

ART TREES REVIEW

UN Environment Programme – September 2019

ON PROCESS

“The Proposed TREES Participant selects an approved TREES Validation and Verification Body from the list of approved ART Validation and Verification Bodies maintained on the ART website. The Participant solicits bids and negotiates contracts directly with the selected Validation and Verification Body.”

Learning from past experiences, we believe that ART will ensure greater levels of environmental integrity through an independent evaluation panel directly contracted by the ART secretariat, not the Participant. The current TREES modality opens the door to sub-optimal incentives for honest assessment by the VVB (because of the effect of bad reviews on other potential clients). It also reduces, what will be perceived by supply countries as ever-escalating, transaction costs to access results-based payments (RBPs).

“The TREES Participant submits a TREES Monitoring Report to the Secretariat for review following calendar years 1, 3, and 5 of each crediting period. A TREES Monitoring Report may optionally be submitted in years 2 and 4 as outlined in Section 14. At the start of each new crediting period, an updated TREES Registration Document must also be completed and submitted by the TREES Participant.”

We firmly believe that one of the eligibility conditions for being credited under TREES should be compliance with the UNFCCC requirements, particularly that countries record the ERs in the Info Hub of the UNFCCC. In this case, countries could access TREES at any given interval rather than in specific years. Also note that there is already a risk of having multiple accounting platforms for REDD+ results and there is a need to ensure at least one platform keep tabs on all ERs. We believe that platform should be the UNFCCC Info Hub.

“TREES Participants shall use the latest version of the template for each of the seven documents listed below when submitting documents to the ART [...] Templates of all forms are available on the ART website.”

We could not find the templates in the ART website. If still not developed, we strongly suggest they get as close as possible, in terms for content and structure, to other existing templates with which countries are already familiar, for example, the full proposal template for RBPs from the GCF. The transaction costs of developing these applications are non-trivial and often human resources in countries are stretched. Facilitating submissions by minimizing differences in templates can help clients much.

“2.5 TIMELINE AND DEADLINES”

The expected timelines for information collection, submission of documents and validation/verification should be explained in more detail and linked – a diagram would help.

ON ELIGIBLE ACTIVITIES

“Each TREES Participant shall submit a REDD+ implementation plan as part of the initial documentation and each subsequent TREES Monitoring Report which outlines the programs or activities including locations planned to achieve the ERs.”

As mentioned in a comment before, TREES should pay for ERs already achieved and recorded in the Info Hub. It may well discount these ERs based on more stringent criteria. In this case, there would be no need to regularly ask countries for “implementation plans” (because the ERS have already been achieved)

Should TREES maintain its original approach, then we suggest that implementation plans be required to show consistency and alignment with national REDD+ strategies or action plans (NS/APs), as required under the UNFCCC, and which the donor community has invested much resources in already, and in-country stakeholders have strong ownership of (i.e. national government approval) and feel familiar with. Reference to government-approved national and subnational REDD+ implementation plans could also be made, as many countries have put these in place to put their NS/APs into operation.

ON SCOPE OF ACTIVITIES

“TREES incorporates accounting for emissions from forestland (deforestation, forest degradation and emissions from forest management). As stated in Section 3.2, accounting of removals is planned for a later version of the TREES Standard.”

When will TREES include REDD+ greenhouse gas removals activities, enhancement of forest stocks and forest restoration? Carbon capture through nature-based solutions will have a major role to play in achieving the 2030 mitigation targets and carbon markets can play an important part in financing these efforts.

ON CARBON ACCOUNTING

“TREES requires alignment with the most recent Intergovernmental Panel on Climate Change (IPCC) Guidelines endorsed by the Conference of the Parties to the UNFCCC, except where other methods are explicitly allowed under the Standard.”

Include references to specific documents and sources, e.g. providing full references to IPCC documents/sections in question; pointing only to ‘the IPCC Guidelines’ is too vague.

ON CREDITING

“For the initial crediting period TREES Participants shall calculate a Crediting Level from the average of emissions during a historical period.”

It is likely that countries will be reluctant to accept a reference level that is either different from the Forest Reference Emission level (FREL) they may already have agreed under UNFCCC or might weaken their position in ongoing negotiations on such a FREL. We suggest that FRELs presented to the UNFCCC are eligible for ART. We are concerned about the proliferation of FRELs that countries must construct to meet different standards. ART could require that FRELs are not older than an x number of years (it would be up to the country to renew its FREL through an updated submission to the UNFCCC). ART could also apply a discount to the FREL (e.g. 15% of the 90% confidence level) and could also apply a reduction on the crediting line every x number of years. None of these measures would be incompatible with using the FREL already submitted to the UNFCCC.

ON SAFEGUARDS

“Participants will be able to fully draw upon the design and implementation work conducted to date on national safeguard systems.”

The links with the UNFCCC safeguards requirements should be strengthened in the Standard. Countries should be asked to provide a link to their safeguards information system (SIS) and latest summary of information on safeguards. Explicit reference should be made to the SIS and summaries of information as means of verification of conformance with all Cancun safeguards, themes and indicators required by TREES. This will allow TREES to a) provide valuable structure and content to summaries of information; b) drive a race to the top in terms of SIS and summary quality; and c) encourage greater transparency, as information included in SIS and summaries of information are likely to have been validated by national stakeholders, whereas no such process is required for TREES submissions according to the current draft standard.

“Verification will occur against the indicators only; as such, applicability and scope conditions are included as appropriate.”

The safeguards indicators are practically unverifiable in their current formulation and would benefit from:

- a simplified, less legalistic, language making the indicators more straightforward and easier to understand.
- greater coherence and internal consistency between the three indicators of a theme, i.e. strengthen the links between structure, process and outcome indicators.
- being limited to unpacking the safeguards into their relevant constituent topics, and not adding thematic scope to the safeguard with novel terms and clauses.
- explanation of how indicators can allow Participants to ‘demonstrate continued improvement in meeting the Cancun Safeguards’ beyond the first crediting period.
- explanation of how verification occurs and how reporting against the indicators will be reviewed objectively.
- further comprehensive guidance on definitions and means of verification (methodology, templates or explanations) against the safeguards indicators to demonstrate conformance.

- specific changes suggested for the formulation of some indicators, as presented in Annex I below.

The payments for REDD+ results to be made under ART need to consider the costs of reporting and verifying conformance with all the safeguards aspects of TREES. Noting that the incentive structure and floor pricing are not presented with the draft Standard, so no comment can be made on financial returns versus burden of cost of safeguards compliance beyond UNFCCC requirements.

“12.4.6 Cancun Safeguards F and G

Actions to address the risks of reversals

Actions to reduce displacement of emissions

THEME 6.1 Design, prioritization, implementation, and periodic assessments of REDD+ policies and measures that take into account the risks of reversals and displacement

THEME 6.2 National Forest Monitoring System (NFMS) designed, maintained, and implemented with the appropriate frequency to detect and provide information on reversals and displacement events

THEME 6.3 Carbon accounting risk mitigation mechanisms such as buffer pools

No indicators have been developed for these criteria as these issues are addressed by requirements in other sections of the Standard.”

Section on Cancun safeguards F and G should be separated into two, one for safeguard F and another section for safeguard G. An explanation is needed in each of these two sections on how these two safeguards connect with other sections of the Standard. These safeguards seek to reduce the risk of reversals and displacement of emissions not, as currently presented in the draft Standard, only to monitor and account for them. The three themes indicated must be elaborated upon to produce corresponding indicators, similar to what has been done for other safeguards. The definition of leakage should also include leakage to non-forest ecosystems, which has been shown to be significant for some countries. For the purpose of implementing the Cancun safeguards, leakage to areas not meeting the forest definition (such as open woodland or savannahs) should be taken into account.

ON DEFINITIONS

The definitions section should be revised, some texts are explanatory notes and do not provide a definition. The definitions could be based in widely accepted definitions and include references (e.g. there is not definition for ‘indigenous peoples’ adopted in the international law and it is seen as unnecessary and undesirable – UNDRIP). Suggest to review the definitions of ‘crediting level’, ‘customary law’, ‘ecosystem services’, ‘indigenous peoples’, ‘land cover change (versus forest cover change)’, ‘land tenure rights’, ‘land use change (versus forest use change)’, ‘local communities’, ‘national forest programs’, ‘natural forest’ (countries have their own definition, used for FREL and forest monitoring systems), addressing versus respecting safeguards (review overlap in definitions), and ‘traditional knowledge’.

Annex I Suggested changes to safeguard indicators

Theme	Former indicator (structure-S; process-P; outcome-O)	Proposed of adjusted indicator	Additional comments
1.1 Consistency with the objectives of national forest policies and programs	S: Domestic legal framework for REDD+ actions is clearly defined and designed in consistency with national forest policies/programs	REDD+ actions are clearly defined in consistency with national forest policies and programs.	The safeguard A indicates that REDD+ actions should be consistent with national forest programs. It does not ask for a domestic legal framework for REDD+.
	P: Public institutions have made use of, mandates, procedures and resources to ensure REDD+ actions are integrated into the broader policy framework of the forest sector, and inconsistencies identified and resolved.		
	O: Implementation of REDD+ actions has been consistent or complemented the objectives of the national forest policies/programs	Implementation of REDD+ actions has contributed to the objectives of national forest policies and programs.	
1.2 Consistency with the objectives of relevant international conventions and agreements	S. Domestic legal framework for REDD+ actions recognize and promote the application of ratified relevant international conventions and agreements in the context of implementation of REDD+ actions.	REDD+ actions are clearly defined in consistency with the relevant, ratified international conventions and agreements.	
	P: Public institutions have made use of mandates, procedures, and resources to ensure REDD+ actions integrate specific measures that recognize and promote the application of ratified relevant international conventions and agreements.	Public institutions have made use of mandates, procedures and resources to ensure that REDD+ actions recognize and promote the application of relevant, ratified international conventions and agreements.	
	O: Implementation of REDD+ actions has been consistent or has complemented the objectives of identified, ratified and relevant international conventions and agreements.	Implementation of REDD+ actions has contributed to the objectives of the relevant, ratified international conventions and agreements.	
2.1 Respect, protect, and fulfill	S: Participants have in place procedures for accessing information in accordance with international human rights standards, and these	The legal framework defines procedures for accessing information	

the right of access to information	are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.	on the design, implementation and monitoring of REDD+ actions.	
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions and agreements and/or domestic legal framework, policies, and programs for accessing information.	Procedures are implemented for accessing information on the design, implementation and monitoring of REDD+ actions.	Previous indicator difficult to measure, as several elements were considered.
	O: Public has been aware of and exercised the right to seek and receive official information on the implementation of REDD+ actions, as well as the addressing and respecting of safeguards throughout that implementation.	Relevant stakeholders have exercised the right to access information on the implementation of REDD+ actions.	If the public in general need to be informed and aware about this right, other indicators are needed. This might go beyond the scope of REDD+.
2.2 Promote transparency and implement anti-corruption measures (the word 'prevent' needs to be deleted)	S: Participants have in place anti-corruption measures reflecting the principles of rule of law, proper management of public affairs and public property, integrity, transparency, and accountability, and these are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.	The legal framework determines procedures for promoting transparency and prevention of corruption throughout the implementation of REDD+ actions.	Explanatory notes related to the indicator could explain that the principles of rule of law, proper management of public affairs and public property, integrity, transparency, and accountability should be considered.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal frameworks that includes anti-corruption measures reflecting principles of the rule of law, proper management of public affairs and public property, integrity, transparency, and accountability.	Procedures are implemented for promoting transparency and prevention of corruption throughout the design, implementation and monitoring of REDD+ actions.	
	O: The disbursement and allocation of REDD+ finance related to the implementation of the REDD+ actions have been carried out in a fair, transparent, and accountable manner, as per relevant ratified international conventions, agreements, and/or domestic legal framework.	The domestic allocation and disbursement of REDD+ revenues have been carried out in a fair, transparent, and accountable manner.	Explanatory notes related to the indicator could explain that 'fair, transparent and accountable' are all defined as per relevant ratified international conventions, agreements, and/or domestic legal framework.

2.3 Respect, protect, and fulfill land tenure rights	S: Participants have in place procedures for the recognition, inventorying, mapping, and security of customary and statutory land and resource tenure rights where REDD+ actions are implemented, and these are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.	Procedures are in place for recognising, inventorying, mapping, and securing (customary and statutory) land and resource tenure rights where REDD+ actions are implemented.	Explanatory notes related to the indicator could explain that these procedures are anchored in relevant ratified international conventions/ agreements and/or domestic legal framework.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework that includes an effective process to recognize, inventory, map, and secure (statutory and customary) rights to lands and resources relevant to the implementation of REDD+ actions.	Procedures are implemented for recognising, inventorying, mapping, and securing (customary and statutory) land and resource tenure rights where REDD+ actions are implemented.	Explanatory notes related to the indicator could explain that procedures for recognising, inventorying, mapping, and securing (customary and statutory) land and resource tenure rights are anchored in relevant ratified international conventions/ agreements and/or domestic legal framework.
	O: Stakeholders had access to, use of, and control over land and resources in conformity with relevant ratified international conventions, agreements, and/or domestic legal framework; and no relocation took place without the free, prior, and informed consent (FPIC) of any indigenous peoples and local communities (or equivalent) concerned.	Rightsholders maintained access to, use of, and control over land and resources; and no relocation took place without the free, prior, and informed consent (FPIC) of any indigenous peoples and local communities.	Explanatory notes related to the indicator could explain that access to, use of, and control over land and resources is achieved through implementation of procedures anchored in relevant ratified international conventions/ agreements and/or domestic legal framework.
2.4 Respect, protect, and fulfill access to justice	S: Participants have in place procedures for guaranteeing non-discriminatory and non-cost prohibitive access to dispute resolution mechanisms at all relevant levels, and these are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.	Judicial and/or administrative procedures are in place for guaranteeing non-discriminatory and non-cost prohibitive access to dispute resolution mechanisms at all relevant levels.	Explanatory notes related to the indicator could explain that the procedures for guaranteeing non-discriminatory and non-cost prohibitive access to dispute resolution mechanisms are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework that includes judicial and/or	Judicial and/or administrative procedures for guaranteeing non-discriminatory and non-cost prohibitive access to dispute resolution mechanisms, at all relevant levels, have	Explanatory notes related to the indicator could explain that the judicial and/or administrative procedures for legal redress provide, which, <i>inter alia</i> , access for indigenous peoples, local

	administrative procedures for legal redress, which, <i>inter alia</i> , provide access for indigenous peoples, local communities, or equivalent stakeholders with a recognized legal interest.	been applied throughout the design, implementation and monitoring of the REDD+ actions.	communities, or equivalent stakeholders with a recognized legal interest.
	O: Resolved disputes, competing claims, and effective recourse and remedies have been provided when there was a violation of rights.	Disputes and competing claims have been resolved, and effective recourse and remedies have been provided for grievances arising from the implementation of REDD+ actions.	
3.1 Identify indigenous peoples and local communities, or equivalent.	S: Participants have in place procedures that require the identification of the distinct identity of indigenous peoples, and local communities, or equivalent, and these are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.	The legal framework recognizes the distinct identity of indigenous peoples and local communities as legal subjects, with right to self-determination.	UNDRIP states there is not definition for 'indigenous peoples' adopted in the international law and it is seen as unnecessary and undesirable.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework that identify indigenous peoples and local communities, or equivalent.	Procedures are implemented to identify indigenous peoples and local communities potentially affected by, or benefiting from, the design, implementation and monitoring of REDD+ actions.	
	O: Indigenous peoples and local communities, or equivalent, have been identified and their interests recognised in the design of REDD+ actions.	Indigenous peoples and local communities have been identified and their interests were considered in the design, implementation and monitoring of REDD+ actions.	
3.2 Respect and protect traditional knowledge	S: Relevant ratified international conventions/agreements, and/or domestic legal framework define, respect, and protect indigenous people's knowledge and local communities' knowledge.	The legal framework defines procedures that promote the respect and protection of traditional knowledge, innovations, and practices of indigenous peoples and local communities.	
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic	Procedures are implemented to promote the respect and protection of traditional knowledge, innovations, and practices	

	legal framework that aim to protect the rights of indigenous and local communities over their traditional knowledge, innovations, and practices.	throughout the design, implementation and monitoring of the REDD+ actions.	
	O: Traditional knowledge of indigenous peoples and local communities, or equivalent, has been identified and incorporated in the design and implementation of REDD+ actions.	Indigenous peoples and local communities have given their FPIC to use their traditional knowledge, innovations, and practices in the design, implementation and monitoring of REDD+ actions.	Traditional knowledge should not be used without FPIC.
3.3 Respect, protect, and fulfill rights of indigenous peoples and local communities, or equivalent	S: Participants have in place processes that recognize, respect, and protect the full measure of human rights and fundamental freedoms for its citizens, recognizing the distinct identity and rights of indigenous peoples in conformity with customary law, institutions, and practices, and these are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.	The legal framework defines procedures for recognizing, respecting, and protecting the rights of indigenous peoples and local communities.	Explanatory notes related to the indicator could explain that the procedures for recognizing, respecting, and protecting the rights of indigenous peoples and local communities, cover the full measure of human rights and fundamental citizens' freedoms, recognizing the distinct identity and rights of indigenous peoples in conformity with customary law, institutions, and practices, and that these procedures are anchored in relevant ratified international conventions/ agreements and/or domestic legal framework.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework to protect and fulfill the rights of indigenous peoples and guarantee respect for their integrity throughout the implementation of the REDD+ actions.	Procedures are implemented to recognize, respect and protect the rights of indigenous peoples and local communities throughout the design, implementation and monitoring of REDD+ actions.	
	O: The full measure of human rights and fundamental freedoms of indigenous peoples and local communities, or equivalent, have been identified and incorporated in the design and implementation of REDD+ actions.	The rights of indigenous peoples and local communities were taken into account in the design, implementation and monitoring of REDD+ actions.	
4.1. Respect, protect, and fulfill	S: Participants have in place procedures that recognize, respect, and protect the right of all	The legal framework defines procedures that recognize, respect and	Explanatory notes related to the indicator could explain that full and effective

<p>the right of all relevant stakeholders to participate fully and effectively in the design and implementation of REDD+ actions</p>	<p>relevant stakeholders to participate fully and effectively, including timely access and culturally appropriate information prior to consultations, and these are anchored in relevant ratified international conventions/agreements and/or domestic legal framework.; access is established to recourse mechanisms to ensure the participation process is respected.</p>	<p>protect the rights of relevant stakeholders to participate fully and effectively in the design, implementation and monitoring of REDD+ actions.</p>	<p>participation, includes, <i>inter alia</i>: stakeholder identification and mapping; disaggregation of stakeholder constituencies into different groups based on age, gender, poverty level etc.; timely access to, and culturally appropriate, information prior to consultations; access to recourse mechanisms; etc.</p>
	<p>P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework in the design and implementation of REDD+ actions.</p>	<p>Procedures are implemented to promote full and effective participation of relevant stakeholders in the design, implementation and monitoring of REDD+ actions.</p>	
	<p>O: Relevant stakeholders have participated fully and effectively in the design and implementation of REDD+ actions.</p>		
<p>4.2. Promote adequate participatory procedures for the meaningful full and effective participation of indigenous peoples and local communities effectively in the design and implementation of REDD+ actions, or equivalent</p>	<p>S: Relevant ratified international conventions, agreements, and/or domestic legal framework recognizes, respects, and protects the right of participation of indigenous peoples and local communities, or equivalent, through their traditional/community structures for decision-making processes,¹⁷ which requires appropriate procedures take place in a climate of mutual trust.</p>	<p>The legal framework defines procedures to promote full and effective participation of indigenous peoples and local communities in the design, implementation and monitoring of relevant REDD+ actions.</p>	<p>Explanatory notes related to the indicator could explain that the procedures to promote full participation of indigenous peoples and local communities should consider, <i>inter alia</i>: use of traditional/community structures for decision-making processes; creating a climate of mutual trust.</p>
	<p>P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework to ensure, where relevant, the participation of indigenous peoples and local communities, or equivalent.</p>	<p>Procedures are implemented to promote full and effective participation of indigenous peoples and local communities in the design, implementation and monitoring of relevant REDD+ actions.</p>	
	<p>O: Planning, coordination, implementation, and evaluation of REDD+ actions were, where relevant, undertaken with the participation of indigenous peoples and local communities, or</p>	<p>Design, implementation and monitoring of relevant REDD+ actions were undertaken with the FPIC and the full and effective participation of</p>	

	equivalent, through which FPIC, in accordance with relevant international and/or domestic legal framework, was given.	indigenous peoples and local communities.	
5.1 Non-conversion of natural forests	S: Relevant ratified international conventions, agreements, and/or domestic legal framework consistently define the term natural forests, distinguishing them from plantations and spatial distribution of natural forests is mapped.	The legal framework consistently defines the term natural forests, distinguishing them from plantations, and spatial distribution of natural forests is mapped.	This legal framework should be in line with relevant ratified international conventions, agreements.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework to ensure the design and implementation of REDD+ actions avoids the conversion of natural forests.	The design and implementation of REDD+ actions avoids the conversion of natural forests to plantations or other land uses.	
	O: REDD+ actions did not result in the conversion of natural forests to plantations or other land uses.		
5.2 Protect natural forests, biological diversity, and ecosystem services	S: Relevant ratified international conventions, agreements, and/or domestic legal framework identifies priorities for the protection and conservation of natural forest areas, biodiversity, and ecosystem services, to which REDD+ actions could contribute.	The legal framework identifies priorities, to which REDD+ actions could contribute, for the protection and conservation of natural forest areas, biodiversity, and ecosystem services.	
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework to ensure REDD+ actions are designed and implemented with a view to avoiding adverse impacts on natural forest areas, biodiversity, and ecosystem services potentially affected.	REDD+ actions are designed, implemented and monitored in a manner that incentivizes protection and conservation of natural forest areas, biodiversity, and ecosystem services.	
	O: REDD+ actions maintain natural forest areas; biodiversity and ecosystem service priorities are identified.	REDD+ actions maintain identified priority natural forest areas, biodiversity and ecosystem services.	

5.3 Enhancement of social and environmental benefits	S: Relevant ratified international conventions, agreements, and/or domestic legal framework regulate the assessment of social and environmental benefits of interventions in those sectors implicated for REDD+ actions.	The legal framework identifies priorities, to which REDD+ actions could contribute, for the enhancement of social and environmental benefits.	Should be done with participation of relevant stakeholders.
	P: Public institutions have made use of mandates, procedures, and resources to implement relevant ratified international conventions, agreements, and/or domestic legal framework to ensure social and environmental benefits are identified and integrated into the design and implementation of REDD+ actions.	REDD+ actions are designed, implemented and monitored in a manner that incentivizes enhancement of priority social and environmental benefits.	
	O: REDD+ actions have contributed to delivering social and environmental benefits.	REDD+ actions have delivered priority social and environmental benefits.	