

**Compilation by principle of all comments on the Draft REDD+ Social & Environmental Standards Version 15 Jan 2010 received during the second 90-day public comment period 15 Jan to 16 April 2010**

**1 June 2010**

**General**

<b>No</b>	<b>Comment</b>	<b>By</b>	<b>Response</b>
0.01	drought adopting, habitats management, surveillance global world heritage improvement	1	Ecosystem services related to droughts and habitat management are covered in Principle 5.
0.02	I have recently been working with RECOFTC on competency standards for community forestry. The RECOFTC team working with me has also been looking specifically at competency standards relating to Climate Change and REDD. The principal contacts in RECOFTC I have been working with are Xuemei Zhang, Capacity Building Manager Email: Xuemei@recoftc.org and Mr. CHANDRA SHEKHAR SILORI, PhD Regional Project Coordinator Email: silori_cs@yahoo.com or chandrassilori@gmail.com We are interested in linking examining competency standards for CC and REDD within the broader context of REDD+Social and Environmental Standards.	3	Linking these standards with standards that focus more directly on capacity to implement REDD+ would be interesting. Criteria 6,5 and 8.3 and indicator 4.4.2 and relate to capacity of actors to implement REDD+.
0.03	The REDD+ programs to which these standards can be applied comprise objectives, policies and measures and are defined by: i. A statement of objectives ii. Identification of the drivers of deforestation and forest degradation iii. Description of the policies and measures, and activities and plans for their design and implementation iv. Definition of the geographical areas in which activities will be implemented, where relevant v. Definition of the institutional arrangements for program design, implementation and evaluation.	4	A clear description of the program has been added as a requirement but not as a new principle.

	<p>These elements seem so critical and can easily be overlooked in the preamble, where you cover all sorts of general background issues. Ultimately, it will be the table that people work with, so should be complete. Also, surely you want a consistent framework, and to provide more depth (e.g., establishing Framework for Indicators) for all components including these definitional ones.</p> <p>Wouldn't it be much better to create a new Principle and Criteria covering this, e.g. ....</p> <p><b>Principle 0 – REDD+ program clearly defines its objectives, scope and institutional arrangements to enable effective implementation and independent assessment</b></p> <p>Criteria 0.1 – REDD+ program is clearly defined and communicated  Framework 0.1.1 – The REDD+ program, including its goals and objectives, are clearly defined and documented to a sufficient level of detail to enable assessment against these REDD+ Standards  Framework 0.1.2 – All key program documents are communicated in major local languages and international language(?)</p> <p>Criteria 0.2 – REDD+ program identifies the drivers of deforestation and forest degradation  Framework 0.2.1 – The drivers of deforestation and degradation are identified and mapped at sufficient resolution to...  Etc...</p>		
0.04	<p>Terminology. Use of the phrase 'indigenous people' will cause specific problems in Nepal – with reference to ILO 169. We have always tried to focus on an approach of social inclusion and equitability not <i>a priori</i> rights of any particular group. For example, many poor people and dalits are not classed as indigenous communities yet have a high forest dependency. From Nepal's perspective a pro-poor and social inclusion approach would be preferred and indigenous communities (those classed</p>	5	<p>Multiple consultations on these standards have confirmed the importance of specifying Indigenous Peoples in these standards and this is also consistent with UNFCCC draft LCA REDD text. During each country-specific interpretation there</p>

	as so in Nepal) should not automatically have <i>a priori</i> rights over forest resources – for example many are not particularly poor or even forest dependent.		will be an opportunity to ensure a balance between different interests and perspectives on IPs. Nepal could move towards social inclusion in their country-specific interpretation.
0.05	Also on terminology. Overall emphasis is on 'communities' and 'indigenous people'. In many cases government must be a key stakeholder – especially to uphold environmental standards. Otherwise – what happens (as it does here in Nepal) when indigenous or local people clear forests and/or settle in forests – often with political backing? I'm not convinced that government roles are clearly enough reflected here in these standards yet.	5	These standards are designed to be applied to government-led REDD programs, therefore all the principles and criteria relate to responsibilities for governments to ensure that social and environmental issues are appropriately addressed.
0.06	There are many weakly defined terms in the document. E.g. adequate, transparent, sufficient, effective involvement, appropriate, relevant. These are all open to individual interpretation and make the whole document less clear. I don't know how you can avoid this – but it would seem that by using these sort of terms you are avoiding clearly stating what the actual acceptable level is. My view of 'appropriate' for example might differ from someone else's.	5	These terms are hard to define in a global sense and will have to be defined in the country-specific interpretation.
0.07	General structure. Overall I think the principles and criteria are OK (both their content and structure) – apart from the few points below – but the 'framework for indicators' is less useful and may prove a block later as it seems to be outside dominated whereas it needs to be very much internalized. It would be more useful and appropriate for individual countries to develop their own indicators against the criteria through a process – without this framework – which seems to be a bit rigid (and sometimes adds little anyway – except for a rewording of the criteria). In that way countries can establish indicators which are really country-specific and set within the framework and terminology which makes most sense to them	5	It is proposed that the framework for indicators is helpful but this will be tested when the standards are applied and country-specific interpretations are developed.
0.08	For FCPF REDD, I miss a link between these standards and the existing FCPF social and environmental safeguards that have to be used by FCPF REDD countries. Are countries expected to apply 2 sets of standards – or either one or both?	5	These standards aim to provide countries with a useful framework to assist them to respond to and report on requirements of FCPF, UN-REDD or others. The wording of the standards is closely aligned with wording of World Bank safeguards and of

			UN treaties and conventions to facilitate this. In addition, efforts will be made to assist harmonization over the next phase.
0.09	Why do the standards refer to 'policies of the REDD + programme'?. The FCPF requires countries to prepare their 'national REDD strategy'. RPP is geared up towards this. National REDD strategy needs to be an integral part of a national forestry strategy and strategies for other sectors that affect or are affected by REDD activities. I'm note where a REDD programme fits with this.	5	Footnote 7 explains that The REDD+ program comprises objectives, policies and measures developed for the program and other relevant policies that support it. The term REDD strategy seems more like the plan for REDD and it is important that the term used also refers to implementation of the plans.  In addition, the following has been added to the preamble: The REDD+ programs to which these standards can be applied include the REDD+ strategy and/or plan and its implementation, comprising policies, measures and activities.
0.10	In a general sense – as because it's partly the purpose of this exercise – I find the strong emphasis on 'rights' and 'benefits' without corresponding emphasis on responsibilities unhelpful. For example successes of community based approaches that have led to reduction in forest degradation have been partly that they have taken on this responsibility alongside the rights they have received (and the benefits they can get).	5	It is important that costs and risks also capture responsibilities. The following has been added to footnote 23. Costs should include those related to responsibilities and also opportunity costs.
0.11	I don't have a problem with using 'indigenous people' as a phrase in a wider sense. Problem is that in Nepal it is certain specified ethnic groups that have been identified as 'indigenous' and to which ILO 169 applies. These are not necessarily the poorest or the most forest dependent people or those who suffer greatest levels of social exclusion. I appreciate the additional use of 'local communities' but as you are aware communities can be socially and economically very heterogenous so a bit more focus on 'poor and forest dependent' might be appropriate.	5	Multiple consultations on these standards have confirmed the importance of specifying Indigenous Peoples in these standards and this is also consistent with UNFCCC draft LCA REDD text. During each country-specific interpretation there will be an opportunity to ensure a balance

			between different interests and perspectives for particular groups in that country. Nepal could move towards social inclusion in their country-specific interpretation.
0.12	I also appreciate that the framework for indicators is meant as a starting point for individual countries to develop their own indicators. However, I was just a bit concerned that they perhaps can be interpreted as framing indicators a little bit too narrowly. I think to ensure country ownership it might be better to avoid having too much that appears to be applied externally. There are after all significant differences between countries that might have to result in very different sets of indicators eventually	5	This aspect will be kept in mind when developing the guidance for country-specific interpretation.
0.13	Economists recognize market price as a key variable, particularly, in this case, the market price per metric tonne of carbon sequestered.. This is complicated by the fact that marginal benefit to society is a combination of private marginal private benefit plus marginal social benefit (economists also refer to this as a Pigouvian tax). The private costs depend on the market factors of demand and supply. Although "one size does not fit all", Whether payments are made directly to tribes and used collectively or privately could have a bearing on the social benefit from a carbon sequestration program. Generally the more restrictive a program ,the higher the price. Generally the more widespread the program the lower the price. To avoid leakage it might be necessary to combine global satellite monitoring backed by adequate "ground truthing" to be sure carbon sequestered was truly additional. On a quick scan of the draft documents, I did not see how these economic aspects and other factors of demand and supply could be operationally discussed,. Could you direct me to where or how these issues might be address? Thank you. very much.	6	These economic factors are addressed in Principle 2 that requires analysis of costs, benefits and risks, both direct and indirect, for all rights holder and stakeholder groups.
0.14	I highly appreciate that the standard can be used by public and private institutions who want to ensure positive social and ecological impacts of REDD, but it is also a huge challenge if you want to address such a wide range of REDD developers. When I read your REDD+ standard I got the impression that the standard was mainly designed for ODA organizations or governments, as the topics"capacity development and up-scaling" are very dominant. This is of course absolutely	8	These standards are not intended for projects but for government REDD+ programs. The CCB Standards are multiple-benefit standards for land-based carbon projects, or site-based initiatives.

	<p>important, but I question that private project developers will be able to address this issue. On one hand, capacity development is in most cases the task of the governments and on the other hand, private investors mostly have difficulties in providing the technical expertise and financial resources for capacity development on a policy level. Finally, private project developers won't even risk their investments in countries where no capacity development has taken place.</p> <p>It is of highest importance that private project developers work in close cooperation with local governments, but it might spend great confusion if everybody tries to contribute to capacity development and up-scaling in a uncoordinated manner. From the situation in Indonesia I can say that a lot of confusion was already caused, by private project developers who are traveling all along the country to identify potential REDD provinces, while visiting local governments and promising huge sums for carbon offsets. Besides the private investors with their promises, there are as well countless "official" activities in the whole REDD sector of Indonesia as the country receives mulit-national support during the REDDiness phase until 2012. While initiatives like the FCPF or UN-REDD and single countries like Germany or Australia try to get Indonesia ready for REDD there are hardly any real voluntary carbon market REDD project working on the ground as the national REDD policy framework is still uncertain .</p> <p>The national government has hardly any overview over the REDD sector as the communication remains difficult and private REDD developers in most cases, only focus on local governments. I would therefore propose that the standard should make a difference between public and private REDD developers. Capacity development should be focused on the governments or ODA organizations, while the private sector should be obliged to report to the national and local policy level. If planned activities and lessons learned from the private REDD sector are communicated to national and local authorities this would lead to a up-scaling on the long-run.</p>		
0.15	Another general comment relates to the basic set up of the standard. For project developers it would be very helpful if not only indicators would be mentioned in the	8	Guidance or tools on how to assess and monitor the aspects addressed by the

	standard, but also "tools" how these indicators can be achieved.		standards will be developed during the next phase when the standards are tested in pilot countries.
0.16	<p>It is now widely recognized that the successful design and implementation of REDD+ faces considerable governance challenges that if not dealt with, will cause the REDD+ Programme to fail. One key step towards good governance is through opening environmental decision-making processes to public input and scrutiny, which may contribute to good governance and to the empowerment of the poor in the forests sector<sup>1</sup>. Access to information, public participation and access to justice are crucial to a more transparent, inclusive and accountable environmental decision making, all central elements of good governance. Access to information, public participation and access to justice have become indispensable to obtain full information on the multiple values and needs associated with forests, to create a sense of ownership of forest policies and legislation among participating stakeholders, and ultimately to facilitate law enforcement.<sup>2</sup></p> <p>In this context, I want to emphasize that the REDD + Social &amp; Environmental Standards need to promote the recognition and implementation of these procedural environmental rights (also referred to “access rights”), as laid down in the Rio Declaration on Environment and Development<sup>3</sup>. These principles of democratic empowerment in the arena of environmental decisions, put forth a ground-breaking proposition: that every person should have access to information concerning the environment, opportunities to participate in decision-making processes affecting the environment, and access to justice (redress and remedy) to protect their rights to information and participation and to challenge decisions that do not take their interests into account. The principles have been recognized in several multilateral environmental agreements, such as the Convention on Access to Information,</p>	9	<p>The standards fully support the principle of participation (Principle 6) and of access to information (Principle 7) and to the extent that is realistic at least partially support the principle of access to justice through requirement for impartial and accessible grievance mechanisms (6.6). The standards require participation of relevant rights holders and stakeholders affected by the REDD+ program. However, they do not require public participation in decision-making. Full public participation could be difficult to organize in developing countries, and could give undue weight to the interests of more educated citizens with easier access to communications than to the rural people most affected by REDD. There is a requirement for adequate information to be made public to promote general awareness and good governance in 7.1.</p>

<sup>1</sup> Bond et al. (2009) *Incentives to sustain forest ecosystem services: A review and lessons for REDD*, Natural Resources Issues 16, pg 23, London, UK, IIED

<sup>2</sup> Morgera, Elisa (2009) “Legal Frameworks for REDD Design and Implementation at the National Level”, IUCN Environmental Policy and Law Paper N77, pp34. Christy, L et al. (2007) *Forest Law and Sustainable Development: Addressing Contemporary Challenges through Legal Reform*, World Bank, pp. 104-110, Washington D.C., USA.

<sup>3</sup> Principle 10 of the Rio Declaration recognizes need for adequate access to environmental information, access to participate in environmental decision making processes, and access to justice in environmental matters. Principle 22 of the Rio Declaration accents the need for the effective participation of indigenous people and local communities in achieving sustainable development.

<p>Public Participation and Access to Justice in Environmental Matters (Aarhus Convention), the Convention on Biological Diversity (CBD) and the Ramsar Convention on Wetlands, as pillars to promote governmental accountability, transparency and responsiveness.</p> <p>Unfortunately, the record of most nations in conferring these basic rights is still far from perfect. Several assessments<sup>4</sup> have found a variety of systemic weaknesses, as for example many nations have improved their laws granting public access to government data and/or provided access to enforce participation in decision making processes, but implementation of these laws remains weak. A successful step that has been taken to address these shortcomings has been through the practice of Free Prior Informed Consent (FPIC). However, the design and successful implementation of REDD demands addressing governance challenges through an unequivocal recognition and advocacy of procedural environmental rights, all of which, go beyond what the FPIC comprises and ensures.</p> <p>The current wording of the standards demands the establishment and exercise of the FPIC principle, and furthermore includes several criteria and indicators that aim at complementing the gaps the FPIC principle leaves towards ensuring progress for environmental democracy. However, in my opinion the current wording is not enough for addressing current and foreseeable governance challenges for the design and implementation of REDD+, including the lack of transparency, inclusiveness and accountability. Furthermore, several international statutes/laws<sup>5</sup> (please see Annex I) and other experts<sup>6</sup> support this position, which calls for the recognition and effective implementation of access rights. If the REDD+ Social &amp; Environmental Standards are meant to work for the expected new REDD+ regime, they must conduce and set the ground towards good governance.</p> <p>If the standards directly recognize through its principles, criteria and indicators</p>		
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<sup>4</sup> Please refer to “Voice and Choice, Opening the Door to Environmental Democracy”, World Resource Institute, 2008. Also, please refer to United Nations Institute for Training and Research projects “Strengthening Participatory Environmental Governance: National Profile and Action Plan to Implement Principle 10 of the Rio Declaration”, country profiles available at <http://www.unitar.org/egp/publications>

<sup>5</sup> Please refer to Table included in the last page of the comments.

<sup>6</sup> Please refer to: “Non-State Actors and REDD Issues Surrounding the Participation of Indigenous People and Local Communities”, Climate Focus. “Moving Ahead with REDD, Issues, Options and Implications” CIFOR. “Legal Frameworks for REDD Design and Implementation at the National Level, IUCN, 2009

	<p>procedural environmental rights of stakeholders, it will empower stakeholders to advance in the fulfillment of their substantive rights. It will also encourage governments, as the primary suppliers of procedural environmental rights to realize the benefits of their recognition and implementation<sup>7</sup>.</p> <p>However, we must keep in mind that for the successful implementation of these standards, the country- specific indicators must seek to strengthen and not undermine government policies or regulations.</p>		
0.17	<p>We observe that there are a number of issue of concern in the second draft, particularly in connection with indigenous peoples’ rights. We provide the following comments and suggestions and urge that these be included in the next draft of the proposed standards. We propose a number of specific amendments to the text of the standards, which follow the general comments below that are also submitted via the online submission form.</p> <p>First, and in brief, we strongly recommend that the scope of indigenous peoples’ right to give or withhold their free, prior and informed consent (FPIC) not be limited only to the cases where rights to land, territories and resources may be affected. In international law, including as reflected in the 2007 UN <i>Declaration on the Rights of Indigenous Peoples</i> (UNDRIP), this right derives from the right to self-determination and requires obtaining indigenous peoples’ FPIC in relation to the adoption of legislative or administrative measures that may affect them (art. 19), as well as other relevant, but not necessarily land-related, decision-making processes.</p> <p>Second, we suggest that rather than use the term “rightsholders” in the FPIC provision, which may cause problems given the indefinite nature of that term, we recommend using the formulation on which consensus was reached in the UNFCCC negotiations on REDD: “indigenous peoples and members of local communities”. The term ‘indigenous peoples’ should be understood in the same manner as is provided for in the UNDRIP, Arts. 9 and 33, and international law more generally, which stresses the right of self-identification in conjunction with a series of criteria</p>	12	<p>A new criterion has been added 8.13 requiring recognition and respect for human rights of indigenous peoples and local communities. Footnote 53 requires FPIC for and legislative or administrative procedures of any other decision making processes that may affect rights.</p> <p>Indigenous Peoples representatives at the first workshop developing the standards in Copenhagen in May 2009 requested the use of the term ‘rights holders’ in the standards and this has been affirmed in many subsequent consultations. However, an additional requirement has been added to 1.3.4 In particular, free, prior and informed consent is obtained from Indigenous Peoples, in accordance with their customs, norms and traditions, for activities that may affect their rights, particularly their rights to own and control traditionally owned lands, territories and resources. Free, prior and</p>

<sup>7</sup> Please refer to “Voice and Choice, Opening the Door to Environmental Democracy”, World Resource Institute, 2008. Morgera, Elisa (2009) “Legal Frameworks for REDD Design and Implementation at the National Level”, IUCN Environmental Policy and Law Paper N77, pp35-56

	<p>(e.g., relationship to a traditional territory and distinct culture, history and language). If the standards should also refer to the rights of private property owners who are not indigenous or members of local communities, we suggest that this is best dealt with in a separate paragraph and contains adequate due process and other guarantees in accordance with human rights law.</p> <p>Third, and finally, the provision pertaining to compliance with international standards and obligations requires amendment so as not to exclude the UNDRIP. This can be achieved simply by including a reference to ‘international instruments’ rather than only international conventions and obligations.</p>	<p>informed consent shall also be obtained from members of local communities for any activities affecting their customary or other property rights pursuant to mutually acceptable procedures.</p> <p>In addition, two further indicators have been added to extend the requirement for FPIC:</p> <p>1.3.5 Free, prior and informed consent is obtained where any relocation or displacement, whether physical or economic occurs including prior agreement on the provision of alternative lands and/or compensation, and the right to return once the reasons for the displacement have ceased.</p> <p>6.5.3 Where the traditional knowledge, innovations and practices of Indigenous Peoples and local communities is used, recorded or exploited, this is with their free, prior and informed consent in accordance with relevant international standards.<sup>8</sup></p> <p>The term ‘instruments’ has been used in Principle 8 as proposed.</p>
0.18	<p><b>GLOSSARY</b>  <b>Rights holders</b> are those whose rights are potentially affected by the REDD+</p>	<p>11 The standards make clear that rights holders include those with both statutory and</p>

<sup>8</sup> E.g. the Convention on Biological Diversity.

	<p>program and 'stakeholders' are those whose interests are potentially affected by the program.</p> <p>We believe that it is important to establish the difference between: the stakeholders whose rights are framed within the relevant forest regulations and those with customary rights that are in the formalizing process in terms of the relevant forest regulations.</p>		customary rights.
0.19	<p>In general, I think that the standards have lots of really useful elements and strongly welcome the revision to allow the standards to apply to government-led programmes at state and national levels. The criteria listed appear to be a mix of those that relate to (i) the design / development of the programme; (ii) the implementation of the programme; and (iii) the change the programme makes. To help when applying the principles to programmes it might be useful to clearly distinguish between / identify the type of criteria. For example, for principle 3, criteria 3.1 appears to be focussed on the change from / outcome of the programme; 3.2 focuses on the design / development; 3.3 relates to both the design / development and the implementation; and 3.4 relates to the implementation.</p> <p>Obviously its not necessarily that easy to put the criteria into separate boxes (for example design / development components may continue through implementation, while for implementation criteria there may be elements that need to be established in the development phase, eg monitoring systems). But categorising the criteria might help to clearly illustrate how and when they should be applied. Related to the point above, for some principles the criteria appear to be more detailed than for others and it would be useful to try and standardise. For example, only some have criteria that are focussed on change from / outcomes of the programme (eg principle 1 does not appear to), while some have more detail than others (eg principle 1 outlines many steps of the process, while principles 4 has much less detail on the steps and instead focuses more broadly on elements). Categorising as suggested above might also help to standardise. It would be useful to clarify how performance against the principles and criteria will be assessed. Will programmes need to achieve a certain level across all the criteria (and how will this be "scored")?</p>	13	Clarification of which are process criteria/indicators and which are outcome indicators/criteria will be added in a guidance document that will accompany the standards.
0.20	<p>REDD programme is inappropriate in socioeconomic ad political context in Nepal. It increases influences of corrupt bureaucracy on local forest resources and further</p>	14	The decision whether to develop and implement a REDD+ program is a

	<p>deteriorate economic condition and opportunities of marginalised people Indirect negative impacts (tangible and intangible) are huge. There is no developed methodology to measure indirect negative impacts. Due to poor backgrounds to understand local situation, the people involved in assessing the impacts have no capacity to develop the impacts. Some of people in the programme are aware that the programme is not in favour of local people and long term development of country. But they are supporting the programme to get employment and other opportunities. They would not get otherwise because the international support on programme of forestry sector has been decreased. International agencies supporting the REDD programme have also known that the programme is not appropriate. But they are doing it to show their activities and make their own benefit. This is a form of corruption. This programme shows that powerful international agencies or people do what they want using their material and symbolic power</p>		<p>sovereign decision. These standards aim to ensure that where a REDD+ program is developed, it does respect the rights of local people and ensure that they receive equitable benefits. The Government of Nepal has expressed their interest in using these standards.</p>
0.21	<p>These principals are very much only for the supply side management. What about the standards for the demand side, i.e. how should these standards be looked upon by the parties that require REDD credits.</p>	15	<p>These standards are designed to be applied to the supply side for REDD, that is for government-led programs in countries where REDD would be implemented and are not designed for the demand side in developed countries.</p>
0.22	<p>I have a concern about the phrase in your letter "respect the rights of Indigenous Peoples and local communities and generate significant social and biodiversity co-benefits" because it appears not to be a genuine commitment - rather it is more of a vague statement - and I wondered if it could be changed? Perhaps to something like:</p> <p><b><i>'Ensuring that the rights of Indigenous Peoples and local communities are not undermined or prejudiced in any way, and that measurable and meaningful social and biodiversity benefits are delivered within the affected project areas'.</i></b></p>	18	<p>The term 'respect for rights' is consistent with the UNFCCC draft LCA REDD text. Footnote 5 has been added: 'Respect' is taken to include not undermining or prejudicing rights.</p>
0.23	<p>Another problem is "for all forms of fund-based or market-based financing". This appears to presume that that REDD funding will be mainly or wholly be raised through investment and carbon trading schemes, which as you are no doubt aware are anything but reliable let alone ethical means to raise funds. What about other forms of funding like direct unencumbered grants by big polluters and dirty</p>	18	<p>These standards are being designed for either fund-based or market-based approaches, whichever should emerge through the negotiations and frameworks under development. The standards do not</p>

	northern economies? Surely direct and unconditional grants to projects that protect existing forests and reverse their degradation through forest restoration initiatives should be the logical source of the funds that are needed?		presume ‘that REDD funding will be mainly or wholly be raised through investment and carbon trading schemes’.
0.24	Finally, it needs to be stated firmly and repeatedly that no money from any REDD linked funding source should be allowed to be used to establish or maintain tree plantations ANYWHERE. There is just too much potential for land theft and exploitation of local people when plantations enter the equation. Plantations are NOT forests, and if established legally in the first place should be socially beneficial and economically viable WITHOUT any subsidies or misdirected REDD funding!	18	Again, these standards are being designed for whatever scope of activities are included in REDD+ through the international negotiations and frameworks. There is a requirement in Principle 5 that impacts on biodiversity and ecosystem services are mapped, Paying specific attention to any plans to expand non-native forests and their impacts on biodiversity and ecosystem service values.  A new indicator has also been added to follow the safeguards in the draft LCA REDD text:  5.1.4 The REDD+ program does not lead to the conversion of natural forests.
0.25	In the introduction to the REDD standards it is mentioned that the draft derives from a series of multi stakeholder workshops and forums. This is really great and impressive – and I would like to ask whether also gender experts (like Jeanette Gurung) or representatives of WOCAN or the Global Gender Climate Alliance been involved in those processes?  The Principles, Criteria and Indicators look very good and indeed very ambitious and will already require enormous efforts for all stakeholders to promote and ensure adequate implementation of REDD+ initiatives.  But still, just looking at Jeanette Gurung’s paper about “Gender differentiated	19	Jeannette Gurung of WOCAN did participate in the first standards development workshop In Copenhagen in May 20009 and has submitted comments subsequently that have been responded to.  In addition, this standards initiative commissioned the paper on ‘Gender differentiated impacts of REDD’ by Jeanette Gurung for presentation at the May workshop.

	<p>Impacts of REDD” I would like to outline some thoughts for feedback.</p> <p>Key messages of Jeanette Gurung’s report are:</p> <ul style="list-style-type: none"> <li>- Strategies to redress the gender gap must not however be based on the notion that women are hapless victims of climate change as they are so often portrayed. They must rather be viewed as <u>potentially powerful agents</u> of change, due in no less part to their roles as stewards and managers of forest resources.</li> <li>- <u>Women’s leadership is critical</u> in addressing all aspects of sustainable development and natural resource management, including development of scientific research and technologies and policy making, among many others; yet in nearly all societies, women still have unequal access to information and capital and less power to make decisions.</li> <li>- Ms. Gurung also outlines that in order to “ensure that REDD is equitable and effective” it needs “recognition that <u>women are key agents</u> in forest related climate change processes”. This relates to the need for a clear understanding of the gender differentiated rights, roles and responsibilities related to women’s and men’s use of forests and forest resources.</li> </ul> <p>Maybe there could be some gender language integrated in the short introduction to the REDD standards – where there is so far only reference to “Indigenous Peoples and forest dependent communities”.</p>		<p>A distinction has now been made between ‘marginalized’ and ‘vulnerable’ specifying that the former may be related to gender. ‘paying special attention to marginalised and/or vulnerable’ and similar formulations are used in many places in the standards.</p> <p>New text has been added to the introduction in response to this comment.</p> <p>‘many have also highlighted the serious risks notably for Indigenous Peoples and local communities and in particular for marginalized<sup>9</sup> and/or vulnerable<sup>10</sup> social groups within these forest-dependent communities.’</p>
0.26	The section ‘Need for the standards’ says that the aim is build support for a higher level of social and environmental performance. However, there are other ways of	20	The following text has been added to the introduction to explain the current and

<sup>9</sup> ‘Marginalized’ people or groups are those that normally have little or no influence over decision-making processes. Marginalization may be related to gender, ethnicity, socio-economic status and/or religion. The REDD+ Social & Environmental Standards explicitly adopt a differentiated approach that seeks to identify and, where necessary, counter marginalization in all its forms.

<sup>10</sup> ‘Vulnerable’ people or groups are those lacking secure access to the assets on which secure livelihoods are built (social, cultural, human, financial, natural, physical and political) and/or having high exposure to external stresses and shocks, including climate change, that may affect these assets and peoples’ ability to use these assets. Forest dependency may be an important factor affecting vulnerability particularly where the REDD+ program itself may change access to forest resources.

	<p>building support for improved performance and this section does not explain specifically why <i>standards</i> are needed. One other way to improve performance is through providing guidance. Indeed, in some respects the principles and criteria might function better as guidance than as standards. So it would be useful to have a justification of why standards are needed.</p>		<p>potential uses of these standards: By providing a comprehensive framework of key issues to address with respect to the social and environmental performance of a REDD+ program, the standards currently provide guidance to assist with REDD+ design and also provide a mechanism for reporting on the social and environmental performance of REDD+ programs. Future development of the standards could lead to their use for assessment of REDD+ programs with respect to minimum requirements.</p>
0.27	<p>The standards do not differentiate between the different REDD+ activities. But the potential benefits and harms from REDD+ will vary according to which activities are in question. For example, reducing deforestation of natural forests is likely to benefit biodiversity and ecosystem services. Some forms of forest carbon stock enhancement (eg afforestation) may pose significant risk of harms to biodiversity and ecosystem services. It may be that the standards should reflect the fact that different REDD+ activities may bring different benefits and harms.</p>	20	<p>The standards apply to all types of activities that will be included under a REDD+ framework, which is likely to include reforestation as well as avoided deforestation. Principle 5 footnote 40 does require ‘paying specific attention to any plans to expand non-native forests and their impacts on biodiversity and ecosystem service priorities.’</p>
0.28	<p>At present, biodiversity and ecosystem services are dealt with (almost) solely under Principle 5. However, ecosystem services, by definition, provide services (and hence benefits) to people. Therefore, there is a strong case for dealing with them under the other principles that address the distribution of benefits from REDD+ (eg Principles 2, 3 and 4). At present, it is suggested that these principles deal only with social, cultural and economic costs and benefits. Does it make sense to exclude environmental costs and benefits? I am suggesting that while it makes sense to have a specific principle dealing with biodiversity and ecosystem services, these are one type of potential benefit from REDD+ and therefore should also be included in those principles that deal more generally with rights and equitable distribution of</p>	20	<p>Environmental costs, risks and benefits have been added in footnote 23 and in Criterion 3.2 and associated indicators.</p>

	benefits.		
0.29	A participant expressed fear in engaging in the carbon market without adequate preparation in ensuring that the standards adopted. He suggested that the CSOs advocate for the adoption of the standards by the national govt and work towards strengthening community access and control over the resources including govt budget. Mitigation should be the focus of the advocacy.	21	The adoption of these standards should increase confidence that key issues of concern are being addressed appropriately. It makes sense that CSOs would support and encourage the adoption of the standards in the countries where they operate.
0.30	Priority should be given in capacity building of local communities. Engagement in REDD could then be done after.	21	These standards recognize that full and effective participation in REDD+ design, implementation and evaluation is key (principle 6). In addition, the indigenous peoples and local communities need adequate information provided in a form they understand with sufficient time in order to be able to make an informed decision (principle 7).
0.31	Others cited potential conflicts in the implementation of REDD+ in their localities esp where there are more than 1 tenurial instrument covering the area.	21	The standards require that any overlapping rights to lands, territories and resources are mapped (1.1), including where statutory and customary rights may differ, and also a process is adopted for effective dispute resolution over rights to lands, territories and resources (1.4).
0.32	One asked whether the standard will be lobbied to the UNFCCC.	21	These standards are being developed in collaboration with several countries that are parties to UNFCCC. They and their partners could raise the potential for these standards to inform the development of UNFCCC requirements.
0.33	Thank you both for this platform to provide comments on the Standards. The Standards have been circulated for feedback within our network I am commenting	22	Thank you.

	on behalf of the WWF Network. We would like to share with you that we fully support the Standards as formulated by you as an organization. We look forward to testing and applying the final version of Standards in our projects and programs globally. All the best and good luck in the remainder of this process, Kirsten Schuyt Scientific and Policy Advisor WWF's Forest and Carbon Initiative		
0.34	BirdLife International was pleased to see that many of its suggestions were incorporated into the current draft version (15 January 2010) of the REDD+ Social and Environmental Standards. We therefore have no further comments at this stage.	23	Thank you.

### Principle 1

	Comment	By	Response
1.01	The Portuguese version starts with Indicator 1.1.1 referring to "all vulnerable groups, including women". That is a broad concept that permits a very inclusive approach. But, from Indicator 1.2.1 on the usual reference changes to "indigenous groups and local communities". This wording is used throughout the rest of the document. It mixes two very different categories : "indigenous groups" that is very focused, and in Brazil refers to some 250.000 indigenous people that still live at forested areas, while "local communities" refers to some 60 million Brazilians that live in rural areas with more or less forest access, and may have very opposite interests to indigenous groups. So for the Brazilian use of this standards, maybe a more in depth discussion has to go on about the wording, either focusing very much on ethnic groups and listing them, in this case besides "indigenous groups" another ethnic group cited should be the afro-brazilians "quilombolas". Besides these two ethnic groups, there can be listed also the "traditional communities", that are defined not by ethnics but by main activities: small farmers, traditional fishermen, cerrado or forest extractive farmers, etc. If the standard doesn't want to list in the Portuguese version all groups, but refer to vulnerable and excluded groups, there is no clear reason why make a special reference only to indigenous groups and not list others, since large part of the Brazilian territory has almost no indigenous inhabitants anymore.	2	In response to this and other similar comments the terms 'marginalized and/or vulnerable' people or groups have been used throughout the standards. See footnotes 1 and 2.

1.02	If private owned carbon credits are distributed due to customary law at indigenous territories in Brazil, it is very likely that a large part of the benefits will not reach the most vulnerable groups (women and children). The customary law of indigenous groups is very patriarchal and authoritarian, and chiefs are not elected, but inherit their power from their father and can be very corrupt and do harm to vulnerable citizens. The indigenous areas around diamond mines at the border to Peru are examples of chiefs being coopted by local political leaders and even pastors of pentecostal churches, an getting rich by themselves instead distributing the wealth. Customary law is not necessary always equal good law.	2	This criterion says that carbon rights are allocated based on rights to the lands, territories and resources that generate the emissions reductions or removals. This seems the fairest approach, however this is not to say that the benefit sharing mechanism has to be strictly aligned with carbon rights. This is dealt with under Principle 2 on equitable sharing of benefits
1.03	The Portuguese version of the standards uses the wording "The rights to land and territory". What is the difference between the "right to land" and the "right to territory"? Why do this sentence need the word "territory"?	2	The inclusion of the term 'territories' was at the request of Indigenous Peoples who use the word territory for their collective land.
1.04	Principle (1). There is a need to recognize 'community rights' not just those of individuals or governments. This might require an extra criteria.	5	Community or 'collective rights' are explicitly included – see footnote 8.
1.05	<p>1.3 <i>Comments: The FPIC does not contemplate dealing with issues that may exclude stakeholders from fully participating within decision making processes, such as the lack of awareness, education and literacy.</i></p> <p>1.3. The REDD+ Programme requires that stakeholders are provided with adequate<sup>11</sup> and timely access to information and public participation in the decision making processes, affecting their rights to lands, territories and resources.</p> <p>1.3.1. The policies of the REDD+ Programme provide stakeholders with access to information, in a free, timely,<sup>12</sup> and comprehensive<sup>13</sup> manner.</p>	9	<p>Access to information is covered in Principle 7. Principle 7: All rights holders and stakeholders have timely access to appropriate and accurate information to enable informed decision-making and good governance of the REDD+ program.</p> <p>'adequate' is covered by 'appropriate and accurate' in Principle 7. Timely is also covered in 7.1 by</p>

<sup>11</sup> Adequate access refers to comprehensive, accurate, and free of charge. It is inspired by the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, and in accordance with the Implementation Guide to the Convention.

<sup>12</sup> Timely refers to providing an adequate timeframe to ensure stakeholders can review the information in order to make an informed decision

<sup>13</sup> Sufficient, accurate, understandable and appropriate information is provided to make an informed decision. This includes, facilitating access to information when illiteracy is widespread or when minorities do not adequately understand the official language used by public authorities.

<p>1.3.2. The REDD+ Programme provides effective guidance to stakeholders in seeking access to information and their right to participate in decision making processes.<sup>14</sup></p> <p>1.3.3 Collective rights holders define verifiable measures for broader access to information and extensive public participation.<sup>15</sup></p> <p>1.3.4. The rights and concerns of stakeholders in respect to any REDD activity affecting their rights to lands, territories and resources, are duly accounted for<sup>16</sup>, addressed<sup>17</sup> and made public before a REDD project is approved.</p> <p>1.3.5. Stakeholders define which institutions and in which cases, will have the authority to represent their interests in decision making processes.<sup>18</sup></p>	<p>‘free and timely’ has been added to 7.1.2.</p> <p>1.3.2 is addressed by 7.2.1 except ‘and their right to participate in decision-making processes.’. While procedural rights are reflected in these standards, they are not stated in all indicators.</p> <p>Footnote 12 is covered by 6.7 on grievance mechanisms.</p> <p>1.3.4 here replaces the requirement for free, prior and informed consent which does not seem appropriate given the importance attached to this principle by indigenous peoples and others.</p> <p>While the concept of ‘taking due account’ is good, responding publicly to comments is only one form of participation.</p> <p>The issue of adaptation of design based on stakeholders concerns and rights is included in 6.2.5.</p>
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<sup>14</sup> Such as introducing capacity building initiatives where stakeholders can learn how to obtain information and participate in the decision making process.

<sup>15</sup> This indicator goes beyond Prior Informed Consent (PIC). The indicator should allow stakeholders to fully participate and access justice when participation is denied. It includes expressing their concerns and having this concerns adequately considered and allow stakeholders the right to appeal when their rights have been not respected.

<sup>16</sup> To take due account of the comment of stakeholders should be understood as a minimum, that the authority needs to respond to the main substantive arguments included in the comments.

<sup>17</sup> The text of the decision should include the reasons and considerations on which the decision was based

<sup>18</sup> The REDD+ Programme should ensure that these institutions are strengthen through training and capacity building processes, to effectively represent the stakeholder’s interests.

			1.3.5 is covered by 6.3 in the standards.
1.06	<p>1.4 <i>Comments: The FPIC does not ensure access to justice, when decisions are taken and stakeholders may need to protect their rights to information and participation and to challenge decisions that do not take their interests into account.</i></p> <p>1.4. The REDD+ Programme ensures that all stakeholders have access to justice through an effective<sup>19</sup> and fair<sup>20</sup> dispute resolution process over any disputes concerning their rights to lands, territories and resources, and it ensures that no activity that may cause irreversible damage to the environment or prejudice the outcome of the dispute resolution process will be commenced.</p> <p>1.4.1. The REDD+ Programme applies an existent or develops a new transparent, equitable, timely<sup>21</sup> and effective<sup>22</sup> dispute resolution process/mediation over rights to lands, territories and resources within the REDD+ Programme.</p> <p>1.4.2. REDD+ Programme provides stakeholders the opportunity to challenge any decision were stakeholder's requests for environmental information have not been handled in accordance with the law or have been unreasonable refused, inadequately answered, or ignored.</p> <p>1.4.3. No activity is undertaken in the REDD+ Programme when a stakeholder has requested a temporal suspension or interruption of the project approval, pending the dispute is resolved.</p>	9	<p>1.4 At this stage in development of REDD it has been judged that access to grievance mechanisms is a priority so we have not covered the full range of issues in order to ensure full 'access to justice'.</p> <p>Access to the mechanism is covered by 'accessible' in 1.4.1.</p> <p>'Fair' as defined here is covered by 'accessible' in 1.4.1.</p> <p>causing irreversible damage to the environment should come under Principle 5 and would be very strict, since there are bound to be trade-offs.</p> <p>1.4.1 'applies an existent or develops a new' process is implied by 'is identified or developed'.</p> <p>1.4.2 is covered in the grievance mechanism in 6.7.</p>

<sup>19</sup> The REDD+ Programme must ensure that stakeholders have access to courts of law or independent and impartial bodies to challenge any decision, act or omission by public authorities or private actors that affect their rights to lands, territories and resources or violate substantive or procedural legal norms related to the environment (e.g. EIA)

<sup>20</sup> Access of stakeholders to the dispute resolution procedure should be free of charge or inexpensive.

<sup>21</sup> Timely process means that the process should be prompt and in compliance with a previously determined/agreed time frame.

<sup>22</sup> Effective means that they should be capable of efficient enforcement

	1.4.4 Stakeholders and the public concerned in the REDD+ Programme have access to challenge any decisions, acts or omissions that violate their substantive and procedural legal norms related to public participation in REDD+ processes. <sup>23</sup>		1.4.3 The means by which a REDD program can be temporarily suspended can be defined in each country during the country-specific interpretation.  1.4.4 is also covered in the grievance mechanism 6.7.
1.07	15.1. Where the REDD+ Programme enables private ownership of carbon rights, a transparent process to determine where the carbon ownership lies <sup>24</sup> is implemented based on the statutory and customary rights to the lands, territories and resources that generated the greenhouse gas emissions reductions and removals.	9	New proposal for 1.5.1 is covered by 'process for defining carbon rights including ownership' in 1.5.1
1.08	1.4.1The criterion asks for 'mediation', which is one, but not the only form of dispute resolution. The criterion should not advocate a type of practice for dispute resolution, because the purpose of the criterion is that such a mechanism is identified and developed.  Suggest: A transparent, accessible and effective mechanism to resolve any disputes over rights to land, territories and resources related to the REDD+ program is identified or developed.	10	Accepted and included in 1.4.1
1.09	1.3 Free, Prior and Informed Consent (FPIC) reference 1.3 The draft Standards state that: 1.3 "REDD+ program requires FPIC of rights-holders for any activities affecting their rights to land, territories and resources." We strongly recommend that the scope of indigenous peoples' right to give or withhold their free, prior and informed consent (FPIC) not be limited only to the cases where rights to land, territories and resources may be affected. In international law, including as reflected in the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), this	12	Accepted and amended to 1.3.4 Free, prior and informed consent is obtained from rights holders for any activities affecting their rights to lands, territories and resources following the agreed process. In particular, free, prior and informed consent is obtained from

<sup>23</sup> Public Concerned can be understood as the public affected or likely to be affected by the environmental decision making process.

<sup>24</sup> Process would need to clarify if the right to carbon is a separate proprietary interest or if it is linked to the proprietary interest in the forest or land.

	<p>right derives from the right to self-determination and requires obtaining indigenous peoples'™ FPIC in relation to the adoption of legislative or administrative measures that may affect them (art. 19), as well as other relevant, but not necessarily land-related, decision-making processes. We recommend that this be amended to read as follows:</p> <p>1.3.4. Free, prior and informed consent is obtained from indigenous Peoples, in accordance with their customs, norms and traditions, for activities that may affect their rights, particularly their rights to own and control traditionally owned lands, territories and resources,. In no case, shall any relocation or displacement, whether physical or economic, occur without first obtaining FPIC and prior agreement on the provision of alternative lands and/or compensation, and the right to return once the reasons for the displacement have ceased. FPIC shall also be obtained from members of local communities for any activities affecting their customary or other property rights pursuant to mutually acceptable procedures. In all cases, the effective application of FPIC is dependent on a prior resolution of land tenure issues in accordance with international human rights standards.</p>		<p>Indigenous Peoples, in accordance with their customs, norms and traditions, for activities that may affect their rights, particularly their rights to own and control traditionally owned lands, territories and resources. Free, prior and informed consent shall also be obtained from members of local communities for any activities affecting their customary or other property rights pursuant to mutually acceptable procedures.</p>
1.10	<p>1.3 We suggest that rather than use the term 'rights holders' in the FPIC provision, which may cause problems given the indefinite nature of that term, we recommend using the formulation on which consensus was reached in the UNFCCC negotiations on REDD: 'indigenous peoples and members of local communities'. The term 'indigenous peoples'™ should be understood in the same manner as is provided for in the UNDRIP, Arts. 9 and 33, and international law more generally, which stresses the right of self-identification in conjunction with a series of criteria (e.g., relationship to a traditional territory and distinct culture, history and language). If the standards should also refer to the rights of private property owners who are not indigenous or members of local communities, we suggest that this is best dealt with in a separate paragraph and contains adequate due process and other guarantees in accordance with human rights law.</p>	12	<p>Indigenous Peoples representatives at the workshop in Copenhagen in May 2009 requested that the term 'rights holders' be used in the standards and this has been affirmed through many subsequent consultations.</p>
1.11	<p>I think that there would be a contradiction between the statement in paragraph 1.5.1 in terms that through the REDD program "a transparent process for defining carbon rights is developed and implemented based on the statutory and customary rights to</p>	11	<p>These standards must require recognition of and respect for customary rights to protect the interests of those who have used land for</p>

	<p>the lands, territories and resources that generated the greenhouse gas emissions reductions and removals”, and what is stated in paragraph 1.4.3 (no activity is undertaken by the REDD+ program that could prejudice the outcome of an unresolved dispute over rights to lands, territories and resources related to the program). Well, I do not understand, if no activity is undertaken by the REDD+ program that could prejudice the outcome of disputes over rights to lands, territories and resources (according to paragraph 1.4.3), paragraph 1.5.1 states that a process for defining the carbon rights is developed and implemented based on the statutory and customary rights to the lands, territories and resources that generated the greenhouse gas emissions reductions and removals.</p> <p>In brief, taking into consideration the Peruvian case, we believe that it is dangerous to consider that there might be customary rights because customary law is relative and can be developed through the transgression of real rights (an example of this is the invasion of native community lands by settlers).</p>		<p>a long time but are not protected by statutory law. In cases where there is a conflict between rights, there needs to be an effective conflict resolution process.</p>
1.12	<p>1.1.2 I would recommend to give further details on the criteria and the indicators (and to define them; not relying on specific indicators defined by each country) as the information seems to be, at least for the moment, difficult to verify. For example for 1.1.2 and 1.1.3, will it be easy to check if the documents include recognition of and respect for the customary rights of Indigenous Peoples and local communities ? Other example, 2.1.1 seem easy to audit but on the contrary, the criterion 2.2.1 could be quantified (full and effective participation - it is mentioned in the footnote that "Efficient"™ is defined as achieving the target with minimum cost, effort and time" but maybe further details could be provided) I believe that the audit process is a key stake of REDD. thank you for this important project !</p>	16	<p>The indicators developed at country-level are likely to be more specific and easier to verify.</p>
1.13	<p>1.1.3 A record of all tenure and land ownership information on rights for all stakeholders should be established.</p>	17	<p>1.1.1 requires an inventory and map of all rights to lands, territories and resources which should cover this issue.</p>
1.14	<p>Jeanette Gurung’s principles might be integrated at least at indicators level:</p> <ul style="list-style-type: none"> <li>- recognition and respect for the rights of women to their traditional uses of the forest. Implementation of REDD must not lead to obstruction of women’s</li> </ul>	19	<p>In response to this and other similar comments the terms ‘marginalized and/or vulnerable’ people or groups have been used throughout the standards. See footnotes 1</p>

	<p>access to forests to meet their subsistence needs for fuelwood, fodder and non-timber forest products (do no harm).</p> <ul style="list-style-type: none"> <li>- Promote equal access of women to land ownership and other resources necessary for effective socio-economic participation in forest management</li> </ul> <p>In the indicator 1.1.1 (of the draft REDD standards) “women” are explicitly mentioned (and this seems to be the only reference regarding women): “A participatory process is established to inventory and map existing statutory and customary lands, territories and resources tenure/use/access/management rights (including those of women and other potentially vulnerable groups) ... “</p> <ul style="list-style-type: none"> <li>- Maybe we should stick to Gurung’s language “targeting socially excluded groups, including women”.</li> </ul>		and 2. In particular, it is noted that marginalization may be related to gender.
1.15	Principle 1 Since ‘resources’ is defined as including ecosystem services, then rights to ecosystem services need to be included whenever rights are discussed. But in practice, this doesn’t happen in these standards (see below).	20	1.1.1 includes tenure/use/access/management rights. These can also refer to ecosystem services.
	1.1.1 Note that identifying land relevant to the program may need to include land that is currently not forested if the REDD+ activities include afforestation.	20	The current formulation includes non-forested areas where these are ‘relevant to the program’.

## Principle 2

	Comment	By	Response
2.01	One lesson learnt with CDM in Brazil is, that for the UN community and under international law, distributing the benefits of the carbon credits between the private sector and local government is regard as highly participatory. Actually, tis is not the case. Local government can be very corrupt and authoritarian, and the new wealth created by REDD forest projects in distant rural areas can flow into the municipal budget and never reach the poor communities. The approach of Principle 2 is very good, but the details of the Indicators has to be customized and monitored	2	This is a good point, which is why it is vital that the actual indicators that are to be used are developed at country/state level.

	accordingly to local reality. Also, handing large amounts of money directly over to small communities can also be negative, and do more harm than good. Large Brazilian companies that want to benefit poor communities are experiencing how they well intended projects can foster local conflicts and provide benefit only for a few leaders.		
2.02	The Portuguese version of the standards makes no clear difference between criterion 3.2 and criterion 2.2. What is the structural difference between both data sets?	2	Accepted. Criterion 3.2 has been moved to indicator 2.2.2.
2.03	Principle (2) – I suggest more emphasis on benefits to 'poor and disadvantaged' people. This can be defined as 'equitable' but here in Nepal we already go further than this in many community situations where a given % of benefits need to go to defined poor and disadvantaged. This means that one criteria should be 'Poor and excluded are clearly identified through a local transparent and participatory process'	5	The poor and disadvantaged are covered by 'marginalized and/or vulnerable' which is used throughout the standards. See footnotes 1 and 2.
2.04	<p>Jeanette Gurung recommends “Specific funding targets should be set to ensure sufficient funds are earmarked for activities that address women’s empowerment and gender equality.” This might be a difficult one to be included in the REDD standards, and to be promoted to governments – but there will be definitely funding needed to strengthen women’s participation in decision making processes.</p> <p>Further Gurung highlights explicitly the importance of engaging women’s groups: “Representatives from women’s groups at the local and national levels” as important stakeholders for participatory analysis of benefits and risks and for setting up benefit sharing and monitoring mechanisms”</p> <p>“women’s organizations must actively engage in the monitoring process for country REDD reports and plans before they are finalized”</p> <ul style="list-style-type: none"> <li>- A specific reference of women’s organizations as stakeholders might be helpful in the REDD standards.</li> </ul> <p>Jeanette Gurung also refers to Gender Audits – “Gender audits should be conducted periodically to assure that funds are being used</p>	19	<p>In response to this and other similar comments the terms ‘marginalized and/or vulnerable’ people or groups have been used throughout the standards. See footnotes 1 and 2. In particular, it is noted that marginalization may be related to gender.</p> <p>‘including gender differentiated impacts.’ Has been added to 3.3.1 and 3.3.2</p>

	<p>for gender equality and women’s empowerment activities.”</p> <p>“A comprehensive gender assessment is needed of the potential impacts of different policies and incentives to reduce deforestation and forest degradation on women”;</p> <p>“A list of national indicators related to gender equality and women’s empowerment/rights as well as specific indicators to measure women’s access to and control of forest resources must be prepared in consultation with women’s organizations and gender advisers”</p> <p>I think gender and power analysis / gender audits will be key to assess and monitor potential costs, risks and benefits.</p>		
2.05	2.1 ‘benefits and risks’ are defined in footnote 19 in ways that don’t refer to environmental benefits and risks. But NTFPs, and water regulatory services, may be important benefits from REDD+ and so are relevant to any discussion of equitable sharing of benefits.	20	‘Environmental’ costs, benefits and risks are now included since these are important aspects affecting local communities and their wellbeing.
2.06	2.1.1. Projected costs, potential revenues/benefits, and associated risks of the REDD+ Programme are analyzed <b>and determined</b> for each relevant rights holder and stakeholder groups at all levels through a participatory process.	9	Analyzed implies that they are also determined.
2.07	<p>2.2.1. There is a <b>wide, timely and effective</b> participation of all relevant and interested rights holders and stakeholders, in defining the decision making process and distribution for an equitable benefit-sharing among and within relevant rights holders and stakeholder groups.</p> <p>2.2.2. Clear <b>and fair</b><sup>25</sup> policies and guidelines for benefit-sharing are developed, agreed, disseminated <b>and implemented</b>.</p>	9	<p>2.2.1 the term ‘full and effective’ participation has been used throughout the standards and is consistent with UNFCCC draft REDD text.</p> <p>The term ‘implemented’ has been used in 2.2.3 instead of ‘followed’ since it is more appropriate for policies.</p> <p>‘Fair’ is covered by Principle 6.</p>
2.08	2.3 <i>The monitoring process should also be made public, involving civil society and</i>	9	The standards require participatory

<sup>25</sup> Fair refers to policies developed in accordance and taking into consideration right holders and stakeholders concerns

	<p><i>other stakeholders in the process.</i></p> <p>2.3 There is transparent, participatory <b>and public</b> monitoring of the costs and benefits of the REDD+ Programme, including any revenues, and their distribution among relevant rights holders and stakeholders.</p> <p><b>2.3.3. Reports<sup>26</sup> of the REDD+ Programme benefit-sharing process, including the costs, revenues and their distribution are made publically available.</b></p>		<p>monitoring with relevant rights holders and stakeholders but not full public disclosure. Comments received in earlier consultations in REDD countries suggested that full public disclosure of all payments to communities or land holders could create tensions and conflicts.</p>
2.09	<p>Clarification that the “stakeholders directly responsible” [who should receive the REDD benefits] are the REDD areas dwellers, being those who produce the conservation outcomes through management practices and forest conservation.</p> <p>New text: Benefits from REDD+ actions should be accessed in a fair and equitable form by all stakeholders who use and conserve the forest. (Their intention is to specify that benefits should go to those who live in and off the forest and not government agencies who manage the forests).</p>	22	<p>The principle adopted in the standards is that benefits should be shared equitably among rights holders and stakeholders, based on the costs, responsibilities and risks. The assurance of equity or fairness results from the full and effective participation of rights holder and stakeholder groups.</p>

### Principle 3

	<b>Comment</b>	<b>By</b>	<b>Response</b>
3.01	Section 3.1.3. As above – more emphasis on pro-poor (as a focus)	5	In response to this and other similar comments the terms ‘marginalized and/or vulnerable’ people or groups have been used throughout the standards. See footnotes 1 and 2.
3.02	3.1The criteria should be framed in the present or past tense, rather than present participle, thus 'generates' instead of 'generating'. Suggested change: The REDD+ program generates additional, positive impacts on the long-term livelihood security	10	Accepted.

<sup>26</sup> Reports on whether the money is reaching the intended beneficiaries, whether rights are being respected, particularly those of indigenous people and forest dependent communities

	and well-being of Indigenous Peoples and local communities, with special attention to the most vulnerable people,		
3.03	3.1.4 Additional resources: These should be clearly stated, ie which additional resources are being referred to.	17	Footnote for additional resources reads: Resources should be additional compared <b>with those available under the reference scenario</b> which is the most likely land-use scenario in the absence of the REDD+ program
3.04	3.3 Refers only to negative social, cultural and economic impacts of REDD+. Why are negative environmental impacts not mentioned here?	20	Environmental impacts have been included here as suggested because of their importance to livelihood security and well-being.
3.05	<p><b>Brazilian principles and criteria 4.1: REDD+ actions must promote economic alternatives based on standing forest valorization and on the sustainable use of natural resources and deforested areas, and are not restricted to a simple transfer of resources to the beneficiaries.</b></p> <p>The concept “economic alternatives” being too simple and it does not cover important aspects such as capacity building, technical assistance, support to create fair and solidary markets, and others considering characteristics of each community.</p> <p>Division of the criterion in 2: one with the first part of the criterion adding a concern on technology adapted to local realities (<i>REDD+ actions must promote economic alternatives based on standing forest valorization and on the sustainable use of natural resources and deforested areas, through aggregation of sustainable technologies adapted to local realities</i>). The new criterion would concern the second part of the text (<i>REDD+ actions must not be restricted to a simple transfer of resources to beneficiaries, in order that it guarantees community’s economic sustainability and development</i>).</p>	22	<p>Promoting economic alternatives and not simply a transfer of resources to beneficiaries is covered in the standards by the requirement in Principle 3 to improve long-term livelihood security and well-being, ensuring that the beneficiaries determine the form that benefits will take and how they are delivered, ensuring that the benefits are sustainable and that the positive and negative impacts of the REDD+ program are monitored over time.</p> <p>The use of sustainable technologies adapted to local realities should be assured through the effective participation of Indigenous Peoples and local communities in the definition of the form of the benefits.</p>

#### Principle 4

	<b>Comment</b>	<b>By</b>	<b>Response</b>
4.01	At a young democracy and decentralized federation like Brazil, where the three layers of government very much compete with each other over resources and competencies, Principle 4 is very nice, but not very much realistic. Expectations for the indicators have to be kept very low. But specially Criterion 4.4 will not be achieved. It can be monitored, red flagged and pointed out, but it seems not realistic that it will make Indicator 4.4.4 be achieved.	2	Indicators 4.4.1 to 3 are achievable but there will be exceptions. As pointed out in this comment the real problem is with 4.4.4 as the chances of inconsistencies being resolved in a timely manner are small, and in fact the authorities responsible for the REDD program may not even have the power to do this. But since this is only an issue at indicator level it can be addressed by the country-specific interpretation.
4.02	Principle 4. This has added governance to 'broader sustainable development'. I would suggest that governance aspects fit much better into Principle 8 with a re-wording to reflect this. For example compliance with laws is an aspect of governance anyway.	5	Better to keep governance in P4 because P8 is focused on legal compliance which is only part of good governance.
4.03	Principle (4), Good that governance is included but where is the rule of law aspect to governance. Hence my suggestion to put governance under principle 8	5	The rule of law aspect is included in P8.
4.04	4.4 and 4.5: These criteria should be one criterion. The importance is coherency of policies and coordination of institutions, which are not separate or divisible undertakings. 'Coherency' on its own is not as strong or understood as a criterion subject than it is with the elements presented in criterion 4.5. Interestingly, there are far more framework indicators on the coherency of the planning process than the coordination of institutions. Economy of criteria helps strengthen a standard over the long term.	10	Accepted.
4.05	Principle 4 We propose that Principle 4 be amended as follows to account for the preceding: Principle 4: The REDD+ program contributes to broader sustainable development, respect for and protection of human rights, including indigenous peoples'™ rights, and good governance objectives. Among other things, Human Rights Impact Assessments shall be conducted, either as stand-alone assessments or as a discrete section of the environmental and social impact assessment, to facilitate implementation of this principle. Specific grievance mechanisms and	12	Human rights have not been added to the principle but have been added to the criteria to guide national level interpretation. It would normally be assumed that good governance includes respects for human rights but could be made explicit

	judicial remedies shall be established to provide effective redress for alleged violation of internationally guaranteed rights and other relevant standards. There is no indicator on rights and we suggest that the following be added: 4.1.4 The REDD+ program has assessed human rights impacts and detailed how it will comply with and contribute to the implementation of applicable laws and international instruments pertaining to indigenous peoples'™ rights. Conversely, the REDD+ programme shall detail how it will avoid violation of human rights and the ability of the State to faithfully comply with its international obligations		Indicator 4.4.2 has been added. 4.4.2 The REDD+ program is consistent with national policies and strategies to protect human rights and combat discrimination against marginalized groups.
4.06	I think that there would be a contradiction between the statement in paragraph 4.4.1 with respect to “land use planning elements of the REDD + program including recognition of customary rights to land, territories and resources are consistent with other land use planning processes”, and what is described in paragraph 4.4.2 (which states: “The REDD+ program is integrated into the broader policy framework of the forest sector and other relevant sectors”. Based on the experience of implementing Peru’s forest management since 2001, I believe that it is important to integrate forest management policies that establish rights that can be set from customary rights, if such is the case. Therefore, if the REDD Program, is integrated into the broader policy framework of the forest sector it must be framed within the rights involving the holders of the enabling titles for forest management including indigenous or peasant populations engaged in forest activities in their lands; these rights are framed within the relevant forest regulations.	11	It is important that these standards require recognition and respect for customary rights so that people whose long-term use and dependence on land and resources that is not yet recognised by the State will also be considered fairly by the program.  1.2.3 promotes securing statutory rights and footnote 16 specifies that this includes conversion of customary rights to statutory rights.
4.07	Indicator 4.2.1 could include language around promotion of equality, transparency, Inclusiveness; and responsiveness to poor women’s needs.	19	Equity, effectiveness and efficiency are the qualities that are included in 4.2.1.
4.08	Another suggested that CSOs should be more proactive and to safeguard interests of vulnerable groups. thus in principle 4.4.4, it should be a requirement for national policies which are inconsistent (eg mining, logging ) to be harmonized and resolved (eg call for a moratorium on logging and mining at the onset). He explained that the principles set in the standards and extractive industries are inconsistent.	21	Changes have been made to text 4.4.3 so that inconsistencies must be resolved.
4.09	4.1 The REDD+ Programme contributes to the achievement of broader sustainable development policies, strategies and plans established at national and other	9	This is covered in 4.1

	<p>relevant levels.</p> <p><i>In general it is important to consider that for the REDD+ Programme to effectively deliver significant co-benefits it will need to be aligned and coordinated with existing and planned development strategies.</i></p> <p>4.1.1. The REDD+ Programme's policies and measures are aligned and integrated into existing development, poverty reduction, food security and natural resource management, biological and ecological policies, strategies and plans developed at a national or other relevant level of government.</p> <p>4.1.3 Local livelihood, poverty alleviation and other millennium development goals monitoring shows improvements in areas where REDD+ Programme activities are implemented</p>		
4.10	<p>4.2.1 The REDD+ Programme identifies the broader governance challenges that it can address, particularly those related to the transparency, inclusiveness, accountability, enforcement, equity, effectiveness and efficiency of the REDD+ Programme, and establishes country-specific performance targets.</p> <p>4.2.2 The REDD+ Programme enables institutional capacity<sup>27</sup> building and development which aim to improve these governance challenges.</p>	9	This is covered in 4.2.
4.11	4.4 The REDD+ Programme is coherent with relevant policies, strategies and plans at all relevant governance levels.	9	Covered in 4.4
4.12	<p>4.5 There is effective coordination between governmental and non- governmental agencies/organizations responsible for the design, implementation and evaluation of the REDD+ Programme.</p> <p>4.5.1 An effective and efficient process is established to ensure engagement of all</p>	9	Covered in 4.5

<sup>27</sup> Institutional capacity focuses on the overall organizational performance and functioning capabilities. Institutional capacity building and development aims at improving structure, responsibilities, accountabilities and changes in the deployment of human resources.

	relevant government ministries and interested stakeholders <sup>28</sup> at all levels.		
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## Principle 5

	Comment	By	Response
5.01	<p>There is one point that I would like to bring up though; under section 5 on biodiversity and ecosystem services. If REDD+ is ever used in protected areas it will be important to ensure that this does not result in an undermining of the original reasons for protection (e.g. afforestation of valuable grasslands). I wonder if it would be worth broadening this out a little into a general principle and adding something like:</p> <p>5.1.4: The REDD+ program is fully integrated with, and does not run counter to, any existing conservation policies and regulations; e.g. of public, private or community protected areas.</p>	7	<p>This is covered in Principle 4. Footnote 34 giving examples of sustainable development policies, strategies and plans now includes conservation policies and regulations. Footnote 35 has been added to ensure coherence with and support for existing and planned protected areas.</p>
5.02	<p>5.3 Traditional Knowledge: ref. 5.3 The language proposed here does not necessarily involve the possibility of indigenous peoples to present their own REDD schemes based on their traditional knowledge. Consequently, we recommend that the text reads as follows: 5.3 “REDD+ program design and implementation addresses maintenance and enhancement of biodiversity and ecosystem services, building on and with full respect for relevant traditional knowledge and management practices of indigenous peoples, as well as members of local communities and other stakeholders. In all cases, the traditional knowledge, innovations and practices of indigenous peoples and local communities shall not be used, recorded or exploited without their free, prior and informed consent and in accordance with the relevant international standards (e.g., the Convention on Biological Diversity).”</p> <p>“Design, implementation and</p>	12	<p>Respect for and building on traditional knowledge and management practices has been moved to 6.5 since this could relate to more than just management of biodiversity and ecosystem services.</p> <p>In addition, a new indicator has been added: 6.5.3 Where the traditional knowledge, innovations and practices of Indigenous Peoples and local communities is used, recorded or exploited, this is with their free, prior and informed consent in</p>

<sup>28</sup> Interested Stakeholders refer to groups and individuals that may be interested or affected by the REDD+ programme, such as Academia, Media, NGOs, etc.

	evaluation of REDD+ program builds on, respects and supports rights holders and stakeholders traditional knowledge, skills and management systems, including those of indigenous peoples and local communities		accordance with relevant international standards. <sup>29</sup>
5.03	<p>5.1.1 Using the term ‘values’ is confusing. Better to say simply ‘Biodiversity and ecosystem services potentially affected by the REDD+ program are identified and mapped..’</p> <p>5.1.1 Important to recognise that the biodiversity and ecosystem services that may be affected by REDD+ include bd and es outside forests. For example, if forests are conserved, there may be increased conversion pressures on other ecosystem types.</p> <p>5.1.1 Better to move the ‘examples’ of elements of biodiversity in 5.1.1 to a footnote.</p> <p>5.1.1 Identifying and mapping is one step. A second important step is to prioritise those components of biodiversity and ecosystem services that the REDD+ program should focus on. This prioritisation process may involve making trade-offs between different benefits.</p>	20	<p>Accepted. In addition 5.1.4 This has been added to follow draft LCA REDD text</p> <p>New text as follows:</p> <p>5.1.1 Biodiversity and ecosystem services<sup>30</sup> potentially affected by the REDD+ program are identified, prioritized and mapped<sup>31</sup> at a scale and level of detail appropriate to each element/activity within the program.<sup>32</sup></p> <p>5.1.2 The objectives of the REDD+ program include making a significant contribution to maintaining and enhancing biodiversity and ecosystem services.</p> <p>5.1.3 The REDD+ program identifies and implements measures that aim to maintain and enhance the identified biodiversity</p>

<sup>29</sup> E.g. the Convention on Biological Diversity.

<sup>30</sup> Including biodiversity and ecosystem service priorities identified in existing national biodiversity strategy and action plans (NBSAP), gap analyses supporting the Convention on Biological Diversity 2010 targets or application of frameworks aligned with these efforts such as multilateral development bank safeguards (World Bank OP 4.04, IFC Performance Standard 6), key biodiversity areas, high conservation value areas and other relevant systematic conservation planning approaches.

<sup>31</sup> Including natural forest and areas important for the conservation of biodiversity and ecosystem service priorities and paying specific attention to any plans to expand non-native forests and their impacts on biodiversity and ecosystem service priorities.

<sup>32</sup> Including but are not limited to areas of significance for threatened or endemic species, for significant concentrations or source populations of other species, for ecosystems and for ecosystem services of economic, climate change adaptation, cultural or religious importance to stakeholders, particularly Indigenous Peoples and local communities.

			<p>and ecosystem service priorities potentially affected by the REDD+ program.</p> <p>5.1.4 The REDD+ program does not lead to the conversion of natural forests.</p> <p>5.1.5 The REDD+ program generates additional resources<sup>33</sup> to maintain and enhance biodiversity and ecosystem services.</p>
5.04	<p>5.2 It is OK to include a requirement to assess environmental impacts in 5.2 beyond the prioritized elements of B/ES (eg pollution) but this extension to broader environmental impacts should be made more explicit. A better formulation would be</p> <p><i>5.2 The positive and negative impacts on relevant biodiversity and ecosystem services and any other negative environmental impacts of the REDD+ program are assessed including both predicted and actual impacts.</i></p> <p>A footnote on ‘relevant’ could refer back to 5.1.1 in which the elements of biodiversity and ecosystem services have been prioritized.</p>	20	Accepted.
5.05	<p>5.3 This includes two elements. One element relates to ensuring that the REDD+ program addresses maintenance and enhancement of B/ES. This is already covered in 5.1.2. The second element of 5.3 relates to building on traditional knowledge and management practices. It would be better to focus 5.3 on this second aspect. In this case, 5.3.1 ensuring REDD+ program includes objectives for B/ES can return to its appropriate place in 5.1. Indicators for 5.3 will need to be reformulated to better reflect the new focus of the criterion.</p>	20	Accepted.
5.06	<p>5.4.1 This should be better formulated to relate more clearly to the focus of</p>	20	Accepted. And also amended in the similar

<sup>33</sup> Resources should be additional compared against the reference scenario which is the most likely land-use scenario in the absence of the REDD+ program.

	<p>critterion 5.4 on adaptive management.</p> <p>5.07 REDD+ actions should strengthen Protected Areas Management in areas where the REDD actions are taking place. And it should contribute with the management and monitoring of these areas and their surroundings.</p> <p>REDD+ actions should consider environmental education actions.</p>	22	<p>indicator 3.4.1.</p> <p>Ensuring that the program supports protected areas has been included in 4.1.2</p> <p>Public access to adequate information to promote general awareness and good governance is covered in 7.1. There is also a requirement that rights holders and stakeholders have the information that they need about the REDD+ program to participate fully and effectively in 7.2. information</p>
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### Principle 6

	<b>Comment</b>	<b>By</b>	<b>Response</b>
6.01	Without further explanation and more detail by the indicators, it can be argued that Principle 6 is very much a repetition of Principles 1 and 2.	2	Principle 1 and 2 are substantive (ie deal with outcomes) while 6 is procedural (dealing with processes) . So they are complementary
6.02	6.2.4. I suggest separating roles and responsibilities of local governments from those of central government – they are very different.	5	This is why the indicator 6.2.4 explicitly requires that local government is involved and that their roles and responsibilities are clearly defined.
6.03	My last comment is related to criteria 6.1.3., where a footnote should state that these "procedures" must include offline media in local languages. Information is mainly shared on the project developers webpage, but this common behavior excludes many local and indigenous people. According to your standard a webpage would theoretically enable any interested party, but only theoretically and not practically!	8	7.1 and 7.2 ensure that information is 'accessible' to all relevant rights holder and stakeholder groups, including Indigenous Peoples and local communities in a form that they understand. More detail on appropriate forms of dissemination and accessibility

			should also be provided in the country-specific indicators.
6.04	6.7.3 The framework indicator prescribes one, but not the only, type of dispute resolution process. 6.7.1 and 6.7.2 are adequate and sufficient guidance indicators. Countries and REDD+ program participants should decide what resolution process to establish. Delete: 6.7.3 The grievance and dispute resolution process is managed by a third-party mediator to prevent any conflict of interest.	10	Accepted.
6.05	General comment: there are too many criteria for this principle and it would benefit from consolidation. Join 6.4 and 6.5 Join 6.7 and 6.8	10	6.4 on effective role of representatives and 6.5 on capacity to participate have been combined.  6.7 resolving disputes and 6.8 access to legal advice have not been combined since these cover quite different aspects.  6.9 on availability of adequate resources for participation has been moved to an indicator of 6.2 on effective participation.
6.06	Ref. 6.2. On participation, we stress that it has to be “culturally appropriate” <sup>TM</sup> and that confusion is avoided by inconsistent use of the terms “consultation” <sup>TM</sup> and “participation” <sup>TM</sup> , as the case seems to be in the current formulation. It would be more appropriate to use the international standard of “effective participation” <sup>TM</sup> , which includes consultation and FPIC. “Effective consultation or more active participation” <sup>TM</sup> should therefore be changed into “effective participation, including FPIC.” 6.2 All relevant rights holder and stakeholder groups that want to be involved in REDD+ program design , implementation and evaluation are fully involved through culturally appropriate and effective participation, including FPIC. "Rights holders and stakeholders have the information that they need about the REDD+ program, provided in a culturally appropriate and timely way, and in appropriate language.	12	‘Culturally appropriate’ has been added to 6.2.  ‘Consultation or more active participation’ has been changed to ‘participation’.
6.07	In terms of paragraph 6.3.1 about the consultation processes used by the REDD + program that are developed with and approved by the rights holder and stakeholder	11	The standards have been formulated on the understanding that it is also important to

	groups, taking account of statutory and customary institutions, in order for the REDD + program to be integrated into the broader policy framework of the forest sector and other relevant sectors, we think that only the statutory right holders institutions and stakeholders should be considered and not the customary institutions.		consider customary institutions for cases where legitimate traditional authorities and institutions are not recognized by the State.
6.08	<p>Gurung specifically recommends that “Women of local communities and women”s organizations must be involved at all stages of decision-making about REDD, from the design process (international and national) to the implementation and evaluation. Implementation of REDD, at both national and sub-national levels, should provide enabling environments and capacity building for their meaningful participation, from local to national levels. “</p> <ul style="list-style-type: none"> <li>- There might be added specific gender wording – currently there is only reference to “most vulnerable groups” in the draft REDD standards.</li> </ul> <p>Also the aspect of capacity building might need strengthening – specifically from a gender perspectives, as Jeanette Gurung mentions: “women should have access to training and resources that support them to increase carbon sequestration through new forestry technologies, including nursery techniques, site selection and selection of species, land preparation, planting, weeding, and maintenance”</p>	19	In addition to the consistent use of marginalized and/or vulnerable as defined in footnotes 1 and 2, ‘including women’ has been added in 6.2.2.
6.09	<p>6.1 The REDD+ Programme identifies and determines the rights and interests of all rights holders and stakeholder groups and <b>their interest</b> in the REDD+ Programme.</p> <p>6.1.2 The rights and interests of each rights holder and stakeholder group in relation to the REDD+ Programme <b>are determined</b>, including potential barriers to their participation, and their relevance to the REDD+ Programme defined.</p> <p>6.1.3 The REDD+ Programme includes a consultation process to determine which stakeholders will be considered interested in the REDD+ Programme, based on their rights and interests</p>	9	<p>It is important to define the relevance of rights holders and stakeholders to the program to identify which groups should be involved. If the only criterion is ‘interest’ then some groups with no relation to the forest area affected by the program could influence the program to the detriment of those most affected.</p> <p>Characterized works adequately and does not need to be changes to determined.</p>

			6.1.3 is adequate to ensure that groups can apply to be considered among the ‘relevant’ groups.
6.10	<p>6.2 <i>We need to keep in mind that full implementation of the right to participate means that each person knows about their right to participate and have guidance on how, when and where to exercise that right.</i></p> <p>6.2 All <b>interested</b> rights holder and stakeholder groups in the REDD+ Programme design, implementation and evaluation <b>have the right to be</b> fully involved through effective consultation or more active participation.</p> <p>6.2.1 A process and institutional structure are established and functional to enable all interested rights holder and stakeholder groups to participate in Programme design, implementation and evaluation, <b>including the determination on how, when and where to exercise their right.</b><sup>34</sup></p> <p>6.2.3 Consultations about the REDD+ Programme are tailored to the local <b>right holders and stakeholders needs</b> using socially and culturally appropriate methods and are conducted at mutually agreed locations.</p> <p>6.2.4 National and <b>sub-national</b> governments are involved in the REDD+ Programme and their roles, <b>responsibilities and procedures for providing access to participation are clearly defined.</b></p> <p><i>New indicators:</i>  <b>6.2.6 During implementation of REDD+ activities, interested right holders and stakeholders have the right to communicate unexpected impacts of the direct implementation of REDD+ activities.</b></p>	9	<p>The current formulation of 6.2 ensure that those relevant groups that want to be involved are involved, which is similar to the meaning of the proposed new wording of 6.2.</p> <p>6.2.1 seems adequate as formulated.</p> <p>6.2.3 has been amended to change ‘local context’ to ‘local rights holders and stakeholders needs’ Seems like a good idea.</p> <p>The standards use local govt instead of sub-national govt.</p> <p>Currently only says ‘roles are defined’ and this has been changed to add ‘responsibilities’. This indicator is about their participation so not relevant to add ‘procedures for enabling participation’.</p>

<sup>34</sup> At the pre-project approval level, participation should be ensured at the stage of the selection of the REDD activities, and the determination of their conditions on a case by case/ country by country basis.

	<b>6.2.7. During monitoring of REDD+ activities, interested right holders and stakeholders have the right to participate in the monitoring and reporting of REDD+ activities.</b>		New indicators 6.2.6 and 6.2.6 are covered in 6.2.1 and 6.2.5 Amendment made to 6.2.5 The REDD+ program design and implementation is adapted based on <b>ongoing</b> rights holder and stakeholder participation <b>in design, implementation and evaluation of the program.</b>
6.11	6.3.1 The consultation processes employed by the REDD+ Programme are developed with and approved by the relevant rights holder and stakeholder groups, taking account of statutory and customary institutions, <b>law, norms and practices.</b>	9	Laws and norms are included in institutions, and 6.3.1 has been amended to add 'practices'
6.12	6.4.1 Rights holder and stakeholder representatives adopt a transparent <b>and timely</b> process to inform the people they represent about how the REDD+ Programme could potentially affect them and facilitate discussion and feedback	9	6.4 has been incorporated in 6.3 and this comment is no longer relevant.
6.13	6.5.1 REDD+ Programme provides information dissemination, awareness-raising and capacity building activities that ensure that interested rights holders and stakeholders have a good understanding of the REDD+ Programme, particularly indigenous peoples and local communities, including the most vulnerable people among them.	9	Covered in 6.5.1 as currently formulated.
6.14	6.7 <b>A dispute- prevention</b> and dispute-resolution mechanisms are in place to receive and resolve grievances and disputes relating to the design, implementation and evaluation of the REDD+ Programme.  6.7.1 The transparent, <b>equitable, timely, accountable, legitimate, independent,</b> impartial, and accessible dispute prevention and dispute resolution processes are established to address grievances and disputes that may arise during REDD+ Programme design, implementation and evaluation.  6.7.2 The <b>grievances and disputes brought upon the dispute- prevention and</b>	9	Full and effective participation should help to avoid conflicts and therefore not necessary to explicitly require 'dispute resolution mechanisms'.  Transparent and impartial will ensure equitable and independent. Timely is covered in current formulation.  6.7.2 currently requires that the process is

	<p><b>dispute-resolution processes are publically available</b> to all rights holders and stakeholders.</p> <p>6.7.3 The dispute- prevention and dispute-resolution processes are overseen by an <b>independent and impartial</b> mediator to prevent any conflict of interest</p> <p><i>New Indicators:</i></p> <p><b>6.7.4 All interested stakeholders and right holders are aware of these dispute prevention and dispute resolution mechanisms.</b></p> <p><b>6.7.5 The dispute- prevention and dispute-resolution processes are linked to more general policies, programmes and projects to avoid duplication of harmful actions.</b><sup>35</sup></p> <p><b>6.7.6. An administrative appeal is established and interested rights holders and stakeholders have access to request the review and reverse of the decision.</b></p> <p><b>6.7.7. Interested Rights holders and stakeholders have access to request redress and remedy of decisions related to the design, implementation and review of the REDD+ programme that causes them harm.</b></p>		<p>publicized not the actual disputes. This is sufficient since publicizing disputes could exacerbate conflicts.</p> <p>6.7.3 has been deleted in response to comment 6.04</p> <p>6.7.4 is a bit stronger than current 6.7.2. but difficult to assess so has not been changed.</p> <p>6.7.5 ? 6.7.6 – right of appeal? 6.7.7 redress/remedy?</p> <p>These elements are important , however, seem to be beyond the scope of the REDD+ program. The REDD+ program will operate within the national legal framework that does provide mechanisms for appeal and redress or remedy.</p>
6.15	6.8 Rights holders and stakeholders have access to accessible legal advice <b>and technical support</b> to understand relevant legal processes and financial implications related to the REDD+ Programme.	9	It has been decided to focus this criterion on the specific need for legal advice.
6.16	6.9.1 <b>Interested</b> rights holders and stakeholder groups have access to sufficient financial resources and technical support to participate fully and effectively in the design, implementation and evaluation of the REDD+ Programme.	9	‘Relevant’ is more appropriate than ‘interested’ as explained above.

<sup>35</sup> Shelton, D (2009) “A rights-based approach to Conservation”. In Greiber, T (2009), Conservation with Justice: A rights based approach, pp.6-7, IUCN Environmental Policy and Law Paper N71, Gland, Switzerland.

## Principle 7

	Comment	By	Response
7.1	<p>7.1.1. Information about the REDD+ Programme is publicly available in a adequate<sup>36</sup> and timely manner to potentially interested members of the public, concerning the Programme design, implementation, benefit-sharing <b>mechanisms, identification of potential investors, environmental and social impact assessments of proposed REDD activities</b>, biodiversity and ecosystem services and rights to lands, territories, resources.</p> <p><i>New Indicators:</i>  <b>7.1.3. The public is aware of their rights to access REDD+ related information and how to exercise this right.</b></p>	9	<p>7.1.1 has been amended as follows 7.1.1 Adequate information about the REDD+ program is made publicly available and accessible to potentially interested members of the public, including information about program design, implementation and evaluation, including social and environmental impact assessment, benefit-sharing, biodiversity and ecosystem services and rights to lands, territories, resources.</p> <p>Potential investors does not seem appropriate to include.</p> <p>The standards promote procedural rights but have not adopted detailed indicators on awareness of these rights like 7.1.3. In order to maintain a balance similar indicators would be needed on awareness of all relevant rights.</p>
	<p>7.2 Rights holders and stakeholders have access to the REDD+ Programme information, in an adequate<sup>37</sup> and timely manner, in order to ensure effective <b>public participation in decision making processes</b> over the Programme design, implementation and evaluation, including information about potential social,</p>	9	<p>The standards promote participation of relevant rights holders and stakeholders in decision-making but not full public participation which seems unworkable.</p>

<sup>36</sup> Adequate access refers to comprehensive, accurate, and free of charge information. It is inspired by the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, and in accordance with the Implementation Guide to the Convention.

<sup>37</sup> Adequate access refers to comprehensive, accurate, and free of charge information. It is inspired by the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, and in accordance with the Implementation Guide to the Convention

<p>cultural, economic and ecological risks and opportunities, legal implications, and the global and national context.</p> <p><b>7.2.1. Rights holders and stakeholders are aware of their rights to access REDD+ related information and how<sup>38</sup> to exercise this right.</b></p> <p>7.2.2. Rights holders and stakeholders know what information is available and accessible about the REDD+ Programme.</p> <p>7.2.3 Rights holders and stakeholders have access to relevant information about the REDD+ Programme, including the results of monitoring and evaluation, potential social, cultural, economic and ecological risks and opportunities, legal implications, and the global, national and local context.</p> <p>7.2.4 The most effective means of dissemination of information about the REDD+ Programme are identified and used for each right holder and stakeholder group.</p> <p>7.2.5 Indigenous peoples and local communities have access to the relevant information they need about the REDD+ Programme in a form/<b>manner</b><sup>39</sup> they understand.</p>		<p>The standards promote procedural rights but have not adopted detailed indicators on awareness of these rights like 7.2.1. In order to maintain a balance similar indicators would be needed on awareness of all relevant rights.</p> <p>The other comments are covered in the existing indicators for 7.2</p>
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### Principle 8

	<b>Comment</b>	<b>By</b>	<b>Response</b>
8.01	If this standards are for the national or subnational level, under international scrutiny, under what circumstances the country or state can adopt a REDD public policy and not follow the legal framework?	2	It may seem strange to say that a REDD policy might not be consistent with national or state-level laws. Maybe this couldn't

<sup>38</sup> How to exercise this right refers to the procedures and places for accessing this information

<sup>39</sup> With specific regard to indigenous and local communities, efforts should be made to provide information in different languages or dialects spoken in the territory. In areas of high illiteracy, non printed media/documents such as the radio should be used (Costa Rica, Honduras and Dominican Republic Principle 10 National Profiles).

			happen in Brazil but it is a common problem in some other countries. In some cases this happens because of poor policy development but in other cases it could be deliberate – for example in Tanzania where it looks like REDD policy will say that government can retain rights to forest on public land whereas the Land act says that communities can get title to this forest where they wish to do so.
8.02	In general principle 8 is still weak – both as a principle and in terms of the defining criteria. One aspect that needs strengthening and demonstrating there is a process for removing or addressing inconsistency between REDD and existing laws. The same principle should refer to whether existing laws are actually upheld i.e. laws might be OK – but actual implementation may be weak – or ignored.		8.1.4 has been amended as follows to ensure that laws are complied with during implementation and not just coherent in design.  8.1.4 Any possible areas where the REDD+ program <b>design and/or implementation</b> does not, or may not, comply with the relevant local and national laws and international treaties, conventions and other instruments <sup>40</sup> are identified <sup>41</sup> and monitored, <b>and appropriate measures are designed and implemented to ensure compliance.</b>
8.03	c. International obligations: ref 8. First, we recommend amending principle 8, which now provides that “The REDD+ program complies with applicable local and national laws and international treaties and agreements,” to read as follows “The REDD+ program complies with applicable local and national laws and international treaties and instruments ratified or adopted by the country.” Secondly, one of the related indicators is that “International treaties and	12	‘Agreements’ has been changed to ‘instruments in Principle 8 and in related criteria and indicators.  A list of relevant treaties, conventions and agreements has been included in a footnote.

<sup>40</sup> Including respect for the rights enshrined in these treaties, conventions and other instruments.

<sup>41</sup> Including human rights impact assessment.

	<p>agreements relevant to REDD+ are identified and that any possible areas where the REDD+ program does not or may not comply with the relevant local and national laws and international treaties and agreements be identified and monitored. In the first place, we would like to stress that leaving the definition of relevant international treaties and agreements to national REDD processes might create different reference benchmarks that would in fact undermine the reach and cogency of the rights-based approach that the Standards seem to mainstream. Additionally, the wording only refers to monitoring of possible areas of conflict between legislation and the REDD+ program while there needs to be method for assessing if the rights enshrined in those instruments are, or might be, violated, and for designing concomitant and appropriate avoidance and mitigation measures. In fact, while the section of the standards dealing with compliance with laws provides some operational tools, it only does so for inconsistencies between domestic laws and the standards themselves. Nothing is foreseen in case of lack of consistency between the REDD program and international obligations or instruments. The simplest solution to lack of a framework for assessing compatibility with international law instruments would be to provide for the conduct of mandatory Human Rights Impact Assessments (HRIA), either separately or as discrete sections of the environmental and social impact assessment. HRIAs have recently been road-tested by the International Finance Corporation and are required in some countries. They are the best way to assess compliance with a state's international obligations in any specific situation. The provision of a grievance mechanism ( 1.4. , 1.4.1. and 6.7) can be an important tool to ensure compliance with and respect for rights, and we suggest that some reference is made to the establishment of grievance mechanisms to deal with cases of violation and/or potential violation of rights.</p>		<p>Use of Human Rights Impact Assessments has been included in a footnote.</p>
8.04	<p>Maybe some specific references to international treaties, conventions at criteria level (e.g. in footnotes) help clarifying what is meant.</p> <p>Ms. Gurung specifically mentions CEDAW which could be mentioned under this principle: "Parties willing to participate in REDD must ensure compliance with international and national commitments on gender equality and equity, including</p>	19	<p>A list of relevant international instruments has been included as a footnote</p>

	<p>the Convention to Eliminate Discrimination Against Women (CEDAW) and women’s rights to natural resources. “</p> <p>By the way, there are specific references to land and property rights in international treaties: <a href="http://www.fao.org/sd/LTdirect/LTan0025.htm">http://www.fao.org/sd/LTdirect/LTan0025.htm</a></p> <p>“Although women own only about 2% of all land (see Special: <a href="#">Gender and sustainable food security</a>), the UN Economic and Social Council Commission on the Status of Women states that "land rights discrimination is a violation of human rights" and urges States "to design and revise laws to ensure that women are accorded full and equal rights to own land and other property..."(42 Session, 2-13 March 1998, Agenda item 3). Similarly, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states in Article 14 that "State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas...and...shall ensure to such women the right...to have access to...and equal treatment in land and agrarian reform..." (CEDAW/C/LUX/3, p. 83).”</p>		
8.05	<p>8.1 The REDD+ Programme complies with international, national and <b>subnational</b> law, including international treaties, conventions and agreements ratified or adopted by the country.</p> <p>8.1.2 National and <b>subnational</b> laws relevant to the REDD+ Programme are identified.</p> <p>8.1.3 Any possible areas where the REDD+ Programme does not, or may not, comply with the relevant local and national laws and international treaties, conventions and agreements are identified and monitored.</p>	9	<p>The term ‘local’ government has been used in these standards to refer to all levels of government that are below national level.</p>