



Article 6 and REDD+ Safeguards

Table of Contents

| | |
|--|----------|
| 1. Introduction..... | 2 |
| 1.1. What is Article 6 of the Paris Agreement?..... | 2 |
| 1.2. Is REDD+ considered under Article 6? | 3 |
| 1.3. What are the objectives of this briefing paper? | 3 |
| 2. Applicable REDD+ safeguard requirements..... | 3 |
| 2.1. What are the REDD+ safeguard requirements under Article 6? | 3 |
| 2.2. REDD+ safeguard requirements and approaches under Article 6.2 | 4 |
| 2.3. REDD+ safeguard requirements and approaches under Article 6.4 | 5 |
| 2.4. REDD+ safeguard requirements and approaches under Article 6.8 | 5 |
| 2.5. REDD+ safeguard requirements under the Warsaw Framework | 5 |
| 2.6. The Paris Agreement safeguards | 6 |
| Key Considerations..... | 8 |

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1. Introduction

1.1. What is Article 6 of the Paris Agreement?

One of the key outcomes of the Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC) is the establishment of a framework, under Article 6, which allows countries to voluntarily cooperate in their efforts to address climate change, and enables international carbon trading.

Article 6.1 introduces the overall purpose of the cooperation: to allow for higher mitigation and adaptation ambition and to promote sustainable development and environmental integrity. There are three key approaches under Article 6 (See Figure 1).

1. Article 6.2 on cooperative approaches provides for the transfer of ‘internationally transferred mitigation outcomes (ITMOs) for raising (mitigation) ambition and sustainable development.
2. Article 6.4 establishes a multilateral mechanism under the supervision of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA). This mechanism is likely to resemble the Clean Development Mechanism (CDM) and Joint Implementation (JI) of the Kyoto Protocol.
3. Article 6.8 provides a framework for non-market approaches, such as technology transfers, capacity building and finance provision.

Both Article 6.2 and Article 6.4 provide a mechanism for countries that are on track to exceed their Nationally Determined Contribution (NDC) target, to trade units with other countries. The key difference between these Articles, however, are that Article 6.2 provides for decentralised cooperative approaches directly between countries, whilst Article 6.4 establishes a mechanism overseen by an international supervisory body. Both Article 6.2 and 6.4 require host country authorization of international transfers and corresponding adjustments of associated authorized transfer volumes to be reported to the UNFCCC.

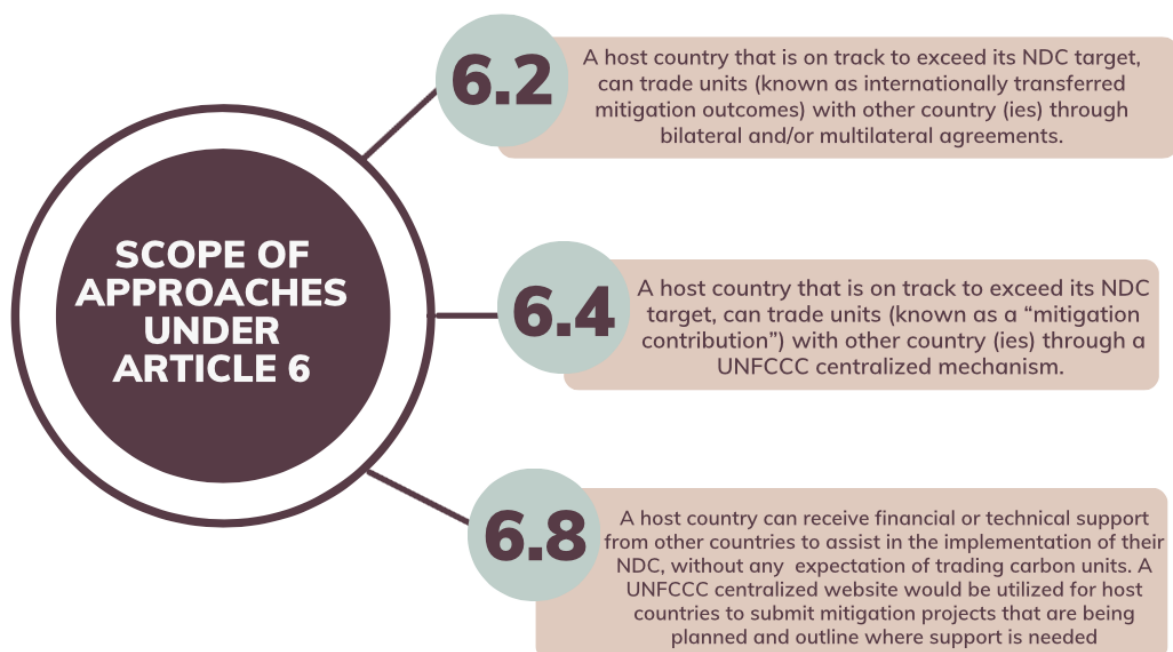


Figure 1: Scope of Approaches under Article 6

1.2. Is REDD+ considered under Article 6?

Nature-based solutions, including REDD+ activities are included under Article 6.2 and 6.8.

It should be noted that under Article 6.2, ITMOs, by definition, are to be generated in 2021 or later. This means that any REDD+ carbon units that would be traded through bilateral or multilateral agreements would need to be generated from 2021 onwards.

In the case of Article 6.8, countries can receive technical and financial support (including results-based payments) for REDD+ activities, including activities that commenced before 2021. This approach is aligned with the historical support for REDD+, that has come from bilateral deals and multilateral funds, such as the World Bank's Forest Carbon Partnership Facility. The technical and financial support provided by these programs/initiatives have helped countries set up and strengthen their REDD+ programs.

In the case of Article 6.4, the inclusion of REDD+ activities are currently being considered by the Supervisory Body. It has called for public input and reviewed submissions from Parties and observers. The Supervisory Body has already met several times, and will continue to meet throughout 2023, with the objective of approving the "Draft recommendations on activities involving removals under the Article 6.4 mechanism", to be forwarded to the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA-5). *Climate Law and Policy* continues to monitor the meetings of the Supervisory Body,¹ with respect to its recommendations on REDD+ activities and the applicable safeguards requirements.

1.3. What are the objectives of this briefing paper?

Noting that safeguards are the least progressed REDD+ element for countries², this briefing paper aims to clarify what are the applicable REDD+ safeguards requirements in correlation to the approaches set out under Article 6, and highlight key considerations for countries as they move forward with the implementation of Article 6 and the integration of REDD+ activities.

For broader information about Article 6, please refer to recently published papers.³

2. Applicable REDD+ safeguard requirements

2.1. What are the REDD+ safeguard requirements under Article 6?

The REDD+ safeguard requirements vary between the three approaches (See Figure 2), but all require as a minimum, conformance with the Warsaw Framework for REDD+ (WFR) (see further detail in section 2.5 below), and alignment with the safeguard related provisions of the preambular paragraph of the Paris Agreement (see section 2.6 below), which apply to all climate measures, not just limited to REDD+. Additionally, they need to meet the safeguards requirements of the relevant source of finance.

¹ For more information on the most recent (7th) meeting of the Supervisory Body, Singapore, 10-14 September 2023, see <https://unfccc.int/event/Supervisory-Body-7>

² Please refer to Rey Christen, D., Oliveira, B., et. al. 2022. "Jurisdictional REDD+ programs: Progress on the Elements of the Warsaw Framework for REDD+ and Access to Results-based Finance" Info Brief. Oxford, UK. Climate Law & Policy. Available online at <https://climatelawandpolicy.com/>

³ The Nature Conservancy, Article 6 Explainer, https://www.nature.org/content/dam/tnc/nature/en/documents/TNC_Article_6_Explainer_260523.pdf

Figure 2: REDD+ Safeguard Requirements under approaches of Article 6

REDD+ Safeguard Requirements under approaches of Article 6

| | Art 6.2 | Art 6.4 | Art 6.8 |
|--|---------|---------|---------|
| Warsaw Framework Safeguard requirements | ✓ | ✓ | ✓ |
| Paris Agreement safeguards | ✓ | ✓ | ✓ |
| Safeguard requirements of the relevant source of finance | ✓ | ✗ | ✓ |
| Safeguard requirements set out by the Supervisory Body | ✗ | ✓ | ✗ |

2.2. REDD+ safeguard requirements and approaches under Article 6.2

As Figure 2 illustrates, REDD+ activities under Article 6.2 approach will need to:

- Meet the safeguard requirements of the WFR (See Section 2.5),
- Meet any additional safeguard requirements set out by the relevant sources of finance, as agreed in their respective bilateral or multilateral agreements, and
- Reflect the safeguard related provisions of the preambular paragraph of the Paris Agreement, which apply to all climate measures, not just limited to REDD+ (See Section 2.6).

The main Jurisdictional REDD+ finance providers include the World Bank’s Forest Carbon Partnership Facility (FCPF) Carbon Fund (\$700m committed to 15 countries), the Green Climate Fund’s (GCF) REDD+ Results-based Payments Pilot Programme (\$500m already transferred to GCF Accredited Entities for 8 countries), and Lowering Emissions by Accelerating Forest finance (LEAF) Coalition (\$1.5bn pledged, 8 signed Letters of Intent, and over 30 applicants to date). These finance providers vary on the extent to which they require ‘additional’ REDD+ safeguard requirements beyond what the WFR stipulates. For example, the agreements signed with the LEAF coalition require that countries meet the independent programme and standard Architecture for REDD+ Transactions- The REDD+ Environmental Excellence Standard (ART/TREES). ART/TREES is aligned with the WFR safeguard requirements, but further specifies how these requirements are to be met.

It should be noted that while the Green Climate Fund (GCF) and other financing entities under the UNFCCC are explicitly requested to apply WFR when providing results-based finance for REDD+ actions, other entities outside the UNFCCC (e.g. the World Bank’s Forest Carbon Partnership Facility) are only encouraged to do so, “in order to improve the effectiveness and coordination of results based finance”.⁴ The reason why there is an encouragement, and not a formal request, is due to the fact that the Conference of the Parties of the UNFCCC has no normative powers with regard to entities that do not operate under its guidance and/or accountability.

⁴ UNFCCC Decision 9/CP.19, supra note 1, at para.6 and 7

2.3. REDD+ safeguard requirements and approaches under Article 6.4

As noted in section 1.2, REDD+ activities could be incorporated under the Article 6.4 mechanism should the Supervisory Body approve jurisdictional methodologies. If so, countries will need to:

- Meet the safeguard requirements of the WFR (see section 2.5).
- Reflect the safeguard related provisions of the preambular paragraph of the Paris Agreement (see section 2.6).
- Countries should note that the Supervisory Body is expected to further specify the scope of application of these safeguard related provisions.

2.4. REDD+ safeguard requirements and approaches under Article 6.8

As Figure 2 illustrates, REDD+ activities under Article 6.8 approach will need to:

- Meet the safeguard requirements of the WFR (see section 2.5),
- Meet any additional safeguard requirements set out by the relevant source of finance, as agreed in their respective bilateral or multilateral agreements, and
- Reflect the safeguard related provisions of the preambular paragraph of the Paris Agreement (see section 2.6).

It should be noted that Article 6.8 is less advanced than Articles 6.2 and 6.4. The UNFCCC centralized website has an estimated timeline for its set-up (2023-2024) and its implementation (2025-2026). Hence, the matching of REDD+ related support with available sources of finance through Article 6.8 approach is not expected to commence before 2025.

2.5. REDD+ safeguard requirements under the Warsaw Framework

The UNFCCC adopted the Warsaw framework for REDD+ (WFR) in 2013, which sets out all the methodological guidance and requirements for the implementation of Jurisdictional REDD+ programs for results-based payments.

The UNFCCC recognizes that safeguards are a key part of REDD+ implementation and links the UNFCCC safeguards, also commonly referred to as the *Cancun Safeguards*, to results-based payments, requiring that Jurisdictional REDD+ programs demonstrate how they have addressed and respected them throughout the implementation of their REDD+ activities⁵.

The specific UNFCCC safeguard requirements are the following:

Requirement 1: Implement REDD+ activities in a manner consistent with the UNFCCC safeguards.

REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that is consistent with the UNFCCC safeguards⁶. This implies that Jurisdictional REDD+ programs should take steps to clarify what UNFCCC safeguards mean in the country context, and how they will be applied throughout the implementation of REDD+ activities.

Requirement 2: Establish a system to provide information on how the UNFCCC safeguards are being addressed and respected. Jurisdictional REDD+ programs implementing REDD+ activities are required to establish a system to provide information on how the seven UNFCCC safeguards are being addressed and

⁵ UNFCCC Decision 2/CP.17, Paragraphs 63 and 64, which should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix 1, Paragraph 2.

⁶ "Agrees that, regardless of the source or type of financing, the activities referred to in decision 1/CP.16 paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix I" UNFCCC Decision 2/CP.17 paragraph 63

respected in all of the phases of implementation of REDD+ activities⁷. This is commonly referred to as the *Safeguard Information System* (SIS).

Requirement 3: Provide a summary of information on how the UNFCCC safeguards are being addressed and respected. In order to receive results-based payments, Jurisdictional REDD+ programs must present their most recent summary of information demonstrating how the safeguards have been addressed and respected (usually referred to as the summary of information or SOI)⁸. The UNFCCC also establishes that the SOI should be provided periodically, and be included in national communications or other communication channels identified by the Conference of the Parties. An additional and voluntary format for providing information to the UNFCCC is through the UNFCCC REDD+ web platform.

2.6. The Paris Agreement safeguards

The Paris Agreement commits Parties to minimize adverse economic, social and environmental impacts that may result from the implementation of measures taken to mitigate or adapt to climate change impacts (“response measures”).⁹ Similarly, Paragraph 7 of the Preamble of the Paris Agreement restates this, noting that measures to combat climate change, through so-called “response measures”, may have impacts on Parties and must be addressed when implementing the Agreement.¹⁰ To do this, the Paris Agreement adopted several principles and provisions on environmental and social safeguards in its preambular text. These are categorized in the Table below.

Countries should be aware that in reporting on the implementation of any of the three Article 6 approaches¹¹, they must provide a: “Description of how the cooperative approach reflects the eleventh preambular paragraph of the Paris Agreement, according to which acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity (para. 18(i)(ii), to be updated by para. 22(g))”

⁷ UNFCCC Decision 1/CP.16 Paragraph 71(d).

⁸ UNFCCC Decision 9/CP, Paragraph 4, UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

⁹ UNFCCC, 1992, entered into force on 21 March 1994. Article 4, paragraph 8.

¹⁰ Paris Agreement, 2015, entered into force on November 4, 2016. UNFCCC Decision 9/CP, Article 4.15, and UNFCCC, 1992, art 4.8 and 4.10.

¹¹ UNFCCC/PA/CMA/2022/10/Add.2, Annex V, Outline of the initial report and updated initial report referred to in decision 2/CMA.3, annex, chapter IV.A, Section IV. Annex VI, Outline of annex 4 (Information in relation to the Party’s participation in cooperative approaches, as applicable) to the biennial transparency report referred to in decision 2/CMA.3, annex, chapter IV.C

Table 1: Paris Agreement principles and provisions on safeguards

| Paris Agreement safeguard provisions | Elaboration of these provisions |
|--|---|
| Climate and sustainable development (Impacts on climate change and measures, interlinkages with sustainable development, eradication of poverty, food security, just transition of the workforce and sustainable lifestyles (paragraphs 8–10 and 16 of the Paris Agreement)) | <p>Preambular paragraphs 8–10¹² express interlinkages between climate change and sustainable development:</p> <p>Paragraph 8 emphasizes the relationship between climate change actions and “<i>equitable access</i> to sustainable development and the eradication of poverty” (italics ours). The unique concept of “equitable access to sustainable development” has been developed under the UNFCCC decisions.¹³</p> <p>Paragraph 9 points to the interrelated challenges of avoiding adverse effects on the agricultural sectors that some climate change mitigation measures may have, and of accelerating both mitigation and adaptation to avert detrimental climate change impacts on food security.</p> <p>Paragraphs 10 and 16 focus on the need for “ensuring a <i>just transition of the workforce</i> and the creation of decent work and quality jobs” (italics ours). It confirms the recognition of Parties that the transition towards a low-emission, climate-resilient development will involve a radical departure from the economic model of today, and the implications and potential conflict with international and national legal labour provisions.¹⁴</p> |
| Climate change and human rights (paragraph 11) | <p>Paragraph 11 sets out that Parties “should, when taking action to address climate change, respect, promote and consider their respective obligations on <i>human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.</i>”¹⁵</p> <p>While other multilateral environmental agreements’ preambles have clauses to ensure mutual supportiveness of different regimes,¹⁶ the Paris Agreement goes beyond such mutual supportiveness towards a clear incorporation of human rights into the Paris Agreement. This paragraph aims not only to prevent problems regarding impairment of human rights through mitigation or adaptation projects, such as some that have arisen in the past,¹⁷ but to mainstream such human rights considerations when designing and implementing climate actions.</p> |
| Conservation, ecosystem integrity and the protection of biodiversity (paragraphs 12–13) | <p>These two paragraphs take up issues of sustainable development with a focus on environmental conservation.</p> <p>Paragraph 12 reaffirms the importance of conserving and <i>enhancing</i> sinks and reservoirs, which is linked to operative provisions of the Agreement (Article 5, italics ours).</p> <p>Paragraph 13 integrates the terms “Mother Earth”, “climate justice”, and “integrity of all ecosystems” and includes specific mentions of oceans and the protection of biodiversity. (This responds to long-standing concerns that Parties do not sufficiently consider biodiversity and ecosystem integrity risks and that rights-centred approaches to natural resources management beyond traditional approaches should be considered when taking climate action.)</p> |
| Procedural duties, including access to information and participation (paragraph 14) | <p>Paragraph 14 affirms the importance of education, training, public awareness, public participation and public access to information when taking action to address climate change. This is implemented in paragraphs 71 to 83 of decision 1/CP.21. Public access to information, public participation and access to justice are well-established procedural obligations under international environmental law.¹⁸</p> |

¹² The preamble of an international treaty usually contains the objectives and considerations that guide the Parties. They do not create substantive norms but are of great relevance for the interpretation and to guide the implementation of a treaty. Unique for the Paris Agreement is the fact that it is the first multilateral environmental agreement to incorporate references to human rights, the rights of particular groups, gender equality and inter-generational equity. The international community considers this preamble “revolutionary”.

¹³ It appears as part of the “Shared vision” in the three main decisions under the Bali Action Plan. See Decision 1/CP.16 para 6, Decision 2/CP.17 para 2 and 4, and Decision 2/CP.18 para 2 and 3.

¹⁴ Stephenson, S., “Jobs, justice, climate: Conflicting State Obligations in the International Human Rights and Climate Change Regimes”, *Ottawa Law Review*, vol. 42 (2010), p. 155.

¹⁵ Paris Agreement (2015), Preambular paragraphs.

¹⁶ E.g. see Cartagena Protocol on Biosafety to the Convention on Biological Diversity preambular clauses 9–11.

¹⁷ Haugen, M., “What Role for Human Rights in Clean Development Mechanism, REDD+ and Green Climate Fund Projects?”, *Nordic Environmental Law Journal*, 1 (2013), p. 51.

¹⁸ See Rio Declaration on Environment and Development (Rio Declaration) (1992) principle 10.

Key Considerations

As examined above, the REDD+ safeguard requirements vary between the three approaches, but all require as a minimum, conformance with the WFR and alignment with the preambular paragraphs of the Paris Agreement, which apply to all climate measures, not just limited to REDD+ (See Table 1).

More broadly, countries should be aware that designing, approving and implementing Article 6 activities (including REDD+ activities) should ensure:

1. **Compliance with local, national, and international law.** Activities under Article 6 should comply with local, national, and international law. Country governments are the primary entities responsible for ensuring human rights protection. Most notably, the public's rights to information, to participation in decision making processes, and access to justice, as well as Free Prior and Informed Consent (FPIC) are recognised in various applicable international legal instruments.
2. **Minimizing and, where possible, avoidance of negative environmental, economic and social impacts.** Activities under Article 6 should be subject to robust environmental and social impact assessments to inform decision-makers on the possible environmental impacts of a mitigation activity, thereby helping them to determine whether or not to approve the mitigation activity. Countries should be aware that in reporting on the implementation of any of the three Article 6 approaches¹⁹, they must provide a "Description of how the cooperative approach minimizes and, where possible, avoids negative environmental, economic and social impacts (para. 18(i)(i), to be updated by para. 22(f))"
3. **Consistency with sustainable development objectives.** While Article 6 activities should first and foremost lead to climate change mitigation, there is also substantial scope for such activities to contribute to the Sustainable Development Goals. Indeed, Article 6 emphasises the importance of sustainable development and provides that activities within its scope should promote sustainable development. Countries should be aware that in reporting on the implementation of any of the three Article 6 approaches²⁰, they must provide a "Description of how the cooperative approach is consistent with the sustainable development objectives of the Party, noting national prerogatives (para. 18(i)(iii), to be updated by para. 22(h))"

Compliance with safeguards and associated requirements may be a challenge for some countries, but developing such preparedness and compliance is a good investment and likely a win-win situation regardless of the level of engagement with Article 6 in the short, medium, and long term. Mobilizing climate finance from both public and private sources necessitates compliance with the above requirements, and is increasingly recognized as a priority in investment decisions. In a statement sent to European Union policymakers, members of the United States Congress, the Organisation for Economic Co-operation and Development, and the UN Working Group on Business and Human Rights, a group of institutional investors, representing USD 1.9 trillion in assets under management, call for enhanced investor due diligence to address environmental, social and governance risks, including human rights risks, throughout the investment lifecycle.²¹

¹⁹ UNFCCC/PA/CMA/2022/10/Add.2, Annex V, Outline of the initial report and updated initial report referred to in decision 2/CMA.3, annex, chapter IV.A, Section IV. Annex VI, Outline of annex 4 (Information in relation to the Party's participation in cooperative approaches, as applicable) to the biennial transparency report referred to in decision 2/CMA.3, annex, chapter IV.C

²⁰ UNFCCC/PA/CMA/2022/10/Add.2, Annex V, Outline of the initial report and updated initial report referred to in decision 2/CMA.3, annex, chapter IV.A, Section IV. Annex VI, Outline of annex 4 (Information in relation to the Party's participation in cooperative approaches, as applicable) to the biennial transparency report referred to in decision 2/CMA.3, annex, chapter IV.C

²¹ Investor Alliance for Human Rights, "Making Finance Work for People and Planet" (2019). Available at https://investorsforhumanrights.org/sites/default/files/attachments/2019-04/IAHR_Making%20Finance%20Work%20for%20People%20and%20Planet_FINAL.pdf.

ABBREVIATIONS

| | |
|-----------|--|
| ART-TREES | Architecture for REDD+ Transactions- The REDD+ Environmental Excellence Standard |
| CDM | Clean Development Mechanism of the Kyoto Protocol |
| CMA | Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement |
| FCPF | Forest Carbon Partnership Facility of the World Bank |
| FPIC | Free, Prior, and Informed Consent (a specific right granted to Indigenous Peoples recognised in the UN Declaration on the Rights of Indigenous Peoples) |
| GCF | Green Climate Fund |
| ITMOs | Internationally transferred mitigation outcomes |
| JI | Joint Implementation mechanism of the Kyoto Protocol |
| LEAF | Lowering Emissions by Accelerating Forest finance Coalition |
| NDC | Nationally Determined Contribution |
| REDD+ | reducing emissions from deforestation; reducing emissions from forest degradation; conservation of forest carbon stocks; sustainable management of forests; and enhancement of forest carbon stocks (decision 1/CP.16, para. 70) |
| SIS | Safeguard Information System |
| SOI | Summary of Information |
| WFR | Warsaw framework for REDD+ |
| UNFCCC | United Nations Framework Convention on Climate Change |