



Myanmar's National Approach to REDD+ Safeguards

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Contact

Dr. Thaung Naing Oo
Director of Forest Research Institute
Ministry of Natural Resources and Environmental Conservation (MONREC)
Building No 28, Yezin
P.O Box 05282
Nay Pyi Taw, Myanmar
Phone: + 95 67 405384, Fax: +95 67 405012

Table of Contents

Acronyms and Abbreviations.....	4
Executive Summary.....	5
1. Introduction.....	7
2. Background on safeguards for REDD+	8
2.1 The Cancun safeguards and related requirements	8
2.2 Other relevant safeguard requirements	10
2.3 What is a national approach to safeguards?.....	10
3. Methodology to develop Myanmar’s national safeguards approach	11
4. Steps carried out and their results	13
4.1 Determining goals and scope of the safeguards approach.....	13
4.2 Stakeholder engagement and gender	15
4.3 Assessing benefits and risks of REDD+ Policies and Measures.....	17
4.4 Reviewing existing Policies, Laws, and Regulations (PLRs).....	18
4.5 Clarification of the REDD+ Safeguards	25
4.6 Identification of information needs and possible indicators for the Safeguards Information System (SIS)	26
4.7 Defining institutional roles, functions and responsibilities for the SIS	27
5. Ongoing work	29
5.1 Arrangements to ensure safeguards are respected.....	29
5.2 Free, Prior and Informed Consent	30
5.3 Designing a Grievance Redress Mechanism (GRM) for REDD+	31
5.4 Strengthening processes for engaging with stakeholders and promoting gender responsiveness	33
5.5 Making the Safeguards Information System operational.....	34
6. Conclusions and next steps	34
Annex 1: National clarification of the UNFCCC REDD+ safeguards (Cancun Safeguards) for Myanmar	36

Acronyms and Abbreviations

BUR	Biannual Update Report
CHRO	Chin Human Rights Organization
CSO	Central Statistical Organization
EAO	Ethnic Armed Organization
ECD	Environmental Conservation Department
EIA	Environmental Impact Assessment
ESF	Environmental and Social Framework
FPIC	Free, Prior and Informed Consent
GAD	General Administration Department
GCF	Green Climate Fund
GRM	Grievance Redress Mechanism
MOALI	Ministry of Agriculture, Livestock and Irrigation
MOEA	Ministry of Ethnic Affairs
MONREC	Ministry of Natural Resources and Environmental Conservation
MOPF	Ministry of Planning and Finance
M&E	Monitoring and Evaluation
NCU	National Coordination Unit
NFMS	National Forest Monitoring System
NRS	National REDD+ Strategy
PaMs	Policies and Measures
PLRs	Policies, Laws and Regulations
REDD+	Reducing Emissions from Deforestation and forest Degradation, plus the conservation and enhancement of forest carbon stocks, and the sustainable management of forests
SDG	Sustainable Development Goal
SIS	Safeguards Information System
SoI	Summary of Information
TWG-SES	Technical Working Group on Stakeholder Engagement and Safeguards
UAGO	Union Attorney General's Office
UNEP-WCMC	UN Environment Programme World Conservation Monitoring Centre
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD Programme	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
VFV Land	Vacant, Fallow and Virgin Land
WCS	Wildlife Conservation Society

Executive Summary

Over the period from 2017 to 2019, Myanmar has undertaken a comprehensive effort to develop its national approach for promoting and supporting the safeguards for REDD+ as agreed under the United Nations Framework Convention on Climate Change (UNFCCC). These safeguards, also known as the 'Cancun safeguards', aim to ensure that any social and environmental risks of REDD+ actions are minimized and that the benefits are enhanced.

A national approach to REDD+ safeguards allows a country to meet the requirements on safeguards of the UNFCCC in a way that is aligned with national goals and circumstances, drawing on existing Policies, Laws and Regulations (PLRs), institutions and information systems as far as possible, and taking into account the specific REDD+ Policies and Measures (PaMs) that are being planned, as well as the opportunities and risks associated with them.

The core elements that a country needs to identify, establish and strengthen as part of developing its national approach to safeguards are:

- I. Policies, laws and regulations that address the safeguards;
- II. Institutional mandates, procedures and capacities to ensure that the safeguards are being respected; and
- III. A safeguards information system that makes information available on how REDD+ safeguards are being addressed and respected.

The purpose of this safeguards document is to provide more detailed information on the current status of Myanmar's safeguards approach, e.g. on how elements of the national safeguards approach were developed and on key outputs produced. In addition to describing the elements of the national safeguards approach that have already been finalized, it also provides information on a number of additional procedures and instruments that are currently under development and are expected to strengthen the approach. For example, finding ways to involve all relevant stakeholder groups, including women, men and youth from local communities and ethnic minorities, and facilitating their equitable and meaningful participation in REDD+ planning and implementation, has been identified as a key task in Myanmar's REDD+ process. All outputs described in the document have been produced under the auspices of the Technical Working Group on Stakeholder Engagement and Safeguards (TWG-SES), and incorporate substantial stakeholder inputs.

The following steps in developing Myanmar's national safeguards approach have been completed so far:

- Determining goals and scope of the approach: an initial definition of goals and scope has been agreed and may be revisited in future to reflect new insights and experiences.
- Assessing the potential benefits and risks of REDD+ PaMs: this step provided crucial information for identifying the priority topics for safeguards application in Myanmar, and has also informed a refinement of the PaMs proposed for inclusion in the National REDD+ Strategy.
- Reviewing existing PLRs related to safeguards: an analysis was carried out to determine the degree to which the safeguards are already addressed by the existing PLR framework, and identify areas where further strengthening may be needed.
- Clarification of the REDD+ safeguards: a national clarification was developed to facilitate a shared understanding among all stakeholders on what the Cancun safeguards mean in the

Myanmar context; this forms an important basis for capacity-building and guidance related to the safeguards, and has also guided work on the Safeguards Information System (SIS).

- Identification of information needs and possible indicators for the SIS: an analysis was carried out to identify the types of information that are required to show how Myanmar is addressing and respecting the safeguards, in line with UNFCCC requirements on SIS; a list of possible indicators for the SIS was also drawn up.
- Defining institutional roles, functions and responsibilities for the SIS: a proposal of institutional arrangements for operating Myanmar's SIS was developed in close consultation with stakeholders and relevant institutions.

Throughout the development of Myanmar's safeguards approach, the needs of vulnerable stakeholder groups, such as local communities, women, ethnic minorities, etc, have been considered. In addition to the analytical steps described above, the discussions held during the drafting of Myanmar's first Summary of Information on the safeguards (Sol) have also allowed the country to make further progress towards clarifying the relevant institutional arrangements and distribution of responsibilities for putting its approach to safeguards into practice.

Ongoing work to further elaborate and strengthen Myanmar's safeguards approach is related to:

- Making arrangements to ensure safeguards are respected: this work entails the clear allocation of roles and responsibilities and the strengthening of capacities, e.g. through further development of guidance and raising of awareness on safeguards issues.
- Developing Free, Prior and Informed Consent (FPIC) guidelines: such guidelines can ensure that the rights and priorities of indigenous peoples and local communities are respected during the planning and implementation of REDD+ PaMs.
- Designing a Grievance Redress Mechanism (GRM) for REDD+: the purpose of this mechanism is to collect and address any grievances and feedback in relation to the impacts of REDD+ PaMs on local stakeholders, as well as any infringements of their rights.
- Strengthen stakeholder engagement and develop approaches that support the full integration of a gender-perspective into implementation of REDD+.
- Making the Safeguards Information System operational: work is underway to identify the agreements, resources and capacities needed to put the design of Myanmar's SIS into practice.

In line with Myanmar's decision to develop its safeguards approach in a stepwise and iterative manner, it is expected that further components will be added to it in the future. However, the work carried out to date already represents substantive progress in defining the key elements of a national approach that reflects the perspectives of a range of stakeholders, thus laying the groundwork for wide acceptance and long-term sustainability of REDD+ in the country.

1. Introduction

Myanmar is undertaking the necessary preparations to participate in REDD+¹, which is an internationally agreed approach to climate change mitigation mandated by the United Nations Framework Convention on Climate Change (UNFCCC).

The primary aim of REDD+ is to reduce the concentration of greenhouse gases in the atmosphere by maintaining and enhancing forest carbon stocks in developing countries. The UNFCCC decisions on REDD+ also recognize the potential of REDD+ actions to deliver positive social and environmental impacts that go beyond climate change mitigation, e.g. by improving livelihoods for forest-dependent communities, helping to conserve biodiversity-rich forest areas, and enhancing other ecosystem services provided by forests such as water regulation. The decisions further highlight the need to prevent adverse impacts on people and the environment. For example, REDD+ actions could have negative consequences if they give rise to conflicts over land tenure and access to resources, or if they cause land use pressures to shift from one area to another.

In order to guide countries in their efforts to implement REDD+ in a way that ensures beneficial outcomes, a set of social and environmental safeguards was adopted at the 16th Conference of the Parties to the UNFCCC held in Cancun, Mexico, in 2010. By establishing a transparent and efficient process for applying these safeguards (also known as the Cancun safeguards) at the national level, countries can build trust and provide assurance for stakeholders that mitigation actions in the forest and land use sectors will not proceed at the expense of environmental sustainability and social equity².

The government of Myanmar has declared its intention to use REDD+ as an opportunity for advancing green development by protecting global environmental resources such as biodiversity, helping to reverse land degradation, helping to improve the livelihoods of the rural poor and aiding adaptation to climate change³. The work on safeguards thus has important links to the development of a National REDD+ Strategy for Myanmar, which is currently being finalised. The draft Strategy sets out the Policies and Measures (PaMs) through which emission reductions or increases in forest carbon stocks are to be achieved, as well as the planned institutional arrangements for the implementation of REDD+. At the same time, the Strategy also summarises Myanmar's plans for its national approach to safeguards.

The purpose of this safeguards document is to provide more detailed information on the current status of Myanmar's safeguards approach, i.e. on how the national safeguards approach was developed and how the country intends to make sure that the safeguards for REDD+ are 'addressed and respected' (see section 2.1 below for a definition of these terms). The development of Myanmar's safeguards approach is taking place in a stepwise manner, and it is expected that some elements will be added or refined in the future.

The document was developed under the auspices of the Technical Working Group on Stakeholder Engagement and Safeguards (TWG-SES). It reflects the results of a number of safeguards-related studies and activities, each of which incorporated substantial stakeholder inputs received through TWG-SES meetings, multi-stakeholder workshops and written comments. In addition to describing the elements of the national safeguards approach that have already been finalized, it also provides

¹The specific activities that form part of REDD+ as defined under the UNFCCC are: Reducing Emissions from Deforestation and forest Degradation; plus: sustainable management of forests, conservation of forest carbon stocks, and enhancement of forest carbon stocks ([UNFCCC Decision 1/CP.16 paragraph 70](#)); see also further explanation in section 2.

² See also: UN-REDD Programme Safeguards Coordination Group (2016) Concept brief: Country approaches to safeguards. Technical Brief 02. UN-REDD Programme, Geneva. <http://bit.ly/CASgds>

³See: Myanmar REDD+ Readiness Roadmap (2013), http://www.myanmar-redd.org/ps-admin/uploads/redd_usermanual/1442500360.pdf

information on a number of additional procedures and instruments that are currently under development and are expected to strengthen the approach.

The document covers the following topics:

1. Background information on safeguards for REDD+ and the concept of a '**national approach to safeguards**';
2. The overall **methodology**, or steps taken, to develop Myanmar's national safeguards approach;
3. The **goals and scope** of Myanmar's safeguards approach;
4. Analysis of **stakeholder engagement and gender** issues;
5. The assessment of potential **benefits and risks** arising from REDD+ in Myanmar;
6. The **review of policies, laws and regulations** (PLRs) relevant to addressing and respecting the safeguards, and key recommendations resulting from it;
7. Myanmar's **national safeguards clarification**;
8. The status of planned arrangements for **ensuring that REDD+ safeguards are respected**;
9. The development of guidelines for **Free, Prior and Informed Consent (FPIC)**, one of the safeguards instruments to be applied in Myanmar;
10. Myanmar's proposed REDD+ **Grievance Redress Mechanism (GRM)**;
11. Next steps proposed to strengthen **inclusive and gender-responsive⁴ processes** for REDD+;
12. The design of Myanmar's Safeguards Information System (SIS), and plans for putting it into practice;
13. **Conclusions and next steps.**

2. Background on safeguards for REDD+

2.1 The Cancun safeguards and related requirements

The UNFCCC safeguards for REDD+, as adopted at the 16th Conference of the Parties (COP16) in Cancun, Mexico, constitute seven broad principles, covering social, environmental and governance-related aspects. The full text of the safeguards is presented in Box 1 below.

According to the relevant UNFCCC decisions, countries implementing REDD+ should meet three main requirements in relation to the safeguards⁵:

- I. Promote and support the Cancun safeguards throughout the implementation of REDD+ actions, regardless of the source and type of funding;
- II. Develop a system for providing information on how the Cancun safeguards are being addressed and respected (i.e. a safeguards information system, SIS); and
- III. Provide summaries of information on how all the Cancun safeguards are being addressed and respected throughout the implementation of REDD+ actions.

⁴ A gender responsive approach proactively identifies, understands, and implements interventions to address gender gaps and overcome historical gender biases in policies and interventions. Gender responsiveness in application attempts to re-define women and men's gender roles and relations and contributes pro-actively and intentionally to the advancement of gender equality. More than 'doing no harm', a gender-responsive policy, programme, plan or project aims to 'do better'. ([UN-REDD Methodological Brief on Gender](#), 2017)

⁵ UN-REDD Programme Safeguards Coordination Group (2016) Concept brief: Country approaches to safeguards. Technical Brief 02. UN-REDD Programme, Geneva. <http://bit.ly/CASgds>

Although the terms ‘addressed’ and ‘respected’ are not defined in the UNFCCC decisions, and it is ultimately up to countries to decide what the terms mean in their national circumstances, a widely accepted interpretation is as follows⁶:

- Addressing the Cancun safeguards means ensuring that a coherent body of PLRs, and associated institutional arrangements, is in place to support the application of the safeguards in the country context, taking into account the potential benefits and risks associated with REDD+ actions.
- Respecting the Cancun safeguards means applying the policies, laws and regulations, through the associated institutional arrangements (and individual behaviours), to ensure that the safeguards are implemented in practice and lead to real and positive outcomes on the ground.

Box 1: The Cancun Safeguards

When undertaking [REDD+] activities, the following safeguards should be promoted and supported:

(a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;

(b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;

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

(d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities;

(e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the [REDD+] actions 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 benefits¹;

(f) Actions to address the risks of reversals;

(g) Actions to reduce displacement of emissions.

¹ Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day.

Source: UNFCCC Dec. 1/CP.16

⁶ See: UN-REDD Programme. REDD+ Glossary. <https://www.unredd.net/knowledge/glossary.html>

2.2 Other relevant safeguard requirements

Applying the seven Cancun safeguards is a basic requirement for countries to be eligible for results-based payments⁷ under the UNFCCC. However, countries who wish to encourage international investment in their REDD+ Policies and Measures (PaMs), will also need to consider meeting additional safeguard standards relevant to potential sources of funding.

For example, the Green Climate Fund (GCF) is a funder of REDD+ PaMs and also offers results-based payments. The GCF has adopted an Environmental and Social Policy in 2018⁸, which sets out how the Fund integrates environmental and social considerations into its decision-making and operations to manage environmental and social risks and impacts and improve outcomes. Countries wishing to obtain funding for REDD+ from the GCF need to show that their relevant actions are compatible with this policy.

Other potential funders of REDD+ and related climate change initiatives may include development banks such as the Asian Development Bank and the World Bank. Both of these banks have specified their own mechanisms to prevent funds being spent on activities that could have negative impacts. For example, projects funded by the World Bank are required to meet the safeguards obligations specified in the Bank's Environmental and Social Framework (ESF)⁹.

In order to be efficient, countries may choose to design their safeguards-related activities so that they can respond to the requirements set by the UNFCCC and relevant funders in an integrated manner.

2.3 What is a national approach to safeguards?

In order to apply REDD+ safeguards in line with the requirements of the UNFCCC, a country needs to have three types of instruments or enabling conditions in place:

- I. Policies, laws and regulations (PLRs) that address the safeguards;
- II. Institutional mandates, procedures and capacities to ensure that the safeguards are being respected; and
- III. A safeguards information system that makes information available on how REDD+ safeguards are being addressed and respected.

These instruments and enabling conditions can be seen as the core elements of a national approach to safeguards¹⁰. In order to identify suitable building blocks for a country's approach to safeguards, those involved in the REDD+ safeguards process need to consider what the international frameworks on safeguards mean in the national context and how they are to be applied. By drawing on existing PLRs, institutions and information systems as far as possible, and taking into account the specific REDD+ PaMs that are being planned, as well as the opportunities and risks associated with them, countries can ensure that their approach to safeguards is aligned with national goals and circumstances.

⁷ Results-based payments are payments provided to countries who can demonstrate that they have successfully reduced their emissions. The amount of the payments is determined in relation to the level of emission reductions that has been achieved.

⁸ Green Climate Fund (GCF). March 2018. Environmental and social policy. Decision B.19/10. https://www.greenclimate.fund/documents/20182/574763/GCF_policy_-_Environmental_and_Social_Policy.pdf/aa092a12-2775-4813-a009-6e6564bad87c

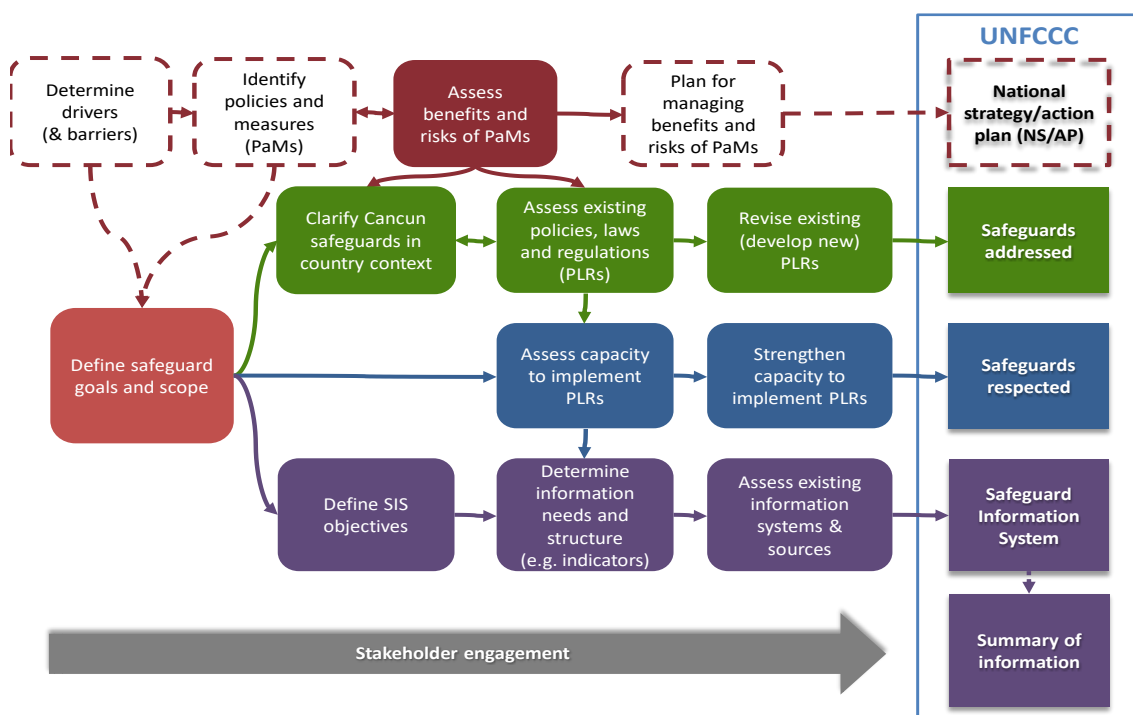
⁹ For more information on the World Bank's ESF, please see: <https://projects-beta.worldbank.org/en/projects-operations/environmental-and-social-policies>

¹⁰ UN-REDD Programme Safeguards Coordination Group (2016) Concept brief: Country approaches to safeguards. Technical Brief 02. UN-REDD Programme, Geneva. <http://bit.ly/CASgds>

Such a way of proceeding can not only avoid duplication of effort and increase efficiency. It can also foster greater confidence in REDD+ among domestic stakeholders, giving it more traction and contributing to greater sustainability of REDD+ PaMs. Furthermore, a national approach that is based on existing frameworks and systems can be a means to improve governance more widely, by generating fresh momentum for the implementation and refinement of these frameworks/systems. These benefits may extend beyond the forest sector, as there may be opportunities to apply the approach in other sectors relevant to REDD+, such as agriculture and energy.

While national circumstances vary greatly, some generic steps that can be of use in developing a national approach to safeguards are becoming clear as a result of country experiences to date. Figure 1 presents these steps, which have formed a basis for the work carried out in Myanmar (see following sections).

Figure 1: A conceptual framework for the development of country approaches to safeguards¹¹



3. Methodology to develop Myanmar’s national safeguards approach

Myanmar has chosen to use a step-wise and iterative method to develop its approach to the REDD+ safeguards, building on existing PLRs, institutions and information systems as far as possible. All work carried out so far has involved the consultation and participation of a range of stakeholders at national and sub-national levels, and has been strongly linked to the design of REDD+ PaMs and the development of the National REDD+ Strategy (NRS)¹².

¹¹ UN-REDD Programme Safeguards Coordination Group (2016) Concept brief: Country approaches to safeguards. Technical Brief 02. UN-REDD Programme, Geneva. <http://bit.ly/CASgds>

¹² Stakeholders engaged in various safeguards related consultations and processes have included members of the TWG-SES as well as other stakeholders, such as: government ministries and departments; Myanmar NGOs in fields of environment and development; civil society and community based organisations, including those representing ethnic groups/indigenous peoples; local community representatives; and on occasion, private sector representatives. Within the TWG-SES itself,

Key outputs of the work on the national approach to date are: the clarification of the Cancun safeguards in the Myanmar context; and the design of a national Safeguards Information System (SIS). These outputs were produced through a number of steps that fed into each other and combined analytical work with experts and stakeholder consultations. A main consideration for defining the methodology was to ensure that both the specific context of REDD+ in Myanmar and the perspectives and priorities of governmental and non-governmental stakeholders (including CSOs, communities and vulnerable groups) are fully reflected in the choices made and the documents produced.

The main steps that have been completed in the development of Myanmar's safeguards approach are listed below, and are described in more detail in section 4; links to the resulting outputs of these steps are also provided in section 4.

Step 1: Identification of goals and scope of the safeguards approach

An initial definition of goals and scope for Myanmar's safeguards approach was discussed and agreed with REDD+ stakeholders during the development of the [National Safeguards Roadmap](#) in 2017, guiding further development of the national approach. The goals and scope were revisited during subsequent discussions.

Step 2: Analysis of stakeholder engagement and gender issues

A number of steps have been undertaken to analyse the role of relevant stakeholders and the gender context for REDD+, and to develop guidelines and approaches for ensuring adequate stakeholder engagement and the integration of a gender approach in the implementation of REDD+.

Step 3: Assessment of potential benefits & risks of REDD+ PaMs

Through a participatory process involving expert inputs and consultations with a variety of stakeholders at national and subnational level and across different sectors, analyses were undertaken to identify environmental, social and governance risks and benefits that could result from the proposed PaMs in the draft NRS. These analyses have fed into the further development of both the NRS and the national safeguards approach, and can be seen as a first step in identifying appropriate content for the SIS.

Step 4: Review of safeguards-related PLRs

A review of existing policies, laws and regulations in Myanmar was undertaken to identify those PLRs that are most relevant for ensuring that REDD+ PaMs are implemented in line with the Cancun safeguards, with a particular focus on PLRs that could help to mitigate the risks identified in the previous step, as well as PLRs that could promote the potential benefits. A start on the analysis was made as part of a general review of PLRs relevant to REDD+ implementation in Myanmar that was undertaken in 2017-2018. The information related to safeguards was later extracted into a separate report, and additional stakeholder feedback and expert inputs were incorporated. A gap analysis of issues that are not well covered by the existing PLR framework was also included.

Step 5. National clarification of safeguards

A national clarification of safeguards explains what the principles of the Cancun safeguards mean in the national context, uses terms that are understood and accepted by a national audience, and identifies priority issues for the safeguards approach. Myanmar's national safeguards clarification was

workshops on safeguards and other consultations have had female participation in the range of 20-45% over 2017-2020, depending on the event. Some safeguards discussions also took place as part of consultations on the NRS (e.g. on feasibility, benefits and risks of draft PaMs), including at subnational level. Women's participation in consultations on the NRS increased from 21% in 2017 to 42% in 2019.

developed through a participatory process conducted in 2018. A first draft of the clarification was produced by drawing on the results of the benefits and risks assessment, the PLR review and UN-REDD guidance on good practice in interpreting the safeguards. This was modified on the basis of stakeholder feedback received through workshops, an online public review period and direct submissions. The clarification was finalized in early 2019.

Step 6. Identification of information needs and possible indicators for the SIS

Using the national clarification of safeguards as a starting point, an analysis was carried out to identify the kind of information that will be required to demonstrate how Myanmar is addressing and respecting the safeguards. The resulting list of information needs was presented to stakeholders, and feedback was received both on the information needs themselves and on possible sources of relevant information. Building on this, as well as on a complementary study of relevant information systems and sources for the SIS, a list of possible indicators for the SIS was drawn up and refined based on stakeholder feedback.

Step 7. Defining institutional roles, functions and responsibilities for the SIS

Through bilateral consultations and workshop discussions, a proposal was developed that outlines the roles that different institutions could play in the operation of Myanmar's SIS, as well as the functions and responsibilities associated with them.

The following section of this document examines each of the above steps in further detail and provides information on the outcomes and outputs of the associated work.

The work undertaken so far to develop Myanmar's national approach to safeguards has also been a key source of inputs for Myanmar's first Summary of Information on safeguards (SoI), a [final draft](#) of which was made publicly available following a participatory process to compile the summary over the course of 2019.

Ongoing work to further clarify the processes required to put Myanmar's safeguards approach into practice, to develop additional procedures that can fill gaps in Myanmar's PLR system related to safeguards, and to make Myanmar's SIS operational, is described in section 5.

4. Steps carried out and their results

4.1 Determining goals and scope of the safeguards approach

Creating a joint understanding among stakeholders about the goals and scope of a country's approach to safeguards is a key task that should be addressed early on in the safeguards work (while acknowledging that later adjustments may be desirable in order to reflect new insights and evolving plans for REDD+ implementation). Initial discussions on defining the goals and scope of Myanmar's safeguards approach were held during the Safeguards Roadmap Workshop in March 2017¹³. The following general considerations were taken into account¹⁴:

¹³ MONREC and Myanmar UN-REDD Programme. 2017. Myanmar REDD+ Safeguards Roadmap. Working document, version Sept. 2017. <https://www.unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16544-myanmar-redd-safeguards-roadmap-english.html>

¹⁴See also UN-REDD Programme (2015). Country Approaches to REDD+ Safeguards. A Global Review of Initial Experiences and Emerging Lessons. Technical Resource Series 2. UN-REDD Programme Secretariat, Geneva, Switzerland.

a) Identifying goals

Meeting the requirements on safeguards set by the UNFCCC (see section 2) is likely to be one of the most important goals for any country's safeguards approach. However, countries may decide to identify further objectives that they wish to pursue at the same time, such as ensuring that REDD+ supports the goals of existing national policies on social and environmental issues, or ensuring that REDD+ actions are compliant with the safeguards requirements of specific donors or financing institutions.

b) Defining the scope

By default, a country's approach to REDD+ safeguards should be applied to all REDD+ PaMs. However, it may not always be unambiguously clear which interventions in the forestry and land use sectors form part of the PaMs portfolio. A simple way to define the scope of safeguards application is to delimit it as covering all interventions described as PaMs in the National REDD+ Strategy or REDD+ Action Plan. At the same time, some countries have chosen to apply their safeguards approach to a wider range of interventions in the forest sector and/or other land use-related sectors in order to simplify administrative procedures and ensure coherence of standards¹⁵. Defining the scope of safeguards application becomes easier once the full portfolio of a country's REDD+ PaMs has been identified.

Goals and scope for Myanmar's safeguards approach

During the discussions at the Roadmap Workshop, preliminary working definitions for the goals and scope of Myanmar's safeguards approach were agreed. It was also agreed that these definitions would be revisited at a later stage to ensure the final versions meet the requirements of the country's REDD+ process. So far, no adjustments to the initial wording have been made.

The initial list of goals identified is as follows:

- Meet the REDD+ safeguards requirements of the UNFCCC;
- Support the social, economic and environmental dimensions of sustainable development, as well as the sustainability of forest resources;
- Support good governance and improved land and forest tenure;
- Ensure that the application of the safeguards aligns with existing environmental and social laws, including environmental and social impact assessment procedures;
- Facilitate compliance with the safeguards frameworks of possible development partners (e.g. Green Climate Fund - GCF).

With regard to the scope of the safeguards approach, following discussion the participants at the workshop put forward that the safeguards approach should be defined initially only to cover the REDD+ PaMs included in the NRS. It was agreed that a widening of this scope to include further policies and measures involving payments for ecosystem services from forests will be considered at a later stage.

¹⁵ UN-REDD Programme (2015). Country Approaches to REDD+ Safeguards. A Global Review of Initial Experiences and Emerging Lessons. Technical Resource Series 2. UN-REDD Programme Secretariat, Geneva, Switzerland.
<https://www.unredd.net/documents/un-redd-partner-countries-181/africa-335/south-south-learning-event-accra-ghana-12-13-june/15044-technical-resource-series-2-country-approaches-to-redd-safeguards-a-global-review-of-initial-experiences-and-emerging-lessons.html>

4.2 Stakeholder engagement and gender

A number of steps have been taken in Myanmar to analyse the role of relevant stakeholders and the gender context for REDD+, and to develop guidelines and approaches for ensuring adequate stakeholder engagement and gender sensitivity in the implementation of REDD+, and in the safeguards approach.

Stakeholder engagement

A stakeholder mapping for REDD+ was conducted at the national level during the preparation of Myanmar's 2013 REDD+ Readiness Roadmap. Stakeholders were classified according to their interests and potential role in REDD+. The goal of this work was to promote the participation and representation of these stakeholder groups during the National Roadmap Consultation Process and to ensure their future involvement in Roadmap implementation through their membership within the National REDD+ Network. An information note on the interests and potential roles of women in REDD+ was also prepared in 2018 to support the development of the draft NRS.

A set of '[Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+](#)', was developed in 2016. Utilizing a gender approach, this document defines relevant stakeholders as "those groups that have a stake/interest/right in the forest and those that will be affected either negatively or positively by REDD+ activities" and identifies key stakeholders to engage in REDD+ design and implementation as: Government agencies (such as Forest Department, MONREC, MOALI and MOPF); formal and informal forest users; private sector entities; indigenous peoples and other forest dependent communities. Civil Society Organizations (CSOs) will be engaged as well. The FPIC guidelines for REDD+, which are under development, also require stakeholder participation in the planning of REDD+ PaMs (see section 5.2).

A number of mechanisms or platforms for stakeholder participation have been identified and utilised, and informed by the Guidelines on stakeholder engagement, in the REDD+ process to date:

- At the national level, several coordination mechanisms or platforms exist help to facilitate participation or engagement in REDD+ planning processes, including the REDD+ Taskforce, the REDD+ Technical Working Groups (including the TWG-SES) and the REDD+ Stakeholder Network.
- More than 40 consultation workshops have been held as part of the development process of the NRS, at national and sub-national level, with the private sector, and with self-administrative areas and EAOs.
- Awareness-raising materials about REDD+ and the NRS have been produced in 10 languages (Chin, Kachin, Karen, Kayah, Kokang, Mon, Pa Oh, Wa, Shan and Palaung), as well as Myanmar language. Effort have also been made to engage with representatives of Ethnic Armed Organisations, particularly in the context of consulting on the NRS.

Gender

Addressing gender inequities is an important issue for REDD+ planning and implementation, and the safeguards approach, in Myanmar. Similar to other countries in the Asia-Pacific region, inequalities between men and women persist in Myanmar's society and economy.¹⁶ There is also differentiated

¹⁶ The Gender Equality Network (2015). "Raising the Curtain: Cultural Norms, Social Practices and Gender Equality in Myanmar".

use and management of forests and other natural resources among women and men, as well as various gender inequalities, within Myanmar's forest sector.¹⁷

Although the legal framework (e.g. the Farmland Law, the Forest Law) are considered gender-neutral, women and men may not have the same opportunities to exercise or claim their rights to land and resources under these laws. Women also often lack information about their rights, and remain underrepresented in forestry planning and management meetings and decision-making processes. This is compounded by limited gender-disaggregated data and research on women's rights, roles and contributions in the forestry sector.¹⁸ Similar gender inequalities are present within Myanmar's ethnic groups, many of which are also forest dependent.¹⁹

The inclusion of gender perspectives in the development of Myanmar's NRS and national safeguards approach aims to ensure that the REDD+ framework respects the country's commitments under international law and the safeguards, as well as to recognise the key role women can play in REDD+ design and implementation. Steps undertaken so far include:

- The stakeholder mapping conducted for the REDD+ Readiness Roadmap included identification of stakeholders that support or represent women and ethnic minorities in Myanmar. The 2013 Roadmap also acknowledged that there was a need to: a) assure the promotion of gender equality and the respect of ethnic minorities' rights in REDD+ readiness activities; as well as b) promote and integrate gender and ethnic minority issues in REDD+ implementation.
- The [Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+](#) aim to ensure that men, women, youth, and other stakeholders at all levels can engage equitably and meaningfully in the design and implementation of REDD+.
- The REDD+ Knowledge Management and Communications Strategy (updated in 2018) will design and deliver products aligned to the needs and capacities of all stakeholder groups, including those more marginalized, such as women, youth and ethnic minorities.
- Efforts to promote and ensure women's participation during consultation processes, e.g. for the NRS subnational consultations (November 2017 – April 2018) and during the development of the safeguards approach.
- Acknowledging gender issues in the forest sector and women's limited participation in the REDD+ design, the REDD+ Taskforce Secretariat developed a [briefing note](#) in September 2018 on the role of women in REDD+ in Myanmar and how women's active role in REDD+ can be supported moving forward. These recommendations were presented during the 5th meeting of the Taskforce. Since then, concrete actions have been taken to strengthen gender inclusion, including in its engagement processes wherein women's participation in consultations on the National Strategy increased from 21% in 2017 to 42% in 2019.
- The draft NRS (2019) also includes some gender considerations, highlighting the role of women in forests and the importance of integrating a gender perspective within REDD+, and provides a more detailed analysis of the interests and potential roles of women groups and indigenous peoples. It also proposes a number of gender-sensitive PaMs.

¹⁷ Asian Development Bank, UNDP, UN Population Fund, and UN Women (2016). "Gender Equality and Women's Rights in Myanmar: A Situation Analysis"

¹⁸ RECOFTC (2015). "Social and gender equity issues in forestry and REDD+ in Myanmar. Discussion paper". Available at: <https://www.recoftc.org/project/grassroots-capacity-building-redd/issue-papers/social-and-gender-equity-issues-forestry-and-redd-myanmar>

¹⁹ Ibid

Challenges remain in ensuring the integration of a gender perspective and equitable representation in REDD+ processes, including the future implementation of the safeguards. Within REDD+ coordination bodies, further efforts will be needed to ensure appropriate representation of women's groups and female participation. (Further information on ongoing work and next steps is provided in section 5.4).

4.3 Assessing benefits and risks of REDD+ Policies and Measures

While the main purpose of REDD+ is to contribute to global climate change mitigation, it also has great potential to deliver additional social and environmental benefits. Forests provide a range of goods and services, such as food, fuel and fiber for local communities, as well as water regulation and soil erosion control. REDD+ PaMs can protect or enhance these good and services, and thus provide additional benefits. For instance, specific PaMs may prevent the degradation of forest ecosystems and their biodiversity. If well designed, REDD+ PaMs can also deliver wider social benefits, such as improved livelihoods and gender equality. REDD+ PaMs could also pose certain risks depending on how they are implemented. These risks could include reduced access to forested areas or resources by communities, increased marginalization of certain groups, or displacement of pressures on forests to other areas.

The Cancun safeguards aim to minimize potential risks from REDD+ and enhance other social and environmental benefits derived from the interventions. Having a clear understanding of the specific benefits and risks that could result from planned PaMs in the context of a country can help to improve the design of PaMs and identify any additional procedures or measures that may be required to mitigate risks or promote beneficial outcomes. In Myanmar, an assessment of the potential benefits and risks arising from the proposed PaMs in the draft NRS was carried out during 2017-2018.

Approach for assessing benefits and risks

The assessment of potential benefits and risks of PaMs in the draft Myanmar NRS began in late 2017. A desk review was carried out to produce an initial list of benefits and risks for a set of proposed PaMs, most of which would involve implementation at state or regional level. Particular attention was paid to identifying benefits and risks relating to the situation of vulnerable stakeholder groups, including ethnic groups and women. The identified potential benefits and risks were incorporated into information sheets on the PaMs, which were then used to inform discussions in a series of consultations on the PaMs at national and subnational level.

Between December 2017 and April 2018, 15 state and regional consultations²⁰ were facilitated by the Myanmar UN-REDD Programme to collect stakeholder feedback on the proposed PaMs and other topics related to REDD+ implementation. During these consultations with government ministries, CSOs, and ethnic groups/indigenous people's and community representatives, discussions also covered benefits and risks of PaMs considered relevant for the state or region in question; in groups, participants discussed the feasibility of proposed PaMs, as well as potential benefits and risks, and made recommendations to improve the design of PaMs. The results of the first three subnational consultations were consolidated and fed into a national workshop on potential REDD+ benefits and risks (held in February 2018²¹). During this workshop, the identified benefits and risks were refined and participants suggested further measures to enhance benefits and reduce risks.

²⁰ Magwe region, Kachin state, Mon state, Bago region, Mandalay region, Sagaing region, Yangon region, Ayeyarwaddy region, Tanintharyi region, Kayah state, Kayin state, Chin state, Rakhine state, Shan state, Nay Pyi Taw region.

²¹ Workshop report available at: <https://www.unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16661-workshop-report-national-workshop-for-assessing-benefits-and-risks-of-redd-in-myanmar/file.html>

Following the conclusion of the remaining subnational consultations, the results from both the national workshop and the subnational consultations were consolidated and incorporated into subsequent steps in the safeguards work, including the review of PLRs and the clarification of the safeguards in the Myanmar context. Benefits and risks information was also used to develop a set of recommendations on design and implementation of the proposed PaMs, for integration into the future investment plan for REDD+ implementation in Myanmar.

Results

The results of the assessment are available in two main forms:

1. A [summary document](#), setting out the potential benefits and risks identified in relation to each safeguard²².
2. The set of recommendations on measures to reduce risks and enhance benefits, for relevant PaMs²³.

During the development of the national safeguards clarification, a subset of priority benefits that deserve special attention in the Myanmar context was identified and agreed with stakeholders.

These are as follows:

- Promoting land rights,
- Enhancing the wellbeing of poor, vulnerable and/or marginalized groups,
- Supporting sustainable livelihoods of indigenous peoples and local communities,
- Enhancing gender equality,
- Supporting social peace and stability,
- Protecting areas of high value for biodiversity or ecosystem services (in particular conservation of soil and water resources),
- Increasing habitat connectivity,
- Reducing or reversing land degradation,
- Reducing pollution, and
- Building the capacity of government staff and local stakeholders (e.g. to implement / comply with existing laws, to participate in decision-making and to adopt sustainable land use practices).

4.4 Reviewing existing Policies, Laws, and Regulations (PLRs)

An analysis of existing PLRs that are relevant to REDD+ safeguards is a necessary input for determining to what degree a country's legal and regulatory framework already effectively addresses the safeguards, and where improvements may be needed in future. It can also help to identify appropriate elements of the PLR framework that should be referenced in the national clarification of safeguards, as well as PLRs that are linked to potential information sources for the SIS (e.g. PLRs that require certain types of information to be made publicly available).

Approach used

A general review of PLRs relevant to REDD+ in Myanmar was conducted in 2017-2018, through desk-based analysis, key informant interviews and participatory workshops. The review had the following objectives:

²² Myanmar UN-REDD Programme. 2019. Summary of benefits and risks by safeguard. <http://www.myanmar-redd.org/wp-content/uploads/2017/10/Myanmar-benefits-and-risks-summary-by-safeguards-July-2019.pdf>

²³ This unpublished document can be made available upon request.

- To assess the adequacy of the current PLR framework to support the implementation of REDD+ PaMs;
- To analyse the extent to which the PLR framework supports safeguards being addressed, and the institutions and institutional arrangements to implement these safeguards;
- To develop recommendations to strengthen the PLR framework for REDD+ implementation and to ensure that safeguards are addressed and respected;
- To identify PLRs, institutions and mechanisms relevant to the development of a REDD+ Grievance Redress Mechanism (GRM), and identify existing and potential grievances and conflicts that may arise from REDD+ implementation (see also section 5.3 of this document).

Following the conclusion of this wider PLR review, the results related to safeguards were extracted, consolidated, refined and updated through further consultations with stakeholders and experts and review of additional literature.

The initial review of safeguards-relevant PLRs was structured in line with a list of generic, key elements for each safeguard that has been developed by the UN-REDD Programme at the global level²⁴. It also took into account the potential social and environmental benefits and risks of the REDD+ PaMs proposed for inclusion in Myanmar's draft NRS (see section 4.2).

Results from the review fed into the development of the national clarification of safeguards (see section 4.4) and the draft of Myanmar's first Summary of Information on safeguards.

The following section summarises the key results of the review in terms of identifying relevant PLRs, and recommendations to strengthen the PLR framework in order to enhance the degree to which the safeguards are addressed and will be respected.

Results of the PLR Review

The PLR review resulted in two main outputs: a general review of legal and policy frameworks for REDD+²⁵; and a summary of findings related to safeguards-relevant PLRs²⁶. The safeguards-specific review shows areas where the safeguards are already well covered by the current PLR framework, and areas where additional efforts (such as PLR reforms or REDD+-specific procedures) are advisable in order to ensure that the Cancun safeguards are fully addressed and respected. For each safeguard, the following information is provided in the review:

- Overview of key PLRs relevant to addressing the safeguard, and their main provisions;
- Open questions with regard to the PLR framework that could not be answered based on the information available at the time of review;
- Summary assessment of whether the existing PLR framework a) fully covers all elements of the safeguard, and b) covers all possible types of REDD+ activities, or whether there are gaps

²⁴ UN-REDD Programme. 2016. Country Approach to Safeguards: Framework for clarifying the Cancun safeguards. Version December 2016. <https://unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/15925-country-approach-to-safeguards-framework-for-clarifying-the-cancun-safeguards-v112.html>

²⁵ Myanmar UN-REDD Programme. 2019. Review of legal and policy frameworks for REDD+ (Reducing Emission from Deforestation and Forest Degradation) implementation in Myanmar. <http://www.myanmar-redd.org/wp-content/uploads/2018/10/Report-on-PLR-review.pdf>

²⁶ Myanmar UN-REDD Programme. 2019. Policies, Laws and Regulations (PLRs) that can help to address the Cancun safeguards for REDD+ in Myanmar (Summary by safeguard). <http://www.myanmar-redd.org/wp-content/uploads/2018/10/PLR-Review-Safeguards-Summary-Report-May-2019-final.pdf>

in coverage; where available, information on the degree to which the identified PLRs are implemented in practice, and any related capacity constraints, is also presented;

- Recommendations resulting from the PLR review and discussions with workshop participants.

Out of the large number of existing PLRs examined in the review, the following have been identified as particularly relevant for the application of safeguards in Myanmar, based on the findings of the review and discussions held during the drafting of Myanmar's first Sol²⁷:

- The National Land Use Policy (Safeguards B, C, D, E, F and G)
- The Anti-Corruption Law and regulations on financial reporting (Safeguard B)
- The National Ceasefire Agreement (Safeguards B and D)
- The Protection of Biodiversity and Protected Areas Law (Safeguards C and D)
- The Community Forestry Instructions (Safeguards C and D)
- The Law Amending the Vacant, Fallow and Virgin Lands Management Law (Safeguard C)
- The Environmental Impact Assessment Procedure (Safeguards C, D, E, F and G)
- The Ethnic Rights Protection Law (Safeguard C).
- The National Strategic Plan for the Advancement of Women (2013-2022) (which includes a section on women and the environment) (Safeguards D and E).

The recommendations from the report on safeguards-relevant PLRs are summarised in Table 1 below. Further recommendations on strengthening Myanmar's PLR framework and its application are included in the draft Sol.

²⁷ [First Summary of Information on how Safeguards are addressed and respected in Myanmar](http://www.myanmar-redd.org/final-draft-soi-is-ready-to-submit-myanmar-and-english-versions-are-available-here.html). Final draft December 2019. Executive Summary. <http://www.myanmar-redd.org/final-draft-soi-is-ready-to-submit-myanmar-and-english-versions-are-available-here.html>

Table 1: Summary of recommendations from the review of PLRs relevant to addressing and respecting the safeguards

Safeguard	Recommendations
<p>A. That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements</p>	<ul style="list-style-type: none"> • Further discussion and investigation are needed of existing and/or potential coordination mechanisms to ensure REDD+ PaMs are designed in line with the safeguard. • Identification of priority national policies/programmes and international agreements that REDD+ PaMs should be aligned with should be done through the national clarification of the safeguards.
<p>B. Transparent and effective national forest governance structures, taking into account national legislation and sovereignty</p>	<ul style="list-style-type: none"> • Mechanisms should be developed to ensure that stakeholders are comprehensively informed about plans for REDD+. The content to be shared should be specified and could include information on REDD+ generally, on the relevant legal framework, including complaints and feedback mechanisms, and on the planned REDD+ PaMs. • The implementation of the National Land Use Policy should be accelerated, especially with regard to the recognition of customary land tenure; in the interim, REDD+ PaMs should be designed to avoid negative impacts on groups without documented land rights. • The extent to which EIA should be applied to REDD+ PaMs needs to be clarified; mechanisms to deal with remaining gaps in assessment and management of social and environmental risks may be needed. • Coordination between different sectors and levels of government on land use is needed, and existing coordination bodies should be fully operationalised. • Develop procedures or guidelines and build capacity to ensure transparency, accountability and fairness in the implementation of REDD+ PaMs, with particular focus on the allocation of rights to use land and resources and the sharing of benefits. • Ensure that PaMs to improve law enforcement do not disproportionately affect vulnerable stakeholders. • Options to address identified capacity gaps and implementation constraints should be identified in relation to the Community Forestry Instructions, the VFV Land Management Law, the EIA Procedure (and/or any other procedures that will be used to assess social and environmental impacts of PaMs) and the collection and sharing of land-related data.
<p>C. Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations</p>	<ul style="list-style-type: none"> • An important first step for the implementation of this safeguard is to clarify whether the definition of “indigenous people” (as provided by the EIA Procedure) should be applied (which would facilitate building on the existing EIA process), or whether another definition should be used or a new definition developed. Workshop participants have expressed the view that a thorough and inclusive discussion process is needed to resolve this issue. In the meantime, one option could be to refrain from applying the term “indigenous people” and treat all members of local communities as having the same rights. (This approach has been adopted by a number of other countries where the term “indigenous people” proved contentious.)

<p>Declaration on the Rights of Indigenous Peoples</p>	<ul style="list-style-type: none"> • Clarity should also be established with regard to the definition of “members of local communities”, especially with regard to a possible minimum residency requirement. • Develop suitable mechanisms to involve local stakeholders in the planning of REDD+ PaMs and provide compensation in the case of use restrictions or prohibitions of use affecting their rights, setting up a fair and transparent process that takes into account the needs of vulnerable groups and respects FPIC requirements where applicable. • Develop clear guidelines for processes to request FPIC of affected stakeholders in REDD+ PaMs, including guidance on when FPIC should be sought and how the process should be conducted. • Build the capacity of government staff for conducting participatory and inclusive planning processes, and raise awareness of local stakeholders (in particular vulnerable groups) about REDD+ procedures, opportunities to participate in REDD+, and options for raising complaints if they feel their rights are not respected (e.g. GRM). • Clarify whether (and how) EIA and/or SEA should be applied to different types of REDD+ interventions. If EIA/SEA are not applicable to some types of PaMs that could affect the rights of indigenous people and local communities, alternative processes should be identified to assess these possible impacts during the planning stage and ensure they are managed appropriately. • Development of the National Land Law should be accelerated, and the situation of persons without land use certificates, including those who practice customary land uses, should be addressed in the law. • Provisions on participatory management approaches (e.g. under the Forest Law and the Biodiversity and Protected Areas Law) should be strengthened. In the case of the Community Forestry Instructions, options should be considered to strengthen the instructions by recognizing them in a law, to increase their applicability outside of the designated forest area. • Identify options to address implementation constraints in relation to the recognition of rights to land, resources and territories, including through efforts to strengthen capacity and access to information on land tenure, land classification and land use rights. • An inclusive and equitable approach should be developed for the sharing of benefits from REDD+ with stakeholders, including indigenous people and local communities.
<p>D. The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision*</p> <p><i>*i.e. all REDD+ actions – Paragraph 70 of Decision 1/CP.16 contains the official definition of the five ‘activities’ that form part of REDD+</i></p>	<ul style="list-style-type: none"> • Options to address the gaps and capacity constraints described under various safeguards should be identified. REDD+-specific solutions such as the development of guidance for identification of stakeholders and/or their representatives, and for stakeholder involvement in different REDD+ PaMs, likely offer the most easily accessible approach for ensuring that REDD+ implementation is in line with safeguard d). • Build the capacity of both government staff and local stakeholders (in particular vulnerable groups) for participatory processes, and ensure that adequate levels of support are available. (See Safeguard E recommendation related to women’s participation).

	<ul style="list-style-type: none"> • As suggested by workshop participants, stakeholders or stakeholder groups should have the possibility to 'self-identify' to allow for inclusive participation. Mechanisms should also be developed to ensure that stakeholder representatives are well aware of their roles and responsibilities, and that there is a two-way flow of information between them and the group they speak for. • Guidelines for stakeholder involvement should address participation in all stages of PaMs development and implementation, including the assessment of potential impacts, design and planning, implementation of activities, and monitoring/evaluation. Options to finalize and adopt the EIA Participation Guidelines should also be pursued.
<p>E. That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits*</p> <p><i>* Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.</i></p>	<ul style="list-style-type: none"> • Agree on a clear definition of natural forests that can be used across all aspects of REDD+, develop accurate information on the spatial distribution of natural forests within and outside the official Forest Land, and make this information available to those planning and implementing REDD+ PaMs. • Identify a mechanism to ensure that REDD+ PaMs do not lead to natural forest conversion. • Identify processes and build capacity for the assessment of potential social and environmental impacts of PaMs (including indirect impacts) at different stages of planning. • As part of this, assess the role that EIA/SEA can play in addressing the safeguard, taking into account both the legal remit and available capacities. If SEA is chosen as the main instrument for assessing REDD+ impacts, it may be useful to build staff capacity in the Environmental Conservation Department and fast-track the development of operational guidelines for SEA. • Identify processes and build capacity for managing the social and environmental impacts of PaMs during the planning and implementation stages, including through appropriate selection, prioritization, location and design of PaMs, and through identification of risk mitigation measures where needed. • Consider developing specific guidance for impact assessment and management of REDD+ PaMs, drawing on the benefits and risks assessments already carried out, and covering questions of particular relevance to REDD+ safeguards such as assessing the risk of indirect land use change and promoting the delivery of benefits. This could make application of EIA/SEA or other impact assessment/risk management procedures simpler and more efficient. • Develop mechanisms to promote the enhancement of priority benefits for Myanmar, e.g. by providing positive incentives for REDD+ PaMs that deliver these benefits in addition to achieving carbon gains. • Identify ways to increase opportunities for women to participate in and/or benefit from REDD+ PaMs, e.g. by screening proposed PaMs for possible obstacles to the participation of women. • PaMs that involve land use or management planning should be supported by capacity-building and transparency measures to ensure that environmental and social objectives are appropriately considered, and that ecological linkages at landscape level are taken into account. • Options to operationalize suitable monitoring procedures for the social and environmental impacts of REDD+ PaMs should be investigated, e.g. as part of wider monitoring and evaluation processes for REDD+.

<p>F. Actions to address the risks of reversals</p>	<ul style="list-style-type: none"> • Investigate options for incorporating an assessment of risks of reversals into the design stage of REDD+ PaMs. • Provide capacity-building on assessment and management of reversal risks to those who are tasked with REDD+ planning. • Support implementation of the National Land Use Policy, and integration of REDD+ PaMs into land use plans, as a way to reduce the risk of reversals due to conflicting developments. • Develop approaches for detecting occurrence of reversals through the National Forest Monitoring System. • Where reversals are detected, the reasons should be analysed so that the design and implementation of REDD+ PaMs can be improved over time based on lessons learned.
<p>G. Actions to reduce displacement of emissions</p>	<ul style="list-style-type: none"> • Investigate options to incorporate an assessment of risks of emissions displacement into the design stage of REDD+ PaMs. • Build capacity for identifying and managing displacement risks. • Support implementation of the National Land Use Policy, and integration of REDD+ PaMs into land use plans. • Identify ways to ensure REDD+ is implemented as coherently as possible across all of the national territory; this may entail a need for coordination with EAOs for territories under their control. • Develop approaches for detecting occurrence of displacement through the National Forest Monitoring System. • Lessons learned from cases where emissions displacement is detected should be reflected in the design of future Policies and Measures.

4.5 Clarification of the REDD+ Safeguards

While the UNFCCC decision establishing the Cancun Safeguards²⁸ sets out the safeguards in generic and globally applicable terms, it leaves some freedom as to how they are translated into action at the national level. The development of a national clarification of the Cancun Safeguards was therefore one of the key steps set out in Myanmar's 2017 Safeguards Roadmap.

A national safeguards clarification explains what the principles of the REDD+ safeguards mean in the national context and uses terms that are understood and accepted by a national audience. It identifies priority issues – for example, which environmental and social co-benefits of REDD+ are most important in the country – and takes into account the country's existing framework of PLRs. Clarifying the safeguards can not only bring about a shared understanding between all stakeholders about the rights and obligations that the safeguards entail, it can also be a central step for the design of a SIS (by making it clearer what kind of information should be included) and for the preparation of summaries of information on the safeguards.

During discussions with the TWG-SES and other government and non-government stakeholders on the intended uses of Myanmar's safeguards clarification, it was suggested that, in addition to informing further work on the SIS and the Sol, the clarification can:

- Serve as a communications tool in awareness-raising and capacity-building efforts on the safeguards,
- Be used as an input for guidance on safeguards application to be provided to those who design and implement PaMs, and
- Form a point of reference in the operations of a future Grievance Redress Mechanism (see section 5.3).

Method used to clarify the safeguards in Myanmar

Myanmar's national safeguards clarification has been developed following a structure of Principles and Criteria, as decided by the TWG-SES in 2018. The drafting of the clarification made use of several key inputs, brought together in a table format:

- The Cancun safeguards (which form the starting point for Myanmar's Principles and Criteria);
- A list of internationally applicable, generic safeguards elements compiled by the UN-REDD Programme (which were used to break down the safeguards further);
- Information on the potential benefits and risks arising from proposed REDD+ PaMs in Myanmar and on relevant PLRs for addressing and respecting the safeguards (see preceding sections).

Based on these inputs, a first draft set of Principles and Criteria was prepared and discussed in June 2018 at a National Workshop on Clarifying the Cancun Safeguards in Myanmar²⁹. Feedback and suggestions on the draft clarification were received from participants and incorporated into a revised version. The second draft was presented to members of the TWG-SES and other stakeholders during the 'National Workshop on Information Needs for Development of a REDD+ Safeguards Information System' held in October 2018 (see below) and shared online on the Myanmar REDD+ website for a public comment period in October-November 2018. A number of specific questions and issues raised by the clarification were also discussed in face-to-face meetings with agencies such as the Union Attorney General's Office (UAGO) and the Ministry of Ethnic Affairs (MOEA). In addition, the Chin

²⁸ UNFCCC Dec. 1/CP.16

²⁹ Workshop report available here: <https://unredd.net/documents/global-programme-191/safeguards-multiple-benefits-297/studies-reports-and-publications-1/16956-report-on-myanmar-national-clarification-workshop-june-2018.html>

Human Rights Organisation (CHRO) sought feedback on the clarification during a REDD+ consultation that they organised in Chin State in October 2018.

A final draft clarification reflecting the additional inputs received was presented to the National REDD+ Taskforce and shared with the Forest Department Executive Committee in early 2019. Following this step, the national safeguards clarification was finalized and published.

Results: Myanmar's clarification of the safeguards

Myanmar's national clarification of the Cancun Safeguards was published in June 2019 in [Myanmar](#) and [English](#) languages. It comprises seven Principles (corresponding to the seven Cancun Safeguards), and a total of 29 Criteria, which elaborate on the Principles and provide further detail on how REDD+ PaMs should be designed and implemented in Myanmar to be in line with the safeguards. The English version of the clarification is also provided in Annex 1 of this document.

4.6 Identification of information needs and possible indicators for the Safeguards Information System (SIS)

Work on the development of Myanmar's SIS began in 2018, under the auspices of the TWG-SES, and with substantial stakeholder input.

The agreed **objectives** of the SIS are:

- Meeting UNFCCC requirements on safeguards to become eligible for results-based payments;
- Attracting support for financing REDD+ implementation from public, private and other sources;
- Strengthening links to other relevant national information systems and information sharing;
- Contributing to evidence-based policy-making and policy implementation in relevant sectors, such as forestry, agriculture and biodiversity conservation.

One of the first steps in developing the SIS was an assessment to determine what information is needed to demonstrate that the Cancun safeguards are being addressed and respected in Myanmar. This assessment formed the basis for an initial review of available sources of information and the compilation of a list of proposed indicators that could be included in the SIS. While the UNFCCC decisions don't explicitly require the use of indicators in an SIS, indicators are widely regarded as a useful element that can help to ensure that the information provided in the SIS is transparent and consistent over time, as required by UNFCCC decision 12/CP.17. During discussions with members of the TWG-SES and other stakeholders, agreement was reached to develop an information structure for Myanmar's SIS using principles and criteria (from the national clarification) and a set of indicators, complemented by narrative text.

Method used to identify information needs and possible indicators

Information needs for Myanmar's SIS were identified based on the national clarification of the Cancun safeguards. For each criterion of the clarification, two types of information needs were analysed: information needed to show that the criterion is being 'addressed' (e.g. description of legal requirements or provisions related to the criterion), and information that is needed to show that the criterion is 'respected' (e.g. information on how agreed procedures for REDD+ are being applied in practice, and information on impacts of REDD+ related to the criterion).

A first draft of the list of information needs was presented to TWG members and other stakeholders at the 'National workshop on information needs for development of a REDD+ Safeguards Information

System in Myanmar’ in October 2018³⁰. Following the workshop, the list of information needs was updated to incorporate the feedback and inputs received from participants.

An initial assessment of potentially useful existing information systems and sources in Myanmar was carried out during 2018-2019. Using the identified information needs as a starting point, this assessment examined key information systems and sources, ranging from databases under the Central Statistical Organization to reporting processes for international conventions, and national reporting processes managed by institutions such as the General Administration Department (GAD) and the Environmental Conservation Department (ECD). The assessment also considered potential links to information sources that are currently under development, such as the National Forest Monitoring System (NFMS) and future monitoring and evaluation (M&E) processes for REDD+ implementation.

Based on the list of information needs and the results of the initial assessment of available information sources, a set of proposed indicators was developed in early 2019. The indicators were selected with a view to covering most criteria with at least one or two indicators, while keeping the total number of indicators manageable. The draft indicators included gender considerations, such as indicators relating to participation of women and the need for gender, ethnicity and age group disaggregated data. The effort required for processing each of the indicators was also taken into account. Stakeholder feedback on the indicator set was sought during the ‘National Workshop on Safeguards Information System design in Myanmar’ held in July 2019³¹, adjustments were made based on the inputs received.

It is anticipated that the list of indicators will undergo further refinement during the operationalization of Myanmar’s SIS (see section 5.4), and that the inclusion of indicators in the SIS will follow a stepwise approach, with fewer indicators included in its first iteration.

Results

A table presenting the information needs and proposed information structure for Myanmar’s SIS, including possible indicators and suggested content to be covered by narrative text for each criterion of the national safeguards clarification, has been included in the report on Myanmar’s SIS design³². The indicator set includes a total of 91 proposed indicators, some of which are relevant to multiple criteria. A prioritization of the indicators is currently being developed as part of the work on making the SIS operational (see section 5.4).

4.7 Defining institutional roles, functions and responsibilities for the SIS

There are a range of tasks, roles and responsibilities related to the establishment and operation of an SIS, from requesting data to processing and analysing it, to sharing information with stakeholders. Appropriate arrangements for SIS operation will depend on national circumstances, including the capacities and mandates of relevant institutions. A proposal outlining institutional arrangements for Myanmar’s SIS was developed in 2018-2019.

³⁰ Workshop report available at: https://www.unredd.net/index.php?option=com_docman&view=download&alias=17072-workshop-report-national-workshop-on-information-needs-for-development-of-a-redd-safeguards-information-system-in-myanmar&category_slug=workshops-and-events-1316&Itemid=134

³¹ Workshop report available at: http://www.myanmar-redd.org/wp-content/uploads/2018/10/Myanmar-SIS-Workshop-Report_final-190815.pdf

³² Myanmar UN-REDD Programme. 2020. Design of Myanmar’s REDD+ Safeguards Information System. Available at: <https://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/17347-design-of-myanmars-redd-safeguards-information-system.html>

Approach used to define roles, functions and responsibilities

A first discussion paper outlining generic options and key questions for the design of Myanmar's SIS was produced in December 2018, and shared with national and international experts for review. It was subsequently discussed with TWG members and other stakeholders during the 'National Workshop on Development of a REDD+ Safeguards Information System in Myanmar' held in January 2019³³. Further inputs were sought through enquiries with relevant institutions about their data holdings and data management capacity.

Based on these inputs, a first draft of Myanmar's SIS design report was produced. The institutional arrangements proposed in the document reflect the existing mandates of relevant institutions in relation to data management, reporting and REDD+ implementation, as well as existing capacities and data holdings related to the information needs for Myanmar's SIS. Other requirements of the SIS, such as the need for transparency and stakeholder engagement, were also considered.

The draft SIS design report was presented to TWG members and other stakeholders for their comment at the 'National Workshop on Safeguards Information System design in Myanmar' held in July 2019³⁴. Feedback from the workshop was incorporated into the document. Further updates to the report were made over the remaining part of the year to reflect outcomes of continued discussions with government representatives, including about possible hosting arrangements for the SIS. In December 2019, a final version of the report was produced.

Results

The **main institutional roles and responsibilities** proposed for administering Myanmar's SIS, as of December 2019, are as follows:

- The planned REDD+ National Coordination Unit (NCU) is expected to lead overall work on safeguards and the SIS, including supporting the SIS host in analysing and interpreting information on safeguards.
- The Central Statistical Organization (CSO) is proposed to host the SIS database and webpage. The CSO currently has a mandate to collect data from a range of agencies.
- A range of government and non-government organisations have been identified as potential data providers for the SIS; it has been decided that the first phase of the SIS will focus on data held by a smaller number of key agencies, i.e. MONREC, MOALI, GAD, CSO and MoEA.
- An SIS Working Group, comprising government and non-government representatives, has been proposed to review the quality and consistency of data and may play a role in the development of future summaries of information.
- The future REDD+ NCU shall coordinate reporting, including the development of Sols, information for inclusion in Biennial Update Reports (BURs), and regular reporting on REDD+ implementation.
- MONREC is responsible for final approval of SIS information for publication as well as for submission of summaries of information to the UNFCCC.

³³ Workshop report available at: <https://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/a-p-partner-countries/myanmar-713/implementation-technical-including-tors-1563/safeguards-1768/17341-report-of-the-national-workshop-on-development-of-a-redd-safeguards-information-system-in-myanmarq.html>

³⁴ Workshop report available at: http://www.myanmar-redd.org/wp-content/uploads/2018/10/Myanmar-SIS-Workshop-Report_final-190815.pdf

Further details can be found in the SIS design report³⁵.

5. Ongoing work

While Myanmar has made considerable progress in the development of its national approach to safeguards, a number of key aspects still need to be addressed for it to become fully functional. In line with a stepwise process, it is expected that further adjustments or additions to the approach will continue to be made in future, in order to close gaps in safeguards coverage or adjust existing procedures based on lessons learned.

The main areas of ongoing work to complete Myanmar's safeguards approach are described below.

5.1 Arrangements to ensure safeguards are respected

The institutional mandates and responsibilities for applying Myanmar's safeguards approach during the implementation of REDD+ still need to be worked out in detail. In discussions held so far, the following key roles and functions have been identified:

- The NRS proposes the establishment of a National REDD+ Coordination Unit (NCU), which will take the lead in coordinating REDD+ implementation. It is expected that the NCU will also be responsible for overall implementation of the safeguards, e.g. in providing guidance to REDD+ implementing agencies and responding to any identified shortcomings in safeguards application.
- Different PaMs in the NRS will be the responsibility of different institutions within the Government of Myanmar, depending on the sector involved, such as the Forest Department, Ministry of Planning and Finance (MOPF), and Ministry of Agriculture, Livestock and Irrigation (MOALI). As PaMs implementing agencies, these departments will have immediate responsibility to ensure that safeguards criteria are applied when planning and implementing their PaMs.
- A number of PLRs have been identified as particularly relevant for the future application of Myanmar's safeguards approach, such as the National Land Use Policy, the EIA Procedure, the Ethnic Rights Protection Law and the VFV Land Management Law (see also section 4.3 above). The respective ministries and government departments responsible for the implementation of these PLRs will thus also have a role in creating the necessary conditions for the safeguards to be addressed and respected.

The draft of Myanmar's first Summary of Information on safeguards³⁶ includes a number of recommendations on further steps to strengthen the application of the national approach to safeguards, such as the development of guidance and capacity-building on safeguards for government staff in the agencies tasked with planning and implementing REDD+ PaMs, including on obligations, procedures and good practice related to a number of key topics such as participatory planning and impact assessment.

Further work is also recommended to close gaps in the PLR framework related to safeguards. The work done so far to develop Myanmar's safeguards approach – including assessment of benefits and risks, review of PLRs and preparation of the national safeguards clarification – indicates that Myanmar's existing PLR framework would not be sufficient by itself to fully address the safeguards. This is the

³⁵ Myanmar UN-REDD Programme. 2020. Design of Myanmar's REDD+ Safeguards Information System. Available at: <https://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/17347-design-of-myanmars-redd-safeguards-information-system.html>

³⁶ Available online at: <https://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/17347-design-of-myanmars-redd-safeguards-information-system.html>

case in a number of REDD+ countries, and it is therefore recommended that Myanmar develop and apply a number of REDD+-specific safeguards procedures or instruments to help fill the identified gaps.

Two key procedures and instruments – guidelines on Free, Prior and Informed Consent (FPIC) and a Grievance Redress Mechanism (GRM) - are already under development through the UN-REDD Myanmar Programme, and are discussed in the following sections. Some further processes may also be developed through specific PaMs, while others may require action beyond the forest sector and the REDD+ programme. Examples of identified gaps that should be closed in future relate to:

- An agreed and clear method for identifying and ensuring respect for customary rights to land and forest resources (which could potentially be integrated into FPIC processes);
- A mechanism to ensure that natural forests, other forest areas, community lands, etc., are identified and/or mapped prior to the implementation of PaMs that may affect them;
- The identification and documentation of procedures that PaMs implementers will need to apply in order to meet safeguards requirements, e.g. procedures related to environmental and social impact assessment, information sharing and transparency, participation of stakeholders, and capacity building;
- Best practice guidance on integrated land use planning; and
- The integration of selected safeguards information needs into the future monitoring and evaluation framework for REDD+ PaMs, with a focus on information needs related to on-the-ground actions and where other information sources do not yet exist.

Any new procedures and instruments developed should be clearly documented, so that: a) those planning and implementing PaMs are well informed about their roles and responsibilities; and b) indicators for tracking their implementation can be included in the SIS and the REDD+ monitoring framework.

5.2 Free, Prior and Informed Consent

Free, prior and informed consent (FPIC) is a key component of effective stakeholder engagement³⁷. As REDD+ may lead to changes in access to resources that could have an impact on the rights of women, men and youth of local communities and indigenous/ethnic groups, the right to give or withhold their consent will be implemented in REDD+ planning and implementation in Myanmar. Under these circumstances, consistent with international human rights instruments and other treaty obligations, potentially impacted peoples have the right to participate in and consent to or withhold consent from a proposed action. To be able to exercise their rights in relation to REDD+ developments, indigenous peoples and local communities, particularly more marginalized sub-groups within them, such as women and youth, may need assistance to understand their rights and to advocate for these rights to be recognized and respected by government and other actors.

Global guidance provided by the UN-REDD Programme³⁸, which is available in Myanmar language, sets out the obligations of governments to clarify these issues and the steps needed to respect FPIC. When implementing a FPIC process, the following five key steps are to be undertaken:

- (1) Identifying appropriate decision-making institutions and representatives;
- (2) Planning a process to seek and obtain consent in the context of the project cycle;

³⁷ UN-REDD Programme (2012) Guidelines on Free, Prior and Informed Consent. Available at: <https://www.unredd.net/documents/fpic-repository-1/guidelienes-1/16837-guidelines-on-free-prior-and-informed-consent.html>

³⁸ Ibid.

- (3) Monitoring and recourse to maintain consent;
- (4) Developing a disputes resolution mechanism (grievance mechanism); and
- (5) Verification of consent.

FPIC in the Myanmar context

The review of Myanmar’s safeguard-relevant PLRs³⁹ shows that there are a number of policies and regulations related to FPIC. To summarise, Myanmar’s PLR framework provides some protection of officially recognized land tenure rights and provides for FPIC processes in certain circumstances:

- There are procedures for the acquisition of land for a public purpose (e.g. declaring a reserved forest or protected area) or for investment projects (e.g. under the 1894 Land Acquisition Act and the 2017 Investment Rules). The Land Acquisition Act and the 2012 Farmland Rules also allow for some provisions such as: options of compensation for persons with an interest in the land that has been acquired; for complaint cases to be made about decisions related to farmland; and for compensation to be offered if farmland is requisitioned.
- The 2015 Ethnic Rights Protection Law sets out the rights of ethnic groups and requires ethnic groups to be informed about major projects in their areas, and for coordination about these projects to take place. There are as yet no rules to implement this law.
- The 2017 Investment Law states that all investors should respect and comply with the customs, traditions and traditional culture of the ethnic groups.
- The 2015 Environmental Impact Assessment (EIA) Procedure stipulates that, until national procedures governing certain projects have been issued by the responsible ministries, international good practice shall be applied, with the standards of the World Bank and Asian Development Bank cited as acceptable examples. Under World Bank safeguard policies, FPIC of indigenous peoples is required for all interventions that involve land acquisition or would lead to their displacement and/or entail cultural harm or appropriation.

Some national guidance on FPIC has also been prepared. The Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+⁴⁰, developed with support from the UN-REDD Myanmar Programme in 2016, include information on FPIC and an ‘Appraisal Checklist for FPIC’. Piloting of these FPIC guidelines has taken place in Mon State in 2019, which will result in refined guidance specific to Myanmar. The Forest Department (MONREC) has also developed a set of FPIC guidelines, and together with the Wildlife Conservation Society (WCS) is developing a Standard Operating Procedure for FPIC for the establishment of new protected areas.

5.3 Designing a Grievance Redress Mechanism (GRM) for REDD+

The Joint FCPF/UN-REDD Programme GRM Guidance Note⁴¹ defines GRMs as organizational systems and resources established by national government agencies (or, as appropriate, by regional and municipal agencies) to receive and address concerns about the impact of their policies, programmes

³⁹ Myanmar UN-REDD Programme. 2019. Policies, Laws and Regulations (PLRs) that can help to address the Cancun safeguards for REDD+ in Myanmar (Summary by safeguard). <http://www.myanmar-redd.org/wp-content/uploads/2018/10/PLR-Review-Safeguards-Summary-Report-May-2019-final.pdf>

⁴⁰ Myanmar UN-REDD Programme. 2016. Guidelines for Stakeholder Engagement in Policies and Programmes for Sustainable Forest Management and REDD+. <https://www.unredd.net/documents/fpic-repository-1/guidelines-1/16842-guidelines-for-stakeholder-engagement-in-policies-and-programmes-for-sustainable-forest-management-and-redd.html>

⁴¹ Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms, June 2015.

and operations on external stakeholders. The stakeholder input handled through these systems and procedures may be called “grievances”, “complaints”, “feedback” or another equivalent term.

Existing GRM processes in Myanmar

The introduction of REDD+ in Myanmar will have impacts on the dynamics of exchanges and conflict over timber, land and other valuable resources in forested areas, and a national GRM should be available as part of the country's institutional arrangements for REDD+. Such a mechanism should be available to stakeholders from the early stages of REDD+ implementation and should be able to reach geographically, culturally, and/or economically isolated or excluded groups. The PLR review process carried out in Myanmar included a review of existing GRMs and proposals regarding a GRM design (see below).

There are around 22 existing PLRs in Myanmar that stipulate in some way the need for mechanisms that encourage communication and resolution of concerns and complaints. These include provisions in the 2017 Myanmar Investment Law, 2015 Ethnic Rights Protection Law, 2016 National Land Use Policy, 2012 Settlement of Labour Disputes Law, among others, although legal requirements around grievances related to forest and land are less clear. The legal framework also lacks a clear, formal definition of ‘grievance’, and suggests that conflicts should be resolved through the judicial system⁴².

Informal dispute resolution mechanisms and practices are also evident among ethnic groups in Myanmar, in areas where strong traditional and customary practices help to defend the rights of people to obtain access to information and to participate in environmental decision-making. As a result, local laws exist that promote and encourage negotiations through a mediator. These informal mechanisms are not recognized at the national level but they do reflect GRM principles including accessibility, transparency, legitimacy, and predictability.

A number of development projects (such as the World Bank-supported National Community Driven Development Project) and private sector companies have also implemented GRMs, although models vary across sectors, meaning that different frameworks and guidelines have been used, ranging from IFC performance standards to the UN Business and Human Rights principles. Companies with GRMs include Myanmar Petroleum Resources Limited Energy & Petroleum, KBZ, Shwe Taung and Awba.

Proposed GRM design for Myanmar

Discussions with government and non-government stakeholders⁴³ in Myanmar have indicated a range of existing and potential conflicts and disputes expected to be relevant to REDD+. For example:

- Land tenure and certification: such as disputes over land in reserve forests; unclear land ownership; lack of formal/officially recognised tenure for some communities; disputes between the Forest Department and other departments; lack of a clear framework on compensation; unclear processes for permissions and concessions; lack of clear boundaries between forest, private and community lands, etc.
- REDD+ implementation: such as conflicts between officials and powerful stakeholders; lack of benefit sharing; conflict between communities/individuals and law enforcement agencies; risk of harm to people if interfering in illegal timber trade; disputes over rights to land, etc.

⁴² Myanmar UN-REDD Programme. 2019. Review legal and policy frameworks, and develop grievance redress mechanisms for REDD+ (Reducing Emission from Deforestation and Forest Degradation) implementation in Myanmar: Report. <http://www.myanmar-redd.org/wp-content/uploads/2018/10/Report-on-PLR-review.pdf>

⁴³ For example, during workshops on the PLR review and GRM in March and August 2018: see [workshop report](#).

A GRM for REDD+ in Myanmar has been proposed, which will aim to address concerns that are raised in connection with REDD+ promptly and fairly. The GRM is considered one of the elements of an effective FPIC process, and as a mechanism through which suggestions for improvements in REDD+ implementation or administration can be submitted. The proposed GRM is still under development, though a number of principles and features have been identified. Some key principles for the GRM include:

- Dealing with grievances at the lowest level possible;
- Objectively and fairly dealing with grievances involving parties in different positions/power levels;
- Functioning and reporting promptly and continuously, while also being cost-effective;
- Providing communicational materials/information in languages understood in communities; and
- Developing further targets/key performance indicators together with input from communities.

The proposed design of the REDD+ GRM includes features such as grievance officers, the provision of training on the GRM to grievance officers and PaMs implementing agencies, awareness raising with communities, and establishment of a grievance database. Following recommendations from a national workshop in March 2019, the Village Tract level was selected for the FPIC and GRM pilot, which was carried out in 10 Village Tracts of Paung Township, Mon State. The results from the pilot study will be reflected in the final design of the REDD+ GRM⁴⁴ and the development of related guidelines/materials.

5.4 Strengthening processes for engaging with stakeholders and promoting gender responsiveness

In addition to the analyses and steps undertaken to date (see section 4.5), ongoing efforts will be needed to ensure that the planning and implementation of REDD+, and the national safeguards approach, fully and effectively engage relevant stakeholders and promote gender responsiveness.

Ongoing work on applying the national safeguards approach and developing instruments such as FPIC and the GRM (sections 5.1 – 5.3) will be highly relevant for promoting stakeholder engagement and gender equality. In addition, a number of recommendations have been developed through the SOI process and discussions with the REDD+ Taskforce:

- The proposed detailed guidance for agencies planning and implementing REDD+ PaMs should cover the equitable provision of opportunities to participate, and building the capacity to participate, in REDD+ planning, implementation and monitoring for vulnerable/marginalized stakeholder groups, particularly women.
- Comprehensive identification of relevant stakeholders for REDD+ planning, implementation and monitoring for specific REDD+ PaMs is required to ensure inclusive representation and participation. Stakeholders or stakeholder groups should have the option to ‘self-identify’.
- A documented process/guidance to encourage the transparent selection of stakeholder representatives by the groups themselves should be developed for future consultations or engagement in REDD+ planning/implementation.
- Improve the representation of women or women’s representatives within REDD+ coordination bodies, such as the future REDD+ Taskforce and Technical Working Groups,

⁴⁴ See draft GRM outline developed in December 2019: <http://www.myanmar-redd.org/wp-content/uploads/2018/10/REDD-GRM-Draft-Outline.docx>

including for safeguards/SIS. A sub-working group on gender could also be explored under one of the future TWGs.

- Consider setting targets for women’s participation (e.g. 30%) in key coordination bodies and/or consultation processes.⁴⁵
- Provide training on gender and REDD+ (e.g. to new coordination body members during the implementation phase) with a focus on building capacity to understand the importance of integrating gender equality and women’s empowerment concepts into REDD+, and to provide them with concrete guidance on how a gender perspective can be mainstreamed within various REDD+ work streams.
- Integrate a gender approach with the competency framework for the implementation phase of REDD+ and associated capacity building plans.
- A larger and more in-depth gender and REDD+ analysis and corresponding gender action plan can also be considered which could provide concrete recommendations on how a gender perspective and women’s active role in REDD+ can be further promoted and achieved in Myanmar, at both national and subnational levels.

5.5 Making the Safeguards Information System operational

As described in sections 4.5 and 4.6, substantive progress has been made on identifying information needs and possible indicators for Myanmar’s SIS, and defining institutional arrangements. However, in order to make the SIS fully operational, further work will be needed to:

- Formalize institutional arrangements, including relevant mandates;
- Prioritize indicators and identify the specific datasets and methodologies to be used in producing them, including disaggregation of data where possible;
- Develop data-sharing agreements between institutions holding relevant information and the SIS host;
- Build the capacity of participating institutions and stakeholders so that they can fulfil their roles effectively; and
- Establish the necessary hard- and software for operation of the SIS.

During discussions on the design of Myanmar’s SIS, agreement has been reached that the SIS should be established in two phases. Phase 1 (2019-2021) will focus on establishing a functioning SIS that provides initial information on all safeguards, in order to meet UNFCCC minimum requirements. In terms of technical and operational arrangements, members of the TWG-SES have expressed a preference that this first version of Myanmar’s SIS should already comprise an online database with web page access. Phase 2 (2022-2025) will focus on improving the information in the SIS, for example by adding further indicators or incorporating datasets held by additional institutions.

Work is currently underway to develop a plan for operationalizing Myanmar’s SIS, including an estimate of costs.

6. Conclusions and next steps

Myanmar’s national approach to the safeguards will help the country to meet the UNFCCC’s safeguards requirements in a way that accords with national goals and circumstances and makes full

⁴⁵In line with the target endorsed by the UN Economic and Social Council, it is widely held that women, at a minimum, should at least make up 30% of any decision-making body, committee, consultation, workshop, etc.

use of existing systems in the country. By doing this, it can contribute to the long-term sustainability of REDD+ in the country.

Priority next steps to ensure that the national safeguards approach is built upon and that the safeguards are being effectively addressed and respected in Myanmar include:

- Improvement of identified key policy and institutional arrangements to support the application of safeguards during the implementation of REDD+ PaMs;
- Further developing, piloting and applying REDD+-specific safeguards procedures, instruments and guidance to help REDD+ planning and implementing agencies to comply with the national safeguards approach, including consideration of the needs of vulnerable stakeholder groups;
- Operationalization of Myanmar's SIS, including the development of an online database integrating information from a number of priority information sources and establishment of an SIS Working Group;
- Identification of opportunities to pilot selected aspects of safeguards and SIS operationalization, such as testing guidance on safeguards for implementing agencies and initiating collection of data for the SIS;
- Confirmation of processes for the preparation of future summaries of information on the safeguards, based on lessons learned from Myanmar's first summary process (during 2019-2020);
- Integration of safeguards considerations into the development of the REDD+ M&E framework to ensure information related to safeguards is collected efficiently;
- Further development of stakeholder engagement, communication channels and capacity development, particularly for REDD+ implementation, through the implementation of the NRS.

Annex 1: National clarification of the UNFCCC REDD+ safeguards (Cancun Safeguards) for Myanmar

May 2019

Clarification principles and criteria

Principle A: REDD+ Policies and Measures in Myanmar should complement or be consistent with the objectives of national forest programmes and relevant international conventions and agreements

Criterion A.1: REDD+ Policies and Measures (PaMs) in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant national policies and programmes, including those related to forestry, climate change, environmental management, land use, biodiversity conservation, disaster risk reduction, sustainable development, human rights, workers' rights, transparency and gender equality. Potential conflicts between the objectives of national policies and programmes and REDD+ PaMs should be identified and resolved.

Criterion A.2: REDD+ Policies and Measures in Myanmar should be designed and implemented so that they are consistent with the objectives of relevant international conventions and agreements, such as the CBD, UNCCD, UNFCCC, CITES, the Ramsar Convention, CEDAW, UNDRIP, UN Convention against Corruption, international policies and initiatives, such as the SDGs and FLEGT, as well as national strategies and plans for the implementation of these commitments.

Principle B: REDD+ Policies and Measures in Myanmar should support transparent and effective national forest governance structures, taking into account national legislation and sovereignty.

Criterion B.1: REDD+ Policies and Measures in Myanmar should be implemented in a transparent manner; this means that decisions relating to the selection and location of activities, the involvement of stakeholders and the distribution of benefits and burdens should be based on clear criteria and well documented, financial accountability should be ensured, and comprehensive information should be made available to stakeholders in appropriate form during planning and implementation. The types of information that should be shared include information on: the planned measures (objective, expected impact, benefits, funds, activities, risk reduction measures, etc.); existing land use and expected change; relevant PLRs; general information on the REDD+ concept; and information on complaints and feedback mechanisms. It is the duty of the organization responsible for the REDD+ Policy or Measure to ensure that the information is made publicly available.

Criterion B.2: Where applicable, REDD+ Policies and Measures should include actions that strengthen transparency, accountability and rule of law in forest governance, including in relation to forestry operations, land use planning and management planning, awarding of concessions, and application of legal requirements such as EIA and SEA.

Criterion B.3: REDD+ Policies and Measures should strengthen coordination on policies and plans related to land use across sectors, between different levels of government and across borders / with EAOs, including by fully operationalizing existing coordination bodies, making sure that social and environmental objectives are given adequate weight in the process.

Criterion B.4: When REDD+ Policies and Measures are planned, availability of data and institutional/stakeholder capacity for their effective implementation should be considered, and identified deficits should be addressed.

Principle C: REDD+ Policies and Measures in Myanmar must be designed and implemented to respect the knowledge and rights of indigenous peoples⁴⁶ and members of local communities⁴⁷.

Criterion C.1: REDD+ Policies and Measures must avoid involuntary resettlement and respect the rights of indigenous peoples and local communities to use land and resources (this relates to statutory rights as well as locally recognized and customary rights).

Criterion C.2: REDD+ Policies and Measures should take into account existing land uses and avoid negative impacts on vulnerable stakeholder groups without documented rights to use land and resources (such as communities with customary land tenure), and where possible should support the fair and transparent clarification of use rights, avoiding risks of elite capture. EIA/SIA should be conducted for REDD+ PaMs where applicable.

Criterion C.3: REDD+ Policies and Measures must be designed and implemented with respect for the cultural heritage⁴⁸ and customary practices of indigenous peoples and local communities.

Criterion C.4: Where impacts on the rights of indigenous peoples and local communities cannot be avoided without compromising the success of a Policy or Measure, consent needs to be obtained and appropriate forms of compensation must be offered and agreed through meaningfully implemented processes of Free, Prior and Informed Consent (FPIC).

Criterion C.5: Where indigenous peoples and local communities contribute to the implementation of REDD+ Policies and Measures, or REDD+ Policies and Measures have an impact on their territories, they should be offered a fair share of the benefits through a transparent mechanism.

Criterion C.6: A functional Grievance Redress Mechanism, developed with the agreement of indigenous peoples and local communities, must be provided to address and resolve any concerns related to impacts of REDD+ Policies and Measures on the rights of indigenous peoples and members of local communities.

Principle D: REDD+ Policies and Measures in Myanmar must be designed and implemented with the full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities. All groups who may be affected by the Policies and Measures should be considered relevant stakeholders.

Criterion D.1: The participation of stakeholders in planning and implementation of Policies and Measures should be actively sought, and stakeholder groups with low capacity to participate (such as women, poor people, small ethnic groups, groups without documented land rights) should be supported through appropriate arrangements (e.g. capacity-building, choice of suitable communication formats, taking into account language requirements and traditions).

Criterion D.2: Where direct participation of stakeholders in the planning of a Policy or Measure is not feasible (e.g. due to the large area over which the PaM is to be implemented), the equal and proportionate participation of stakeholder representatives with relevant knowledge and skills and appropriate legitimation by their group must be sought, and the duties of representatives towards

⁴⁶ A clear and specific definition of 'indigenous peoples' needs to be agreed through a comprehensive stakeholder dialogue process involving key government departments and representatives of ethnic peoples. The definition should be based on thorough analysis and review, and take into account relations to the natural environment as well as culture. If there is disagreement, the criteria of self-determination should prevail.

⁴⁷ When 'members of local communities' are identified, care should be taken not to exclude persons who have been displaced by conflict or natural disaster.

⁴⁸ Including tangible and intangible heritage, place-based, movable and immovable heritage and beliefs

their stakeholder group should be defined. Stakeholder representatives should be made well aware of their roles and responsibilities. They should share information with their stakeholder group and get feedback from them.

Criterion D.3: Where stakeholders, in particular members of local communities, can play a meaningful role in the implementation and/or monitoring of Policies and Measures (taking into account the nature of the Policies and Measures), they must be offered the opportunity to participate (this may entail a need for capacity-building and establishment of supportive mechanisms, networks, etc., taking into account language requirements and traditions).

Principle E: REDD+ Policies and Measures in Myanmar should be consistent with the conservation of natural forests and biological diversity, ensuring that they do not lead to 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.

Criterion E.1: Before REDD+ Policies and Measures that could have an impact on natural forests are implemented, the distribution of natural forests in the area covered by the PaM should be mapped reliably, with particular attention to forests outside of the permanent forest estate. No conversion of these forests to other land uses (including into plantations) should be allowed; risks of indirect conversion (e.g. through displacement of land use) should be minimized as far as possible.

Criterion E.2: Planning of REDD+ Policies and Measures (both at the level of REDD+ strategies or programmes and at the level of individual policies or measures) should be based on sound information about their potential positive or negative social and environmental impacts⁴⁹, including impacts on important areas for biodiversity and ecosystem services; this may require analysis or collection of new data. Cumulative effects, landscape-scale impacts and indirect impacts should be included in the analysis.

Criterion E.3: REDD+ Policies and Measures should be selected, designed and implemented in a way that not only avoids or minimizes negative impacts but also enhances positive ones. This may involve prioritization of some PaMs over others, or combining PaMs in a complementary way. Stakeholders from all relevant sectors should be involved in identifying the best ways to increase the positive impacts of REDD+.

Criterion E.4: Priority benefits to be supported through appropriate selection, design and implementation of REDD+ Policies and Measures include promoting land rights, enhancing the wellbeing of poor, vulnerable and/or marginalized groups, supporting sustainable livelihoods of indigenous peoples and local communities, enhancing gender equality, supporting social peace and stability, protecting areas of high value for biodiversity or ecosystem services (in particular conservation of soil and water resources), increasing habitat connectivity, reducing or reversing land degradation, reducing pollution, and building the capacity of government staff and local stakeholders (e.g. to implement / comply with existing laws, to participate in decision-making and to adopt sustainable land use practices).

Criterion E.5: REDD+ Policies and Measures that involve land use or management planning should be supported by capacity-building and transparency measures to ensure that environmental and social

⁴⁹ It needs to be clarified whether EIA and SEA procedures are applicable to (some) REDD+ Policies and Measures or strategies, or whether other procedures for assessing impacts should be used. This question is also relevant to F.1 and G.1.

objectives are appropriately considered and not neglected due to a lack of data, awareness or understanding or a competing interest in short-term economic benefit.

Criterion E.6: Monitoring of REDD+ Policies and Measures should include regular tracking of social and environmental impacts against a pre-implementation baseline, taking into account the possible benefits and risks identified during the planning stage, as a basis for continued improvement of REDD+ practice.

Principle F: REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize risks of reversals. The term ‘reversal’ describes a situation where initial successes of a REDD+ PaM are reversed at a later date, and the trajectory of emissions returns to business-as-usual. This can happen for example when the forest that has been conserved or restored through a REDD+ measure is subsequently destroyed. Reversals of the success of REDD+ PaMs can occur due to external factors (such as fluctuations in international markets or climate change), or due to flaws in the design of PaMs (e.g. when an intervention is not financially sustainable in the long term).

Criterion F.1: When the feasibility and potential impacts of proposed REDD+ Policies and Measures are analysed, an analysis of risks of non-permanence should be included; this should consider the possibility of unintended incentives (e.g. by land use becoming more profitable), as well as risks linked to long-term funding, legal security or external influences like climate change or socio-economic change.

Criterion F.2: Where risks of non-permanence have been identified, these should be addressed through appropriate selection, design and implementation of Policies and Measures.

Criterion F.3: The National Forest Monitoring System should be designed to allow the detection and management of reversals.

Criterion F.4: Lessons learned from the detection of reversals should be reflected in the design of future Policies and Measures.

Principle G: REDD+ Policies and Measures in Myanmar should be designed and implemented to avoid or minimize displacement of emissions. Displacement of emissions occurs when a REDD+ PaM successfully reduces emissions from one source or in one area, but at the same time causes increased emissions from another source or area.

Criterion G.1: When the feasibility and potential impacts of proposed REDD+ Policies and Measures are analysed, an analysis of risks of displacement of emissions should be included; this should consider the possibility of indirect land use change (land use shifting from one area to another), as well as the overall impact of a PaM on greenhouse gas emissions (e.g. even PaMs that successfully reduce deforestation could have an adverse impact on emissions if land use is shifted to other ecosystems that are rich in carbon, e.g. peatlands, or if wood-based fuels or products are replaced with alternatives that themselves cause high emissions).

Criterion G.2: Where risks of emissions displacement have been identified, these should be addressed through appropriate selection, design and implementation of Policies and Measures.

Criterion G.3: The National Forest Monitoring System should be designed to allow the detection and management of emissions displacement caused by indirect land use change.

Criterion G.4: Lessons learned from the detection of emissions displacement should be reflected in the design of future Policies and Measures.