and/or are dynamic tools likely to be further developed (e.g., REDD+ SES). As such, while they are important to review as they are now, they will also have to be tracked and revisited in the course of adopting or developing REDD+ standards for Tanzania.

Table 1 summarizes key components of reviewed safeguards and standards, taken as a whole. Below, each set of standards is then analyzed with respect to its source, substance, scope and specificity, and REDD+ level and phase of application, as well as its treatment of the key components in Table 1. The rationale for compliance with the standards is also explored.

Table 1: Key Social and Environmental Components of Standards

Stakeholder Livelihoods	
Do not make vulnerable people worse off ('do no harm')	Support small-scale/ community forest ownership
Equitable sharing of costs and benefits (including direct payments for REDD and co-benefits)	Particular attention to vulnerable people
Income generation (or 'poverty reduction' generally)	Activities are consistent with adaptation needs
Enhanced livelihood security/ wellbeing (including from ecosystem services)	
Environment	
Maintains forests	Maintains biodiversity
Enhances forests	Enhances biodiversity
Maintains other ecosystems/ ecosystem services	Precautionary principle ⁷
Enhances other ecosystems/ ecosystem services	Pollution prevention ⁸
Governance, equity, and rights	
Support and promotion of good governance broadly	Financing and financial management capacity sufficient to meet responsibilities and realize benefits
Transparency	Attention to the quality of broader governance ("enabling") environment, including issues of markets, wide scale corruption, etc.

Accountability	Respect for human rights, broadly
Equity (including gender equity) incorporated as an overarching principle for REDD+ policies, processes, activities and outcomes	Tenure security, including providing for greater recognition and security for communities who occupy or otherwise depend on forests to which they do not have recognized tenure
Fully and effective (meaningful, timely, and empowered participation) of rights-holders and stakeholders. This includes participation of potentially impacted communities at all levels of REDD+ policy, process, and project decision making. This also includes the rights-holders and stakeholders' power to determine how they wish to participate.	Respect for the knowledge and the collective customary and statutory rights of indigenous peoples and other forest dependent communities, including resource access rights
Full and effective / timely information sharing, such that all stakeholders, including indigenous peoples and forest dependent communities, fully understand the rights, responsibilities, risks, and opportunities presented by all REDD+ activities	Specific commitment to securing the free, prior, and informed consent of indigenous peoples and other forest dependent communities for activities that will impact their rights (e.g., to land and resources)
Meaningful representation, such that the rights and interests of all community members are considered, including marginalized and/or vulnerable groups	Access to justice, including effective, fair, (economically and technically) accessible complaints and redress mechanisms
Ensure capacity of rights-holders and stakeholders, including indigenous peoples and forest dependent communities, to understand and act upon their rights, responsibilities, risks, and opportunities in REDD+. This should include rights-holder and stakeholder capacity building wherever required.	Policy coherence / harmonization and institutional infrastructure, such that REDD+ activities are well coordinated and are in line with other national priorities and policies
Fair and consistent law enforcement	Avoiding physical or economic displacement
Independent verification, e.g., of assessment and MRV outputs	Ensuring long-term benefits sustainability
Respect / support for communities' own decision making structures	Universal application of standards, including all levels and including sub-projects/ partners
Assessment and MRV	
Requirement for environmental and social assessment prior to policies, programme, and/or projects	Requirement that assessment and monitoring be conducted and/or verified by an independent party.
Requirement for ongoing monitoring of and reporting on social and environmental components	Assessment and/or MRV of social and environmental and social components are supported by the provision of tools, guidelines, etc.

2.1. UN FCCC Guidance and Safeguards

The UN FCCC 16th Conference of Parties agreed to *accord with* REDD+ guidance, and '*promote and support* REDD+ safeguards, prepared and adapted from the AWG LCA.⁹ While the *safeguards* are most directly applicable to this report, the *guidance* also includes some relevant social and environmental provisions, and thus both safeguards and guidance are being considered here. The social and environmental provisions of the guidance and safeguards are aimed mainly at avoiding or mitigating negative impacts, though they also include promoting "incentives" for enhancements. The safeguards and guidance are potentially applicable for all phases of REDD+, including 'readiness' and implementation. Further, while most applicable at the national programme level, they also have some general applicability at all levels. However, they are quite general and thus, on their own, difficult to operationalize. The primary strength of UN FCCC guidance and safeguards is that they represent international consensus for REDD+ policies, processes, and outcomes. As a Party to the convention, Tanzania has a strong mandate to comply with them. Nonetheless, as 'promoting and supporting' falls short of an obligation for realization of the safeguards, the mandate for compliance is relatively weak.

The full set of guidance and safeguards are listed in Annex 1. Key components are summarized below.

Stakeholder livelihoods: The guidelines and safeguards specify that REDD+ should “be implemented in the context of sustainable development and reducing poverty [1(g)]” and be “used to incentivize ...ecosystem services, and to enhance other social ... benefits [2(e)]”. Further, REDD+ should “be consistent with the adaptation needs of the country [1(h)]”. There is no specific mention of equitable cost or benefit sharing.

Environment: The guidelines and safeguards “promote sustainable management of forests” [1(k)] and seek to ensure that REDD+ “actions are consistent with the conservation of natural forests and biological diversity” and “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 ... environmental benefit” [2(e)]. More broadly, REDD+ should “Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems [1(d)]”.

Governance, participation, and rights: UN FCCC calls for “transparent and effective national forest governance [2(b)]” and “respect for the knowledge and rights of indigenous peoples and members of local communities [2(c)]”. It calls for “full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities”, as well as technical and financial support, and capacity strengthening (though not specific to communities). While free, prior, and informed consent is not specifically mentioned, UN DRIP is noted. There is no specific requirement for a complaints mechanism.

Assessment and MRV: While Parties agree to provide information on how the guidance and safeguards are being ‘addressed and respected’ throughout REDD+ implementation, no specific provisions/ tools for assessment or monitoring are offered.

2.2. World Bank OPs and the Forest Carbon Partnership Facility

The Forest Carbon Partnership Facility (FCPF) aims to (1) provide financial and technical assistance for REDD+ readiness preparation, and (2) develop a carbon finance mechanism to support pilot REDD+ projects. Activities under the FCPF must comply with the safeguard policies of the World Bank,¹⁰ because the World Bank acts as the trustee for the Readiness Fund and the Carbon Fund, and the delivery partner for the FCPF.¹¹ Relevant World Bank Operational Policies (OPs) cover a range of environmental, social, governance, and procedural issues, with varying degrees of specificity. The World Bank has seven OPs that are applicable for REDD+, and which articulate their social and environmental safeguards and principles.¹² The objectives of these OPs are:¹³

1. **Environmental Assessment** (OP 4.01): To help ensure the environmental and social soundness and sustainability of investment projects; and to support integration of environmental and social aspects of projects into the decision making process.
2. **Natural Habitats** (OP4.04): To promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions.
3. **Pest Management** (OP 4.09): To minimize and manage the environmental and health risks associated with pesticide use and promote and support safe, effective, and environmentally sound pest management.
4. **Indigenous Peoples**¹⁴ (OP 4.10): To design and implement projects in a way that fosters full respect for Indigenous Peoples’ dignity, human rights, and cultural uniqueness and so that they: (a) receive culturally compatible social and economic benefits; and (b) do not suffer adverse effects during the development process.
5. **Involuntary Resettlement** (OP 4.12): To avoid or minimize involuntary resettlement and, where this is not feasible, to 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.
6. **Forests** (OP 4.36): To 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.
7. **Physical Cultural Resources** (OP 4.11): To assist in preserving physical cultural resources and avoiding their destruction or damage.¹⁵

While all FCPF supported activities must be consistent with these objectives, and the more specific OP principles (see Annex 2), the OPs are difficult to directly apply to REDD+ *readiness* activities, as they are designed for (investment) project level activities. The FCPF and World Bank therefore require that Readiness Fund recipients use a Strategic Environmental and Social Assessment (SESA), and resulting Environmental and Social Management Frameworks (ESMFs), to ensure consistency with OPs in the readiness phase.

“... The SESA helps to ensure compliance with the applicable safeguards by integrating key environmental and social considerations relevant to REDD+, including all those covered by the applicable safeguards, at the earliest stage of decision making. The SESA helps Countries formulate their REDD+ strategy in a way that reflects inputs from key stakeholder groups and addresses the main environmental and social issues identified.”¹⁶

ESMFs are a required SESA output meant to “provide[] a framework for managing and mitigating the potential environmental and social impacts and risks related to investments and carbon finance transactions in the context of the future implementation of REDD+”.¹⁷ To ensure compliance with the World Bank’s safeguard policies, the ESMF is expected to follow the policy on Environmental Assessment (OP 4.01) and to contain sections addressing the requirements of other applicable OPs.¹⁸

In addition to the specific principles articulated for each OP (see Annex 2), the FCPF has issued draft guidance on the design and application for SESA (see Box 2), on stakeholder engagement (see Annex 3), and on preparation of Environmental and Social Management Frameworks (ESMFs). The SESA approach is also being integrated into the FCPF readiness proposal development process.¹⁹ However, detailed guidance remains limited.

Box 2: SESA Implementation Process

(Adapted from Moss et al 2010:8-9)

The SESA process is meant to iteratively inform selection of REDD+ Strategy options and decision making throughout the preparation of the readiness package, raising attention to environmental and social priorities and strengthening constituencies through the extensive involvement of stakeholders, throughout REDD readiness. The approach is geared towards actions that:

- Enhance sound planning and decision making and hence mitigate risks early on during Readiness process;
- Mitigate potential adverse impacts of strategies and enhance benefits at the time of implementation; and
- Ensure public participation, disclosure, and dissemination of information around environmental and social issues.

Key steps to the SESA process can be summarized as follows:

- a. Use existing or undertake new diagnostic work to identify and prioritize the drivers of deforestation and the key social and environmental issues associated with the drivers, including those linked to the Bank safeguard policies. Conduct assessments in accordance with applicable World Bank safeguard policies on issues such as land tenure, sharing of benefits, access to resources, and likely social and environmental impacts of REDD+ strategy options;
- b. Undertake diagnostic work on legal, policy, and institutional aspects of REDD+ readiness;
- c. Assess existing capacities and gaps to address the environmental and social issues identified;
- d. Draft REDD+ strategy options taking into consideration the above issues;
- e. Develop a framework to mitigate and manage the environmental and social risks and potential impacts of the REDD+ strategy options during implementation according to the safeguard policies that are triggered during the preparation of the Readiness Package, i.e., ESMF; and
- f. Establish outreach, communication, and consultative mechanisms with relevant stakeholders for each of the above steps. The consultations for SESA will be integral to consultations for the REDD+ readiness process.

More recently, major partners that contribute to the FCPF Readiness Fund – namely the World Bank, the Inter-American Development Bank (IDB), and the United Nations Development Programme (UNDP) - have tried to clarify how their respective safeguard policies apply and relate to one another.²⁰ While this report focuses on World Bank policies, the outcomes of this exercise demonstrate that these three major partners have largely complementary safeguards (see Annex 4).

While compliance is not strictly required, as a participant in the FCPF process, Tanzania strong motivations to comply with World Bank policies, operationalized through SESA and ESMF, for preparing the national programme. Beyond the national programme level, World Bank policies provide widely recognized minimum standards that are applicable at the project level. However, at all levels, World Bank policies appear more readily applicable to initial assessment than later implementation and ongoing monitoring phases. Further, the Bank's policies are primarily focused on mitigating and avoiding negative impacts, with some weaker provisions for enhancing forests and natural habitats, and their related benefits. OPs vary in their degree of specificity. OP 4.12 on Involuntary Resettlement provides the most specific guidance on avoiding and compensating for both *physical* and *economic* displacement. OP 4.01 (Environmental Assessment) and OP 4.10 (Indigenous Peoples) reinforce and support the need for well governed impacts assessment and ongoing monitoring.

There are also concerns with Bank policies, including that some OPs are relatively weak. For example, they allow for negative impacts where avoiding them is not "feasible", but do not provide sufficient guidance on what standards have to be met to make that determination. The WB also does not require free, prior, and informed *consent* with respect to actions impacting indigenous peoples' rights. It relies rather on free, prior, informed *consultation*. While FCPF REDD+ guidance specifies that these are largely equivalent,²¹ there are concerns among many civil society organizations that 'consultation' does not provide for the important right to say yes or no to activities with potentially harmful (or insufficiently beneficial) impacts. Finally, World Bank OPs are not 'REDD+ specific' and thus, while they are highly relevant, they may not be sufficient.

Key components²² of the relevant World Bank OPs and related FCPF guidance include the following (see Annexes 2 and 3 for details).

Stakeholder livelihoods: While there is no specific "livelihoods" policy, the OP on Forests (4.36) calls for giving "preference to small-scale community-level management approaches where they best reduce poverty in a sustainable manner" and supporting "small-scale landholders, local communities or entities under joint forest management ...". FCPF guidance calls for "considering" the livelihoods of "IPs and other forest dwellers"²³.

With respect to indigenous peoples, OP 4.10 calls for "giv[ing] full consideration to options preferred by the affected indigenous peoples in the provision of benefits and design of mitigation measures...[and] identify[ing] social and economic benefits for indigenous peoples that are culturally appropriate, and gender and inter-generationally inclusive and develop measures to avoid, minimize and/or mitigate adverse impacts on Indigenous Peoples."

Further, OP 4.12, on Involuntary Resettlement, calls for "avoid[ing], where feasible, or minimiz[ing] involuntary resettlement". Importantly, displacement, or "resettlement" is defined in terms of both *physical* and *economic* impacts. As such, OP compliance requires

identify[ing] and address[ing] economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas... [This includes impacts that] result from other activities that are (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.

Environment: Overall, the OPs call for maintaining and, to a lesser degree, enhancing forests, related ecosystems, and biodiversity, as well as for pollution prevention and the application of the precautionary principle. Specific principles include:

- Prevent and, where not possible to prevent, at least minimize, or compensate for adverse project impacts and enhance positive impacts through environmental management and planning ... (OP 4.01)
- Whenever feasible, give preference to siting projects on lands already converted. (OP 4.04)
- Where projects adversely affect non-critical natural habitats, proceed only if viable alternatives are not available, and if appropriate conservation and mitigation measures, including those required to maintain ecological services they provide, are in place. Include also mitigation measures that minimize habitat loss and establish and maintain an ecologically similar protected area. (OP 4.04)

- Avoid significant conversion or degradation of critical natural habitats, including those habitats that are (a) legally protected, (b) officially proposed for protection, (c) identified by authoritative sources for their high conservation value, or (d) recognized as protected by traditional local communities. (OP 4.04)
- Do not ...involve significant conversion or degradation of critical forest areas or related critical natural habitats...(OP 4.36)
- Ensure that forest restoration projects maintain or enhance biodiversity and ecosystem functionality and that all plantation projects are environmentally appropriate, socially beneficial and economically viable (OP 4.36)

Governance, participation, and rights: The OPs, together with SESA guidance, address many core governance and rights issues, and include detailed provisions for stakeholder consultation. Some key points are summarized below. However, the OPs require free, prior, informed *consultation*, rather than *consent*.

OP principles include the following provisions regarding governance, participation, and rights (see details in Annex 2):

- Involve stakeholders... in the preparation process and ensure that their views and concerns are made known to decision makers and taken into account. Continue consultations throughout project implementation ... (OP 4.01)
- Provide for application of principles to subprojects (OP 4.01)
- Assess the adequacy of the applicable legal and institutional framework...(OP 4.01)
- Consult key stakeholders... and involve such people in design, implementation, monitoring, and evaluation of projects, including mitigation planning (OP 4.04)
- Disclose draft mitigation plan in a timely manner...in a form and language understandable to key stakeholders (OP 4.04)
- ... assess potential project impacts, both positive and adverse, on Indigenous Peoples (OP 4.10)
- Where restriction of access of Indigenous Peoples to parks and protected areas is not avoidable, ensure that the affected Indigenous Peoples' communities participate in the design, implementation, monitoring and evaluation of management plans for such parks and protected areas and share equitably in benefits from the parks and protected areas. (OP 4.10)
- Put in place an action plan for the legal recognition of customary rights to lands and territories... (OP 4.10)
- Prepare an Indigenous Peoples Plan... [including]... continued consultation with the affected communities during project implementation; specify measures to ensure that Indigenous Peoples receive culturally appropriate benefits, and identify measures to avoid, minimize, mitigate or compensate for any adverse effects; and include grievance procedures, monitoring and evaluation arrangements, and the budget for implementing the planned measures. (OP 4.10)
- Monitor implementation of the Indigenous Peoples Plan, using experienced social scientists. (OP 4.10)
- Undertake free, prior and informed consultation with affected Indigenous Peoples to ascertain their broad community support for projects affecting them and to solicit their participation: (a) in designing, implementing, and monitoring measures to avoid adverse impacts, or, when avoidance is not feasible, to minimize, mitigate, or compensate for such effects; and (b) in tailoring benefits in a culturally appropriate manner (OP 4.36)

OP 4.12 on Involuntary Resettlement, described above, also has relevant provisions on governance, participation, and rights.

The FCPF (with UN-REDD) has also issued detailed guidance for stakeholder engagement for REDD+ that includes relevant principles for *effective* participation and consultation (see Annex 3), as well as operational guidelines and "how-to" guidance on planning and implementing consultations.²⁴

Assessment and MRV: OP 4.10 on Environmental Assessment calls for, inter alia,:

- Assess[ing] potential impacts of the proposed project on physical, biological, socio-economic and physical cultural resources, including transboundary and global concerns, and potential impacts on human health and safety;
- [Assessing]...feasible investment, technical, and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, ...

SESA, and resulting ESMFs, are key tools for assessing and monitoring compliance with WB OPs in REDD readiness.

2.3. UN-REDD Draft Principles and Guidelines

The UN-REDD Programme is a partnership of the UN Food and Agricultural Organization (FAO), the United Nations Development Programme (UNDP), and the United Nations Environment Programme (UNEP). The Programme aims to support developing countries in preparing for participation in REDD+ mechanisms and to develop guidance and standard approaches to promoting REDD+.²⁵

As a consortium of UN programmes, UN-REDD is obligated to **promote respect for, and seek the full realization of human rights and environmental instruments** under the UN framework and international law, including the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP).²⁶ In light of these obligations and the UN FCCC AWG LCA guidelines and safeguards (see above), the UN-REDD programme is in the process of developing a set of principles and criteria to, *inter alia*, “ensure that its activities promote social and environmental benefits and reduce risks from REDD+”. These developing principles and criteria, and their associated tools and guidance, are provisionally referred to as the UN-REDD Programme “Social and Environmental Principles Framework.” The Framework is made up of two components:²⁷

1. A minimum standard risk assessment and mitigation framework: UN-REDD Programme funded programs/ projects/ actors will have to comply with a set of minimum environmental and social standards, also referred to as “safeguard” or “do no harm” principles...

2. An assessment of impact magnitude: This component is intended to account for and provide guidance for designing, implementing, and operating REDD programs in a way that minimizes social and environmental risks and maximizes multiple benefits for climate, sustainable development, and conservation...²⁸

The draft **Social and Environmental Principles are** (see criteria and further elaboration in Annex 5):²⁹

1. Democratic governance: The programme complies with standards of democratic governance
2. Stakeholder livelihoods: The programme carefully assesses potential adverse impacts on stakeholders' long-term livelihoods and mitigates effects where appropriate.
3. Policy coherence: The programme contributes to a low-carbon, climate-resilient and environmentally sound development policy, consistent with commitments under international conventions and agreements.
4. Protect and conserve natural forest: The programme protects natural forest from degradation or conversion to other land uses, including plantation forest
5. Maintain and enhance multiple functions of forest: The programme increases benefits delivered through ecosystem services and biodiversity conservation
6. Minimise indirect adverse impacts on ecosystem services and biodiversity

UN-REDD is also in the process of developing detailed tools and guidance. To date, this includes **guidance on seeking free, prior, and informed consent (FPIC)** with regard to indigenous peoples and other forest dependent communities (see Box 3 and Annex 6), as well as guidance on REDD+ **complaints mechanisms** (see Annex 7).

As a current UN-REDD fund recipient, Tanzania has strong motivation to comply with their standards. Going forward, UN REDD standards explicitly align with UN DRIP and other human rights instruments and multi-lateral environmental agreements to which Tanzania is Party.³⁰ Further, the developing guidance from UN-REDD (e.g., on free, prior, and informed consent) can help Tanzania operationalize more general standards. UN-REDD guidance to date is generally applicable at all REDD+ phases and levels, though in its current framing is most applicable to the programme level.

There are also some weaknesses in the draft UN-REDD standards. The current focus of the principles and criteria is on mitigating harm, though the framework aims to also provide guidance on enhancing the potential environmental and social multiple benefits. Further, the core principles and criteria are relatively general. As the standards are still in the process of developing, they are also potentially a ‘moving target’. Further, despite the above mentioned *motivations* for compliance, there is no strict mechanism for *ensuring* that countries will comply with UN-REDD standards. As with the other standards reviewed here, countries’ motivations for compliance require more discussion and communication by all concerned parties.

Key components of UN-REDD's draft social and environmental principles, and draft FPIC and compliance mechanism guidelines, include the following:

Stakeholder livelihoods: UN-REDD principles include “assesses[ing] potential adverse impacts on stakeholders’ long-term livelihoods and mitigate[ing] effects where appropriate”, with related criteria including promoting gender equality, avoiding involuntary resettlement, and respecting traditional knowledge. The programme promotes increasing “benefits delivered through ecosystem services and biodiversity conservation”.

Environment: The UN-REDD principles together promote avoiding harm to forest, and maintaining and enhancing their related ecosystem services and biodiversity, including by “ensuring that REDD+ activities do not cause the conversion of natural forest, and do address the other causes of conversion” and minimizing direct and indirect adverse impacts on ecosystem services and biodiversity.

Governance, equity, participation, and rights: The strongest part of the UN-REDD guidance deals with governance, participation and rights. UN-REDD goes further than the other mechanisms reviewed in this report in terms promoting and articulating guidance on **free, prior, and informed consent** (see Box 3 and Annex 5) and **complaints mechanisms** (see Annex 6) at multiple levels. In addition to these specific guidelines, UN-REDD principles include a general commitment to democratic governance (Principle 1), including transparency and accountability in implementation (Criterion 2), stakeholder participation (Criterion 3), and assurance of the integrity of fund management systems (Criterion 1). The guidelines also include:

- Gender equality (Criterion 4);
- Special attention to vulnerable groups (Criterion 3, Elaboration b);
- Respect for traditional knowledge (Criterion 6);
- Avoiding involuntary resettlement (Criterion 5);
- Policy coherence (Principle 3); and
- Planning for long-term effectiveness (sustainability) (Criterion 9).

Assessment and MRV: While there is relatively little focus on assessment and MRV in the social and environmental principles,³¹ the draft guidance on free, prior, and informed consent and complaints mechanisms provide more specific guidance for initial assessment and ongoing monitoring. Further, UN-REDD has, with FCPF, issued draft guidance on stakeholder engagement (see Annex 4).³²

Box 3: Draft UN-REDD General Principles for Free, Prior, Informed Consent³³

Proposed REDD+ readiness activities should take into account the socio-cultural, environmental, financial, and spiritual context of indigenous peoples and other forest dependent communities and should be relevant to the lifestyle of the indigenous community. States or other parties should ensure that when FPIC is sought from communities, the customary laws, procedures and community protocols of these communities is respected and complied with at all levels. Consultation processes designed to seek FPIC should:

- Strengthen and not degrade territorial integrity;
- Recognize and respect the contribution of indigenous peoples to the conservation and protection of forests;
- Be orderly, participative, inclusive, accountable and representative throughout the entire process, from initiation to evaluation;
- Be independent and follow indigenous peoples’ traditional decision-making system and timelines;
- Respect the natural dynamics of indigenous peoples and other forest dependent communities (cultural customs, decision-making and natural resource management practices and lifestyles);
- Ensure that clear, prior, transparent, and consistent information reaches the community-level.

Consent refers to the types of customary decisions made by indigenous peoples and other forest dependent communities reached through their socio-cultural decision-making process. The collective right to give or withhold consent applies to all projects, activities, legislative and administrative measures and policies (and their associated processes and phases) that directly impact the lands, territories, resources, and that may impact the livelihoods of indigenous peoples and other forest dependent communities. Consent must be sought and granted or withheld according to the unique formal or informal political-administrative dynamic of each community.

Consent is:

- A freely given decision that may be a “Yes” or a “No,” including the option to reconsider if there are changes in programme design or if new information relevant to the programme emerges.

- A collective decision determined by the affected peoples (e.g. consensus, majority, etc.).
- Based on full understanding of opportunities and risks associated with the proposed activity.
- The expression of rights (to self-determination, lands, resources and territories, culture).
- Given or withheld in phases, over specific periods of time for distinct stages or phases of REDD+.

Prior: Prior refers to a period of time in advance of an activity or process when consent should be sought, as well as the period between when consent is sought and when consent is given or withheld.

- Prior implies that time is provided to understand, access, and analyze information on the proposed activity. The amount of time required will depend on the decision-making processes of indigenous peoples and other forest dependent communities.
- Information must be provided before activities can be initiated, at the beginning or initiation of an activity, process or phase of implementation, including conceptualization, design, proposal, information, execution, and following evaluation.
- The decision-making timeline established by indigenous peoples must be respected, as it reflects the time needed to understand, analyze, and evaluate the activities under consideration.

Informed: Refers to the type of information that should be provided prior to seeking consent and also as part of the ongoing consent process. Information should:

- Be accessible, clear, consistent, accurate, and transparent;
- Be delivered in appropriate language and format (including video, graphics, radios, documentaries, photos);
- Be objective, covering both the positive and negative potential of REDD+ activities and consequences of giving or withholding consent;
- Be complete, covering the spectrum of potential social, financial, political, cultural, environmental impacts, including scientific information with access to original sources in appropriate language;
- Be delivered in a manner that strengthens and does not erode indigenous or local cultures;
- Be delivered by culturally appropriate personnel, in culturally appropriate locations, and include capacity building of indigenous or local trainers;
- Be delivered with sufficient time to be understood and verified;
- Reach the most remote, rural communities (as part of the decision-making process); and,
- Be provided on an ongoing and continuous basis throughout the FPIC process.

2.4. REDD+ SES

REDD+ Social and Environmental Standards (REDD+ SES) support the design and implementation of government-led REDD+ programmes, to help ensure respect for the rights of indigenous peoples and local communities and to help generate significant social and environmental benefits. The standards explicitly go beyond minimum safeguards, and identify and elaborate additional benefits.³⁴

REDD+ SES development has been based on an ongoing engagement with governments, non-governmental organizations (NGOs) and other civil society organizations, Indigenous Peoples organizations, international policy and research institutions, and the private sector. The process is being facilitated by the Climate, Community & Biodiversity Alliance (CCBA) and CARE International.³⁵

The REDD+ SES standards are comprised of eight principles for REDD+ programs; process, impact, and policy criteria that must be met to deliver the principles; and indicators to demonstrate compliance. In addition to broader 'framework' indicators, there are tailored indicators developed by stakeholders in each participating country.³⁶ Draft indicators were developed by Tanzanian stakeholders in a REDD+SES consultation meeting, held 9th-11th Sept 2009 in Dar es Salaam. They are included in Annex 8, together with the detailed REDD+ SES principles, criteria, and framework indicators.

REDD+ SES are the farthest reaching standards, in not only ensuring minimum safeguards, but also capturing additional benefits from REDD+ for people (and, to a lesser degree, the environment). They are also the strongest standards with regard to ensuring *full and effective* participation, information, and representation for all stakeholders (along with the UN-REDD FPIC guidance). Detailed criteria and indicators help ensure compliance

with the broad principles, including tailored indicators developed by national stakeholders. REDD+SES are also explicitly applicable at all REDD+ phases, including implementation and ongoing monitoring. They are designed primarily for government-led *programmes* at all levels, but are not as relevant at the *project* level.³⁷ While REDD+SES specify robust requirements for assessment and monitoring processes, they do not offer or demand specific tools. REDD+SES are completely voluntary. As such, the initial motivation to utilize them may be weak at the country level, particularly as they are the farthest reaching. However, as comprehensive standards, they may be the most attractive to private investors (though this remains to be seen) and can help operationalize the other standards reviewed above.³⁸ Further, according to ProForest (2010), “there is considerable evidence from several countries that standards that have been developed through multi-stakeholder platforms often have greater credibility with the general public than government or industry-driven initiatives”.

The key REDD+ SES Principles are:

1. Rights to lands, territories and resources are recognized and respected by the REDD+ program.
2. The benefits of the REDD+ program are shared equitably among all relevant rights holders and stakeholders.
3. The REDD+ program improves long-term livelihood security and well-being of Indigenous Peoples and local communities with special attention to the most vulnerable people.
4. The REDD+ program contributes to broader sustainable development, respect and protection of human rights and good governance objectives.
5. The REDD+ program maintains and enhances biodiversity and ecosystem services.
6. All relevant rights holders and stakeholders participate fully and effectively in the REDD+ program.
7. All rights holders and stakeholders have timely access to appropriate and accurate information to enable informed decision-making and good governance of the REDD+ program.
8. The REDD+ program complies with applicable local and national laws and international treaties, conventions and other instruments.³⁹

Some **key components** of REDD+ SES are listed below, drawing from the criteria.⁴⁰

Stakeholder livelihoods: Overall, REDD+ SES includes strong safeguards for ‘doing no harm’, but also goes further than other mechanisms reviewed here in ensuring that REDD generates the greatest possible long-term benefits (and equitable cost and benefit sharing) for indigenous peoples and other forest dependent communities, with particular attention to the most vulnerable. Some key criteria include:

- The REDD+ program generates additional, positive impacts on the long-term livelihood security and wellbeing of Indigenous Peoples and local communities, with special attention to the most vulnerable people. (3.1)
- Transparent, participatory, effective and efficient mechanisms are established for equitable sharing of benefits of the REDD+ program among and within relevant rights holder and stakeholder groups taking into account costs, benefits and associated risks. (2.2)

Environment: While REDD+ SES have relatively little focus on forests specifically, they provide clear criteria that “Biodiversity and ecosystem services potentially affected by the REDD+ program are maintained and enhanced” (Criteria 5.1).

Governance, participation, and rights: REDD+ SES includes a strong focus on improved governance - defined to include accessibility, people’s participation, transparency, accountability, rule of law, predictability, justice and sustainability - as well as strong recognition of and respect for statutory and customary human rights, including collective rights of indigenous peoples and forest dependent communities. Some key criteria include that the REDD+ programme:

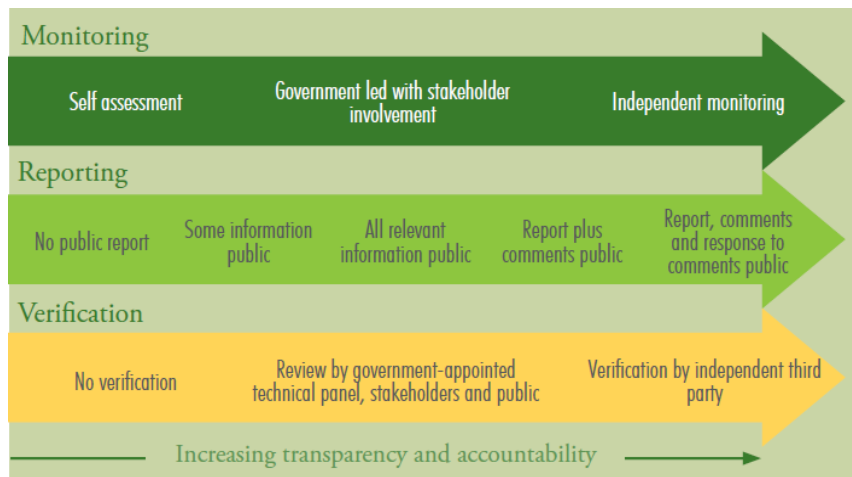
- effectively identifies both statutory and customary rights-holders and recognizes and respects their rights to lands, territories and resources, including requiring the free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources (1.1, 1.2, 1.3)
- contributes to achieving the objectives of sustainable development policies, strategies and plans (4.1)
- leads to improvements in governance of the forest sector and other relevant sectors (4.2)
- ...contributes to respect and protection of human rights (4.3)
- ...coherent with relevant policies, strategies and plans at all relevant levels and... effective coordination... (4.5)

- All relevant rights holder and stakeholder groups that want to be involved in REDD+ program design , implementation and evaluation are fully involved through culturally appropriate and effective participation (6.2)
- The relevant rights holder and stakeholder groups determine, in a verifiable manner, the process and mechanism by which they will participate and be represented in relation to the REDD+ program, taking account of statutory and customary institutions (6.3)
- The relevant rights holders and stakeholder groups have a good understanding of the key issues related to the REDD+ program and the capacity to participate effectively (6.4)
- Design, implementation and evaluation of the REDD+ program builds on, respects and supports rights holders' and stakeholders' traditional and other knowledge, skills and management systems including those of Indigenous Peoples and local communities. (6.5)
- Rights holders and stakeholders have the information that they need about the REDD+ program, provided in a culturally appropriate and timely way, to participate fully and effectively... (7.2)
- Relevant rights holders and stakeholders have the capacity to understand, implement and monitor legal requirements related to the REDD+ program (8.3)
- The REDD+ program identifies and uses a process for effective resolution of any disputes over rights to lands, territories and resources related to the program and does not proceed with any activity that could prejudice the outcome of the dispute resolution process.

Assessment and MRV: REDD+ SES has substantial focus on participatory and well-governed (e.g., transparent) assessment and MRV **principles**. Specifically relevant criteria include:

- transparent and participatory monitoring of the costs and benefits of the REDD+ program, including any revenues, and their distribution among relevant rights holders and stakeholders (2.3)
- participatory assessment of positive and negative social, cultural, human rights, environmental and economic impacts of the REDD+ program for Indigenous Peoples and local communities including both predicted and actual impacts (3.2)

While maximum transparency and accountability are promoted, REDD+ SES recognize that there are a range of MRV options being developed in a tailored way by each country as illustrated in the figure below.



Source: REDD+ SES Fact Sheet 2010

2.5. Comparison and Conclusions

Table 2 and 3 provide comparative summaries of the four safeguard and standards. They illustrate that, taken together, **the international standards provide a sound basis for integrating social and environmental concerns in REDD+ in Tanzania** - from a minimum standard of 'do no harm' to substantial additional benefits for participating communities, the environment, and Tanzania as a whole. At the same time, these standards vary in, *inter alia*, their focus, comprehensiveness, and specificity. They each have strengths and drawbacks that are, on the whole, complementary.

There are **many reasons for REDD+ in Tanzania to incorporate these social and environmental safeguards and standards**. While they have different strengths, these instruments generally reflect internationally recognized best practice and several points of broad consensus. Tanzania is also Party to UN FCCC and thus as a mandate to comply with its terms regarding guidance and safeguards. UN-REDD safeguards are currently important as Tanzania is a fund recipient. Going forward, UN-REDD guidance can help ensure REDD+ is consistent with Tanzania's other obligations under international law. Further, their related implementation tools can help operationalize important standards components, such as complaints mechanisms and free, prior, and informed consent. Similarly, while Tanzania's current participation in the FCPF may not be long term, there is motivation in the longer term to ensure REDD+ is consistent with the World Bank's policies, as these are widely recognized minimum standards. REDD+ SES are entirely voluntary, and are the farthest reaching standards, but they may also be the most compelling for international investors from a risk reduction perspective. They have the further advantage of best demonstrating that REDD+ has met its promise of providing substantial *additional* benefits to Tanzanian citizens and the environment.

However, despite these *motivations*, there is **relatively little to enforce or ensure compliance** with any of the standards. While the UN FCCC Parties agree to accord with the 'guidance', they make only a weaker agreement to 'promote and support' the safeguards (see Annex 1). In the longer run, neither UN-REDD nor FCPF standards will be *required* for Tanzania's programme. REDD + SES is strictly voluntary.

Further, each of these standards will **require adaptation and 'translation'** from relatively general principles to operational statements that can be implemented, in a meaningful way, in the political, cultural, socio-economic, ecological context of Tanzania. This is true even of relatively more detailed REDD+ SES (though here there is a 'head start' as country specific indicators have already been drafted by stakeholders in Tanzania – see Annex 8).

Finally, while relatively comprehensive, these **international standards may not be sufficient**. There may be social and environmental concerns (or opportunities) which are not strongly addressed in these necessarily general standards, but which will be important within a national programme. For example, food security and 'elite capture' were both raised as concerns in stakeholder consultations undertaken in preparation of the National REDD+ Strategy. The international standards are also surprisingly **weak regarding gender equity** and women's empowerment, though UN-REDD does include explicit criteria on gender equity (criterion 4). National standards may also require **additional provisions to ensure that they are practically applicable at all phases and levels** of REDD+. Each of the standards has some applicability to the sub-national programme, with REDD+ SES being the strongest in this regard, but the standards appear, on the whole, to be most applicable at the national level. Further, some standards components can be used at the project level, e.g., UN-REDD free, prior, informed consent guidance and World Bank OPs. However, national standards may have to incorporate more project specific components, such as the CCB Standards being applied in several REDD+ pilot projects in Tanzania.

In sum, individually and collectively, the four sets of standards provide an important foundation for national standards in Tanzania. However, to ultimately ensure that REDD+ in Tanzania avoids adverse social and environmental impacts, and realizes the greatest possible additional benefits, these **international standards need to be reflected in national law and policy, and supported by country specific guidance**. Analysis and recommendations towards this end are further elaborated in Sections 3 and 4.

Table 2: Comparative Summary of Safeguards and Standards Key Features

Safeguard/ Standard	UN FCCC	FCPF (World Bank)	UN-REDD	REDD+ SES
Key components	Guidance and safeguards directed to States Parties to the UN FCCC	<ul style="list-style-type: none"> World Bank Operational Policies (OPs) Draft (Developing) guidance on SESA and ESMF, including for stakeholder engagement 	<ul style="list-style-type: none"> Draft overall principles and criteria Draft guidance on free, prior and informed consent Draft guidance on complaints mechanisms Further tools forthcoming (?) 	<ul style="list-style-type: none"> Programme principles; process, impact, and policy criteria; and compliance indicators. Includes draft indicators developed specifically by Tanzanian stakeholders
Level of specificity	General / high-level	<ul style="list-style-type: none"> OPs vary in specificity Most detailed guidance regarding displacement and indigenous peoples SESA and ESMF guidance still developing 	<ul style="list-style-type: none"> Principles and criteria are general Most detailed on free, prior, informed consent and complaints mechanisms 	Most detailed overall (includes principles and criteria, as well as detailed framework indicators and country specific indicators)
Completeness/ Coverage of issues	<ul style="list-style-type: none"> Mostly focused on avoiding/mitigating negative impacts Some (weaker) focus on benefits generation 	<ul style="list-style-type: none"> Mostly focused on avoiding/mitigating negative impacts Some (weaker) focus on benefits generation 	<ul style="list-style-type: none"> Mostly focused on avoiding/mitigating negative impacts Currently relatively weak focus on benefits generation, though this may be strengthened in further drafts Also aims for compliance with international human rights instruments (e.g., UN DRIP) 	Strongest focus on social benefits and enhancements, in addition to 'do no harm'
Motivation/ Compliance	<ul style="list-style-type: none"> Eventually to become part of legally binding agreement Current Parties' agreement to "support and promote" may be weak in terms of ensuring compliance 	<ul style="list-style-type: none"> Condition for receipt of funding from FCPF Readiness and in due course Carbon Fund Utilizes widely recognized minimum standards in World Bank OPs 	<ul style="list-style-type: none"> Expected in relation to UN REDD preparedness funding Helps ensure compliance with other international instruments Helps operationalize some broader principles (e.g., free, prior, informed consent) 	<ul style="list-style-type: none"> Completely voluntary May be most attractive for investment (least risk to investor of being associated with adverse impacts) but this cannot be verified yet
Additional considerations	Safeguards are general - May be hard to operationalize without further guidance	<ul style="list-style-type: none"> Not REDD specific Lack of clarity regarding if/how OPs for indigenous peoples would be applied in Tanzania Some concerns with strength of safeguards 	Currently draft guidance only	<ul style="list-style-type: none"> Most stakeholder-driven set of standards May be difficult, in practice, to equally weight provisions for avoiding adverse impacts and seeking benefits

Table 3: Comparative Analysis of Safeguards and Standards Content

- ✓ → component of standards
- ✓✓ → strong focus of standards

	UN-FCCC	UN-REDD S&E, FPIC, Complaints Mechanism	FCPF WB OPs, SESA, ESMF	REDD+ SES
Stakeholder Livelihoods				
Do not make vulnerable people worse off ('do no harm')	✓	✓✓	✓	✓✓
Enhanced livelihood security/ wellbeing (including from ecosystem services)	✓	✓		✓✓
Income generation (or 'poverty reduction' generally)	✓ ⁴¹	✓	✓	✓
Equitable sharing of REDD costs and benefits			✓ ⁴²	✓✓
Support small-scale/ community forest ownership		✓	✓	
Particular attention to vulnerable people		✓	✓	✓✓
Consistent with adaptation needs	✓ ⁴³	✓✓		✓
Environment				
maintains forests	✓	✓	✓✓	
enhances forests	✓	✓	✓	
maintains other ecosystem services	✓	✓	✓✓	✓✓
enhance other ecosystems/ ecosystem services	✓	✓	✓	✓✓
maintains biodiversity	✓	✓	✓	✓✓
enhances biodiversity	✓	✓	✓	✓✓
precautionary principle			✓	
pollution prevention			✓ ⁴⁴	
Governance, participation, and rights				
Good governance broadly	✓	✓✓		✓✓
Transparency	✓	✓✓	✓	✓
Accountability		✓✓	✓	✓
Equity (including gender)	✓ ⁴⁵	✓✓		✓
Full and effective , timely, empowered participation	✓	✓✓	✓	✓✓
Full and effective , timely information sharing		✓✓	✓	✓✓
Meaningful representation		✓		✓✓
Law enforcement				✓✓
Respect for/ support for communities' own decision making structures		✓	✓	✓✓
Ensuring stakeholder capacity, including rights-holders/ forest dependent communities	✓	✓	✓	✓✓
Sufficient financing and financial management capacity	✓	✓		✓ ⁴⁶
Access to justice (complaints/ redress mechanism)		✓✓	✓	✓
Attention to quality of broader governance ("enabling") environment				✓
Tenure security	✓ ⁴⁷	✓ ⁴⁸	✓	✓
Respect for knowledge and collective rights of IPs and other forest dependent communities, including resource access		✓✓	✓	✓✓

	UN-FCCC	UN-REDD S&E, FPIC, Complaints Mechanism	FCPF WB OPs, SESA, ESMF	REDD+ SES
Specific commitment to free, prior, informed consent	UN DRIP ref. ⁴⁹	✓✓	(consult vs. consent)	✓✓
Respect for other human rights	✓	✓✓		✓✓
Avoiding economic or physical displacement	✓	✓✓	✓✓ ⁵⁰	✓✓
Policy coherence / harmonization and adequate institutional infrastructure	✓	✓✓	✓	✓✓
Ensuring long-term benefits sustainability	✓	✓		✓✓
Application of standards to sub-projects/ partners ⁵¹			✓✓	
Assessment and MRV				
Initial assessment required		✓	✓✓	✓
Ongoing MRV required	✓ ⁵²	✓	✓✓	✓✓
Independent verification required			✓	✓
Assessment and/or MRV supported (e.g., tools provided)		✓	✓✓	

3. Standards Integration in National Policy Framework

The above reviewed standards can only mitigate risks and enhance benefits of REDD+ where they are effectively integrated into REDD+ programmes and activities through well governed mechanisms. As part of this, the core components of standards should be reflected in the Tanzanian National REDD+ Strategy and, where appropriate, other policy and regulatory instruments.

Towards that end, this section reviews the draft National REDD+ Strategy (the Strategy), as well as several key law and policy instruments, to assess the degree to which they incorporate the key components of reviewed standards. Strengths, weaknesses, and key gaps are identified with regard to:

- Stakeholder livelihoods;
- Environment and natural resources;
- Governance, equity, participation and rights; and
- Assessment and MRV.

The Strategy specifies that a **national safeguards policy will be established by December 2012**.⁵³ Social and environmental risks and opportunities may thus be addressed in the context of that policy. Nonetheless, it is useful to review the current Strategy, and other relevant policy instruments, to identify issues for consideration in subsequent drafts of the Strategy, in ongoing policy reviews, and in the development of Tanzania's social safeguards policy. Further, particularly as engagement in REDD+ has already begun, addressing these social and environmental issues is a matter of urgency.

As noted previously, this report is necessarily preliminary, given the scope of the issues at hand. However, a comprehensive policy and legal review for REDD+ in Tanzania is called for by the Strategy. This review should include detailed assessment of existing provisions relevant to REDD+ social and environmental impacts.

3.1. Standards Integration in the Draft National REDD+ Strategy

The Strategy vision is that

“Tanzania implements a National REDD+ Strategy that ensures *conservation and/or enhancements* of its unique *biodiversity* values and *forest ecosystems* and the *corresponding benefits, goods and services are equitably shared by all stakeholders* for adaptation, mitigation and adoption of a low carbon development pathway under all processes as required by the UNFCCC”.⁵⁴

Strategy objectives include providing guidance on, *inter alia*:

- establishing “fair and transparent payment mechanisms”;
- “effectively engage[ing] all relevant stakeholders and establish[ing] a fair and transparent benefit sharing mechanism that will enable appropriate incentives”;
- “putting in place effective communication and information sharing mechanisms”; and
- “reforming the forestry management and governance systems”.

The Strategy **does not explicitly commit to (or preclude) the adoption of international standards**. It does include, however:

- Recognition of safeguards that should be promoted and supported per UN FCCC Decision 2/CP.13 (presumably to be updated to refer to FCCC/CP/2010/7/Add.1 Annex I) i.e.,:
 - a) Actions complement or 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 the local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the General Assembly has adopted the United Nations Declaration on the Right of Indigenous Peoples.
 - d) Full and effective participation of relevant stakeholders, including, in particular indigenous peoples and local communities in actions.
 - e) Actions that are consistent with the conservation of natural forests, and biological diversity.
 - f) Actions to address the risks of reversals.
 - g) Actions to reduce displacement of emissions.
- Commitment that the Strategy will be subject to a Strategic Environmental and Social Assessment (SESA), which will be “informed by”, *inter alia*, “an analysis of the current environment policies and regulations, World Bank Safeguards and any foreseen social and environmental impacts resulting from the implementation of this Strategy”.⁵⁵

3.1.1. Treatment of ‘Forest-based communities’ in the Strategy

The Strategy recognizes that REDD+ raises opportunities and risks for forest-based communities that must be addressed.

“Concerns have been expressed in the debate on REDD+ as regards the rights of indigenous people and communities dependent on forests and the impact of REDD+ programmes on such groups. The overwhelming need as regards communities and people in the forest is to ensure that they are involved in a positive and mutually beneficial way in management, since this is one of the very few effective means of controlling degradation over very large areas.... In the design of this Strategy it has been found important that the interests of these people are considered in the development of the REDD+ implementation strategy.”⁵⁶

PFM is posited as the primary mechanism for involving and ensuring the benefit of communities, though recognizing that “adding carbon (and potentially rewards for carbon reductions) into the PFM raises a lot of issues that need to be resolved”.⁵⁷

However, while recognizing Tanzania’s obligations as a signatory to UN DRIP, the Strategy notes that “the issue of engagement of “indigenous peoples” in Tanzania is being handled via the concept “forest-based communities” rather than “indigenous peoples” – a concept which some stakeholders found derogatory and discriminatory.”⁵⁸ As more specific commitments are made to internationally or nationally developed social and environmental

safeguards, the Strategy may need further clarification regarding whose rights and interests are protected when speaking of indigenous peoples and/or forest based/forest dependent communities.

For purposes of this paper, provisions in international standards regarding indigenous peoples are assumed to be relevant to all “forest-based/ forest dependent communities” in Tanzania. This includes pastoralist peoples and others who may not have permanent residence in or adjacent to forests, but whose livelihoods rely upon them.

3.1.2. Environmental and Social Issues Addressed in the Strategy

Many social and environmental risks and opportunities are *recognized* in the Strategy, particularly in summaries of stakeholder consultations and in-depth studies undertaken for Strategy preparation (see chapters 2 and 3). While it is significant that such issues are captured, this review focuses on how the Strategy *addresses* such issues, in terms of the proposed governance structure/ institutional design (chapter 4), key results areas (KRAs) (chapter 6), and proposed assessment (chapter 7) and MRV (chapter 5) provisions. These are summarized below, in relationship to the social and environmental components analyzed in Section 2 of this report.

Overall, the Strategy touches on many key standards components. However, they are often dealt with in incomplete or unclear ways, and can thus be significantly strengthened and clarified. Further, there are some key gaps, including ensuring forest dependent communities’ free, prior, and informed consent for REDD+ policies, processes, and projects that will impact them.

Rights-holder and stakeholder livelihoods

While, broadly speaking, the Strategy addresses rights-holder and stakeholder livelihoods, it would be strengthened by a clearer, overarching commitment to ensuring that REDD+ will do no harm and will strive to deliver substantial additional social benefits (including direct payments and co-benefits) for participating forest dependent communities.

- **Do not make vulnerable people worse off ('do no harm')**: There is no specific commitment to ‘doing no harm’ to people or the environment through REDD+, though the Strategy generally recognizes that “negative” consequences should be avoided, mitigated, or compensated for, e.g., in the context of SESA.⁵⁹
- **Enhanced livelihood security/ wellbeing (including from ecosystem services)**: The Strategy recognizes that improved livelihoods are a goal of PFM, and further PFM support is a Strategy focus. However, the Strategy could have much more specific and stronger commitments to ensuring that REDD+ has additional livelihood benefits for forest dependent communities.
- **Income generation (or 'poverty reduction' generally)**: Expanding PFM can result in income generation for forest communities. However, this could be more specifically stated as a goal of such expansion. Further, KRA 2, ‘Financial Mechanisms and Incentive Schemes Established’, recognizes that “...Provision of sufficient incentives/compensation to motivate stakeholders to reverse the drivers of deforestation and forest degradation is central objective of REDD+ scheme...”. However, the nature of such ‘incentives’ - what they are, who they are for, and how ‘sufficient’ will be calculated – is not clear. Poverty is dealt with most directly in KRA 10, on addressing drivers. Strategic activities include, *inter alia*: “scaling up investment in non-forestry sector employment programmes targeting to rural areas to reduce forest dependency” and “investing in sustainable forest based enterprises to create more employment opportunities in the forestry sector (for both timber and NTFPs)”. It is not clear, however, whether these activities are intended to generate *additional* benefits, or to replace forgone income (opportunity costs) from reduced forest use. Further, KRA 10 suggests directing funds towards “livelihood shifting” as a means of reducing forest pressure, but does not provide for basic social protections in this, e.g., that “alternatives” would be economically, socially, and culturally equivalent or better; sustainable; subject to free, prior, informed consent, etc.⁶⁰ The most explicit reference to payments to communities for REDD is under KRA 10 - “market failures”, which calls for “Operationalizing payment for environmental services (PES) as a poverty reduction strategy for communities involved in protection of forest resources.” However, as the key provision for ensuring such payments, this statement should be further elaborated.
- **Equitable sharing of REDD+ costs and benefits**: KRA 6 includes a strategic objective “to develop a national institutional framework for REDD+ governance to ensure ... equity in co-benefit sharing by 2012”.

KRA 10 includes "Approving cost-benefit sharing systems ...under...JFM"⁶¹ and "Promoting cost-benefit sharing among various land users."⁶² It is laudable that the Strategy includes these references to benefit sharing. However, where dealing with already recognized issues under PFM (e.g., JFM), the Strategy could be strengthened by more specifically describing how such challenges will be addressed under REDD+. Further, the distinctions between benefits (e.g., direct payments for REDD) and co-benefits (e.g., ecosystem services enhancements, forest governance improvements, etc) are not defined, and it is not clearly specified that *benefits*, *co-benefits*, and *costs* would all be equitably shared, including with local communities.

- **Support small-scale/ community forest ownership:** Several provisions call for further PFM implementation, which will facilitate this component. However, the Strategy could be clearer in terms of its commitment to addressing known obstacles to effective and equitable PFM implementation.
- **Particular attention to vulnerable people:** While there is no explicit focus on protections for 'vulnerable' people, the Strategy does recognize the need to 'consider' forest dependent communities and "ensure that they are involved in a positive and mutually beneficial".⁶³
- **Consistent with adaptation needs:** The Strategy vision includes that "...corresponding benefits, goods and services are equitably shared by all stakeholders for adaptation, mitigation" though links to adaptation are not operationalized.

Environment

There is substantial focus on reducing deforestation and forest degradation drivers (see KRA 10) as a critical REDD+ component, as well as substantial focus on expanding PFM. These, among other strategies, will help ensure forest maintenance and enhancement.

The importance of forest biodiversity and ecosystems (including their services) is raised in background information. Additionally, biodiversity and ecosystems maintenance and enhancement are expressly mentioned in the Vision, cited as core components of related policies and laws (see below), and mentioned generally as components to be monitored and assessed.

Nonetheless, as with social and environmental concerns generally, the Strategy does not yet include an explicit, overarching commitment to biodiversity and ecosystem conservation/ maintenance, and the draft provides very little clarity as to *how* the Strategy will address biodiversity and ecosystem maintenance and enhancements. For example, biodiversity/ ecosystem conservation and enhancement related *actions* are not mentioned in the KRAs, with the important exception of "Conducting detailed studies before introducing exotic species; [and] Increasing monitoring of importing and planting of exotic species"⁶⁴

The precautionary principle, pollution prevention, and protection of high biodiversity areas are not specifically mentioned, but are presumably among issues that the Strategy will address in the context of complying with other relevant laws, i.e. EMA 2004 (see below).

Governance, equity, participation, and rights

Weak governance is recognized in the Strategy as an obstacle to the realization of social and environmental benefits through PFM at all levels.

"SFM is not being fully realized due to among others poor governance at local as well as district, regional and national levels. At the local level, key governance issues concern (i) corruption, (ii) elite capture and/or (iii) minority marginalization in terms of access to forest resources, (iv) low accountability, (v) lack of transparency, (vi) low participation, and (vii) weak law enforcement. At higher levels, the main issues are corruption, weak law enforcement, and accountability."⁶⁵

KRA10, on addressing drivers, includes strategic actions on "**weak forest governance**", including (emphasis added)

1. Defining forest related **property rights** and accelerating participatory land use planning
2. Ensuring adequate financial, technical and managerial capacity for efficient centralized and decentralized management of FRs at all levels.
3. Supporting forestry sector institutional reform to increase **accountability** and **transparency**.
4. Strengthening inter-sectoral **coordination** and NGO/private sector coordination in order to harmonise approaches, avoid duplication, competition and conflict in implementation of interventions and ensure effective use of resources.
5. **Harmonizing of policies** and legislative instruments related to forest resources.

Transparency is also mentioned in the context of payment mechanisms, for which there is relatively robust treatment.

Equity in co-benefit sharing is included among general strategic objectives, e.g., under KRA 6 Strategic Objective 1 “to develop a national institutional framework for REDD+ governance to ensure effective implementation of REDD and equity in co-benefit sharing by 2012”. However, there is no clear indication of *how* equitable costs and benefits sharing will be facilitated or ensured and, as mentioned above, benefits, co-benefits, and costs are poorly defined. Further, equity as a more general principle for REDD+ policy, processes and outcomes is not strongly addressed in the Strategy. Gender equity, specifically, is raised a concern, mentioned as an ongoing research topic, and listed as an element for assessment, but there are no specific commitments or actions towards ensuring gender equity or women’s empowerment in the Strategy.

“**Participation**” is recognized as a Strategy component in several places, including KRA 2, ‘*Financial mechanisms and incentive schemes established*’, which recognizes that “... Active participation of all stakeholders is important in ensuring effective implementation of REDD+...” and KRA 3, ‘*All stakeholders are engaged in the REDD+ implementation process*’, which includes a strategic objectives “to employ a participatory forest management regime so as to ensure engagement of all stakeholders in implementation of REDD+ schemes by December 2012.” However, there are few Strategy components that would ensure **full, effective** and **empowered** participation of forest dependent communities and other vulnerable people at all levels of REDD+.

Within participation more broadly, the issue of **representation** is not sufficiently addressed. There appears to be an assumption that members of impacted communities will be represented through village governments. Village governments are critical to recognize and respect in REDD+ (including Village Natural Resources Committees). However, there is also a concern that REDD+ (co-)benefits and costs will not be equitably shared within and across communities. Vulnerable and marginalized sub-groups are at greater risks for losing out on (co-)benefits and bearing greater opportunity costs. As such, there is need to ensure meaningful representation at the sub-village/ sub-group level. While highly challenging, and potentially costly, this is critical to ensuring equitable and rights-consistent outcomes at the community level. According to MJUMITA and Tanzania Forest Conservation Group’s (TFCG) REDD+ pilot project experience in Tanzania:

In the context of FPIC, the main danger of the implementation of REDD is ...that the REDD process excludes the more marginalized members of the community who tend to be the ones who were most dependent on the forests. Maintaining communication with ‘the community’ through the village council is relatively easy – what is not easy is keeping or even initiating contact with these marginalized people and ensuring that benefits, either in the form of income generating opportunities, or ultimately a share of the carbon payments, filters through to them. It is not likely to happen if it is left to village council mechanisms alone.⁶⁶

Further, the participation of forest dependent community representatives and civil society organizations in the **highest level REDD+ governance bodies** needs clarification. FCPF and UN-REDD draft guidelines specify that indigenous peoples and forest dependent community members should have representation on National REDD Committees.⁶⁷ In Tanzania, the draft Strategy suggests that “other sectors such as Ministry of Agriculture, NGOs, Forest Dependent People’s Organisations and the private sector” would have representation on the permanent body (or bodies) that will eventually replace REDD Task Force.⁶⁸ However, no *specific* provisions are made for ensuring forest communities are represented at the highest levels. Where forest dependent peoples’ organizations are given representation on such bodies, careful consideration must also be given to representation; who is speaking for such communities and how they are being held accountable to their constituents?

Similarly, with regarding to **information**, the Strategy mentions information collection and communications in several places, including under KRA 9 - *An effective information and knowledge communication system on REDD+ issues developed*. However, it is not sufficiently specific with regard to ensuring timely, meaningful, and full information is provided to forest dependent communities and other REDD+ rights-holders and stakeholders. There is also little provision for multi-direction communication (e.g., ensuring those operating at the national level hear directly from communities' experiences). UN-REDD draft guidance on seeking free, prior, and informed consent provides several ideas for ensuring more meaningful information and communication processes.

The importance of and challenges to **law enforcement** are recognized in the Strategy, in some ways in a stronger manner than they are in the above reviewed standards. Under KRA 10 (on drivers) strategic actions addressing weak law enforcement include:

1. Scaling – up participatory forest management regime.
2. Strengthening incentive packages for both government officials and community-based forest management groups.
3. Creating awareness on forest law enforcement issues.
4. Enforcing interregional forest and environmental laws and protocols.
5. Implementing effective, participatory M and E mechanisms at different levels.

While the Strategy does not specifically mention respect for/ support for **communities' own decision making structures**, there is substantial support for PFM which itself typically incorporates substantial focus on village level decision making processes.

The Strategy includes several provisions for training, research, and other **capacity building** activities, such as the activities under KRA 7, *'Training programme and infrastructure for REDD+ developed'*. However, there is very little focus on providing capacity strengthening and/or technical support for forest dependent communities and other vulnerable rights holders in the REDD+ development process and implementation. The Strategy could be strengthened by stronger provisions for ensuring that forest dependent communities fully understand their risks, opportunities, rights, and responsibilities within REDD.

For **conflict resolution**, the Strategy suggests supporting 'existing' mechanisms. As can be seen in the draft UN-REDD complaints mechanism guidance, ensuring effective, equitable, and (economically, physically, and technically) accessible complaints/ conflict resolution procedures at all levels is highly complicated. While it is best if such mechanisms can build upon existing structures in Tanzania, it cannot be assumed that these structures are fully appropriate or sufficient for REDD+. REDD+ readiness activities, including the planned in-depth legal review, should provide careful analysis of what the "existing" structures are, whether or not they comply with complaints procedures standards such as those offered by UN-REDD, and what weakness/ gaps need to be addressed.

In terms of attention to the quality of the **broader governance ('enabling') environment**, the Strategy does recognize issues of corruption, weak law enforcement, and other barriers to realizing forest benefits, though it does not present specific mechanisms for addressing these barriers. The Strategy also recognizes many broader issues, including markets and trade in forest products, under the context of drivers (see KRA10).

Tenure security is addressed in relatively complete terms by the strategy. Specific provisions include:

KRA 6 - Governance mechanism for REDD+ in place

- "Review and develop a viable national land tenure system so as to ensure security in land ownership for REDD+ schemes by 2012."⁶⁹
- "Commissioning in-depth studies to explore and analyse land tenure, security and ownership".⁷⁰
- Creating country wide awareness on REDD+ related land tenure reforms and associated benefits."⁷¹

*KRA 10 - REDD+ strategy options for addressing drivers of D&D developed*⁷²

- Supporting village level awareness raising on land tenure issues.
- Supporting participatory land use planning.
- Supporting implementation of land reforms.
- Promoting integrated sectoral planning, monitoring and evaluation of land use planning.

- Developing and implementing participatory land use plans.
- Supporting demarcation and mapping of village lands.
- Developing clear engendered guidelines for land tenure.
- Reviewing and promoting land tenure reforms at all levels.

Despite this relatively strong focus on securing tenure (primarily in the context of reducing drivers), there is an important weakness, or 'loophole' in the broad **interpretation of 'general land'** in the Strategy.⁷³ The current interpretation could lead to land grabbing and risk of lost benefits and resource access for communities. MJUMITA and TFCG (2011) provide a more in-depth analysis of this issue, as well as detailed recommendations, including that "Forests, outside of Government reserves, should be considered to be on Village Land, unless it is proven that no community uses or plans to use that land. Only forests on private estates should be categorised as General Land."⁷⁴

Further, there is no specific commitment to avoiding (or at least fully compensating for and lawfully executing) **economic or physical displacement**. There is reference to the development of "compensation schemes" for negative impacts, but no details are provided on what this means or to whom it applies.

Aside from tenure/ land rights, the Strategy is relatively weak regarding recognition of other individual and collective **human rights**. Rights issues, including gender rights, are raised as a concern in the Strategy background,⁷⁵ and rights are mentioned as among the issues for consideration under SESA and MRV (see below). However, the Strategy would be strengthened by a more specific commitment to recognizing and respecting rights in REDD+ programmes and projects, such as those to water, food, health, etc.

Further regarding rights issues, the Strategy lacks a **specific commitment to free, prior, and informed consent**. This includes the issues of information, participation, and representation already discussed. However, FPIC guidance goes further in elaborating how these elements should be fully realized in the context of REDD+ decisions that will impact indigenous peoples' and forest dependent communities' livelihood, rights, territories, and/or resources. Further, FPIC adds the critical element of consent – i.e., the **explicit right to say yes or no** to proposed activities before they take place, and again after circumstances substantially change and/or agreed upon arrangements are not met.

Issues of **policy coherence/ harmonization and institutional coordination** are strongly reflected in the draft Strategy. Given the cross-sectoral nature of REDD+ opportunities and challenges, the Strategy "has adopted a problem solving approach encompassing multisectoral collaboration through the formation of an expanded partnership in management of REDD+ knowledge, information networking and communications". *KRA 6: Governance mechanism for REDD+ in place* includes a strategic objective to "review, develop and have the government endorse policy and legal frameworks for REDD+ implementation by 2013." The Strategy also specifically mentions the importance of recognizing and complying with social and environmental provisions from existing policy instruments.

This Strategy takes cognizance of a number of relevant policies and legislations that need to be considered when implementing it. Policies and legislations provide highlights of key policy issues that need to be taken on board to ensure that both livelihoods and environmental concerns are clearly addressed in the Strategy in order to ensure that forest resources are conserved or used in a sustainable manner and poverty levels of the communities living adjacent to them is reduced.⁷⁶

Despite this focus on a solid REDD+ institutional infrastructure, and on alignment and coordination with other policies, the Strategy reviews other policies at a relatively general level. It is not clear as to **which specific provisions of other policies are binding, and which are aspirations**. Thus it is difficult to identify which specific provisions will directly inform REDD+ practice. This will presumably be addressed in the context of legal reviews and standards development, both of which are planned under the strategy. However, more specific analysis could be provided as guidance at this stage.

Other governance issues, such as the application of standards to sub-projects/ partners, are not specifically mentioned in the Strategy, but may not be relevant yet as they deal with a level of detail not yet addressed. Such issues should be reflected in future, more detailed implementation guidance.

There are also **other issues raised as concerns in the strategy**, such as **elite capture** and **food security**, which are not specifically mentioned in the international standards reviewed here, but which should be specifically addressed by the Strategy as they were raised by stakeholders as key concerns.

Assessment and MRV

The Strategy includes provisions for Strategic Environmental and Social Assessment (SESA) and monitoring, reporting and verification (MRV). It is implied that SESA would be applied at the national programme level, and MRV would be applied at all levels during implementation, though the relationship between SESA and MRV is not entirely clear. There are multiple references to including livelihood, environment, governance, and rights factors in these processes. However, the specific social/ environmental *components* to be assessed/ monitored have not been identified. Further, the assessment/ monitoring *processes* could be made more robust and more clearly in line with international standards.

Chapter 7 clarifies that the Strategy will be subject to a SESA which will:

- “be informed by an analysis of the current environment policies and regulations, World Bank Safeguards and any foreseen social and environmental impacts resulting from the implementation of this Strategy”;
- “give special consideration to livelihoods, resource use rights (including those of forest dependent Peoples), conservation of biodiversity, cultural heritage, gender needs, capacity building and good governance.”; and
- Result in the formulation of an Environmental and Social Monitoring Plan (ESMP) that will provide, *inter alia*, a basis for ongoing monitoring.

The planned SESA and ESMP can provide a strong basis for identifying and addressing the Strategy’s strengths, weaknesses, and gaps with regard to key environmental and social components, *if these components are explicitly incorporated*. The Strategy’s alignment with internationally recognized standards would be strengthened by a commitment to doing so.

The SESA *process* also requires greater clarity if it is to ensure participation, representation, and information flows that are in line with the above reviewed standards. As noted by the Strategy, specific tools and capacities to support SESA in the Tanzanian context have to be developed. Further, while it is specified that NEMC will “coordinate” the SESA and related capacity building, it is not clear whether an independent body will conduct and/or verify the SESA.

Regarding ongoing monitoring, reporting, and verification of other activities under REDD+, the Strategy specifies that the REDD+ MRV system will, *inter alia*,

“...provide required set of systems to understand carbon and ecosystem services related data such as carbon stock changes, water quantity and quality, biodiversity and ecotourism. Monitoring is also essential for keeping track of co-benefits and the degrees of equity in managing resources under REDD+, including changes over time as the frameworks mature and settle. In addition, a robust monitoring system will provide social and economic information on impacts and benefits of REDD+ at community levels. The design and implementation of MRV frameworks relevant for REDD+ will require especially careful attention and involvement of various actors at national sub-national and local levels....The MRV system will also monitor rural livelihoods, conservation of biodiversity, key governance factors related to REDD+ implementation and assess the impacts of the REDD+ strategy in the forest sector. The monitoring system will be implemented at national, sub-national and local levels, involving Government and state actors, civil society, NGOs, private sector entities, local government authorities including villages, women groups, the youth and teens and consumer groups.”⁷⁷

Thus, MRV as reflected in the current draft strategy will account for social and environmental considerations, including rights and governance. However, the specific components have yet to be clarified. As with SESA, a specific commitment to ensuring MRV on the social and environmental components included in the core international standards would strengthen the Strategy.

Further, as with SESA, MRV *processes* and *tools* for social and environmental components need to be clarified. The Strategy includes relatively detailed explanation of the tools being developed for carbon monitoring, including a requirement for independent verification. It is not clear, however, with regard to social and environmental MRV. In defining these processes, governance issues of transparency; full and effective participation, information, and representation; etc should be explicitly addressed.

Some of the outstanding issues regarding initial assessment and ongoing MRV may be addressed by research and tools planned for under the Strategy’s KRAs:

- KRA 1, ‘REDD+ baseline scenario, monitoring, reporting and verification framework established’, recognizes that “Integrated methods to quantify REDD+ and other forest benefits are as well important to realize equitable co-benefit sharing” and includes an objective “to establish an integrated methodology to quantify REDD+ and other forest benefits such as biodiversity, ecotourism, and water catchment related to payment for environmental services by December, 2012.”
- KRA 8, ‘Current knowledge and scientific understanding of the target forests and adjacent communities improved through research’, includes support for “research aimed at developing efficient participatory assessment and monitoring procedures”, “assessments of community-based projects aimed at alleviating poverty”, and “research undertakings to assess the social and environmental impacts of the introduced interventions.”

Finally, there is **little clarity regarding how the outputs of assessment and MRV will be used, and where the financing and capacity for assessment and MRV will be secured.** What are the criteria upon which projects will activities will be stopped, amended, accepted, etc? Who will have powers to make those decisions? What role will potentially impacted communities have in demanding changes/ project stoppages in response to assessment/ MRV outcomes, and how will this reflect free, prior, informed consent? How will the Strategy implementation ensure sufficient (financial, human, technical) capacity and time for meaningful social and environmental assessment and MRV? How can it learn lessons from and avoid the capacity constraints currently experienced with, e.g., environmental impact assessment?

Table 4: Social & Environmental Components in National REDD+ Strategy

Standards components that are not present in the draft Strategy⁷⁸
Stakeholder Livelihoods – core issues present in some respect
Environment: <ul style="list-style-type: none"> - Precautionary principle - Pollution prevention
Governance, equity, participation, and rights <ul style="list-style-type: none"> - Meaningful representation - Avoiding (or at least mitigation and lawful execution of) economic or physical displacement - Application of standards to sub-projects/ partners - Specific commitment to FPIC - Ensuring sustainability of social and environmental co-benefits
Assessment and MRV – core issues present in some respect
Standards components that are present/ mentioned in the Strategy, but that should be strengthened and/or clarified
Stakeholder Livelihoods: <ul style="list-style-type: none"> - Do not make vulnerable people worse off ('do no harm') - Equitable sharing of REDD costs and benefits - Income generation ('poverty reduction') - Consistent with adaptation needs - Particular attention to vulnerable people - Enhanced livelihood security/ wellbeing (including from ecosystem services)
Environment: <ul style="list-style-type: none"> - Maintains other ecosystems/ ecosystem services - Enhances other ecosystems/ ecosystem services - maintains biodiversity - Enhances biodiversity
Governance, equity, participation, and rights:

<ul style="list-style-type: none"> - Good governance broadly - Transparency - Accountability - Equity (including gender) - Full and effective / timely participation (including in highest level REDD+ governance bodies) - Full and effective / timely information sharing - Respect for/ support for communities' own decision making structures - Financing and financial management capacity⁷⁹ - Tenure security⁸⁰ - Ensuring sufficient rights-holder/ forest-dependent community capacity and opportunity - complaints/ redress mechanism/ access to justice - Respect for other customary and statutory human rights of forest dependent communities
Assessment and MRV: <ul style="list-style-type: none"> - Initial assessment - Ongoing MRV - Independent verification required - Assessment and/or MRV supported (e.g., tools provided)
Standards components addressed in more comprehensive and/or clear manner in the Strategy
Stakeholder Livelihoods: <ul style="list-style-type: none"> - Support small-scale/ community forest ownership
Environment: <ul style="list-style-type: none"> - Maintains forests - Enhances forests
Governance, equity, participation, and rights: <ul style="list-style-type: none"> - Law enforcement - Policy coherence / harmonization - Attention to quality of broader governance ("enabling") environment
Assessment and MRV – issue requires greater clarity overall

3.2. Standards components integration in other policy instruments

As recognized by the draft National REDD+ Strategy, a number of existing policy instruments in Tanzania provide a framework for REDD+ (e.g., PFM). They also establish some social and environmental obligations, guidance, and aspirations for REDD+. **Table 5** provides a preliminary comparative summary of environmental and social components of the following policy instruments⁸¹:

- Environmental Management Act (EMA) 2004 (and the related Environmental Impact Assessment (EIA) and Audit Regulations 2005)
- National Environmental Policy (NEP) 1997
- National Forest Policy 1998⁸²
- National Forest Act 2002
- MKUKUTA II 2010
- National Land Policy 1995
- Village Land Act 1999

Several limitations to this analysis should be noted. This is a partial list, and one focused on mainland provisions. As such, social and environmental issues not addressed under these policy instruments may be addressed by other instruments.⁸³ Additionally, the policy mechanisms reviewed here are not REDD+ specific. **Further analysis is needed** to understand (a) which of these provisions are obligations (vs. aspirations) for REDD+ policy and practice, and (b) specifically how existing policy provisions would apply to REDD+.

Nonetheless, the preliminary analysis below suggests that existing policy instruments address many core social and environmental concerns for REDD+ *to some extent*. However, as with the Strategy, there are weaknesses and gaps that would have to be addressed. These weaknesses largely overlap with the weaknesses and gaps in the Strategy itself. Further, there are some key provisions – including EIA under EMA – that, as currently treated

in the regulations, would not necessarily apply to all REDD+ projects. At the same time, some key gaps in the Strategy are addressed in other policy instruments to some extent. The Forest Act and Village Land Act, for example, include some provisions for ensuring meaningful representation, though only at the village level.

In sum, the **current policy framework is not sufficient to ensure REDD+ in Tanzania reflects international environmental and social safeguards and standards.** At the same time, existing policies mechanisms and strategies demonstrate that **REDD+ standards are not wholly “new” issues for Tanzania.** Existing laws and strategies provide a strong starting point for further elaboration of REDD+ specific standards. More specifically...

- **Stakeholder livelihoods:** The reviewed policy instruments address most of the main components to some extent. However, many provisions are relatively weak or unclear, including little overarching commitment to not making vulnerable people worse off. MKUKUTA II provides the strongest livelihoods focus, including a focus on vulnerable people. However, MKUKUTA II is a broad (and in many respects quite general) strategy; it is not clear whether it creates sufficiently binding obligations for REDD+.
- **Environment and natural resources:** The main components are addressed by at least one policy instruments, with EMA and NEP being the most comprehensive. The Forest Act and Policy have the strongest forest related provisions, including establishing the legal basis for PFM through which REDD+ will largely be implemented. However, as discussed further below, there are known concerns with the implementation of these PFM provisions that would need to be addressed by REDD+. Further, provisions for ensuring enhancements are relatively weak.
- **Governance, equity, participation, and rights:** The reviewed policies address most of the main components *to some degree*. However, there are relatively few provisions regarding transparency and accountability, and many of the provisions concerning participation, information sharing and representation could be strengthened. Provisions for capacity building for local people are also weak; most capacity building activities are in the form of general environmental education, and further are not strongly directed towards communities. A key gap, which notably overlaps with a gap in the Strategy, is an explicit commitment to securing communities’ free, prior, and informed consent of communities for activities that will take place on or substantially impact their lands, territories, resources, or rights
- **Assessment and MRV:** EMA and MKUKUTA offer the strongest provisions regarding assessment and ongoing MRV, with EMA creating the legal basis for: Strategic Environmental Assessment (SEA) for new policies/ programmes; Environmental Impact Assessment (EIA) for *some* project level activities; and Environmental auditing for ongoing monitoring of *certain* projects. However, while providing a strong starting point, EMA (2004) and the implementing EIA and Audit Regulations (2005) are unlikely to be *sufficient* in themselves because, *inter alia*:
 - Under the current law and regulations, **EIA would not necessarily be required of all REDD+ projects**, particularly smaller-scale community level projects;
 - EIA is primarily focused on environmental impacts. While **socio-economic and community impacts** are to be considered to some degree under EIA and Audits, these provisions **lack the specificity and clarity** that would be required of robust REDD+ social and environmental safeguards and standards;
 - With regard to both environmental and social concerns, EIA is **primarily concerned with avoiding and mitigating adverse impacts**. The law and regulations do not sufficiently support REDD+ benefit (and co-benefits) enhancements;
 - There is **insufficient clarity regarding criteria and indicators for ‘success’** in addressing social and environmental risks and opportunities;
 - The **information sharing, participation, and representation provisions are not as strong** as those provided by the international REDD+ standards; and
 - Decision making authority is ultimately vested in the government, rather than ensuring that impacted communities have the opportunity to say “yes “ or “no” to REDD+ projects that pose too great a risk, or provide insufficient additional benefits. Thus EIA regulations **do not support free, prior, informed consent**.

However, EMA EIA, SEA, and environmental audit provisions do not necessarily have to be substantially altered to provide a sound basis for REDD+ assessment and monitoring in-line with international standards. EMA para 82(2) stipulates that:

Where the law requires environmental impact assessment to be done in respect of any project or undertaking and the manner in which such environmental impact assessment is to be done, then it shall not be necessary to apply standards stipulated in the regulations made under this Act unless the standard prescribed under such law does not meet minimum standards necessary for the conduct of such environmental impact assessment.

This suggests that, if REDD+ specific safeguards and standards are developed, and if these standards include and go beyond EIA provisions required under EMA, these standards will be in compliance with EMA.

Finally, the often substantial challenges in ensuring that policy translates into action should be noted. While sound law and policy are important *foundations* for action, they are not in themselves sufficient. For REDD+ social and environmental impacts, the **law and policy provisions reviewed here are only meaningful to the extent that they are, in practice, realized and enforced**. There are many known implementation gaps that REDD+ standards will have to take account of. For example, while EMA includes many important issues, its implementation has been very limited. There are quality assurance concerns with NEMC’s capacity to review and approve EIAs. Further, capacity for following up on implementation of mitigation strategies is very limited. With regard the Forest Policy and Forest Act, while PFM provides a robust legal basis for community benefits from ownership of and participation in forest reserves, in practice implementation has faced many problems, including financial and technical constraints to establishing community based reserves, elite capture, and failure to establish benefit sharing agreements under JFM. REDD+ Standards need to incorporate measures to help avoid or address such barriers to implementation. The issue of practical implementation of standards and safeguards is further explored in Section 3.4.

Table 5: Social and Environmental Components in other Policy Instruments

- ✓ → present in policy (though may not be clear/ strong provision)
- ✓✓ → strong focus of policy

NB: A ✓ signifies only that the component is addressed in the policy instrument. As noted above, this analysis does indicate whether the component constitutes a legal obligation or aspiration for REDD+. Further, as none of these policies are REDD+ specific, this analysis does not indicate precisely how the components would be applied in REDD+. In-depth legal analysis, beyond the scope of this report, is needed to clarify these issues.

	EMA	NEP	Forest Policy	Forest Act	MKU-KUTA II	Nat’l Land Policy	Village Land Act
Stakeholder livelihoods							
Do not make vulnerable people worse off ('do no harm')	✓ ⁸⁴					✓ ⁸⁵	
Enhanced livelihood security/ wellbeing (including from ecosystem services)	✓	✓	✓	✓ ⁸⁶	✓✓ ⁸⁷	✓	
Income generation ('poverty reduction')		✓	✓ ⁸⁸	✓	✓✓	✓	
Equitable sharing of costs and benefits	✓ ⁸⁹	✓ ⁹⁰	✓ ⁹¹	✓ ⁹²	✓	✓	
Support small-scale/ community forest ownership			✓✓	✓✓	✓✓ ⁹³	✓	✓✓
Particular attention to vulnerable people					✓✓ ⁹⁴		
Consistent with adaptation needs	✓				✓✓ ⁹⁵		
Environment							
Maintains forests	✓	✓✓ ⁹⁶	✓✓	✓✓	✓	✓	✓
Enhances forests	✓	✓✓	✓✓	✓✓	✓		
Maintains ecosystems	✓	✓✓	✓✓ ⁹⁷	✓	✓	✓	✓
Enhance ecosystems	✓	✓✓	✓	✓	✓		
Maintains biodiversity	✓	✓✓	✓✓	✓ ⁹⁸			
Enhances biodiversity	✓	✓✓	✓	✓			

	EMA	NEP	Forest Policy	Forest Act	MKU-KUTA II	Nat'l Land Policy	Village Land Act
Precautionary principle	✓	✓ ✓ ⁹⁹					
Pollution prevention (/polluter pays principle)	✓ ¹⁰⁰	✓					
Governance, participation, and rights							
Promote good governance broadly	✓	✓	✓	✓	✓ ✓ ¹⁰¹		✓
Transparency					✓		✓
Accountability					✓ ✓		✓
Equity (including gender)	✓ ¹⁰²	✓ ✓ ¹⁰³	✓ ¹⁰⁴	✓	✓ ✓ ¹⁰⁵	✓	✓ ¹⁰⁶
Full and effective participation	✓	✓ ¹⁰⁷	✓ ¹⁰⁸	✓ ¹⁰⁹	✓		✓ ¹¹⁰
Full and effective / timely information sharing	✓			✓	✓		✓
Meaningful representation ¹¹¹				✓ ¹¹²			✓ ¹¹³
Law enforcement	✓			✓ ¹¹⁴	✓ ✓		✓
Respect for/ support for communities' own decision making structures	✓	✓ ¹¹⁵	✓	✓		✓	✓ ✓
Capacity strengthening / technical support for rights-holders/ forest-dependent communities		✓ ¹¹⁶	✓ ¹¹⁷	✓ ¹¹⁸	✓ ¹¹⁹		
Financing and financial management capacity	✓		✓ ¹²⁰	✓	✓		
Complaints/ redress mechanism - access to justice	✓			✓ ¹²¹		✓ ✓ ¹²²	✓ ✓ ¹²³
Attention to quality of broader governance ("enabling") environment					✓ ✓		
Tenure security		✓ ✓ ¹²⁴	✓ ✓ ¹²⁵	✓ ✓ ¹²⁶	✓	✓ ✓	✓ ✓
Respect for knowledge and rights of indigenous peoples/ forest dependent communities (including land/ resource access)	✓ ¹²⁷	✓ ¹²⁸	✓ ¹²⁹	✓		✓ ¹³⁰	✓
Free, prior, and informed consent							
Respect for other human rights					✓ ✓	✓	
Avoiding economic or physical displacement						✓ ¹³¹	✓ ¹³²
Policy coherence and harmonization	✓	✓ ✓ ¹³³	✓ ¹³⁴	✓	✓ ✓ ¹³⁵		
Strong institutional framework for REDD	✓	✓	✓	✓	✓		
Ensuring sustainability of social and environmental co-benefits					✓		
Assessment and MRV							
Environmental/ social assessment required	✓ ✓ ¹³⁶	✓ ¹³⁷	✓ ¹³⁸	✓ ¹³⁹		✓ ¹⁴⁰	
Ongoing MRV of social and environmental components required	✓ ✓				✓ ¹⁴¹		
Independent verification required	✓						
Assessment/ MRV support (tools provided)	✓ ✓ ¹⁴²				✓ ¹⁴³		

3.3. UN FCCC guidance and safeguards in relation to national law and international standards

This report analyzes four international standards in relation to one another, and in relation to the national REDD+ Strategy and other relevant law and policy. As such, it reflects and promotes a broad and relatively comprehensive set of issues. This ambitious approach is important for ensuring that Tanzania's treatment of social and environmental issues is ultimately as robust and comprehensive as possible. However, it is also useful

to reflect on how the national Strategy and law, and the other international standards, compare to the relatively minimal guidance and safeguards coming out of UN FCCC CoP 16. Table 6 illustrates that the UN FCCC guidance and safeguards are addressed *to some extent* in the existing Strategy, and that other national policy and law provide some relevant guidance. However, the **current national instruments do not yet fully meet the UN FCCC guidance and safeguards**. If further illustrates that, if the Tanzanian REDD+ programme were fully aligned with other international standards (UN-REDD and REDD+SES particularly) it would be largely meeting its related obligations under the UN FCCC framework.

Table 6: UN FCCC Guidelines and Safeguards in Relation to other National and International Instruments

- Component not present
✓ → Component is present (but may not be clearly/ fully addressed)
✓✓ → Component is more strongly addressed
NA → Not applicable (e.g., not relevant as a environmental or social safeguard/ standard)

	TZ Draft Nat'l REDD+ Strategy	Other Nat'l Policy (as source to guide REDD)	UN-REDD	FCPF/ World Bank OPs	REDD+ SES
1. The activities referred to in paragraph 70 ¹⁴⁴ of this decision should:					
(a) Contribute to the achievement of the objective set out in Article 2 of the Convention; ¹⁴⁵	✓✓	✓	✓	✓	✓
(b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention; ¹⁴⁶	NA	NA	NA	NA	NA
(c) Be country-driven and be considered options available to Parties;	✓✓	NA	✓	✓	✓✓
(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;	✓✓	NA	✓	✓	✓✓
(k) Promote sustainable management of forests;	✓✓	✓✓	✓	✓✓	✓
2. When undertaking the activities referred to in paragraph 70 ¹⁴⁷ 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 70 ¹⁴⁸ and 72 ¹⁴⁹ 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	✓	✓✓	✓	✓	✓✓

	TZ Draft Nat'l REDD+ Strategy	Other Nat'l Policy (as source to guide REDD)	UN-REDD	FCPF/ World Bank OPs	REDD+ SES
are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits, ¹⁵⁰					
(f) Actions to address the risks of reversals;	✓	✓	✓	✓	✓✓
(g) Actions to reduce displacement of emissions.	✓	✓	✓	✓	✓

3.4. Beyond Policy: Practical Considerations for Standards Implementation

As noted above, ultimately, social and environmental **standards are only meaningful to the degree that they can be *practically applied*** in a specific context, through well governed mechanisms that ensure accountability. One important step in this regard is engaging in a process of **national interpretation and development**, to 'translate' international standards to the country context. According to Moss et al (2011:19):

Lessons learned from other initiatives indicate that REDD+ safeguards should be anchored in national processes, which requires institutional frameworks that can establish national interpretations of global safeguards. Integrating the development of safeguards within relevant country systems is important in allowing countries the flexibility to define safeguards based on national issues or based on existing national safeguards systems, thereby maintaining sovereignty of the process while ensuring that national interpretation responds effectively to international common principles. Monitoring and reporting mechanisms and a process for review or verification can also form an important part of this implementation framework.

Experience further demonstrates that this national standards 'translation' or development process should be highly inclusive (including the full and effective participation and representation of potentially impacted communities). Key questions for this process might include: Are the standards applied in a way that is politically, culturally, ecologically, socially relevant for Tanzania? Is the process flexible enough to reflect local realities, while still maintaining the core aims of the standard (e.g., adjusting processes to a community's circumstances, while maintaining compliance with the basic tenants of free, prior, and informed consent)? Box 4 provides key lessons learned from Brazil in undertaking a national safeguards development process.

Box 4: “Bottom up” national application of safeguards and standards

(Adapted from Moss et al 2011:18) (Further detail available from Manceira Bontante et al 2010)

A key challenge for the practical application of international REDD+ safeguards and standards will be adapting them to the national context. Experience with this process in other countries can provide valuable lessons learned for Tanzania. In Brazil, a group of civil society organizations, including representatives of Indigenous Peoples and local communities, as well as environmentalists, research institutions, and the private sector, worked during a one year period for the development of REDD+ social and environmental safeguards. The process was very inclusive and included the participation of hundreds of representatives from Indigenous Peoples and local communities from the Amazon region. The final safeguards are taken as a legitimate document that addresses the risks and concerns of these social actors regarding the implementation of REDD+ programs.

The main lessons learned from this process were:

- A comprehensive participation of Indigenous Peoples and local communities is possible and cost-effective.
- A clear protocol for the process shall be designed from the beginning and agreed among the stakeholders' representatives.
- Capacity building activities for Indigenous Peoples and local communities are needed before starting the discussion of REDD+ safeguards.
- Measures to ensure transparency and accountability shall be in place during the whole process. Participants need to know exactly how their participation and inputs will be taken into consideration.

Additional factors to consider for ensuring the practical applicability of standards for REDD+ in Tanzania include the following:

- **Political will and national ‘ownership’:** Are the standards accepted and supported at all levels? How can political will and ‘ownership’ of the standards be secured and sustained?
- **Accountability for clear rights and responsibilities:** Are the specific rights and responsibilities implied by the standards clear? Who are rights-holders and what are their rights? Who is responsible for assessing, monitoring, reporting, and enforcing the standards? Who is required to take action when standards are not being met, and how can they be held accountable?
- **Coordination:** Is there a clear and well coordinated system for application of the standards, including for assessment, monitoring, reporting, and enforcement?
- **Capacity:** Do all rights-holders and stakeholders have the (technical, human resources) capacity to understand the standards and to carry out their respective rights and responsibilities? How can this capacity be developed and sustained?
- **Time:** how much time is needed to *meaningfully* meet each standard (e.g., to ensure full and effective participation at all levels, including sub-groups within villages)? How can this time be built into REDD+ processes?
- **Financing:** The costs of standards compliance will be substantial. How can sufficient funding be secured? Should a percentage of national REDD+ revenues be set aside for operationalizing and monitoring standards, as suggested by UN-REDD in the context of complaints mechanisms?
- **Data availability:** What kinds of (disaggregated) data will be required to apply and monitor compliance with each standard? Is that data available? How can it be obtained?
- **Implementation support tools:** What specific guidance or tools will be needed to apply the standards at all levels and phases, and in a well governed and participatory manner? Do the tools exist, or do they need to be developed (and by whom?)
- **Adaptability:** Are the standards applied in such a way that changes can be made, as necessary, to reflect changing circumstances and needs (for example, can conflict resolution mechanisms address new issues that arise as the national programme expands; can new rights issues be identified and addressed as new communities enter into REDD+ participation; etc)?

4. Recommendations for Strengthening Standards Integration

This section provides recommendations for changes and additions to the draft National REDD+ Strategy and related law and policy instruments to strengthen social and environmental standards integration in Tanzania. The recommendations aim to help ensure a REDD+ programme (including policy, practice, and outcomes) that:

- Meets the highest standard for avoiding/ mitigating social or environmental harm;
- Meets the highest standard for governance, participation and respect for rights;
- Realizes the greatest feasible additional environmental and social benefits from REDD+, particularly for the most vulnerable;
- Is feasible to implement (time, finance, information needs, etc); and
- Maximizes policy harmonization and coherence.

These are preliminary recommendations, to be refined in the context of further discussion with REDD+ stakeholders in Tanzania.

As illustrated in Section 2, the international standards (UN FCCC, UN-REDD, FCPF, and REDD+ SES) together provide a **sound basis for addressing REDD+ social and environmental risks and opportunities** in Tanzania. At the same time, particularly as there is insufficient assurance that countries will *comply* with these standards, they are **not in themselves sufficient**. As such, it is important that Tanzanian policy and law make explicit commitments to these standards (or at least their content), particularly where existing legislation does not address the issues.

As illustrated in Section 3, the draft National REDD+ Strategy and other policy instruments already include many social and environmental issues in the international standards. However, to meet the terms of these standards, most components require strengthening or clarification. There are also some key gaps. These weakness and gaps can be addressed within subsequent drafts of the Strategy, as well as reforms to other policy instruments, detailed provisions in the planned national REDD+ safeguards policy, and further REDD+ implementation guidance, as appropriate. Specific recommendations are outlined below.

Recommendations for addressing gaps in the Strategy:

- Include clear guiding social and environmental principles for REDD+ in Tanzania
- Make an overarching, explicit commitment to
 - Complying with the strongest international social and environmental safeguards and standards for avoiding negative REDD+ impacts;
 - Complying with the strongest international social and environmental safeguards and standards regarding good governance and respect for rights; and
 - Realizing the greatest possible *additional* social and environmental benefits, particularly for high biodiversity areas/ critical habitats and for vulnerable people, in line with the strongest international social and environmental safeguards and standards.
 - These commitments should stand alone, rather than being presented as a matter of ‘reducing drivers’ (as many social issues are currently framed in the Strategy)
- Include an explicit commitment to securing the free, prior, and informed consent of forest dependent communities for all REDD+ related activities that will impact their rights to lands, territories and resources in Tanzania, recognizing that this includes pastoralist people utilizing forest resources.
- Include an explicit commitment to avoiding (or where not possible, fully compensating for) involuntary physical or economic displacement for REDD+ activities, in line with World Bank OP 4.12¹⁵¹, relevant land tenure and human rights provisions, and commitments to free, prior, informed consent.
- Include specific actions under KRAs to ensure that community members understand and have the *opportunity and capacity* to act upon their opportunities, risks, rights, and responsibilities, including through targeted capacity strengthening.
- Include provisions under KRAs for ensuring meaningful *representation* of communities in REDD+ at all levels, including at the sub-village level.

Recommendations for strengthening and clarifying components of the Strategy:

- Building on the existing commitment “to establish a clear social safeguard policy by December 2012”, include an explicit commitment develop comprehensive *social and environmental national standards policy* (as a matter of urgency) that would support both avoiding adverse impacts and enhancing benefits
- Clarify that provisions in international standards directed to ‘indigenous peoples’ apply to ‘forest-dependent’ local communities in Tanzania, including pastoralist people that rely on forests.

- Clarify the distinction between benefits and co-benefits, and strengthen provisions for equitable sharing of both benefits, co-benefits, and costs.
- Strengthen commitments to ensuring transparency, accountability, and equity (including gender equity) in REDD+ policy, processes, and outcomes.
- Strengthen provisions for participation and information sharing to ensure full and effective participation of forest dependent communities, including marginalized members of those communities, at all levels.
- Where referring to existing provisions from other policy instruments, clarify which are binding obligations (vs. aspirations), and clarify the implications of these existing provisions for REDD+.
- With regard to assessment and MRV, clarify:
 - What specific social and environmental principles, criteria, and indicators REDD+ will be assessed against (or note that these will be specified in forthcoming guidance);
 - What assessment/ MRV processes will be used, including to ensure full and effective participation, information sharing, and representation;
 - Who will have authority and responsibility to respond to assessment and MRV outputs, including having powers to demand changes and/or project stoppages (consistent with communities' free, prior, and informed consent).
- Include stronger and more specific provisions for an effective, equitable, accessible conflict resolution (/complaints mechanism), including the opportunity for redress.
- Modify the interpretation of 'general lands' to ensure that it is in line with the 1999 Village Act, and that forests outside of government reserves are considered Village Land "unless it is proven that no community uses or plans to use that land"¹⁵²
- Include actions in KRAs to address the governance challenges that have already been identified in context of PFM (e.g., elite capture and obstacles to JFM agreements)
- Specify how the Strategy will ensure sufficient (technical, financial) capacity and time for social and environmental assessment, monitoring, and action, (e.g., payments by project proponents, a dedicated percentage of REDD+ revenues, etc).

Recommendations for strengthening other existing policy instruments:¹⁵³

- **Ensure that existing law recognizes national standards for REDD+:** National REDD+ social and environmental standards may be challenging to enforce if they are not recognized in national law. Making specific changes to national law (e.g., EMA or the Forest Act) to address *all* weakness and gaps may not be feasible, however. Further, this may not allow flexibility for standards to be adapted as REDD+ develops. Another option may be to include more explicit language in relevant law – e.g., EMA or the Forest Act – explicitly recognizing that REDD+ should be implemented in accordance with the National REDD+ Strategy, National REDD+ Social and Environmental Standards Policy (forthcoming), and their implementing guidance.
- **Amend existing law to address critical gaps:** Some particularly important gaps in the current Strategy, and existing law, may be best addressed through more explicit amendments to law (in addition to just the Strategy and standards policy). For example, the Forest Act and/or EMA could be amended to include a specific commitment to securing communities' free, prior, and informed consent for forestry activities that will impact their rights to land, territories, or resources, recognizing that this includes pastoralist people utilizing forest resources. This can provide a stronger foundation for enforceability of related provisions in the standards.

Recommendations for additional REDD+ standards and guidance:

- **Develop national REDD+ Social and Environmental Standards Policy:** The Strategy includes a strategic goal "to establish a clear social safeguard policy by December 2012".¹⁵⁴ While this is commendable, a stronger option would be developing a *Social and Environmental Standards Policy*. The content of this policy can be consistent with the strongest provisions from UN FCCC, FCPF, UN-REDD, and REDD+SES. At the same time, standards can be tailored to the Tanzanian context. Standards can include, e.g., principles, criteria, and indicators (such as those the draft national indicators for REDD+SES prepared by Tanzanian stakeholders - see Annex 8). Standards should also allow flexibility and adaptability to diverse and changing contexts in Tanzania. The policy's development should be highly inclusive, with full and effective participation, representation, and information sharing, including forest dependent communities (see Box 4). Time permitting, draft standards can be piloted tested within REDD+ Pilot Projects (even if retroactively) to help refine them and ensure that they are practically applicable. At the same time, standards should be developed as a matter of urgency, as REDD+ activities are already taking place.

- **Develop Standards application guidance and tools:** Work with REDD+ rights-holders and stakeholders, including REDD+ pilot project participants, to develop practical tools and guidance for standards application. For example, national guidance on free, prior, informed consent can draw on the UN-REDD guidance, but be further informed by on-ground experience in Tanzania.¹⁵⁵ Guidance and tools can be reviewed and updated periodically to reflect further lessons learned in REDD+ implementation.
- **Develop assessment and MRV processes and tools:** Work with REDD+ rights-holders and stakeholders to develop well governed and participatory assessment and MRV processes for the standards. Assessment and monitoring should include the issues already required under EMA (EIA and Audit Regulations), but should also go beyond these to fully reflect the REDD+ social and environmental standards. Assessment and MRV frameworks should be well coordinated, e.g. with the broader REDD+ carbon MRV system. The assessment and MRV processes should also provide appropriate powers for impact people (e.g., local communities) to protect their interests and rights, e.g., ensuring that the processes incorporate free, prior, informed consent.

Recommendations for strengthening implementation and enforcement capacity

- To ensure feasibility and reliability, assessment and MRV for social and environmental standards should have a dedicated funding source that will ensure sufficient (time, financial, technical, human) resources for meaningful application of the standards, as well as assessment and ongoing MRV.
- Standards application should be supported by targeted information, communications, and capacity building to help all stakeholders (potentially impacted communities, government officials, private sector REDD+ investors, civil society REDD+ project proponents, etc) understand and realize their respective rights and responsibilities under the standards.

5. Conclusions

The four social and environmental REDD+ safeguards and standards reviewed in this report (UN FCCC, FCPF (World Bank), UN-REDD, and REDD+SES) complement one another. Several of these standards are still developing. However, preliminary analysis suggests that, taken together, they provide a strong basis for the Tanzanian national REDD+ programme to address both risks and opportunities with regard to: stakeholder livelihoods; environment and natural resources; governance, equity, participation, and rights; and assessment and MRV (of social and environmental components).

While incorporating such standards in REDD+ is highly challenging, Tanzania has strong motivations for doing so. It has obligations as a Party to the UN FCCC, for example. More generally, these standards reflect internationally recognized best practice, and compliance with them can enhance the credibility and effectiveness of the national programme. Further, the substantial opportunities, risks, rights, and responsibilities of communities likely to be impacted by REDD+ can best be served by ensuring rigorous compliance with such standards.

At the same time, there is little to *enforce* compliance with these standards. UN FCCC Parties have made a relatively weak agreement to 'promote and support' the safeguards (see Annex 1). The motivation to comply with UN-REDD and FCPF beyond readiness funding (or World Bank funded projects) may be weak. Similarly, while REDD + SES may be the most attractive for investors from a risk-minimization perspective (which remains to be seen), it is entirely voluntary.

Each of these standards would require 'translation' from relatively general principles to operational statements that can be implemented, in a meaningful way, in Tanzania. Further, while the standards appear relatively comprehensive, there may also be concerns (or opportunities) particular to Tanzania which are not captured.

Thus, to ensure that REDD+ in Tanzania avoids adverse social and environmental impacts, and realizes the greatest possible additional benefits, standards need to be reflected in national law and policy, and supported by country specific guidance. The current draft National REDD+ Strategy, and other law and policy, address many of the core international standards components to some extent. However, there are many weaknesses and gaps to be addressed for Tanzania's REDD+ programme to fully align with international standards.

Section 4 provides some recommendations for standards integration, focusing on:

- Addressing gaps in the National REDD+ Strategy;
- Strengthening and clarifying existing elements of the Strategy;
- Strengthening standards integration in other national laws and policies; and
- Developing national REDD+ standards and guidance.

Recommendations include:

- Including clearer social and environmental guiding principles in the Strategy, in line with the strongest international standards;
- Making explicit commitments in the Strategy, and in national law, to securing the free, prior, and informed consent of communities for forest activities that will impact their rights to land, territories, and resources; and
- Inclusively developing a comprehensive national social and environmental safeguards policy, and related implementation guidance, in line with the strongest international standards for avoiding adverse impacts, and for enhancing benefits. This should include processes for assessment and ongoing MRV of the standards.

As noted above, these are preliminary recommendations only, meant to contribute to what will hopefully be a dynamic, iterative, and inclusive process of social and environmental standards integration in Tanzania.

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Annex 1: UN FCCC REDD+ Guidance and Safeguards

Annex I: Guidance and safeguards for policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries¹⁵⁶

1. The activities referred to in paragraph 70¹⁵⁷ of this decision 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;

2. When undertaking the activities referred to in paragraph 70¹⁵⁸ 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 70¹⁵⁹ and 72¹⁶⁰ 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;¹⁶¹
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions.

Annex 2: WB Environmental and Social Safeguard Policies – Policy Objectives and Operational Principles

Source: OP Table A1 Environmental & Social Safeguard Policies: Policy Objectives & Operational Principles¹⁶²

Objectives	Operational Principles
A. Environmental Assessment (OP 4.01)	
To help ensure the environmental and social soundness and sustainability of investment projects.	<ol style="list-style-type: none"> 1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment (EA) so that appropriate studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts. Use sectoral or regional environmental assessment when appropriate.
To support integration of environmental and social aspects of projects into the decision making process.	2. Assess potential impacts of the proposed project on physical, biological, socio-economic and physical cultural resources, including transboundary and global concerns, and potential impacts on human health and safety.
	3. Assess the adequacy of the applicable legal and institutional framework, including applicable international environmental agreements, and confirm that they provide that the cooperating government does not finance project activities that would contravene such international obligations.
	4. Provide for assessment of feasible investment, technical, and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them.
	5. Where applicable to the type of project being supported, normally apply the Pollution Prevention and Abatement Handbook (PPAH). Justify deviations when alternatives to measures set forth in the PPAH are selected.
	6. Prevent and, where not possible to prevent, at least minimize, or compensate for adverse project impacts and enhance positive impacts through environmental management and planning that includes the proposed mitigation measures, monitoring, institutional capacity development and training measures, an implementation schedule, and cost estimates.
	7. Involve stakeholders, including project-affected groups and local nongovernmental organizations, as early as possible, in the preparation process and ensure that their views and concerns are made known to decision makers and taken into account. Continue consultations throughout project implementation as necessary to address EA-related issues that affect them.
	8. Use independent expertise in the preparation of EA where appropriate. Use independent advisory panels during preparation and implementation of projects that are highly risky or contentious or that involve serious and multi-dimensional environmental and/or social concerns.
	9. Provide measures to link the environmental assessment process and findings with studies of economic, financial, institutional, social and technical analyses of a proposed project.
	10. Provide for application of the principles in this Table to subprojects under investment and financial intermediary activities.
	11. Disclose draft EA in a timely manner, before appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.
B. Natural Habitats (OP4.04)	
To promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions.	1. Use a precautionary approach to natural resources management to ensure opportunities for environmentally sustainable development. Determine if project benefits substantially outweigh potential environmental costs.
	2. Avoid significant conversion or degradation of critical natural habitats, including those habitats that are (a) legally protected, (b) officially proposed for protection, (c) identified by authoritative sources for their high conservation value, or (d) recognized as protected by traditional local communities.
	3. Where projects adversely affect non-critical natural habitats, proceed only if viable alternatives are not available, and if appropriate conservation and mitigation measures, including those required to maintain ecological services they provide, are in place. Include also mitigation measures that minimize habitat loss and establish and maintain an ecologically similar protected area.
	4. Whenever feasible, give preference to siting projects on lands already converted.
	5. Consult key stakeholders, including local nongovernmental organizations and local communities, and involve such people in design, implementation, monitoring, and evaluation of projects, including mitigation planning.
	6. Provide for the use of appropriate expertise for the design and implementation of mitigation and monitoring plans.

Objectives	Operational Principles
	7. Disclose draft mitigation plan in a timely manner, before appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.
C. Pest Management (OP 4.09) [This text refers to Integrated Pest Management (IPM) as defined in OP 4.09].	
To minimize and manage the environmental and health risks associated with pesticide use and promote and support safe, effective, and environmentally sound pest management.	1. Promote use of demand driven, ecologically based biological or environmental pest management practices (Integrated Pest Management [IPM] in agricultural projects and Integrated Vector Management [IVM] in public health projects) and reduce reliance on synthetic chemical pesticides. Include assessment of pest management issues, impacts and risks in the EA process.
	2. Procure pesticides contingent on an assessment of the nature and degree of associated risks, taking into account the proposed use and intended users. Do not procure formulated products that are in WHO Classes IA and IB, or formulations of products in Class II unless there are restrictions that are likely to deny use or access to lay personnel and others without training or proper equipment Reference: WHO's "Recommended Classification of Pesticides by Hazard and Guidelines to Classification" (IOMC, 2000-2002).
	3. Follow the recommendations and minimum standards as described in the United Nations Food and Agriculture Organization (FAO) International Code of Conduct on the Distribution and Use of Pesticides (Rome, 2003) and procure only pesticides that are manufactured, labeled, handled, stored, applied and disposed of according to acceptable standards as described in FAO Pesticide Guidelines on Storage, Labeling, and Disposal (Rome, 1985).
	4. Support policy reform and institutional capacity development to (a) enhance implementation of IPM- and IVM-based pest management, and (b) regulate and monitor the distribution and use of pesticides.
	5. Disclose draft mitigation plan in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.
D. Involuntary Resettlement (OP 4.12)	
To avoid or minimize involuntary resettlement and, where this is not feasible, to 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.	1. Assess all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement.
	2. Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.
	3. Identify and address impacts also if they result from other activities that are (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.
	4. Consult project-affected persons, host communities and local nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.
	5. Inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives and needed assistance, including (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.
	6. Give preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based.
	7. For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods.
	8. Disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are

Objectives	Operational Principles
	<p>understandable to key stakeholders.</p> <p>9. Apply the principles described in the involuntary resettlement section of this Table, as applicable and relevant, to subprojects requiring land acquisition.</p> <p>10. Design, document, and disclose before appraisal of projects involving involuntary restriction of access to legally designated parks and protected areas, a participatory process for: (a) preparing and implementing project components; (b) establishing eligibility criteria; (c) agreeing on mitigation measures that help improve or restore livelihoods in a manner that maintains the sustainability of the park or protected area; (d) resolving conflicts; and (e) monitoring implementation.</p> <p>11. Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.</p> <p>12. Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.</p>
E. Indigenous Peoples (OP 4.10)	
<p>To design and implement projects in a way that fosters full respect for Indigenous Peoples' dignity, human rights, and cultural uniqueness and so that they: (a) receive culturally compatible social and economic benefits; and (b) do not suffer adverse effects during the development process.</p>	<p>1. Screen early to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area. Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions; and indigenous language.</p> <p>2. Undertake free, prior and informed consultation with affected Indigenous Peoples to ascertain their broad community support for projects affecting them and to solicit their participation: (a) in designing, implementing, and monitoring measures to avoid adverse impacts, or, when avoidance is not feasible, to minimize, mitigate, or compensate for such effects; and (b) in tailoring benefits in a culturally appropriate manner.</p> <p>3. Undertake social assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options preferred by the affected Indigenous Peoples in the provision of benefits and design of mitigation measures. Identify social and economic benefits for Indigenous Peoples that are culturally appropriate, and gender and inter-generationally inclusive and develop measures to avoid, minimize and/or mitigate adverse impacts on Indigenous Peoples.</p> <p>4. Where restriction of access of Indigenous Peoples to parks and protected areas is not avoidable, ensure that the affected Indigenous Peoples' communities participate in the design, implementation, monitoring and evaluation of management plans for such parks and protected areas and share equitably in benefits from the parks and protected areas.</p> <p>5. Put in place an action plan for the legal recognition of customary rights to lands and territories, when the project involves: (a) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied; or (b) the acquisition of such lands.</p> <p>6. Do not undertake commercial development of cultural resources or knowledge of Indigenous Peoples without obtaining their prior agreement to such development.</p> <p>7. Prepare an Indigenous Peoples Plan that is based on the social assessment and draws on indigenous knowledge, in consultation with the affected Indigenous Peoples' communities and using qualified professionals. Normally, this plan would include a framework for continued consultation with the affected communities during project implementation; specify measures to ensure that Indigenous Peoples receive culturally appropriate benefits, and identify measures to avoid, minimize, mitigate or compensate for any adverse effects; and include grievance procedures, monitoring and evaluation arrangements, and the budget for implementing the planned measures.</p> <p>8. Disclose the draft Indigenous Peoples Plan, including documentation of the consultation process, in a timely manner before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.</p> <p>9. Monitor implementation of the Indigenous Peoples Plan, using experienced social scientists.</p>
F. Forests (OP 4.36)	
<p>To realize the potential of forests to reduce poverty in a sustainable manner, integrate forests</p>	<p>1. Screen as early as possible for potential impacts on forest health and quality and on the rights and welfare of the people who depend on them. As appropriate, evaluate the prospects for new markets and marketing arrangements.</p> <p>2. Do not finance projects that would involve significant conversion or degradation of critical forest areas or related critical natural habitats, or that would contravene applicable international</p>

Objectives	Operational Principles
effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests.	environmental agreements.
	3. Do not finance natural forest harvesting or plantation development that would involve any conversion or degradation of critical forest areas or related critical natural habitats.
	4. Support projects that adversely impact non-critical natural forests or related natural habitats only if viable alternatives to the project are not available and only if appropriate conservation and mitigation measures are in place.
	5. Support commercial, industrial-scale forest harvesting only when the operation is certified, under an independent forest certification system, as meeting, or having a time-bound action plan to meet, internationally recognized standards of responsible forest management and use.
	6. Ensure that forest restoration projects maintain or enhance biodiversity and ecosystem functionality and that all plantation projects are environmentally appropriate, socially beneficial and economically viable.
	7. Give preference to small-scale community-level management approaches where they best reduce poverty in a sustainable manner.
	8. Support commercial harvesting by small-scale landholders, local communities or entities under joint forest management where monitoring with the meaningful participation of local communities demonstrates that these operations achieve a standard of forest management consistent with internationally recognized standards of responsible forest use or that they are adhering to an approved time-bound plan to meet these standards.
	9. Use forest certification systems that require: (a) compliance with relevant laws; (b) recognition of, and respect for, legal or customary land tenure and use rights as well as the rights of Indigenous Peoples and workers; (c) measures to enhance sound community relations; (d) conservation of biological diversity and ecological functions; (e) measures to maintain or enhance environmentally sound multiple benefits from the forest; (f) prevention or minimization of environmental impacts; (g) effective forest management planning; (h) active monitoring and assessment of relevant forest management areas; and (i) independent, cost effective, third-party assessment of forest management performance against measurable performance standards defined at the national level and compatible with internationally accepted principles and criteria of sustainable forest management through decision making procedures that are fair, transparent, independent, designed to avoid conflict of interest and involve the meaningful participation of key stakeholders, including the private sector, Indigenous Peoples, and local communities.
	10. Disclose any time-bound action plans in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.
	G. Physical Cultural Resources
To assist in preserving PCRs and avoiding their destruction or damage. PCR includes resources of archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance.	1. Use an environmental assessment (EA) or equivalent process to identify PCR and prevent or minimize or compensate for adverse impacts and enhance positive impacts on PCR through site selection and design.
	2. As part of the EA, as appropriate, conduct field based surveys, using qualified specialists.
	3. Consult concerned government authorities, relevant non-governmental organizations, relevant experts and local people in documenting the presence and significance of PCR, assessing the nature and extent of potential impacts on these resources, and designing and implementing mitigation plans.
	4. For materials that may be discovered during project implementation, provide for the use of "chance find" procedures in the context of the PCR management plan or PCR component of the environmental management plan.
	5. Disclose draft mitigation plans as part of the EA or equivalent process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.

Annex 3: Draft Principles of Effective Stakeholder Engagement (UN-REDD & FCPF)

Source: FCPF and UN-REDD 2010: 3-4 (para 9)

[Para] 9. The common guiding principles for effective stakeholder engagement that underpin both the FCPF and UN-REDD Programme include:

a. Consultations should be premised on transparency and facilitate access to information. In the context of REDD+, information dissemination at all levels and in a culturally appropriate manner, is a pre-requisite to meaningful consultations. Stakeholders should have prior access to information on the proposed consultation activities. Public awareness and information, education and communication campaigns are important vehicles for ensuring that key stakeholders understand the objectives of REDD+ and their role in the process, and can make informed and substantive contributions to the formulation of REDD+ strategies and policies.

b. The consultation process should include a broad range of relevant stakeholders at the national and local levels. It is important that participatory structures and mechanisms exist to manage the process. For example, national REDD+ committees should include representatives from relevant stakeholder groups, including Indigenous Peoples and civil society.... Beyond the national level, participatory fora need to be established (or existing ones used) at the local level to ensure active engagement of local stakeholders. Special emphasis needs to be made when consulting with Indigenous Peoples to recognize their own existing processes, organizations and institutions, e.g., councils of elders, headmen and tribal leaders; Indigenous Peoples should have the right to participate through representatives chosen by themselves in accordance with their own procedures and decision-making institutions. It is also important to ensure that consultations are gender sensitive.

c. Consultations should start prior to the design phase, and be applied at every stage of the REDD+ process including planning, implementation, monitoring and reporting and with adequate lead time since decision-making among some local communities may take time and be iterative. The consultation process should also occur voluntarily. Sufficient time is needed to fully understand and incorporate concerns and recommendations of local communities in the design of consultation processes.

d. Consultations should facilitate dialogue and exchange of information, and consensus building reflecting broad community support should emerge from consultation. In the case of Indigenous Peoples, such consensus should include support from the community as expressed by their leaders. This requires time for mutual understanding and agreement on goals and strategies.

e. Mechanisms for grievance, conflict resolution and redress must be established and accessible during the consultation process and throughout the implementation of REDD+ policies and measures.

f. The diversity of stakeholders needs to be recognized and the voices of vulnerable groups must be heard. Different stakeholders have different stakes and/or interests in REDD+ and some may be positively or negatively impacted, so the consultation should be held at various levels.

g. Special emphasis should be given to the issues of land tenure, resource use rights and property rights. In many tropical forest countries, land tenure and policy frameworks for Indigenous Peoples are unclear as these often have customary/ancestral rights that are not necessarily codified in, or consistent with, national laws. Another important issue to consider for Indigenous Peoples and other forest dwellers is that of livelihoods. Thus clarifying rights to land and carbon assets, including community (collective) rights, and introducing better access to and proprietary control over the resources will be critical priorities for REDD+ formulation and implementation. Consultations with Indigenous Peoples and other forest dependent communities should use existing networks and local level institutions wherever possible.

h. There should be records of consultations and a report on the outcome of the consultations that is publicly disclosed in a culturally appropriate form, including language. Furthermore, consultation processes should clearly document how views gathered through the consultation process have been taken into account and, where they have not, explanations provided as to why.

Annex 4: Complementary Safeguards from Multiple FCPF Funders

Source: FCPF 2011a

World Bank	IDB	UNDP
Environmental Assessment:		
<p>OP/BP 4.01 is designed to identify, avoid, and mitigate the potential negative environmental impacts associated with operations. The purpose of environmental assessment is to improve decision making, to ensure that project options under consideration are sound and sustainable, and that potentially affected people have been properly consulted....¹⁶³</p>	<p>OP-703 Directive B.5 requires compliance with specified standards for ...EIAs, SEAs... The SEA has the following objectives: (i) assure that the main environmental risks and opportunities of policies, plans or programs have been properly identified; (ii) engage early on governments and potentially affected parties in the identification and analysis of strategic issues, actions, and development alternatives; (iii) define and agree on a sequence of actions to address systematically and strategically environmental issues and priority actions, summarized in an SEA action plan for adequate monitoring and follow up; and (iv) assure that adequate environmental information is available and collected for the decision making process.⁵</p>	<p>UNDP's Programming and Operations Policies and Procedures (POPP) states that "environmental sustainability, including climate change resiliency, is fundamental to the achievement of development outcomes including the MDGs and must be systematically mainstreamed into UNDP's Programme and Project Management cycles. Opportunities to strengthen the environmental sustainability and climate resiliency of programming need to be identified and realized. Potential adverse impacts and risks need to be avoided or minimized, where possible, and mitigated if not." In support of this, a draft environmental and social screening and environmental and social assessment (ESA) procedure has been endorsed and is being trialed in the first half of 2011.⁶ It will apply to discrete, spatially-bound activities (e.g. physical interventions and infrastructure projects), as well as strategic, or "programmatic" projects that focus on themes, regions, or sectors (e.g. strategic planning for REDD+). UNDP commits to applying this draft procedure to any projects delivered through the FCPF MDP mechanism. Additionally, the UN-REDD Draft Environmental and Social Principles and Criteria will be applied.</p>
Natural Habitats		
<p>OP/BP 4.04 seeks to ensure that infrastructure and other development projects take into account the conservation of biodiversity, as well as the numerous environmental services and products which natural habitats provide to human society. The policy strictly limits the circumstances under which any project can damage natural habitats (land and water areas where most of the native plant and animal species are still present). Specifically, the policy prohibits support for projects which would lead to the significant loss or degradation of any Critical Natural</p>	<p>OP-703 Directive B.9 prohibits operations that: (i) significantly convert or degrade critical natural habitats; (ii) involve the significant conversion or degradation of natural habitats, unless there are no feasible alternatives, comprehensive analysis demonstrates that overall benefits from the operation substantially outweigh the environmental costs, and mitigation and compensation measures including minimizing habitat loss and establishing and maintaining an ecologically similar</p>	<p>The potential impact of projects on biodiversity and natural habitats is systematically addressed as part of UNDP's proposed environmental and social screening and assessment process, currently being trialed. The Draft Environmental and Social Screening Template includes questions to ensure that projects with potential adverse impacts on natural resources and biodiversity are subject to an ESA.</p>

World Bank	IDB	UNDP
Habitats.7	protected area are implemented; and (iii) introduce invasive species.8	
Indigenous Peoples:		
<p>OP/BP 4.10 underscores the need for identifying indigenous peoples, consult with them, ensure that they participate in, and benefit from operations in a culturally appropriate way, and that adverse impacts on them are avoided, or where not feasible, minimized or mitigated.9</p>	<p>OP-765 provides that the IDB will: (i) use its best efforts to support the region's national governments and indigenous peoples, as well as relevant private sector and civil society actors, in mainstreaming indigenous issues in local and national development agendas and in the IDB's project pipeline; and (ii) conduct its operations in a way that prevents or mitigates direct or indirect adverse impacts on indigenous peoples or their individual or collective rights or assets.10</p>	<p>The potential impact of projects on indigenous people is systematically addressed to some extent through UNDP's proposed environmental and social screening and assessment process, currently being trialed. The draft Screening Template includes a triggering question to ensure that projects with potential environmental impacts in areas of indigenous people are subject to an ESA. The UNDG Guidelines on Indigenous Peoples' Issues are also applied by UNDP. To further enforce this, UNDP will apply the UN-REDD Programme Guidelines for Seeking the Free, Prior, and Informed Consent of Indigenous Peoples and other Forest Dependent Communities; and, the FCPF UN-REDD Guidelines on Stakeholder Engagement with a Focus on Indigenous Peoples and other Forest Dependent Communities.</p>
Physical Cultural Resources		
<p>OP/BP 4.11 requires that adverse impacts on physical cultural resources from development operations be avoided or mitigated. The impacts on physical cultural resources resulting from operations, including mitigating measures, may not contravene either the Country's national legislation, or its obligations under relevant international environmental treaties and agreements.11</p>	<p>OP-703 Directive B.9 prohibits operations that damage critical cultural sites. (Directive B.2 of OP-703 and general operating principles also require operations to comply with all applicable requirements of local laws and regulations, including those deriving from Multilateral Agreements).12</p>	<p>The potential impact of projects on physical cultural resources is systematically addressed through UNDP's proposed environmental and social screening and assessment process, currently being trialed. The Draft Screening Template includes a triggering question to ensure that projects with potential adverse impacts to physical and cultural resources are subject to an ESA. All UNDP projects will comply with the Country's national legislation or its obligations under relevant international environmental treaties and conventions.</p>
Involuntary Resettlement		
<p>OP/BP 4.12 is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. It promotes participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced</p>	<p>OP-710 aims to minimize the disruption of the livelihood of people living in the project's area of influence, by avoiding or minimizing the need for physical displacement, ensuring that when people must be displaced they are treated equitably and, where feasible, can share in the benefits of the project that requires their resettlement. To this end: (i) every effort will be made to avoid or</p>	<p>The potential impact of projects on involuntary resettlement is systematically addressed to some extent through UNDP's proposed environmental and social screening and assessment process, currently being trialed. The Screening Template includes a triggering question to ensure all projects that would potentially result in the involuntary resettlement of populations are</p>

World Bank	IDB	UNDP
<p>persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The policy prescribes compensation and other resettlement measures to achieve its objectives and requires that Countries prepare adequate resettlement planning instruments prior to appraisal of proposed projects.13</p>	<p>minimize the need for involuntary resettlement including analysis of project alternatives (including no project) with particular attention to socio-cultural considerations, such as the cultural or religious significance of the land, the vulnerability of the affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implications; and (ii) when displacement is unavoidable, a resettlement plan must be prepared to ensure that the affected people receive fair and adequate compensation and rehabilitation that ensures that, within the shortest possible period of time, the resettled and host populations will achieve a minimum standard of living and access to land, natural resources, and services at least equivalent to pre-resettlement levels, and recover all losses caused by transitional hardships including restored access to their social networks, opportunities for employment or production and economic development, and natural resources and public facilities.14</p>	<p>subject to an ESA. In addition, UNDP will apply the UN-REDD Social and Environmental Principle 2, Criterion 5 (“avoid involuntary resettlement”) which requires that programs are not involved or complicit in involuntary resettlement</p>
Forests		
<p>OP/BP 4.36 aims to reduce deforestation, enhance the environmental contribution of forested areas, promote afforestation, reduce poverty, and encourage economic development.15</p>	<p>OP-723 aims to assist member countries to utilize and conserve their forest resources to provide social, economic and environmental benefits to the present and future generations, and seeks to ensure the maintenance and improvement of the forests so as to increase the sector's production and productivity, with due regard to the function these forests perform in protecting the environment and in supporting the livelihood of various groups. Specific areas of activity include: institutional strengthening; research and studies; forest management, reforestation, afforestation and restoration programs, agroforestry systems to enhance rural development, establishment of forest-based industries, forest conservation and protection measures and forestry-related services.</p>	<p>The potential impact of projects on forests is systematically addressed as part of UNDP's proposed environmental and social screening and assessment process, currently being trailed. The Screening Template includes triggering questions to ensure that projects dealing with forest harvesting and plantation development are subject to an ESA. In addition, UNDP will apply the UN-REDD Social and Environmental Principles which requires that the multiple functions of forests are maintained and enhanced.</p>

ANNEX 5: UN-REDD Programme Proposed (Draft) Social and Environmental Principles and Criteria

Source: UN-REDD. March 2011b

Principle 1 – Democratic governance: The programme complies with standards of democratic governance	
<i>Criterion</i>	<i>Elaboration</i>
Criterion 1 – Ensure the integrity of fiduciary and fund management systems	The programme has assessed and addressed fiduciary and fund management risks
Criterion 2 – Implement activities in a transparent and accountable manner	Programme administration and REDD+ readiness activities are carried out in an accountable and transparent manner.
Criterion 3 – Ensure broad stakeholder participation	a) All relevant stakeholder groups are identified and enabled to participate in a meaningful and effective manner; b) Special attention is given to most vulnerable groups and the free, prior and informed consent of indigenous peoples.
Principle 2 – Stakeholder livelihoods: The programme carefully assesses potential adverse impacts on stakeholders' long-term livelihoods and mitigates effects where appropriate.	
<i>Criterion</i>	<i>Elaboration</i>
Criterion 4 – Promote gender equality	Programme planning and REDD+ readiness activities are carried out with attention to different gender roles and women's empowerment.
Criterion 5 – Avoid involuntary resettlement	The programme is not involved and not complicit in involuntary resettlement.
Criterion 6 – Respect traditional knowledge	The programme is not involved and not complicit in alteration, damage or removal of any critical cultural heritage or the erosion of traditional knowledge.
Principle 3 – Policy coherence: The programme contributes to a low-carbon, climate-resilient and environmentally sound development policy, consistent with commitments under international conventions and agreements.	
<i>Criterion</i>	<i>Elaboration</i>
Criterion 8 – Ensure consistency with climate policy objectives	The programme is compatible with overall national mitigation and adaptation strategies (e.g. concerning land requirements). The programme is designed to be climate resilient according to current knowledge.
Criterion 9 – Address the risk of reversals: plan for long-term effectiveness of REDD+	The programme includes actions to reduce potential future risks to forest carbon stocks and other benefits, for example by addressing climate change resilience, institutional stability and/or the sustainability and long-term effectiveness of incentives.
Criterion 10 – Ensure consistency with development policy objectives	The programme is designed to be compatible with and contribute to poverty reduction strategies and other existing sustainable development goals at all levels of government. Social and economic implications of REDD+ programme are carefully assessed and adverse impacts mitigated where appropriate.
Criterion 11 – Ensure consistency with biodiversity conservation, other environmental and natural resource management policy objectives	The programme is designed to be compatible with and contribute to environmental strategies and goals such as national and subnational forest programmes, plans to implement the Convention on Biological Diversity, UN Convention to Combat Desertification and other relevant MEAs. Inconsistencies in the policy framework governing use of natural resources are addressed where possible.
Principle 4 – Protect and conserve natural forest: The programme protects natural forest from degradation or conversion to other land uses, including plantation forest	
<i>Criterion</i>	<i>Elaboration</i>
Criterion 12 – Ensure that REDD+ activities do not cause the conversion of natural forest, and do address the other causes of conversion	REDD+ activities do not convert natural forest to other land uses such as plantation forest. The programme prioritises REDD+ interventions that reduce conversion of natural forest.
Criterion 13 – Minimise degradation of natural forest in order to maintain biodiversity and other key values	REDD+ activities, including work with other sectors, are designed to maintain (protect from degradation) biodiversity and other key values in natural forest
Principle 5 – Maintain and enhance multiple functions of forest: The programme increases benefits delivered through ecosystem services and biodiversity conservation	
<i>Criterion</i>	<i>Elaboration</i>
Criterion 14 – Set goals and plan for maintenance and enhancement of ecosystem services and biodiversity in new and existing forest	The programme sets goals for delivery of ecosystem-based multiple benefits, and land use planning explicitly takes account of these. The implementation of REDD+ is informed by analysis of the potential for multiple benefits and trade-offs between different benefits (e.g. through spatial analysis) Management plans and activities aim to ensure that forests deliver multiple benefits that are valued locally (for example, by enabling community forest management), and to collectively meet programme goals. For example, consider impacts of species choice in new planting.
Criterion 15 – Use monitoring and	Progress towards goals and management objectives is monitored, and activities

adaptive management to support maintenance and enhancement of biodiversity and ecosystem services	reviewed and adjusted where necessary if outcomes are negative
Principle 6 – Minimise indirect adverse impacts on ecosystem services and biodiversity	
<i>Criterion</i>	<i>Elaboration</i>
Criterion 16 – Minimise indirect land-use change impacts on carbon stocks	Action taken to reduce harmful effects on carbon stocks of forest and non-forest ecosystems resulting from displacement of land-use change
Criterion 17 – Minimise indirect land-use change in natural ecosystems and its impacts on biodiversity	Action taken to reduce displacement of land-use change into natural ecosystems (forest and non-forest) that are not targeted by REDD+ policies and measures
Criterion 18 – Minimise other indirect impacts on biodiversity	The programme assesses and mitigates other indirect impacts on biodiversity, for example as a result of intensification of agriculture or forestry

Annex 6: UN-REDD Draft FPIC Application Guidelines

Source: UN-REDD. March 2011a

National/sub-national level process:

1. In order to seek FPIC, existing consultation or multi-stakeholder participation mechanisms should be used/ leveraged:¹⁶⁴
2. ...the consultation or participation mechanism should have a defined structure, mandate and the decision-making power to manage its decisions, and should be inclusive and representative.¹⁶⁵
3. The participation mechanism empowered to lead the consultation and FPIC process should undertake the following analysis:
 - Review of the national legal framework related to indigenous peoples and forest dependent communities to identify gaps between international and national frameworks on rights and national legislation.
 - Draft and disseminate a report analyzing the legal framework, making recommendations for reform, and identifying elements of the Programme that require FPIC and outlining the process to implement FPIC.
 - Participatory mapping/scoping of indigenous peoples' territories/communities in areas targeted by the Programme.
 - Analysis of national land tenure system as it relates to indigenous peoples' territories that may be impacted by the Programme.
4. In order to facilitate preliminary programme initiation (prior to the delivery of funds from the UNREDD Programme), if the consultation mechanism complies with guidelines 1 through 3 above, it will be empowered to undertake consultation on behalf of the national UN-REDD Programme and have the legitimacy to report the results of the consultation process for the purposes of validating proposed programming.
5. Stakeholders who are a part of the consultation mechanism should receive training, at their request, in order to ensure full understanding of the issues and concepts under consideration. This training should precede all formal consultation processes. These stakeholders should receive continuous training to guarantee their effective and informed participation.
6. Informational meetings should be held about the UN-REDD Programme so that stakeholders understand what the UN-REDD Programme is and can jointly agree on the amount of time they will need to carry out consultation processes in order to prepare the national programme document.
7. A preliminary analysis on the state of national REDD+ readiness should be carried out in parallel to the integration of the consultation platform so that stakeholders have common understanding of the national REDD+ readiness situation.
8. The consultation or participation mechanism will determine the steps to be followed prior to finalization and implementation of the proposed national UN-REDD Programme. Each country should prepare a consultation plan that addresses, among other issues, the time required to reach the most remote stakeholders, the appropriate language for communication, and the media for communication (written, visual, theatrical). The consultation or participation plan should be subject to independent review by the multi-stakeholder group (or a selected representative) described above.

Local level process:

1. The consultation plan should contain the following:
 - A description of the relevant stakeholders, identifying the institutions empowered to represent indigenous and other forest dependent communities.
 - A description of the proposed activity/policy, including its origin, the legal status of the institution proposing the activity, potential positive and negative impacts, the legal framework in which the consultation process is based, and resources available to conduct consultations or seek FPIC.
 - A description of the legal status of the land, territory and resources concerned, including maps and methodology used to establish the maps.
 - Arrangements assessing the socio-environmental impacts of the proposed activity/legislative or administrative measure/policy, where these impacts are not known.
2. The consultation plan should be presented by the national multi-stakeholder group, along with the proposing institution, to the indigenous and other forest dependent communities' authorities for permission to undertake the process. These authorities will determine the process and timeline to consult with the community.
 - Jointly develop a consultation road map with the indigenous and other forest dependent communities' authorities, according to the organizational structures of each community.
 - The communities may say yes or no to participating in the process at any time and should not be pressured to change their position.
 - The communities may identify information and capacity needs that should be addressed through the consultation process and prior to seeking FPIC including training on rights, climate change and REDD+.
3. The consultation road map, as agreed with the indigenous community authorities, should outline:
 - The information that must be considered in order to decide on decision-making time requirements;
 - How and when the community authorities will notify proponent(s) on the required time, number and location of meetings etc. for decision-making;
 - Where, when, and how consultation/sharing of information should be done;
 - The appropriate language and media for information distributed. Languages for communication materials and meetings can vary depending on what is most widely understood and culturally appropriate;
 - How the decision will be taken by the community and method of verification.
4. The consultation plan and road map should define the role of local government officials and agencies in the FPIC process while respecting independence of community decision-making process, and should outline a process of coordination with

relevant agencies, institutions, donors, and other stakeholders. The national and local government must be informed, consulted, and involved in the process, if required, but must be neutral and not influence the process:

- Where presence of local authority unduly influences the process, the local authority must be informed of their role (for example, they could open the meeting and then leave).
 - If the government does influence the process (coerce decision) then process (consent) is invalid.
 - Support training of government officials and civil society to build capacity to understand and implement this process.
5. Once the consultation plan and road map is agreed, convey the initiative information to the community authorities, paying special attention to language and inter-cultural communication. This information must address the initiative's advantages and disadvantages. "Good faith" means that information must be exchanged constantly so that all parties know every agreement and have the opportunity to be heard and have questions and clarification requests attended to according to each culture's worldview.
 6. As an essential part of the 'free' determination, meetings should take place in the community. Facilitators should be cultural mediators, with technical knowledge of the issue under consideration. The community may request additional technical assistance to organize meetings and present information, if needed, to ensure communities fully understand.
 7. Facilitators are mutually accountable to both the UN-REDD Programme and the community; they must be trustworthy and competent. Facilitators, in cooperation with the community authority and the project proponent, are responsible for ensuring that the following key arrangements are part of the FPIC process:
 - Decision-making process is determined by the community without interference.
 - Timeline to undertake the decision-making process is decided by the community.
 - The language in which they wish to be addressed, including the language used for any written materials, is determined by the community.
 - Full, accurate information is communicated that is easily understandable for everyone, including innovative and creative forms, in the most appropriate language, to communicate issues, as well as access to other sources of information.
 - Additional information from local people should be sought and they should be encouraged to verify information.
 - Transparent, accurate, and complete information communicated; positive and negative and potential short-term and long-term impacts, risks and benefits described.
 - Information reaching all community members is verified.
 - A secure and confident decision-making environment.
 8. Communities have the right to choose how and where to obtain additional information and technical support (so that they are not depending only on facilitators' information). Support may include assistance in arranging internal meetings and the decision-making process. Community members should decide what form this support takes.
 9. Facilitators should support the community to determine and document the collective decision making process:
 - Use, build on, or improve existing transparent and participatory consultation and consent processes (e.g. raising of hands, voting, signing, deferring to leaders, etc.).
 - Consent process should take place in language preferred by the community. If the population is heterogeneous, most widely understood languages should be used (fewest possible).
 - Document process, discussion, comments, questions asked for decision, the decision, and/or terms of agreement.
 - Maintain a record of the result/decision (disaggregated by gender, income level, if possible), announce the result, and hold a self-validation process (e.g. village head signs), taking into account that the one validating might be illiterate.
 10. Consultation agreement conditions:
 - Traditional knowledge is intellectual property that collectively belongs to the indigenous peoples and other forest dependent communities.
 - The terms for socio-environmental mitigation due to the impacts of the project must be clearly articulated and agreed to.
 - Terms and frequency of review of agreement to ensure that conditions are being upheld, both between the community and the REDD+ project and within the community itself.
 11. The State has the responsibility to guarantee the rights of indigenous peoples and other forest dependent communities throughout the entire consultation process. The participation of independent national and/or international observers is recommended.
 12. An independent verification of the FPIC process and result should be undertaken by an institution, to be mutually agreed by all relevant stakeholders, to verify that:
 - Information was shared widely in an appropriate form and understood by rights holders; how many of the rights holders participated in the process, and that the process responded to the rights holders' timeline and decision-making needs.
 - Officials understood the purpose of the process and respect the outcome/decision.
 - The FPIC process and decision is properly documented, verified and agreed before being shared.
 13. Process for seeking recourse should be communicated as part of the FPIC process and decision.
 14. Indigenous peoples and other forest dependent communities should participate in the monitoring of the project and maintain the freedom to withdraw from the same in the event that there's evidence of violations of the agreed-upon guidelines or upon reporting them to the agreed bodies.
 15. Facilitate capacity building for the community to effectively review agreement conditions to ensure that they are met, including delivery and proper distribution of benefits agreed.

Annex 7: UN-REDD Draft Guidelines for REDD+ Complaints Mechanism

Source: UN-REDD. March 2011a

The Grievance or complaint mechanism should:

1. ... be accessible: Information on the organizational structure of the grievance or complaint mechanisms, levels of authority, and how to file a claim should be communicated through the consultation process conducted on behalf of the UN-REDD Programme. Instructions for filing a claim should be easy to follow. It should be possible to submit a complaint in any language or format, including by phone or through a simple one-page form (in multiple languages) and technical support for submitting a claim should be made available where necessary.
2. ... follow the principle of subsidiarity, where possible: Using indigenous dispute-resolution institutions so that disputes are addressed as close to the administrative level where they arose as can be effectively resolved.
3. ... be independent and impartial: The National REDD+ Committee should be multi-sectorial, representative, and maintain equality criteria in its representation (include indigenous peoples, local communities, CSOs, government, UN-REDD). The international complaint resolution body should be completely independent and can receive first instance claims (e.g., when a claim is received against a State) as well as appeals claims.
4. ... be efficient and effective, with flexibility to respond to diverse issues brought forward by diverse parties: Failure to respond to a legitimate claims process should result in punitive action: When human rights are violated under the auspices of REDD+, financial flows should be suspended. The complaint resolution mechanism should complete investigations within two months of receiving a claim.
5. ... have a dedicated budget: A specific guaranteed budget is required for the mechanism and for the filing and monitoring process of those affected (note: this should be free of charge for the plaintiff), as well as for the resolution of claims.
6. ... be transparent and accountable: The entity that is directly responsible at the national-level must be identified, as well as the hierarchy of the individuals and institutions responsible within the Programme at the national and international levels.
7. [ensure that] decisions taken through the complaint resolution process should include the possibility of informing decision-makers directly and offering recommendations on policy and/or procedural reform.

Four levels of conflict resolution should be accessible:

1. Local/Community level: Local conflicts should be resolved internally between or among communities, through community procedures or rules, customary law or methods of conciliation, or traditional mediators.¹⁶⁶
2. National level: Conflicts that cannot be resolved at the local/community level or that involve actors at the national level should be brought to the attention of the National REDD+ Committee¹⁶⁷ to resolve the conflict or channel it to the appropriate body. Claims can be against private actors, the State, and/or other communities.
3. Regional-level: Claims that cannot be effectively addressed at the local or national-level should be brought to the attention of a Regional Committee (composition to be determined), including first instance claims against the UN-REDD Programme and/or the State, claims countering unjust judicial decisions, and appeals of decisions taken at the national-level.
4. International-level: Claims that cannot be effectively resolved at the local, national or regional-level may be brought to the attention of international entities such as the UN-REDD Programme Policy Board and Secretariat.¹⁶⁸

Annex 8: REDD+SES Principles, Criteria, and Indicators

Source (columns 1 and 2): REDD+ SES June 2010

Source (column 3): REDD+ SES Consultation meetings 9th-11th Sept 2009, Tanzania Workshop Report

Criteria	Framework for indicators ¹⁶⁹	Draft/ Proposed National Indicators for Tanzania
Principle 1: Rights to lands, territories and resources¹⁷⁰ are recognized and respected¹⁷¹ by the REDD+ program		
<p>1.1 The REDD+ program¹⁷² effectively identifies the different rights holders¹⁷³ (statutory and customary¹⁷⁴) and their rights to lands, territories and resources relevant to the program.</p>	<p>1.1.1 A participatory process is established to inventory and map existing statutory and customary lands, territories and resources tenure/ use/ access/management rights relevant to the program including those of marginalized and/or vulnerable groups, and including any overlapping or conflicting rights.</p> <p>1.1.2 Land-use plans including forest management plans¹⁷⁵ in areas included in the REDD+ program identify the rights of all relevant¹⁷⁶ rights holders and their spatial boundaries including any overlapping or conflicting rights.</p>	<p>A process is established to inventory and map existing statutory and customary land, territories and resources [and trees] tenure/ use/ access/ management rights (including those of women etc.) relevant to the program identifying where there is 'overlap' of rights or conflicts.¹⁷⁷</p>
<p>1.2 The REDD+ program recognizes and respects both statutory and customary rights¹⁷⁸ to lands, territories and resources which Indigenous Peoples or local communities¹⁷⁹ have traditionally owned, occupied or otherwise used or acquired.¹⁸⁰</p>	<p>1.2.1 The policies of the National REDD+ program include recognition of and respect for the customary rights of Indigenous Peoples and local communities.</p> <p>1.2.2 Land-use plans including forest management plans in areas included in the REDD+ program recognize and respect customary and statutory rights of Indigenous Peoples and local communities.</p> <p>1.2.3 The REDD+ program promotes securing statutory rights¹⁸¹ to lands, territories and resources which Indigenous Peoples or local communities have traditionally owned, occupied or otherwise used or acquired.</p>	<ul style="list-style-type: none"> - Forestry management plans including community management plans will be developed recognizing customary rights - The spatial boundary of all traditional activities is clearly defined on community forestry management plans - National REDD strategy should have an appropriate clause that depicts the customary rights of Indigenous Peoples and local communities - Cross-cutting policy documents have the appropriate clauses (land, water, local development,) - Policies are in place to ensure forest user's rights - Forestry management plans including community management plans ensures identification of rights of all users - Increased demarcation of community/village lands. - Increased allocation of titles to communities (in a timely manner).
<p>1.3 The REDD+ program requires the free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources.</p>	<p>1.3.1 The policies of the REDD+ program uphold the principle of free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources.</p> <p>1.3.2 The REDD+ program effectively disseminates information about the requirement for free, prior and informed consent of Indigenous Peoples and local communities for any activities affecting their rights to lands, territories and resources.</p> <p>1.3.3 Collective rights holders define a verifiable process of obtaining their free, prior and informed consent including definition of their own representative and traditional institutions that have authority to give consent on their behalf.</p> <p>1.3.4 Free, prior and informed consent is obtained from Indigenous Peoples, in accordance with their customs, norms and traditions, for activities that may affect their</p>	<ul style="list-style-type: none"> - A mechanism is developed that eases access to information - Process supports full implementation and awareness at all levels, particularly local level. - Existence of an agreed process that ensures, among other things, a clarity and consensus on who has the authority to consent.

Criteria	Framework for indicators ¹⁶⁹	<u>Draft/ Proposed National Indicators for Tanzania</u>
	rights, particularly their rights to own and control traditionally owned lands, territories and resources. 1.3.5 Free, prior and informed consent is obtained from members of local communities for any activities affecting their customary or other rights to lands, territories and resources pursuant to mutually acceptable procedures. 1.3.6 Where any relocation or displacement, whether physical or economic, occurs in accordance with free, prior and informed consent, there is prior agreement on the provision of alternative lands and/or fair compensation, and the right to return once the reasons for the displacement have ceased.	
1.4 The REDD+ program identifies and uses a process for effective resolution of any disputes over rights to lands, territories and resources related to the program and does not proceed with any activity that could prejudice the outcome of the dispute resolution process.	1.4.1 A transparent, accessible and effective mechanism to resolve any disputes over rights to land, territories and resources related to the REDD+ program is identified or developed. 1.4.2 Disputes over rights to lands, territories and resources created by the REDD+ program are transparently resolved within an agreed time frame. 1.4.3 No activity is undertaken by the REDD+ program that could prejudice the outcome of an unresolved dispute over rights to lands, territories and resources related to the program.	<ul style="list-style-type: none"> - A mechanism of local/ community/ national mediation is formed/developed - xx cases/disputes settled under the mechanism - Resolution of disputes is done in a timely manner/agreed upon time frame. - Mechanism is transparent/ accessible.
1.5 Where the REDD+ program enables private ownership ¹⁸² of carbon rights ¹⁸³ , these rights are based on the statutory and customary rights to the lands, territories and resources ¹⁸⁴ that generated the greenhouse gas emissions reductions and removals.	1.5.1 Where the REDD+ program enables private ownership of carbon rights, a transparent process for defining carbon rights is developed and implemented based on the statutory and customary rights to the lands, territories and resources that generated the greenhouse gas emissions reductions and removals.	<ul style="list-style-type: none"> - Process for negotiating carbon rights is agreed upon and implemented. - Process (above) adheres to principles of good governance.
Principle 2: The benefits of the REDD+ program are shared equitably¹⁸⁵ among all relevant¹⁸⁶ rights holders and stakeholders.¹⁸⁷		
2.1 The projected costs, potential benefits and associated risks ¹⁸⁸ of the REDD+ program are identified for relevant rights holder and stakeholder groups ¹⁸⁹ at all levels ¹⁹⁰ using a participatory process.	2.1.1 Projected costs, potential revenues and other benefits and associated risks of the REDD+ program are analyzed for each relevant rights holder and stakeholder groups at all levels using a participatory process.	<ul style="list-style-type: none"> - Stakeholder analysis (a report) - Study report about projected costs, revenues and other benefits and risk factors - Dissemination of the report to rights holders and stakeholders
2.2 Transparent, participatory, effective and efficient ¹⁹¹ mechanisms are established for equitable sharing of benefits of the REDD+ program among and within relevant rights holder and stakeholder groups taking into account costs, benefits and associated risks.	2.2.1 There is full and effective participation ¹⁹² of relevant rights holders and stakeholders that want to be involved, including the marginalized and/or vulnerable people among them, in defining the decision-making process and the distribution mechanism for equitable benefit-sharing among and within relevant rights holders and stakeholder groups. 2.2.2 The REDD+ program adopts an inclusive and transparent process that requires Indigenous Peoples and local communities, including the marginalized and/or vulnerable people among them, to determine the form that the benefits will take, how they are delivered and how they will improve their long-term livelihood security and well-being. 2.2.3 Clear policies and guidelines for benefit-sharing are developed, agreed, disseminated and implemented. 2.2.4 Administrative procedures for fund management and benefits distribution are timely and cost-effective. 2.2.5 The design of the benefit-sharing mechanisms is	<ul style="list-style-type: none"> - Financing management mechanism or financing channel should be independent of government. - Clarity over where decision-making authority lies relating to carbon crediting/sales and allocation of revenues and benefit sharing. - A review of options for the most efficient and equitable distribution mechanisms - Legal framework (Act...Policy...) - Implementation guidelines - National level stakeholders committee to oversee benefit sharing including

Criteria	Framework for indicators ¹⁶⁹	Draft/ Proposed National Indicators for Tanzania
	based on a review of options with respect to the equity, effectiveness ¹⁹³ and efficiency of the REDD+ program. 2.2.6 The benefit-sharing process includes a transparent and accessible procedure for submitting and resolving complaints.	representatives of stakeholders at all levels, including civil society. - Annual report on benefit sharing - There is a procedure for decision-making about benefit distribution/ sharing which includes all stakeholders and rights holders using a multi-stakeholder forum. - There should be a proportionate mechanism for benefit-sharing eg. at least 80% of revenues should go to rights holders - There is a transparent and accessible mechanism for complaints and their resolution.
2.3 There is transparent and participatory monitoring of the costs and benefits of the REDD+ program, including any revenues, and their distribution among relevant rights holders and stakeholders.	2.3.1 Relevant rights holders and stakeholders, including representatives of the marginalized and/or vulnerable groups, participate effectively in monitoring of the implementation of the agreed benefit-sharing process at national and local levels. 2.3.2 Relevant rights holders and stakeholders, including representatives of the marginalized and/or vulnerable groups, participate effectively in the reporting and review of costs, revenues and other benefits and how they have been distributed, taking into account the initial analysis of projected costs, potential benefits and associated risks. ¹⁹⁴	- National level stakeholders committee to oversee monitoring of benefit sharing - Reporting/monitoring should disaggregate full range of costs and benefits by standard socio-economic indicators and gender. - Number of public hearings/auditing - Report on participatory monitoring
Principle 3: The REDD+ program improves long-term livelihood¹⁹⁵ security and wellbeing of Indigenous Peoples and local communities with special attention to the most vulnerable people.		
3.1 The REDD+ program generates additional, positive impacts on the long-term livelihood security and wellbeing of Indigenous Peoples and local communities, with special attention to the most vulnerable people.	3.1.1 The objectives of the REDD+ program include improving long-term livelihood security and well-being of Indigenous Peoples and local communities, with special attention to the most vulnerable people. 3.1.2 The most vulnerable people are identified among the Indigenous Peoples and local communities participating in the REDD+ program. 3.1.3 Indigenous Peoples and local communities, including the most vulnerable people among them, acknowledge that they have received benefits from participation in the REDD+ program. 3.1.4 The REDD+ program generates additional resources ¹⁹⁶ to improve long-term livelihood security and well-being of Indigenous Peoples and local communities. 3.1.5 Measures are adopted to ensure long-term livelihood security and well-being benefits for Indigenous Peoples and local communities are sustainable.	- The REDD+ program generates increased financing to contribute to sustainable livelihoods and poverty alleviation. - Processes are in place to ensure that women and forest-dependent peoples benefit from the REDD+ program. - Improved livelihoods/per capita income of the poor and marginalized. - Mechanism for cost-benefit sharing developed and tested and all levels. - National livelihood/poverty monitoring shows improvements in areas where REDD programs are implemented.
3.2 There is participatory assessment of positive and negative social, cultural, human rights, environmental and economic impacts of the REDD+ program for Indigenous Peoples and local communities including both predicted and actual impacts.	3.2.1 A participatory process is established and implemented to assess the predicted and actual positive and negative social, cultural, human rights environmental and economic impacts of the REDD+ program for Indigenous Peoples and local communities and specifically for the most vulnerable people among them, including gender differentiated impacts. 3.2.2 The social, cultural, human rights, environmental and economic impact monitoring takes a differentiated approach that can identify positive and negative impacts on the most vulnerable people, including gender differentiated impacts.	- Independent local monitoring system (NGO/GO) for all types of forest. - Study report/minutes of impact assessment - Participatory self-evaluation and monitoring provision in their operational plan and make mandatory to conduct on a regular basis. - Existence of separate

Criteria	Framework for indicators ¹⁶⁹	Draft/ Proposed National Indicators for Tanzania
		committee for self/participatory monitoring and evaluation. - Participatory monitoring system in place for REDD.
3.3 The REDD+ program is adapted based on predictive and ongoing impact assessment to mitigate negative, and enhance positive, long-term livelihood security and well-being impacts for Indigenous Peoples and local communities.	3.3.1 Measures to identify and effectively mitigate potential negative impacts on Indigenous Peoples and local communities in general, and the most vulnerable people in particular, are included in the design of the REDD+ program. ¹⁹⁷ 3.3.2 Feedback from monitoring is used to develop and implement measures to further mitigate potential and actual negative impacts on the most vulnerable people in particular, during the implementation phase of the REDD+ program. 3.3.3 Feedback from monitoring results in measures to enhance the positive impacts on Indigenous Peoples and local communities in general, and the most vulnerable people in particular.	- Recommendations of participatory evaluation are incorporated into program planning. - Mitigation measures (for leakage) adopted
Principle 4: The REDD+ program contributes to broader sustainable development, respect and protection of human rights and good governance¹⁹⁸ objectives.		
4.1 The REDD+ program contributes to achieving the objectives of sustainable development policies, strategies and plans ¹⁹⁹ established at national and other relevant levels.	4.1.1 The REDD+ program elaborates how its policies and measures will contribute to the implementation of any existing poverty reduction policies, strategies and plans developed at national and other relevant levels. 4.1.2 The REDD+ program elaborates how its policies and measures will contribute to the implementation of any existing biodiversity policies, strategies and plans ²⁰⁰ developed at national level and other relevant levels. 4.1.3 National livelihood, poverty and other millennium development goal monitoring shows improvements in areas where REDD+ program activities are implemented.	- Forests and other relevant policies address REDD+ issues - Land use plans include elements of the REDD+ program
4.2 The REDD+ program leads to improvements in governance of the forest sector and other relevant sectors.	4.2.1 The REDD+ program identifies the broader forest governance issues that it can address, particularly those related to the equity ²⁰¹ , effectiveness and efficiency of the REDD+ program, and establishes country-specific performance targets. 4.2.2 The REDD+ program includes institutional capacity strengthening and other measures that aim to improve these governance aspects. 4.2.3 The REDD+ program monitoring and evaluation plan includes key forest governance indicators.	
4.3 The REDD+ program contributes to respect and protection of human rights.	4.3.1 The REDD+ program elaborates how its policies and measures will contribute to the improved respect and protection of human rights. 4.3.2 The REDD+ program monitoring and evaluation plan includes key human rights indicators.	
4.4 There is strong government commitment to the REDD+ program in their country.	4.4.1 REDD+ program institutional arrangements reflect government leadership. 4.4.2 Government agencies/ organizations play a leading role REDD+ program.	- REDD carbon monitoring center developed and functional. - REDD institutional arrangements developed. - National REDD Strategy developed and implemented.
4.5 The REDD+ program is coherent with relevant policies, strategies and plans at all relevant levels and there is effective coordination between government and other agencies/ organizations responsible for the design, implementation and	4.5.1 Land use planning elements of the REDD+ program including recognition of customary rights to land territories and resources are consistent with other land use planning processes. 4.5.2 The REDD+ program is consistent with national policies and strategies to protect human rights and combat discrimination against marginalized groups. 4.5.3 The REDD+ program is integrated into the broader policy framework of the forest sector and other relevant sectors.	- REDD+ coordination bodies established and functional. - REDD standards developed participatory and institutionalized.

Criteria	Framework for indicators ¹⁶⁹	<u>Draft/ Proposed National Indicators for Tanzania</u>
evaluation of the REDD+ program and other relevant government agencies/ organizations	<p>4.5.4 Inconsistencies between the REDD+ program and other relevant sustainable development, governance, and, human rights policies, strategies and plans are identified and resolved.</p> <p>4.5.5 A review process and timeline for resolving the inconsistencies between the REDD+ program and other relevant sustainable development policies, strategies and plans is established and implemented.</p> <p>4.5.6 An effective and efficient process is established to link the REDD+ program with all relevant ministries and government agencies/organizations at all relevant levels.</p>	
Principle 5: The REDD+ program maintains and enhances²⁰² biodiversity and ecosystem services.²⁰³		
5.1 Biodiversity and ecosystem services potentially affected by the REDD+ program are maintained and enhanced.	<p>5.1.1 Biodiversity and ecosystem services²⁰⁴ potentially affected by the REDD+ program are identified, prioritized and mapped²⁰⁵ at a scale and level of detail appropriate to each element/activity within the program.²⁰⁶</p> <p>5.1.2 The objectives of the REDD+ program include making a significant contribution to maintaining and enhancing biodiversity and ecosystem services.</p> <p>5.1.3 The REDD+ program identifies and implements measures that aim to maintain and enhance the identified biodiversity and ecosystem service priorities potentially affected by the REDD+ program.</p> <p>5.1.4 The REDD+ program does not lead to the conversion of natural forests or other areas that important for maintaining and enhancing the identified biodiversity and ecosystem service priorities.</p> <p>5.1.5 The REDD+ program generates additional resources²⁰⁷ to maintain and enhance biodiversity and ecosystem services.</p>	<ul style="list-style-type: none"> - Carbon stock increased. - Increased fauna and flora species. - Protection and conservation of habitat for endangered species improved. - Forests and forest products improved. - Soil fertility and productivity improved. - Decreased incidences of wildfire, illegal logging and forest encroachment. - A national REDD fund established. - Water quality and quantity improved. - Human and financial resources for critical ecosystem areas increased. - Management plans for ecosystem/landscape management developed and implemented. - NGOs, CBOs and private organizations involved in REDD+ program. - Local and cultural values of biodiversity identified.
5.2 The positive and negative environmental impacts of the REDD+ program on biodiversity and ecosystem service priorities and any other negative environmental impacts are assessed including both predicted and actual impacts.	<p>5.2.1 A monitoring plan and indicators are defined for measurement of the identified biodiversity and ecosystem service priorities potentially affected by the REDD+ program drawing from traditional knowledge and scientific research as appropriate.</p> <p>5.2.2 There is an assessment of both predicted and actual environmental impacts of the REDD+ program²⁰⁸, involving Indigenous Peoples and local communities and other stakeholders as appropriate.</p>	<ul style="list-style-type: none"> - Standards for measuring and monitoring developed and tested. - Stakeholders involved in assessment.
5.3 The REDD+ program is adapted based on predictive and ongoing impact assessment to mitigate negative, and enhance positive, environmental impacts.	<p>5.3.1 Measures to identify and effectively mitigate potential negative environmental impacts are included in the design of the REDD+ program.</p> <p>5.3.2 Feedback from monitoring is used to develop and implement measures to further mitigate potential and actual negative environmental impacts, during the implementation phase of the REDD+ program.</p> <p>5.3.3 Feedback from monitoring results in measures to enhance environmental impacts.</p>	
Principle 6: All relevant²⁰⁹ rights holders and stakeholders participate fully and effectively²¹⁰ in the REDD+ program.		
6.1 The REDD+ program identifies and characterizes	6.1.1 Rights holder and stakeholder groups are identified including Indigenous Peoples, local communities, with	- Number of stakeholders by categories: (Jangati, Dalit,

Criteria	Framework for indicators ¹⁶⁹	Draft/ Proposed National Indicators for Tanzania
the rights and interests of all rights holder and stakeholder groups ²¹¹ and their relevance to the REDD+ program.	special attention to marginalized and/or vulnerable groups. 6.1.2 The rights and interests of each rights holder and stakeholder group in relation to the REDD+ program are characterized, including potential barriers to their participation, and their relevance to the REDD+ program defined. 6.1.3 There is a procedure to enable any interested party to apply be considered as a relevant rights holder or stakeholder based on their rights and interests related to REDD+ program.	women etc in Nepal) - Program annual report on the status of the identified stakeholders.
6.2 All relevant rights holder and stakeholder groups that want to be involved in REDD+ program design ²¹² , implementation ²¹³ and evaluation are fully involved through culturally appropriate and effective participation.	6.2.1 A process and institutional structure are established and functional to enable all relevant rights holder and stakeholder groups to participate fully and effectively in program design, implementation and evaluation. 6.2.2 There is effective and equitable representation of marginalized and/or vulnerable groups in the rights holder and stakeholder participation process, including women. 6.2.3 Consultations about the REDD+ program are tailored to the local context using socially and culturally appropriate methods and are conducted at mutually agreed locations. 6.2.4 Local government is involved in the REDD+ program as well as government at national or other relevant levels and their roles and responsibilities are clearly defined. 6.2.5 The REDD+ program design and implementation is adapted based on ongoing rights holder and stakeholder participation in design, implementation and evaluation of the program. 6.2.6 Relevant rights holders and stakeholder groups have access to sufficient resources to participate fully and effectively in the design, implementation and evaluation of the REDD+ program.	- % stakeholders by participation in design, implementation, evaluation - Number of programs adopting a participatory approach of consultation/discussion - Number of community groups with improved livelihood - Program annual reports - Number of meetings and consultations tailored to the local context. - Number of programs financially supported. - Effective gender representation and potentially marginalized groups in the stakeholder consultation/participation process. - Number of local government as well as national government included in the program.
6.3 The relevant rights holder and stakeholder groups determine, in a verifiable manner, the process and mechanism by which they will participate and be represented in relation to the REDD+ program, taking account of statutory and customary institutions.	6.3.1 The participation processes employed by the REDD+ program are developed with and approved by the relevant rights holder and stakeholder groups, taking account of statutory and customary institutions and practices. 6.3.2 The REDD+ program recognizes and respects and does not undermine rights holder and stakeholder groups' own decision-making structures and processes particularly those of Indigenous Peoples and local communities. 6.3.3 Rights holder and stakeholder groups select their own representatives to participate in decision-making about the REDD+ program. 6.3.4 Rights holder and stakeholder group representatives ensure effective involvement of, and accountability to, the people they represent, informing them about how the REDD+ program could potentially affect them and facilitating discussion and feedback.	- Guideline for stakeholders representation in place and implemented. - Number of stakeholders participating in decision making process. - Information sharing mechanism in place and implemented. - Number of local meetings organized. - Number of issues raised and actions taken. - Participatory forest management guidelines in place and implemented. - Number of program reports.
6.4 The relevant rights holders and stakeholder groups have a good understanding of the key issues related to the REDD+ program and the capacity to participate effectively.	6.4.1 Information dissemination and other awareness-raising activities ensure that relevant rights holders and stakeholders have a good understanding of the REDD+ program, particularly Indigenous Peoples and local communities, including marginalized and vulnerable people among them. 6.4.2 Constraints to the effective participation of relevant rights holder and stakeholder groups in design, implementation and evaluation are identified and resolved through effective capacity-building that is appropriate to the situation and needs of the groups concerned.	- Number of awareness raising programs - Number of publications/reporting - Increased % of budget invested in REDD+ - Number of REDD+ operational plans. - Number of stakeholders reached.
6.5 Design, implementation and evaluation of the	6.5.1 A process is established to identify traditional and other knowledge, skills and management systems of	- Number of indigenous knowledge (IKAP) documented.

Criteria	Framework for indicators ¹⁶⁹	<u>Draft/ Proposed National Indicators for Tanzania</u>
REDD+ program builds on, respects and supports rights holders' and stakeholders' traditional and other knowledge, skills and management systems including those of Indigenous Peoples and local communities.	<p>relevance to the REDD+ program.</p> <p>6.5.2 The REDD+ program builds on and respects, as appropriate, the identified relevant rights holder and stakeholder traditional and other knowledge, skills and management systems in planning, implementation and evaluation.</p> <p>6.5.3 Where the traditional knowledge, innovations and practices of Indigenous Peoples and local communities is used, recorded or exploited, this is with their free, prior and informed consent in accordance with relevant international standards.²¹⁴</p>	<ul style="list-style-type: none"> - Number of programs using indigenous technical knowledge.
6.6 Mechanisms are in place to receive and resolve grievances and disputes effectively relating to the design, implementation and evaluation of the REDD+ program.	<p>6.6.1 A transparent, impartial, and accessible process is established to address grievances and disputes that arise during REDD+ program design, implementation and evaluation including a process for hearing, responding to and resolving rights holder and stakeholder grievances within an agreed time period.</p> <p>6.6.2 The grievance and dispute resolution process is publicized to all rights holders and stakeholders.</p> <p>6.6.3 Rights holders and stakeholders have information on and are able to access relevant international mechanisms to resolve grievances related to the operational procedures of relevant international agencies and/or international treaties, conventions or other instruments.</p>	<ul style="list-style-type: none"> - Dispute mechanisms in place. - Number and nature of cases resolved.
6.7 Rights holders and stakeholders have access to legal advice and understand relevant legal processes, and legal and financial implications related to the REDD+ program.	<p>6.7.1 A legal advice service is available and accessible to rights holders and stakeholders to advise them on relevant legal processes and legal and financial implications related to the REDD+ program.</p>	
Principle 7: All rights holders and stakeholders have timely access to appropriate and accurate information to enable informed decision-making and good governance of the REDD+ program.		
7.1 Adequate information about the REDD+ program is publicly available to promote general awareness and good governance.	<p>7.1.1 Adequate information about the REDD+ program is made publicly available and accessible to potentially interested members of the public, including information about program design, implementation and evaluation, including social and environmental impact assessment, benefit-sharing, biodiversity and ecosystem services and rights to lands, territories, resources.</p> <p>7.1.2 Government policies support free and timely stakeholder access to information about the REDD+ program, including information on rights to lands, territories, resources.</p>	<ul style="list-style-type: none"> - Number of comments or issues received from the stakeholders - Number of stakeholders and rights holders accessing the information. - Number of effective means of dissemination identified and used. - Number of local communities having informing in a form they understand. - Number of documents available in simple language.
7.2 Rights holders and stakeholders have the information that they need about the REDD+ program, provided in a culturally appropriate and timely way, to participate fully and effectively in program design, implementation and evaluation, including information about potential social, cultural, economic and environmental risks and opportunities, legal implications, and the global	<p>7.2.1 Rights holders and stakeholders know what information is available about the REDD+ program and how to access it.</p> <p>7.2.2 The most effective means of dissemination of information about the REDD+ program are identified and used for each rights holder and stakeholder group.</p> <p>7.2.3 Rights holders and stakeholders have access to relevant information about the REDD+ program, including the results of monitoring and evaluation, potential social, cultural, economic and environmental risks and opportunities, legal implications, opportunities to participate in decision-making processes, grievance mechanisms and the global, national and local context.</p> <p>7.2.4 Indigenous Peoples and local communities, including marginalized and/or vulnerable groups among them, have</p>	<ul style="list-style-type: none"> - Number of comments or issues received from the stakeholders - Number of stakeholders and rights holders accessing the information. - Number of effective means of dissemination identified and used. - Number of local communities having informing in a form they understand. - Number of documents available in simple language.

Criteria	Framework for indicators ¹⁶⁹	<u>Draft/ Proposed National Indicators for Tanzania</u>
and national context.	access to the relevant information they need about the REDD+ program in a form they understand.	
7.3 Rights holder and stakeholder group representatives collect and disseminate all relevant information about the REDD+ program from and to the people they represent in an appropriate and timely way.	7.3.1 Rights holder and stakeholder group representatives collect and disseminate all relevant information related to the REDD+ program from and to the people they represent. 7.3.2 A process is established to ensure that rights holders and stakeholders receive and supply all relevant information related to the REDD+ program through their representatives.	<ul style="list-style-type: none"> - Number of representatives collecting and disseminating relevant information. - Number of constituencies receiving information. - Number of information sharing meetings held.
7.4 Information is available and disseminated about the REDD+ program in time to enable rights holder and stakeholder feedback to their representatives and respecting the time needed for inclusive decision making.	7.4.1 Information is available and disseminated about the REDD+ program allowing adequate time between information dissemination and decision-making to enable rights holders and stakeholders to coordinate their response	<ul style="list-style-type: none"> - Number of information released in time. - Number of documents published and disseminated in time.
7.5 The REDD+ program makes sufficient resources available to provide and collect information in a timely and appropriate manner.	7.5.1 There are sufficient resources to ensure that relevant information about the REDD+ program is disseminated to, and collected from, rights holders and stakeholders in a timely and appropriate manner.	<ul style="list-style-type: none"> - Number of policies addressing the issues in place. - Number of policy documents disseminated. - Mechanism for right to information in place. - Number of legal aid services in place and accessed. - % of stakeholders aware of legal and legislation services. - Number of legal and legislation programs aired and published.
Principle 8: The REDD+ program complies with applicable local²¹⁵ and national laws and international treaties, conventions and other instruments.²¹⁶		
8.1 The REDD+ program complies with applicable local law, national law and international treaties, conventions and other instruments ratified or adopted by the country.	8.1.1 International treaties, conventions and other instruments ratified or adopted by the country relevant to the REDD+ program are identified. 8.1.2 National and local laws relevant to the REDD+ program are identified. 8.1.3 The REDD+ program recognizes and respects the human rights of Indigenous Peoples and local communities, including women and other marginalized groups, as defined by national and international law. 8.1.4 Any possible areas where the design and/or implementation REDD+ program does not, or may not, comply with the relevant local and national laws and international treaties, conventions and other instruments are identified and monitored, and appropriate measures are taken to ensure compliance.	<ul style="list-style-type: none"> - List of local and national laws and international treaties and agreements relevant to REDD+
8.2 Where local or national law is not consistent with the standards, a review process should be undertaken that results in a plan to resolve the inconsistencies.	8.2.1 A review process is established to address the inconsistencies between the standards and local or national law, including preexisting laws and changes in the legal framework that may occur during implementation of the REDD+ program.	<ul style="list-style-type: none"> • Mechanism to resolve inconsistencies in place. • Number of local and national laws reviewed
8.3 Relevant rights holders and stakeholders have the capacity to understand, implement and monitor legal requirements	8.3.1 Relevant rights holders and stakeholders have the capacity to enable them to understand, implement and monitor legal requirements related to the REDD+ program.	<ul style="list-style-type: none"> - Existence of support mechanisms for implementing and monitoring legal requirements - Number of stakeholders

Criteria	Framework for indicators ¹⁶⁹	<u>Draft/ Proposed National Indicators for Tanzania</u>
related to the REDD+ program.		having capacity to implement and monitor legal requirements - Number of legal requirements monitored and implemented.

Notes

¹ There are other gaps, e.g., pollution prevention and the precautionary principle, which are discussed in the main report but are not listed here as they are not a strong focus of the international standards (they appear only in World Bank OPs). Some components, e.g., applying standards to project partners, may be more applicable only at later stages, when more specific standards have been developed for the Tanzanian context. Nonetheless, it is useful to note their absence in the current strategy to ensure they can be addressed when and as appropriate.

² See MJUMITA and TFCG 2011

³ See, inter alia, <http://www.forestcarbonpartnership.org/fcp/node/30>

Such schemes typically involve a payment for environmental (carbon sequestration) services to forest holders (governments, communities, private individuals) from a party (government or private party) seeking to "offset" green house gas emissions. Currently, REDD+ payments are made only within the voluntary market, but it is anticipated that a regulated market will be developed under the United Nations Framework Convention on Climate Change (UN FCCC).

⁴ For purposes of this report, references to 'local communities' and 'forest dependent communities' are assumed to include indigenous peoples and other communities who reside within or near forests and/or depend directly upon forests for their livelihoods, including pastoralist peoples.

⁵ See, e.g., readings on rights and tenure, benefits sharing, co-benefits, and governance at www2.forestsclimatechange.org/readings.html

⁶ FCCC/CP/2010/7/Add.1 Annex I

NB: While "safeguards" (Annex I, Para 2) are most relevant for purposes of this report, there are several "guidelines" (Annex I, Para 1) that deal with social and environmental concerns which are also included in this review

⁷ This component is included only in the World Bank OPs, and thus is not a main standards focus overall. However, it is included here as it may be relevant for application under actions to reduce D&D drivers, such as agricultural intensification and alternative livelihoods development.

⁸ Ibid.

⁹ FCCC/CP/2010/7/Add.1 Annex I

¹⁰ Section 3.1 (d) of the FCPF Charter states that: "the operation of the Facility, including implementation of activities under Grant Agreements and Emission Reductions Programs, shall ... comply with the World Bank's Operational Policies and Procedures, taking into account the need for effective participation of Forest-Dependent Indigenous Peoples and Forest Dwellers in decisions that may affect them, respecting their rights under national law and applicable international obligations."

¹¹ Though funding for the facility has come from twelve countries and one NGO.

Section adapted in part from ProForest 2010:3

¹² Some key sources, e.g., Moss et al 2010, exclude Pest Management (OP 4.09) and Physical Cultural Resources (OP 4.11) from this list

¹³ <http://go.worldbank.org/XFBVTIUDK0>

¹⁴ According to OP 4.10, "Indigenous Peoples are identified as possessing the following characteristics in varying degrees: self-identification and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories; presence of distinct customary cultural, economic, social or political institutions; and indigenous language."

¹⁵ Physical cultural resources include "resources of archaeological, paleontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance."

¹⁶ FCPF 2011b: Para19

¹⁸ Adapted from Moss et al 2011:7

¹⁹ According to Moss et al 2010:9, SESA has been integrated into the FCPF R-PP template version five (October 30, 2010) and is expected to be finalized in 2011, following receipt of final feedback from stakeholders and after the approach is vetted by World Bank.

²⁰ FCPF 2011a

²¹ See FCPF 2011a

²² Except otherwise noted, OP principles as phrased here are adapted from WB summary table at <http://go.worldbank.org/XFBVTIUDK0>

²³ FCPF 2009: Para 18(v)

²⁴ FCPF and UN-REDD, November 2010

²⁵ Adapted from ProForest 2010:4

²⁶ Other instruments include: UN Declaration of the Rights of Indigenous Peoples (UNDRIP); UN Common Understanding on the Human Rights Based Approach to Development Cooperation; UN General Assembly Programme of Action for the Second International Decade of the World's Indigenous People (UN General Assembly Resolution 60/142); General Recommendation XXIII on the Rights of Indigenous Peoples, the UN Committee on the Elimination of Racial Discrimination; UN Development Group's Guidelines on Indigenous Peoples' Issues; the International Labour Organization's Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989); UN Framework Convention on Climate Change; UN Convention on Biological Diversity. (FCPF 2011a)

²⁷ Adapted from Moss et al 2011:10

²⁸ For example, a risk assessment tool under this Framework is scheduled to be piloted tested in mid-2011 (Moss et al 2011)

²⁹ UN-REDD 2011

³⁰ UN-REDD Programme supported countries that have adopted UN DRIP are expected to fully comply with free, prior, informed consent provisions. More generally, UN-REDD Programme countries are expected to follow a human rights based approach. Adapted from FCPF and UN-REDD 2010

³¹ Guidelines promote "monitoring and adaptive management to support maintenance and enhancement of biodiversity and ecosystem services" (Criterion 15).

³² FCPF and UN-REDD 2010

³³ Adapted from UN-REDD 2011a

³⁴ Adapted from ProForest 2010:2

³⁵ Adapted from REDD+ SES Fact Sheet 2010

³⁶ Adapted from REDD+ SES Fact Sheet 2010

³⁷ They are complemented by the CCB Standards which are specifically focused on project level interventions.

³⁸ See ProForest 2010 for a more specific analysis of the advantages of REDD+SES as compared to the other standards reviewed in this report.

³⁹ REDD+ SES Fact Sheet June 2010

⁴⁰ Indicators are not listed here due to space limitations, but are relevant. See Annex 8 for details.

⁴¹ This component is included in FCCC/CP/2010/7/Add.1 Annex I "guidelines" (1) rather than the "safeguards" (2), but is included here as it has relevant for social or environmental impacts of REDD+

⁴² While not REDD+ specific, OP 4.10 calls for equitable benefit sharing from parks and protected areas on the lands/ territories of indigenous peoples.

⁴³ This component is included in FCCC/CP/2010/7/Add.1 Annex I "guidelines" (1) rather than the "safeguards" (2), but is included here as it has relevant for social or environmental impacts of REDD+

⁴⁴ Pollution prevention is primarily raised in the context of pest management, which may be relevant for agricultural enhancement projects designed to reduce deforestation drivers and offset REDD+ opportunity costs in Tanzania

⁴⁵ "Gender considerations" are noted in Para 72 of FCCC/CP/2010/7/Add.1: "Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;"

⁴⁶ This component is very weak in REDD+ SES. It is most directly addressed by Framework Criteria 2.2.4 "Administrative procedures for fund management and benefits distribution are timely and cost-effective"

⁴⁷ Tenure is noted in Para 72 of FCCC/CP/2010/7/Add.1: "Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;"

⁴⁸ Tenure concerns are mentioned specifically in FPIC guidance and joint guidance (with FCPF) on stakeholder engagement. Neither "tenure" or "land rights" are specifically mentioned in the core Principles and Criteria. However, the standards imply forest tenure security in several places, e.g., "Management plans and activities aim to ensure that forests deliver multiple benefits that are valued locally (for example, by enabling community forest management)" (Elaboration of Criteria 14); "The programme sets goals for delivery of ecosystem-based multiple benefits, and land use planning explicitly takes account of these." (Elaboration of Criteria 14)

⁴⁹ The UN FCCC safeguards do not include *explicit* commitment to free, prior, informed consent. However, Safeguard 2(c) implies a reference to FPIC in explicitly noting the GA's adoption of UN DRIP: "[2](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"

⁵⁰ The Bank provides the most detailed guidance on avoiding physical and economic displacement, though some see this guidance as weak because it still allows for such displacement, with appropriate compensation, when it is "unavoidable". Criteria for establishing that displacement is warranted are not provided.

⁵¹ This component, while not explicitly stated in standards aside from the World Bank OPs, may be assumed or implied by other standards as they are presumably generally directed to any REDD+ participants.

⁵² While MRV is not explicitly included in the safeguards, participating developing Parties have been requested to develop a system for providing information on how the safeguards referred to in annex I are being addressed and respected throughout the implementation of the REDD + activities, while respecting sovereignty;

⁵³ URT 2010:74, KRA 2 - Financial mechanisms and incentive schemes established

⁵⁴ URT 2010:5, emphasis added

⁵⁵ URT 2010:88

⁵⁶ URT 2010:40 (Sec 2.2.2.2)

⁵⁷ *ibid*

⁵⁸ The Strategy further explains that: "In Tanzania there are very few communities that can rightly be characterized as "indigenous" in the manner of the alienated Red Indians of the USA, or the Aborigines of Australia. The only people who could be described as "indigenous" are the Hadzabe people of Lake Eyasi who are heavily dependent on forest resources for their livelihoods. However, as citizens of Tanzania these communities have as equal rights to the polity as any other ethnic group in the country. Hence, it is appropriate to describe these communities as **forest dependent communities** rather than "indigenous". Such people would also include groups like pastoralists and other communities living adjacent to forest reserves" URT 2010:30

⁵⁹ URT 2010: 74, 88

⁶⁰ KRA 10 also addresses poverty in the context of "Poor farming practice", "supporting interventions that ensure communities have appropriate crops in terms of better yields, environmental friendliness, and high value that will generate higher income on smaller pieces of land."

⁶¹ KRA 10 Strategic Activities (L) Inadequate funding for forest resources management. (URT 2010:85)

⁶² KRA 10 Strategic Activities (S.)(12) Lack of land use plans and land use conflicts. (URT 2010:87)

⁶³ URT 2010:40 (Sec 2.2.2.2)

⁶⁴ KRA 10 Strategic Activities (U) Introduction of alien and invasive species. (URT 2010:87)

⁶⁵ URT 2010:48

⁶⁶ Forrester-Kibuga et al. 2011:40

⁶⁷ See FCPF 2009:Para 18(ii) and UN-REDD Draft Complaints Mechanism Guidance (Annex 7)

⁶⁸ "A REDD+ Task Force (TF) has been appointed by the Government to oversee implementation of technical and operational issues in relation to REDD+ readiness. The TF is an interim arrangement which will eventually be replaced by more permanent structures such as the NCCTC. Due to the temporal nature of the TF, its membership has been limited. However, for effective implementation of the REDD+ readiness, as it involves cross sectoral issues, membership of the TF will need to be increased to include other sectors such as Ministry of Agriculture, NGOs, Forest Dependent People's Organisations and the private sector. The permanent institution that will follow the TF will reflect this expanded nature of the structure." (URT 2010:50)

⁶⁹ KRA 6, Strategic Objective 3. (URT 2010:77)

⁷⁰ KRA 6, Strategic Activity 6. (URT 2010:77)

⁷¹ KRA 6, Strategic Activity 7 (URT 2010:87)

⁷² URT 2010:82-87

⁷³ See URT2010:3 (footnote 5) "General Land as used here means all public land which is not reserved or village land including unoccupied or unused village land."

⁷⁴ MJUMITA and TFCG 2011:1

⁷⁵ See, for example,

- From the background study on the role of REDD+ for rural development (Mwakaje *et al.* 2010), “Gender relations are likely to be affected or disrupted as is the case with other cash crops. Something ought to be done to make sure that equal rights on claims to land are secured for the spouses as required by land policy and land law. This will lead to stable household livelihoods.” (URT 2010:18)
 - From the review of existing policies in Zanzibar, “Women’s lack of participation in governance structures makes them unable to claim their rights and benefits, and could lead to them being excluded further, as could also happen with the poor.” (URT 2010: 32)
- ⁷⁶ URT 2010:54
- ⁷⁷ URT 2010: 64
- ⁷⁸ Some components, e.g., applying standards to project partners, may be more applicable only at later stages, when more specific standards have been developed for the Tanzanian context. Nonetheless, it is useful to note their absence in the current strategy to ensure they can be addressed when and as appropriate.
- ⁷⁹ While the Strategy focuses a good deal on financing arrangements, there is little specific information about how the application and assessment/ MRV of social and environmental standards would be addressed.
- ⁸⁰ While this is a relatively strong focus of the Strategy, the definition of ‘general lands’ should be addressed (see TFCG and MJUMITA 2011) there may need to be additional measures to help facilitate certification of village lands.
- ⁸¹ As noted, a comprehensive policy and legal review is beyond the scope of this report. However, the Strategy calls for such a review.
- ⁸² This Policy has recently undergone a review process and is currently being updated. This analysis does not reflect the forthcoming revised policy.
- ⁸³ The Strategy includes review of key issues in these and other mainland policies, as well as key Zanzibar policies. Rather than the broad review provided in the Strategy, however, this reports aims at identifying how these policies align with the key environmental and social components of the four standards reviewed in section 2.
- ⁸⁴ Principle that “adverse effects be prevented or minimized” Para 3(b)
- ⁸⁵ This is primarily in the context of ensuring that existing land holders/ users are not made worse off (or left without compensation) in land titling processes.
- ⁸⁶ See Para 3(a) (Objectives)
- ⁸⁷ See Cluster I - Leveraging Returns on National Resources (both within and outside) for Enhancing Growth and Benefits to the Country at Large and Communities in Particular, Especially in Rural Areas. *Operational targets:* i. Sustainable utilization of natural resources ensured with benefits to local communities; ii. Optimal contribution of human resources ensured
- ⁸⁸ See 4.2 (Forest-Based Industry and Products)
- ⁸⁹ See Para 66 (1) “The Minister shall strive to attain the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. (2) The powers of the Minister ... shall... include... regulating appropriate access to genetic resources... taking into account all rights over those resources, indigenous knowledge, technologies, and appropriate funding”
- ⁹⁰ Includes objective of “equitable use” of natural resources, but benefit and cost sharing arrangements per se not specified
- ⁹¹ In context of equitable and sustainable use
- ⁹² These are, however, relatively weak/ unclear provisions. See Part III – Management Plans and Para 44(1)
- ⁹³ Cluster I Goal 5, priority 4: Enhancing community based natural resource management arrangements
- ⁹⁴ In addition to mainstreamed focus on most vulnerable/ poorest, see Cluster II - Providing Adequate Social Protection and Rights to the Vulnerable and Needy Groups
- ⁹⁵ See Cluster I - Ensuring Food and Nutrition Security, Environmental Sustainability and Climate Change Adaptation and Mitigation
- ⁹⁶ See Para 59 (Forestry)
- ⁹⁷ See Para 4.3 (Ecosystem Conservation and Management)
- ⁹⁸ See Part VIII – Conservation of Trees, Wild Plants and Wild Animals
- ⁹⁹ See, inter alia, Paras 76, 81
- ¹⁰⁰ Included in EMA as commitment to ‘polluter pays principle’
- ¹⁰¹ See Cluster III Good Governance and Accountability
- ¹⁰² Including in EMA as inter-generational and intra-generational equity.
- ¹⁰³ See Para 43 and 44 on “The Enhanced Role of Women”
- ¹⁰⁴ See Policy Statement (7) regarding “gender sensitive” design of extension services and Policy Statement (39) regarding clear definition of communities’ tenure rights to forest land and trees, including men and women. See also section 4.4.11 (local communities) recognizing that “Gender inequality in land tenure has prevented women from owning land and women’s involvement in formal decision making on resource management has been virtually non-existent despite the important role of women in forestry activities”
- ¹⁰⁵ See, in general, Cluster II - Improvement of Quality of Life and Social Well-being, including Goal 4 - Increasing Access to Affordable Clean and Safe Water; Sanitation and Hygiene
- ¹⁰⁶ See Para (2) “The right of every woman to acquire, hold, use and deal with land shall to the same extent and subject to the same restriction be treated as the right of any man, is hereby declared to be law.”
- ¹⁰⁷ See Para 26,27 (Land Tenure) and Para 35
- ¹⁰⁸ See Policy Statement (39)
- ¹⁰⁹ Addressed in Para 3(b) (Objectives) and in provisions regarding preparation of management plans
- ¹¹⁰ See, inter alia, “Fundamental Principles - to enable all citizens to participate in decision making on matters connected with their occupation or use of land;”. Focuses on decisions making within village governance structures
- ¹¹¹ This component may be addressed to some extent by Section 146 of the Local Government District Authorities Act of 1982, which requires village governments to enter into ventures which are beneficial to villager residents.
- ¹¹² Some provisions provided under rights and duties of the village council and other groups in the governance of village land forest reserves (para 40, 44, 46, 47)
- ¹¹³ Includes provisions related to governance through village council and other village governance structures, but does not specifically address the *quality* of representation, including for marginalized groups within villages. (See Para 8(1))
- ¹¹⁴ See Part XI – Offences and Penalties
- ¹¹⁵ See Para 35, 36
- ¹¹⁶ Primarily in the context of environmental education (not community specific) - See Para 36
- ¹¹⁷ See Sec 4.4.4 (Local Governments) Policy Statement (30)
- ¹¹⁸ Primarily in the context of environmental education (not community specific) - See Para 3(h) (Objectives) and Para 80 (Financial Provisions and Establishment of a Fund)

¹¹⁹ Substantial focus on capacity strengthening overall (see Chapter 5.4. Capacity Development), but little explicitly directed at community level

¹²⁰ See Policy Statement (40)

¹²¹ See Para 24 (1) regarding resolution of “any claim arising out of customary law to rights to land, forest produce or any claim to rights based on or arising out of any other written laws”

¹²² See Section 4.2.25, 26 on “Dispute Settlement Machinery”

¹²³ See Part V – Dispute Settlements

¹²⁴ See Para 26,27 on Land Tenure

¹²⁵ Includes clarifying and securing tenure of “open access” land through, inter alia, establishing village forest reserves (4.1.2)

See Para 24 (1) regarding resolution of “any claim arising out of customary law to rights to land, forest produce or any claim to rights based on or arising out of any other written laws”

¹²⁷ Generally recognized under the right to a clean, safe, healthy environment and right of access Para 4(1),(2)

¹²⁸ See Para 61 (Instruments for Environmental Policy)

¹²⁹ See Policy Statement (39)

¹³⁰ See Para 6.3.0 (Conflicts of Statutory and Customary Tenure)

¹³¹ See Sections 4.1.1., 7.1.0, 7.1.1. These deal primarily with tenure security, but have some implications for avoided displacement

¹³² Fundamental Principles (3) (h) to pay full, fair and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under this Act or is Act No. 47 acquired under the Land of 1967 Acquisition Act, 1967;

¹³³ See Para 45 (Sectoral Policies)

¹³⁴ See Section 2.2. (Objective: Enhanced national capacity to management and develop the forest section in collaboration with other stakeholders)

¹³⁵ See Chapter 5: **IMPLEMENTATION ARRANGEMENT**

¹³⁶ As noted above, and further discussed in recommendations, while an important starting point for assessment and MRV of the social and environmental impacts of REDD+ at the programme and project level, EMA is not sufficient for ensuring that REDD+ meets social and environmental safeguard and standards provisions.

¹³⁷ See Paras 65, 66, 67

¹³⁸ See Section 4.3.4. (Environmental Impact Assessment) Policy Statement (23)

¹³⁹ Specific to the development of forest management plans

¹⁴⁰ Limited assessment, e.g., to identify existing tenure/ use claims in land titling.

¹⁴¹ M&E and reporting are required for MKUKUTA (See Chapter 6 – Monitoring and Evaluation) though the applicability and significance of these mechanisms to REDD+ are not clear.

¹⁴² See, inter alia, EIA and Environmental Audit Regulations

¹⁴³ MKUKUTA II will be supported by a MKUKUTA Monitoring System (MMS) and a Monitoring Master Plan (MMP) which will include monitoring support tools. However, the applicability of these to REDD+ is not clear.

¹⁴⁴ Para “70. *Encourages* developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances: (a) Reducing emissions from deforestation; (b) Reducing emissions from forest degradation; (c) Conservation of forest carbon stocks; (d) Sustainable management of forests; (e) Enhancement of forest carbon stocks;”

¹⁴⁵ Article 2. OBJECTIVE. The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

¹⁴⁶ Article 4. COMMITMENTS. 3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

¹⁴⁷ Para “70. *Encourages* developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances: (a) Reducing emissions from deforestation; (b) Reducing emissions from forest degradation; (c) Conservation of forest carbon stocks; (d) Sustainable management of forests; (e) Enhancement of forest carbon stocks;”

¹⁴⁸ Ibid.

¹⁴⁹ Para 72 “*Also requests* developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;”

¹⁵⁰ “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 the International Mother Earth Day.”

¹⁵¹ OP 4.12 includes provisions for “avoid[ing] or minimiz[ing] involuntary resettlement and, where this is not feasible, to 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.” See Annex 2

¹⁵² TFCG and MJUMITA 2011:1

¹⁵³ MJUMITA and TFCG may also wish to consider the recommendations from LEAT (2010) (cited in URT 2010: 21-23), based on their review of current legal provisions for REDD+ in Tanzania.

¹⁵⁴ URT 2010: 74, KRA 2 - Financial mechanisms and incentive schemes established

¹⁵⁵ See, for example, Forrester-Kibuga et al. 2011

¹⁵⁶ Cancun Agreement: Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention, Annex I, FCCC/CP/2010/7/Add.1, http://unfccc.int/meetings/cop_16/items/5571.php

¹⁵⁷ “70. Encourages developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances: (a) Reducing emissions from deforestation; (b) Reducing emissions from forest degradation; (c) Conservation of forest carbon stocks; (d) Sustainable management of forests; (e) Enhancement of forest carbon stocks;”

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ “Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;”

¹⁶¹ “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 the International Mother Earth Day.”

¹⁶² <http://go.worldbank.org/XFBVTIUDK0>

¹⁶³ OP 4.01 will soon be revised to include explicit references to SESAs and ESMFs as environmental assessment instruments.

¹⁶⁴ “In the event that these mechanisms do not fulfill the requirements for FPIC implementation (see below), the existing mechanisms should be strengthened/amended; In the event that multiple consultation or participation mechanisms exist under a variety of initiatives, these mechanisms should be coordinated and duplication of efforts avoided; If different consultation or participation mechanisms exist, consensus should be sought with stakeholders over which mechanism to use.”

¹⁶⁵ “The selection of institutions participating in the consultation mechanism should be objective and democratic and should include equal representation of: District or territorial representatives and forest owners; Government representatives who make policy decisions regarding the environment, forestry, finance, and land tenure; Representatives of indigenous or forest dependent peoples’ institutions or communities; Civil society working on the issues under consideration; UN agencies and donor institutions. If stakeholders are excluded from the consultation mechanism (in good or bad faith), it is fundamental that they be integrated in as timely a manner as possible.”

¹⁶⁶ “The “informed” part of FPIC includes giving information about recourse mechanisms...When consulting with indigenous peoples and forest dependent communities, the Programme should: Ask indigenous peoples and forest dependent communities what sort of recourse mechanisms they already have and what they want in the context of the UN-REDD Programme; Include information about existing recourse mechanisms (e.g. complaints can be made to the UN Resident Coordinator, any existing appeal rights, etc.) and alternatives to direct complaints directly to the national dispute resolution mechanism if they cannot be resolved fairly at the local level; Document preferred dispute resolution mechanisms, including participants, roles and duration of responsibilities held; Establish clear channels of communication between the UN-REDD Programme, FPIC facilitators, elders/leaders, and community members to enable those who are concerned about specific impacts to communicate their concerns to those who are able to effectively consider the concerns and take appropriate action. Civil society mediators should be identified to report outcome of dispute to the national REDD+ committee or independent Ombudsman ...;Provide capacity-building support, if requested, to indigenous peoples’ and forest dependent communities’ institutions, including NGO’s, on rights and grievance procedures to assist them to receive complaints and to take them forward to the appropriate forum for resolution.”

¹⁶⁷ “The National REDD+ Committee, including representatives of indigenous peoples, should have competency to address technical and administrative subjects specific to REDD+. The Committee should set out rules and principles for its dispute resolution mechanism and explain its role in the national context with respect to existing judicial mechanisms and respecting the principle of the autonomy of indigenous peoples and other forest dependent communities to resolve their internal conflicts. This mechanism should be binding. Legal matters should be referred to courts with legal jurisdiction...”

¹⁶⁸ “These institutions should form dispute resolution committees, with representation of indigenous peoples and civil society, to make special arrangements to: Investigate and monitor complaints; Provide an early warning system requiring REDD+ countries to address timely/urgent concerns; Suspend funding until the country or government has resolved the problem; Establish a clear mechanism to receive systemic complaints (e.g. weak legislation) and individual complaints (where not solved at national level).”

“In case of land rights disputes: Resolution of land disputes can be lengthy and is not always independent of the national government: (1) Use appropriate venues to resolve land disputes, respecting which mechanism indigenous peoples and forest dependent communities want to use (e.g. dispute may be between indigenous peoples, between indigenous and non-indigenous peoples, or with outsiders). (2) Ensure there is a venue to manage land disputes between the community and the State. (3) Consider an independent process (e.g. tribunal or land council) to resolve land disputes quickly and fairly. Tribunal or land council should include indigenous peoples’ and forest dependent communities’ representatives.”

¹⁶⁹ “This framework for indicators identifies key elements for each criterion. There will be a process for country specific interpretation to develop a set of indicators that are tailored to the context of a particular country.”

¹⁷⁰ “Resources’ is understood to include ecosystem services provided by these resources.”

¹⁷¹ “Respect’ is taken to include not undermining or prejudicing rights.”

¹⁷² “The REDD+ program comprises objectives, policies and measures developed for the program and other relevant policies that support it.”

¹⁷³ “Including holders of individual rights and Indigenous Peoples and others who hold collective rights.”

¹⁷⁴ “Customary rights’ to lands and resources refers to patterns of long-standing community land and resource usage in accordance with Indigenous Peoples’ and local communities’ customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.”

¹⁷⁵ “Recognizing that any land use and forest management plans developed under the REDD+ program should be developed with full and effective participation of all relevant stakeholders and rights holders in accordance with criterion 6.2.”

¹⁷⁶ “Relevant’ rights holders are identified by the REDD+ program in accordance with criterion 6.1.”

¹⁷⁷ Workshop report notes : “Under Tanzanian Law some communities may not have rights to use government forest, but they do use the forests frequently and depend upon them. i.e. ceasing illegal activities might not be recognized. Note that legal reform in Tanzania is trying to resolve the rights issue in relation to use and access.”

¹⁷⁸ “Including individual and collective rights.”

¹⁷⁹ “Wherever the term Indigenous Peoples and local communities is used through these standards it is implicit that particular attention will be paid to marginalized and/or vulnerable groups within these communities”

¹⁸⁰ “In particular, recognizing that Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those that they have otherwise acquired.”

¹⁸¹ “Includes securing existing statutory rights and conversion of customary rights to statutory rights.”

¹⁸² “Ownership of carbon rights may be individual or collective.”

¹⁸³ “‘Carbon rights’ are defined as the rights to enter into contracts and national or international transactions for the transfer of ownership of greenhouse gas emissions reductions or removals and the maintenance of carbon stocks.”

¹⁸⁴ “The statutory and customary rights to the lands, territories and resources and the rights holders relevant to the REDD+ program’ are identified in accordance with criterion 1.1.”

¹⁸⁵ “‘Equity’ and ‘equitable’ are defined as just, impartial and fair to all parties including marginalized and vulnerable groups.”

¹⁸⁶ “‘Relevant’ rights holder and stakeholder groups are identified by the REDD+ program in accordance with criterion 6.1.”

¹⁸⁷ “‘Rights holders’ are those whose rights are potentially affected by the REDD+ program and ‘stakeholders’ are those whose interests are potentially affected by the program.”

¹⁸⁸ “All analysis of costs, benefits and risks should include those that are direct and indirect and include social, cultural, human rights, environmental and economic aspects. Costs should include those related to responsibilities and also opportunity costs. All costs, benefits and risks should be compared against the reference scenario which is the most likely land-use scenario in the absence of the REDD+ program.”

¹⁸⁹ “‘Relevant rights holder and stakeholder groups’ are identified in accordance with criterion 6.1.”

¹⁹⁰ “At local, national and other relevant levels.”

¹⁹¹ “‘Efficient’ is defined as achieving the target with minimum cost, effort and time.”

¹⁹² “‘Full and effective participation’ means meaningful influence of all relevant rights holders and stakeholders who want to be involved throughout the process, ensuring they have prior access to adequate information.”

¹⁹³ “The ‘effectiveness’ of the REDD+ program is defined as the extent to which the emissions reductions and other goals of the program are achieved.”

¹⁹⁴ “The initial analysis of projected costs, potential benefits and associated risks for each rights holder and stakeholder group’ undertaken in accordance with criterion 2.1.”

¹⁹⁵ “‘Livelihoods’ are based on social, cultural, human, financial, natural, physical and political capabilities/assets.”

¹⁹⁶ “Resources should be additional compared with those available under the reference scenario which is the most likely land-use scenario in the absence of the REDD+ program.”

¹⁹⁷ “Recognizing that any mitigation measures within the REDD+ program should be developed and implemented with full and effective participation of all relevant rights holders and stakeholders in accordance with criterion 6.2.”

¹⁹⁸ “The elements of good governance include accessibility, people’s participation, transparency, accountability, rule of law, predictability, justice and sustainability.”

¹⁹⁹ “E.g. poverty reduction strategies/targets, national/government budgets, biodiversity strategies, conservation policies and regulations, climate change strategies, adaptation plans etc.”

²⁰⁰ “Including public, private and community protected areas.”

²⁰¹ “‘Equity’ and ‘equitable’ are defined as just, impartial and fair to all parties including marginalized and vulnerable groups.”

²⁰² “Impacts on biodiversity and ecosystem services are relative to the reference scenario which is the most likely land-use scenario in the absence of the REDD+ program.”

²⁰³ “‘Ecosystem services’ in this context refers to services other than greenhouse gas emissions reductions or removals.”

²⁰⁴ “Including biodiversity and ecosystem service priorities identified in existing national biodiversity strategy and action plans (NBSAP), gap analyses supporting the Convention on Biological Diversity 2010 targets or application of frameworks aligned with these efforts such as multilateral development bank safeguards (World Bank OP 4.04, IFC Performance Standard 6), key biodiversity areas, high conservation value areas and other relevant systematic conservation planning approaches.”

²⁰⁵ “Including natural forest and areas important for the conservation of biodiversity and ecosystem service priorities and paying specific attention to any plans to expand non-native forests and their impacts on biodiversity and ecosystem service priorities.”

²⁰⁶ “Including but are not limited to areas of significance for threatened or endemic species, for significant concentrations or source populations of other species, for ecosystems and for ecosystem services of economic, climate change adaptation, cultural or religious importance to stakeholders, particularly Indigenous Peoples and local communities.”

²⁰⁷ “Resources should be additional compared against the reference scenario which is the most likely land-use scenario in the absence of the REDD+ program.”

²⁰⁸ “For example through strategic environmental assessment or environmental impact assessments.”

²⁰⁹ “The ‘relevant’ rights holder and stakeholder groups are identified by the REDD+ program in accordance with criterion 6.1.”

²¹⁰ “‘Full and effective participation’ means meaningful influence of all relevant rights holder and stakeholder groups who want to be involved throughout the process, and includes consultation and free, prior and informed consent.”

²¹¹ “Groups of rights holders or stakeholders who have a similar rights or interests with respect to the REDD+ program.”

²¹² “Including the development of land use and forest management plans related to the REDD+ program.”

²¹³ “‘Implementation’ is understood to include on-going planning/decision-making as well as the implementation of the activities.”

²¹⁴ “E.g. the Convention on Biological Diversity.”

²¹⁵ “Local laws include all legal norms given by organisms of government whose jurisdiction is less than the national level, such as departmental, municipal and customary norms.”

²¹⁶ “Including, but not limited to, the Universal Declaration of Human Rights, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, the United Nations Declaration on the Rights of Indigenous Peoples, the Convention on the Elimination of All Forms of Discrimination Against Women, the International Labor Organization Convention 169.”