

# TOOL TO DEMONSTRATE COMPLIANCE WITH THE REDD+ SAFEGUARDS

**BIOCARBON** REGISTRY

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## 1. Introduction

The Standard for the Voluntary Carbon Market<sup>1</sup> (hereinafter referred to as the “BCR STANDARD”) establishes a requirement regarding the REDD+ safeguards, as follows: *“The REDD+ project holder must meet the REDD+ safeguards requirements, considering the national context and including the definition of indicators for their monitoring, reporting and verification.”*

The tool presented here (hereinafter referred to as the “Safeguards Compliance Document”) is intended for REDD+ project (hereinafter, the Project”) holders as a useful instrument to demonstrate compliance with the REDD+ Safeguards, or Cancun Safeguards (hereinafter, the “Safeguards”). It is also intended for the Conformity Assessment Bodies (CAB as defined in the BCR STANDARD).

In this regard, it is mandatory to use the “Safeguards Compliance Document” for the implementation, validation and verification of REDD+ projects that are structured and developed under the BCR STANDARD.

This “Safeguards Compliance Document” establishes the criteria by which to demonstrate that the safeguards are being addressed and respected, in order to ensure that projects structured under the BCR STANDARD can identify and mitigate the social and environmental risks that may arise during their execution and development. This will contribute to reducing and eliminating the occurrence of negative effects on the environment, communities and their economy.

This “Safeguards Compliance Document” takes into account fundamental clarifications on how the Safeguards should be interpreted, applied and respected nationally and internationally in light of the BCR STANDARD. It must therefore be clarified that this Safeguards Interpretation Document will apply to any REDD+ Project that is structured under the BCR STANDARD.

Accordingly, Section 18 of the BCR STANDARD shall be interpreted according to the provisions of this “Safeguards Compliance Document,” which shall always prevail over any other national or international document that analyzes and interprets the Safeguards.

All requirements to be met by the Project holder must be based on the principle of good faith; that is to say, every action shall be geared towards the achievement of the Project goals and compliance with each of the Safeguards. Likewise, the Project holder

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<sup>1</sup> BIOCARBON REGISTRY. 2022. VOLUNTARY CARBON MARKET STANDARD. BCR STANDARD. From differentiated responsibility to common responsibility. Version 2.0. 14 February 2022. Bogota, Colombia. 70 p. <http://www.biocarbonregistry.com>

must take every measure possible to ensure that all Safeguards are addressed and respected throughout the Project.

## **2. General principles of interpretation for the “Safeguards Compliance Document”**

The principle of good faith in the interpretation. Any party interested in the interpretation of this “Safeguards Compliance Document” must abide by the principle of good faith and therefore act with honesty, rectitude and transparency, always seeking to generate the maximum possible benefit for the stakeholders.

Prevalence of the BCR STANDARD. The provisions contained in this “Safeguards Compliance Document” will prevail over any other document containing conflicting provisions. Accordingly, any interpretation contrary to what is provided in this document shall be considered erroneous.

Literalness. Interpretation of this “Safeguards Compliance Document” shall not go beyond what is expressly mentioned herein. Therefore, no person or organism, may ask for additional information if it is not expressly provided herein. In this respect, neither teleological nor systematic interpretations will be accepted.

Prevalence over time. This “Safeguards Compliance Document” will be continually updated. Hence, the provisions included in its most recent version will be used for its interpretation. Should any inconsistency be found between different versions of this document, the most recent dispositions shall prevail.

Validity and applicability. This Safeguards Compliance Document shall only be interpreted in accordance with the most current and up-to-date version available in the BIOCARBON REGISTRY’s official documentation at the time of Project structuring.

## **3. Rationale for the “Safeguards Compliance Document”**

This “Safeguards Compliance Document” has been prepared based on the need to interpret the safeguards in accordance with the provisions of the BCR STANDARD and the realities of the territories where the projects are implemented, and to respond to the needs of the participating communities and project holders.

Unlike other interpretation manuals, this Safeguards Compliance Document incorporates information on how the project holder can demonstrate compliance with each Safeguard.

## 4. Interpretation of the Safeguards

As previously mentioned, the analysis provided in this “Safeguards Compliance Document” shall be the only one considered by anyone wanting to develop, validate and/or verify a Project implemented under the parameters of the BCR STANDARD.

When undertaking the activities referred to in paragraph 70<sup>2</sup> of the Report of the Conference of the Parties in its 16<sup>th</sup> Session, held in Cancun from 29 November to 10 December 2010, the Projects shall promote and respect the following Safeguards:

***1. “That actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements”.***

- ❖ Every activity undertaken shall be consistent with the goals and objectives of national and international forest policies, particularly in regard to sustainable management of biodiversity and forests, as well as those actions oriented towards climate change mitigation and adaptation.
- ❖ In this “Safeguards Compliance Document,” complementarity refers to those **actions that improve, enhance, complement, reinforce, optimize or develop the objectives and goals** of national forest policies or international conventions and agreements.
- ❖ Compatibility means that **the activities undertaken within the framework of the Project shall not be opposed to these objectives and goals** and must, in any case, agree and be aligned with them.
- ❖ As for complementarity, the Project holder can suggest activities for the sustainable management of ecosystems, such as: sustainable agriculture and livestock systems, sustainable forest management, implementation of administrative and governance processes, measuring and monitoring methodologies, etc.

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<sup>2</sup> “Encourages developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances:

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

## How to demonstrate compliance?

Requirement	Evidence of compliance
<p><u>About complementarity:</u></p> <p>Demonstrate that national forest programs have been taken into account for the structuring and implementation of the Project and that the activities of the Project complement them.</p>	<p>Evidence has to be provided that the Project has developed, improved or reinforced strategies for the accomplishment of the objectives and goals of national forest policies or those fixed by international conventions and agreements.</p> <p>For that purpose, the Project holder shall conduct a complementarity and compatibility analysis that considers at least:</p> <ul style="list-style-type: none"> <li>(i) the legal frame of the applicable national forest policy;</li> <li>(ii) identifying the guidelines and objectives of that policy; and</li> <li>(iii) listing the objectives and goals of each of the forest programs and conducting a complementarity analysis that explains how and to what extent the Project contributed to complement, improve or develop them.</li> </ul> <p>To this end, the Project holder shall record such analysis in a document.</p>
<p><u>About compatibility:</u></p> <p>Demonstrate that the activities of the Project conform to these policies and are not opposed to them.</p>	<p>The Project holder must prepare a documentary analysis listing all the actions implemented under the Project and relate each of them to the national forestry policies and programs of reference.</p> <p>To this end, the Project holder shall record such analysis in a document.</p>

***2. “Transparent and effective national forest governance structures, taking into account national legislation and sovereignty.”***

***Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis.***

***Be transparent and flexible to allow for improvements over time.***

***Build upon existing systems, if any.***

- ❖ The Project holder shall demonstrate that the activities of the Project are in accordance and in compliance with national, regional and local regulations. To this end, reference shall be made to the regulations applicable to the territory where the Project is being executed, emphasizing the differential approach to information management when appropriate. This differential approach to information refers to the different cultures, languages and traditions, as explained below.
- ❖ Projects shall be provided with suitable mechanisms allowing the socialization, dissemination and transparency of the associated information, which must be kept up to date. The suitability of such mechanisms implies that they comply with the objectives set in terms of information dissemination, which must consider the realities of the territory in terms of accessibility to information, specifically regarding language and real and effective access to it through appropriate technological means.
- ❖ Projects shall be provided with methodologies for free access to information, considering the realities of the territories and the people living therein, in terms of language, traditions, access to technology and communications, education level, and so forth.
- ❖ For such purposes, the following may be used, among others and without being exclusive of any other means: channels such as the Internet and the radio, in-person, on-line or hybrid workshops, training and education on subjects related to the Project, dissemination through the different authorities in the territory or community action boards, among others.



- ❖ In compliance with this Safeguard, the information provided must be complete and sufficiently comprehensive to understand the complexity of the Project and its associated variables, so that the stakeholders will fully understand it and will be able to make prior and informed decisions when appropriate.
- ❖ Compliance with this Safeguard requires the Project holder to demonstrate with suitable evidence that the necessary information has been provided and that all available channels have been made available to transmit it in an effective, efficient and accessible manner and in compliance with the purposes set forth herein. The Project holder shall also demonstrate compliance in accordance to Table 1 herein.
- ❖ The Project holder shall also demonstrate the implementation of a mechanism for feedback and complaint resolution for the interested parties. To comply with this requirement, the Project holder shall demonstrate that the mechanism has been operational throughout the life of the Project and keep a full copy of each and every request, complaint, claim and petition received, as well as of the answers provided.
- ❖ The foregoing does not imply that the Project holder's information which is subject to professional secrecy must be published or disseminated.
- ❖ Project holders are not required to prepare a management report to be submitted to any organism or agency. Accountability must be provided within the framework of the responses provided to the requests, complaints and/or claims submitted by the interested parties, or within the framework of the socialization and information disclosure programs adopted by the Project holder in the framework of the aforementioned.
- ❖ Project holders must use the information channels existing in their respective countries.
- ❖ Projects shall respect and recognize the forest and territorial governance structures and mechanisms of the communities, inhabitants, villages, etc. present in the territory.
- ❖ Compliance of this Safeguard shall be based on the Project holder's good faith to ensure that every community, village or inhabitant present in the territory understands how the Project works, and what its benefits and possible risks are. This will allow members of the communities to make informed decisions.

## How to demonstrate compliance?

The Project holder shall ensure the effective, transparent and efficient disclosure of information related to the Project's activities by means of tools that guarantee its effective, transparent and efficient disclosure. To this end, a record will be kept of the channels used for dissemination, as indicated below (Table 1).

*Table 1. Dissemination channels and evidence of compliance*

Dissemination channels	Evidence of compliance
Radio	A log of all recordings must be kept.
Video calls	A log of all recordings must be kept.
Brochures, billboards, illustrative documents, guides, among others.	A full copy of every document shall be kept.
In-person workshops	Attendance sheets and recordings of the sessions shall be kept.
E-mails, web sites.	Every e-mail shall be kept and permanent access to the website shall be ensured.
Via organizations, associations or interest groups, as, for example, community action boards.	A record will be kept of every document produced or activity undertaken (minutes, audio or video recordings, copies).

- ❖ Compliance with feedback and complaint resolution mechanisms will require the Project holder to demonstrate that the mechanism has been operational throughout the life of the Project and keep a full copy of all requests, complaints, claims and petitions received, as well as of the responses provided.

***3. “Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;”***

Recognition and respect for the rights of the communities present in the territory must be afforded under the minimum applicable standard of law and international declarations on the rights of indigenous peoples.

Thus, the recognition of indigenous and local communities implies:

- (i) to recognize the territory and make an inventory of the communities present therein;
  - (ii) to determine whether those communities belong to ethnically differentiated communities or to local peasant communities and apply a differentiated treatment on the basis of the rights that have been recognized in their favor, as provided for in the ILO Convention 169 and other international law regulations on human rights and applicable national regulations, as appropriate.
- ❖ As for Project structuring, Project holders must recognize and build on traditions, indigenous knowledge and local wisdom with regard to the use and management of local ecosystems. The Project holder must adapt this accordingly, providing their own technical and scientific knowledge as long as forest governance mentioned in the previous Safeguard is respected.
  - ❖ Beginning in the pre-feasibility and structuring phase, the Project holder must be in permanent contact with the communities present in the territory, so that the Project is built on recognition and respect for local and ancestral wisdom, traditions and knowledge.
  - ❖ The Project must be planned and structured considering the particularities of the territory and in coordination and with the participation of the communities. The Project must respect local customs, traditions, wisdom and knowledge, including and considering their particular social, environmental and economic conditions.
  - ❖ To this end, regular work sessions<sup>3</sup> and appropriate and inclusive participation mechanisms shall be established to facilitate the effective involvement of the

<sup>3</sup> Work sessions are meetings between the Project holder and community representatives in which issues associated with the Project are discussed, relating them to the customs, traditions and knowledge of the communities present in the territory.

communities in Project structuring and implementation, in terms of the recognition and inclusion of their traditional and ancestral knowledge. On this subject, appropriateness means that the mechanisms should effectively guarantee the communities' participation (including language and means of access), offering spaces for them to express themselves and raise all their concerns regarding the Project.

- ❖ The Project's activities must, therefore, be based on the activities that have historically been conducted in the territory, along with life plans, customs and traditions, in order to propose new approaches to the sustainable use of forests and ecosystems that meet the Project's objectives and goals, such as, for example, avoiding deforestation and forest degradation. The Project holder may only impose restrictions on the communities regarding the traditional uses and practices of the ecosystems present if they agree to do so, signing the relevant documents and agreements. These agreements must be in writing and signed by the representatives of all stakeholders.
- ❖ Finally, the project holder must keep a record, in writing or using other documentary material (minutes, recordings, copies), of all meetings held with the community in which the discussions and agreements reached are recorded.
- ❖ When the communities, as the inhabitants of the territory, participate in the construction and implementation of the Project, they must sign certain agreements or contracts with the Project holder, in which the operating conditions, responsibilities, obligations, burdens and benefits are agreed upon. These documents must reflect the fair and equitable distribution of the Project benefits.
- ❖ In this respect, according to the principle of the autonomy of private will (a guiding principle of private law) applied to the contracts entered into between private parties, it has to be clear that such agreements are negotiated and signed within the framework of the principle of the autonomy of the private will of the contracting parties. Therefore, the agreements contained in the respective contracts will be understood as being fair and equitable, without any interested third party (such as the certifier, the evaluating and verifying agencies or any other) being able to intervene or interpret what is set forth in said agreement.
- ❖ The documents shall be signed by the representatives of the communities and by the representative of the Project holder.
- ❖ Finally, it should be noted that the Project holders must respect the rights of the communities present in the territory at all times, considering the traditional and

spiritual meaning they attribute to the territory. In this regard, the Project holder must recognize the forms of land possession and/or the right to use the land (holdership, tenure, gratuitous loan, usufruct, lease, collective territory, etc.).

- ❖ The recognition of the uses and rights over the territory must be based on the possibility for the community or its individuals to prove their possession of the territory.

How to demonstrate compliance?

Requirement	Evidence of compliance
The Project holder must recognize and respect the rights of the communities present in the territory under the minimum applicable standard of law and international declarations on the rights of indigenous peoples	<p>The Project holder shall:</p> <ul style="list-style-type: none"> <li>(i) recognize the territory and make an inventory of the communities present therein;</li> <li>(ii) determine whether those communities belong to ethnically differentiated communities or to local peasant communities and apply a differentiated treatment on the basis of the rights that have been recognized in their favor, as provided for in the ILO Convention 169 and other international law regulations on human rights and applicable national regulations, as appropriate.</li> </ul> <p>The results of the above study shall be recorded in a written document for community mapping to identify a strategy to respect their rights according to their standards and qualities.</p>

Requirement	Evidence of compliance
<p>The Project holder will organize work sessions with the communities, and other mechanisms facilitating their involvement in the Project, from the pre-feasibility and structuring phase, regarding the inclusion in the Project of the ancestral and traditional knowledge.</p>	<p>The Project holder must record the progress and outcomes of the work sessions by means of minutes, audio or video recordings, documents or any other means that guarantees that they were conducted in compliance with the aforementioned objectives.</p>
<p>The Project holder may suggest new ways for a sustainable use of the territory. In addition, it may limit some of the activities carried out by the communities, as long as they accept it in an agreement signed by their representatives.</p>	<p>The Project holder must enter into conservation agreements with the communities present in the territory, through their legal representatives, expressly including their acceptance to develop the proposed activities or to refrain from carrying out those that run counter to the objectives of the Project.</p> <p>In this regard, the Project holder shall keep full copies of the contracts entered into with the ecosystem managers (members of the community), and, if possible, have a history of how the negotiations were conducted.</p> <p>The Project holder must also guarantee by any suitable means that those who sign the contracts or agreements are legally authorized to do so.</p>

***4. “The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision”***

As already mentioned, the Project must be structured from the outset in conjunction with the communities present in the territory. Their participation shall be guaranteed by the appropriate means, so as it is real and effective, and every barrier to the effective participation of vulnerable people or groups must be eliminated. Participation shall be based on the following principles:

- (i) access to timely, complete, clear and transparent information;
  - (ii) the information must be provided prior to the implementation of the participation mechanisms; and
  - (iii) freedom of expression and the appropriate means for it, considering language, customs and traditions, shall be guaranteed.
- ❖ Participation must comply with the provisions explained above in this "Safeguards Compliance Document," and consider the realities of the territory and of the communities, in terms of language, culture and means of access to information and to effective participation.
  - ❖ The Project holder must establish mechanisms, times, and reasonable deadlines in order for the communities to know the information and be able to form an opinion about the decisions associated with the Project, so as to play an active role in the discussions. The deadlines must be established according to the realities of the territory and the means of access to information.
  - ❖ Decision-making mechanisms must be established for the formulation and implementation of the project. This participation shall be registered by the Project holder in minutes or reports.
  - ❖ Having said this, each Project must consider the social, environmental and economic processes<sup>4</sup> of the territory where it is to be implemented. It should also work closely with the communities present there, so that project activities are

<sup>4</sup> Related to the productive activities in the Project area.

structured based on existing land management agreements and taking into account the specific applicable regulations.

- ❖ Notwithstanding what has been described above, when the legislation or jurisprudence applicable to the Project expressly requires the need to carry out a prior consultation procedure, the Project holder must follow the procedure as indicated by the legislation of the country where the Project is located. In the cases in which this is not required, the Project holder must comply with the provisions of this Safeguard.

### How to demonstrate compliance?

Requirement	Evidence of compliance
The Project holder must show evidence to demonstrate that the information has been disseminated, diffused, and shared with the communities in a transparent, clear, complete, inclusive and effective manner, using appropriate means.	For such purposes, the Project holder may use some of the following communication and dissemination media, which, in any case, shall be used according to the realities of the territory: Internet; radio; in-person, online or hybrid workshops; billboards; public announcements; and so forth. To prove this, the Project holder must keep a record (minutes, audio or video recordings, copies or documents) of all the events in which the communities present in the territory participated.
The Project holder must show evidence to demonstrate that the community was given the opportunity to participate in a real and effective manner from the feasibility and structuring phase of the Project.	Evidence shall also be kept of the comments made by the communities and how they were received, giving an explanation of any decisions made in relation to those comments.



***5. “That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;”***

- ❖ Project holders must work in coordination with the communities to conserve, protect, restore and use the ecosystems in a sustainable manner. Thus, all the projects structured under the Standard must be aligned with the national and local conservation objectives, taking into account the particular characteristics of each territory and its complexities.
- ❖ There should be compatibility and complementarity between the actions undertaken under the Standard and the objective of preserving and conserving biodiversity and ecosystem services present in each territory where the Projects are implemented.
- ❖ REDD+ Projects must be focused on improving and recovering the ecosystem service provided by forest cover to maintain carbon stocks. Accordingly, this ecosystem service must be evaluated by the Conformity Assessment Bodies.
- ❖ The activities undertaken within the framework of the Project must observe the applicable environmental regulations on the use and exploitation of natural resources.
- ❖ The Project holder must take all necessary measures to prevent any negative effects on the ecosystem services present in the territory.

## How to demonstrate compliance?

Requirement	Evidence of compliance
Project holders must work in coordination with the communities to conserve, protect, restore and use the ecosystems in a sustainable manner.	The Project holder may provide photographic, or video evidence of the work conducted in association with the community for the conservation and restoration of ecosystems.
The activities undertaken within the framework of the Project must observe the applicable environmental regulations on the use and exploitation of natural resources.	The Project holder must demonstrate that the Project has not incurred in any environmental infringement and that it is not under environmental investigation. To this end, a certification from the relevant environmental authority in the area of the process or verification in the national records of environmental infringers must be submitted.
The Project holder shall demonstrate that the Project has not incurred in activities intended to convert natural forests to other types of land use.	Using appropriate technical means and geographic visualization software, the Project holder must demonstrate that the Project activities have not led to the conversion of natural forest to other land uses. To this end, a copy of the images or files supporting that fact must be kept.

### ***6. “Actions to address the risks of reversals”.***

- ❖ Every decision made within the framework of the Project must ensure that it continues in time, so that working in association with the communities and stakeholders is of vital importance.
- ❖ The Project holder must carry out an analysis of present and future risks that may affect the Project by identifying the risks and proposing different ways to mitigate and overcome them.

- ❖ The agreements entered into within the framework of the Project between its holder and the communities must be clear in terms of Project duration, and it must contain provisions that guarantee the presence of the communities throughout its implementation, thus mitigating the risks on future uses of the land that are incompatible with conservation activities intended to protect the forests and their ecosystem services.

### How to demonstrate compliance?

Requirement	Evidence of compliance
The Project holder must take measures to reduce the risks of reversals.	The Project holder must conduct an analysis of the Project's present or future risks of reversal, and how these risks could be mitigated.
	They must also demonstrate the actions taken for the Project to continue in time, ensuring that the agreements or contracts include various clauses or provisions to ensure this, or through the implementation of risk management plans focused on the reversal.

### **7. "Actions to reduce displacement of emissions".**

- ❖ Projects must contemplate actions to prevent and reduce the displacement of emissions. This means that the Project holder must identify the leaks and their causes, and design strategies to: (i) guarantee their monitoring and control, and; (ii) minimize these.
- ❖ The holder must use all the means at hand to prevent the drivers of deforestation and forest degradation from moving within the territory. A factor that is key to complying with this Safeguard is the incorporation and participation of the communities and state authorities, in order to strengthen the control and

monitoring capacities of the Project and of the any possible leaks associated with it.

- ❖ For compliance with this Safeguard, the Project holder must have implemented response protocols for quick, effective, and efficient action in the event of emissions leaks. These response protocols must include procedures to identify and control such leaks.

### How to demonstrate compliance?

Requirement	Evidence of compliance
<p>The project holder must identify the leaks and their causes, and design strategies to:</p> <p>(i) ensure their monitoring and control, and</p> <p>(ii) minimize them.</p>	<p>The Project holder must design a plan to keep record of the causes of the leaks identified, how monitoring will take place, and how to minimize the risk of leaks.</p>
<p>The Project holder must implement response protocols to identify leaks and how to control them.</p>	<p>The Project holder must implement a relevant response protocol.</p>