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# *Ghana's Country Approach to Safeguards Roadmap*

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## Introduction

### Background

With technical support from SNV, CLP and KASA and financial support from BMUB, Ghana has decided to adopt a Country Approach to Safeguards (CAS) in order to meet and implement its safeguards requirements for REDD+. In addition to responding to the United Nations Framework Convention on Climate Change (UNFCCC) requirements, a country approach to safeguards will allow Ghana to consider further objectives, including, for example, meeting the safeguard requirements of organizations (e.g. donors) providing interim results-based REDD+ payments/finance, such as the Forest Carbon Partnership Facility (FCPF), and also contributing to the social and environmental sustainability of national policies and their implementation.

### Objectives and structure of the roadmap

The objective of this roadmap is to provide a clear conceptual overview and outline a clear process for a CAS for Ghana. This approach aims to meet applicable international safeguard requirements, notably those of the UNFCCC and FCPF. It also aims to ensure:

1. That REDD+ policymakers and implementers in Ghana have a complete understanding of the scope and extent of these international requirements, and
2. That the aforementioned actors also have a clear and complete understanding of the activities that need to be undertaken in order to develop a country approach to safeguards that is consistent with international best practice
3. The report will be developed in a participatory manner through an iterative process in collaboration with the SWG so as to ensure national ownership of Ghana's country approach to safeguards.

This report is divided into four sections:

- **Part I – International context of REDD+ and REDD+ safeguards.**

Provides a clear exposition of the applicable international safeguards related requirements, which includes those of the UNFCCC and the World Bank's FCPF. The requirements outlined include both procedural and substantive aspects.

- **Part II – Overview of Ghana's context and relevant efforts carried out to date to meet safeguard requirements**

This section provides an overview of the relevant safeguards related activities undertaken by Ghana to date

- **Part III - Conceptual Framework for a Country Approach to Safeguards.**

Outlines the conceptual framework for a CAS and its core elements based on international best practices and guidance.

- **Part IV- Recommendations for adapting the conceptual framework for a country approach to safeguards in Ghana**

This section provides concise recommendations for adapting the conceptual framework for a country approach to safeguards in Ghana, including the design of the SIS.

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## Part I- International context on REDD+ and REDD+ safeguards

### UNFCCC requirements for REDD+

REDD+ is an international climate change mitigation mechanism adopted under the UNFCCC that seeks to contribute to the reduction of global carbon emissions from deforestation by providing financial incentives, in the form of 'results-based payments', to developing countries that successfully slow or reverse forest loss. The UNFCCC Conference of the Parties (COP) articulated five REDD+ activities that developing countries can implement to be eligible to receive these payments:<sup>1</sup>

- a) Reducing emissions from deforestation;
- b) Reducing emissions from forest degradation;
- c) Sustainable management of forests;
- d) Conservation of forest carbon stocks; and
- e) Enhancement of forest carbon stocks

After several years of negotiations and discussions at the international level, the UNFCCC COP adopted the 'Warsaw Framework for REDD+' at its 19th meeting in December 2013.<sup>2</sup> This officially anchored REDD+ to the UNFCCC regime. The Warsaw Framework builds on previous COP decisions and clarifies and consolidates the requirements and methodological guidance countries must meet in order to access results based finance.<sup>3</sup> According to the Warsaw Framework, developing country Parties aiming to receive results-based finance for REDD+ must:

1. Ensure that the anthropogenic forest-related emissions by sources and removals resulting from the implementation of REDD+ activities are fully measured, reported and verified (MRV) in accordance with UNFCCC guidance;<sup>4</sup>
2. Have in place:<sup>5</sup>
  - a) A national strategy or action plan (a link to which is shared on the UNFCCC REDD+ Web Portal);
  - b) A national forest reference emission level and/or forest reference level, or if appropriate, as an interim measure, subnational forest reference emission levels and/or forest reference level (that has undergone a UNFCCC-coordinated technical assessment process);
  - c) A robust and transparent national forest monitoring system for the monitoring and reporting of REDD+ activities; and
  - d) A system for providing information on how the safeguards are being addressed and respected (SIS)

<sup>1</sup> UNFCCC Decision 1/CP.16 paragraph 70

<sup>2</sup> UNFCCC Decisions 9/CP.19; 10/CP.19; 11/CP.19; 12/CP.19; 13/CP.19; 14/CP.19 and 15/CP.19

<sup>3</sup> UNFCCC Decision 2/CP.17 paragraph 63

<sup>4</sup> UNFCCC Decision 1/CP.16 paragraph 73

<sup>5</sup> UNFCCC Decision 1/CP.16 paragraph 71

3. Ensure that REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the UNFCCC REDD+ safeguards<sup>6</sup>
4. Provide the most recent summary of information on how all of the UNFCCC REDD+ safeguards have been addressed and respected before they can receive results-based payments.<sup>7</sup>

Although REDD+ is primarily a mechanism to incentivise forest-based climate change mitigation, it is broadly agreed that it should, as a minimum, ‘do no harm’, and where possible go beyond this to ‘do good’ and achieve multiple (carbon and non-carbon) benefits. Given the potential environmental risks and benefits of REDD+ implementation, Parties to the UNFCCC recognised the need to ensure that the rules and guidance for REDD+ include measures to protect those potentially at risk, particularly indigenous peoples, local communities and biodiversity. For this reason, they agreed to the adoption of seven safeguards for REDD+ at the 16th Conference of the Parties (COP16) also known as the ‘Cancun safeguards’ (see Box 1).

‘Safeguards’ is a term that can be traced to financial institutions such as the World Bank, where it refers to measures to prevent and mitigate undue harm from investment or development activities.<sup>8</sup> The World Bank’s safeguards are a ‘risk-based approach’, which involves pricing and prioritizing risks according to a logic of economically efficient ‘risk management’.<sup>9</sup> A risk management process aims to insure against the risk of a certain type of activity triggering an initiative’s safeguard accountability mechanisms.<sup>10</sup>

In contrast, a ‘rights-based approach’ to safeguards prioritizes the protection of the individual rights of those affected.<sup>11</sup> The wording of the UNFCCC REDD+ Safeguards focuses on the obligations created by international instruments, many of which grant substantive rights (including the rights of indigenous peoples and local communities), rather than focus on financial conditions. This would suggest that the Cancun Safeguards go beyond merely ensuring that investments do no harm to vulnerable people and ecosystems, and require positive actions to operationalize the rights to which they refer, particularly in terms of indigenous peoples’ rights.

The Cancun Safeguards also differ from traditional safeguards in that they do not focus on defining acceptable and unacceptable performance, but instead require improvements beyond a minimum threshold. In fact, the Cancun Agreement indicates the intention of the Parties that REDD+ activities should actively pursue benefits beyond carbon emission reductions, such as enhancing land tenure security, enhancing biodiversity and other ecosystem services, improving forest governance and empowering relevant stakeholders by ensuring participation, among other things.<sup>12</sup>

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<sup>6</sup> UNFCCC Decision 2/CP.17 paragraph 63

<sup>7</sup> UNFCCC Decision 9/CP.19 paragraph 4

<sup>8</sup> McDermott, Constance L., Coad, L., Helfgott, A., Schroeder, H., (2012), Operationalizing social safeguards in REDD+: actors, interests and ideas, Environmental Science and Policy, 21, p.65.

<sup>9</sup> McDermott, Constance L et al Operationalizing social safeguards in REDD+ *op cit* p.68.

<sup>10</sup> McDermott, Constance L et al Operationalizing social safeguards in REDD+ *op cit* p.68.

<sup>11</sup> McDermott, Constance L et al Operationalizing social safeguards in REDD+ *op cit* p.68.

<sup>12</sup> UNFCCC, Decision 1/CP.16, *op cit*, paragraph 72.

Box 1: The Cancun safeguards<sup>13</sup>

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
- (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;<sup>14</sup>
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions

The UNFCCC recognises that safeguards are a key part of REDD+ implementation, and links the Cancun safeguards to results-based payments, requiring that countries demonstrate how they have addressed and respected them throughout the implementation of their REDD+ activities.<sup>15</sup>

The specific UNFCCC safeguard requirements are the following:

**Requirement 1:** Implement REDD+ activities in a manner consistent with the Cancun safeguards

REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that the Cancun safeguards are addressed and respected.<sup>16</sup> This implies that countries should take steps to define how the Cancun safeguards will be implemented, and to ensure compliance with the safeguards throughout the implementation of REDD+ activities.

<sup>13</sup> UNFCCC Decision 1/CP.16 Appendix 1 paragraph 2

<sup>14</sup> Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.

<sup>15</sup> UNFCCC Decision 2/CP.17, Paragraphs 63 and 64, which should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix 1, Paragraph 2.

<sup>16</sup> Decision 1/CP.16 paragraph 69, Decision 2/CP.17, Paragraph 63

**Requirement 2:** Establish a system to provide information on how the Cancun safeguards are being addressed and respected

The governments of countries implementing REDD+ activities are required to establish a system to provide information on how the seven Cancun safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities.<sup>17</sup> This is commonly referred to as the Safeguard Information System (subsequently referred to as the SIS).

According to the UNFCCC guidelines, the SIS should:<sup>18</sup>

- Be consistent with guidance in decision 1/CP.16, appendix I, paragraph 1<sup>19</sup>;
- 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 are being addressed and respected;
- Be country-driven and implemented at the national level;
- Build upon existing systems, as appropriate.

**Requirement 3:** Provide a summary of information on how the Cancun safeguards are being addressed and respected

In order to receive results-based payments, countries must present their most recent summary of information demonstrating how the safeguards have been addressed and respected.<sup>20</sup> The UNFCCC also establishes that the summary of information should be provided periodically, and be included in national communications or other communication channels identified by the COP. An additional and voluntary format for providing information to the UNFCCC is through the UNFCCC REDD+ web platform.<sup>21</sup>

In the final series of decisions on REDD+, agreed in Paris at COP 21, Parties to the UNFCCC developed some further guidance “on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected.”<sup>22</sup>

As part of this guidance, the COP “strongly encourages” developing country Parties, when providing the summary of information on how the Cancun safeguards are being addressed

<sup>17</sup> UNFCCC Decision 1/CP.16 Paragraph 71(d).

<sup>18</sup> UNFCCC Decision 12/CP.17 Paragraph 2

<sup>19</sup> Which states that REDD+ activities should: (a) Contribute to the achievement of the objective set out in Article 2 of the Convention; (b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention; (c) Be country-driven and be considered options available to Parties; (d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems; (e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty; (f) Be consistent with Parties’ national sustainable development needs and goals; (g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change; (h) Be consistent with the adaptation needs of the country; (i) Be supported by adequate and predictable financial and technology support, including support for capacity-building; (j) Be results-based; (k) Promote sustainable management of forests;

<sup>20</sup> Decision 9/CP, Paragraph 4, UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

<sup>21</sup> Decision 12/CP.19, Paragraph 2 and 3

<sup>22</sup> UNFCCC Decision 17/CP.21, see also UN-REDD [brief on summaries of information](#)



and respected, to include, inter alia: “A description of each safeguard in accordance with national circumstances.”<sup>23</sup>

### World Bank Forest Carbon Partnership Facility REDD+ safeguard requirements

In addition to the UNFCCC REDD+ safeguards requirements, the Government of Ghana has committed to meet the FCPF requirements.

Countries receiving FCPF funding for readiness preparation through the World Bank are required to ensure compliance with the FCPF Readiness Fund’s common approach to environmental and social safeguards for multiple delivery partners (Common Approach).<sup>24</sup> This also applies to countries seeking to obtain results based funding from the FCPF Carbon Fund.<sup>25</sup>

The REDD+ safeguard requirements of the FCPF Readiness Grant that Ghana is a beneficiary of, has two dimensions, substantive, and procedural.

#### Substantive Requirements

According to the Common Approach, participating countries are expected to achieve “substantial equivalence” to the “material elements” of the World Bank’s environmental and social safeguard policies and procedures applicable to the FCPF Readiness Fund.<sup>26</sup> In addition, according to the World Bank, its own safeguards policies, procedures and practices are “consistent” with the Cancun safeguards for REDD+,<sup>27</sup> which means that a country approach developed to address and respect the Cancun safeguards could be understood substantively at least, to be “consistent” with the FCPF safeguard requirements.

Procedurally however, a number of additional activities need to be undertaken and outputs produced in order to fully meet the FCPF safeguard requirements.

#### Procedural Requirements

There are two procedural requirements:

- a) Strategic Environmental and Social Assessment (SESA), and
- b) Environmental and Social Management Framework (ESMF)

#### *Strategic Environmental and Social Assessment (SESA)*

<sup>23</sup> Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information for further analysis](#)

<sup>24</sup> UN REDD FCPF (2012) R-PP Template Annexes Version 6, for Country Use p. 44

<sup>25</sup> FCPF (2013) Carbon Fund Methodological Framework. Final. P. 17

<sup>26</sup> FCPF (2011) Readiness Fund Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners. [https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20\\_Final\\_%2010-Aug-2011\\_Revised.pdf](https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20_Final_%2010-Aug-2011_Revised.pdf)

<sup>27</sup> FCPF Carbon Fund (2013) World Bank Safeguard Policies and the UNFCCC REDD+ Safeguards. FMT Note CF-2013-3 [https://www.forestcarbonpartnership.org/sites/fcp/files/2013/june2013/FMT%20Note%20CF-2013-3\\_FCPF%20WB%20Safeguard%20Policies%20and%20UNFCCC%20REDD%2B%20Safeguards\\_FINAL.pdf](https://www.forestcarbonpartnership.org/sites/fcp/files/2013/june2013/FMT%20Note%20CF-2013-3_FCPF%20WB%20Safeguard%20Policies%20and%20UNFCCC%20REDD%2B%20Safeguards_FINAL.pdf)

The SESA stems from environmental assessment (EA) requirements of the World Bank.<sup>28</sup> It is intended to be an inclusive process whereby the REDD+ country, with the participation of all potentially affected stakeholders, seeks to “identify likely impacts and risks, as well as opportunities,” among different strategic REDD+ options. During the SESA process these impacts, risks and opportunities are assessed and weighed by the various stakeholders. Activities that form part of the SESA include (see diagram in Annex):<sup>29</sup>

- Identifying and prioritising the drivers of deforestation and the key social and environmental issues associated with the drivers. This assessment also includes looking at how issues such as land tenure, benefit-sharing and access to resources are dealt with in Ghana. A preliminary examination of the likely social and environmental impacts of the REDD+ strategy options identified in the R-PP is also necessary.
- Analysing the legal, policy and institutional “aspects” of REDD+ readiness
- Assessing existing capacities and gaps to address the environmental and social issues identified
- Establishing outreach, communication and consultative mechanisms with relevant stakeholders throughout the process

The SESA should conclude with the production of an ESMF as a means for managing environmental and social risks as REDD+ countries develop their REDD+ national strategies.

#### *Environmental and Social Management Framework (ESMF)*

All REDD+ countries must produce an ESMF as a direct output of the SESA process.<sup>30</sup> The ESMF lays out principles, rules, guidelines and procedures for assessing issues and impacts associated with planned REDD+ activities that may occur in the future but are not presently known or are uncertain.<sup>31</sup> It largely provides a framework for REDD+ countries to address environmental and social issues in their REDD+ Strategy as it is implemented.

The ESMF is completed and presented, to the extent possible, as part of the REDD+ country’s R-Package. However, if REDD+ investments have not yet been specifically identified, the ESMF remains a general principles-based document, leaving specific details for later.

#### **World Bank Safeguard Policies and the UNFCCC REDD+ Safeguards: overlaps and interactions**

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In the context of developing its Methodological Framework for the Carbon Fund, the FCPF’s Facility Management Team (FMT) attempted to demonstrate how the World Bank safeguards relate to the UNFCCC safeguards (Cancun safeguards). The table below is a result of this attempt to match each Cancun safeguard to the applicable World Bank environmental and social safeguard policies corresponding to these principles.

<sup>28</sup> See OP 4.01 – Environmental Assessment, para. 7; and Annex A, para. 10.

<sup>29</sup> Ibid

<sup>30</sup> R-PP Template, Component 2d, p. 44.

<sup>31</sup> Common Approach, p. 47, para. 23.

The FMT further states that: “While the verbatim texts of the World Bank environmental and social safeguard policies and the UNFCCC REDD+ safeguards are not identical, the required application of the World Bank’s safeguards (consisting of policies, procedures, and practices) to ER Programs supported by the FCPF Carbon Fund should be sufficient to ensure that the World Bank’s safeguards successfully promote and support the UNFCCC safeguards for REDD+.”<sup>32</sup>

However, this is the result of a subjective interpretation of the constituent elements of the Cancun safeguards by the FMT. The table below should therefore only be considered an indication of the interactions and overlaps between these two sets of safeguards. It is recommended that following the Clarification of the Cancun safeguards in accordance with national circumstances (see part IV of this roadmap), countries reassess the overlaps and interactions so as to ensure consistency in their implementation.

**Table 1: UNFCCC REDD+ Safeguards and the World Bank Safeguard Policies**

Cancun Safeguard	Relevant World Bank Safeguard Policies and Procedures
(a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;	<b>OP 4.01 on Environmental Assessment</b> , in particular paragraph (“para.”) 3 <b>OP 4.36 on Forests</b> , in particular paras. 14 and 6
(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;	<b>Access to Information policy</b> , in particular para. 1 <b>OP 4.01 on Environmental Assessment</b> , in particular paras. 3 and 13 <b>OP 4.36 on Forests</b> , in particular para. 14 <b>BP 4.04 on Natural Habitats</b> , in particular para. 5 <b>BP 4.10 on Indigenous Peoples</b> , in particular para. 10 <b>BP 4.12 on Involuntary Resettlement</b> , in particular para. 2
(c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;	<b>OP 4.10 on Indigenous Peoples</b> , in particular para. 1; para. 16 and footnote 17; paras. 19 to 21 <b>OP 4.36 on Forests</b> , in particular paras. 10 and 14 <b>BP 4.36 on Forests</b> , in particular para. 4
(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;	<b>OP 4.01 on Environmental Assessment</b> , in particular paras. 14 and 15 <b>OP 4.10 on Indigenous Peoples</b> , in particular para. 1 and footnote 4 <b>OP 4.04 on Natural Habitats</b> , in particular para. 10 <b>OP 4.12 on Involuntary Resettlement</b> , in particular para. 7 <b>OP 4.36 on Forests</b> , in particular paras. 11 and 12

<sup>32</sup> FCPF Carbon Fund (2013) World Bank Safeguard Policies and the UNFCCC REDD+ Safeguards. FMT Note CF-2013-3 p.1

(e) Actions are consistent with the conservation of natural forests and biological diversity, ensuring that actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits; <sup>33</sup>	<b>OP 4.04 on Natural Habitats</b> , in particular para. 1 and Annex A, para. 1(a); para. 4 and Annex A, para. 1(c) <b>OP 4.36 on Forests</b> , in particular paras. 1, 2, 5, and 7
(f) Actions to address the risks of reversals	<b>OP 4.01 on Environmental Assessment</b> , in particular paras. 1 and 2 <b>OP 4.36 on Forests</b> , in particular para. 14
(g) Actions to reduce displacement of emissions.	<b>OP 4.01 on Environmental Assessment</b> , in particular para. 2 and footnote 3; para. 3 and footnote 5 <b>OP 4.04 on Natural Habitats</b> , in particular para. 4 and Annex A, para. 1(c)

## The green Climate Fund

### Background

The Green Climate Fund (GCF), was established at UNFCCC COP 16 in Cancun, to serve as an operating entity of the financial mechanism of the UNFCCC.<sup>34</sup> It will provide financing in the form of grants and concessional lending, and through other modalities, instruments or facilities as may be approved by the Board. The Governing Instrument also specifies that the GCF may employ results-based financing approaches, including, in particular for incentivising mitigation actions, and payment for verified results, where appropriate.<sup>35</sup>

The GCF was recognised by the UNFCCC as having “a key role to play” in channeling financial resources to developing countries and catalysing climate finance.<sup>36</sup> Furthermore, the GCF was requested by the UNFCCC COP, when providing results-based funding, to apply the methodological guidance consistent with UNFCCC decisions on REDD+<sup>37</sup>

The GCF defines ‘results’ as mitigation outcomes (greenhouse gas emission reductions and/or enhancements in forest cover and carbon stocks) measured and verified against a benchmark (FREL/FRL) expressed in tonnes of carbon dioxide equivalent per year. In addition however, the GCF notes that “results based finance may include incentives for intermediate, predefined, and measurable milestones or outputs (such as policy performance and results from REDD+ phase 2 activities) that will be necessary in order to effectively reduce

<sup>33</sup> Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day.”

<sup>34</sup> UNFCCC Decision 1/CP.16 paragraph 102

<sup>35</sup> GCF governing instrument Governing Instrument, paragraphs 54 and 55

<sup>36</sup> UNFCCC Decision 9/CP.19

<sup>37</sup> Namely decisions 4/CP.15, 1/CP.16, 2/CP.17, 12/CP.17, 9/CP.19 and 11/CP.19 to 15/CP.19

deforestation and forest degradation, and ultimately leading to phase 3 results.”<sup>38</sup>

Thus according to the GCF, results based funding is considered as a broader concept in which results based payments is embedded. The GCF has suggested a flexible approach where results based funding could take the form of payments for emissions reductions and enhancement of carbon stocks but also as incentives for intermediate predefined measurable milestones or outputs.<sup>39</sup> It has been acknowledged that “a period of experimentation” will likely be required in order to operationalize this flexible approach.

#### **GCF and the Cancun safeguards**

As noted above, the GCF is expected to follow UNFCCC decisions and guidance on REDD+, including on safeguards. Currently the GCF has stated that it “needs to consider these [safeguard requirements] relate to the existing GCF policies, procedures and reporting requirements and if further guidance is required on REDD+ RBF specific considerations such as actions to address the risks of reversals.”<sup>40</sup>

In terms of next steps, progress on the development of the GCF REDD+ results-based finance, and the role that the GCF will play in REDD+ finance, will likely begin to be presented to the Board at its fifteenth meeting

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<sup>38</sup> Green Climate Fund (2016) Initial Operationalisation of results-based finance for REDD+, Meeting of the Board **GCF/B.14/03**

<sup>39</sup> Ibid paragraph 17-18

<sup>40</sup> Ibid paragraph 32(e)

## Part II- Overview of Ghana's context and efforts carried out so far relevant to meeting REDD+ safeguards requirements

### Relevant context

Ghana has been implementing REDD+ Readiness Activities since 2011 with financial support from the FCPF of the World Bank and other local and international partners. The Climate Change Unit of the Forestry Commission serves as the National REDD+ Secretariat (herein referred to as NRS) and has responsibility for the coordination of Ghana's REDD+ Readiness process. Ghana has made good progress on activities under the four (4) FCPF's REDD+ Readiness thematic components, i.e.:

- Readiness Organisation and Consultation
- REDD+ Strategy Preparation
- Establishment of a Reference Emission Level/ Reference Level
- Setting up of Monitoring System for Forests and Safeguards

The first phase of Ghana's REDD+ Readiness was successfully completed in November, 2014 and Ghana has received Additional Funding from the FCPF for continuation and consequent completion of REDD+ Readiness Activities to enable the country to fully develop all the frameworks, systems and structures necessary for engagement in an international REDD+ mechanism.

Additionally, Ghana has also been selected into the pipeline of the FCPF Carbon Fund following approval of an Emissions Reduction Programme Idea Note (ER-PIN) by the Carbon Fund in Brussels in early April, 2014. In line with Ghana's National REDD+ Strategy, the ER program targets the cocoa and forests mosaic landscape within the High Forest Zone, with a vision to reduce carbon emissions driven by cocoa farming practices and other agricultural drivers, whilst enhancing farmers' productivity and fostering a multi-stakeholder, public-private sector, collaborative effort across the program area.

Ghana joined the international REDD+ Readiness Programme through the FCPF in 2008, and its Readiness Preparation Proposal (R-PP) was approved in 2010. The R-PP outlined the process by which the Government of Ghana was to develop its National REDD+ Strategy and the supporting mechanisms and processes for participating in and implementing REDD+. During this period, Ghana also became a recipient of the Forest Investment Programme (FIP), of the Climate Investment Fund (CIF) of the World Bank, which is currently supporting the government to implement projects that are synchronized with Ghana's REDD+ programme. Ghana is now preparing its Readiness Package, which outlines the completion of the preparation phase and indicates a move to full implementation.

Ghana began with the formation of the NRWG and technical sub-working groups focusing on thematic areas such as Monitoring, Reporting and Verification (MRV), SESA, etc. Consultancies were also commissioned during the first phase of REDD+ Readiness and various

Consultancy reports were produced such as SESA, Dispute Resolution, Benefit Sharing, etc. The next stage as a country in terms of safeguards is to develop CAS and SIS.

Section IV of this document will outline the progress made in Ghana and next steps for the design of a CAS and a SIS.

### Part III – Conceptual Framework for a Country Approach to Safeguards

In order to comply with the multiple international safeguard requirements under the UNFCCC and the FCPF, a successful approach countries are adopting is a country approach to safeguards (CAS). To date, several countries have initiated processes to design country approaches to safeguards, following conceptual frameworks and developing roadmaps designed to meet UNFCCC and other relevant requirements.<sup>41</sup>

‘Country approaches to safeguards’ is a general term used to mean those elements and processes undertaken, by countries to meet safeguard requirements for REDD+ under the UNFCCC, and other relevant initiatives and institutions. Country approaches are characterized by the identification, application and improvement of relevant existing governance arrangements (including the legal framework; the institutional framework; and the compliance framework) applicable to REDD+ to meet the different safeguards requirements a country may choose to adopt. They also aim to be flexible and capable of accommodating innovation and the development of new governance arrangements if necessary, or if so desired by the country.

This section presents a comprehensive and conceptual framework for the development of a country approach to safeguards, based on international best practices and experiences.<sup>42</sup> Please note that Part IV will outline how this conceptual approach could be adapted and used in the context and advances made in Ghana.

#### Existing governance arrangements for safeguards

The design of a country approach to safeguards is based on the premise that it should be built upon existing and relevant governance arrangements in the country. It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements for safeguards (e.g. PLRs, institutional frameworks, information systems, etc.) provide a fundamental framework through which they can address and respect the Cancun safeguards throughout the implementation of their REDD+ actions.

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<sup>41</sup> Rey D., Shah, W.P. & Swan S.R. 2015. Country Approaches to REDD+ Safeguards: A Global Review of Initial Experiences and Emerging Lessons. United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), Geneva

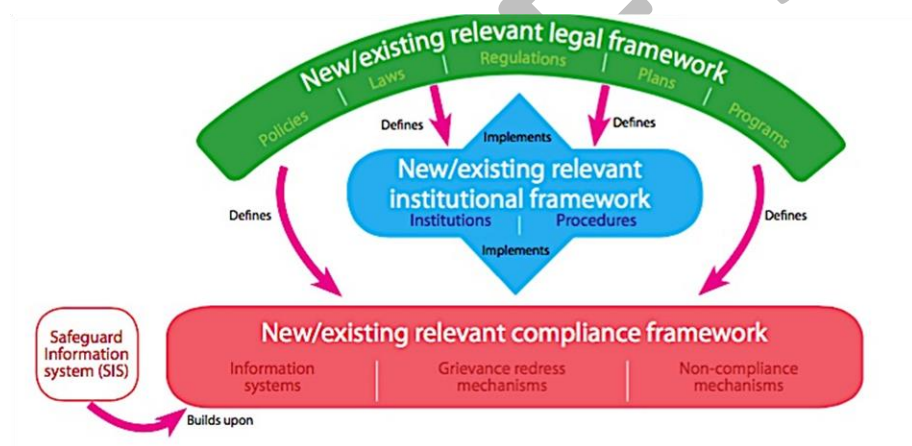
<sup>42</sup> UN REDD (2015) Framework for supporting the development of country approaches to safeguards Rey, D. & Swan, S.R. (2014) A Country-led Safeguards Approach: Guidelines for National REDD+ Programmes. SNV – The Netherlands Development Organisation, REDD+ Programme, Ho Chi Minh City.

Several countries have embarked on the identification and assessment of their safeguards-relevant governance arrangements. The understanding and scope of the term 'governance arrangements' differs from country to country, but the key elements they are considering include:

- policies, laws and regulations
- institutional arrangements
- information systems and sources
- grievance redress mechanisms
- non-compliance/enforcement mechanisms

The above can be broadly categorised into three frameworks: legal framework, institutional framework and compliance framework.

**Figure 1: Relevant governance arrangements for a country approach to safeguards**



Role of each framework in a country approach to safeguards

**The legal framework.**<sup>43</sup> Given that the legal framework of the country generally protects and regulates many of the objectives enshrined in the Cancun safeguards, the legal framework is crucial to define which set of safeguards will be adopted by the country (the Cancun safeguards and any additional safeguards adopted or defined), their scope, and how these will be implemented during the implementation of the proposed REDD+ actions.

**The institutional framework.**<sup>44</sup> Given that the country already has the institutional framework responsible for applying the legal framework relevant to safeguards, these

<sup>43</sup> made up principally of national policies, laws, and regulations, as well as the plans and programs for these laws and policies, and applicable rules. This framework includes relevant international agreements and treaties applicable in the country.

<sup>44</sup> made up of the institutions in charge of implementing the legal framework.



institutions would be responsible for ensuring the implementation of the safeguards in the context of REDD+ activities.

**The compliance framework.**<sup>45</sup> This framework is made up of and informed by the relevant legal and institutional framework. It serves to ensure compliance with the safeguards (the Cancun safeguards or any others adopted or defined by the country). The compliance framework is made up of three sub-elements:

- **Grievance redress mechanisms:** These mechanisms will help to address conflicts or disputes among individuals or groups whose rights (protected by the safeguards) may be affected by the implementation of REDD+ activities.
- **Information, monitoring, and/or reporting systems:** These systems will serve to provide information on how the safeguards are addressed and respected during the implementation of REDD+ activities.
- **Enforcement mechanisms/non-compliance mechanisms:** These mechanisms will serve to address/deal with any failure to respect the rights and obligations embedded in the safeguards during the implementation of REDD+ activities.

**Each country can determine which elements it will consider and utilize in their country approach to safeguards.**

#### [The role of the Safeguard Information System and its place within the Country Approach to Safeguards](#)

It is important to note that the Safeguard Information System (SIS) is an international reporting requirement to the UNFCCC on **how** the Cancun safeguards are being addressed and respected, and will not on its own necessarily guarantee that the REDD+ activities are implemented in consistency with the Cancun safeguards (first requirement of the UNFCCC).

In order to ensure this implementation, it is necessary for a country to develop a system or support structure that takes into account the existing governance system of the country, particularly the legal, institutional and compliance frameworks, which combined and linked will be used to ensure the implementation of safeguards. This system or structure is the key output of the CAS.

The CAS supports the implementation of and ensures compliance with safeguards while the SIS allows countries to report to the UNFCCC on how safeguards are being addressed and respected. The effectiveness of the SIS in each country will therefore depend on the CAS. Indeed, there is a risk that countries will not be able to effectively provide information on how they are addressing and respecting the safeguards, if they have not taken adequate steps to ensure their effective implementation.

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<sup>45</sup> made up of three sub-elements needed to ensure and demonstrate the effective enforcement of the legal framework: i) information systems, including monitoring and reporting systems or mechanisms; ii) grievance redress mechanisms, and; iii) mechanisms to address non-compliance.

## General 'steps' for the design of a country approach to safeguards and a SIS

It should be noted that there is no fixed and linear approach to adopting a country approach to safeguards, as it depends significantly on the context and circumstances of the country and the progress they have made with the overall REDD+ chosen approach.

However, drawing on insights and lessons from pioneering countries<sup>46</sup>, the following key considerations may be used by all countries considering the adoption of the country approach to safeguards and design of the SIS. Countries that have taken certain steps (i.e. such as the development of indicators) can also use these considerations to define additional and appropriate components and steps that meet their context and objectives. It is important to note these areas of work do not necessarily need to be performed sequentially. They have been ordered in this manner to illustrate the conceptual progression of a country approach to safeguards.

The key considerations for how to adopt a country approach to safeguards are organized around six generic components:

- 1) Engaging stakeholders in country approaches to safeguards
- 2) Setting safeguard goals and scope
- 3) Clarifying the Cancun safeguards in accordance with national context
- 4) Identifying, assessing and strengthening existing governance arrangements
- 5) Articulating how the country's safeguard goals will be achieved
- 6) Designing the safeguard information system

Key considerations on each component are structured as follows:

- **Context:** outlining the rationale for undertaking each component
- **Objectives:** reminding the reader the purpose for each component
- **Key Considerations:** early lessons and best practices aimed at assisting with the implementation of the component, including how to ensure synergies with overall REDD+ approach and FCPF safeguard related processes.
- **Distinctions and synergies with other components:** outlining early lessons in terms of distinctions and synergies that should be considered between the implementation of different components under the country approach to safeguards
- **Outputs:** outlining the main results expected from each component
- **Country case study practices:** provided in text boxes, reflecting real world examples of how pioneering countries have approach and implemented these components

The diagram in the following section below provides an overview of the generic components that constitute a country approach to safeguards. Part IV of this report will outline how these could be adapted and used in the context and advances made by Ghana

<sup>46</sup> Drawn from UN REDD (2015) Framework for supporting the development of country approaches to safeguards Rey, D. & Swan, S.R. (2014) A Country-led Safeguards Approach: Guidelines for National REDD+ Programmes. SNV – The Netherlands Development Organisation, REDD+ Programme, Ho Chi Minh City. Rey D., Shah, W.P. & Swan S.R. 2015. Country Approaches to REDD+ Safeguards: A Global Review of Initial Experiences and Emerging Lessons. United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), Geneva. Pioneering countries include among others: Mexico, Ecuador, Costa Rica, Guatemala, Panama, Peru, Papua New Guinea, and Vietnam.

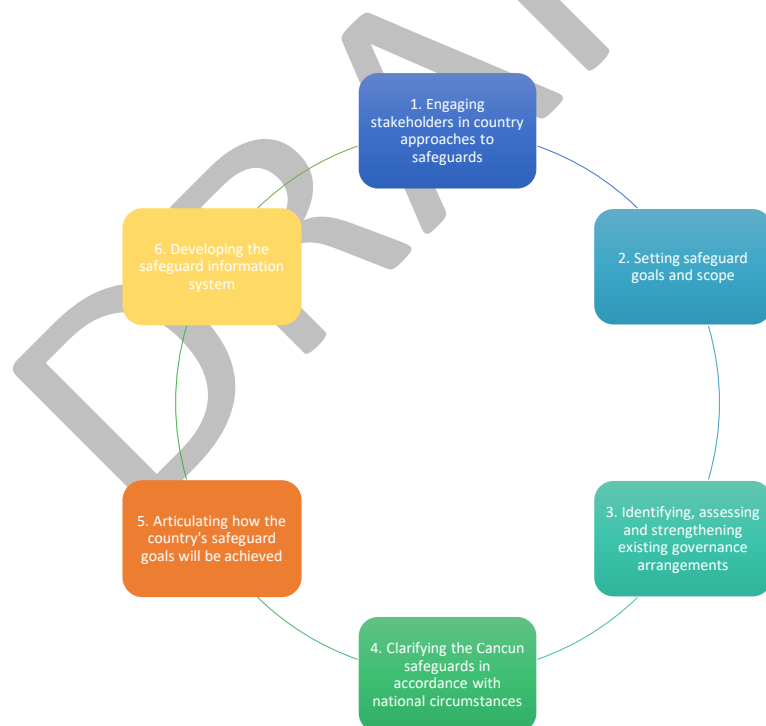
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## Part IV- Contextual inputs and recommendations for adapting the conceptual framework for a country approach to safeguards in Ghana

The following section provides specific inputs recommendations as to how Ghana could consider adapting the conceptual framework for country approach to safeguards in order to meet its objectives (e.g. UNFCCC and FCPF safeguard related requirements).

We note the importance of ensuring coordination between different safeguard-related processes and activities in Ghana, including those supported by the FCPF as many of these can mutually strengthen the other, or can conversely result in a duplication of efforts. This goes beyond those directly labelled as safeguard activities. For instance, the stakeholder engagement activities, the establishment of a National REDD+ Working group and the development of specific REDD+ actions, will all influence the development of the country approach to safeguards. Therefore, this section also aims to highlight the opportunities to explore coordination and maximise efforts.

The design of a CAS is categorized around the generics components:



## 1. Engaging Stakeholders in Country Approaches to Safeguards

**CONTEXT-** There is broad agreement that stakeholder engagement is essential to developing an inclusive and transparent country approach to safeguards<sup>47</sup>. The success of a country's approach to safeguards, and its resultant products – SIS, summaries of information and any other domestic reporting - will depend on stakeholder ownership across a wide range of constituencies, particularly government bodies, civil society, indigenous people and local communities.

**OBJECTIVE-** The objective of this 'component' is for countries to consider and determine the means through which they will ensure the inclusiveness and effectiveness throughout the adoption of the country safeguards approach and the implementation of their SIS.

**KEY CONSIDERATIONS-** Three main issues are emerging from countries' initial experiences in engaging stakeholders in their country approaches to safeguards:

1. **The need for raising awareness and building capacities** regarding/in relation to the safeguards requirements and REDD+ overall, and building capacities to engage in safeguards processes.
2. **The importance of ensuring consultation and participation**, cost-effectively throughout country approaches to safeguards.
3. **The importance of defining appropriate institutional arrangements** to generate the technical and political support that are needed for the country approach to safeguards.

### DESIRED OUTCOMES -

- ✓ A defined multi-stakeholder safeguard platform/body has been created, whose members have the capacities and clear responsibilities to facilitate the design and implementation of the country approach to safeguards
- ✓ Awareness raising and capacity building activities have been identified and planned throughout the country approach to safeguards
- ✓ Participation and consultation activities have been identified and planned throughout the country approach to safeguards

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<sup>47</sup> Indeed, a number of both REDD+ and donor countries cite UNFCCC Decision 1/CP.16, paragraph 72, - developing country Parties, when developing...their NS/APs, [are requested to ensure] the full and effective participation of relevant stakeholders... - as a requirement for full and effective stakeholder participation to apply to REDD+ readiness processes, as well as the implementation of REDD+ actions. They also cite.

Progress made by Ghana relevant to this area of work and suggested way forward for the CAS development process

Component elements	Current progress and next steps for the CAS development process	Suggested Timeframes
<b>1.1 Raising awareness and building capacities</b>	<ul style="list-style-type: none"> <li>- Initial Capacity building workshop was held with the SWG in June 2016, with the aim of introducing the CAS and its design process.</li> <li>- Capacity building materials are being prepared on the CAS, building on other country experiences and lessons learnt. A CAS Guidelines document is expected before December 2016.</li> <li>- Every time stakeholders are given space to participate in the CAS outputs, capacity building and materials will be provided to ensure effective participation.</li> <li>- Under take capacity needs assessment at every stage of the CAS and SIS process development</li> <li>- Develop and implement action plans to address the capacity gaps needs identify</li> </ul>	Throughout the project 2016-2018
<b>1.2 Ensuring consultation and participation</b>	<ul style="list-style-type: none"> <li>- A Safeguards sub-working Group was set up and one of its objectives is to ensure the participation of stakeholders in the CAS and SIS design process.</li> <li>- To ensure effective participation throughout the process, information and documents will be sent to participants early enough before actual meetings and workshops</li> <li>- Capture experiences on multi stakeholder consultation and participation on safeguards development, implementation and monitoring</li> </ul>	Throughout the project 2016-2018
<b>1.3 Defining institutional arrangements</b>	<ul style="list-style-type: none"> <li>- A SESA sub-working group was initially created to support the SESA process in Ghana. In light of the commitment made by the government to develop a process of a CAS in Ghana, the scope of the work and membership of the group was broadened in order to support both the design and implementation of the CAS and the safeguards information system (SIS) in Ghana.</li> <li>- Membership of the REDD+ Safeguards Sub-Working Group includes representatives from Government agencies, civil society organizations, the private sector and development partners.</li> <li>- A ToR for the SWG is currently being finalized.</li> </ul>	SWG ToR and functioning to be formally approved by December 2016

## 2. Setting safeguard goals and scope

**CONTEXT-** These two interrelated components are emerging as fundamental to framing country approaches to safeguards:

1. **Setting goals** - determining which safeguards a country seeks to apply for REDD+ - the Cancun safeguards by default, and any other additional safeguards requirements chosen by the country; and
2. **Setting scope** - determining what interventions the chosen safeguards will be applied to - by default, these are the planned REDD+ Policies and Measures (PAMs) but could also include other actions in the forestry and land-use sectors.

In setting safeguards goals, perhaps the most important consideration to keep in mind is that the Cancun safeguards constitute *the default*, not minimum, safeguards to be applied.<sup>48</sup> The Cancun safeguards were negotiated under the UNFCCC to ensure *all* countries looking to implement REDD+ apply this essential set of safeguards to their REDD+ actions, and in this case countries may choose to include additional safeguards in accordance with their national and international policy and funding commitments (e.g. bilateral commitments to delivering REDD+ results in return for payments).

The scope of safeguard application refers to anchoring the application of the safeguards to the proposed REDD+ actions (and other actions in forestry and land-use sectors – that the chosen safeguards will be applied to). The UNFCCC requirement is to apply the Cancun safeguards to all REDD+ actions to be implemented under the NS/APs.<sup>49</sup>

**OBJECTIVE-** The objective of this 'component' is for countries to consider and determine what set of safeguards (Cancun and any additional chosen ones) will be applied, and what they will be applied to (to the REDD+ actions, and possibly other actions in forestry and land-use sectors).

**KEY CONSIDERATIONS-** Two main issues are emerging from countries' initial experiences in setting the scope and the goals of their country approaches to safeguards:

1. **Safeguard goals need to be set in full consideration of the country's national and international policy and funding commitments.**
2. **The safeguards scope will be heavily influenced by the overall strategic approach to REDD+ (project-based, broader sectoral reforms etc.)**

### DESIRED OUTCOMES-

- ✓ A clear identification of what are the safeguard goals the country seeks to implement/fulfil. As this is an iterative process, and depending on the stage, it could be embedded, in the country's workplan/roadmap for the adoption of the CAS, in the NS/APs, in the clarification of the Cancun safeguards, in the 'Articulation of the CAS', etc.

<sup>48</sup> Under the UNFCCC, developing countries should ensure that REDD+ actions, regardless of the source and type of funding, are implemented in a manner consistent with the Cancun safeguards. Decision 1/CP.16, Appendix II, Decision 2/CP.17 paragraph 63

<sup>49</sup> *Ibid*

- ✓ Determine the scope of application of the safeguards, by outlining what 'activities' (REDD+ actions and any other additional 'activities') will be subject to the safeguards goals. As this is an iterative process, and depending on the stage, it could be embedded, in the country's workplan/roadmap for the adoption of the CAS, in the NS/APs, in the 'Articulation of the CAS', etc.

Progress by Ghana relevant to this area of work and suggested way forward for the CAS development process

Component elements	Current progress and next steps for the CAS development process	Suggested Timeframes
<b>2.1 Setting safeguard goals</b>	<ul style="list-style-type: none"> <li>- Initial goals were discussed and a draft was prepared: "To integrate environmental and social considerations of Policy Laws and Regulations (PLR) at national and international levels into REDD+ Policies Actions and Measures (PAMs); to promote environmental integrity without adverse impacts on the socio-cultural rights and livelihoods of stakeholders", especially vulnerable groups</li> <li>- FC acknowledged that this goal needed to be reviewed and discussed once more following further capacity building and information sharing on setting Ghana's safeguards goals.</li> <li>- Members of the SWG discussed the safeguards goals to determine and agree which safeguards the country would meet with its CAS. The objectives of Ghana's country approach to safeguards is to ensure consistency with the Cancun safeguards, as well as the FCPF safeguard requirements.</li> <li>- This information could be added in a safeguards section of Ghana's National REDD+ Strategy and relevant documents.</li> </ul>	<ul style="list-style-type: none"> <li>- SWG to discuss and determine safeguard goals by October 2016</li> </ul>
<b>2.2 Setting the safeguards scope</b>	<ul style="list-style-type: none"> <li>- Initial scope of safeguards was discussed and a draft was prepared stating that safeguards would apply to: 'REDD+ Policies Actions and Measures (PAMs) and other related activities'</li> <li>- FC has acknowledged that this scope will need to be discussed following capacity building and information sharing on setting Ghana's safeguards scope.</li> <li>- Members of the SWG discussed the safeguards scope to determine and agree which actions the country wants safeguards to apply to. The objectives of Ghana's country approach to safeguards is to apply to REDD+ PAMs.</li> <li>- This information could be added in a safeguards section of Ghana's National REDD+ Strategy and relevant documents.</li> </ul>	<ul style="list-style-type: none"> <li>- SWG to discuss and determine safeguard goals by September 2016</li> </ul>



### 3. Identifying, assessing and strengthening existing governance arrangements

**CONTEXT-** It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements for safeguards (e.g. PLRs, institutional frameworks, information systems, etc.) provide a fundamental framework through which they can address and respect the Cancun safeguards throughout the implementation of their REDD+ actions.

Several countries have embarked on the identification and assessment of their safeguards-relevant governance arrangements. The understanding and scope of the term 'governance arrangements' differs from country to country, but the key elements countries are considering include:

- policies, laws and regulations (PLRs)
- institutional arrangements
- information systems and sources
- conflict resolution mechanisms
- enforcement mechanisms

**OBJECTIVE-** identifying relevant aspects of the governance arrangements through which the country specific safeguards will be achieved, and offering recommendations to address identified gaps or weaknesses that could hinder the implementation of the country specific safeguards.

**KEY CONSIDERATIONS-** Two main issues are emerging from countries' initial experiences in identifying, assessing and strengthening existing governance arrangements:

- 1) **Adopting a robust methodological and participatory approach for carrying out the assessments**
- 2) **Identifying and taking action to address identified gaps and weaknesses**

#### **DESIRED OUTCOMES-**

- ✓ A technical document(s) that identifies the aspects of the governance arrangements that could be used to operationalize the safeguards, and the recommendations for addressing the identified gaps and weaknesses.

Progress by Ghana relevant to this area of work and suggested way forward for the CAS development process

Component elements	Current progress and next steps for the CAS development process	Suggested Timeframes
<b>3.1 Adopting a robust methodological and participatory approach for carrying out the assessments</b>	<ul style="list-style-type: none"> <li>- This work has started in Ghana, national consultants have been hired to identify and assess Ghana's relevant existing governance arrangements. This identification and assessment is based on robust methodologies and clear parameters, developed based on CLP's expertise and experience carrying out similar exercises in numerous countries.</li> <li>- As Ghana seeks to operationalize the Cancun safeguards as a minimum, the parameters against which the existing frameworks are to be identified and assessed need to be determined in relation to the thematic elements embodied in the Cancun safeguards. A methodological matrix which unpacks the Cancun safeguards into criteria and indicators is being applied by national consultants.</li> <li>- Analyses will be carried out on 'paper' (identifying and assessing what is articulated in formal government documents) and in 'practice' (identifying and assessing the extent to which the relevant aspects of the governance arrangements actually function, or not, in reality).</li> <li>- The SWG will be consulted to provide feedback on the analysis and in particular for the analysis of how the governance arrangements function in practice. Further methodological tools will be developed to gather the inputs of the SWG efficiently.</li> </ul>	<ul style="list-style-type: none"> <li>- Methodology for the identification and assessment of existing governance frameworks has been developed, and national consultants were trained in June 2016 on applying this methodology</li> <li>- SWG will participate in each assessment, through meetings and workshops planned after each step of the analysis.</li> <li>- Findings of the Legal analysis were presented to SWG for discussion and feedback in October workshop.</li> <li>- Feedback from interviews and meetings is currently being added to the report, which will be completed in December 2016. Report can then receive written feedback from FC and relevant stakeholders.</li> </ul>
<b>3.2 Identifying and taking action to address identified gaps and weaknesses</b>	<ul style="list-style-type: none"> <li>- Work on the PLR and institutional assessments has started.</li> <li>. The objective of the PLR assessment is to assess and identify relevant aspects (i.e. which PLRs) of the legal framework of Ghana can be used to address and respect (i.e. operationalize) the country specific safeguards when undertaking the proposed REDD+ actions, as well as gaps and weaknesses that need to be addressed.</li> </ul>	<p>The PLR and institutional analyses will be delivered by national consultants in December 2016.</p>

. The objective of the institutional assessment is to assess the mandates and capabilities of relevant institutions in Ghana to oversee the country specific safeguards are addressed and respected in the context of the application of the REDD+ actions.

- The findings and gaps of each assessment will be summarized and systematized to provide a clear "picture" of the current state of the relevant governance arrangements in Ghana.
- This will provide a space to craft recommendations to address identified gaps and weaknesses. It will be important to consider gathering stakeholder inputs and feedback on what are the appropriate recommendations to address identified gaps. Appropriate consultative activities (including format) will need to be identified and carried out

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#### 4. Clarifying the Cancun, World Bank and AfDB safeguards in accordance with national context

**CONTEXT-** Rather than defining a detailed set of safeguards provisions for REDD+, Parties to the UNFCCC agreed to a set of seven broad safeguards that are expected to be applied in accordance with national circumstances. Consequently, REDD+ countries are expected to 'clarify'<sup>50</sup> what the Cancun safeguards mean in their country, and the 'clarification' of the Cancun safeguards can be expected to vary significantly from country to country.

In the final series of decisions on REDD+, agreed in Paris at COP 21, Parties to the UNFCCC developed some further guidance "on ensuring transparency, consistency, comprehensiveness and effectiveness when informing on how all the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected."<sup>51</sup>

As part of this guidance, the COP "strongly encourages" developing country Parties, when providing the summary of information on how the Cancun Safeguards are being addressed and respected, to include, inter alia: "A description of each safeguard in accordance with national circumstances."<sup>52</sup>

It is important to note that the clarification of the UNFCCC REDD+ safeguards in accordance with national circumstances is an essential element of a Country Approach to Safeguards (CAS) for two reasons:

- It is one of the foundations of the Safeguard Information System (SIS) as it is key to determining the 'information needs' (i.e. types of information that are to be *gathered* by the SIS); and
- It is central to the preparation of the summary of information, as it helps to determine the information that should be *provided* to the UNFCCC to demonstrate how the safeguards are being addressed and respected.

On the part of the World Bank, REDD+ participating countries receiving funding from the FCPF, need to clarify the ten discrete World Bank operational policies within the national context of Policies, Laws and Regulations. This process is partly done under the SESA and the OPs that would be triggered by the REDD+ PAMs are clearly defined and appropriate mitigation measures defined in the ESMF. Even-though the WB safeguards policies speak to the Cancun safeguards, they are not identical in all cases as mentioned before and need to be clarified accordingly. The application of the World Bank's safeguards policies are not exclusive to REDD+ projects but for all Bank financed projects and programs.

The African Development Bank (AfDB), uses a safeguards system of policies and procedures similar to the World Bank. Recipient countries of AfDB funding are expected to implement the specific safeguards requirements in the AfDB's safeguards system of policies and procedures and report on them accordingly. However, in most projects being funded by the

<sup>50</sup> Synonymous terms used in the literature and practitioners include: 'contextualizing', 'elaborating', 'interpreting', 'specifying' and 'unpacking' the Cancun safeguards.

<sup>51</sup> UNFCCC Decision 17/CP.21, see also UN-REDD [brief on summaries of information](#)

<sup>52</sup> Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information](#) for further analysis

AfDB and the World Bank jointly (e.g. Ghana's FIP), the clarification and subsequent clarification of the World Bank safeguards policies suffices for the AfDB's application and reporting needs for safeguards.

**OBJECTIVE-**The purpose of the clarification is to 'clarify' what the broad goals/objectives/principles of the Cancun, World Bank and AfDB safeguards mean to the country context. In other words, the clarification is expected to contextualize the general principles outlined in the UNFCCC REDD+ safeguards, World Bank and AfDB safeguards policies and procedures into specific enforceable rights and duties the country commits to fulfilling in the context of the application of the REDD+ actions. We must note that the specific rights and duties are largely determined and informed by the existing legal obligations of the country.

**KEY CONSIDERATIONS-** Two main issues are emerging from countries' initial experiences in clarifying the Cancun safeguards to the country context:

- 1) **The importance of adopting a robust methodological and participatory approach for clarifying the Cancun safeguards**
- 2) **The importance of basing the 'clarification' of the Cancun Safeguards on the country's legal framework (i.e. PLRs) and linking to the FCPF safeguard requirements.**

**DESIRED OUTCOMES-**

- ✓ A clear identification and agreed understanding of how the key terms, general principles, rights and duties embodied by the Cancun, World Bank and AfDB safeguards are reflected in the national context.

Progress by Ghana relevant to this area of work and suggested way forward for the CAS development process

Component elements	Current progress and next steps for the CAS development process	Suggested Timeframes
<b>4.1. Adopting a robust methodological and participatory approach for clarifying the Cancun, World Bank and AfDB safeguards</b>	- The findings of a legal gap analysis of the Cancun safeguards, (see section 3.1 above), the REDD+ PAM's, comprising the evolving NS/AP, and the perspectives from the multiple and relevant stakeholders are some of the key inputs that should be considered as part of the methodological approach. It is important to note that the clarification process is iterative and best carried out in a consultative manner with affected stakeholder groups, such as (national and subnational) government, civil society, indigenous peoples and local communities.	Discussion on methods and process for the clarification to be initiated in October 2016 SWG workshop
<b>4.2. Utilizing the country's legal framework (i.e. PLRs) is key for the</b>	- Once the necessary information on the country legal framework in made available a draft clarification document will be prepared based on a structure defined by the SWG as part of the methodological discussions.	Draft clarification document developed by early 2017

<b>'clarification' of the Cancun Safeguards</b>	<ul style="list-style-type: none"> <li>- Since the Government of Ghana has committed to meeting the FCPF requirements, the clarification document for all safeguards requirements will consider linkages amongst them to ensure consistency in their implementation.</li> <li>- Draft documents will be reviewed by all relevant stakeholders that sets out the country specific safeguards (i.e. clarification of the Cancun safeguards and other relevant safeguards).</li> </ul>	<p>Draft will be presented and discussed with stakeholders in a workshop early 2017</p>
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## 5. Articulating how the country's safeguard goals will be achieved

**CONTEXT-** identifying and assessing existing governance arrangements can significantly contribute to demonstrating how the Cancun safeguards are to be addressed and respected. The identified relevant governance arrangements are associated with demonstrating how the Cancun safeguards are being *addressed*; whilst information about how these governance arrangements are working in practice, together with the resultant outcomes of their implementation, has been associated with demonstrating how the Cancun safeguards are being *respected*. Consequently, information drawn from the articulation, can be used to demonstrate how the Cancun safeguards are being *addressed in the summary of information* to the UNFCCC or other reporting requirements.

**OBJECTIVE-** formally determine what aspects of the country's governance arrangements (e.g. PLRs) will be used to ensure the safeguards are 'addressed' throughout the implementation of the REDD+ actions.

**KEY CONSIDERATIONS-** Two main issues are emerging from countries' initial experiences in articulating their country approach to safeguards. However, it is important to note countries are only now just beginning to work on this component and there is insufficient experience and knowledge to draw out clear emerging themes and messages from this aspect at this juncture.

- 1) **Linking the proposed governance arrangements to the country specific safeguards**
- 2) **Outlining how proposed governance arrangements and any additional measures will be used to address/mitigate/minimize identified risks and maximize identified benefits**

### DESIRED OUTCOMES-

- ✓ A policy/technical document that articulates how the existing legal, institutional and compliance frameworks of the country will operationalize the safeguards.

Progress by Ghana relevant to this area of work and suggested way forward for the CAS development process

Component elements	Current progress and next steps for the CAS development process	Suggested Timeframes
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<b>1. Linking the proposed governance arrangements to the country specific safeguard</b>	<p>- Drawing from the results of the previous analysis, Ghana will determine and outline how each of the governance arrangements which will be used as part of the CAS will be used to ensure the Cancun safeguards are addressed and respected throughout the implementation of the proposed REDD+ actions, including the following:</p> <ul style="list-style-type: none"> <li>i. How safeguards are to be adhered to when implementing REDD+ actions (how the relevant aspects of the legal framework will be utilised to operationalize the safeguards);</li> <li>ii. Which and how existing institutions/institutional arrangements will be used to oversee and guarantee the safeguards implementation when implementing REDD+ actions;</li> <li>iii. Which and how existing information systems and sources will be used to gather information on the safeguards implementation when implementing REDD+ actions. This aspect of the articulation will be essential for setting up a system for providing information on the safeguards (see component 6-SIS below);</li> <li>iv. Which and how existing conflict resolution mechanisms will be used to deal with grievances associated with the safeguards implementation (or lack of) when conducting REDD+ actions; and</li> <li>v. Which and how existing enforcement mechanisms will be used to deal with any failure to address and respect the safeguards when implementing REDD+ actions.</li> </ul> <p>- Following the assessment of the governance arrangements, in cases where the legal, institutional or compliance framework are determined to have gaps/weaknesses, adopted recommendations (yet to be fulfilled) and commitments should be considered and outlined.</p>	<p>This work is planned to start in 2017 in Ghana, once all the assessments of the governance arrangements have been completed, and once the clarification of the safeguards has been completed.</p> <p>Policy document consulted and validated with stakeholders, articulating how the existing legal, institutional and compliance frameworks of the country will operationalize the safeguards to be completed in 2017</p>
<b>2. Outlining how proposed governance arrangements and any additional measures will be used to address/mitigate/minimize identified risks and maximize identified benefits</b>	<p>- Ghana will need to determine how the relevant legal framework will be used to address the specific risks and benefits of the proposed REDD+ actions.</p> <p>Two aspects will be considered when outlining how the relevant aspects of the legal framework will be utilised:</p> <ul style="list-style-type: none"> <li>i. Relevant aspects of the legal framework (e.g. relevant PLRs): these are applicable to all REDD+ PAMs and designed to promote, regulate and protect all the principles and objectives set within country specific safeguards.</li> <li>ii. Priority aspects of the legal framework (e.g. priority PLRs): applicable to specific PAMs and aimed at dealing with the particular risks and benefits of the specific</li> </ul>	



	PAM(s). These 'priority PLRs' aim to address and mitigate risks, and promote benefits identified in the context of particular REDD+ PaM(s).	
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## 6. Designing the safeguard information system

**CONTEXT-** The SIS is generally understood to be a domestic institutional arrangement responsible for providing information as to how the country specific safeguards are being addressed and respected in the context of the implementation of the proposed REDD+ actions.

The SIS would be designed and developed according to each country's national circumstances, and be built upon existing national information systems and sources. The SIS does not necessarily require establishing novel and tailored information systems, but rather deciding how to utilize existing information systems and sources. The main new aspect that may need to be put in place, is an institutional arrangement that is to be responsible for collecting, aggregating and providing the relevant information and presenting it to meet the different reporting needs of the relevant national and international stakeholders.

It is important to note that at the moment many countries, are still in the early stages of designing their national REDD+ strategies (through which REDD+ actions should be defined), which means that there is currently a lack of clarity regarding the specific REDD+ actions due to be implemented. Therefore, the design and construction of the SIS is likely to be an iterative process that evolves as greater clarity is reached regarding the specific REDD+ actions planned in each country.

It is important to note that the safeguard information system (SIS) is an international reporting requirement to the UNFCCC on **how** the Cancun Safeguards are being addressed, and will not necessarily guarantee the REDD+ actions are implemented in consistency with the Cancun safeguards.

**OBJECTIVE-**The SIS is intended to serve as a means for each country to domestically gather, aggregate and provide information as to how the Cancun (or country specific) safeguards are being addressed and respected throughout the implementation of REDD+ actions.

The objective of an SIS, from a UNFCCC requirement perspective is to provide information that is accessible by all relevant stakeholders to demonstrate that the seven Cancun safeguards are being addressed and respected throughout REDD+ implementation.

**KEY CONSIDERATIONS-** Five main issues are emerging from countries' initial experiences in defining their SIS design framework. However, it is important to note countries are only now just beginning to work on this component and there is insufficient experience and knowledge to draw out clear emerging themes and messages from this aspect at this juncture.

### 1) Setting objectives of the SIS

The goal of this aspect of the SIS design is to determine if the SIS will serve as means to provide information for other purposes beyond meeting the UNFCCC requirement.

## **2) Determining safeguard information needs**

A key SIS design consideration countries have identified is determining 'what type' of information is needed to demonstrate whether the Cancun safeguards (or country specific safeguards) are being addressed and respected. This is usually referred to as the process of determining the 'information needs'.

## **3) Determining the sources of information**

According to the UNFCCC guidelines in relation to the design of the SIS, countries should to the extent possible, build upon 'existing systems' that are deemed relevant for providing information on the REDD+ safeguards. This key design consideration aims to determine 'which' are the existing and relevant information systems and sources, and assess to what extent they can be used for SIS purposes.

## **4) Establishing the necessary functions of the SIS**

The UNFCCC does not offer any guidance on what specific functions the SIS should perform, e.g. information compilation, analysis, validation, dissemination, etc., beyond the need to 'provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis' on how all the Cancun safeguards are being addressed and respected.

This key design consideration aims to determine what are the appropriate functions the SIS should encompass.

## **5) Exploring the institutional arrangements for the SIS**

This design element involves determining who (for example, government institutions and / or specific institutional arrangements between governmental and non-governmental actors) will be involved in the operation of the SIS, and in particular in performing the different functions of the SIS. In practical terms, it may involve determining / creating an institutional platform for the SIS.

Additionally, this design element involves considering and exploring information exchange agreements (between the institutions responsible for the relevant information systems) to ensure that information can be made available and shared with those responsible for the SIS.

**DESIRED OUTCOMES-** an SIS design framework document or SIS terms of reference, which can allow for expansions and improvements over time.

[Progress by Ghana relevant to this area of work and suggested way forward for the CAS development process](#)

Component elements	Current progress and next steps for the CAS development process	Suggested Timeframes
<b>6.1 Define the objective of the SIS</b>	<ul style="list-style-type: none"> <li>- The objective of an SIS, from a UNFCCC requirement perspective is to provide information that is accessible by all relevant stakeholders to demonstrate that the seven Cancun safeguards are being addressed and respected throughout REDD+ implementation.</li> <li>- Ghana will consider and determine what other objectives the SIS should be expected to fulfil (e.g. national objectives, in addition to UNFCCC requirements). This could be done in a preliminary manner when crafting a SIS ToR outlining the expectations on the SIS.</li> <li>- Defining the SIS objective will build on work done setting the safeguards goals (see component 2) and the country clarification of the Cancun safeguards (see component 3).</li> </ul>	<p>SIS ToR to be prepared in Q1 of 2017 and discussed with stakeholders through the SWG</p> <p>Work will build on results from SIS consultancy delivered by SAL consult</p>
<b>6.2 Determine safeguard information needs</b>	<ul style="list-style-type: none"> <li>- In order for Ghana to determine 'what type' of information is to be provided to demonstrate how the Cancun safeguards are to be addressed and respected, it will need to have clarity about the outcomes of the clarification (component 3).</li> <li>- In terms of providing information on how safeguards are being 'respected', countries are expected to report with regards to the implementation of their governance arrangements. Hence, identifying the 'information needs' is considered to be best linked to the process of determining how the relevant legal framework will be used to ensure the REDD+ actions are carried out in consistency with the safeguard goals (see component 5 concerning Articulation).</li> </ul>	<p>Once Ghana has done the clarification (component 4), a document on general information needs will be prepared.</p> <p>This will then be shared in a participatory and consultative manner to ensure the expectations of the relevant stakeholders are duly considered.</p>
<b>6.3 Determining the sources of information</b>	<ul style="list-style-type: none"> <li>- Once the information needs have been identified Ghana will be able to 'assess' to what extent existing information systems and sources can be used to provide information on the application of the safeguards, and to determine what recommendations are appropriate (e.g. modify or create new/specific indicators).</li> <li>- Existing information systems will need to be identified and assessed (component 3)</li> </ul>	
<b>6.4 Establishing the necessary functions of the SIS</b>	<ul style="list-style-type: none"> <li>- Ghana will need to determine what key functions their SIS is expected to fulfil. This could be done in a preliminary manner when crafting the SIS ToR.</li> <li>- Elements it will need to define include functions regarding integration/aggregation of information, analysis of aggregated information, dissemination of information.</li> </ul>	<p>SIS ToR will be prepared in Q1 of 2017 and discussed with stakeholders through the SWG</p>

**6.5 Exploring the institutional arrangements for the SIS**

- Ghana will need to determine 'who' is already responsible for the information systems and sources of the country. This will help identify who will be responsible for the functions of the SIS. In particular, it is important to note the information systems and sources of a country are 'housed' in the government institutions which will have a direct responsibility for implementing (or overseeing the implementation) of the relevant legal framework.

- In addition, Ghana may want to consider different institutional arrangements per each SIS function. For example, specific and relevant government institutions will be in charge of 'integration/aggregation of information', whilst multi-stakeholder arrangements will be in charge of the 'analysis of the information'.

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