

Readiness Preparation Proposal (R-PP)

for Country: xxx [name of country]

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R-PP v. 5 draft (October 30, 2010): Working Draft
ANNEXES for Comments: Clean Version
Not for use by countries.
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Readiness Preparation Proposal (R-PP) Template

Draft Version 5. Working Draft ANNEXES for Comments

October 30, 2010

Forest Carbon Partnership Facility (FCPF)

United Nations REDD Programme (UN-REDD)

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Annex A: Available Tools for Potential Reference

Components	Available tools	Source	Web Address
1b, 1c	Consultation Guidelines	FCPF	http://www.forestcarbonpartnership.org/fcp/node/31
2a,	Roots for Good Governance – An Analytical Framework for Governance Reforms (2009), and Generic Questionnaire (July 2010)	World Bank	http://www.profor.info/profor/governance-indicators
	Governance of Forests Initiative Indicator Framework (Version 1)	WRI	http://www.wri.org/publication/governance-of-forests-initiative-indicator-framework
	Governance tools	CIFOR	http://www.cifor.cgiar.org/acm/pub/toolbox.html
2b	REDD Valuation and Economics of REDD+	FCPF	http://www.forestcarbonpartnership.org/fcp/node/31
	Estimating the opportunity costs of REDD: A training manual (August 2010)	FCPF/WBI/ICRAF	http://www.forestcarbonpartnership.org/fcp/ (Will be available soon)
2b, 2c, 2d, 6	REDD+ Social & Environmental Standards version 1 June 2010	CCBA	http://www.climate-standards.org/REDD%2B/
2d	Look at PPTs in Guyana by DRC, Ghana, LAC country in Guyana PC meeting SESA workshop docs [[[to be edited]]]		
3&4	IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry (2003)	IPCC	http://www.ipcc-nggip.iges.or.jp/public/gpplulucf/gpplulucf_contents.html
	IPCC Guidelines for National Greenhouse Gas Inventories Volume 4 Agriculture, Forestry and Other Land Use (2006)	IPCC	http://www.ipcc-nggip.iges.or.jp/public/2006gl/vol4.html
	GOFC-GOLD sourcebook on REDD+ monitoring, measuring and reporting	GOFC-GOLD	http://www.gofc-gold.uni-jena.de/redd/index.php

Annex B: Guidance on Stakeholder Engagement in REDD+ Readiness, FCPF and UN-REDD Program

With a Focus on the Participation of Indigenous Peoples and Other Forest Dependent Communities

DRAFT – October 29, 2010

This note presents guidance on the key elements of effective stakeholder engagement in the context of REDD+ readiness for the Forest Carbon Partnership Facility and the UN-REDD Programme, with an emphasis on the participation of Indigenous Peoples and other Forest Dependent Communities. It outlines 1) principles for effective participation and consultation; 2) operational guidelines; and 3) practical “how-to” guidance on planning and implementing consultations.

Introduction

The Forest Carbon Partnership Facility (FCPF) and the UN-REDD Programme assist developing countries in their efforts to reduce emissions from deforestation and forest degradation (REDD+)¹ by building national capacity for REDD+ activities, and testing a program of performance-based incentive payments in certain pilot countries. The two programs are supporting a REDD+ readiness mechanism to assist countries put in place a number of building blocks (measurement, reporting and verification system; reference scenario; REDD+ strategy and national management arrangements for REDD+) that will enable them to participate in future systems of positive incentives for REDD+.

1. REDD+ has the potential to deliver several benefits to indigenous peoples and other forest-dependent communities, including the sustainable management of biodiversity, the provision of alternative livelihoods, equitable benefit sharing of revenues generating from emissions reductions, etc. However, it also presents risks to livelihoods, culture, biodiversity, etc. For REDD+ programs to succeed in the long term, these risks have to be identified, reduced and mitigated, and stakeholders have to be involved at the formulation and implementation stages.

2. Stakeholders are defined as those groups that have a stake/interest/right in the forest and those that will be affected either negatively or positively by REDD+ activities. They include relevant government agencies, formal and informal forest users, private sector entities, Indigenous Peoples and other forest dependent communities.

¹ REDD+ means reducing emissions from deforestation and forest degradation, sustainable management of forests, and conservation and enhancement of forest carbon stocks in developing countries.

3. This note presents guidance applicable to the UN-REDD Programme and FCPF on the key elements of effective stakeholder engagement in the context of REDD+. It aims to outline: (i) principles for effective participation and consultation; (ii) operational guidelines; and (iii) practical “how-to” guidance on planning and implementing consultations.

4. This guidance focuses on a particular category of stakeholders, who are often legal and/or customary rights holders: *Indigenous Peoples and other forest-dependent communities*. These stakeholders are often not engaged in public decision-making processes, yet they depend on forests for their social and economic livelihoods as well as cultural and spiritual well-being. As such they may be more vulnerable than other stakeholders in the context of formulation and implementation of REDD+ activities. At the same time, they have a special role to play in REDD+ given their traditional knowledge and relationship to the forest and their presence on the ground.

Importance of Indigenous Peoples

5. Both the FCPF and UN-REDD Programme recognize the importance of Indigenous Peoples and are committed to applying specific policies to safeguard their rights and interests. Both the FCPF and UN-REDD Programme also recognize that for REDD+ to be implemented, participating countries should comply with relevant international treaties and other instruments and take into account national circumstances and legislation.²

6. In the context of the UN-REDD Programme, countries that have signed on to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) will be expected to adhere to the principle of free, prior and informed consent (FPIC).³ It is critical for UN-REDD Programme countries to ensure that:

- a. Activities that may potentially impact Indigenous Peoples and other forest dependent communities, shall follow a human rights based approach and shall adhere to UNDRIP, the UN Development Group Guidelines on Indigenous Peoples' Issues, and the International Labour Organization Convention No.169;
- b. FPIC shall be adhered to, and is essential to ensuring the full and effective participation of Indigenous Peoples and other forest dependent communities, in program activities and policy-making and decision-making processes (see Annex 1 for more details).

² Notable international 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.

³ The UN Declaration on the Rights of Indigenous Peoples, adopted by the 61st session of the United Nations General Assembly on September 13, 2007, can be accessed at <http://www.un.org/esa/socdev/unpfii/en/declaration.html>

7. In the context of the FCPF, activities affecting Indigenous Peoples are governed by the World Bank Operational Policy 4.10 on Indigenous Peoples (see Annex 2 for more details), which is one of the ten Safeguard Policies of the World Bank.⁴ This policy aims to ensure that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. The policy calls for the recipient country to engage in a process of free, prior, and informed consultation, and the Bank provides financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples. Where under national law or practice the FPIC standard has been adopted, the said standard will also be applied. The Policy includes measures to:

- a. Avoid potentially adverse effects on the Indigenous Peoples' communities; or
- b. When avoidance is not feasible, minimize, mitigate, or compensate for such effects. Operations are also designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and inter-generationally inclusive.

Principles of Effective Stakeholder Engagement

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 (see Annex 1 for more details). Beyond the national level, participatory fora need to be established (or existing ones

⁴ As a practical matter, it may be that there are no material differences between the World Bank Policy on Indigenous Peoples and "free prior and informed consent". The term may be interpreted differently in different contexts. It is also important to note that the Bank's safeguard policies are a cornerstone of the Bank's support to poverty reduction. The objective of these policies is to prevent and mitigate undue harm to people and their environment in the development process. The effectiveness and development impact of projects and programs supported by the Bank has substantially increased as a result of attention to these policies. Safeguard policies have often provided a platform for the participation of stakeholders in project design, and have been an important instrument for building ownership among local populations. The Safeguard Policies include Environmental Assessment (OP 4.01), Natural Habitats (OP 4.04), Forests (OP 4.36), Pest Management (OP 4.09), Dam Safety (OP 4.37) Physical Cultural Resources (OP 4.11), Involuntary Resettlement (OP 4.12), Indigenous Peoples (OP 4.10), International Waterways (OP 7.50), and Disputed Areas (OP 7.60). Detailed information is available at www.worldbank.org/safeguards.

- 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.

Operational Guidelines for Participation and Consultation

10. The Readiness Preparation Proposal (R-PP) template contains specific guidelines to assist a REDD+ Country organize itself for becoming ready for REDD+. With respect to participation and consultation, the R-PP template provides specific guidelines on national readiness management arrangements and stakeholder consultation and participation.⁵

The FCPF is using the Strategic Environmental and Social Assessment (SESA) to integrate key environmental and social considerations into REDD+ readiness by combining analytical and participatory approaches. The SESA allows: (i) social and environmental considerations to be integrated into the REDD+ Readiness process, in particular the REDD+ strategy; (ii) participation in identifying and prioritizing key issues, assessment of policy, institutional and capacity gaps to manage these priorities and recommendations, and disclosure of findings in the REDD country's progress report on Readiness preparation ; and (iii) an Environmental and Social Management Framework (ESMF) to be put in place to manage environmental and social risks and to mitigate potential adverse impacts (see more details in Annex 3). The SESA guidelines have been integrated into the R-PP template.

As outlined in the UN-REDD Programme Guidelines on Stakeholder Engagement (see Annex 4), the UN-REDD Programme adheres to the United Nations human rights principles of Participation and Inclusion as well as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UN Common Understanding on the Human Rights Based Approach to Development Cooperation identifies participation and inclusion as key human rights principles that should guide the programming process and development cooperation. In Article 19, UNDRIP requires States to "consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent...". Countries that have signed on to the UNDRIP will be expected to adhere to the principle of FPIC (see Annex 2 for more details on FPIC).

Among the formal reference frameworks of the FCPF, FIP and UN-REDD Programme, common elements apply to all three initiatives when it comes to practical steps on how to conduct consultations. The next section outlines these steps, which are also illustrated in Figure 1.

Practical Steps for Carrying out Effective Consultations

1- Define the desired outcomes of consultations

11. A good consultation and participation process is one that is carefully planned and contains clear goals. One of the first steps in assembling the Consultation and Participation Plan is the preparation of a realistic budget and financial plan. This should be done by the National REDD+ Committee or the agency(ies) or committee(s) responsible for REDD+ policy design.

2- Develop a Consultation and Participation Plan and request endorsement through a national stakeholder workshop

12. A national level workshop should be held to initiate the consultation and participation process. The workshop should include a broad range of local and national stakeholders (please

⁵ The R-PP template is available in English, French and Spanish at www.forestcarbonpartnership.org.

see Step 5). The goal of this workshop is to review and assess the Consultation and Participation Plan proposed by the national government. This draft plan includes the elements contained in Steps 3-8 below. It is important to ensure that the initial consultation phase has clear objectives and timeframes to avoid raising undue expectations on the part of local communities.

3- *Select the consultation and outreach methods*

13. The most effective consultations are custom-designed to place and purpose and provide for adequate budgets and human resources. A variety of stakeholder engagement methods can be used for consultations to allow for bottom-up participation and ensure that information is rigorously gathered and fairly presented, such as workshops, surveys, and focus groups. The communication and outreach methods should ensure that adequate and timely information is provided to all stakeholders in an accessible language and style. Various forms of communication media such as printed materials, electronic media, community radio, and local plays and drama can be used to disseminate information as widely as possible.

4- *Define the issues to consult on*

14. The key issues should broadly correspond to the R-PP components. In the case of REDD+, issues for consultation may include (but are not limited to):

- *Current status of national forests ;*
- *Main causes and drivers of deforestation and forest degradation;*
- *Past and present policies to halt deforestation and forest degradation, where they have succeeded and where they have not;*
- *Issues of forest governance;*
- *Inclusive participation in the design and implementation of REDD+ strategy;*
- *Proposed REDD+ strategy;*
- *Institutional, policy and regulatory frameworks;*
- *Opportunity costs of land use;*
- *Land rights (user and property rights) and land tenure systems;*
- *Rights to the carbon;*
- *Design of benefit-sharing systems for equitable and effective distribution of REDD+ revenues;*
- *Interests of Indigenous Peoples and other forest dwellers;*
- *Economic, social and environmental impacts and risks of REDD+ and the mitigation of risks;*
- *Role of the private sector;*
- *Groups likely to gain or lose from REDD+ activities;*

- *Design of monitoring systems to keep track of forests and forest emissions.*

5- Identify stakeholders

15. The planners need to identify the groups that have a stake/interest in the forest and those that will be affected by REDD+ activities. The stakeholder groups should have appropriate knowledge about the issues to be consulted upon. If their existing level of information and knowledge is not sufficient, proper steps should be taken to provide information, prior to the start of the consultations. It is important to ensure that the process of selecting stakeholders is transparent so that all interested parties may participate. Particular attention needs to be given to the inclusion of Indigenous Peoples and other forest-dependent communities, women and other marginalized groups. Stakeholders may include:

- Government agencies (environment, agriculture, energy, transportation, finance, planning; national, state, local, etc.);
- Environmental law enforcement agencies;
- Civil society (NGOs, community associations, etc.);
- Indigenous Peoples and other forest-dependent communities;
- Local communities, pastoralists, farmers who depend on forests for livelihoods;
- Vulnerable groups (women, youth, etc.);
- Private sector (loggers, ranchers, energy producers, industry, farmers, agri-business etc.);
- Academia.

6- Establish grievance redress mechanism

16. The consultation process should define specific grievance and grievance redress mechanisms. This could include both local and national level conflict management systems, provided they are accessible and affordable.

7- Conduct the consultations

17. Consultations should be held with relevant stakeholders at different levels. This should include: Consultations with national/local government stakeholders; separate consultations with Indigenous Peoples and forest dependent communities ensuring geographic and regional balance; and consultations with key private sector organizations. It is important to ensure that consultations are conducted in a socially and culturally appropriate manner at national, sub-national and village and community levels. Adequate time should be given for the consultations and the facilitators need to be trained in advance to ensure that they manage the consultation and record views appropriately.

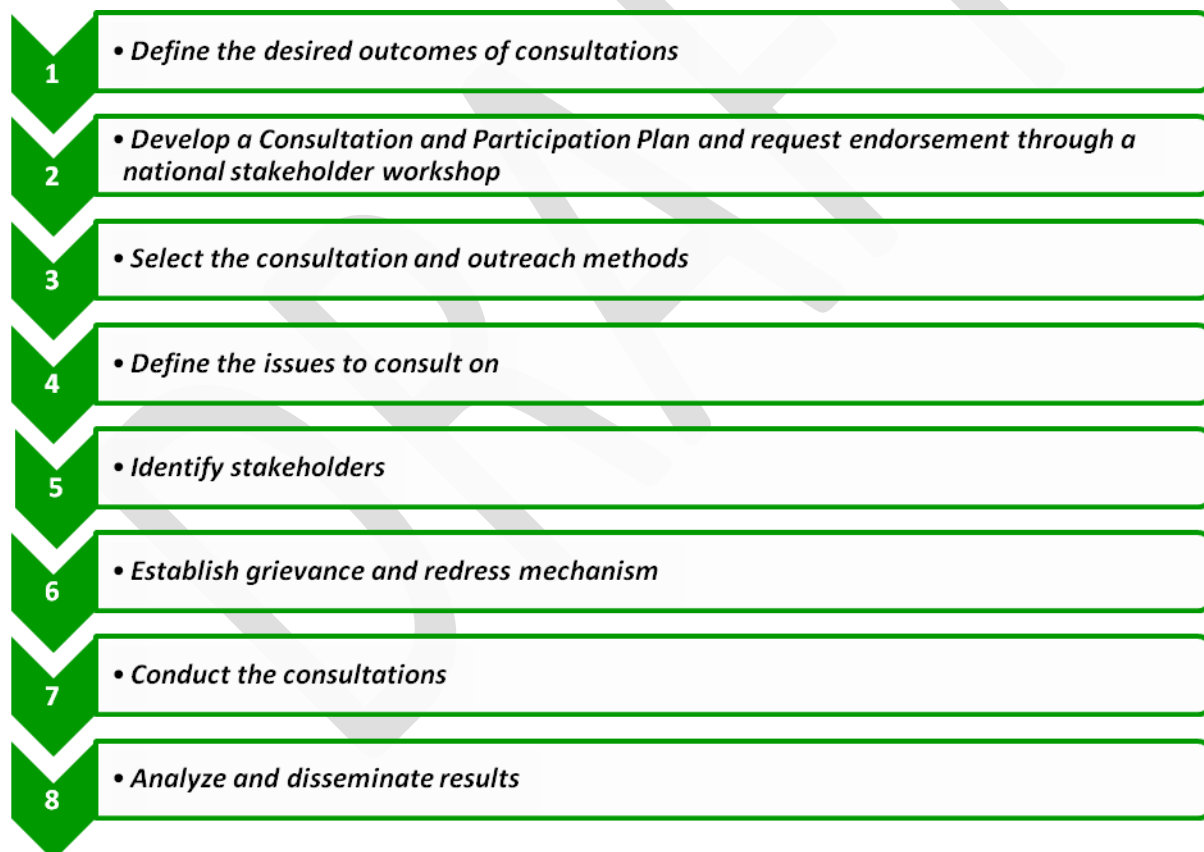
8- Analyze and disseminate results

18. The findings from the various consultations should be analyzed, reported and discussed once again in a national forum with representative stakeholder groups. It is important that staff are trained in data analysis, and that the data analysis feeds back into the decision-making process. Providing timely feedback is also important to sustain interest in and commitment to the process.

19. The national forum should achieve the following: present the government's proposed Consultation and Participation Plan, including the issues covered under steps 3-7 above; report the findings of all the consultations; acknowledge key issues raised during consultations and respond as appropriate; and describe how the outcomes of the consultation process will be incorporated into REDD+ strategy and programs. In addition, the findings of all the consultations should be disclosed through existing communication channels, including government websites, written press and national and community radios.

20. A summary of the eight steps is provided in a schematic form in Figure 1.

Figure 1: Schematic of Consultations Steps



Annex 1: UN Declaration on the Rights of Indigenous Peoples and Free, Prior and Informed Consent

This Guidance Note and the Guidelines specific to the UN-REDD Programme respond to the commitments made by States and the UN agencies under the UN Declaration on the Rights of Indigenous Peoples. Articles 19 and 32 refer to States' responsibility to consult and cooperate in good faith with Indigenous Peoples in order to obtain their free, prior, and informed consent with regards to legislative or administrative measures that may affect them, and with regards to any project that may affect their traditional lands, territories or resources.

Elements of Free, Prior and Informed Consent

- **Free** implies no coercion, intimidation or manipulation;
- **Prior** implies consent has been sought sufficiently in advance of any authorization or commencement of activities and respect time requirements of indigenous consultation/consensus processes;
- **Informed** implies that information is provided that covers (at least) the following aspects:
 - a. The nature, size, pace, reversibility and scope of any proposed project or activity;
 - b. The reason/s or purpose of the project and/or activity;
 - c. The duration of the above;
 - d. The locality of areas that will be affected;
 - e. A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit sharing in a context that respects the precautionary principle;
 - f. Personnel likely to be involved in the execution of the proposed project (including Indigenous Peoples, private sector staff, research institutions, government employees and others)
 - g. Procedures that the project may entail.

Consent

Consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith. The parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect in good faith, and full and equitable participation. Consultation requires time and an effective system for communicating among interest holders. Indigenous Peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective and the participation of indigenous women are essential, as well as participation of children and youth as appropriate. This process may include the option of withholding consent. Consent to any agreement should be interpreted as Indigenous Peoples have reasonably understood it.

FINAL FPIC GUIDELINES WILL BE INSERTED HERE IN FIRST QUARTER OF 2011

Annex 2: Summary of World Bank Operational Policy 4.10 on Indigenous Peoples

<i>Objectives</i>	<i>Operational Principles</i>
E. Indigenous Peoples	
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.	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.
	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.
	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.
	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



<i>Objectives</i>	<i>Operational Principles</i>
	protected areas.
	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.
	6. Do not undertake commercial development of cultural resources or knowledge of Indigenous Peoples without obtaining their prior agreement to such development.
	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.
	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.
	9. Monitor implementation of the Indigenous Peoples Plan, using experienced social scientists.

Annex 3: SESA and ESMF

The multi-sectoral, programmatic nature of REDD+ readiness requires a strategic approach. Standard project-level environmental impact assessment is not appropriate at this strategic level. A Strategic Environmental and Social Assessment (SESA) has therefore been selected as the appropriate approach for incorporating relevant environmental and social considerations into REDD+ Readiness.

The strength of SESA for REDD+ is that it combines analytical and participatory approaches in an iterative fashion throughout the preparation of the R-PP and R-Package. The SESA aims to integrate key environmental and social considerations relevant to REDD+ at the earliest stage of decision making, establishing their inter-linkages with economic and political factors. The SESA facilitates this planning process to help governments formulate their R-PPs and R-Packages in a way that reflects inputs from key stakeholder groups and addresses the key environmental and social issues identified. Through this process, social and environmental opportunities and desirable outcomes are identified and agreed on, to strive to ensure that the REDD+ program will be sustainable and contribute to the country's development objectives.

The SESA provides inputs for institutional strengthening and criteria for risk management. The R-Package will include applicable environmental and social management framework compliant with World Bank safeguard policies or other applicable safeguard policies for screening, impact assessment, and consultations in potential REDD+ programs and projects.

The SESA guidelines can be summarized as follows:

- a. Undertake existing or 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. Diagnostic work should cover among others, issues such as land tenure, sharing of benefits, access to resources, 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 framework to mitigate and manage the risks of the REDD+ strategy options, i.e., Environmental and Social Management Framework (ESMF);
- 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 and the REDD country's consultation plan should therefore include the consultations on the social and environmental considerations as well.

Recognizing that several aspects of the analytical work are already covered in the R-PP template, the SESA guidelines have been mainstreamed into the R-PP template.

An ESMF is still desirable as a stand-alone document, but the timing of the ESMF preparation depends on the identification of the investments. If REDD+ investments are not clearly identified

at the Readiness Package (R-Package) stage, the ESMF produced as part of the R-Package could be an advanced draft, to be finalized once the investments are clearly identified, if necessary during the REDD+ implementation phase.

Annex 4: Guidelines for the UN-REDD Programme specify the following:

UN-REDD Global Programme:

Representation⁶

1. Indigenous Peoples will be represented on the UN-REDD Policy Board by the Chair of the United Nations Permanent Forum on Indigenous Issues or by his/her designate, and by three Indigenous Peoples observers representing each of the three regions: Africa, Asia and the Pacific, and Latin America and the Caribbean.
2. Civil Society Organizations will be represented on the UN-REDD Policy Board by one full member and three observers representing each of the three regions and industrialized countries. Representatives of civil society organizations will be identified through a self-selection process and will choose among themselves who will serve as the full member.
3. Indigenous Peoples and other forest dependent peoples will be invited to engage with the Advisory Group on Rights, Forests and Climate Change, which is empowered to monitor activities and provide substantive advice to the UN-REDD Programme Policy Board.

Transparency and Access to Information

4. The UN-REDD Programme will publish meeting reports and official documents on the UN-REDD Programme website.

UN-REDD National Programmes:

Representation

1. Indigenous Peoples and other forest dependent communities shall be represented on National REDD+ Steering Committees or equivalent bodies, where established.
 - i. *Validation of National Programme Documents:*
 - i. In order to be endorsed by the UN-REDD Secretariat for approval by the UN-REDD Programme Policy Board, draft National Joint Programmes (NJPs) must submit minutes of a 'validation meeting' of National Stakeholders (where established: the National REDD+ Steering Committee), including Indigenous Peoples' representative(s).

⁶ For more information on the structure of the UN-REDD Programme Policy Board, see the UN-REDD Programme Rules of Procedure and Operational Guidance at <http://www.un-redd.org/PolicyBoard/tabid/588/language/en-US/Default.aspx>

- ii. The representative who participates in the 'validation meeting' must subscribe to one of the following criteria:

Option i.

- is selected through a participatory and consultative process;
- has previous experience working with the government and UN system,
- has demonstrated experience serving as a representative, receiving input from, consulting with, and providing feedback to, a wide scope of civil society/Indigenous Peoples' organizations; or

Option ii.

- participated in a UN-REDD Programme scoping and/or formulation mission and sit(s) on a UN-REDD Programme consultative body established as a result of the mission; or

Option iii.

- is an individual(s) recognized as legitimate representative(s) of a national network of civil society and/or Indigenous Peoples' organizations (e.g. the GEF Small Grants National Steering Committee or National Forest Programme Steering Committee)

2. The 'validation meeting' will be one step of a wider consultation and engagement strategy and will be documented as an annex to the Programme Document.

3. The National Programme consultation and engagement strategy should effectively involve Indigenous Peoples and other forest dependent communities, and civil society organizations in all stages, including programme design, implementation, and monitoring and evaluation, adhering to the same guiding principles as mentioned in the Principles of Effective Stakeholder Engagement on page 3.

4. National Programmes should include activities and resources to support ongoing consultation, engagement and partnership to ensure that national UN-REDD activities take into account current priorities and concerns articulated by representatives of Indigenous Peoples and other forest dependent communities.

5. As addressed in the UN Declaration on the Rights of Indigenous Peoples and ensuring FPIC, National Programmes will assess the impact of UN-REDD Programme activities on Indigenous Peoples' and other forest dependent communities' rights prior to taking decisions on such activities.

Transparency and Accountability

6. Outcome documents from consultations such as meeting minutes, reports, work plans, and roadmaps for implementation should be: i) circulated to Indigenous Peoples' organizations for an assessment of their accuracy, ii) publicly accessible, and iii) reflected, as appropriate, in i) National Programme documents, ii) on the UN-REDD website, and submitted to the Policy Board annually.

7. The UN Resident Coordinator will distribute annual reports on UN-REDD Programme activities to Indigenous Peoples and civil society networks through the Indigenous Peoples' and other forest dependent community's representative on the National UN-REDD Steering Committee in order to ensure transparency.

Recourse Mechanism

8. The UN Resident Coordinator is responsible for ensuring that the UN-REDD National Programme abides by the UN's Standards and Declarations. As an additional safeguard, a complaint mechanism (to be elaborated in more detail and to build upon existing grievance mechanisms, where they exist) will be established by the Secretariat to ensure that activities supported by the UN-REDD Programme do not result in the violation or erosion of the rights of Indigenous Peoples and other forest dependent communities. The procedure and contact information for making complaints will be posted on the UN-REDD Programme website.

Free, Prior and Informed Consent

9. Countries that have signed on to the UN Declaration on the Rights of Indigenous Peoples will be expected to adhere to the principle of free, prior and informed consent (FPIC).

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Annex 5: Links to Useful Resources

Report from the Global Indigenous Peoples Consultation on REDD, November 2008:

<http://www.un-redd.net/events/GlobalIndigenousPeoplesConsultationonREDD/tabid/551/Default.aspx>

United Nations Declaration on the Rights of Indigenous Peoples:

<http://www2.ohchr.org/english/issues/indigenous/declaration.htm>

ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries:

<http://www.unhchr.ch/html/menu3/b/62.htm>

Convention on Biological Diversity: <http://www.cbd.int/convention/convention.shtml>

Akwe: Kon Guidelines: Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities: <http://www.cbd.int/doc/publications/akwe-brochure-en.pdf>

International Convention on the Elimination of Racial Discrimination:

<http://www2.ohchr.org/english/law/cerd.htm>

Inter-American Court of Human Rights: Case of the Saramaka People v. Suriname Judgment of November 28, 2007:

http://www.forestpeoples.org/documents/s_c_america/suriname_iachr_saramaka_judgment_no_v07_eng.pdf

United Nations Permanent Forum on Indigenous Issues:

<http://www.un.org/esa/socdev/unpfii/index.html>

United Nations Development Group Guidelines on Indigenous Peoples' Issues:

<http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>

UNDP and Indigenous Peoples: A Policy of Engagement:

<http://www.undp.org/partners/cso/publications.shtml>

UNDP and CSOs: A Toolkit for Strengthening Partnerships:

http://www.undp.org/partners/cso/publications/CSO_Toolkit_linked.pdf

UNDG Toolkit for Improved Functioning of the UN System at the Country Level:

http://www.undg.org/toolkit/toolkit.cfm?sub_section_id=255&topid1=on&topid=1

The Human Rights Based Approach to Development Cooperation:

http://www.undp.org/governance/docs/HR_Guides_CommonUnderstanding.pdf

Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide:

<http://www.undp.org/oslocentre/docs06/HRBA%20indicators%20guide.pdf>

Web-based guide on How to Engage with the International Human Rights Machinery

<http://www.hurilink.org/hrmachinery/english/>

World Bank: Consultations with Civil Society – A Guide:

http://siteresources.worldbank.org/CSO/Resources/ConsultationsSourcebook_Feb2007.pdf

World Bank Operational Policy on Indigenous Peoples – OP 4.10:
<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20553653~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

Annex C: Generic Guidance for Draft Input to ToR for ESMF

GUIDANCE FOR THE DEVELOPMENT OF TERMS OF REFERENCE (ToRs) FOR AN ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) IN THE CONTEXT OF REDD-PLUS READINESS OPERATIONS SUPPORTED BY THE FCPF

PURPOSE OF THIS EXERCISE: This document provides guidance on the preparation of Terms of Reference (ToRs) for an Environmental and Social Management Framework (ESMF) for an FCPF-supported REDD-Plus operation. The resulting ToRs will in turn guide the preparation of an ESMF, in relation to the specific Bank safeguard policies that are triggered by the emerging REDD-plus strategy. The ESMF is prepared for application during the Readiness Package implementation stage (i.e. the Carbon Fund stage), as part of the implementation of REDD-Plus strategy option(s) formulated during readiness preparation. Each ESMF prepared will take on a different form depending on the safeguard policies that apply and the particular country circumstances involved. As a next step, this initial guidance will be followed by the dissemination of generic examples of ESMFs, which can loosely serve as models of the final documents participant countries will have to produce.

The ESMF should be prepared as a stand-alone document “as early as possible” in the REDD-Plus readiness preparation phase. However, note that if an ESMF is prepared **too far** upstream, especially in cases where the participant country is interested only in pursuing legal, regulatory, and/or policy reforms rather than discrete activities having site-specific impacts, then the resulting Framework might not provide a suitable basis for public consultations. In fact, attempts to consult on such a Framework too far upstream under these circumstances could prove misleading for the public. Therefore, this Guidance assumes that preparation of the initial draft of the ESMF “as early as possible” means that said preparation will take place during the readiness preparation phase but only after decisions stemming from an inclusive public dialogue are taken, and the country’s REDD-plus strategy begins to take concrete shape on the basis of these decisions.

All other provisions in section 2d. of the R-PP Template are assumed to remain the same. For example, there would still be an initial draft ESMF, as well as an “advanced” or final draft of the Framework that becomes part of the R-package. Both the initial and advanced draft versions of the ESMF are publicly disclosed.

Before the ESMF is disseminated to the public for the first time, it should contain 1) relevant information for stakeholders regarding risks and potential impacts that could affect them as a result of the implementation of the emerging REDD-Plus strategy; and 2) useful descriptions of principles to be adopted and procedures to be followed by the lead agencies to comply with the World Bank’s safeguard policies, based on an assessment of which policies are most likely to apply.

This Guidance assumes that facilitation of workshops organized to consult on the initial draft of the ESMF will be the responsibility of those managing the overall stakeholder engagement process, with the consultants for ESMF preparation taking account of the outputs of these workshops when updating the Framework. Finally, it should be noted that this Guidance may need to be revised to take account of relevant decisions that emerge from the ongoing REDD-Plus negotiations within the UNFCCC regime.

GUIDANCE FOR THE DEVELOPMENT OF TERMS OF REFERENCE (ToRs) FOR AN ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)

I. INTRODUCTORY SECTION

Overall this section should state the purpose of the ToR and describe the context for the development of the ESMF, outline the general principles and specific objectives of the ESMF, and explain the institutional arrangements for preparing the ESMF.

1. Background Information

This sub-section should provide pertinent background for preparing the ESMF, relating its preparation to the other activities underway as part of the REDD-plus readiness process in the country in question. This would include a brief history of this process, a description of activities to be funded by the FCPF, the interactions between/among the various implementing entities involved, and a description of:

- The main risks to the natural environment or to human communities associated with the pursuit of different REDD-plus strategy options; and

- The list of World Bank safeguards policies most likely to apply, which serves as a confirmation of the initial determination of these triggers that was made during the R-PP Formulation phase.

2. Principles and Objectives

This sub-section should describe the general principles upon which the ESMF is based, as well as its specific objectives, taking into account the following points:

- The SESA ensures compliance with World Bank's safeguard policies during both preparation and implementation of the Readiness Package. The ESMF is an output of SESA. It provides for an examination of the risks and potential impacts associated with one or more project(s), activity(-ies), or policy(-ies)/regulation(s) that may occur in the future as part of the implementation of the REDD-plus strategy option(s) designed during the readiness preparation phase. The ESMF sets out the principles, guidelines, and procedures to assess environmental and social risks, and proposes measures to reduce, mitigate, and/or offset potential adverse environmental and social impacts and enhance positive impacts and opportunities of said project(s), activity(-ies), or policy(-ies)/regulation(s).
- The ESMF provides procedures for: (i) consultations with concerned stakeholder groups; (ii) capacity building measures; and (iii) environmental and social impact screening, assessment, and monitoring. The ESMF also specifies the inter-institutional arrangements for the preparation of time-bound action plans for managing and mitigating adverse impacts related to the future project(s), activity(-ies), or policy(-ies)/regulation(s).
- By doing the above, the output in an ESMF that is compliant with applicable World Bank safeguard policies at the time of the assessment of the Readiness Package with, while also providing the overall framework for addressing social and environmental risk management issues in REDD-plus activities that are implemented beyond the readiness preparatory work.

II. MIDDLE SECTION

Overall this section should describe the tasks needed to prepare the ESMF in (i) initial draft form; and (ii) final draft form.

3. Scope of Work

The ToR should make clear that preparation of an initial draft ESMF suitable for disclosure and public consultations would involve the following minimum tasks:

- a) A description of the **indicative REDD-plus strategy option(s)**, its main social and environmental considerations, and the various risks involved in its implementation,

- drawing from information available from the assessment described in section 2b. of the R-PP template;
- b) An outline of the **legislative, regulatory, and policy regime** (in relation to forest resources management, land use, indigenous rights, etc.) that the strategy will be implemented within, drawing from the information available from the assessment described in section 2a. of the R-PP template, with a focus on any reforms to this regime that are proposed as part of the strategy's implementation;
 - c) A description of the **potential future impacts**, both positive and negative, deriving from the project(s), activity(-ies), or policy(-ies)/regulation(s) associated with the implementation of the emerging strategy, and the geographic/spatial distribution of these impacts;
 - d) A description of the **arrangements for implementing the specific project(s), activity(-ies), or policy(-ies)/regulation(s)** that are finally decided on, with a focus on the procedures for (i) screening and assessment of site-specific environmental and social impacts; (ii) the preparation of time-bound action plans for reducing, mitigating, and/or offsetting any adverse impacts; (iii) the monitoring of the implementation of the action plans, including arrangements for public participation in such monitoring.
 - e) An analysis of the particular **institutional needs within the National Readiness Management Arrangements** for implementing the ESMF. This should include a review of the authority and capability of institutions at different administrative levels (e.g. local, district, provincial/regional, and national), and their capacity to manage and monitor ESMF implementation. The analysis should draw mainly from section 2c. of the R-PP template and may extend to proposed laws and regulations, new agencies or agency functions, staffing needs, inter-sectoral arrangements, management procedures, operation and maintenance arrangements, budgeting, and financial support.
 - f) An outline of recommended **capacity building actions** for the entities responsible for implementing the ESMF.
 - g) Requirements for **technical assistance** to public- and private-sector institutions, communities, and service providers to support implementation of the ESMF.
 - h) An outline of the **budget** for implementing the ESMF.

This sub-section should also make clear that preparation of a final draft ESMF suitable for inclusion in the R-Package would have to be consistent with the safeguard policy on Environmental Assessment (OP 4.01) and contain specific sections addressing the requirements of other applicable safeguard policies. These sections would draw on country-specific information generated by steps a)-d) above in taking the form of free-standing "chapters" within the ESMF that would resemble the frameworks provided for in the policies themselves, including as relevant:

- Environmental Management Framework (EMF) to address any potential environmental impacts, including cumulative and/or indirect impacts of multiple activities;
- Resettlement Policy Framework (RPF) to address any potential land acquisition and/or physical relocation, as required by the World Bank Involuntary Resettlement policy (OP 4.12);
- Process Framework (PF) for situations of restriction of access to natural resources within legally designated parks and protected areas, as required by the World Bank Involuntary Resettlement policy (OP 4.12); and

- Indigenous Peoples Planning Framework (IPPF) as required by the World Bank Indigenous Peoples policy (OP 4.10).

Finally, this sub-section will indicate how public consultations on the ESMF will be integrated into ongoing consultation processes in the country (following section 1b. of the R-PP template), and identify any additional consultations and field work needed to prepare the ESMF. Consultations should extend from the national level to the lowest level (e.g. district) where site-specific project(s) and activity(-ies), if any, will be proposed, approved, and then implemented.

III. ENDING SECTION

Overall this section should specify the conditions (relating to budget, timeframe, deliverables, etc.) under which the Consultant(s) selected will be expected to develop the ESMF.

4. Schedule and Deliverables

The ToR should specify the consultancy deliverables (e.g. detailed workplan, initial draft ESMF, final draft ESMF), the schedule for delivery (e.g. detailed workplan within 2 weeks, initial draft ESMF within 2 months, and final draft ESMF within 6 months of contract signature), and the overall duration of the consultancy (e.g. 6 months from contract signature).

5. Budget and Payments

The ToR should indicate if there is a budget ceiling for the consultancy. It should also specify the payment schedule (e.g. 10% on contract signature, 10% on delivery of detailed workplan, 40% on delivery of initial draft ESMF, 40% on delivery of final draft ESMF).

6. Consultant Qualifications and Expected Level of Effort

The ToR should convey that the ESMF preparation team will have to be capable of addressing all of the safeguard policies triggered by the project(s), activity(-ies), or policy (-ies)/regulation(s) that may occur in the future from the implementation of the emerging REDD-plus strategy option(s), and of carrying out all the tasks outlined in the Scope of Work above. Where multiple safeguard policies need to be addressed in an ESMF for REDD-Plus readiness, the Framework would ideally be prepared by a multi-disciplinary team reflecting the necessary ecological and socio-cultural expertise. The ToR should furthermore state that the team will be expected to manage the preparation of both the overall ESMF and each of its separate sections or “chapters” (corresponding to the EMF, RPF, etc.). This can be accomplished by calling for a

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Team Leader and Lead Specialists, with accompanying qualifications (training and experience) requirements.

The expected level of effort required for the preparation of the ESMF should be indicated in the ToR if it will not be specified in a formal request for proposals. The level of effort may be expressed as a total (e.g. 18 person months) or subdivided by team members or ESMF chapters.

7. Services, Facilities, and Materials to be Provided

The ToR should specify what services, facilities, and materials will be provided to the Consultant by the World Bank and the Participant Country. The ToR should also outline the actions to be taken by the Government to facilitate the work of the Consultant by providing access to government authorities, key stakeholders, and potential project sites.

8. Other Information

The ToR should include lists of complementary data sources, project background reports and studies, relevant publications, and other items to which the Consultant's attention should be directed.

Annex D: Summary of How the Integrated SESA Will be Included in the REDD-plus Readiness Package

Note: This Annex provides an overview of how SESA, including the ESMF, will eventually be included in the Readiness package. However, this Annex does not need to be prepared for submission of the R-PP at this point.

Countries receiving support of the FCPF for REDD-plus readiness must comply with World Bank safeguard policies regarding the management of environmental and social impacts. The safeguard instrument to be applied is the Strategic Environmental and Social Assessment (SESA), which includes preparation of an Environmental and Social Management Framework (ESMF). Whereas the ESMF will result in a stand-alone document, other components of the SESA will be integrated into the preparation of the Readiness Package, mostly into the REDD-plus strategy and the Consultation and Participation Process of the REDD-plus Readiness Process.

This Annex provides guidance on how a country eventually should produce an annex with this title for the Readiness Package. It should summarize in 5-10 pages the public consultation and participation processes, in which the preparation of SESA was embedded, and the main findings and results of SESA. The summary should refer to relevant sections of the Readiness Package where the elements of SESA are discussed in detail. The final Annex will be submitted with the Readiness Package, but progress on elements of the work below will be reflected in the country progress reports to be submitted during readiness.

Including references to relevant sections of the Readiness Package, at the least the summary should briefly discuss the following:

- The institutional arrangements for coordinating the integration of environmental and social issues into the REDD-plus readiness process (refer to relevant sections of component 1a).
- The World Bank's applicable policies triggered and the environmental and social studies or assessments carried out (refer to relevant sections of component 1a and component 2b).
- The key environmental and social issues associated with the drivers of deforestation and forest degradation (refer to relevant sections of component 2a).
- The legal, institutional, regulatory and capacity recommendations to address gaps for managing environmental and social priorities associated with the drivers of deforestation and forest degradation and how these results fed into the selection and preparation of the REDD-plus strategy options (refer to relevant sections of component 2b on enhancing preparation of the REDD-plus strategy; and, if needed, component 2c).

- The results of the assessment of environmental and social risks and potential impacts of REDD-plus strategy options to comply with the World Bank safeguard policies during preparation of the Readiness package, and how the results of this assessment fed into the selection and preparation of the REDD-plus strategy options (refer to relevant sections of component 2b on environmental and social safeguarding).
- The ESMF as the framework for managing environmental and social risks and potential impacts during the implementation of the Readiness Package and a discussion of compliance with the World Bank's safeguard policies triggered during the preparation of the Readiness Package. (refer to the stand alone ESMF described in component 2d).
- The consultations, public participation, disclosure and dissemination of information on environmental and social issues.
 - For general procedures followed on consultations, public participation, disclosure and dissemination of information refer to relevant sections of components 1a and 1c.
 - For stakeholder analysis, awareness raising and initially vetting environmental and social concerns refer to relevant sections of component 1b.
 - For participation of stakeholders including forest-dependent indigenous people, forest dwellers, forest-dependent communities and civil society; for methods followed to ensure representative participation of stakeholders and neutral facilitation of consultations; for how the feedback from stakeholders was used; and, for how stakeholders informed SESA and the preparation of ESMF refer to relevant sections of component 1c, 2b and 2d.

Annex E: Generic Guidance for Assessing Drivers of Deforestation and Forest Degradation (in development)