

WORKING PAPER

Towards Transformative REDD+ Strategy: Lessons from Safeguards Development and Planning in the Philippines

Justine Nicole V. Torres
Ateneo School of Government

Reginald Rex Barrer
Ateneo School of Government

Mary Jean A. Caleda
Ateneo School of Government

ASOG WORKING PAPER 17-007



ATENEIO

ATENEIO
SCHOOL OF
GOVERNMENT

Forming Leaders. Leading Reforms.

ATENEO SCHOOL OF GOVERNMENT WORKING PAPER SERIES

**Towards Transformative REDD+ Strategy: Lessons from Safeguards
Development and Planning in the Philippines**

Justine Nicole V. Torres
Ateneo School of Government

Reginald Rex Barrer
Ateneo School of Government

Mary Jean A. Caleda
Ateneo School of Government

April 2017

This working paper is a draft in progress that is posted online to stimulate discussion and critical comment. The purpose is to mine reader's additional ideas and contributions for completion of a final document.

The views expressed herein are those of the authors and do not necessarily reflect the views of Ateneo de Manila University.

Corresponding authors:
Justine Nicole V. Torres, Ateneo School of Government
E-mail: jnvtorres@gmail.com

Reginald Rex Barrer, Ateneo School of Government
E-mail: rexbarrer@gmail.com

Mary Jean A. Caleda, Ateneo School of Government
E-mail: mcaleda@ateneo.edu

Abstract

In 2010, government agencies and civil society organizations jointly crafted the Philippine National REDD+ Strategy (PNRPS) to facilitate the implementation of REDD+ activities over a 10-year horizon. This period included a 3-5 year Readiness Phase, before gradually scaling up to full Engagement (PNRPS, 2010, iv). Since then, government and civil society organizations have received grants and technical assistance to carry out REDD+ readiness activities at the national and local levels. These have focused on capacity building, forestland use planning and policy development, all geared toward creating an environment favorable for eventual full implementation of REDD+, including the receipt of performance-based compensation and realizing the potential social and environmental co-benefits. Work in this regard has included efforts to align national and local policy and governance with the social and environmental safeguards decided on at the 16th Conference of the Parties to the United Nations Framework Convention on Climate Change. This paper examines in particular, the initiative to develop a National Safeguards Framework and set of Guidelines for REDD+ safeguards using the REDD+ Safeguards Spectrum proposed by Arhin in 2014. The experiences of the province of Albay will be cited as a case study. Finally, recommendations will be proposed for moving forward with REDD+ in the Philippines through national-level action.

1. Introduction

A. Cancun Safeguards

In accordance with the United Nations Framework Convention on Climate Change (UNFCCC), developing countries must ensure activities related to Reducing Emissions from Deforestation and Forest Degradation (REDD)+ are implemented in a manner consistent with the Cancun safeguards¹, regardless of the source and type of funding.

The following comprise the set of safeguards that should be promoted and supported in undertaking REDD+ activities: 1) actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements; 2) transparent and effective national forest governance structures, taking into account national legislation and sovereignty; 3) respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of

¹ Decision 1/CP.16, Appendix II, Decision 2/CP.17 paragraph 63 (see Box)

Indigenous Peoples; 4) full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities; 5) actions are consistent with the conservation of natural forests and biological diversity, ensuring that 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 benefits; 6) actions to reduce displacement of emissions; and, 7) actions to address the risks of reversals.

These social and environmental safeguards are intended to prevent harm as a consequence of implementing REDD+ activities and also enhance accompanying multiple social and environmental benefits. Safeguards may be “broadly understood as policies and measures that aim to address both direct and indirect impacts to communities and ecosystems, by identifying, analyzing, and ultimately working to manage risks and opportunities”.²

Murphy (2011) enumerated numerous human rights instruments and multilateral environmental agreements that serve as references to define and understand the requirements of these safeguards. These agreements and instruments include the United Nations (UN) Declaration on the Rights of Indigenous Peoples, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Biological Diversity, the Convention to Combat Desertification, the International Tropical Timber Agreement, the Ramsar Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, International Labor Organization Convention No. 169, African Charter on Human and Peoples Rights, and the Universal Declaration of Human Rights. Further, approaches, initiatives, and policies on safeguards, such as the World Bank Operational Standards, the Forest Carbon Partnership Facility’s (FCPF) Strategic Environmental and Social Assessment, the UN- REDD+ Social and Environmental Principles and Criteria, various Forest Certification Schemes, and the REDD+ Social & Environmental Standards provide guidance for addressing social and environmental safeguards in the design and

² Murphy, Deborah. (2011) “Safeguards and Multiple Benefits in a REDD+ Mechanism.” Winnipeg, Canada: International.

operation of REDD+ activities.³ The UNFCCC approach on safeguards involves listing “broad goals” to avoid loss of biodiversity and harm to both indigenous and local communities. However broad, these are non-specific and the UNFCCC leaves to developing countries to define authority in their implementation. The UNFCCC Conference of Parties (COP) may further define these safeguards in the absence of a clear agreement and developing countries may provide their experience and help enrich understanding and appreciation. Meanwhile, a variety of organizations provide their own interpretations of the safeguards in the context of REDD+ readiness activities. These include multilateral financing agencies, such as the UN-REDD and the World Bank’s FCPF and Forest Investment Programme (FIP), as well as regional, bilateral and domestic initiatives and carbon certification schemes.⁴

To support REDD+ implementation consistent with the identified safeguards, developing countries were requested to (1) develop a “system for providing information on how the safeguards . . . are being addressed and respected throughout the implementation of REDD+ activities,”⁵ and, (2) ensure the full and effective participation of relevant stakeholders, in the development and implementation of their national strategies or action plans.⁶

Further, Parties to the UNFCCC have also agreed that these developing countries, in implementing REDD+ activities, should provide a summary of information on how all the safeguards are being addressed and respected throughout these activities.⁷ The summary of information should be provided periodically and be included in national communications, communication channels agreed by the COP⁸, or provided on a voluntary basis, via the web platform on the UNFCCC website⁹. They also decided that developing country Parties should start providing the summary of information after the start of the implementation of REDD+ activities¹⁰ and that the frequency of subsequent presentations of the summary of information should be consistent with the provisions for

³ Ibid.

⁴ Visseren-Hamakers, I., McDermott, C., Vijge, M., Cashore, B., Trade-offs, co-benefits and safeguards: current debates on the breadth of REDD+, *Current Opinion in Environmental Sustainability* 2012, 4:646–653

⁵ Decision 1/CP.16, Par. 71(d)

⁶ Decision 1/CP.16, Par. 72

⁷ Decision 12/CP.17, Par. 3

⁸ Decision 12/CP.17, Par. 4

⁹ Decision 12/CP.19, Par. 3

¹⁰ Decision 12/CP.19, Par. 4

submissions of national communications from non-Annex I Parties¹¹.

Finally, in relation to finance, in 2013, Parties agreed that developing countries seeking to obtain and receive results-based payments should provide the most recent summary of information on how all of the safeguards have been addressed and respected before they can receive results-based payments¹².

B. Paris Agreement

Paragraph 2, Article 5 of the Paris Agreement provides that “Parties are encouraged to take action to implement and support, including through results-based payments, the existing framework for policy approaches and positive incentives for activities relating to REDD, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries,” as well as “alternative policy approaches . . . such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing, as appropriate, non-carbon benefits associated with such approaches”.¹³

Decisions in COP21 to support this include identification of the alternative policy approaches, such as joint mitigation and adaptation, as alternatives to results-based payments that may contribute to the long-term sustainability of the implementation of REDD+ activities¹⁴, subject to the methodological guidance . . . as well as the guidance on safeguards and on systems for providing information on how the safeguards are addressed and respected when addressing issues related to REDD+¹⁵. Developing countries that seek to receive support for the design and implementation of alternative policy approaches¹⁶ may consider the (1) development of national strategies of action plans; (2) identification of support needs, including financial resources and technical and technological support; (3) development of proposals demonstrating how alternative policy approaches are contributing to REDD+ activities; and (4) consideration of outcomes and areas of improvement in accordance with national

¹¹ Decision 12/CP.19, Par. 5

¹² Decision 9/CP.19, Par. 4

¹³ Article 5/CP.21, Par.2

¹⁴ Decision 16/CP.21, Par. 4

¹⁵ Decision 16/CP.21, Par.3

¹⁶ Decision 16/CP.21, Par.5

circumstances by using adaptive management and learning, as appropriate.

Developing country Parties aiming to undertake REDD+ activities are requested to develop a national strategy or action plan, in the context of the provision of adequate and predictable support, in accordance with national circumstances.¹⁷

C. REDD+ Safeguards in the Philippines

The Philippines developed its own national strategy on REDD+ in compliance with this. The Philippines' national strategy¹⁸ on REDD+ has seven components, divided into four major strategies and three cross cutting strategies. The four major strategies are (1) governance, (2) enabling policies, (3) forest resource use, allocation and management, and (4) measurable, reportable and verifiable (MRV) system. The three cross cutting strategies are (1) capacity building and communication initiative, (2) research and development, and (3) sustainable financing.

REDD+ readiness has thus far been supported by international partners through grants and technical assistance. Readiness activities have focused on capacity building, forestland use planning and policy development, all geared toward creating an environment favorable for eventual full implementation of REDD+, including the receipt of performance based compensation and realizing the potential social and environmental co-benefits.

Work in this regard has included aligning national and local policy and governance with the Cancun Safeguards through the crafting of a national Safeguards Framework and Guidelines. Supported by the German government through Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, this initiative formed one component of efforts to establish a national REDD+ system for the Philippines. It drew on earlier studies supported by the UN-REDD Programme for the Philippines, and the Ford Foundation-supported REDD+ Safeguards Working Group.

The draft Framework and Guidelines were developed over a five year period by the Ateneo School of Government, in coordination with the Forest Management Bureau (FMB) of the Department of Environment and Natural Resources (DENR). During this

¹⁷ Decision 1/ CP.16. Par.71

¹⁸ Philippine National REDD+ Strategy (PNRPS), 2011

time, the document was constantly refined with inputs from multi-stakeholder consultations involving concerned government agencies, civil society organizations and local community representatives. In 2015 to early 2016, the draft was further subjected to field-testing, wherein it was presented in REDD+ pilot sites in the provinces of Davao Oriental, Eastern Samar and Albay. The resulting final draft has been endorsed to the FMB.

2. Framework of Analysis: REDD+ Safeguards Spectrum

Arhin (2014) rightly recognizes that while REDD+ safeguards represent admirable principles and valuable social goals, they “appear to mean different things to different groups in different contexts.”¹⁹ To aid in analysis of these safeguards, he proposes the REDD+ Safeguards Spectrum (RSS) as a framework to “unpack the many faces of REDD+ safeguards to guide their application and operationalization at the national and local levels.”²⁰ The RSS categorizes safeguards as 1) preventive, 2) mitigative, 3) promotive and transformative and uses these categories “to structure discussions on planning, implementation and understanding better the stylized outcomes of social safeguards for REDD+.”²¹ These are detailed in the Framework below (Table 1):²²

Table 1: Arhin’s RSS Framework

	Preventive Safeguards	Mitigative Safeguards	Promotive Safeguards	Transformative Safeguards
Main Purpose	To prevent people and communities from experiencing significant harm on their livelihoods due to specific strategies adopted for REDD+	To mitigate or minimize the negative distributional impact of REDD+ on local communities and their livelihoods	To promote and enhance opportunities or spaces for local communities to improve on their livelihoods and benefits from the REDD+ scheme	To pursue paradigm shifts in narratives, ideas, structures and legal frameworks in a way that increase access of and control of people and communities to


¹⁹ Arhin, Albert Abraham. "Safeguards And Dangerguards: A Framework For Unpacking The Black Box Of Safeguards For REDD +". *Forest Policy and Economics* 45 (2014), 25

²⁰ Ibid

²¹ Ibid

²² Arhin (2014), 28

	Preventive Safeguards	Mitigative Safeguards	Promotive Safeguards	Transformative Safeguards
				REDD+ benefits
How	Avoid deprivation laden strategies/ approaches to implement REDD+	Relieve the impact of the risks or negative consequences once they have occurred	Assert full rights and responsibilities rather than making changes in the prevailing socio-political and regulatory regime that affect marginalization	Seek to challenge the wider social, political and economic incentives producing marginalization. They aim at reforms to radically alter power relations among communities, government and other actors in a way that gives greater control to communities.
Examples	Avoiding forced eviction, landlessness, displacement and exclusion of local communities from use of resources such as non-timber forest products (NTFPs)	Resettlement of displaced communities, compensation of affected individuals and local communities, granting of partial use rights to NTFPs	Increased participation in policy making, promoting accountability and transparency in forest management, instituting and promoting practices that reduce elite capture, promoting free, prior and informed consent	Changing land tenure laws to give greater tenure security for communities, developing benefit sharing schemes which give greater control to communities, empowering communities to take initiatives to manage natural resources, redefining and institutionalizing greater involvement of local communities in

	Preventive Safeguards	Mitigative Safeguards	Promotive Safeguards	Transformative Safeguards
				the planning and decisions on forests at all levels, investing in expansion of assets of local communities
 <p>Increasing Protection and Benefits for Local Communities</p>				

The RSS Framework can also guide assessments of “how safeguards are actually operating in practice.”²³ For example, claims of “facilitating poverty reduction and empowerment of forest fringe communities” can be assessed with regard to whether they are “really delivering in practice but not employing a more do-no-harm approach.”²⁴

Chhatre et al. (2012) point to two social issues in particular as the focus of current debates on the ability of REDD+ initiatives to deliver on their purpose of “sequestering carbon while providing broader social co-benefits.”²⁵ These are “first, lack of tenure security, and second, inadequate avenues for local participation in designing and implementing interventions, shaping policies and making and enforcing rules governing natural resources.”²⁶ Both issues may be addressed by safeguards on both ends of the RSS framework. As such, they provide a good starting point for an analysis of the proposed Philippine Framework and Guidelines, which reflects many of these safeguards in various ways.

The RSS framework will be applied in this analysis to describe and analyze the proposed REDD+ Safeguards Framework and Guidelines, and their local-level iterations in the pilot sites in the municipality of Oas and Ligao City in the province of Albay. Following Chhatre et al.’s review, the analysis will focus on three factors: 1) tenure security of local forest communities, 2) avenues for local participation in policy-making, implementation and enforcement and 3) mechanisms for benefit sharing. Benefit sharing

²³ Arhin (2014), 29

²⁴ Arhin (2014), 29

²⁵ Chhatre, Ashwini et al. “Social Safeguards and Co-Benefits in REDD+: A Review of the Adjacent Possible.” *Current Opinion in Environmental Sustainability* 4 (2012), p. 655

²⁶ Ibid.

was not originally included in Chhatre et al.'s review, as it assumes that "the failure of local communities in securing access to benefits can be attributed in large measure" to the first two factors.²⁷ However, the field-testing of the proposed REDD+ Safeguards Framework and Guidelines revealed benefit sharing as a significant concern, not just of local communities with diverse interests, but government at the local and national levels as well. This is borne out by complementary efforts of the DENR and funding institutions to review options for REDD+ financing and benefit-sharing mechanisms.

3. Case Study: Municipality of Oas and Ligao City, Albay province

Per latest data, the province of Albay spans 49,052 hectares of forestland.²⁸ 35,416 hectares of this forestland is under forest cover, whether in closed forests or alienable and disposable lands. In 2015, the provincial government reported an 88 percent increase in terrestrial forest cover over the past seven years.²⁹ Portions of both sites are covered by a designated watershed forest reserve per Proclamation No. 84, series of 1992.³⁰ Under this issuance, 673 hectares in Ligao City and 425 hectares in the municipality of Oas are classified as protection forests.³¹

Nonetheless, illegal forest activities such as charcoal making and small-scale logging, are still occasionally reported. Some charcoal makers were reportedly also fisherfolks from the coastal areas. To address this, the Forest Land Use Plans had highlighted the need for alternative livelihoods. In Oas, the plan did proscribe charcoal making completely, instead communal forest areas were identified where wood could be legally sourced for local livelihoods.

For REDD+ implementation, the forests of Albay are not considered extensive. However, the province has developed expertise on climate change adaptation and disaster

²⁷ Ibid

²⁸ Officially, the DENR-FMB adopts the 2000 FAO definition of a forest, as "Land with an area of more than 0.5 hectare and tree crown cover (or equivalent stocking level) of more than 10%. The trees should be able to reach a minimum height of 5 meters at maturity in situ. It consist either of closed forest formations where trees of various storeys and undergrowth cover a high proportion of the ground or open formations with a continuous vegetation cover in which tree crown cover exceeds 10%."

²⁹ Barcia, Rhaydz. "Philippines First Climate Change Adaptation and Disaster Risk Reduction Management Center to Rise in Albay" *Philippine EnviroNews* (31 March 2015) available at <http://environews.ph/climate-change/philippines-first-climate-change-adaptation-and-disaster-risk-reduction-management-center-to-rise-in-albay/> accessed 15 February 2017

³⁰ Proclamation No. 84 series of 1992

³¹ DENR Region 5, "ENR Statistical Profile" (2013). Available at <http://r5.denr.gov.ph/index.php/e-library/compendium-of-enr-statistics>, accessed 15 February 2017

risk reduction, facilitated by the leadership of a progressive provincial government. A Climate Change Academy was established in the province in 2011, to provide training for other local government units. As such, the institutional support for REDD+ has gone further than in Albay than in other pilot areas, and their accumulated experience in climate change adaptation and disaster risk management can be built on by adding the dimension of mitigation co-benefits.

A. Land Tenure

In both Oas and Ligao, many People's Organizations have been issued Community-Based Forest Management Agreements (CBFMA). CBFMA are tenurial instruments that allow participating communities to access and develop forest and resources for a 25-year period, renewable for a further 25 years. Forestlands under CBFMA may be harvested using "environment-friendly, ecologically sustainable and labor intensive methods" in accordance with a management plan approved by the DENR.³²

Both areas recognize CBFM as a livelihood strategy that is readily available to forest communities. However, Guiang et al (2001) note, "while forestland communities and civil society groups have readily embraced the principles of CBFM, realization of its environmental, socio-economic and political objectives remains a challenge."³³ Among the challenges confronted concerns issues of sustainability, which includes the knowledge based on which the implementation is built.³⁴ Guiang et al (2001) explain this further by separating the "'hard" aspect, which refers to the technology and tools, including the fund for procuring them and the "soft" aspect, which pertains to the resource users' capacity for participation, organization, management, and governance."³⁵

Gaps in both these aspects are noted in the Albay sites. In Ligao, the Forest Land Use Plan (FLUP) raises that the CBFM areas are not "effectively managed", and that Peoples Organizations need technical assistance in the implementation, monitoring and evaluation of their management plans.³⁶ Similarly, the Oas FLUP considers the

³² Executive Order 263 series of 1995 Section 3

³³ Guiang, Ernesto, Salve Borlagdan and Juan Pulhin, "Community-based Forest Management in the Philippines: A Preliminary Assessment," *Institute of Philippine Culture, Ateneo de Manila University* (2001), p. 27

³⁴ Guiang, et al (2001), p. 30

³⁵ Ibid.

³⁶ City Government of Ligao, "Forest Land Use Plan 2016-2020 Executive Summary" (2016), p.8

management of their CBFM areas lacking.³⁷ The plan proposes that the DENR conduct an evaluation of the existing management plans and provide additional technical assistance for People's Organizations in the areas of fund raising and livelihood development.³⁸

Furthermore, as with other areas in the Philippines, overlapping tenure instruments in both areas are another challenge to REDD+ implementation. In Ligao, private properties overlap with identified timberlands, and are usually referred to the DENR for resolution. Areas under the Comprehensive Agrarian Reform Program of the government are also known to overlap with forestlands. In Oas, local government personnel said that overlaps between forestlands and CARP areas had been sufficiently addressed by obtaining a certification from the DENR prior to the issuance of any tenurial instruments.

B. Participation

Both Oas and Ligao have recently completed final versions of their FLUPs. These documents were primarily prepared by the local government unit, with support and technical assistance from the DENR and GIZ. In the field-testing of the proposed REDD+ Safeguards Framework and Guidelines, this process was the most frequently cited experience of stakeholder engagement in local policy-making and planning.

Both areas adopted a Working Group/Committee approach in the preparation of their FLUPs. In Ligao, a Steering Committee was formed, with an Executive Committee and Sub-Committees on (a) Monitoring, Evaluation and Learning; (b) Livelihood and Community Development Sub-Committee, (c) Forest Protection (d) Tenure Management, and (e) Conflict Management. The City Mayor headed the Executive Committee to oversee the process.³⁹ In Oas, a Technical Working Group was constituted, headed by the Municipal Agriculturist who concurrently served as the REDD+ focal person.⁴⁰

Local stakeholders and communities were engaged differently, although this engagement centered on organized stakeholders such as the local barangay officials,

³⁷ Municipal Government of Oas, "Final Draft Forest Land Use Plan" (2016), p.4

³⁸ Ibid.

³⁹ City Government of Ligao, "Forest Land Use Plan 2016-2020 Executive Summary" (2016), p.27

⁴⁰ Municipal Government of Oas, "Final Draft Forest Land Use Plan" (2016), p.24

CSOs and NGOs. Ligao adopted a more direct approach: a civil society representative was included on the Executive Committee, and CSO and/or NGO representatives were part of the sub-committees on Forest Protection, Tenure Management and Conflict Management.⁴¹ In Oas, the thematic maps prepared in connection with the community profiling conducted for the FLUP were presented to barangay officials and other stakeholders at a validation workshop. The workshop also served as a venue for the stakeholders to assess and prioritize areas for possible investments.⁴²

The FLUPs also contained subsequent plans for more extensive dissemination of information and awareness raising campaigns. The plans for these activities focused on forest conservation and management, relevant environmental laws and other aspects of the FLUP's implementation.

Feedback from these engagements was mixed. Focus Group Discussions (FGD) with the local government and the representative from the academe in Ligao reported broad multi-sectoral participation and effective coordination. However, local People's Organizations in the municipality of Oas raised issues of inclusion, as they were reportedly not made aware of the process.

The local *Bantay Kalikasan* (Forest Guard) groups are also an existing mechanism by which communities are engaged in forest protection and monitoring. These groups are usually organized at the barangay level, and the local government of Ligao shared that members receive an honorarium. However, community stakeholders in Ligao also conveyed that the limited number of forest guards limits their engagement. One person reportedly covers as much as 2,500 hectares of forestland, and does not have access to the necessary equipment to monitor this area. In Oas, members of Peoples' Organizations suggested that they be formally deputized by the DENR or local government and provided with a living allowance, to enable them to carry out forest protection and monitoring duties.

⁴¹ Ligao FLUP Executive Summary (2016), p. 12-13

⁴² Oas Draft Flup (2016), p. 27-28

C. Benefit-Sharing

Clarifying who owns the carbon in the trees is at the heart of crafting enforceable and equitable benefit sharing mechanisms for REDD+. Philippine policies do not yet provide this clarity, and the DENR and the National Commission on Indigenous Peoples (NCIP) have released administrative issuances that hold any carbon trading in abeyance pending a definitive policy on this matter. It is widely recognized that any benefit sharing scheme would have to recognize the rights of indigenous peoples and local communities with tenure over forestlands. However, there has been no official policy on how this is to be operationalized.

In Albay, as with the other pilot sites, carbon rights and the monetary benefits that would accrue from these are still largely tenuous concepts. Nonetheless, discussions at the FGD centered on the form of a benefit sharing agreement that would be most enforceable (e.g. a local ordinance, Memorandum of Agreement or other payment schemes). Thoughts on the division of any monetary benefits from REDD+ were more hypothetical, with participants from Ligao suggesting that these be downloaded to the local government for budgeting and distribution. A participant at the Oas FGD suggested a 50-50 division between the national government through the DENR and the local community managing the REDD+ site.

4. Application of the RSS and Analysis

Principle 4 of the proposed Safeguards Framework and Guidelines addresses issues of participation when it states, “REDD+ involves, consults and ensures sustained and enabled participation of stakeholders, with particular attention to indigenous peoples, local communities and other vulnerable and marginalized groups.”⁴³ Under this principle, Criteria 12 specifies the need for “full and effective participation in the designing, planning and implementation of REDD+ activities.”⁴⁴ Principle 5 further speaks to how “REDD+ builds and strengthens the capacity of stakeholders, especially indigenous peoples, local communities and government entities in managing lands and resources.”⁴⁵ Participation is likewise underscored in the Principle 6 on fair and equitable benefit

⁴³ Draft Safeguards Framework and Guidelines (2016), p10

⁴⁴ Ibid.

⁴⁵ Draft Safeguards Framework and Guidelines (2016), p11

sharing, with criteria 17 pinpointing the need for “project costs, potential benefits and associated risks of REDD+ activities to be identified for indigenous peoples, local communities and other vulnerable groups through a participatory process.”⁴⁶

Principle 2 on guaranteeing REDD+ “consistency with and contribution to national poverty reduction strategies and other sustainable development goals”⁴⁷ identifies increased tenure or recognition of ownership as an indicator of the improved living conditions of rights holders in forest areas.⁴⁸ Tenure holders are repeatedly included throughout the proposed Framework and Guidelines as parties to be engaged, and there are indicators that pertain to the need for participatory mapping, resource inventories and identification of rights holders.

Philippine policy has strived to be promotive to achieve avowed social justice objectives. The Indigenous Peoples Rights Act of 1997, for example, provides a strong framework for recognition of ancestral land rights and the exercise of self-determination through Free, Prior and Informed Consent that is unmatched in the Southeast Asian region. Tenure for local communities is also enabled by policies on CBFM and similar arrangements in protected areas and agrarian reform zones. Participation of local communities and vulnerable sectors is provided for in the Local Government Code, which mandates consultations with concerned sectors before projects with potentially harmful environmental impacts can be implemented.

However, while these policies and mechanisms would provide an adequate framework for “doing good” through REDD+, or “promoting or enhancing spaces for forest people and communities to contribute to decision-making, improve on their livelihood and benefit from REDD+,”⁴⁹ they operate within a context that is beset by challenges. Securing community land tenure is a tedious and costly process that few communities can afford, especially when land claims overlap with State or business interests. Participation is still prone to elite capture, as “clientilism and bureaucratic capture continue to characterize governance institutions in the country.”⁵⁰ These

⁴⁶ Draft Safeguards Framework and Guidelines (2016), p27

⁴⁷ Draft Safeguards Framework and Guidelines (2016), p2

⁴⁸ Draft Safeguards Framework and Guidelines (2016), p3

⁴⁹ Arhin (2014), p27

⁵⁰ Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP), Social Accountability Practice in the Philippines: A Scoping Study (January 2010), p. 17

mechanisms have hidden transaction costs, and the legal and institutional measures in place that would check these are weak and underutilized.⁵¹

Finally, with the question of carbon ownership still unsettled, benefit sharing cannot be decided concretely and is still prone to speculation.

The current expressions of REDD+ safeguards in Ligao and Oas are concrete illustrations of this disjuncture between promotive policy and transformative policy. While the strong support from local government has allowed these areas to make significant headway in their efforts at Forest Land Use Planning and other REDD+ readiness activities, there is no guarantee that these will be sustained and implemented when local administrations change hands and the project cycles end.

Upkeep for programs that have been identified as effective, such as the *Bantay Gubat* and the CBFM, is still largely uncertain. To use Arhin's example, while stakeholder engagement has thus far promoted full and effective participation and has been empowering for some sectors, it falls short of addressing the fundamental reasons why people had not previously been participating.⁵² Unlike the transformative safeguards that he envisages, these rely very much on "business as usual" policies and practice.⁵³

Operationalizing the draft Safeguards Framework and Guidelines could represent the transformational element in ensuring that REDD+ translates into actual gains for all stakeholders. They go the extra step toward transformation by actively providing for factors that are often overlooked, such as building capacities, providing for technical assistance and budgetary support and highlighting coordinated and consistent action from government agencies. The broad based and thorough consultations conducted to test and validate them add strength to the document.

5. Conclusion

However, to realize this transformation, national-level guidance is imperative. The draft Safeguards Framework and Guidelines have gone as far as they can with the shepherding

⁵¹ See: Mayo-Anda, G. Tackling Corruption for Governing REDD in the Philippines, U4 Anti-Corruption Resource Center U4 Issue 2011:4 (May 2011), p. 8, available at <http://www.u4.no/publications/tackling-corruption-for-governing-redd-in-the-philippines/>

⁵² Arhin (2014), p27

⁵³ Arhin (2017), p28

of civil society and international partners and it is left to national government to formalize their adoption and roll-out.

The confusion with regard to which national government agency has jurisdiction over REDD+ does little to help address this inaction. Under Executive Order 881 (2010), the Climate Change Commission is the designated agency for the coordination of existing climate change initiatives, including REDD+. The same issuance further designates the DENR as the operational implementer for REDD+. It is not made any clearer than this how functions are to be divided. Because in part of this, the National Multi-stakeholder REDD+ Council originally envisioned by the Philippine National REDD+ Strategy (PNRPS) has not yet been constituted.

The proposed Safeguards Framework and Guidelines for REDD+ cannot address all the governance and socio-economic issues that confront forest communities. However, they do represent an opportunity to be transformative in a way that realizes not only the performance-based compensation that REDD+ activities can provide, but the other social and environmental co-benefits that proper implementation can create.

References

Affiliated Network for Social Accountability in East Asia and the Pacific. 2010. *Social Accountability Practice in the Philippines: A Scoping Study*. Available at http://www.ansa-eap.net/assets/78/57-1-4_Philippines_Scoping_Study.pdf

Arhin, A. 2014. *Safeguards and Danguards: A Framework for Unpacking the Black Box of Safeguards for REDD+*. Forest Policy and Economics 45, 24-31.

Ateneo de Manila University-School of Government. Draft Safeguards Framework and Guidelines. 2016. Unpublished.

Barcia, R. 2015. *Philippines First Climate Change Adaptation and Disaster Risk Reduction Management Center to Rise in Albay*. Philippine EnviroNews. Available at <http://environews.ph/climate-change/philippines-first-climate-change-adaptation-and-disaster-risk-reduction-management-center-to-rise-in-albay/>

Chhatre, A., Lakhanpal, S., Larson, A., Nelson, F., Ojha, H. and Rao, J. 2012. *Social Safeguards and Co-benefits in REDD+: A Review of the Adjacent Possible*. Current Opinion in Environmental Sustainability 4, 654-660.

City Government of Ligao. 2016. Forest Land Use Plan 2016-2020. Unpublished.

Philippine National REDD+ Strategy Brief. Available at https://forestry.denr.gov.ph/redd-plus-philippines/updates/pnrps_draft.pdf

Department of Environment and Natural Resources Region 5. 2013. ENR Statistical Profile. Available at <http://r5.denr.gov.ph/index.php/e-library/compendium-of-enr-statistics>

Guiang, E., Borlagdan, S. and Pulhin, J. 2001. *Community-based Forest Management in the Philippines: A Preliminary Assessment*. Institute of Philippine Culture, Ateneo de Manila University, Quezon City.

Mayo-Anda, G. 2011. *Tackling Corruption for Governing REDD in the Philippines*. U4 Anti-Corruption Resource Center U4 Issue 2011:4. Available at <http://www.u4.no/publications/tackling-corruption-for-governing-redd-in-the-philippines/>

Municipal Government of Oas. 2016. Final Draft Forest Land Use Plan. Unpublished.

Murphy, D. 2011. Safeguards and Multiple Benefits in a REDD+ Mechanism. International, Winnipeg.

Government of the Philippines. Proclamation No. 84 series of 1992.

Government of the Philippines. Executive Order 263 series of 1995.

Government of the Philippines. Executive Order 881 series of 2010.

UNFCCC. 2010. Decision 1/CP.16 The Cancun Agreements. FCCC/CP/2010/7/Add1

UNFCCC. 2011. Decision 12/CP.17 Guidance on Systems for Providing Information on how safeguards are addressed and respected and modalities related to forest reference emission levels as forest reference levels as referred to in Decision 1/CP.16. FCCC/CP/2011/9/Add2

UNFCCC. 2013. Decision 9/CP.19 Report on credentials. Report of the Bureau. FCCC/CP/2013/9

UNFCCC. 2013. Decision 12/CP.19

UNFCCC. 2015. Adoption of the Paris Agreement. FCCC/CP/2015/L.9

Visseren-Hamakers, I., McDermott, C., Vijge, M., Cashore, B., 2012. *Trade-offs, co-benefits and safeguards: current debates on the breadth of REDD+* Current Opinion in Environmental Sustainability 4, 646–65



ATENEO

ATENEO
SCHOOL OF
GOVERNMENT

Forming Leaders. Leading Reforms.