

Pushing REDD+ out of its Paralysing Inertia

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Abstract

By the end of Cancun Climate Conference of 2010, the agreements on REDD+ were already adequate for implementation with clear goals, agreement on methodological guidance and social and environmental safeguards, access to technology for monitoring, and a financial commitment of \$3.5 billion to kick-start the task. But even after 4 years the progress has been confined to a few pilots, and very small part of the committed finances have been utilized. The ongoing SBSTA deliberations on the Safeguard Information System (SIS) suggests that excessive emphasis over a particular way of monitoring implementation of social and environmental safeguards by some developed territories like European Union, and most accredited Observers, is at least partly responsible for the inertia into which REDD+ has fallen. While there is no evidence to link the demand for fool proof implementation of safeguards with reluctance to part with the committed finances by developed countries, this is certainly the undesirable outcome and it is important to devise a way out of this impasse. At the conceptual level it is difficult to disagree with these demand for perfect safeguards except that the REDD+ is not to be implemented in EU where most land related rights are recorded and recognized and the Courts are capable of deciding expeditiously to the satisfaction of all which is not the case in many REDD+ eligible countries. The paper proposes that setting up watertight safeguards is not the most appropriate response to the possibility of flouting of safeguards due to unacceptable trade-offs in terms of costs and lost opportunities. Instead the quest for perfect safeguards as a pre-condition to begin REDD+ activities should be replaced by adequate safeguards, appropriate to national circumstances, that are improved rapidly as REDD+ implementation proceeds. This, combined with swift punishment for wrongdoings, would reduce the possibility for mischief. The recognition of practical limits placed by national circumstances, along with the need for rapid improvement of these circumstances, should be the centrepiece of a dynamic and effective REDD+ strategy and the SIS should be designed accordingly.

Key words: Cancun Climate Conference, REDD+, Safeguard Information System, National Circumstances

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Introduction

In the face of serious concern about the very slow progress in the implementation of REDD+ a notable progress in REDD+ in the past few months has been the development of reference levels for REDD+ for submission to the UNFCCC by Brazil and Nepal that are the only countries to do so till now beyond a score of other attempts at pilot scales. Both of these reference levels, though still subnational in their geographical reach, are at such large scales that it places them firmly beyond the CDM project type approach to the construction of business-as-usual scenario. In Brazil it covers the Amazonia biome which, though only one of six distinct biomes in the country, covers 419.7 million ha, or 49.2% of the Brazilian landmass¹ while aiming to transit to a national forest reference emission level that will include all six biomes. Brazil has also decided to focus its attention only on CO₂ emissions from the above and below-ground biomass and litter carbon pools from gross deforestation at this stage. The construction of reference emission level is based on a historical time series developed for the Amazonia since 1988 by the National Institute for Space Research of Brazil that has been carrying out the assessment annually using Landsat-class satellite data on a wall-to-wall basis.

In the case of Nepal the subnational baseline² covers 12 districts in the Terai landscape spread across 2.4 million ha of the country. The reference level has been established using existing national forest and survey data, field sampling, satellite imagery, and airborne LiDAR data to measure deforestation, forest degradation and regrowth of forests in the target districts for the period 1999–2011. This approach reduces costs drastically by limiting the costly LiDAR coverage to only a tiny part of the country combining it with data from field plots and Landsat imageries to develop a reasonably accurate, high-resolution aboveground carbon density map over the entire country or region of interest.

These real REDD+ baseline reference levels, as against the numerous attempts at the pilot scale, utilize international agreements and protocols and approved methodologies that were all available by the year 2010. The technologies utilized were in use even before that year with Landsat imageries available at no cost. LiDAR was costly but its limited use as by Nepal to increase accuracy of estimation made on the basis of Landsat imageries was well within reach of a good number of candidate countries. In order to understand the factor that have prevented widespread implementation of REDD+ inspite of such favourable conditions it would be necessary to take an overview of the progress of REDD+ through the labyrinths of UNFCCC negotiations.

Background

Role of forests in climate change mitigation took prominence in 2005 when, in their submissions to the UNFCCC CoP 11 held at Montreal, PNG and Costa Rica³ pointed out the enormity of CO₂ emissions from deforestation and stated that lasting climate stability cannot be ensured without global commitment towards emission reductions. They suggested the possibility of stimulating large scale mitigation action by developing countries in sharp contrast to the limited window of forest based mitigation permitted under the Clean Development Mechanism by the Kyoto Protocol further circumscribed to afforestation and reforestation⁴ by the Marakkesch Accord. The CoP 11 accordingly sought development of appropriate scientific, economic and policy responses to this challenge by the

¹ http://unfccc.int/files/methods/redd/application/pdf/20140606_submission_frel_brazil.pdf

² Joshi et al, 2014, An accurate REDD+ reference level for Terai Arc Landscape, Nepal, using LiDAR assisted Multi-source Programme (LAMP), Banko Jankari, Vol 24, No. 1, Nepal

³ <http://unfccc.int/resource/docs/2005/cop11/eng/misc01.pdf>

⁴ http://unfccc.int/cop7/documents/accords_draft.pdf

Subsidiary Body for Scientific and Technological Advice (SBSTA) for subsequent adoption by the UNFCCC after due deliberations.

The process led to the adoption of an even more expanded role for forests in the Bali Action Plan at CoP 13 of 2007 with the inclusion of not only emission from deforestation but also forest degradation and enhanced forest carbon stocks due to reduced emissions under sustainable management of forests. The Bali Action Plan recognized the necessity of addressing the needs of local and indigenous communities and also opened the doors for the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries for further consideration. An indicative guidance⁵ for pilot activities was also agreed upon which emphasized that the estimates of emission reductions should be “results based, demonstrable, transparent and verifiable, and estimated consistently over time” and permitted subnational approach with the condition that such approaches should lead to the “development of national approaches, reference levels and estimates”.

Financial commitments

There was, however, no agreement on commitment to provide finances and the Bali Action Plan merely encouraged countries that were able to do so to extend financial and technological support for the purpose. Firm resolve of financial assistance came under the Copenhagen Accord of December 18, 2009, which acknowledged the importance of reducing emission from deforestation and forest degradation and of enhanced carbon sequestration by forests and agreed to mobilize financial resources from developed countries for incentivizing such actions by easier access to scaled up and predictable funding for REDD Plus. It is worth mentioning here that this was a non-binding political accord appended to, but outside, the legal agreements made at the CoP 15 at Copenhagen. There was a commitment to provide an additional \$10 billion⁶ every year for the three year period 2010-2012 till the end of first commitment period of Kyoto Protocol for all adaptation and mitigation actions including REDD+ in developing countries. These funds were expected to flow through the Copenhagen Green Climate Fund which was formally established as the Green Climate Fund (GCF) in 2012 with headquarters in Korea. A voluntary offer of US\$ 3.5 billion⁷ to quicken the pace of REDD+ was made by six developed countries namely USA, Norway, UK, Japan, Australia and France as a follow up to the Copenhagen Accord.

Methodological guidance and safeguards

The skeletal methodological guidance for activities relating to REDD+ issued at CoP 15 in Copenhagen evolved into a comprehensive set of stringent social and environmental safeguards at the CoP 16 held in Cancun in 2010 where it was also formally agreed that the REDD-plus activities would include reducing emissions from deforestation and forest degradation, conservation and enhancement of forest carbon stocks and sustainable management of forests. Developing countries willing to participate in REDD+ were required to develop a national REDD+ strategy for phased implementation of these activities, a baseline against which the achievement were to be measured and a robust and transparent national forest monitoring system that would enable credible measurement, reporting and verification of achievements. As an interim measure the countries were also permitted to begin with subnational baselines and monitoring systems, if needed. Along with stringent environmental safeguards to protect natural forests and biodiversity, and social safeguards for protecting the

⁵ <http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=8>

⁶ FCCC/CP/2009/11/Add.1, 30 March 2010

⁷ <http://www.redd-monitor.org/2009/12/22/what-came-out-of-copenhagen-on-redd/>

interests of indigenous and local people, the Cancun Agreement also required participating countries to set up effective systems for providing information on the implementation of safeguards.

Subsequent to Cancun there have been a few minor changes in CoP 17 and CoP 18 and somewhat more significant under CoP 19 in 2013 at Warsaw with the adoption of the Warsaw Framework for REDD+ under which REDD+ is now embedded into the main climate change architecture. The new “information hub” for REDD+ enables greater transparency by bringing all related information at one place enhancing the ease of access to it.

Primary concerns in implementing REDD+

Thus, by the end of 2010, REDD+ was fully ready for implementation with well defined goals, agreed processes at least for the interim period, technology for monitoring, adequate social and environmental safeguards. And, above all, there is enough financial commitments to begin the task across the world. But even after 4 years not much has actually happened except in a few relatively advanced economies among the developing countries like Brazil and Indonesia with the former, using its considerable institutional assets and access to technology, preparing a credible, if functionally and geographically limited, baseline for seeking large international REDD+ finances. Indonesia decided to use REDD+ as one of the primary instruments of its goal of reducing emissions by 2020 by 26% by domestic efforts and 41% with international support⁸ and, thereby, made itself less dependent on international approvals for initiating REDD+ within its territory.

An examination of submissions by country Parties and deliberations in the UNFCCC CoPs as also in its subsidiary bodies over the past one year suggests that the concerns that have held progress are primarily related to:

- i. Timely access to adequate funds for REDD+ activities and ensuring that they actually reach the communities that make the needed sacrifices
- ii. Social safeguards, in particular, the fear that REDD+ would be imposed on indigenous and local people against their will taking away control over forest resources from the people and centralize it in government bureaucracy and private corporations
- iii. Environmental safeguards, in particular, the fear that in order to maximize carbon gains slow growing natural forests will give way to fast growing exotics thus causing loss of biodiversity

Difficulties are also encountered in the construction of a credible business-as-usual baseline scenario, reliable and cost-effective forest monitoring systems, and management of leakages but it is generally agreed that adequate framework and guidance already exists for these and it is largely a question of developing appropriate skills to use these guidance and frameworks among the countries hosting REDD+ activities.

Excessive insistence on safeguards

It is in the case of social and environmental safeguards that certain misgivings remain among a section of largely non-government actors. In fact, very comprehensive Guidance on social and environmental safeguards⁹ were already agreed at the Cancun Summit in 2010 and annexed to the Decision 1/CP16. With regard to social safeguards these guidance specifically lay down that while undertaking REDD+ activities the implementing parties are required to ensure “full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities” and also “respect for the

⁸ Braña Varela, J., Lee, D., Rey Christen, D., and Swan, S. 2014. “REDD+ Safeguards: Practical Considerations for Developing a Summary of Information.” Available at www.merid.org/reddsafeguards

⁹ UNFCCC Decision 1/CP16, Annex 1

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”.

Regarding the safeguards of environmental nature the Guidance requires actions undertaken in the pursuit of REDD+ objectives should be “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 other social and environmental benefits”. The Guidance also requires appropriate actions to deal with the possibility of leakages and of reversal of achievements under REDD+ at a later period.

The authors are of the view that these safeguards are adequate and could be further strengthened as implementation proceeds on large scale and specific flaws in different contexts are encountered many of which may respond better to localized interventions. But the process still remains unfinished with attempts by some country Parties and credited Observers to use the ongoing SBSTA deliberations on the Safeguard Information System (SIS) to make safeguards even more stringent. Under para 71 of Decision 1/CP.16 of the Cancun Agreement the SBSTA was required to submit its recommendations on the Safeguard Information System for monitoring and reporting of the implementation of these safeguards. In response to SBSTA invitation of June 2011 a total of 14 country Parties and 12 accredited Observers submitted¹⁰ their views on the type of data needed. Among them, Brazil suggested:

“The type of data and information to be included in the systems of information should be a national decision, guided by the general principles agreed by the COP, and should allow for broad participation and be separate and independent from MRV systems.” (Source: WRI)

Indonesia laid emphasis on the practicability of safeguards and placing them in the context of national circumstances:

“The safeguards and guidance, for REDD+ implementation as appears in the Annex 1 of the Decision 1/CP. 16 are conceptually logical but practically challenging to be implemented. Indonesia considers that it is necessary to translate the safeguards into practical elements to enable REDD+ countries to effectively implement them within the context of national legislation and specific circumstances.” (Source: WRI)

European Union, on the other hand, wanted a most comprehensive system that would cover every conceivable situation that could arise during implementation:

“Parties should describe the relevant barriers for the application of safeguards and the steps undertaken to overcome those barriers.” “Potential implementation barriers may relate to: the extent of legal or other provisions in place to deliver safeguards in principle, the extent to which these provisions are implemented in practice...to show how the provisions are working, the extent to which the populations affected by REDD+ activities can access relevant information and recourse mechanisms, [and] the challenge of developing indicators for all seven safeguards and implementing and maintaining information systems.” They should report: for safeguard (a) the “contribution of REDD+ actions to achieving objectives of national forest programmes and relevant international agreements and processes;” for safeguard (b) a “description of policy, legal, institutional and regulatory frameworks, including on law

¹⁰ Larsen, Gaia et al. 2012. “Map of SBSTA Submissions: REDD+ Safeguard Information System.” WRI Working Paper. World Resources Institute, Washington DC. Available online at <http://www.wri.org/gfi>

enforcement;” for safeguard (c) an “identification of different right holders and their rights and description how those rights are respected;” for safeguard (d) a “description of participatory process for the design and implementation of a national REDD+ strategy or action plan and how this process was applied, including a description of systems to disseminate and receive information;” for safeguard (e) an “identification of the positive and negative impacts of a national REDD+ strategy or action plan on biodiversity and ecosystem services and identification and monitoring of natural forest;” for safeguard (f) a “description of the actions and liabilities;” for safeguard (g) a “description of the actions and identification of significant sources, and the collection of data on, the displacement of emissions.” (Source: WRI)

At the conceptual level it is difficult to disagree with the position of the European Union and it is not surprising that the SBSTA is still struggling with guidance on SIS and is expected¹¹ to deliberate on the matter at its 41st meeting in December 2014 at Lima. But this may pose impossible challenges in many territories that may not share the intellectual, organizational and managerial heritage of the countries of European Union. To take just one example, the EU’s demand for “identification of different right holders and their rights” would appear unexceptionable for respecting the rights of the local and indigenous people while implementing REDD+, except that the REDD+ is not to be implemented in EU where most land related rights are recorded and recognized and, even where they are not, the Courts are capable of deciding expeditiously to the satisfaction of all. But in most REDD+ eligible countries the rights, particularly in forested areas, claimed by some are often contested by others. In most tribal dominated parts of India, for example, the land ownership remains undefined primarily because of the somewhat fluid nature of ownership, and frequent claim overlap between neighbouring tribes and clans, and, therefore, the right disputes are left to the tribal institutions, both formal and informal, to decide. Under the circumstances it is generally prudent to let the tribal communities negotiate and decide among themselves, using means that may not always pass muster as highly democratic or legally sound when expressed in tabular format of affirmative and negative answers, rather than allow clashes to flare up opening up past wounds among neighbouring communities.

Unconscionable delays in the name of safeguards

In any program covering large geographies and monies it is usual to come across wrongdoings in implementation. In forestry based climate change mitigation measures also there have been few stray reports of the so-called carbon cowboys¹², a term used for unscrupulous dealers in carbon credits allegedly operating among the forest rich indigenous communities in remote regions of rain forests of Latin America, Indonesia and Papua New Guinea, among others. And the possibility of raising high productivity plantations of exotic species replacing native forests of higher biodiversity always exists.

There could be an argument that the kind of SIS suggested by EU would become agent of change leading to highly desirable shift in favour of genuine participation of indigenous people in governance in the developing countries. While this might well be true it is important to note that in implementing REDD+ the safeguards can only be a part of the process, not the primary objective which must remain reducing emissions and enhancing sequestration of CO₂ in the forestry sector. Non-participation of a section of the people in such important national programs is a serious failure of governance roots of which would lie deep in society. Any REDD+ program, however well run, can only have a tiny effect on such national failures. A result of these continuing disagreements over safeguards due to concerns raised by some developed countries and accredited Observers has been delay in utilization of funds

¹¹ http://unfccc.int/methods/redd/methodological_guidance/items/4123.php

¹² <http://www.smh.com.au/environment/conservation/carbon-cowboys-20110722-1hssc.html>

committed by the same developed countries. While there is no evidence to link the calls for foolproof implementation of safeguards with reluctance to part with the committed finances by developed countries, this is certainly the undesirable outcome and it is important to devise a way out of this impasse.

Conclusions

The most appropriate response to the possibilities of flouting safeguards is not perfect watertight safeguards that are likely to have unacceptable tradeoffs in terms of costs and lost opportunities. As discussed above, by the end of Cancun Climate Summit in 2010, REDD+ was ready for implementation with a series of agreements on its nature and scope, processes and technologies for assessment and monitoring, reporting and verification, environmental and social safeguards, methodological guidance and financial mechanisms, and, above all, access to significant funds. But the progress in its implementation has been rare. A major reason for this, post-2010, has been excessive concern about the social and environmental safeguards, notably by developed countries and accredited Observer organizations. While there is consensus on the nature and scope of required safeguards among the developed and developing countries there is little agreement on monitoring the implementation of safeguards.

The insistence on safeguard data based purely on logic without taking into account the practical issues of time delays and exorbitant costs involved, as also the possibilities of social crisis discussed above, would make REDD+ unimplementable in most developing countries with poor or no settlement of forest rights. This also ignores the provisions of Para 71 of Decision 2/CP.16 under which the developing countries were requested to develop the system for providing information on monitoring the implementation of safeguards *in accordance with national circumstances and respective capabilities*.

This critical component of agreement, usually given mere rhetorical value and at best used for justifying enhancing capabilities, needs to be considered a centrepiece of REDD+ strategy. Where the national circumstances are very inadequate and country capabilities low this provision should not be interpreted to mean capacity enhancement should precede the start of REDD+ activities. Instead, it should prompt parallel action on both. The quest for perfect safeguards should be replaced by adequate safeguards that are improved rapidly as implementation proceeds so as to reduce the possibility for mischief combined with swift punishment for wrongdoings. SBSTA should work to create such a dynamic arrangement and not allow deliberations on Safeguard Information System to become an instrument of statism in the name of perfection.

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