National clarification of the UNFCCC REDD+ safeguards (Cancun Safeguards) for Myanmar

May 2019

Background information

What are the Cancun Safeguards?

A set of seven social and environmental safeguards for REDD+ was adopted at the 16th Conference of the Parties to the UNFCCC held in Cancun, Mexico, in 2010. Countries wishing to participate in REDD+ are required by the UNFCCC to address and respect the safeguards throughout the implementation of REDD+ activities.

What is the context for developing the national clarification of safeguards?

With support from its National UN-REDD Programme, Myanmar is continuing to develop its approach to implementing the Cancun Safeguards. A National Safeguards Roadmap was produced in 2017 through the Technical Working Group on Stakeholder Engagement and Safeguards (TWG-SES). The development of a national clarification of the Cancun Safeguards is an essential step in Myanmar's Safeguards Roadmap.

What is the purpose of the national clarification?

A national safeguards clarification explains what the principles of the REDD+ safeguards mean in the national context and uses terms that are understood and accepted by a national audience. It identifies priority issues - for example, which environmental and social co-benefits of REDD+ are most important in the country – and takes into account the existing framework of policies, laws and regulations (PLRs) in the country.

How has it been developed?

The national safeguards clarification for Myanmar follows a structure of principles and criteria. It has been drafted with inputs from the Technical Working Group on Stakeholder Engagement and Safeguards (TWG-SES) and participants at a national multi-stakeholder workshop in Nay Pyi Taw (National Workshop on Clarifying the Cancun Safeguards in Myanmar, 28-29 June 2018). It also incorporates feedback received during an online commenting period in October/November 2018, and feedback from additional consultations conducted by the Chin Human Rights Organization (CHRO). The draft has been the subject of discussion at the 6th meeting of the National REDD+ Task Force on 31st January, 2019, where it was decided to approve the document and share it with the Executive Committee of the Forest Department. Following this step, the national safeguards clarification was finalized in May 2019.

Clarification principles and criteria

Principle A: REDD+ Policies and Measures in Myanmar should complement or be consistent with the objectives of national forest programmes and relevant international conventions and agreements

Criterion A.1: REDD+ Policies and Measures (PaMs) in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant national policies and programmes, including those related to forestry, climate change, environmental management, land use, biodiversity conservation, disaster risk reduction, sustainable development, human rights, workers' rights, transparency and gender equality. Potential conflicts between the objectives of national policies and programmes and REDD+ PaMs should be identified and resolved.

Criterion A.2: REDD+ Policies and Measures in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant international conventions and agreements, such as the CBD, UNCCD, UNFCCC, CITES, the Ramsar Convention, CEDAW, UNDRIP, UN Convention against Corruption, international policies and initiatives, such as the SDGs and FLEGT, as well as national strategies and plans for the implementation of these commitments.

Principle B: REDD+ Policies and Measures in Myanmar should support transparent and effective national forest governance structures, taking into account national legislation and sovereignty.

Criterion B.1: REDD+ Policies and Measures in Myanmar should be implemented in a transparent manner; this means that decisions relating to the selection and location of activities, the involvement of stakeholders and the distribution of benefits and burdens should be based on clear criteria and well documented, financial accountability should be ensured, and comprehensive information should be made available to stakeholders in appropriate form during planning and implementation. The types of information that should be shared include information on: the planned measures (objective, expected impact, benefits, funds, activities, risk reduction measures, etc.); existing land use and expected change; relevant PLRs; general information on the REDD+ concept; and information on complaints and feedback mechanisms. It is the duty of the organization responsible for the REDD+ Policy or Measure to ensure that the information is made publicly available.

Criterion B.2: Where applicable, REDD+ Policies and Measures should include actions that strengthen transparency, accountability and rule of law in forest governance, including in relation to forestry operations, land use planning and management planning, awarding of concessions, and application of legal requirements such as EIA and SEA.

Criterion B.3: REDD+ Policies and Measures should strengthen coordination on policies and plans related to land use across sectors, between different levels of government and across borders / with EAOs, including by fully operationalizing existing coordination bodies, making sure that social and environmental objectives are given adequate weight in the process.

Criterion B.4: When REDD+ Policies and Measures are planned, availability of data and institutional/stakeholder capacity for their effective implementation should be considered, and identified deficits should be addressed.

Principle C: REDD+ Policies and Measures in Myanmar must be designed and implemented to respect the knowledge and rights of indigenous peoples[1] and members of local communities[2].

Criterion C.1: REDD+ Policies and Measures must avoid involuntary resettlement and respect the rights of indigenous peoples and local communities to use land and resources (this relates to statutory rights as well as locally recognized and customary rights).

Criterion C.2: REDD+ Policies and Measures should take into account existing land uses and avoid negative impacts on vulnerable stakeholder groups without documented rights to use land and resources (such as communities with customary land tenure), and where possible should support the fair and transparent clarification of use rights, avoiding risks of elite capture. EIA/SIA should be conducted for REDD+ PaMs where applicable.

Criterion C.3: REDD+ Policies and Measures must be designed and implemented with respect for the cultural heritage[3] and customary practices of indigenous peoples and local communities.

Criterion C.4: Where impacts on the rights of indigenous peoples and local communities cannot be avoided without compromising the success of a Policy or Measure, consent needs to be obtained and appropriate forms of compensation must be offered and agreed through meaningfully implemented processes of Free, Prior and Informed Consent (FPIC).

Criterion C.5: Where indigenous peoples and local communities contribute to the implementation of REDD+ Policies and Measures, or REDD+ Policies and Measures have an impact on their territories, they should be offered a fair share of the benefits through a transparent mechanism.

Criterion C.6: A functional Grievance Redress Mechanism, developed with the agreement of indigenous peoples and local communities, must be provided to address and resolve any concerns related to impacts of REDD+ Policies and Measures on the rights of indigenous peoples and members of local communities.

---

[1] A clear and specific definition of 'indigenous peoples' needs to be agreed through a comprehensive stakeholder dialogue process involving key government departments and representatives of ethnic peoples. The definition should be based on thorough analysis and review, and take into account relations to the natural environment as well as culture. If there is disagreement, the criteria of self-determination should prevail.

[2] When 'members of local communities' are identified, care should be taken not to exclude persons who have been displaced by conflict or natural disaster.

[3] Including tangible and intangible heritage, place-based, movable and immovable heritage and beliefs

Principle D: REDD+ Policies and Measures in Myanmar must be designed and implemented with the full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities. All groups who may be affected by the Policies and Measures should be considered relevant stakeholders.

Criterion D.1: The participation of stakeholders in planning and implementation of Policies and Measures should be actively sought, and stakeholder groups with low capacity to participate (such as women, poor people, small ethnic groups, groups without documented land rights) should be supported through appropriate arrangements (e.g. capacity-building, choice of suitable communication formats, taking into account language requirements and traditions).

Criterion D.2: Where direct participation of stakeholders in the planning of a Policy or Measure is not feasible (e.g. due to the large area over which the PaM is to be implemented), the equal and proportionate participation of stakeholder representatives with relevant knowledge and skills and appropriate legitimation by their group must be sought, and the duties of representatives towards their stakeholder group should be defined. Stakeholder representatives should be made well aware of their roles and responsibilities. They should share information with their stakeholder group and get feedback from them.

Criterion D.3: Where stakeholders, in particular members of local communities, can play a meaningful role in the implementation and/or monitoring of Policies and Measures (taking into account the nature of the Policies and Measures), they must be offered the opportunity to participate (this may entail a need for capacity-building and establishment of supportive mechanisms, networks, etc., taking into account language requirements and traditions).

Principle E: REDD+ Policies and Measures in Myanmar should be consistent with the conservation of natural forests and biological diversity, ensuring that they do not lead to 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.

Criterion E.1: Before REDD+ Policies and Measures that could have an impact on natural forests are implemented, the distribution of natural forests in the area covered by the PaM should be mapped reliably, with particular attention to forests outside of the permanent forest estate. No conversion of these forests to other land uses (including into plantations) should be allowed; risks of indirect conversion (e.g. through displacement of land use) should be minimized as far as possible.

Criterion E.2: Planning of REDD+ Policies and Measures (both at the level of REDD+ strategies or programmes and at the level of individual policies or measures) should be based on sound information about their potential positive or negative social and environmental impacts[4], including impacts on important areas for biodiversity and ecosystem services; this may require analysis or collection of new data. Cumulative effects, landscape-scale impacts and indirect impacts should be included in the analysis.

---

[4] It needs to be clarified whether EIA and SEA procedures are applicable to (some) REDD+ Policies and Measures or strategies, or whether other procedures for assessing impacts should be used. This question is also relevant to F.1 and G.1.

Criterion E.3: REDD+ Policies and Measures should be selected, designed and implemented in a way that not only avoids or minimizes negative impacts but also enhances positive ones. This may involve prioritization of some PaMs over others, or combining PaMs in a complementary way. Stakeholders from all relevant sectors should be involved in identifying the best ways to increase the positive impacts of REDD+.

Criterion E.4: Priority benefits to be supported through appropriate selection, design and implementation of REDD+ Policies and Measures include promoting land rights, enhancing the wellbeing of poor, vulnerable and/or marginalized groups, supporting sustainable livelihoods of indigenous peoples and local communities, enhancing gender equality, supporting social peace and stability, protecting areas of high value for biodiversity or ecosystem services (in particular conservation of soil and water resources), increasing habitat connectivity, reducing or reversing land degradation, reducing pollution, and building the capacity of government staff and local stakeholders (e.g. to implement / comply with existing laws, to participate in decision-making and to adopt sustainable land use practices).

Criterion E.5: REDD+ Policies and Measures that involve land use or management planning should be supported by capacity-building and transparency measures to ensure that environmental and social objectives are appropriately considered and not neglected due to a lack of data, awareness or understanding or a competing interest in short-term economic benefit.

Criterion E.6: Monitoring of REDD+ Policies and Measures should include regular tracking of social and environmental impacts against a pre-implementation baseline, taking into account the possible benefits and risks identified during the planning stage, as a basis for continued improvement of REDD+ practice.

Principle F: REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize risks of reversals. The term 'reversal' describes a situation where initial successes of a REDD+ PaM are reversed at a later date, and the trajectory of emissions returns to business-as-usual. This can happen for example when the forest that has been conserved or restored through a REDD+ measure is subsequently destroyed. Reversals of the success of REDD+ PaMs can occur due to external factors (such as fluctuations in international markets or climate change), or due to flaws in the design of PaMs (e.g. when an intervention is not financially sustainable in the long term).

Criterion F.1: When the feasibility and potential impacts of proposed REDD+ Policies and Measures are analyzed, an analysis of risks of non-permanence should be included; this should consider the possibility of unintended incentives (e.g. by land use becoming more profitable), as well as risks linked to long-term funding, legal security or external influences like climate change or socio-economic change.

Criterion F.2: Where risks of non-permanence have been identified, these should be addressed through appropriate selection, design and implementation of Policies and Measures.

Criterion F.3: The National Forest Monitoring System should be designed to allow the detection and management of reversals.

Criterion F.4: Lessons learned from the detection of reversals should be reflected in the design of future Policies and Measures.

Principle G: REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize displacement of emissions. Displacement of emissions occurs when a REDD+ PaM successfully reduces emissions from one source or in one area, but at the same time causes increased emissions from another source or area.

Criterion G.1: When the feasibility and potential impacts of proposed REDD+ Policies and Measures are analyzed, an analysis of risks of displacement of emissions should be included; this should consider the possibility of indirect land use change (land use shifting from one area to another), as well as the overall impact of a PaM on greenhouse gas emissions (e.g. even PaMs that successfully reduce deforestation could have an adverse impact on emissions if land use is shifted to other ecosystems that are rich in carbon, e.g. peatlands, or if wood-based fuels or products are replaced with alternatives that themselves cause high emissions).

Criterion G.2: Where risks of emissions displacement have been identified, these should be addressed through appropriate selection, design and implementation of Policies and Measures.

Criterion G.3: The National Forest Monitoring System should be designed to allow the detection and management of emissions displacement caused by indirect land use change.

Criterion G.4: Lessons learned from the detection of emissions displacement should be reflected in the design of future Policies and Measures.