

The Development of REDD+ Safeguards in the Hindu Kush Himalaya: Recent Experiences and Processes



About ICIMOD

The International Centre for Integrated Mountain Development (ICIMOD), is a regional knowledge development and learning centre serving the eight regional member countries of the Hindu Kush Himalaya – Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan – and based in Kathmandu, Nepal. Globalisation and climate change have an increasing influence on the stability of fragile mountain ecosystems and the livelihoods of mountain people. ICIMOD aims to assist mountain people to understand these changes, adapt to them, and make the most of new opportunities, while addressing upstream-downstream issues. We support regional transboundary programmes through partnership with regional partner institutions, facilitate the exchange of experience, and serve as a regional knowledge hub. We strengthen networking among regional and global centres of excellence. Overall, we are working to develop an economically and environmentally sound mountain ecosystem to improve the living standards of mountain populations and to sustain vital ecosystem services for the billions of people living downstream – now, and for the future.



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The Development of REDD+ Safeguards in the Hindu Kush Himalaya

Recent Experiences and Processes

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Acronyms and Abbreviations

HKH	Hindu Kush Himalaya
REDD	Reducing Emissions from Degradation and Deforestation
IPCC	Intergovernmental Panel on Climate Change
INDCs	Intended Nationally Determined Contribution
GHG	Greenhouse Gas
UNFCCC	United Nation Framework Convention on Climate Change
COPs	Conference of Parties
FPIC	Free, Prior, and Informed Consent
CDM	Clean Development Mechanism
SOI	Summary of Information
SIS	Safeguard Information System
NSS	National Safeguard Systems
PLRs	Policies, Laws, and Regulations
GRM	Grievance Redress Mechanism
FCPF	Forest Carbon Partnership Facility
REL	Reference Emission Level
NFMS	National Forest Management System
PCI	Principles, Criteria, and Indicators

Executive Summary

In the Hindu Kush Himalaya (HKH), countries have initiated their work on REDD+ safeguards but no country has yet made a formal submission to the UNFCCC. REDD+ Initiative at ICIMOD, with the long-term goal of developing a conducive social and environmental safeguard to assist the countries in their REDD+ readiness phase, has initiated South- South learning platform to foster learning and sharing REDD+ experiences between the countries.

In 2015 and 2016 ICIMOD's REDD+ Initiative organized two regional level South-South learning workshops on "REDD+ safeguard" respectively. First workshop entitled 'Demystifying REDD+ Safeguards for South Asia', was held on November 2015 in Kolkata, India, in order to engage experts from HKH countries to help interpret REDD+ safeguards for the region as recommended in the COP decisions. This was the first kind of workshop to bring the HKH regional countries mainly Bhutan, India, Myanmar and Nepal together to discuss REDD+ safeguards and identifying way forward for countries in engaging and updating each other in the process. This provided an opportunity for regional experts engaged in establishing safeguards to network and exchange ideas and information.

The second workshop on "REDD+ Safeguard for Himalayas" conducted on June 2016 in Pokhara, Nepal brought together the same countries participated in first workshop to share their country status and progress of National Safeguard System. It also attempted to identify gaps in existing policies, laws, and rules under REDD+ safeguard system to comply with the Cancun Safeguards principles, and also examined bottlenecks in implementing REDD+ safeguards principles in these countries.

Through such consultative processes, REDD+ Initiative has prepared this submission "The development of REDD+ safeguards in the Hindu Kush Himalaya: Recent experiences and processes" to demonstrate that the participating HKH countries are committed to developing REDD+ safeguards. This document covers the importance of REDD+ safeguard and the relevance of governance for HKH countries. Emphasizing the information that are required to be submitted to UNFCCC for claiming performance-based payments, this report identified overall progress of National Safeguard System, analyzed gaps and common challenges to implement REDD+ safeguard in these countries. This report is a testament of how the HKH countries are fully complying with the UNFCCC guidelines by engaging in the development of their National Safeguard System.

Background of Forestry and REDD+ in the Hindu Kush Himalaya

The Hindu Kush Himalaya (HKH), covering parts or all of Afghanistan, Bangladesh, Bhutan, China, India, Myanmar, Nepal, and Pakistan, is characterized by vertical topography, limited economic opportunity, and high endemism of flora and fauna. This landscape is also considered fragile, as it is the youngest seismologically sensitive mountain on earth, and too much and too little water bring environmental and humanitarian crises every year. This mountain landscape is also home to numerous species of global significance.

There are significant functional linkages between forest, farm, energy, and watershed services. Mountain watersheds are a primary source of fresh water for downstream inhabitants. Forests provide soil nutrients crucial to maintaining subsistence farming systems – and they're a major source of wood fuel for rural households. Effective conservation of forests in mountain watersheds is important in regulating hydrological function, as tree cover shades large swaths of this vertical landscape, lowering the albedo effect and assisting in increasing the depth of soil water recharge.

Due to limited economic opportunity, human settlements are scarce across this landscape. These mountain population are economically poor and depend on subsistence farming to sustain livelihood — and their traditional agricultural practices depend on the surrounding forests. Further, poor market infrastructure has limited employment opportunities that might be derived from tourism or from markets for non-timber forest products, resulting in areas where job creation is limited or non-existent.

Economically poor, the mountain population are forest-dependent in many ways and have been enjoying customary access to forest resources — for example, over 70% of residential energy in Nepal is met from forest fuel-wood.

In recognition of the high dependency on forest resources – and of the multiple significant benefits of forested landscapes to the mountain slopes — the governments of the HKH have made considerable progress in promoting participatory and community-based forest management, conservation, and governance by actively involving their local populations.

Within the HKH, there exist hundreds of indigenous ethnic population with indigenous knowledge and customary practices necessary for managing and using local forests to sustain their livelihoods. Reverting to such indigenous management practices has resulted in remarkable improvement in forest cover and in the ecosystem, an example best seen from Nepal.

Measuring successful forest management depends on good monitoring and data. Systematic monitoring of the HKH forests is expensive due to the challenges of the vertical topography and the lack of trained workers. This has resulted in limited science-based data and information regarding changes in forest cover and land use in the region.

There is recognition from the 5th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC 2014), supported by a wide range of literature that suggests the positive contribution of local action in the HKH to global mitigation and adaptation efforts. Intended nationally determined contributions (INDCs) submitted by HKH countries make strong reference to the forestry sector's growing role in response to climate change and in the potential reduction and mitigation of greenhouse gas (GHG). This has also renewed interest in REDD+ by policymakers in the HKH countries.

The current REDD+ focus is on tropical countries, given their economies of scale coupled with high deforestation rates. Consequently, significant external REDD+ financing was made available for the conservation of tropical forests, leaving limited funding for montane forests overall. With REDD+ now embracing the principles of environmental integrity and sustainable development, montane and sub-tropical forests of the HKH have a renewed hope of being eligible for REDD+ financing. Mountain countries have old and slow-growing natural forests, which have captured carbon over a long period, significantly impacting climate. Therefore, bringing them under REDD+ architecture is of global importance.

Relevance of Governance for REDD+

From 2010 to 2015, about 7.6 million hectares of forests disappeared from the earth every year (FAO 2015), an area about the half of the size of Nepal. Between 1990 and 2010, about 33 million hectares of forest were lost in Asia alone, excluding China (FAO 2010). Deforestation and forest degradation account for about 11% of total global anthropogenic GHG emissions, approximately 49 ± 4.5 Gt CO₂e/yr (IPCC 2014; UN-REDD 2016). Without reducing emissions from deforestation and forest degradation (REDD+) and without conservation efforts aimed at the sustainable management of forests and the enhancement of forest carbon stocks in developing countries – the 1.5-2°C target, as proposed by the Paris Agreement, cannot be realized (Paris Agreement 2015). The effective implementation of REDD+ could transform the forestry sector from its current image as a climate change problem into a climate change solution. Therefore, billions of dollars have been channelled into developing countries for implementation of REDD+ (Bleany et al., 2010). However, weak governance and corruption are major problems inhibiting progress in these countries (Global Witness 2009).

In order to deliver the quality results that legitimize such undertakings, REDD+ projects or programmes require good governance systems for successful implementation and functioning, with the understanding of “governance as structure” and “governance as process” (Kooiman 1993; Pierre, J. (Ed.). (2000); Pierre and Peters 2000). Such governance structure and process for REDD+ ensures power sharing, equitable benefit sharing, improve coordination, social inclusion, and participation of multi-stakeholders. In the realm of climate policy, a key objective of good governance is to promote sustainable management of natural resources, thereby reducing emissions and ensuring ongoing ecological processes, which create economic and social benefits. Therefore, all Parties to the United Nations Framework Convention on Climate Change (UNFCCC) agreed at the 16th Conference of Parties (COP) in Cancun to include as safeguards for REDD+ “transparent and effective national forest governance structures, taking into account national legislation/sovereignty” and “full and effective participation of relevant stakeholders.”

Creating transparent and effective national forest governance structures and achieving full and effective participation of stakeholders may be challenging in the countries of the HKH. Building on the UN’s 1992 *Statement of Forest Principles* with a hierarchical framework of principles, criteria, and indicators (PCI), a consistent approach to evaluating forest governance at the global, regional, national, and local levels, has been developed by Lopez-Casero et al. 2016.

These criteria and indicators have been tested in ICIMOD-implemented REDD+ pilot sites in two watersheds of Nepal. Inclusive of multi-stakeholders, the methodology employs a top-down and bottom-up approach using multi-level and multi-stage consultation processes for developing governance standards. As such, it ensures the aforementioned requirement of “full and effective” participation and also upholds priorities relating to transparency, governance, protection of biodiversity, forest conservation, free, prior, and informed consent (FPIC), equitable benefit sharing, the rights of indigenous peoples and local communities, and other aspects of social and environmental management.

Governance standards – principles, criteria, indicators, verifiers, and means of verification can assist various stakeholders in the following ways:

- For local communities, standards determine negotiation and allocation of costs and benefits
- For governments, standards provide reference points for national communications under UNFCCC, and they may be used for monitoring, reporting, and verifying the quality and legitimacy of REDD+ projects and programmes
- For development partners, consistent standards reduce the risk of project failure
- For markets, standards provide certainty and encourage future financing of REDD+ activities in developing countries

Finally, for all stakeholders, governance standards assure the sustainability and durability of REDD+ activities by reducing social and environmental risks and enhancing benefits and they allow for the verification and accreditation of forest management, providing assurance to investors and beneficiaries of the market value of REDD+.

REDD+ Safeguards and their Importance in the Context of Hindu Kush Himalaya

REDD+ safeguards exist to ensure that there is no harm while implementing REDD+ strategic actions. Robust safeguard measures in HKH are to put in place to mitigate negative impacts and to scale-up positive impacts of those actions in the form of co-benefits or non-carbon benefits. The non-carbon benefits as co-benefits of implementing REDD+ activities are substantial for the countries of the HKH (Joshi et al., 2013; GoN 2013). Only when ample co-benefits (so-called non-carbon benefits) are realized will local forest dependent population support REDD+ strategies and interventions.

Within the HKH, safeguards are even more crucial for the protection of the fragile mountain ecosystem with and its high endemism and for ensuring the customary rights of the forest- dependent communities. Safeguards in REDD+ ensure the multi-functionality of forest ecosystems.

Due to the trend of out-migration, mountain populations have undergone significant demographic changes. As a result, those who cannot afford to migrate are left behind to manage forest and farm activities. REDD+ safeguards are essential for ensuring the wellbeing of those of those left to tend to the land and remain dependent on it.

By ensuring adequate safeguard standards that can mitigate negative external, the HKH can make REDD+ investment more attractive. A similar lesson was learnt through the Clean Development Mechanism (CDM) project experience where sustainable development were not adequately mainstreamed and there were no safeguard framework either.

Moreover, safeguards must be seen in the context of facilitating transformational change of the forestry sector in the region. While countries work to fulfill the Cancun safeguards in REDD+, they simultaneously help in reforming forestry sector governance and add value to the reform process by emphasizing cross-sectorial linkages.

Interpretation of Safeguards for the Hindu Kush Himalaya

Addressing and Respecting Cancun safeguard principles is required of countries participating in REDD+. However, there is flexibility in interpreting these principles based on national circumstances, which will impact the scope, definition, and development of each country's criteria and indicators. Criteria and indicators should be developed through multi-stakeholder processes, taking into consideration the concerns of the HKH and each country's capacity to deliver results. Since countries of the HKH share a contiguous landscape, it is important to find a common interpretation of the safeguards.

The interpretation of safeguards for the HKH includes recognition that:

- Applying safeguards is inarguably beneficial because they simultaneously improve forest governance and support forest-sector reform
- When applying safeguards, countries will build on existing systems and practices where appropriate
- Safeguards will strengthen community-based approaches and processes led by multi-stakeholders
- Safeguards will maximize non-carbon benefits

Summary of Information to be Submitted to UNFCCC Required for Claiming Performance-based Payment under REDD+

Developing countries seeking to obtain performance-based payment for REDD+ must periodically submit their most recent Summary of Information (SOI) to UNFCCC. (Decision 9/CP.19 2013; Decision 12/CP.19 2013). The SOI can be submitted either as a chapter within the national communication or it can be uploaded to the UNFCCC web portal. When providing the SOI, developing countries need to include the following elements (Decision 17/CP.21 2015):

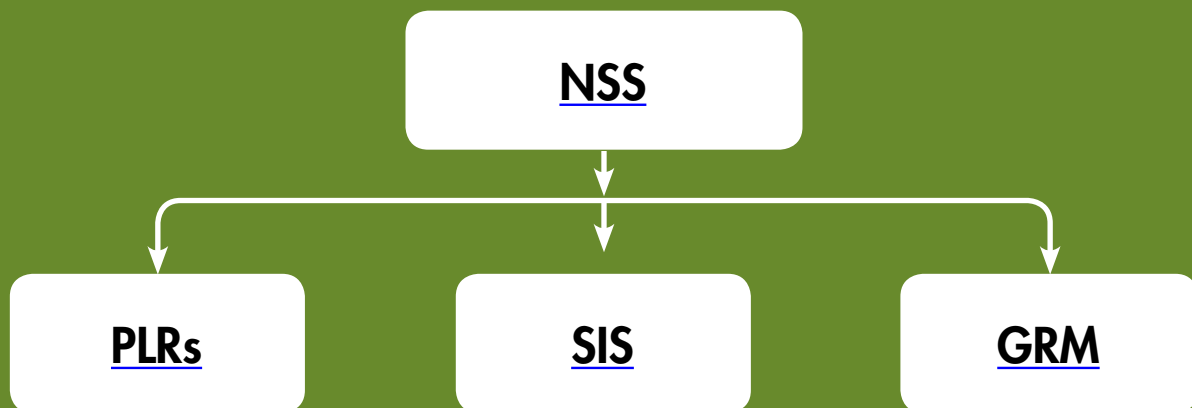
- Information on national circumstances relevant to addressing and respecting the safeguards;
- A description of each safeguard in accordance with national circumstances;
- A description of existing systems and processes relevant to addressing and respecting safeguards, including the safeguards information systems, in accordance with national circumstances;
- Information on how each of the safeguards has been addressed and respected, in accordance with national circumstances; and
- Any other relevant information.

HKH countries are at different stages of developing safeguard information systems (SIS). Due to the range of national circumstances and capabilities among these countries, SOI submission schedules will vary. Parties may improve upon the information provided in the SOI in subsequent submissions. Countries with sub-national pilots or projects have a good basis for testing and improving their SOI, since evidence-based information enriches the national SIS.

Key Elements of NSS Components as Stipulated by UNFCCC and UN-REDD/FCPF

While the UNFCCC uses the term “SIS” to describe a general safeguard information system, this framework uses a hierarchy based on National Safeguard Systems (NSS). As such, throughout this document, any reference to an SIS should be understood as a sub-component of the NSS (Figure 1).

Figure 1: Key elements of NSS



Each country’s NSS must uphold the safeguard principles are addressed and respected.

- **Policies, Laws, and Regulations (PLRs):** Decision 1/CP.16 para 71 (d) is intended to ensure that REDD+ safeguards are addressed under the NSS. To demonstrate NSS safeguard adherence, countries are required to develop and review policies, laws, and regulations in order to understand the existing frameworks within which each country’s standards are required to function (Decision 1/CP.16 para 73). Note: HKH countries are at different stages of analyzing PLRs.
- **Safeguard Information Systems (SIS):** SIS should be transparent, consistent, comprehensive, and effective (Decision 17/CP.21 para 3). Countries are required to develop criteria and indicators based on their own interpretation of the Cancun safeguard principles and according to their national circumstances. Decision 11/CP.19 para 5 highlights that countries can either establish a separate SIS system or one linked under National Forest Information System (NFIS).
- **Grievance Redress Mechanism (GRM):** Decision 1/CP.16 para 71 (d) SIS should provide information on how safeguard principles are being respected; this also refers to a GRM. Since there is no particular guidance for the design of a GRM, countries can adopt or build on their existing traditional, administrative, legislative, and judicial system.

UNFCCC Decisions on Guidance for Safeguard Information System (SIS)

Countries implementing REDD+ are expected to promote and support the application of safeguards (Decision 1/CP.16 2010); HKH countries aiming to undertake REDD+ activities (Bhutan, India, Myanmar, and Nepal) have already undergone preparation through the REDD+ readiness phase. Four key elements are to be developed during this phase — the National Strategy or Action plan, Reference Emission Level (REL), National Forest Management System (NFMS), and SIS. The SIS is expected to address and respect safeguard principles throughout all phases of implementation.

Countries can establish their SIS based on national circumstances (Decision 12/CP.17 2011) while recognizing the following guidelines (Decision 12/CP.17 paragraph 2):

- Be consistent with the guidance identified in decision 1/CP.16, Appendix 1, paragraph 1;
- Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis;
- Be transparent and flexible to allow for improvements over time;
- Provide information on how all of the safeguards referred to in Appendix 1 to decision 1/CP.16 are being addressed and respected;
- Be country-driven and implemented at the national level;
- Build upon existing systems, as appropriate.

If countries wish to qualify for performance-based payments, they must submit a SOI every two years explaining how Cancun safeguards are addressed and respected upheld. (Decision 12/CP.17 2011). Throughout REDD+ implementation, updated SOI should be provided periodically and be included in national communications, communications channels agreed upon by the COP, or provided on a voluntary basis via the platform on the UNFCCC website. However, UNFCCC, COP decisions to date don't offer a template or detailed guidance on the structure of these summaries or the content to be included in them.

World Bank's Forest Carbon Partnership Facility's (FCPF) safeguard policies and UN-REDD safeguard approaches are serving to facilitate the establishment of SIS that are consistent with the Cancun safeguards principles. Of the HKH countries, Bhutan and Nepal are engaged in the FCPF-led process, while India and Myanmar are supported by UN-REDD.





Progress of NSS Development in the HKH (including PLR, GRM, and SIS components)

Based on an ICIMOD facilitated discussion, countries in the HKH are in the initial stage of reviewing and analyzing PLRs. During this review process, some countries have identified gaps in their PLRs and have yet to integrate Cancun safeguard principles into their national policies. The criteria and indicators developed for REDD+ pilot projects can also contribute to SIS/NSS development. Countries in the HKH intend to use existing legal mechanisms for grievance redress in adherence for respecting to the Cancun safeguards. Table 1 outlines the progress in developing NSS across four HKH countries; as this matrix shows, there is ample of opportunity for countries to learn from each other in developing SIS/NSS.

Countries need to be aware of the interplay of PLRs, SIS, and GRM, which are not working in isolation so much as complementing each other. For example, if PLRs are fully addressed and respected in REDD+ activities, the need for GRM will be decreased. However, the systematic registration and management of grievances should be a part of the SIS.

NSS Development Procedure

NSS development procedure is based firmly on its sub-components: PLRs, GRM, and SIS. The methodological steps presented below are intended to serve as guidelines in analyzing and developing these sub-components. Details of NSS development will depend on the circumstances of each individual country.

Table 1: **Status of NSS-development progress in four HKH countries**

NSS	Bhutan	India	Myanmar	Nepal
PLRs	Initial review and analysis of PLRs	Initial review and analysis of PLRs conducted but not yet focused on SIS development	PLRs review ongoing	Initial review and analysis of PLRs conducted but not yet focused on SIS development
SIS	Country-specific interpretation not yet started; intends to link SIS with NFMS	Not yet started	Criteria and Indicators developed for pilot projects	Criteria and Indicators developed following REDD+ SES process. Intends to link a web-based SIS with NFIS (see the website for detail information: (http://mfsc-nfims.gov.np/))
GRM	Three tiers of GRM: <ul style="list-style-type: none"> • Traditional/Customary • Formal: Administrative and Judicial (Green Bench) • Alternative: Prime Minister Grievance Cell 	Intends to use existing judicial system (Green Bench) and Administrative (Green Tribunal System) The most important GRM is the National Green Tribunal, established 18.10.2010 under the National Green Tribunal Act 2010. Anyone affected adversely by activities causing harm to the environment, forests, and biodiversity, can approach National Green Tribunal with a simple application requiring neither a fee nor a lawyer.	GRM specific to REDD+ not yet developed	GRM study conducted suggesting further strengthening of existing administrative institutions (quasi-judicial organizations e.g., DFO, Warden of PAs, Chief District Officer)

Policies, Laws, and Regulations

In order to effectively address and respect a country’s PLRs in the context of REDD+ safeguards, it is essential to establish an optimal institutional arrangement. While the institutional arrangement can take many forms, it is important that it be stable and capable of upholding clear communication and transparent processes in reporting to UNFCCC. Many developing countries in the HKH have forest governance institutions in place. However, these may need to be mandated to integrate new roles and responsibilities in order to meet specific requirements of REDD+ implementation. It is also advisable to include systems of checks and balances. Such systems may already be in place for the implementation of existing forestry programs, but may need to be developed or expanded to integrate REDD+ activities.

Some of the largest challenges to REDD+ in the HKH include a lack financial resources, limited inclusion of all stakeholders, and weak coordination between sectors and across institutional levels (national, sub-national, local). While this overview is not comprehensive, such potential challenges may also be prevalent in other countries to varying degrees. Proposed methodological steps for addressing such issues are included in Appendix 1.

Grievance Redress Mechanisms

Grievance redress mechanisms (GRM) may already exist in other forms within a country. Depending on the context, both informal and formal systems could be considered appropriate. As such, before developing a GRM for the NSS, it is worth examining similar systems (e.g., Green Tribunal in India; Green Bench in Bhutan) and determining to what extent these can serve as a starting point to build upon. If existing customary, administrative, or judicial systems can be used, GRM suitability in terms of safeguards should be assessed (Table 2).

Challenges in implementing a GRM may include unclear scope of REDD+, weak institutionalization of the grievance redress hierarchy, weak coordination among implementing agencies, limited awareness of PLRs and/or

FPIC, and little or no participation by and inclusion of local communities. Please refer to Appendix 1B for proposed methodological steps.

Safeguard Information Systems

An optimal SIS should make use of a set of principles, criteria, and indicators (PCI) regarding environmental, socio-economic, and governance concerns. The application of PCI makes it possible to document changes over time and helps to avoid negative repercussions of REDD+ activities. Any existing country-specific frameworks or established methods for collecting and analyzing information should be used as a basis for SIS development.

Table 2: **Examples of grievance-redress systems and hierarchies:**

Nature of grievance	Existing grievance mechanisms	Where it is registered	Remarks and examples
Traditional/Customary	Individual to village head/customary institution	Village level	Systems/pathways may differ among countries
Administrative	Block-district	Block level or forest administration	
Judicial	District/state/high/supreme court	Village level	In India, cases of larger public interest, may be taken directly to high/supreme court
	District/state/high/supreme court	District level	
	Supreme court	National level	In Nepal, cases of litigation and public interest may be taken directly to the supreme court





Key Goals and Common Challenges in Implementing REDD+ Safeguards in the HKH

Challenges to SIS implementation in the HKH include:

- Lack of finances;
- Weak cross-sector coordination;
- Limited capacities of forestry staff, stakeholders, and/or communities; and
- Limited political willpower and/or engagement.

Here, too, the aforementioned challenges may be prevalent in other countries to varying degrees. Please refer to Appendix 1C for proposed methodological steps.

Along with the NSS development procedure, HKH countries identified the most important aspects of REDD+ safeguards as well as the challenges encountered in implementing them, as indicated in Table 3. Also some of the good practices on existing safeguard mechanism in HKH are given in Appendix 2.

Table 3: Key aspects and common bottlenecks in safeguard implementation

Key aspects of safeguard	Bottlenecks in implementation of safeguards for the HKH
<ul style="list-style-type: none"> • Ensure local (and global) REDD+ benefits • Enable full stakeholder participation • Meet multi-stakeholder interests while minimizing conflict and compromise • Balance issues of livelihood and biodiversity conservation • Ensure transparency, especially in benefit-sharing 	<ul style="list-style-type: none"> • Insufficient coordination and communication, particularly among ministries and line departments; weak political commitment • Difficulty raising REDD+ awareness, especially at the local level • Limited human resource capacity development at all levels • Acquiring information – determining indicators to collect information, gathering it at the local level, collating/archiving it at the national level, and, ultimately, being able to predict and/or quantify negative effects of REDD+ • Ensuring inclusion of all stakeholders (especially in rural communities) • Ensuring equitable payment • Accountability of stakeholders in benefit sharing • Additional costs of training and databases management

Way Forward for Developing NSS in the HKH

In the HKH, further development of the NSS and its sub-components will include general clarification and defining specific detailed tasks. Depending on a country's individual NSS development process, next steps will consist of:

- Generating awareness of REDD+ among relevant stakeholders and sustaining continuous engagement with them
- Improving communication and coordination among ministries, implementing agencies, communities, and/or other stakeholders in order to facilitate cross-sector processes
- Internalizing REDD+ safeguards and mainstreaming them within national policies, plans, and programs
- Developing criteria and indicators and implementing them at the sub-national level
- Increasing awareness of REDD+ safeguard issues, particularly at the sub-national level, enabling stakeholders to express informed opinions at national forums
- Collecting, collating, and analyzing data (for example, linking information to national databases)
- Continually updating the NSS
- Where possible, creating opportunities for learning and sharing information on the progress of NSS within the HKH

Conclusion

As the HKH countries are signatories to the Paris Agreement and their (I)NDCs have already been formulated, there is a strong commitment to implementing REDD+. Countries have already embarked on the REDD+ readiness phase, of which NSS development is an integral part.

HKH countries are currently in the process of recognizing and addressing the Cancun safeguard principles. However, there is flexibility in interpreting these principles based on national circumstance. Such interpretation requires assessment of the inherent meaning of each safeguard and the development of criteria and indicators.

Countries with sub-national pilots or projects have a good basis for testing and improving their SIS. Pilot projects will provide direct insight into challenges and opportunities.

Major challenges include a lack of awareness and a significant need for the transfer of knowledge from central to sub-national levels. Further, funding is a necessity. Many of the countries in this region lack adequate financial resources and technical capacities to undertake independent development of their NSS and must rely on multilateral and bilateral contributions instead.

Across the region, there are many common factors driving deforestation, climate vulnerability, economic conditions, and community practices. This commonality presents an ideal opportunity for trans-boundary cooperation. As a contiguous landscape, HKH countries can work collectively, sharing knowledge and experiences pertaining to REDD+. For example, all participating HKH countries have existing PLRs and GRM systems, which can be used as a basis of REDD+ preparation. In addition, adapting these systems for REDD+ safeguards, HKH countries can learn from each other and apply existing best practices of landscape management, biodiversity conservation, and climate change through bilateral and tripartite trans-boundary cooperation across the region.

Increasing efficiency and reducing duplication of effort and finance, and increasing efficiency is key to moving forward in REDD+. Therefore, synergies in formulating SIS/NSS with multi-sector and multi-stakeholder involvement should be identified and put in to good use.

The NSS process will contribute to improving forest governance in the region while securing non-carbon benefits for forest-dependent communities. Overall, there will be no regret to developing the NSS. In fact, it will ease the processes of meeting sustainable development goals while ensuring environmental integrity.

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Appendix 1: Methodological steps for developing NSS

A) Methodological steps for analyzing a country's PLRs against a specific set of safeguards:

- List the safeguards and all relevant PLRs, then rank challenge posed by PLRs

Safeguards <i>(Cancun/UN-REDD/FCPF/SES)</i>	Relevant PLRs <i>(Include forestry and all other cross-sector PLRs)</i>	Ranking <i>(Based on relevance to safeguards)</i>
Safeguard A		
Safeguard B		

- Identify and compare commonalities
- Identify gaps within the listed PLRs (for example, other policies that should incorporate forestry/biodiversity concerns)
- Rank challenges in respect to PLRs, for example:

Challenges	Ranking <i>(1 is most challenging)</i>
Capacity of authorities/relevant officials on understanding REDD+ requirements	1
...	...

B) Guidelines for analyzing grievance mechanisms consider the following:

- To whom are grievances submitted? Where and with whom are they registered?
- Which organization, institutions, or bodies are expected to provide a response?
- What is the decision-making process leading up to the response? What are the potential responses?
- How are grievances advanced to the next level, especially in the case of non-agreement?

While developing or modifying a GRM, it is also useful to rank the challenges in implementation.

Challenges	Ranking <i>(1 is most challenging)</i>
Weak institutionalization of grievance-redress hierarchy from local/traditional level to the administrative or judicial level	1
...	...

C) To ensure efficiency in the SIS-development process, the following areas must be taken into consideration:

- Design
 - Sampling framework
 - Data collection
 - Consideration of resources (e.g., human; financial)
- Quality control measures
 - Transparency of information
 - Accountability of responsible agencies
 - Accuracy of information
 - Right to seek information
 - Social-auditing systems

- Data collection, analysis, and archiving
 - Development of data-collection methodology
 - Acquisition of quantitative and/or qualitative data related to all safeguards
 - Quarterly or biannual progress reports
 - Online reporting system for field offices (use of smart phones or computers)
 - Validation of data
 - Data-management center (e.g., FIMS in Bhutan)
- Verification and reporting
 - Verification of SIS system prior to submission
 - Seeking feedback on SIS from web-portal
 - Maintaining information access and transparency
 - Respect rights to information
 - Disseminate information through a web-based system
 - Information should be made available to the public in national/local language

Finally, the challenges in implementing SIS should be identified and ranked:

Challenges	Ranking <i>(1 is most challenging)</i>
Weak cross-sector coordination	1
...	...

Appendix 2: Good practices — existing safeguard mechanisms in the HKH

A. Community-based MMR system in Nepal

What is participatory monitoring, measuring, and reporting in the context of REDD+ activities?

REDD+ is a global policy mechanism that aims to reduce emissions from deforestation and forest degradation and to enhance the carbon-sequestration capacity of forests. Nepal has embraced REDD+ as a potential solution and as a source of funding for mitigating problems associated with climate change, deforestation, rural poverty, and loss of biodiversity. However, the successful implementation of REDD+ requires the meaningful participation of all stakeholders throughout the process. Such broad and inclusive participation is the only way to ensure the sharing of responsibilities and benefits and to strengthen among all stakeholders a sense of ownership over the programme's implementation and monitoring.

Various stakeholders, including national and sub-national government institutions, local communities, women, and indigenous populations have particular roles to play in the successful implementation of REDD+. These roles support the monitoring, reporting, and verification necessary for the development of a robust and transparent national forest maintenance system. With technical support from forest authorities, local involvement is invaluable in monitoring carbon. Participatory MMR stands out as an effective means of improving the vertical and horizontal institutional integration of different stakeholders in REDD+ activities, including safeguard compliance and carbon accounting.

Why do we need an MMR guideline?

An MMR guideline provides necessary support to local communities and REDD+ practitioners up to the district level in effectively implementing REDD+ interventions and in monitoring, measuring, and reporting collected information to the relevant authorities. Such reporting includes the implementation status of REDD+ activities, data on environmental change, information on the social and environmental effects of REDD+ programmes, and the status and impact of benefit sharing. The guideline ensures best practices from the earliest stages of REDD+ implementation to the assessment of results.

Approach

The guideline builds on existing principles, directives, and practices related to community forestry in Nepal, as indicated by the figure 2 below. Rather than proposing drastically new actions, it strengthens, improves, and simplifies prevailing approaches.

Figure 2: Stages in MMR process



Local-level MMR team arrangement

The participatory MMR guideline proposes four tiers of teams at the local level. As shown in the figure 1 the arrangement follows the institutional setting of the district forest office. Several community forest user groups are located under *ilaka* (a forest block) and several *ilakas* make a sector-level blocks. District teams occupy the highest tier. All MMR teams are composed of a range of stakeholders, including forestry technicians, community members, women, and representatives from society organizations.

B. The National Green Tribunal system in India – context for REDD+ in India

In India, the Forest Bureaucracy addresses grievances regarding the environment, forests, and biodiversity (including wildlife) through national legislation applicable in the context of REDD+. Judicial activism through public interest litigation (PIL) under article 226 of the constitution in the High Court and under article 32 of the constitution in the Supreme Court is another significant means of addressing grievances. The most important GRM is the National Green Tribunal, established 18.10.2010 under the National Green Tribunal Act 2010. Gill, G.N.(2014) states that the Tribunal is known for the effective and expeditious disposal of cases relating to environmental protection, conservation of forests and other natural resources; for the enforcement of any legal right relating to the environment; for seeking relief and compensation for damages to persons and property; and for matters connected therewith or incidental thereto.

The Tribunal is a specialized body equipped with the expertise necessary for handling a wide range of environmental disputes. The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure 1908, but shall be guided by principles of natural justice. The preamble of National Green Tribunal Act is based on Polluter Pays Principle, Sustainable Development, and Natural Justice. The right to a healthy environment is considered a fundamental right under article 21 of the Constitution of India. Any person adversely affected by activities causing compromise to the environment, forests, and biodiversity, can approach the National Green Tribunal with a simple application that requires neither a fee nor a lawyer. The aforementioned policies and India's judicial activism including the National Green Tribunal combine to make the most effective GRM in India in the context of REDD+.

C. Safeguarding social and environmental interests in community forestry (CF) in Bhutan

The Constitution of Bhutan (2008) requires the country to maintain a minimum of 60% of its total land area under forest cover and empowers all citizens as custodians of the natural environment. There are approximately five national policies, a minimum of eleven acts, and several regulations that favor forest management, protection of biodiversity, and environmental conservation. Bhutan is currently in the REDD+ readiness phase at work on interpreting existing regulations of state and community forests and aligning them with the Cancun safeguards.

Prior to the 1950s, under traditional and customary rights, forests in Bhutan were locally managed as open-access resources for food, wood, and fiber. Following the nationalization of forests in 1969, the spread of Forest Policy (1974), and the establishment of scientific forest management (1977), all forests were brought under state management, with a scientific focus on protection and conservation. The Forest and Nature Conservation Act (1995) has provisions and by-laws to allow active community participation in the management of forest resources. Some traditional rights (e.g., *sokshing*) and customary sanctions (e.g., *ridam*) remain in effect, and they are incorporated into community-based forestry management practices. Existing environmental and forestry-related PLRs address several environmental and social safeguards.

Bhutan's Community Forestry programme, founded in 2000, is now gaining importance and expanding across the country. It operates under a safeguard framework that includes legislation, policies, rules, and procedural systems. The safeguards are enabling rather than enforcing. They require a participatory approach to local legislation, and they specifically address topics such as human rights in the context of the environment. The CF safeguard is largely aligned with the Cancun safeguard, respecting the knowledge and rights of indigenous peoples and members of local communities.

The rights of community to manage and benefit from local forests are guaranteed in the Forest and Nature Conservation Act (1995) and in the Forest and Nature Conservation Rules (2006), both of which also enable communities to improve the condition of the forests in their vicinity – and to advance their own livelihoods.

Community forest management group (CFMG) is given ample of authority (and responsibility) to participate in decision-making and effective management of community forests. Each CFMG has the authority to manage Community forests, distribute benefits, and generate income, which can be used for both forest management and community development. Example of existing safeguards, process and redress mechanisms for CF is illustrated below.

Examples of existing safeguards, process, and redress mechanisms for CF in Bhutan

Selection of potential CF area – based on traditional usage, production, and potential for environmental protection (District Forest Office (DFO)/CFMG/Dzongkhag Administration).

CF Establishment – CFMG forms, prepares management plan, and submits application to Forest Department (DFO/CFMG).

Review and approval – community forest certificate issued to CFMG by Forest Department (FD).

Management authority issued to CFMG – responsibilities include forest management, marketing and selling of forest products, penalties to offenders.

Cancellation of certificate – in the event that the DFO/CFMG and Dzongkhag Administration jointly determine that a CFMG is not required.

Redress – upon notification of the cancellation of the certificate, an independent review team will report its findings and recommendations to FD for a decision. If the community is not satisfied with the decision of the FD, normal redress (legal) can be initiated at the community level, which can be forwarded to Geog (block) to Dzongkhag (district) and central (High Court) and Supreme Court.

Appendix 3: List of participants in two regional workshops contributing to preparation of this submission

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