



Ministry of Climate Change  
Government of Pakistan



# Environmental and Social Management Framework [ESMF]

Preparing a FGRM for REDD+ after an Explicit Assessment of Existing Feedback and Grievance Redressal Mechanisms [FGRM] & Developing Safeguards Information System [SIS] and Social and Environmental Management Framework [ESMF] through Strategic Environmental and Social Assessment [SESA]



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## ABBREVIATIONS

<b>AJK</b>	Azad Jammu Kashmir
<b>COP</b>	Conference of the Party
<b>EIA</b>	Environmental Impact Assessment
<b>EPA</b>	Environmental Protection Agency
<b>ESMF</b>	Environmental Social Management Framework
<b>FATA</b>	Federally Administration Tribal Areas
<b>FCPF</b>	Forest Carbon Partnership Facility
<b>FGRM</b>	Feedback and Grievance Redress Mechanism
<b>GB</b>	Gilgit-Baltistan
<b>GCF</b>	Global Climate Fund
<b>IPP</b>	Indigeneous People Plan
<b>IPPF</b>	Indigeneous Peoples Planning Framework
<b>KP</b>	Khyber Pakhtunkhwa
<b>MDP</b>	Ministry for Planning and Development
<b>MoCC</b>	Ministry of Climate Change
<b>NFMS</b>	National Forest Monitoring System
<b>NGO</b>	Non-Governmental Organisation
<b>NRO</b>	National REDD+ Office.
<b>NSC</b>	National Steering Committee
<b>NTFP</b>	Non-Timber Forest Product
<b>PES</b>	Payment for Ecosystem Services
<b>PFI</b>	Pakistan Forest Institute
<b>P&amp;D</b>	Planning and Development
<b>PRAP</b>	Provincial REDD+ Action Plan
<b>PRMC</b>	Provincial REDD+ Management Committee
<b>PRMU</b>	Provincial REDD+ Management Unit
<b>REDD+</b>	Reducing Emissions from Deforestation and forest Degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries
<b>R-PP</b>	Readiness Preperation Proposal
<b>SESA</b>	Strategic Environment and Social Assessement
<b>SFM</b>	Sustainable Forest Management
<b>SIS</b>	Safeguard Information System



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## EXECUTIVE SUMMARY

The ESMF lays out principles, rules, guidelines and procedures designed to identify, avoid, minimize, mitigate, and/or compensate for the adverse effects of planned REDD+ activities that may occur in the future but are not presently known or are uncertain. It largely provides a framework for Pakistan to address environmental and social issues in their REDD+ Strategy as it is implemented.

The ESMF notes that given that the legal framework of the country generally protects and regulates many of the objectives enshrined in the UNFCCC REDD+ Safeguards, the identification of the relevant aspects of the legal framework in Pakistan was the basis to be able to determine 'how' the **country will ensure REDD+ activities are carried out in consistency with the UNFCCC REDD+ safeguards.**

The identification and detailed analysis of Pakistan's legal and institutional framework demonstrates that Pakistan's PLRs are largely consistent with the UNFCCC REDD+ safeguards<sup>1</sup>. However, specific legal gaps were identified, for which gap filling recommendations were identified. These gap-filling recommendations should be addressed in order to ensure Pakistan's legal and institutional framework is fully consistent with the UNFCCC REDD+ safeguards and can therefore be utilized as Pakistan's national policy response to meet its international safeguards commitments for REDD+.

Additionally, and in accordance with FCPF guidelines<sup>2</sup>, the ESMF includes the relevant frameworks and plans that are to be applied to address the applicable World Bank's environmental and social safeguard policies triggered (see table 1 below).

**Table 1: Triggered OPs and the Approach Proposed by the ESMF**

World Bank Operational Policy	Outline of Framework and Plans
Environmental Assessment: OP 4.01	<ul style="list-style-type: none"><li>• Initial environmental screening of proposed geographically targeted interventions contained in provincial REDD+ strategies (including the additional criteria outlined below)</li><li>• Depending on the outcome of the screening, EIA to be carried out by the responsible agency.</li><li>• M&amp;E framework to be developed</li></ul>

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<sup>1</sup> CLP and HBP (2018) Analyses of legal and institutional capacity to address safeguards.

<sup>2</sup> Common Approach, p. 8, para. 23

<p>Natural Habitats: OP 4.04</p>	<ul style="list-style-type: none"> <li>• Initial environmental screening of proposed geographically targeted interventions (as suggested above) contained in Provincial REDD+ Action Plans (PRAPs) will identify whether natural habitats, or critical natural habitats are at risk of degradation or conversion.</li> <li>• Depending on the outcome of the screening, appropriate mitigation measures will need to be defined.</li> </ul>
<p>Forests: OP 4.36</p>	<ul style="list-style-type: none"> <li>• Initial environmental screening of proposed, geographically targeted interventions contained in provincial REDD+ strategies to identify potential impacts on forest health and quality and on the rights and welfare of the people who depend on them.</li> <li>• Depending on the outcome of the screening, appropriate mitigation measures will need to be defined.</li> </ul>
<p>Indigenous peoples: OP. 410</p>	<ul style="list-style-type: none"> <li>• Provincial government of Khyber-Pakhtunkhwa to screen provincial REDD+ Strategy to determine whether specific interventions are planned in or around the Chitral forests (screening of individual subprojects).</li> <li>• Carry out social assessment for each proposed intervention to determining the effects on Tribal Populations.</li> <li>• Develop Indigenous Peoples Plan for each relevant proposed intervention.</li> <li>• Consider putting in place an action plan for the legal recognition of customary rights to lands and territories.</li> </ul>
<p>Involuntary resettlement: OP 4.12</p>	<ul style="list-style-type: none"> <li>• Project proponents to explore all viable alternative project designs to avoid physical displacement of these groups.</li> <li>• When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups that are compatible with their cultural preferences and are prepared in consultation with them.</li> </ul>

The proposed institutional arrangements for the ESMF are intended to be in line with the thinking of the on-going REDD+ readiness activities, particularly the development of the National REDD+ Strategy. The institutional arrangement was defined in consultation with the relevant stakeholders and aims to build on existing institutional mandates so as to maximise the level of ownership.

As with all other forest sector activities in Pakistan, the administrative distribution of responsibilities between Federal and Provincial governments means that safeguard implementation will be split. At the federal level, the National REDD+ Office<sup>3</sup> (NRO) is responsible for the development of the overarching policy framework for REDD+ (the National REDD+ Strategy), as well as additional studies and guidelines, while the

<sup>3</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.

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provincial governments will be responsible for developing Provincial REDD+ Action Plans (PRAPs) that operationalise the NRS, as well as for their implementation.

The institutional arrangements for the ESMF reflect this distribution of roles between federal and provincial level, focusing on three functions:

- a) **Oversight:** meaning review of design of REDD+ interventions (strategies and projects) ensuring they are consistent with the safeguard operational guidelines, as well as overseeing implementation.
- At the national level, it is suggested that the **Ministry of Climate Change** be responsible for overseeing the development of **operational guidelines** to ensure the implementation of the measures and frameworks outlined in the ESMF. The NRO<sup>4</sup>, and more specifically, a **Safeguard Specialist** permanently housed within the NRO, should be responsible for providing guidance and inputs on the design and implementation of the PRAPs to ensure their consistency with the safeguard operational guidelines (content and process) on an on-going basis.
  - At provincial level, it is suggested:
    - The **Provincial REDD+ Management Units** (PRMUs) be responsible for providing general oversight, by overseeing the design of the provincial REDD+ Action Plans (PRAPs) and ensuring their consistency with safeguard relevant operational guidelines and, screening geographically specific intervention proposals (such as reforestation projects) to ensure their compliance with safeguard procedural operational guidelines.
    - The **Provincial REDD+ Management Committees** (PRMC) should be responsible for validating the provincial REDD+ Action Plans (PRAPs), including their consistency with safeguard relevant laws and measures.
    - **The Provincial EPAs** should be responsible for: Reviewing and validating (or opposing) the Provincial REDD+ Management Unit's decision as to whether an EIA is required for a REDD+ intervention following its initial screening and overseeing and following up on the implementation of future REDD+ project level activities if EIA required, carrying out spot-checks as appropriate.
    - The **Provincial Planning and Development Department** (P&D) should be responsible for final assessment of geographically specific project proposals<sup>5</sup> developed under the PRAP (such as reforestation projects) to ensure their consistency with safeguard relevant operational guidelines; and overseeing and following up on the implementation of future REDD+ project level activities (as outlined in project proposal) through its internal monitoring and

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<sup>4</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.

<sup>5</sup> The current format for developing project proposals for the approval of the P&D is the PC1 form



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evaluation unit, to ensure their consistency with safeguard relevant operational guidelines.

- b) Enforcement:** meaning the exercise of authority to cancel or suspend REDD+ interventions whose implementation breaches the safeguard operational guidelines.

The duty of enforcement will largely be carried out at the provincial level. An additional enforcement activity could be the refusal of results-based payments to an intervention that has been found to be in breach of the safeguard operational guidelines, however, in the absence of a financial mechanism for REDD+ in Pakistan, the institutional arrangements for safeguard enforcement in the ESMF will focus on policing REDD+ interventions themselves.

PRMU's safeguard enforcement role should be limited to receiving grievances linked to implementation (through the complaints officer), and subsequently communicating these to the PRMC to decide on whether the intervention/project should be suspended.

The **PRMC** therefore plays a significant decision-making role regarding enforcement in that it will have the power to suspend or revoke permits for interventions/projects that fail to comply with safeguard operational guidelines. However, as the PRMC only meets following a notification, these issues will only be coming to their attention if brought by a whistle-blower or complainant. For this reason, it is essential that the **Provincial Planning and Development Department** carry out an on-going enforcement role (alongside its oversight role), revoking or suspending authorisation for interventions/projects that fail to comply with safeguard requirements, especially in between PRMC meetings.

- c) Reporting:** meaning the collection and analysis of information on safeguard implementation, as well as the preparation of implementation reports.

Safeguard reporting/monitoring and evaluation is closely linked to the operation of the Safeguard Information System (SIS) and overall monitoring and reporting of the ESMF. For a more comprehensive overview of the design proposal (including full institutional arrangements and reporting process) for Pakistan's SIS, see the Safeguard Information System component in Pakistan. The safeguard reporting process operates at three administrative levels:

- **REDD+ intervention/project level**

At the REDD+ intervention/project level, the initial reporting will be carried out by the implementing entity, which may be the government, community or private entity. These entities will need to complete a **safeguard reporting template**,<sup>6</sup> to demonstrate that the operational guidelines have been followed throughout implementation.

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<sup>6</sup> See SIS design document

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- **Provincial level**

At the provincial level, both the PRMUs and the P&D (M&E Unit) will be responsible for reviewing project safeguard reports. As the P&D already has a mandate and resources for oversight of project implementation, it is expected that it can complement the information available to the PRMU (safeguard reports) with its own due diligence checks.

In addition to reviewing the safeguard reports, the PRMUs will be tasked with the preparation of **provincial safeguard reports**, that is, an analytical summary of the safeguard reports it has collected and compiled.

Following the completion of the provincial safeguard reports by the PRMUs, these will be validated by the PRMC.

- **National level**

At the National Level, the **NRO's<sup>7</sup> safeguard officer** will be responsible for compiling and analysing the various provincial safeguard reports and preparing the national safeguard reports and the Summary of Information, under the supervision of the NRO. The validation of these national reports should be done by the National Steering Committee.

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<sup>7</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.



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## 1. INTRODUCTION

### Context

In recognition of the role forests can play in efforts to mitigate and adapt to global climate change, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) developed a policy mechanism to contribute to the reduction of global carbon emissions from deforestation and enhance their resilience by providing financial incentives, in the form of 'results-based payments', to developing countries that successfully slow or reverse forest loss. This mechanism is known as Reducing Emissions from Deforestation and Forest Degradation (REDD), and conservation, sustainable management of forests and enhancement of forest carbon stock (+). The UNFCCC Conference of the Parties (COP) has articulated five REDD+ activities that developing countries can implement to be eligible to receive these payments:<sup>8</sup>

- Reducing emissions from deforestation;
- Reducing emissions from forest degradation;
- Sustainable management of forests;
- Conservation of forest carbon stocks; and
- Enhancement of forest carbon stocks

After several years of negotiations and discussions at the international level, the UNFCCC COP adopted the 'Warsaw Framework for REDD+' at its 19th meeting in December 2013.<sup>9</sup> This officially anchored REDD+ to the UNFCCC regime. The Warsaw Framework builds on previous COP decisions and clarifies and consolidates the requirements and methodological guidance countries must meet in order to access results-based finance.<sup>10</sup> According to the Warsaw Framework, developing country Parties aiming to receive results-based finance for REDD+ must:

- Ensure that the anthropogenic forest-related emissions by sources and removals resulting from the implementation of REDD+ activities are fully measured, reported and verified (MRV) in accordance with UNFCCC guidance;<sup>11</sup>
- Have in place:<sup>12</sup>
  - a. A national strategy or action plan (a link to which is shared on the UNFCCC REDD+ Web Portal);
  - b. A national forest reference emission level and/or forest reference level, or if appropriate, as an interim measure, subnational forest reference emission levels and/or forest reference level (that has undergone a UNFCCC-coordinated technical assessment process);

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<sup>8</sup> UNFCCC Decision 1/CP.16 paragraph 70

<sup>9</sup> UNFCCC Decisions 9/CP.19; 10/CP.19; 11/CP.19; 12/CP.19; 13/CP.19; 14/CP.19 and 15/CP.19

<sup>10</sup> UNFCCC Decision 2/CP.17 paragraph 63

<sup>11</sup> UNFCCC Decision 1/CP.16 paragraph 73

<sup>12</sup> UNFCCC Decision 1/CP.16 paragraph 71

- c. A robust and transparent national forest monitoring system for the monitoring and reporting of REDD+ activities; and
  - d. A system for providing information on how the safeguards are being addressed and respected (SIS);
- Ensure that REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the UNFCCC REDD+ safeguards,<sup>13</sup> and
  - Provide the most recent summary of information on how all the UNFCCC REDD+ safeguards have been addressed and respected before they can receive results-based payments.<sup>14</sup>

REDD+ is based on a three-phased approach, which includes: Readiness (Phase I), implementation (Phase II) and results-based actions (Phase III).<sup>15</sup> However, due to the significant time-frame between REDD+'s initial conception and introduction as a UNFCCC negotiation topic at COP 13 in Bali<sup>16</sup> and its finalisation at COP 19 in Warsaw, several multilateral institutions and bilateral agreements were established to fund initial REDD+ readiness activities, including the World Bank's Forest Carbon Partnership Facility (FCPF) , which was set up in 2010 "to assist Eligible REDD Countries in their efforts to achieve Emission Reductions from deforestation and/or forest degradation by providing them with financial and technical assistance in building their capacity to benefit from possible future systems of positive incentives for REDD."<sup>17</sup>

As a participating country to the FCPF, Pakistan has so far received US\$3.8 million from the FCPF to support its REDD+ Readiness activities detailed in its Readiness Preparation Proposal (R-PP).<sup>18</sup> This means that to meet its contractual agreement with the FCPF and benefit from the international REDD+ mechanism under the UNFCCC, Pakistan must meet both UNFCCC and FCPF requirements, which also include requirements on safeguards.

### FCPF Safeguard requirements

Once sufficient progress has been made in the implementation of their R-PPs, countries may apply, or authorize an entity within their country to apply, to the Carbon Fund by submitting an Emission Reductions Program Idea Note (ER PIN), as a step

<sup>13</sup> UNFCCC Decision 2/CP.17 paragraph 63

<sup>14</sup> UNFCCC Decision 9/CP.19 paragraph 4

<sup>15</sup> UNFCCC Decision 1/CP.16 paragraph 73

<sup>16</sup> UNFCCC Decision 2/CP.13

<sup>17</sup> The other stated objectives of the FCPF are: To pilot a performance-based payment system for Emission Reductions generated from REDD activities, with a view to ensuring equitable benefit sharing and promoting future large scale positive incentives for REDD; to test ways to sustain or enhance livelihoods of local communities and to conserve biodiversity; and To disseminate broadly the knowledge gained in the development of the Facility and implementation of Readiness Preparation Proposals and Emission Reductions Programs. FCPF, (2010) Charter Establishing the FCPF. The International Bank for Reconstruction and Development (IBRD). Available: [http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Sep2010/FCPF\\_Charter-August\\_2010\\_clean.pdf](http://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Sep2010/FCPF_Charter-August_2010_clean.pdf)

<sup>18</sup> <https://www.forestcarbonpartnership.org/pakistan>



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towards the completion of an Emission Reduction Programme (ER Programme) and ultimately, results-based payments.<sup>19</sup> Countries are also expected to submit a Readiness Package, a document that summarises its Readiness process and outcomes from development of activities outlined in its R-PP (including safeguards).<sup>20</sup>



The FCPF safeguard requirements under Readiness and Carbon Fund, have two dimensions: substantive, and procedural.

## Substantive Requirements

### *Readiness Fund*

Countries receiving FCPF funding for readiness preparation through the World Bank are required to ensure compliance with the FCPF Readiness Fund's common approach to environmental and social safeguards for multiple delivery partners (Common Approach).<sup>21</sup> According to the Common Approach, participating countries are expected to achieve "substantial equivalence" to the "material elements" of the World Bank's environmental and social safeguard policies and procedures applicable to the FCPF Readiness Fund.<sup>22</sup>

The most relevant safeguards are the following:

1. **Environmental Assessment (OP 4.01):** To help ensure the environmental and social soundness and sustainability and to support integration of environmental and social aspects into the decision-making process; 
2. **Natural Habitats (OP 4.04):** To promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions; 
3. **Forests (OP 4.36):** To realize the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic

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<sup>19</sup> Ibid

<sup>20</sup> Forest Carbon Partnership Facility Carbon Fund (2012) Process Guidelines for the Carbon Fund of the Forest Carbon Partnership Facility. FMT Note CF-2012-1-Rev p.2 : <http://www.forestcarbonpartnership.org/sites/fcp/files/Documents/tagged/FMT%20Note%20CF-2012-1%20CF%20Process%20guidelines%20rev%20after%20CF4%20-%20final.pdf>

<sup>21</sup> UN REDD FCPF (2012) R- PP Template Annexes Version 6, for Country Use p. 44

<sup>22</sup> FCPF (2011) Readiness Fund Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners. [https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20\\_Final\\_%2010-Aug-2011\\_Revise.pdf](https://www.forestcarbonpartnership.org/sites/forestcarbonpartnership.org/files/Documents/PDF/Nov2011/FCPF%20Readiness%20Fund%20Common%20Approach%20_Final_%2010-Aug-2011_Revise.pdf)

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development, and protect the vital local and global environmental services and values of forests; <sup>SEP</sup>

4. **Involuntary Resettlement (OP 4.12):** To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of projects/ strategy implementation, whichever is higher. When the policy is triggered, a Resettlement Action Plan must be prepared.
  
5. **Indigenous Peoples (OD 4.10):** To design and implement National REDD+ strategy with the full and effective participation of Indigenous Peoples in a way that fosters full respect for Indigenous Peoples “dignity, human rights, traditional knowledge, and cultural uniqueness and diversity and so that they: (i) receive culturally compatible social and economic benefits; and (ii) do not suffer adverse effects during the development process. When this policy is triggered an Indigenous Peoples Development Plan is to be prepared to mitigate the potential adverse impacts or maximize the positive benefits of the project interventions.

### *Carbon Fund*

Countries seeking to obtain payments from the Carbon Fund must ensure that their ER Programme is consistent with the Methodological Framework (CF MF),<sup>23</sup> which states that in order to qualify for results-based payments all ER Programmes will not only need to meet all applicable World Bank policies, (which is no different from the Readiness Fund requirements) but also promote and support the Cancun Safeguards.<sup>24</sup>

### **Procedural Requirements**

#### *Readiness Fund*

The Readiness Fund has two procedural safeguard requirements, namely the:

- Strategic Environmental and Social Assessment, or SESA, and
- Environmental and Social Management Framework, or ESMF.

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<sup>23</sup> Which outlines the requirements that must be met by ER Programmes in order to qualify for results-based payments from the Carbon Fund. Forest Carbon Partnership Facility (2013) Carbon Fund Methodological Framework. Available: <https://www.forestcarbonpartnership.org/sites/fcp/files/2014/January/FCPF%20Carbon%20Fund%20Meth%20Framework%20-%20Final%20Dec%202013%20posted%20January%202014.pdf>

<sup>24</sup> FCPF Carbon Fund Methodological Framework.



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The SESA stems from environmental assessment (EA) requirements of the World Bank.<sup>25</sup> It is intended to be an inclusive process whereby the REDD+ country, with the participation of all potentially affected stakeholders, seeks to “identify likely impacts and risks, as well as opportunities,” among different strategic REDD+ options. During the SESA process these impacts, risks and opportunities are assessed and weighed by the various stakeholders. Activities that form part of the SESA include:<sup>26</sup>

- Identifying and prioritising the drivers of deforestation and the key social and environmental issues associated with the drivers. This assessment also includes looking at how issues such as land tenure, benefit-sharing and access to resources are dealt with in Pakistan. A preliminary examination of the likely social and environmental impacts of the REDD+ strategy options identified in the R-PP is also necessary;
- Analysing the legal, policy and institutional “aspects” of REDD+ readiness;
- Assessing existing capacities and gaps to address the environmental and social issues identified; and
- Establishing outreach, communication and consultative mechanisms with relevant stakeholders throughout the process.

The SESA should conclude with the production of an ESMF as a means for managing environmental and social risks as REDD+ countries develop their REDD+ national strategies.

All REDD+ countries must produce an ESMF as a direct output of the SESA process.<sup>27</sup> The ESMF lays out principles, rules, guidelines and procedures for assessing issues and impacts associated with planned REDD+ activities that may occur in the future but are not presently known or are uncertain.<sup>28</sup> It largely provides a framework for REDD+ countries to address environmental and social issues in their REDD+ Strategy as it is implemented.

For the ESMF to ensure compliance with the applicable safeguards, it has to contain specific sections addressing the requirements of the applicable safeguards. These sections will draw on Country- specific information and take the form of free-standing chapters that would resemble the frameworks and plans provided for in the applicable safeguards themselves, namely, as relevant:

- a) **Environmental and social assessment:** An environmental and social management framework to address any potential environmental impacts and risks, including cumulative and/or indirect impacts of multiple activities;

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<sup>25</sup> See OP 4.01 – Environmental Assessment, para. 7; and Annex A, para. 10.

<sup>26</sup> Ibid

<sup>27</sup> R-PP Template, Component 2d, p. 44.

<sup>28</sup> Common Approach, p. 47, para. 23.

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- b) **Indigenous peoples:** An indigenous people planning framework to address any effects on indigenous peoples; <sup>L</sup><sub>SEP</sub>
- c) **Involuntary resettlement:** A restriction of access framework to address any potential land acquisition and/or physical relocation, loss of livelihoods or restriction or loss of access to natural resources, including legally designated parks and protected areas; and <sup>L</sup><sub>SEP</sub>
- d) **Stakeholder engagement and dispute resolution:** A stakeholder engagement and grievance resolution framework to ensure ongoing communication with stakeholders, good faith consideration of their concerns and mechanisms to resolve any grievances in accordance with the FCPF requirements for Stakeholder Engagement.<sup>29</sup> <sup>L</sup><sub>SEP</sub>

### Objectives of this assignment

The purpose of this assignment is to help meet international safeguard requirements under UNFCCC and FCPF, and ensure the social and ecological sustainability of REDD+ in Pakistan by:

- Conducting a Strategic Environmental and Social Assessment (SESA) to (i) ensure the integration of environmental and social considerations during the formulation of the National REDD+ Strategy, and that REDD+ Readiness activities comply with all applicable safeguards, and (ii) strengthen the space for policy dialogue already opened through the preparation of a Readiness Preparation Proposal (R-PP), supporting a more effective understanding by various stakeholders of issues such as land and territory, drivers and causes of deforestation, risks and impacts, institutional capacity, and also identify transparent and precise methodologies for measuring carbon reserves and stocks among other necessary factors for the National REDD+ Strategy to function;
- Developing an Environmental and Social Management Framework (ESMF) to manage the residual impacts of REDD+ strategy implementation and the management of future projects, policies and activities through which the REDD+ strategy will be implemented;
- Developing a Safeguards Information System (SIS) that serves multiple objectives at different levels, including reporting internationally for results-based financing, and providing information within the country to improve the implementation of the REDD+ strategy (adaptive management) and to build and maintain stakeholder and political support for REDD+; and
- Developing a Feedback and Grievance Redressal Mechanism (FGRM) to address the complexity of issues and diversity of stakeholders, especially those of forest-dependent ethnic groups and local communities that may lead to

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<sup>29</sup> We note that the framework design of the FGRM has been developed as a separate output, and the development stakeholder engagement guidelines were recommended following the legal assessment.

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numerous questions, inquiries, and potential grievances regarding the REDD+ strategy or process.

Pakistan's intention is to engage in REDD+ activities both under the FCPF and the UNFCCC, meaning that both sets of requirements will need to be complied with, including on safeguards. This consultancy will strive to carry out a strategic environmental and social assessment (SESA) and develop the ESMF and SIS in a manner that will contribute to meeting these multiple requirements in a coordinated, efficient and cost-effective manner.

### **Objective, scope and structure of the report**

This report lays out principles, rules, guidelines and procedures designed to identify, avoid, minimize, mitigate, and/or compensate for the adverse effects of planned REDD+ activities that may occur in the future but are not presently known or are uncertain. It largely provides a framework for REDD+ countries to address environmental and social issues in their REDD+ Strategy as it is implemented.

The strategic, national and multi-sectoral nature of REDD+ requires a strategic approach to risk management. Indigenous Peoples' rights, land tenure, public participation, and the sharing of benefits are some of the main challenges. Policy discussions related to REDD+ deal with land administration, nationwide land use planning, forest management, extractive industries, and infrastructure, among other sectors. Standard project-level environmental and social impact assessment is not appropriate at this strategic, countrywide, multi-sectoral level. In keeping with accepted instruments and practices in the field of environmental assessment, Pakistan has undertaken a SESA and produced a stand-alone ESMF as an integral part of the REDD+ Readiness Preparation process.

The ESMF's content and scope depends on the extent to which future REDD+ investments have been identified. In the case of Pakistan, they have not been clearly identified at this point. Therefore, and in accordance with FCPF guidelines<sup>30</sup>, the ESMF produced establishes general principles and criteria for policy and programme design and investment selection, while leaving more specific measures to be finalised once the investments are clearly identified at provincial level (through adoption of Provincial REDD+ Strategy and/or Investment Plans).

The report is structured in the following manner:

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<sup>30</sup> Common Approach, p. 8, para. 23



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- **Section I:** Findings of the SESA and identification of World Bank's environmental and social safeguard policies triggered in relation to REDD+ strategy Options;
  - **Section II:** Relevant frameworks and plans provided for the applicable World Bank's environmental and social safeguard policies triggered;
  - **Section III:** Framework for implementation of Cancun Safeguards;
  - **Section IV:** Institutional arrangements for the ESMF;
  - **Section V:** Monitoring and evaluation arrangements; and
  - **Section VI:** Recommended next steps

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## 2. **SECTION I. FINDINGS OF THE SESA AND IDENTIFICATION OF WORLD BANK'S ENVIRONMENTAL AND SOCIAL SAFEGUARD POLICIES TRIGGERED IN RELATION TO REDD+ STRATEGY OPTIONS**

The analysis is structured according to the proposed seven REDD+ Strategy options to be able to present an adequate representation at national level of the potential and prioritized risks linked to these options.

The section is structured in the following manner:

- Section 1.1 provides an overview of the scope of the REDD+ strategy, including an overview of the REDD+ strategy options.
- Section 1.2 presents a summary of the findings of the SESA and identifies the World Bank's environmental and social safeguard policies triggered in relation to the identified risks.

### 1.1. Overview of the scope of the REDD+ strategy

The ultimate goal of a National REDD+ Strategy is the effective reduction of greenhouse gases emissions coming from deforestation and forest degradation, the conservation and enhancement of carbon stocks, and the promotion of sustainable forest management. To achieve this goal the efforts should be circumscribed in a broad policy framework, which at the same time is integral and has a long-term scope. In this sense, a national vision for REDD+ should be oriented to incorporate these characteristics.

Vision 2025 (Ministry of Planning Development & Reform 2014)<sup>31</sup> is a document that provides the vision for Pakistan for the coming decades. Pakistan's Intended Nationally Determined Contribution (Paki-INDC) is also based on the Vision 2025. Vision 2025 sets out important elements that prioritize people, inclusive growth, governance, water, energy and food, as well as recognises the high priorities of developing knowledge economy, regional connectivity and having the private sector participate in the economy. In this sense, there is a strong alignment between Pakistan's Vision 2025 with the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) (Ministry of Planning Development & Reform 2014).

Pakistan's forests can play an important part in the country's ability to mitigate and adapt to climate change. Pakistan has been working on REDD+ readiness for several years, different stakeholders have been discussing views and expectations for the implementation, process and results arising from REDD+. Pakistan's vision for forests and people is a culmination of extensive consultations that seek to align the national REDD+ vision with the vision of Pakistan. As a result, the national REDD+ vision is based on Vision 2025 and

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<sup>31</sup> Pakistan 2025: One Nation – One Vision. Pakistan Vision 2025 Secretariat. Ministry of Planning, development and reform. Government of Pakistan ([www.pc.gov.pk](http://www.pc.gov.pk))

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the SDGs, in which relevant stakeholders should play a key role in the target and goal setting of the national REDD+ Strategy.

The development of Pakistan's National REDD+ Strategy by the consultancy company INDUFOR,<sup>32</sup> followed several methodological approaches. Throughout the development process, consultations were carried out, including:

- Interviews with key experts and stakeholders
- Focal group discussions with identified strategic stakeholder groups, and disadvantaged groups such as women, poor, ethnic minorities and people with disabilities
- Community consultations
- Workshops

The whole consultation process was guided by the UN REDD/FCPF Guidelines on Stakeholder Engagement for REDD+. The Stakeholders involved in the process included:

- Government at Federal and Provincial levels
- Private sector – forest enterprises, industry and producer associations
- Civil society and universities – including local and international NGOs
- Development partners – multilateral and bilateral donors

These consultations were supplemented by diagnostic assessments of drivers of deforestation and forest degradation. Following these two phases, strategy options and an initial implementation framework were developed, alongside a risk analysis, gender mainstreaming and capacity building needs assessment.

Table 1 and 2 illustrates the REDD+ strategy options<sup>33</sup>, that have been subject to the SESA, and which are deemed suitable to address the drivers of deforestation and forest degradation and promote the sustainable use of forest resources in Pakistan. These actions include, but are not limited to, changes in legal framework, enhanced governance, land use planning at national, provincial, district and local level, awareness rising and capacity building, which also have to be province-specific and related to forest categories and land tenure.

However, we must highlight that due to the different conditions across provinces and territories, it has been noted that the proposed strategy options are not suitable for all provinces, or at least not at the same level. It is expected these options will have to be refined when implemented to effectively incorporate conditions and needs from each of the provinces, including specific drivers of deforestation and forest degradation, and institutional, legal, economic (among others) circumstances in each province and territory.

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<sup>32</sup> For a more detailed explanation of INDUFOR's methods, see March 2017 Pakistan REDD+ Strategy Inception report  
<sup>33</sup> Indufor Interim report *Development of the National REDD+ Strategy and its Implementation Framework for Pakistan*



**Table 1: Proposed National REDD+ Strategy Options and preliminary identification of provincial application**

Strategic alternative	Mitigation activity	Strategy option	Provinces
<b>Enhancement of forests capacity to capture and maintain carbon</b>	-Enhancement of forest carbon stocks	<b>1. Restoration (including natural regeneration, assisted natural regeneration and enrichment planting), reforestation and afforestation</b>	Balochistan, Khyber Pakhtunkhwa, Sindh, Punjab, Gilgit Baltistan, Azad Jammu and Kashmir, Federally Administered Tribal Areas
		<b>2. Sustainable Forest Management</b>	Balochistan, Khyber Pakhtunkhwa, Punjab, Gilgit Baltistan, Azad Jammu and Kashmir, Federally Administered Tribal Areas
<b>Reduction of pressure to forest ecosystems</b>	-Reducing emissions from deforestation -Reducing emissions from forest degradation -Conservation of forest carbon stocks -Sustainable management of forests	<b>3. Payment for Ecosystem Services</b>	Sindh, Khyber Pakhtunkhwa, Gilgit Baltistan, Punjab
		<b>4. Efficient cook stoves and kilns</b>	Khyber Pakhtunkhwa, Punjab, Gilgit Baltistan, Azad Jammu and Kashmir.

<b>Promotion of alternative livelihoods</b>	-Reducing emissions from deforestation	<b>5. Silvopastoral practices and sustainable grazing</b>	Balochistan, Khyber Pakhtunkhwa, Sindh, Punjab, Gilgit Baltistan, Azad Jammu and Kashmir, Federally Administered Tribal Areas
	-Reducing emissions from forest degradation	<b>6. Agroforestry</b>	Balochistan, Khyber Pakhtunkhwa, Sindh, Punjab, Gilgit Baltistan, Azad Jammu and Kashmir, Federally Administered Tribal Areas
	-Conservation of forest carbon stocks -Sustainable management of forests -Enhancement of forest carbon stocks	<b>7. Eco tourism</b>	Balochistan, Khyber Pakhtunkhwa, Sindh, Punjab, Gilgit Baltistan, Azad Jammu and Kashmir, Federally Administered Tribal Areas

**Table 2: Description of REDD+ strategy Options**

<b>REDD+ Strategy Option</b>	<b>Description</b>
<b>Restoration (including natural regeneration, assisted natural)</b>	Forest's capacity to capture and store carbon depends on its health and extension. More forested areas and healthier forests will contribute to REDD+ objectives. Restoration of degraded forest areas, recovery of recently lost forest cover, and creating new forested areas are the activities that could be used to improve the country's forest's capacity to capture and store carbon. This can be applied on any type of forest, from high altitude forests to mangroves.

**regeneration  
and enrichment  
planting),  
reforestation  
and  
afforestation**

Restoration is defined as the action that manages forest's conditions in order to come back to a healthy or undisturbed condition, could include efforts to incentivize natural regeneration, assisted natural regeneration, or enrichment planting among others.

The establishment of trees on land that has been cleared of forest during relatively recent past with the aim of recovering lost forests' functions and dynamics is known as reforestation and could be used to increase forested areas. Similarly, afforestation has a similar purpose but applied in areas where forests were not covering the land in longer periods of time.

A well-designed project or program for restoration, reforestation and/or afforestation should take into account, not only the ecological conditions of the areas to be restored or recovered, but also the social and economic conditions of the people who live, use or own the land. Even though restoration and reforestation could be perceived as a single activity process, the success in terms of reproducing healthy forest's conditions largely depends on removing the causes that produced the degradation or forest loss, and ensuring the protection of the areas where the activities were performed in order to allow the full recovery of forests (a condition that is also needed in the case of afforestation). For this reason, even though activities to restore, or establish a new forest, are activities that generally need low investment, the costs might increase considerably if the land is being used for other purposes that provide income, because of the opportunity costs.

**Sustainable  
Forest  
Management**

Sustainable management of forests is a proven mechanism through which it is possible to obtain specific products and services (including non-timber products) from the forest, while ensuring the ecological integrity and sustainability of the forests.

Even though there are mechanisms in place to promote SFM, there is a need to expand to ensure most forests in the country are sustainably managed for production or conservation purposes. In some areas the management would be oriented for timber extraction, whereas in



	<p>others to non- timber forest products or even to provide ecosystem services of local, national or international interest.</p> <p>High levels of technical expertise are needed to ensure correct SMF, so capacity building is a key component for this strategy option, not only for designing management plans, but also to perform activities to implement the plans, which might include road building, harvesting, planting, and stand treatments among others.</p> <p>The country already has extensive expertise in place in Forest Departments at provincial level with successful experiences, for example with the GEF funded project Sustainable Forest Management to Secure Multiple Benefits in High Conservation Value Forests.</p>
<p><b>Payment for Ecosystem Services (PES)</b></p>	<p>These are schemes to compensate forest owners or users to ensure certain level of health in specific ecosystems in order to maintain or improve environmental the services provided. The basic idea of a PES scheme is that the providers can ensure the provision of an environmental service for the enjoyment and use for users and who can compensate for it. A PES scheme would create a positive incentive to keep or improve forested areas and to avoid other activities that destroy or degrade the forest.</p> <p>To implement a PES scheme there is a need to clearly define the providers and the users and establish a relationship between them in order to set a level (price) and type of compensation (cash, non-cash). This requires considering in the design forest types, land tenure, economic conditions of forest providers and users, among other conditions. Establishing PES requires considerable levels of coordination and governance among the involved stakeholders, so it is required to fully plan and pilot the scheme before making a national or province-wide program. It is also crucial to have a sustained and reliable financial mechanism to ensure the scheme functioning in the long term. In the case of REDD+, as the beneficiaries of the ecosystems services are the population as a whole, the provincial or federal government might consider funding the scheme in the long term.</p>

	<p>Even though REDD+ results are going to be measured in terms of carbon for the whole country, the PES scheme might not be based on carbon, but on other benefits more easily observable by users and providers, assuming conservation of forest ecosystems will effectively contribute to REDD+ objectives.</p> <p>The benefits from PES schemes are observable not only for the environmental service that is involved in the transaction but also for the benefits beyond conservation, for example, as additional income for the household, improved governance, among others.</p>
<p><b>Introduction of Efficient Alternative Energy Sources (solar, wind, biogas and efficient cook stoves and kilns)</b></p>	<p>Unsustainable firewood extraction was identified as a major driver of deforestation and/or forest degradation. For this reason, using efficient cook stoves and kilns with an alternative renewable energy solution method, can reduce the pressure on forest ecosystems by reducing the amount of wood needed to produce the same amount of energy for cooking or heating. These user-friendly technologies might bring also other benefits, such as reduced collection time or reduced indoors pollution, and thus causing less respiratory illness.</p> <p>The introduction of alternative cook stoves and kilns has to be designed together with final users, because not all models can provide solutions to the cooking and heating needs in the regions. The implementation needs to have an important component of awareness raising.</p> <p>Pakistan already has good experiences to learn from, for example the project on <i>Promotion of Energy Efficient Cooking, Heating and Housing Technologies (PEECH)</i> financed by GEF and finished in 2013.</p>
<p><b>Silvopastoral practices and sustainable grazing</b></p>	<p>Practices in which livestock grazing is not controlled has several impacts on the environment, including deforestation and degradation of forests and lands, not only by the removal of forest cover but also, by not letting regeneration to occur. There could be also negative effects on soil</p>

fertility, erosion, and pollution. Very frequently uncontrolled livestock has low productivity, partially because of the lack of management practices.

Livestock grazing managed sustainably could provide economic and environmental benefits. This strategy option is intended to promote:

1. Agro-pastoral systems combining crop and animal production, allowing for enhanced agro-ecosystem productivity and stability through integrated management of soil and water resources and crop and animal diversification
2. Intensive animal husbandry (ranching), combined with sustainable pasture and rangeland management
3. Promoting use of environmentally friendly technologies to intensify production on high-potential land already converted to pasture

The success of silvopastoral practices depends on a design that incorporates social, economic, and environmental conditions in order to be effective and provide an advantage to the farmers/ranchers over their current practices. Technology packages have to be developed to fit regional conditions.

## Agroforestry

Productive practices that combine deliberately trees (or other woody perennials) with agricultural crops in the same land, known as agroforestry, is a proven system to increase benefits from the land, as they can provide equal or higher yields than traditional practices with the added environmental and economic benefits from the forests, including carbon capture and storage in the areas where it is implemented, and reduce pressure on other forested areas. Agroforestry systems can be an important alternative for smallholder farmers as they can improve agricultural yields and provide additional income from other forest products.

There are several proven alternatives for agroforestry systems that can be customized for the regional conditions in the country, including alley cropping, multilayer tree gardens,



## Eco tourism

multipurpose trees on crop lands, shelterbelts and windbreaks, live hedges, fuelwood production, among others.

Because agroforestry systems incorporate multiple dimensions (environmental, agricultural, silvicultural, economic, cultural) it is important to design them according to the local circumstances, including specialists from different disciplines. This might be the biggest challenge to implement agroforestry systems.

Agroforestry systems are already considered a mitigation option in the agriculture sector.

Tourism is one of the sectors that globally has faced the fastest economic growth rates throughout the last decade. Furthermore, for many developing countries, it has become a prime source of foreign exchange inflows. At the same time, tourism has a generally low negative impact on the environment compared to other productive sectors such as agriculture, cattle ranching and mining. With growing global pressures on forest resources and the search for models of sustainable development and sustainable forest use, it has thus been natural to look towards tourism in forest areas as a potential win-win component in the design of conservation strategies and practices.

Tourism directed towards natural forests can be viewed as another element within the array of non-timber forest benefits, complemented by other forest services, such as watershed protection, carbon storage and erosion control, and by the exploitation of various non-timber forest products (NTFPs). As an, in principle, non-consumptive use of the forest, it is a potentially well-suited element for conservation. Moreover, the tourist appeal of a natural site (and hence its income-generating potential) tends to be closely related to its conservation level. Finally, unlike other forest services that are often valued too late, i.e., when forest loss has already led to visible environmental costs, nature tourism is able to produce in time new and additional financial resources. These resources may provide important conservation incentives for the relevant natural resource managers, by increasing the gains from conservation-based options, compared to competing, non-sustainable land uses (forest degradation and/or conversion). In addition, tourism directed towards conservation areas also has an educational potential for the

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participant who, according to the ideology of ecotourism, may be enlightened and encouraged by his visit to generally support nature conservation.

## 2.1 Findings of the SESA and the World Bank's environmental and social safeguard policies triggered in relation to the identified risks

The objective of this section is to provide an identification, and prioritization of the potential risks that may arise from the implementation of Pakistan's REDD+ Strategy Options and the World Bank's environmental and social safeguard policies triggered in relation to the identified risks.

The section is structured in relation to potential REDD+ strategic options.

### 2.1.1 REDD+ Strategy Option 1: Restoration, reforestation and afforestation

#### Social Risks

- Limitation / exclusion of certain right holders (that includes but is not limited to: vulnerable individuals within communities, tribal and/or forest-dependent community(ies) if existing land tenure legal deficiencies are not addressed successfully.<sup>34</sup>
- Exacerbation of poverty if restoration, reforestation and afforestation policies/programs continue with current system of land tenure in which an elite class of landowners<sup>35</sup> owns vast holdings worked by tenant farmers, forest owners, right holders, customary users and labourers who live in persistent poverty.<sup>36</sup>
- Strengthening / resurgence of social conflicts associated with weak and / or non-transparent internal governance structures regarding access to benefits of incentives arising from restoration, reforestation and afforestation policies/programs.<sup>37</sup>

<sup>34</sup> Land transactions, particularly when registering a piece of land, are extremely cumbersome, socially inadequate, gender insensitive, and full of administrative anomalies that discourages the majority of customary owners in the rural areas from utilizing them. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.

<sup>35</sup> Sociologist and political scientist Hamza Alavi refers to the three classes of Pakistani elite: Feudal landowners, indigenous bourgeoisie and metropolitan capital. Feudal landowners in Pakistan consists of landlords with large joint families possessing hundreds or even thousands of acres of land. They seldom make any direct contribution to agricultural production. Instead, all work is done by peasants or tenants who live at subsistence level. Khan, Jahanzaib; Dasti, Humaira Arif; Khan, Abdul Rasheed (2013). ["FEUDALISM IS A MAJOR OBSTACLE IN THE WAY OF SOCIAL MOBILITY IN PAKISTAN"](#) (PDF). *Journal of the Research Society of Pakistan*.

<sup>36</sup> Anwar et al. (2002) found that poverty is highest (at 54 percent) among the landless, noting that only 0.08 percent of Pakistani households own more than 2 hectares of land, and that unequal land distribution is the primary manifestation of poverty in rural Pakistan.

<sup>37</sup> According to 'Historical Social and Environmental Assessment Report' major challenges of equitable distribution of benefits among all stakeholders persist because of institutionalization of inequalities



- Reduction in availability of fuel and firewood for communities leading to reduction in quality of life if alternative energy solutions are not provided.
- Exacerbation of limited land tenure rights of women if gender equality is not adequately promoted and guaranteed as a key element of the design and implementation of restoration, reforestation and afforestation policies/programs.<sup>38</sup>

### Environmental Risks

- Increased risk of land appropriation and conversion of natural forests.<sup>39</sup>
- Limited availability of firewood.

#### World Bank environmental and social safeguard policies triggered in relation to the identified risks

- Environmental Assessment (OP 4.01)
- Natural Habitats (OP 4.04)
- Forests (OP 4.36)
- Indigenous Peoples (OP 4.10)

## 2.1.2 REDD+ Strategy Option 2: Sustainable Forest Management

### Social Risks

- 1) Limitations for the effective participation or incidence of key actors, in particular, tribal and native communities when defining and prioritizing sustainable forest management practices and areas<sup>40</sup>.

<sup>38</sup> The existing system for land registration is highly unfriendly for women. Customary laws of the land offer only limited rights of ownership available to women as they can neither gift nor alienate the land or easily obtain ownership rights. Furthermore, women in Pakistan do not have an inherent right in their marital property, as the concept of co-ownership does not exist. For more details see 'Historical Social and Environmental Assessment Report' prepared by CLP and HBP. Exceptions apply to Balochistan where women ownership exists.

<sup>39</sup> According to Section 34-A of the Forest Act, 1927, The Government shall not allow change in land use of a protected forest, except for the purposes of right of way, building of roads and development of a forest park, but the Government shall not allow construction of concrete building or permanent structure in protected forests. There are no PLRs that prohibit or control the conversion of 'natural forests' into other types of forests or land classifications. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.

<sup>40</sup> The identification of forest communities often leads to labelling of these communities as threats to the forest. Moreover, a wider group of stakeholders from local communities are unable to effectively participate in JFMCs because these are monopolized by rich and influential persons. The legal framework on participation in forest management and

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- 2) Lack of recognition of traditional knowledge of tribal and native communities<sup>41</sup>.
  - 3) Exclusion of native communities.

### **Environmental Risks**

- 1) Extensive use of pesticides and chances of low quality hybrid seeds.
- 2) Promotion of productive activities can cause alteration of the ecosystem and damage to certain forest species of commercial interest.
- 3) Displacement of emissions due to the potential prioritization of productive activities to be implemented without considering local livelihoods of tribal and native communities and local economy.

#### **World Bank Environmental and Social Safeguard Policies Triggered in Relation to the Identified Risks**

- **Environmental Assessment (OP 4.01)**
- **Forests (OP 4.36)**
- **Indigenous Peoples (OP 4.10)**

### **2.1.3 REDD+ Strategy Option 3: Payment for Ecosystem Services (PES)**

#### **Social Risks**

- 1) Limitation / exclusion of certain right holders to access PES if they are deemed illegible due to existing land tenure legal deficiencies.<sup>42</sup>

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environmental decision-making pertain to local communities, but do not ensure the effective participation of indigenous peoples. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.

<sup>41</sup> There is no specific legislation which specifically protects/regulates traditional knowledge of customary/traditional peoples as per relevant international legal standards. Moreover, the legal framework does not outline a clear objective towards safeguarding customary landowners' and local communities' rights as they relate to culture and also indirectly includes a respect for their identity, customs, traditions and institutions. For more details see 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP

<sup>42</sup> Land transactions, particularly when registering a piece of land, are extremely cumbersome, socially inadequate, gender insensitive, and full of administrative anomalies that discourages the majority of customary owners in the rural

- 2) The PES scheme could create conditions of corruption if it is not accompanied by a strengthened and transparent governance structure.<sup>43</sup>
- 3) Social conflicts associated with weak and / or non-transparent internal governance structures regarding access to benefits of incentives.<sup>44</sup>
- 4) Exacerbated marginalization of women in PES, if they are deemed illegible due to existing land tenure legal deficiencies and lack of mandate for their inclusion.<sup>45</sup>
- 5) Inter and intra community conflicts over benefit sharing.
- 6) Cultural and social negative impacts if not appropriately designed.

### **Environmental Risks**

- 1) May cause environmental negative impacts (loss of local biodiversity due to monocultures) if not appropriately designed.
- 2) Payments may transform demography of the area and result in depletion of natural resources.

#### **World Bank environmental and social safeguard policies triggered in relation to the identified risks**

- **Environmental Assessment (OP 4.01)**
- **Forests (OP 4.36)**
- **Indigenous Peoples (OP 4.10)**

areas from utilizing them. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP. According to 'Historical Social and Environmental Assessment Report' major challenges of equitable distribution of benefits among all stakeholders persist because of institutionalization of inequalities

<sup>43</sup> Corruption and Corrupt Practices have not been defined in any law pertaining to forestry. Poor governance, and lack of accountability of Forest Departments, smuggling, theft and corruption in the institutional framework are the basic reasons for deforestation in Pakistan.

<sup>44</sup> There are issues with the equitable distribution of benefits due to a lack of detailed guidelines within the relevant forest legislation to regulate it. The process or conditions for determining what is considered 'equitable' is also not clearly stipulated within the PLRs.

<sup>45</sup> 'Analyses of Legal and Institutional and governance capacity to address safeguards' noted that on equitable sharing and gender equality, there is no mechanism provided that would allow the involvement of women in the management processes. Moreover, the role of women and the importance of their participation is diluted, as Provincial PLRs state that the Government will "make efforts to encourage" their participation in management, as opposed to mandating their inclusion. For more details see 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP



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## 2.1.4 REDD+ Strategy Option 4: Introduction of Efficient Alternative Energy Sources (solar, wind, biogas and efficient cook stoves and kilns)

### Social Risks

- 1) The fuel required by these technologies may be expensive/prohibitive, both in terms of acquisition and preparation, since some of these stoves (e.g., top loading micro-gasification technologies) generally require higher quality wood chopped into small pieces to deliver the promised gains in efficiency and reduction in smoke levels.
- 2) May lead to adverse impacts to the local economy and traditional practices if the programmes do not recognize or are developed taking their needs and practices into consideration.
- 3) May lead to the forced displacement and / or limitations on access to and use of land and resources for energy production of tribal and native communities.

### Environmental Risks

- 1) May lead to the displacement of emissions (deforestation/degradation) due to local restrictions on the use of forest resources.
- 2) May lead to increase in coal production at local level.

#### World Bank environmental and social safeguard policies triggered in relation to the identified risks

- Environmental Assessment (OP 4.01):
- Involuntary Resettlement (OP 4.12)
- Indigenous Peoples (OP 4.10)

## 2.1.5 REDD+ Strategy Option 5: Silvopastoral practices and sustainable grazing

### Social Risks

- 1) Limitation / exclusion of certain right holders to access silvopastoral programmes if they are deemed illegible due to existing land tenure legal deficiencies.<sup>46</sup>

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<sup>46</sup> Land transactions, particularly when registering a piece of land, are extremely cumbersome, socially inadequate, gender insensitive, and full of administrative anomalies that discourages the majority of customary owners in the rural

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- 2) Loss of income and livelihood for groups excluded or restricted from grazing (particularly nomads).
  - 3) Additional restrictions on silvopastoral practices and sustainable grazing can lead to grievances, conflicts, loss of income or livelihoods.
  - 4) Conflict between benefit sharing of resources between native communities and nomads.

### **Environmental Risks**

- 1) Limited effectiveness of silvopastoral practice due to short growing season in northern hilly areas.
- 2) Risk of introduction of exotic or alien invasive species.

#### **World Bank environmental and social safeguard policies triggered in relation to the identified risks**

- **Environmental Assessment (OP 4.01)**
- **Natural Habitats (OP 4.04)**
- **Forests (OP 4.36)**

### **2.1.6 REDD+ Strategy Option 6: Agroforestry**

#### **Social Risks**

- 1) Limitation / exclusion of certain right holders (that includes but is not limited to: vulnerable individuals within communities, tribal and/or forest-dependent community(ies)) to access Agroforestry (AF) programmes if they are deemed illegible due to existing land tenure legal deficiencies.<sup>47</sup>

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areas from utilizing them. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP. According to 'Historical Social and Environmental Assessment Report' major challenges of equitable distribution of benefits among all stakeholders persist because of institutionalization of inequalities

<sup>47</sup> Land transactions, particularly when registering a piece of land, are extremely cumbersome, socially inadequate, gender insensitive, and full of administrative anomalies that discourages the majority of customary owners in the rural areas from utilizing them. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP. According to 'Historical Social and Environmental Assessment Report' major challenges of equitable distribution of benefits among all stakeholders persist because of institutionalization of inequalities

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- 2) AF systems on farms that aimed to serve as alternative sources of fuelwood may not be accessible to the poor.
  - 3) Lack of balance between selected productive activities and traditional livelihoods that affect local economies and prioritize productive sectors.

### **Environmental Risks**

- 1) Competition for water, sunlight and nutrients may affect grain yield and total biomass of agricultural crops but the magnitude depends on the species used in the AF system.
- 2) Can lead to the dependence on biomass energy, overuse of ecosystem services, (particularly energy, food and health related dependency on agroforestry) and increased use of mineral fertilizers.
- 3) Can cause alteration of the ecosystem and threaten native biodiversity. The introduction of invasive alien tree species can replace valuable native species which are comparatively less aggressive.

#### **World Bank environmental and social safeguard policies triggered in relation to the identified risks**

- **Environmental Assessment (OP 4.01)**
- **Natural Habitats (OP 4.04)**
- **Forests (OP 4.36)**
- **Indigenous Peoples (OP 4.10)**

### **2.1.7 REDD+ Strategy Option 7: Eco Tourism**

#### **Social Risks**

1. Security, law and crime rate may be enhanced due to more mobility and a high concentration of cash from tourism.
2. Local culture may be eroded as a result of eco-tourism practices that do not adhere to basic principles of environmental sustainability and local income generation. High levels of visitation by foreign tourists may lead to the disturbance of local cultural practices and lifestyles.
3. Disruption of local economic activities.



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4. May lead to increased social conflict, as the economic benefits of ecotourism in a particular area may not accrue to the local community equally (elite capture).

### **Environmental Risks**

- 1) Trail deterioration. Anthropogenic impact on the existing natural environment of trails (the pathways within the forested areas, including delta and hilly areas) in case of extensive number of visitors.
- 2) Increased pollution because of the garbage and malpractices by the tourists, given that the sanitary and cleaning activities are either not regulated or not possible on such trails.
- 3) Habitat disruption.
- 4) Increased human presence due to ecotourism may exacerbate traffic and pollution.

#### **World Bank environmental and social safeguard policies triggered in relation to the identified risks**

- **Environmental Assessment (OP 4.01)**
- **Natural Habitats (OP 4.04)**
- **Forests (OP 4.36)**

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**3. SECTION II: RELEVANT FRAMEWORKS AND PLANS PROVIDED FOR THE APPLICABLE WORLD BANK'S ENVIRONMENTAL AND SOCIAL SAFEGUARD POLICIES TRIGGERED**

The findings of the SESA show that the strategic options contained in the National REDD+ Strategy trigger the following Operational Policies:

- OP 4.01 – Environmental Assessment
- OP 4.04 – Natural Habitats
- OP 4.10 – Indigenous Peoples
- OP 4.12 – Involuntary Resettlement
- OP 4.36 – Forests

**Table 3 : Triggered OPs and the Approach Proposed by the ESMF**

World Bank Operational Policy	Proposed approach
Environmental Assessment: OP 4.01	<ul style="list-style-type: none"> <li>• Initial environmental screening of proposed geographically targeted interventions contained in provincial REDD+ strategies (including the additional criteria outlined below)</li> <li>• Depending on the outcome of the screening, EIA to be carried out by the responsible agency.</li> <li>• M&amp;E framework to be developed</li> </ul>
Natural Habitats: OP 4.04	<ul style="list-style-type: none"> <li>• Initial environmental screening of proposed geographically targeted interventions (as suggested above) contained in Provincial REDD+ Action Plans (PRAPs) will identify whether natural habitats, or critical natural habitats are at risk of degradation or conversion.</li> <li>• Depending on the outcome of the screening, appropriate mitigation measures will need to be defined.</li> </ul>
Forests: OP 4.36	<ul style="list-style-type: none"> <li>• Initial environmental screening of proposed, geographically targeted interventions contained in provincial REDD+ strategies to identify potential impacts on forest health and quality and on the rights and welfare of the people who depend on them.</li> <li>• Depending on the outcome of the screening, appropriate mitigation measures will need to be defined.</li> </ul>



Indigenous peoples: OP. 410

- Provincial government of Khyber-Pakhtunkhwa to screen provincial REDD+ Strategy to determine whether specific interventions are planned in or around the Chitral forests (screening of individual subprojects).
- Carry out social assessment for each proposed intervention to determining the effects on Tribal Populations.
- Develop Indigenous Peoples Plan for each relevant proposed intervention.
- Consider putting in place an action plan for the legal recognition of customary rights to lands and territories.

Involuntary resettlement: OP 4.12

- RPF outlined

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## 3.1 Environmental Assessment

### i) Screening

The Bank requires environmental assessment of all project or programme proposals from countries seeking Bank finance, to help ensure that they are “environmentally sound and sustainable.”<sup>48</sup> The breadth, depth, and type of analysis will depend on the nature, scale, and potential environmental impact of the proposed project. Based on the identified potential environmental risks of a project, alternatives need to be considered, as well as better project selection, siting, planning, design, and implementation. The Bank does however, favour preventive measures over mitigation or compensation, whenever feasible.

According to OP 4.01:<sup>49</sup> “Depending on the project, a range of instruments can be used to satisfy the Bank’s EA requirement: environmental impact assessment (EIA), regional or sectoral EA, strategic environmental and social assessment (SESA), environmental audit, hazard or risk assessment, environmental management plan (EMP) and environmental and social management framework (ESMF). EA applies one or more of these instruments, or elements of them, as appropriate. When the project is likely to have sectoral or regional impacts, sectoral or regional EA is required.”

The FCPF Common Approach states that “REDD+ readiness activities in the FCPF context entail no investment projects on the ground. They mostly consist of strategic planning and preparation.”<sup>50</sup> The appropriate forms of Environmental Assessment are therefore the Strategic Environmental and Social Assessment (SESA), combined with an Environmental and Social Management Framework. The Common Approach also states that “If REDD+ investments are not yet clearly identified at the R-Package stage, the ESMF produced as part of the R-Package could still be fairly general establishing principles ... for policy and program design..., while leaving more specific measures to be finalized once the investments are clearly identified.”<sup>51</sup>

The Bank outlines the following operational principles for Environmental Assessment:<sup>52</sup>

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<sup>48</sup> World Bank (2013) OP 4.01 Environmental Assessment. Operational Manual

<sup>49</sup> Ibid

<sup>50</sup> Forest Carbon Partnership Facility (FCPF) (2011) Readiness Fund Common Approach to Environmental and Social Safeguards for Multiple Delivery Partners

<sup>51</sup> Ibid

<sup>52</sup> World bank (2005) Table A1 Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles

- Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment (EA) so that appropriate studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts
- Assess potential impacts of the proposed project on physical, biological, socio-economic and physical cultural resources, including transboundary and global concerns, and potential impacts on human health and safety
- Provide for assessment of feasible investment, technical, and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them.
- Prevent and, where not possible to prevent, at least minimize, or compensate for adverse project impacts and enhance positive impacts through environmental management and planning that includes the proposed mitigation measures, monitoring, institutional capacity development and training measures, an implementation schedule, and cost estimates.
- Involve stakeholders, including project-affected groups and local nongovernmental organizations, as early as possible, in the preparation process and ensure that their views and concerns are made known to decision makers and taken into account. Continue consultations throughout project implementation as necessary to address EA-related issues that affect them.
- Use independent expertise in the preparation of EA where appropriate. Use independent advisory panels during preparation and implementation of projects that are highly risky or contentious or that involve serious and multi-dimensional environmental and/or social concerns
- Provide measures to link the environmental assessment process and findings with studies of economic, financial, institutional, social and technical analyses of a proposed project
- Disclose draft EA in a timely manner, before appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.

Given the federal nature of forest management in Pakistan,<sup>53</sup> the National REDD+ Strategy serves as a strategic framework upon which subsequent provincial strategies will be developed, each of which will also need to adapt the national SESA and ESMF to apply to the provincial strategies.

OP 4.01 also states that “For projects involving the preparation and implementation of subprojects ... the project coordinating entity or implementing institution carries out appropriate EA **according to country requirements** and the requirements of this policy.”<sup>54</sup>

<sup>53</sup> Which is identified as a provincial responsibility in the Constitution

<sup>54</sup> World Bank (2013) OP 4.01 Environmental Assessment. Operational Manual



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Therefore, following the preparation of provincial SESA and ESMF, future localised, project type interventions, will need to be individually screened by the responsible entity to determine the appropriate extent and type of subsequent environmental assessments to be applied. The choice of applicable assessment will vary depending on the type, location, sensitivity, and scale of the proposed intervention, as well as the nature and magnitude of its potential impacts.<sup>55</sup> According to the Bank, interventions can fall into one of the following categories:

- **Category A:** includes proposed interventions that are likely to have significant adverse environmental impacts that may be irreversible, or raise issues covered by OP 4.04 (natural habitats); OP/BP 4.10 (Indigenous Peoples); OP/OB 4.11, OP 4.12 (Physical Cultural Resources) or OP 4.12 (Involuntary Resettlement) will require the proponent<sup>56</sup> to prepare an **Environmental Impact Assessment** (or a suitably comprehensive regional or sectoral EA). Essential elements that must be covered include:
  - the intervention's potential negative and positive environmental impacts compared with feasible alternatives (including "without project" scenario)
  - measures needed to prevent, minimise, mitigate, or compensate for adverse impacts and improve environmental performance
- **Category B:** Includes proposed interventions that may have adverse environmental impacts on human populations or environmentally important areas (wetlands, forests, grasslands). These impacts are estimated to be less severe than Category A interventions (not irreversible), and site-specific. In most cases mitigatory measures are appropriate. Essential elements of the EA for Category B interventions include:<sup>57</sup>
  - the intervention's potential negative and positive environmental impacts
  - measures needed to prevent, minimise, mitigate, or compensate for adverse impacts and improve environmental performance
- **Category C:** includes proposed interventions that are likely to have minimal or no adverse environmental impacts. For these types of interventions, no further EA action is required beyond the initial screening.

According to BP 4.36 A project with the potential for conversion or degradation of natural forests or other natural habitats that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented is classified as Category A, while projects otherwise involving forests or other

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<sup>55</sup> Ibid

<sup>56</sup> the wording of the OP is that of the 'borrower' rather than project proponent

<sup>57</sup> Additionally, the Bank states that "Depending on the type of project and the nature and magnitude of the impacts, this report may include, for example, a **limited environmental impact assessment, an environmental mitigation or management plan, an environmental audit, or a hazard assessment**. For Category B projects that are not in environmentally sensitive areas and that present well-defined and well-understood issues of narrow scope, the Bank may accept alternative approaches for meeting EA requirements: for example, environmentally sound design criteria, siting criteria, or pollution standards for small-scale industrial plants or rural works; environmentally sound siting criteria, construction standards, or inspection procedures for housing projects; or environmentally sound operating procedures for road rehabilitation projects." World Bank (2013) OP 4.01 Environmental Assessment. Operational Manual

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natural habitats are classified as Category B, C, or FI, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its environmental impacts.<sup>58</sup>

## ii) EIA

Following the initial screening of proposed sub-projects, the project coordinating/implementing entity is responsible for carrying out the appropriate EA according to country requirements and those of the Operational Policy. The Bank provides guidance on the content of an Environmental Assessment report for Category A projects.<sup>59</sup> However, given the current version of the National REDD+ Strategy, no Category A projects are expected.

In accordance with OP/ 4.36 on Forests (see below),<sup>60</sup> OP 4.10 on Indigenous Peoples,<sup>61</sup> and OP 4.12 on Involuntary Resettlement,<sup>62</sup> the environmental assessment and subsequent mitigation measures will be expected to address the potential impact of the project on forests and/or the rights and welfare of local communities, including their legal rights of access to, and use of, designated forests areas.

Pakistan's 1997 Environmental Protection Act establishes a legal requirement for Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA) where a project is likely to cause an adverse environmental effect.<sup>63</sup> The list of projects that require an IEE or EIA can be found in the Pakistan Environmental Protection Agency (EPA) Regulations 2000.<sup>64</sup> There is no explicit requirement for IEE in relation to projects in the forest sector, however, the regulations do note that **EIAs are required for "Any other project likely to cause an adverse environmental effect."**<sup>65</sup>

Therefore, depending on the initial screening of intervention proposals (outlined above), the preparation of an EIA may be required as per the laws of Pakistan. The EPA has detailed guidelines on how to carry out EIAs, including how to

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<sup>58</sup> World Bank (2013) BP 4.36 Forests

<sup>59</sup> World Bank (1999) OP 4.01, Annex B - Content of an Environmental Assessment Report for a Category A Project

<sup>60</sup> World Bank (2013) OP 4.36 Forests

<sup>61</sup> World Bank (2013) OP 4.10 Indigenous Peoples

<sup>62</sup> World Bank (2013) OP 4.12 Involuntary Resettlement

<sup>63</sup> Pakistan Environmental Protection Act 1997 Section 12

<sup>64</sup> Schedules I and II

<sup>65</sup> Pakistan Environmental Protection Agency Regulations 2000 Schedule II paragraph J(2)

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carry out public consultations,<sup>66</sup> and specific procedures for sensitive and critical areas.<sup>67</sup>

It is suggested that where possible, the Pakistan EIA guidelines be applied, with the additional guidance from OP 4.36 to be applied on assessment and mitigation of potential impacts on forests and rights and welfare of local communities. If this is not possible, at the very least, the principles for Environmental Assessment outlined above must be followed during the development of target REDD+ interventions. The Bank also provides guidance on the development of Environmental Management Plans.<sup>68</sup>

### 3.2. Natural Habitats

World Bank Operational Policy 4.04 aims to “promote and support natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitats and the maintenance of ecological functions.”<sup>69</sup>

The Bank outlines the following operational principles for Natural Habitats:<sup>70</sup>

- Use a precautionary approach to natural resources management to ensure opportunities for environmentally sustainable development. Determine if project benefits substantially outweigh potential environmental costs.
- Avoid significant conversion or degradation of critical natural habitats, including those habitats that are (a) legally protected, (b) officially proposed for protection, (c) identified by authoritative sources for their high conservation value, or (d) recognized as protected by traditional local communities.
- Where projects adversely affect non-critical natural habitats, proceed only if viable alternatives are not available, and if appropriate conservation and mitigation measures, including those required to maintain ecological services they provide, are in place. Include also mitigation measures that minimize habitat loss and establish and maintain an ecologically similar protected area.
- Wherever feasible, Bank-financed projects should be sited on lands already converted (excluding any lands that in the Bank's opinion were converted in anticipation of the project).

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<sup>66</sup> For all Category A and B interventions, the proponent is expected to consult potentially affected groups and local civil society both during project design and throughout implementation.<sup>66</sup> This includes providing relevant material in a timely manner “prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.” World Bank (2013) OP 4.01 Environmental Assessment. Operational Manual

<sup>67</sup> Pakistan Environmental Protection Agency Guidelines. Available at: <http://environment.gov.pk/desc.php?page=guidelines>

<sup>68</sup> World Bank (1999) OP 4.01, Annex C - Environmental Management Plan

<sup>69</sup> World Bank (2013) OP 4.04 Natural Habitats

<sup>70</sup> World bank (2005) Table A1 Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles



- Consult key stakeholders, including local nongovernmental organizations and local communities, and involve such people in design, implementation, monitoring, and evaluation of projects, including mitigation planning.
- Provide for the use of appropriate expertise for the design and implementation of mitigation and monitoring plan
- Disclose draft mitigation plan in a timely manner, before appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.
- If the environmental assessment (see procedure above) indicates that a project would significantly convert or degrade natural habitats,<sup>71</sup> the project includes mitigation measures acceptable to the Bank. Such mitigation measures include:
  - minimizing habitat loss (e.g., strategic habitat retention and post-development restoration) and
  - establishing and maintaining an ecologically similar protected area
  - the Bank accepts other forms of mitigation measures only when they are technically justified.

As noted above, appropriate expertise will need to be harnessed for the design and implementation of any mitigation and monitoring. World Bank BP 4.04 further outlines the documentation to be prepared if the environmental screening indicates the potential for significant conversion or degradation of critical or other natural habitats.<sup>72</sup>

If the intended REDD+ interventions occur on areas that are not considered as Natural Habitats as defined by the Bank, the OP does not apply. Such a conclusion can be drawn during the initial project screening stage outlined above.

### 3.3. Forests

The objective of OP 4.36 on Forests is “to realize the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development, and protect the vital local and global environmental services and values of forests.”<sup>73</sup>

<sup>71</sup> The Bank defines natural habitats as: land and water areas where (i) the ecosystems' bio-logical communities are formed largely by native plant and animal species, and (ii) human activity has not essentially modified the area's primary ecological functions. All natural habitats have important biological, social, economic, and existence value. Important natural habitats may occur in tropical humid, dry, and cloud forests; temperate and boreal forests; mediterranean-type shrub lands; natural arid and semi-arid lands; mangrove swamps, coastal marshes, and other wetlands; estuaries; sea grass beds; coral reefs; freshwater lakes and rivers; alpine and sub alpine environments, including herb fields, grasslands, and paramos; and tropical and temperate grasslands.

<sup>72</sup> World Bank (2001) BP 4.04 Natural Habitats

<sup>73</sup> World Bank (2013) OP 4.36 Forests

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OP 4.36 is applicable to projects:<sup>74</sup>

- that have or may have impacts on the health and quality of forests
- that affect the rights and welfare of people and their level of dependence upon or interaction with forests; and
- that aim to bring about changes in the management, protection, or utilization of natural forests or plantations, whether they are publicly, privately, or communally owned

The Bank outlines the following operational principles for proposed interventions potentially affecting forests:<sup>75</sup>

- Screen as early as possible for potential impacts on forest health and quality and on the rights and welfare of the people who depend on them.
- Do not finance projects that would involve significant conversion or degradation of critical forest areas or related critical natural habitats, or that would contravene applicable international environmental agreements.
- Do not finance natural forest harvesting or plantation development that would involve any conversion or degradation of critical forest areas or related critical natural habitats.
- Support projects that adversely impact non-critical natural forests or related natural habitats only if viable alternatives to the project are not available and only if appropriate conservation and mitigation measures are in place.
- Ensure that forest restoration projects maintain or enhance biodiversity and ecosystem functionality and that all plantation projects are environmentally appropriate, socially beneficial and economically viable.
- Give preference to small-scale community-level management approaches where they best reduce poverty in a sustainable manner.
- Disclose any time-bound action plans in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.

Therefore, in cases such as REDD+ in Pakistan where forest restoration and plantation development are intended, the importance of forest restoration activities that maintain or enhance biodiversity and ecosystem functionality, as well as the “establishment and sustainable management of environmentally appropriate, socially beneficial, and economically viable forest plantations”<sup>76</sup> are particularly important.

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<sup>74</sup> Ibid

<sup>75</sup> World bank (2005) Table A1 Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles

<sup>76</sup> Ibid

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As seen above under OP 4.01, the EAs will need to assess and mitigate potential impacts of proposed REDD+ interventions on forests and/or the rights and welfare of local communities.

Finally, where interventions are designed to support community-based forest management and development, project design should take into account:<sup>77</sup>

- the extent to which the livelihoods of local communities depend on and use trees in the project and adjacent area,
- the institutional, policy, and conflict management issues involved in improving the participation of indigenous people and poor people in the management of the trees and forests included in the project area; and
- forest product and forest service issues relevant to indigenous people and poor people living in or near forests in the project area, as well as opportunities for promoting the involvement of women.

### 3.4. Indigenous peoples

World Bank OP 4.10 aims to ensure that the “dignity, human rights, economies, and cultures of Indigenous Peoples” are respected.<sup>78</sup> The Bank requires that any project it finances that may affect Indigenous Peoples, the proponent (borrower) must engage in a process of free, prior, informed consultation and it only provides funding where this process results in “broad community support.”<sup>79</sup>

The two guiding principles of this operational policy are that projects potentially affecting Indigenous Peoples should include measures to:

- Avoid potentially adverse on the communities in question; or
- When avoidance is not feasible, minimize, mitigate or compensate for such effects

Furthermore, these projects should be designed to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate and gender and intergenerationally inclusive.<sup>80</sup>

The Bank recognises the fact that there is no universally accepted definition of “Indigenous Peoples,” and that the terms used to describe them may vary from

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<sup>77</sup> World Bank (2013) BP 4.36 Forests

<sup>78</sup> World Bank (2013) OP 4.10 Indigenous Peoples para 1

<sup>79</sup> Ibid

<sup>80</sup> Ibid



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one country to another.<sup>81</sup> The Bank does however outline a series of criteria that can be used to help project proponents to identify Indigenous Peoples, including:

- self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories
- customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- an indigenous language, often different from the official language of the country or region

#### **i) Screening**

According to OP 4.10, the Bank undertakes a screening “early in project preparation” to determine whether indigenous Peoples are present in, or have collective attachment to, the project area.<sup>82</sup>

The Bank has already recognised the Kailash people, traditionally residing in the Chitral forests of Khyber-Pakhtunkhwa province, as an Indigenous People. This is because their language, culture, and religion are distinct from those of the Islamic ethnic groups surrounding them. Therefore, OP 4.10 applies specifically to the province of Khyber-Pakhtunkhwa, whose provincial government will need to take additional steps in line with Bank requirements and guidance. OP 4.10 also acknowledges (similarly to OP 4.01 on environmental assessment) that some projects involve multiple sub projects.<sup>83</sup>

Though the Bank has identified that Indigenous Peoples are likely to be present or have collective attachment to a project area (Chitral forests in Khyber-Pakhtunkhwa), the sub-projects<sup>84</sup> need further development before specific adverse and positive impacts can be determined. In these types of scenarios, the Bank requires an Indigenous Peoples Planning Framework (IPPF) to be developed.<sup>85</sup>

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<sup>81</sup> Including "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," or "tribal groups." World Bank (2013) OP 4.10 Indigenous Peoples para 3

<sup>82</sup> World Bank (2013) OP 4.10 Indigenous Peoples para 8

<sup>83</sup> World Bank (2013) OP 4.10 Indigenous Peoples para 13

<sup>84</sup> i.e. Khyber-Pakhtunkhwa's provincial REDD+ strategy, as well as specific projects/interventions

<sup>85</sup> World Bank (2013) OP 4.10 Indigenous Peoples para

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### 3.5. Indigenous Peoples Planning Framework

The IPPF is expected to set out:

- The types of programmes and subprojects likely to be proposed for financing under the project
- The potential positive and adverse effects of such programs or subprojects on Indigenous Peoples

The table below summarises the preliminary positive and adverse effects of the National REDD+ strategy on Indigenous Peoples in KPK.<sup>86</sup>

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<sup>86</sup> Though it is not yet clear whether KPK will implement all the strategy options currently contained in the national REDD+ Strategy

**Table 4: Positive and adverse effects of the national REDD+ strategy on Indigenous Peoples in KPK.**

Strategy option	Positive effects	Negative effects
<b>Restoration, reforestation and afforestation</b>	<p>Positive impact on the economy and economic development due to the diversification of sources of rural income, new resources, and the generation of sources of employment.</p> <p>Better understanding of environmental services and sustainable management and change of behaviour for the sustainable management of the forest resources.</p>	<p>Exclusion of Indigenous Peoples if existing land tenure legal deficiencies are not addressed successfully<sup>87</sup></p> <p>Reduction in availability of fuel and firewood for communities leading to reduction in quality of life if alternative energy solutions are not provided</p>
<b>Sustainable Forest Management</b>	<p>Increase in forest knowledge and technical know-how thanks to access to educational programmes on alternative productive activities.</p>	<p>Exclusion of Indigenous Peoples when defining and prioritizing sustainable forest management practices and areas.<sup>88</sup></p>

<sup>87</sup> The administrative process for registering land has been found to be socially inadequate, gender insensitive, and full of administrative anomalies that discourages most customary owners in the rural areas from utilising them. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.

<sup>88</sup> The identification of forest communities often leads to labelling of these communities as threats to the forest. Moreover, a wider group of stakeholders from local communities are unable to effectively participate in JFMCs because these are monopolized by rich and influential persons. The legal framework on participation in forest management and environmental decision-making pertain to local communities, but do not ensure the effective participation of indigenous peoples. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.

	Rural development, creation of new resources / sources of employment for local actors and improvement of the quality of life	Lack of recognition of traditional knowledge of Indigenous Peoples. <sup>89</sup>
<b>Payment for Ecosystem Services</b>	Economic development and decrease of migration to the cities due to the diversification of sources of rural income, new resources, and the generation of sources of employment	Exclusion of Indigenous Peoples if existing land tenure legal deficiencies are not addressed successfully
	Better understanding of environmental services and sustainable management of forests	Inter and intra community conflicts over benefit sharing
<b>Introduction of Efficient Alternative Energy Sources (solar, wind, biogas and efficient cook stoves and kilns)</b>	Improved time and cost effectiveness	Adverse impacts to the local economy and traditional practices.
	Reduction in the health risks of population, including women and children due to more efficient energy consumption.	Forced displacement and / or limitations on access to and use of land and resources for energy production of Indigenous Peoples.
<b>Silvopastoral practices and sustainable grazing</b>	Reduced social conflict from illegal logging and intrusion from nomads and intruders.	Limitation / exclusion of Indigenous Peoples to access silvopastoral programmes, if they are deemed illegible

<sup>89</sup> There is no specific legislation which specifically protects/regulates traditional knowledge of Indigenous Peoples as per relevant international legal standards. Moreover, the legal framework does not outline a clear objective towards safeguarding customary landowners' and local communities' rights as they relate to culture and indirectly includes a respect for their identity, customs, traditions and institutions. For more details see 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP



		due to existing land tenure legal deficiencies. <sup>90</sup>
	Develop the livestock sector which will lead to poverty reduction and increased livelihood opportunities.	Conflict over sharing of resources between Indigenous Peoples and nomads
<b>Agroforestry</b>	Improved livelihoods	Limitation / exclusion of Indigenous Peoples to access Agroforestry programmes if they are deemed illegible due to existing land tenure legal deficiencies.
	Reduced extraction of fuelwood from natural forests	Lack of balance between selected productive activities and traditional livelihoods.
<b>Eco Tourism</b>	Enhancement of local livelihood opportunities	May lead to increased social conflict, as the economic benefits of ecotourism in an area may not accrue to the local community equally (elite capture).
	Locally grown food and crafted goods creates a direct economic and cultural connection between the tourist and citizen.	Local culture may be eroded if practices do not adhere to basic principles of environmental sustainability and local income generation. High levels of visitation by foreign tourists may lead to the disturbance of local cultural practices and lifestyles.

<sup>90</sup> Land transactions, particularly when registering a piece of land, are extremely cumbersome, socially inadequate, gender insensitive, and full of administrative anomalies that discourages most customary owners in the rural areas from utilizing them. For more details see 'Historical Social and Environmental Assessment Report' and 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP. According to 'Historical Social and Environmental Assessment Report' major challenges of equitable distribution of benefits among all stakeholders persist because of institutionalization of inequalities

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Following the preparation of a Provincial REDD+ Action Plan for Khyber-Pakhtunkhwa, the provincial government will need to determine whether specific interventions are planned in or around the Chitral forests (screening of individual subprojects).<sup>91</sup> If so, the project proponent will be required to undertake a social assessment to evaluate the project's potential positive and adverse effects on the Indigenous Peoples, and to examine project alternatives where adverse effects may be significant.<sup>92</sup>

The social assessment<sup>93</sup> needs to include the following elements for each project:<sup>94</sup>

- A review, on a scale appropriate to the project, of the legal and institutional framework applicable to Indigenous Peoples.<sup>95</sup>
- Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples' communities, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- Identifying key project stakeholders and elaborating a culturally appropriate process for consulting with the Tribal Populations<sup>96</sup> at each stage of project preparation and implementation.<sup>97</sup>
- A participatory assessment of the potential adverse and positive effects of the project, including an analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples' communities given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.

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<sup>91</sup> World Bank (2013) OP 4.10 Indigenous Peoples para 14

<sup>92</sup> World Bank (2013) OP 4.10 Indigenous Peoples para 9

<sup>93</sup> The Bank requires the project proponent to hire social scientists whose qualifications, experience, and terms of reference are acceptable to the Bank. OP 4.10 para 9

<sup>94</sup> World Bank (2013) OP 4.10 Indigenous Peoples Annex A – Social Assessment

<sup>95</sup> Such an analysis has already been carried out as part of the SESA-ESMF-SIS-FGRM consultancy and can be drawn upon

<sup>96</sup> This means: (a) establishing an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation and implementation among the borrower, the affected Indigenous Peoples' communities, and other local civil society organizations identified by the affected Indigenous Peoples' communities; (b) using consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions, giving special attention to the concerns of Indigenous women, youth, and children and their access to development opportunities and benefits; and (c) providing the affected Indigenous Peoples' communities with all relevant information about the project (including an assessment of potential adverse effects of the project on the affected Indigenous Peoples' communities) in a culturally appropriate manner at each stage of project preparation and implementation. World Bank (2013) OP 4.10 Indigenous Peoples para 10.

<sup>97</sup> See also recommendations 62-65 in 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.

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- The participatory identification and evaluation of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimise, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

Based on the outcome of the social assessment and of the consultations, the project proponent can conclude whether the affected Indigenous Peoples' communities provide their broad support to the project. Where there is such support, the project proponent will still need to prepare an Indigenous Peoples' Plan (IPP) that includes:<sup>98</sup>

- The first two bullets of the social assessment (see above)
- the findings of the social assessment;
- a summary of the process of free, prior, and informed consultation with the affected Indigenous Peoples' communities that led to their broad support for the project;
- A framework for ensuring free, prior, and informed consultation with the affected Indigenous Peoples' communities during project implementation<sup>99</sup>
- An action plan of measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, including, if necessary, measures to enhance the capacity of the project implementing agencies
- additional measures, including project design modification, that may be required to address adverse effects on the Indigenous Peoples and to provide them with culturally appropriate project benefits;
- The cost estimates and financing plan for the IPP
- Accessible procedures appropriate to the project to address grievances by the affected Indigenous Peoples' communities arising from project implementation, taking into account the availability of judicial recourse and customary dispute settlement mechanisms among the Indigenous Peoples.<sup>100</sup>
- A mechanism for monitoring, evaluating, and reporting on the implementation of the IPP. The monitoring and evaluation mechanisms should include arrangements for the free, prior, and informed consultation with the affected Indigenous Peoples' communities.

Finally, in addition to the IPPF and IPP, the Banks strongly recommends that, if a project or intervention involves:

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<sup>98</sup> According to the Bank, The Indigenous Peoples Plan (IPP) should be prepared in a flexible and pragmatic manner, and its level of detail varies depending on the specific project and the nature of effects to be addressed. World Bank (2013) OP 4.10 Indigenous Peoples Annex B – Indigenous Peoples Plan

<sup>99</sup> See footnote 89

<sup>100</sup> See CLP and HBP (2018) Design of a Feedback and Grievance Redress Mechanism for REDD+ in Pakistan

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- activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples traditionally owned, or customarily used or occupied; or
  - the acquisition of such lands;

The project proponent should put in place an action plan for the legal recognition of customary rights to lands and territories.<sup>101</sup>

Institutional arrangements (including capacity building where necessary) for screening project supported activities, evaluating their effects on Indigenous Peoples, preparing IPPs, and addressing any grievances will be the same as those proposed for the ESMF in general (see following sections). The institutional arrangements for monitoring, reporting and disclosure are further detailed in the document outlining the design of Pakistan's Safeguard Information System.

### **3.6. Involuntary resettlement**

The World Bank recognises that involuntary resettlement can lead to significant negative economic, social and environmental risks, usually as a result of the loss of productive assets or income sources (greater competition for resources, lower applicability of productive skills due to relocation). Community institutions and social networks can also be weakened, kin groups dispersed and traditional authority structures eroded.<sup>102</sup> The objective of the Bank's policy on involuntary resettlement policy OP 4.12 is to avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.<sup>103</sup>

The Bank distinguishes between two types of negative impacts resulting from the involuntary taking of land:<sup>104</sup>

- The risk of land appropriation (potentially resulting in relocation); and
- Risk to income or means of livelihood due to restriction of access, regardless of whether relocation is required

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<sup>101</sup> World bank (2005) Table A1 Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles

<sup>102</sup> World Bank (2001) OP 4.12 Involuntary Resettlement. Operational Manual

<sup>103</sup> World Bank (2013) OP 4.12 Involuntary Resettlement

<sup>104</sup> World Bank (2013) OP 4.12 Involuntary Resettlement para 3



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The SESA of Pakistan's National REDD+ Strategy has identified that some Strategy options<sup>105</sup> may have negative consequences on the income or means of livelihood of local populations, whether or not the affected persons must move to another location. The risk of land appropriation (potentially resulting in relocation) was also identified.<sup>106</sup>

To achieve the objectives of this policy, different planning instruments are used, depending on the type of project. For specific projects that entail involuntary resettlement, a resettlement plan needs to be prepared.<sup>107</sup>

Similarly, to OP 4.01 on environmental assessment, where the Bank finances programmes that entail multiple sub-projects (as does the National REDD+ Strategy) that may involve involuntary resettlement, but because of the nature and design of the programme, the zone of impact of subprojects cannot yet be determined, a resettlement policy framework needs to be developed.<sup>108</sup>

The resettlement policy framework covers the following elements:

- a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan an abbreviated plan cannot be prepared by project appraisal (see previous paragraphs for explanation).
- principles and objectives governing resettlement preparation and implementation:<sup>109</sup>
  - **Objective:** avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
  - **Principle 1:** Assessment of all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement
  - **Principle 2:** identification, assessment, and addressing the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the

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<sup>105</sup> Option 1 restoration, reforestation and afforestation; Option 4: Introduction of Efficient Alternative Energy Sources; Option 5: Silvopastoral practices and sustainable grazing

<sup>106</sup> Option 1 restoration, reforestation and afforestation

<sup>107</sup> World Bank (2013) OP 4.12 Involuntary Resettlement para 17

<sup>108</sup> World Bank (2013) OP 4.12 Involuntary Resettlement para 28

<sup>109</sup> World bank (2005) Table A1 Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles

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affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.

- **Principle 3:** Identification and addressing of impacts resulting from other activities that are (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.
  - **Principle 4:** Consultation with project-affected persons, host communities and local nongovernmental organisations, as appropriate. Provision of opportunities to participate in the planning, implementation, and monitoring of the resettlement programme, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development.<sup>110</sup>
  - **Principle 5:** preference given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.
  - **Principle 6:** Provision of resettlement assistance in lieu of compensation for land for those without formal legal rights to land or claims to such lands to help improve or at least restore their livelihoods.
  - **Principle 7:** Draft resettlement plans need to be disclosed including documentation of the consultation process, in a timely and culturally appropriate (form and language) manner
  - **Principle 8:** Implementation of resettlement plans must be implemented prior to project completion and resettlement entitlements must be provided prior to resettlement or restriction of access.
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- process for preparing and approving resettlement plans (to be completed following the adoption of the PRAPs, where relevant)
  - estimated population displacement and likely categories of displaced persons, to the extent feasible (to be completed following the adoption of the PRAPs, where relevant)
  - eligibility criteria for defining various categories of displaced persons (to be completed following the adoption of the PRAPs, where relevant)
  - legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them<sup>111</sup>
  - methods of valuing affected assets (to be completed following the adoption of the PRAPs, where relevant)
  - organisational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial

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<sup>110</sup> Particular attention must be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.

<sup>111</sup> See relevant analysis under Safeguard b) in 'Analyses of Legal and Institutional and governance capacity to address safeguards' prepared by CLP and HBP.'

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intermediary, the government, and the private developer (to be completed following the adoption of the PRAPs, where relevant)

- description of the implementation process, linking resettlement implementation to civil works (to be completed following the adoption of the PRAPs, where relevant)
- description of grievance redress mechanisms.<sup>112</sup>
- a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements; (l) a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and (m) arrangements for monitoring by the implementing agency and, if required, by independent monitors (to be completed following the adoption of the PRAPs, where relevant).

The Bank notes that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank requires the project proponents to explore all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups that are compatible with their cultural preferences and are prepared in consultation with them.<sup>113</sup> This additional guidance will need to be considered during the development of KPK's PRAP as noted above.

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<sup>112</sup> See CLP and HBP (2018) Design of a Feedback and Grievance Redress Mechanism for REDD+ in Pakistan

<sup>113</sup> World Bank (2013) OP 4.12 Involuntary Resettlement para 9

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#### 4. SECTION III: FRAMEWORK FOR THE IMPLEMENTATION OF UNFCCC REDD+ SAFEGUARDS

It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements relevant to the safeguards (e.g. PLRs, institutional frameworks, information systems, etc.) forms the basis through which they can ensure consistency with the UNFCCC REDD+ safeguards throughout the implementation of their REDD+ actions.

Given that the legal framework of the country generally protects and regulates many of the objectives enshrined in the UNFCCC REDD+ Safeguards, the identification of the relevant aspects of the legal framework in Pakistan was the basis to be able to determine 'how' the **country will ensure REDD+ activities are carried out in consistency with the UNFCCC REDD+ safeguards.**

The identification and detailed analysis of Pakistan's legal and institutional framework demonstrates that Pakistan's PLRs are largely consistent with the UNFCCC REDD+ safeguards<sup>114</sup>. However, specific legal gaps were identified, for which gap filling recommendations were identified. These gap-filling recommendations should be addressed in order to ensure Pakistan's legal and institutional framework is fully consistent with the UNFCCC REDD+ safeguards and can therefore be utilized as Pakistan's national policy response to meet its international safeguards commitments for REDD+.

The following section is structured in relation to each UNFCCC REDD+ Safeguard and provides:

- UNFCCC REDD+ Safeguard language;
- Clarification of the UNFCCC REDD+ safeguard in accordance to Pakistan national context and circumstances; and
- In tabular format the identification of Pakistan's relevant Policies, Laws and Regulations (PLRs) that are to be used to ensure the application of the safeguard, and additional and novel REDD+-specific governance arrangements (e.g. protocols, guidelines, etc.)

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<sup>114</sup> CLP and HBP (2018) Analyses of legal and institutional capacity to address safeguards.



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#### 4.1 UNFCCC REDD+ Safeguard A

*'That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements'*

**Pakistan Clarification of UNFCCC REDD+ Safeguard A:** "The REDD+ Strategy is designed in compliance with the objectives of national forest programmes, and consistent with the provisions of the relevant treaties and international conventions Pakistan is Party to"

**Table 5: Relevant PLRs to be used to ensure the implementation of REDD+ Safeguard A**

Relevant PLRs to be used to ensure the implementation of REDD+ Safeguards	Additional Measures
<ul style="list-style-type: none"> <li>• Although there is no single document identified as “national forest programme” the legal framework in Pakistan sets out clear objectives for its forest programmes under the Forest Act,<sup>115</sup> the Pakistan Environmental Protection Act<sup>116</sup>, and Pakistan Climate Change Act<sup>117</sup>, which set out specific targets relating to the protection, conservation, management and sustainable development of Pakistan’s forests. There is no specific legal requirement for new policies, programmes, or plans (including REDD+) to be consistent with these targets/objectives, it is implied within forestry PLRs and Forest Act<sup>118</sup> which seek to establish the conditions for development of forests in Pakistan.</li> <li>• All REDD+ interventions and investments will need to ensure consistency with relevant</li> </ul>	<p>N/A</p>

<sup>115</sup>Forest Act, 1927

<sup>116</sup> Pakistan Environmental Protection Act, 1997

<sup>117</sup> Pakistan Climate Change Act, 2017

<sup>118</sup>Forest Act, 1927

<p>PLRs, which include Forest Act,<sup>119</sup>KPK Forest ordinance<sup>120</sup>, the Pakistan Environmental Protection Act<sup>121</sup>, and Pakistan Climate Change Act<sup>122</sup>, which set out specific targets relating to the protection, conservation, management and sustainable development of Pakistan's forests.</p>	
<ul style="list-style-type: none"> <li>• Pakistan is Party to fourteen (14) relevant international conventions and agreements<sup>123</sup> that are to be recognized and applied to contribute to the safeguards application.</li> </ul>	<ul style="list-style-type: none"> <li>• The REDD Strategy may incorporate a form of a follow up mechanism, which would ensure that national policies and procedures remain up to date and compliant with relevant international instruments and developments.</li> <li>• Capacity building activities for legislators and other stakeholders to improve the legislation and awareness</li> </ul>

<sup>119</sup> Forest Act, 1927

<sup>120</sup> KPK Forest ordinance, 2002

<sup>121</sup> Pakistan Environmental Protection Act, 1997

<sup>122</sup> Pakistan Climate Change Act, 2017

<sup>123</sup> 1) International Plant Protection Convention, Rome, 1951. 2) Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome 1956. 3) Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963. 4) Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982. 5) Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), Paris, 1972. 6) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973. 7) Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979. 8) Convention on the Law of the Sea, Montego Bay, 1982. 9) Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985. 10) Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto. 11) Agreement on the Network of Aquaculture Centres in Asia and the Pacific, Bangkok, 1988. 12) Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, Basel, 1989. 13) Convention on Biological Diversity, Rio De Janeiro, 1992. 14) United Nations Framework Convention on Climate Change, Rio De Janeiro, 1992

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## 4.2 UNFCCC REDD+ Safeguard B

*'Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;'*

**Pakistan Clarification of UNFCCC REDD+ Safeguard B:** "Transparency and effectiveness of forest governance structures, including the right to access to information, accountability, access to justice, gender equality and protection of land use rights/benefits are recognised, promoted and regulated in the scope of the application of the National REDD+ strategy through the relevant PLRs and customary laws and practices of the country."



**Table 6: Relevant PLRs to be used to ensure the implementation of REDD+ Safeguard B**

Relevant PLRs to be used to ensure the implementation of REDD+ Safeguards	Additional Measures
<ul style="list-style-type: none"> <li>The Right of Access to Information is a qualified right under the National Constitution of Pakistan<sup>124</sup> and several PLRs must be upheld and applied throughout the implementation of the proposed REDD+ actions, including the Khyber Pakhtunkhwa Right to Information Act<sup>125</sup>, the Sindh Transparency &amp; Right to Information Bill/Act<sup>126</sup>, the Freedom of Information ordinance<sup>127</sup><sup>128</sup>, Freedom of Information Act of 2005, The Punjab Transparency and Right to Information Act 2013, the Sindh Transparency and Right of Information Bill of 2016.</li> <li>Under specific Acts of Parliament, all public institutions are bound to designate an officer who will have the authority to dispose of the requests of individuals pertaining to disclosure of information. Any person aggrieved of the decision of officer, he / she may approach the respective Ombudsman for redressal of his / her grievance. Pakistan Environmental Protection Agency has also mandated to provide information and guidance to the public on environment matters.</li> </ul>	<ul style="list-style-type: none"> <li>Regulating the right and process of access to information through an access to information protocol. Depending on the political feasibility, this instrument could have a scope applicable to the environment, forestry or limited to the context of REDD+. The protocol on access to information should clearly set the rules for providing access to information in the context of REDD+, the applicable exceptions and the procedure to be followed to request, obtain and access the information required.</li> <li>The agencies which have existing registries should ensure all conditions restricting the ease of access to relevant information be revised to ensure access is not unduly restricted in favour of industry/private interests.</li> <li>Consideration of measures aimed at ensuring public institutions have trained staff and adequate administrative units to support relevant stakeholders (especially vulnerable groups) to exercise their right of access to information.</li> </ul>

<sup>124</sup>Article 19-A of the Constitution of Pakistan, 1973

<sup>125</sup>Section 2 (e), 2013

<sup>126</sup>Section 2 (e), 2016

<sup>127</sup>Freedom of Information Ordinance, 2002

<sup>128</sup>Section 3 and 15 of the Freedom of Information Ordinance, 2002

<ul style="list-style-type: none"> <li>Accountability is regulated by the National Accountability Ordinance of 1999. In addition, Climate Change Authority will provide annual audited accounts and performance evaluation based on the progress reports to maintain transparency and accountability.<sup>129</sup></li> </ul>	<ul style="list-style-type: none"> <li>Establishment of a procedure for ensuring the accountability of resource management associated with REDD+ activities. This process may be derived from the National REDD+ Strategy. Such an instrument could take the form of a protocol or guidelines for accountability, and its scope will depend on the political will, but it may be sectoral or focused solely on resources derived from REDD+ activities.</li> <li>If politically feasible, we also recommend amendments to the Forest Act which provide for a clear and thorough Budget approval process to be stipulated. This should ensure scrutiny by key financial agencies prior to its endorsement.</li> </ul>
<ul style="list-style-type: none"> <li>The Constitution of Pakistan guarantees that every citizen shall have the right to acquire, hold and dispose of the property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.<sup>130</sup> It also provides the basis for just compensation to be awarded in the event acquisition of land/resources from them<sup>131</sup>.</li> <li>Forestry laws in Pakistan ensure tenure and rights of local communities over state owned forests including right of way, water, firewood etc.<sup>132</sup></li> </ul>	<ul style="list-style-type: none"> <li>Adoption of clear procedural guidelines concerning land registration, especially in relation to REDD+ projects. This should establish an acceptable standard for doing so, based on international best practice on what constitutes transparent, social and gender adequate access and fair processes when acquiring customarily owned land, but applicable to the national context. The above should include a clarification about the ownership of carbon rights.</li> </ul>

<sup>129</sup>Section 13(4) of the Pakistan Climate Change Act, 2017

<sup>130</sup>Article 23 of the Constitution of Pakistan 1973

<sup>131</sup>Article 24 of the Constitution of Pakistan 1973

<sup>132</sup>Section 11 of the Forest Act, 1927, and Section 23 of the KPK Forest Ordinance 2002

	<ul style="list-style-type: none"> <li>• Issues of resettlement or land acquisition, restrictions of access to natural resources needs to be addressed. The dedicated resettlement framework (See Section II must be followed).</li> </ul>
<ul style="list-style-type: none"> <li>• Benefit Sharing arrangements are stipulated broadly on the Constitution of Pakistan<sup>133</sup> and will be followed.</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of an instrument for ensuring the equitable/fair distribution of the benefits associated with the implementation of the REDD+ activities. This process may be derived from the National REDD+ Strategy. Such an instrument could take the form of a protocol or guidelines.</li> <li>• Ministry of Climate Change leads the adoption of a standard of conditions for determining what is 'equitable' distribution of benefits in the context of the implementation of the REDD+ activities. These standards should consider relevant existing legislation.</li> </ul>
<ul style="list-style-type: none"> <li>• The Constitution recognizes Gender Equality<sup>134</sup> and the Right of women citizens to participate in all economic activities.<sup>135</sup> This is further recognized and encouraged in specific forest PLRs at the national level.<sup>136</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of specific provisions promoting gender equality within Forest law and broader Natural resource law, clearly outlining and establishing measures to enforce or achieve this right.</li> <li>• Adoption of an instrument for promoting gender equality associated with the implementation of the REDD+ activities. This process may be derived from the National REDD+ Strategy, and such an instrument could take the form of a protocol or guidelines. These</li> </ul>

<sup>133</sup> Article 38 of the Constitution of Pakistan, 1973

<sup>134</sup> Article 25 of the Constitution of Pakistan, 1973

<sup>135</sup> Article 34 of the Constitution of Pakistan, 1973

<sup>136</sup> Section 99 (3) of the KPK Forest Ordinance, 2002

	<p>can be developed as part of organizational directives or as part of implementing its core activities.</p> <ul style="list-style-type: none"> <li>• Awareness raising of these rights within the public service overall, but especially within the agencies in charge of the implementation of the National REDD+ Strategy.</li> <li>• Capacity building activities in the field of gender equality both at the institutional level (training of public officials) and on the ground, through campaigns and / or informational workshops (conducted in a culturally appropriate manner recommended and with the sensitivity that this right needs to be addressed).</li> </ul>
<ul style="list-style-type: none"> <li>• The Constitution of Pakistan ensures that to enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen. For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.<sup>137</sup> A process of appeal is also provided<sup>138</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Provide access to all relevant stakeholders to the dedicated 'Feedback Grievance Redress Mechanism' for addressing Complaints or Unconformities with regards to REDD+</li> </ul>
<ul style="list-style-type: none"> <li>• The Pakistan Environmental Protection Act requires an environmental impact assessment, and the approval from Federal Agency for any project.<sup>139</sup> Legislation also requires the regular environmental</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of 'Consultation Guidelines' when dealing with the approval of REDD+ activities/projects and engaging with customary landowners. The Ministry of Climate Change is to compel all relevant agencies involved in</li> </ul>

<sup>137</sup> Article 4 and 10-A of the Constitution of Pakistan, 1973

<sup>138</sup> According to Forest Law, 1927 any person aggrieved of an Order passed by the Forest Officer or Forest Settlement officer, he/she may file an appeal before the District Officer Revenue / Forest Court. Thereafter, if the aggrieved person is not satisfied from the order of the Forest Court then he/she may file a Revision under the law. Section 59 of the Forest Act, 1927

<sup>139</sup> Section 12 of the Environmental Protection Act, 1997



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monitoring of all projects in respect of which it has approved an initial environmental examination or environmental impact assessment to determine whether the actual environmental impact exceeds the level predicted in the assessment and whether the conditions of the approval are being complied with.<sup>140</sup>

REDD+ activities/projects to ensure that this Guideline is used.

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<sup>140</sup>Section 19 of the Sindh Environmental Protection Act, 2014

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### 4.3 UNFCCC REDD+ Safeguard C

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

**Pakistan Clarification of UNFCCC REDD+ Safeguard C:** "The recognition of, and respect for the rights of native communities and tribal populations in accordance to the relevant proposed PLRs is applicable to the implementation of the National REDD+ Strategy; including the rights to non-discrimination, traditional knowledge and culture, self-determination, benefit sharing, accessibility and participation and collective tenure rights."

**Table 7: Relevant PLRs to be used to ensure the implementation of REDD+ Safeguard C**

Relevant PLRs to be used to ensure the implementation of REDD+ Safeguards	Additional Measures
<ul style="list-style-type: none"> <li>• Rights of native communities and tribal populations are recognized by the Indigenous and Tribal Populations Convention of 1957 in 1960.</li> <li>• The Constitution states all citizens are equal before law and are entitled to equal protection of law,<sup>141</sup> that every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.<sup>142</sup> Additionally, the Constitution states no person shall be deprived of his property save in accordance with law.<sup>143</sup></li> <li>• Relevant PLRs include the KPK Forest Ordinance of 2002, which was promulgated for the promotion of the economic, social and ecological well-being of local people.</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of a protocol/guidelines applicable to REDD + activities to provide guidance on how their rights (rights to non-discrimination, traditional knowledge and culture, self-determination, benefit sharing, accessibility and participation and collective tenure rights) should be respected, protected and promoted when undertaking REDD + activities.</li> <li>• The indigenous people's framework and resettlement plan (See section II) are used.</li> </ul>

<sup>141</sup>Article 25 of the Constitution of Pakistan, 1973

<sup>142</sup>Article 18 of the Constitution of Pakistan, 1973

<sup>143</sup>Article 24 of the Constitution of Pakistan, 1973

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#### 4.4 UNFCCC REDD+ Safeguard D

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

**Pakistan Clarification of UNFCCC REDD+ Safeguard D:** "The right to participate, in particular for relevant native communities and vulnerable groups, is recognized, protected and promoted in a meaningful way under the National REDD+ Strategy through the relevant PLRs of the country, which include the promotion of the right to free, prior and informed consent."



**Table 8: Relevant PLRs to be used to ensure the implementation of REDD+ Safeguard D**

Relevant PLRs to be used to ensure the implementation of REDD+ Safeguards	Additional Measures
<ul style="list-style-type: none"> <li>• National PLRs<sup>144</sup> mandate that environmental impact assessments be carried out with public participation.               <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>• Relevant Provincial PLRs<sup>145</sup> facilitate the effective participation of relevant stakeholders in the management of forests; and the participation of village communities and interested parties in the sustainable development of forests and wastelands.               <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>• The Provincial Government must also facilitate the participation of village communities and interested parties in the sustainable development of forests and wastelands and ensure the participation and assistance of communities in the regeneration of cut-over areas, particularly owners, right holders, users, and women.</li> </ul>	<ul style="list-style-type: none"> <li>• Information concerning the implementation of the National REDD+ Strategy should to be released via quarterly or bi-monthly newsletters/reports to the public, on its webpage, to ensure public are aware, and able to have their say on important matters on a frequent basis.</li> <li>• Adoption of protocol or guidelines to provide guidance on the manner in which full and effective participation should be carried out, including how stakeholders should be identified in the context of the implementation of a REDD+ activity, and recognize and promote the participation of native communities and vulnerable groups, in accordance with their traditional structures and customary law.</li> <li>• Awareness-raising and information sharing is carried out on various implications of the proposed REDD+ activities/projects, prior to its development.</li> <li>• If feasible, amend PLRs to clarify/make explicit reference to participation of indigenous peoples, and to establish the need to incorporate traditional/customary structures and processes in forest management and environmental decision-making processes.</li> </ul>

<sup>144</sup>Environmental Protection Act, 1997

<sup>145</sup>Khyber Pakhtunkhwa Ordinance, 2002

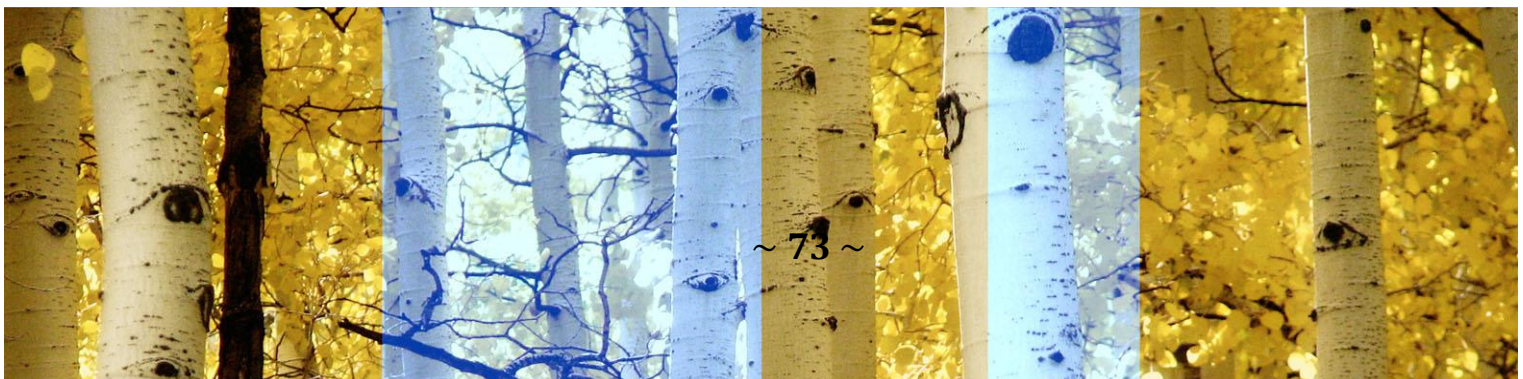
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|  | <ul style="list-style-type: none"><li>• Adopt guidelines for applying FPIC in applicable REDD+ activities. If politically feasible, enact legislation on the right to FPIC and regulating its application.</li></ul> |
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#### 4.5 UNFCCC REDD+ Safeguard E

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

**Pakistan Clarification of UNFCCC REDD+ Safeguard E:** "REDD+ activities under the National REDD+ Strategy will promote the conservation and development of natural forests and biodiversity, the enhancement of provisional, regulating and environmental, recreational, cultural and socio-economic benefits, and will not result in the conversion of natural/untouched forests, in accordance with the relevant PLRs in the country."



**Table 9: Relevant PLRs to be used to ensure the implementation of REDD+ Safeguard E**

Relevant PLRs to be used to ensure the implementation of REDD+ Safeguards	Additional Measures
<ul style="list-style-type: none"> <li>• REDD+ activities will be guided by Section 34-A of the Forest Act, 1927, through which the Government shall not allow change in land use of a protected forest, except for the purposes of right of way, building of roads and development of a forest park, but the Government shall not allow construction of concrete building or permanent structure in the protected forest.</li> <li>• The Pakistan Trade Control of Wild Fauna and Flora Act of 2012, enacted to implement CITES, regulates the export, re-export and import of the species listed in the CITES Appendix. Penalties in the form of fines and/or imprisonment are indicated in the same instrument.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Offer a specific definition for the terms 'natural forests' 'primary forest', or 'native forest', and 'ecosystem services', ensuring that all definitions are consistent with the UNFCCC, CBD and Rio Declarations signed/ratified by the government of Pakistan, and which will be used in the context of the application of the REDD+ activities. It will be important to make this distinction relation to the recently adopted definition of forest in Pakistan. A 'primary forest' is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. It is referred to "direct human disturbance" as the intentional clearing of forest by any means (including fire) to manage or alter them for human use. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity.</li> <li>•</li> <li>• If politically feasible, we also recommend defining 'natural forests' within national/federal forestry, agriculture and CC/environment legislation and to ensure there is a clear distinction between this definition and the definition for forest plantations/plantations. This also applies to the need to define what constitutes 'ecosystem services' within the forestry, environment and CC legislation ensuring that all</li> </ul>



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definitions are consistent with the UNFCCC, CBD and Rio Declarations ratified.

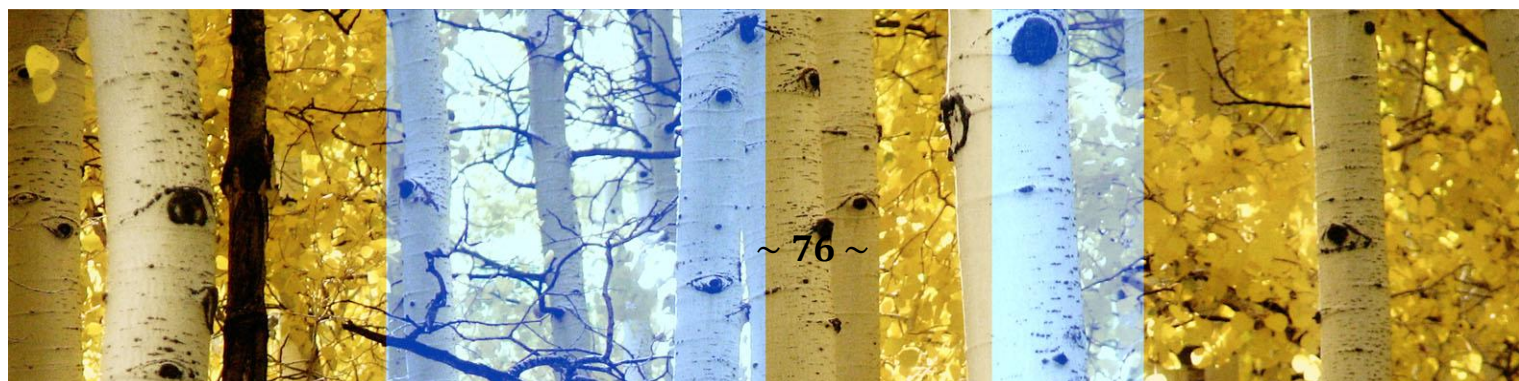
- Apply the environmental framework (see section II).
- We recommend the development of a new Forest Policy, or a revision/update of an existing one to cater to the many recent developments within Forestry especially in relation to the technological advancements achieved as part of REDD+ related programmes with international organizations. These revisions should clearly set definitions which include 'natural forests' as a clear basis for measuring what constitutes deforestation. There should also be some attempt to capture these terms within Project Agreements as well so that it is easier to identify the preservation of these kinds of forests from the outset.
- Recommend the amendment/revision of relevant forestry legislation, in order to adopt a framework to address the protection of biodiversity and natural forests in the context of REDD+ in a complementary manner across relevant sectors.

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#### 4.6 UNFCCC REDD+ Safeguard F & G

*'Actions to address the risks of reversals and Actions to reduce displacement of emissions'*

**Pakistan Clarification of UNFCCC REDD+ Safeguards F&G:** Risks of reversals and displacement of emissions of the proposed REDD+ actions are addressed in the REDD+ Strategy through MRV and national forest monitoring system and addressed through appropriate redressal mechanisms"



**Table 10 Relevant PLRs to be used to ensure the implementation of REDD+ Safeguard F&G**

Relevant PLRs to be used to ensure the implementation of REDD+ Safeguards	Additional Measures
<ul style="list-style-type: none"> <li>• Forest Act authorizes provincial governments to notify a monitoring committee, which would then monitor and evaluate afforestation plans.</li> </ul>	<ul style="list-style-type: none"> <li>• Development of detailed land use and forest inventories, and the monitoring of land use and land use change;</li> <li>• monitoring of entire forest product supply chains;</li> <li>• the provision of law enforcement bodies with adequate mandates, sources and expertise to conduct routine monitoring;</li> <li>• regular monitoring and reporting on social and environmental impacts of forest programs linked to REDD+ activities.</li>   <li>• Integration of a framework/measures meant to explicitly address reversals and displacements related to deforestation and forest degradation (including measures that need to be devised for addressing the risks such as primary and secondary leakages) in the National REDD+ Strategy in a section on MRV.             <ul style="list-style-type: none"> <li>•</li> </ul> </li> <li>• Adoption or amendment of climate change and forest-related PLRs to reflect measures relevant to reversals and displacement as part of a national MRV framework across sectors.</li> </ul>

## 5. SECTION IV: INSTITUTIONAL ARRANGEMENTS FOR THE ESMF

Though the definition of measures for safeguards implementation are building blocks of the ESMF, even more essential is the definition of appropriate and pragmatic institutional arrangements. The 'who' is inextricably linked to the 'what' of the previous sections. Though the FCPF Common Approach does not explicitly identify institutional arrangements as a necessary component of an ESMF, nor does it provide any guidance, experience from other countries<sup>146</sup> receiving support from the FCPF shows that defining institutional arrangements for operationalisation of the ESMF gives much needed clarity on how the framework can work in practice.

The proposed institutional arrangements for the ESMF are intended to be in line with the thinking of the on-going REDD+ readiness activities, particularly the development of the National REDD+ Strategy. The proposal below was developed in consultation with the NRO<sup>147</sup> and relevant stakeholders and aims to build on existing institutional mandates so as to maximise the level of ownership.

As with all other forest sector activities in Pakistan, the administrative distribution of responsibilities between Federal and Provincial governments means that safeguard implementation will be split. At the federal level, the National REDD+ Office is responsible for the development of the overarching policy framework for REDD+ (the National REDD+ Strategy), as well as additional studies and guidelines, while the provincial governments will be responsible for developing Provincial REDD+ Action Plans (PRAPs) that operationalise the NRS, as well as for their implementation.

The functions of the REDD+ Office will be taken over by the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017

The institutional arrangements for the ESMF reflect this distribution of roles between federal and provincial level, focusing on three functions:

- **Oversight:** meaning review of design of REDD+ interventions (strategies and projects) ensuring they are consistent with the safeguard operational guidelines, as well as overseeing implementation.

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<sup>146</sup> Chile, DRC, Costa Rica, Ethiopia, Ghana, Guatemala, Lao PDR (draft), Liberia, Madagascar (draft), Mexico, Mozambique, Nepal, Nicaragua, Vietnam (draft)

<sup>147</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.



- **Enforcement:** meaning the exercise of authority to cancel or suspend REDD+ interventions whose implementation breaches the safeguard operational guidelines.
- **Reporting:** meaning the collection and analysis of information on safeguard implementation, as well as the preparation of implementation reports (detailed in section V: Monitoring and Evaluation).

#### a) Oversight

Table 5 below provides an overview of these responsibilities.

### 5.1.1 National Level

At the national level, it is suggested that the **Ministry of Climate Change** be responsible for overseeing the development of **operational guidelines** to ensure the implementation of the measures and frameworks outlined in the ESMF. These operational guidelines should include:

- A summary of Pakistan's relevant existing legal obligations and procedures as identified in the legal analysis and section III of this document;
- The additional REDD+ specific recommendations identified in the legal gap analysis (administrative protocols on participation, transparency etc.) as identified in the legal analysis and section III of this document;
- The process to be followed by oversight authorities to ensure safeguard implementation (see Figure 1)

In addition to developing these guidelines, the NRO<sup>148</sup>, and more specifically, a **Safeguard Specialist** permanently housed within the NRO, should be responsible for providing guidance and inputs on the design and implementation of the PRAPs to ensure their consistency with the safeguard operational guidelines (content and process) on an on-going basis.

### 5.1.2 Provincial Level

The National REDD+ Strategy<sup>149</sup> identifies **Provincial REDD+ Management Units** (PRMUs), which sit within each provincial forest department, as

<sup>148</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.

<sup>149</sup> Indufor (2018) National REDD+ Strategy and its implementation framework p. 75

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responsible for the implementation and monitoring of REDD+ activities at the provincial, district and local levels. They are also identified as being responsible for “draft[ing] provincial standards for REDD+ in conformity with the national standards.”<sup>150</sup>

In terms of safeguards oversight, the PRMUs should be responsible for:

- Overseeing the design of the provincial REDD+ Action Plans (PRAPs) and ensure their consistency with safeguard relevant laws and measures (see recommendation for operational guidelines above and process below);
- Screening geographically specific intervention proposals (such as reforestation projects) to determine their compliance with safeguard procedural requirements (see process below);
- Overseeing and following up on the implementation of future REDD+ project level activities to ensure their consistency with safeguard relevant operational guidelines; and
- The Unit is also responsible for resolving grievances.

The National REDD+ Strategy does not specify the composition of this unit, but for the purpose of carrying out its safeguards and grievance resolution responsibilities, it is suggested that the PRMUs include, at minimum:

- A dedicated safeguards officer (main provincial safeguards focal point)
- A complaints manager/officer (main provincial FGRM focal point)
- A social/anthropology expert
- An environmental expert

The highest decision-making platform for the province or territory is the **Provincial REDD+ Management Committee** (PRMC). The National REDD+ Strategy recommends that the PRMC be led by the Additional Chief Secretary of the Planning and Development department to ensure the group has enough influence on other sectors and provincial departments to ensure effective coordination.<sup>151</sup>

In terms of safeguards oversight, the PRMC should be responsible for validating the provincial REDD+ Action Plans (PRAPs), including their consistency with safeguard relevant laws and measures (before they are converted into PC1 format).

In addition to the REDD+ specific entities anchored within the provincial forest departments, the institutional arrangements for the ESMF should include

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<sup>150</sup> Ibid

<sup>151</sup> Ibid p.74

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relevant government agencies with mandates pertaining to the issues being dealt with.

**Provincial EPAs** are responsible for oversight of development projects whose implementation pose risks of environmental damage. In the context of REDD+, their oversight role should include:

- Reviewing and validating (or opposing) the Provincial REDD+ Management Unit's decision as to whether an EIA is required for a REDD+ intervention following its initial screening (see process below); and
- Overseeing and following up on the implementation of future REDD+ project level activities if EIA required, carrying out spot-checks as appropriate.

The **Provincial Planning and Development Department (P&D)** is the primary planning organisation at the provincial level. It coordinates and monitors the development programmes and activities of the provincial government's various departments. The mandate of the Planning & Development Department includes provision of technical support and coordination to various Government departments in their planning activities and therefore plays a key oversight role in the context of REDD+. Its specific responsibilities related to safeguard oversight should be:

- Final assessment of geographically specific project proposals<sup>152</sup> developed under the PRAP (such as reforestation projects) to ensure their consistency with safeguard relevant operational guidelines.
- Overseeing and following up on the implementation of future REDD+ project level activities (as outlined in project proposal) through its internal monitoring and evaluation unit, to ensure their consistency with safeguard relevant operational guidelines.

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<sup>152</sup> The current format for developing project proposals for the approval of the P&D is the PC1 form

**Table 11: Proposed institutional arrangements for safeguard oversight in Pakistan**

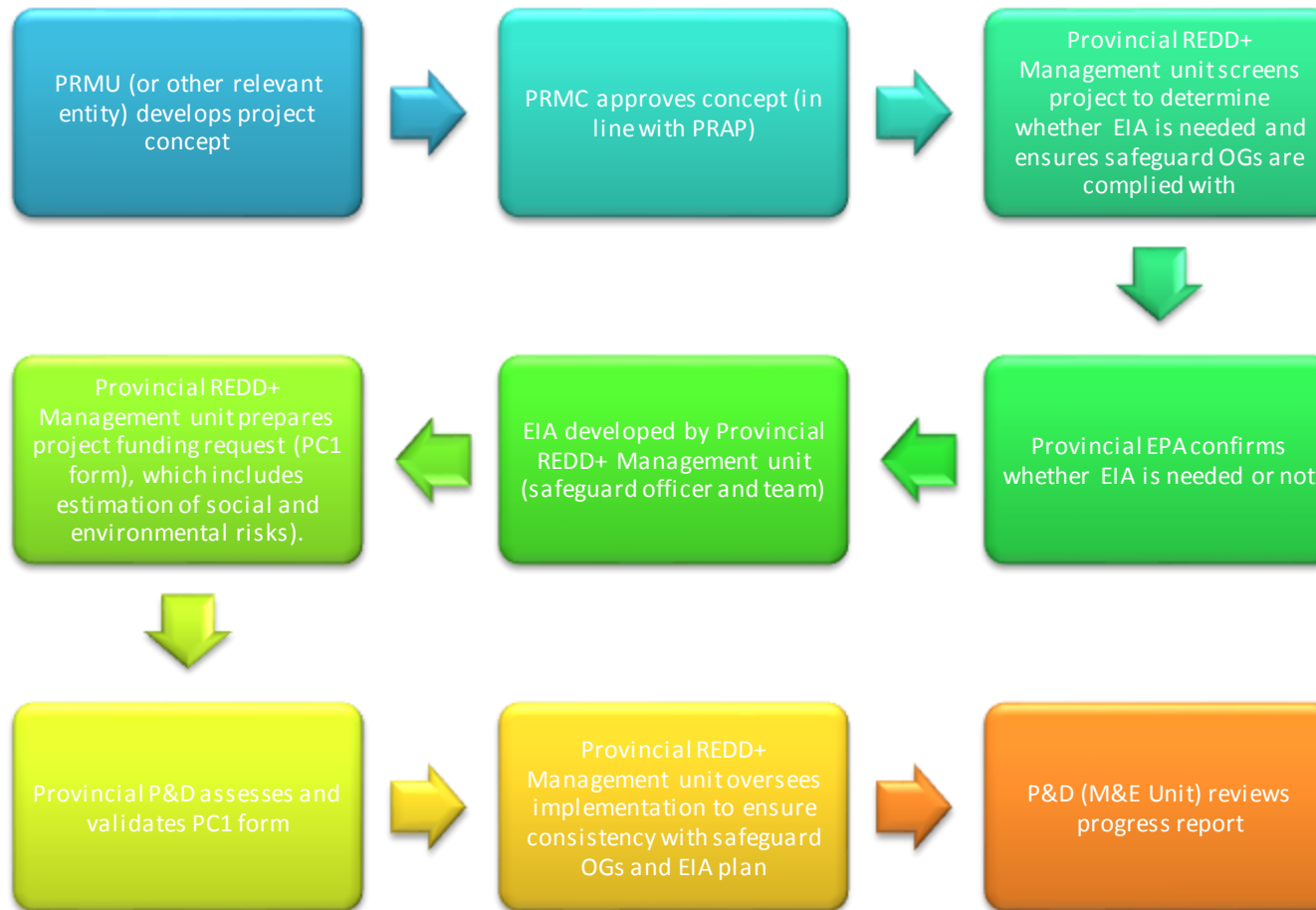
Level	Safeguard oversight activity	Responsible Institution
National	Overseeing the development of safeguard operational procedures	NRO <sup>153</sup>
National	Providing guidance and inputs on the design of the PRAPs to ensure their consistency with the safeguard operational guidelines	NRO Safeguard officer
Provincial	Overseeing the design of the provincial REDD+ Action Plans (PRAPs) and ensure their consistency with safeguard relevant operational guidelines	PRMU
Provincial	Screening geographically specific intervention proposals (such as reforestation projects) to ensure their compliance with safeguard procedural operational guidelines (process)	PRMU
Provincial	Reviewing and validating (or opposing) the Provincial REDD+ Management Unit's decision as to whether an EIA is required for a REDD+ intervention following its initial screening (see process below)	EPA

<sup>153</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.



Provincial	Overseeing and following up on the implementation of future REDD+ project level activities if EIA required, carrying out spot-checks as appropriate.	EPA
Provincial	Validating the provincial REDD+ Action Plans (PRAPs), including their consistency with safeguard relevant laws and measures	PRMC
Provincial	Final assessment of geographically specific project proposals developed under the PRAP (such as reforestation projects) to ensure their consistency with safeguard relevant operational guidelines.	P&D
Provincial	Overseeing and following up on the implementation of future REDD+ project level activities (as outlined in project proposal) through its internal monitoring and evaluation unit, to ensure their consistency with safeguard relevant operational guidelines.	P&D

**Figure 1: Process for developing and approving REDD+ interventions at project level (consistent with safeguards)**



## b) Enforcement

Enforcement in the context of the ESMF is understood as the exercise of authority to cancel or suspend REDD+ interventions whose implementation breaches the safeguard operational guidelines, and is closely linked to oversight. The duty of enforcement will largely be carried out at the provincial level. An additional enforcement activity could be the refusal of results-based payments to an intervention that has been found to be in breach of the safeguard operational guidelines, however, in the absence of a financial mechanism for REDD+ in Pakistan, the institutional arrangements for safeguard enforcement in the ESMF will focus on policing REDD+ interventions themselves.

Table 11 below outlines the proposed institutional arrangements for safeguard enforcement in Pakistan.

### 5.1.3 Provincial Level

The distribution of the different mandates and responsibilities of the **PRMUs** (implementation and enforcement) is not yet 100% clear, therefore, the PRMU's safeguard enforcement role should be limited to receiving grievances linked to implementation (through the complaints officer), and subsequently communicating these to the PRMC to decide on whether the intervention/project should be suspended.

The **PRMC** therefore plays a significant decision-making role regarding enforcement in that it will have the power to suspend or revoke permits for interventions/projects that fail to comply with safeguard operational guidelines. However, as the PRMC only meets following a notification, these issues will only be coming to their attention if brought by a whistle-blower or complainant. For this reason, it is essential that the **Provincial Planning and Development Department** carry out an on-going enforcement role (alongside its oversight role), revoking or suspending authorisation for interventions/projects that fail to comply with safeguard requirements, especially in between PRMC meetings.

**Table 12: Proposed institutional arrangements for safeguard enforcement in Pakistan**

<b>Level</b>	<b>Safeguard enforcement activity</b>	<b>Responsible Institution</b>
<b>Provincial</b>	Receiving grievances linked to implementation and communicating these to the PRMC to decide on whether the intervention/project should be suspended.	PRMU
<b>Provincial</b>	Suspends or revokes permits for interventions/projects that fail to comply with safeguard operational guidelines.	PRMC
<b>Provincial</b>	On-going enforcement, revoking or suspending authorisation for interventions/projects that fail to comply with safeguard requirements, especially in between PRMC meetings.	P&D



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## C) INSTITUTIONAL STRENGTHENING AND CAPACITY-BUILDING

### Development of operational guidelines

As noted above, the development of the National REDD+ Strategy is a key stage within the development of REDD+ in Pakistan. However, due to the nature of forestry as a provincial matter, in order to implement REDD+, Provincial REDD+ Action Plans need to be developed to further detail the Strategic options contained in the NRS into more specific policies, measures and projects. This process will no doubt require the hiring and training of new staff at the provincial level, as well as consultants.

This is also the case for the ESMF. While the ESMF is intended to serve as one of the primary building blocks for Pakistan's safeguard management framework, it does not provide the detailed procedures and mechanisms to ensure that safeguards are implemented and enforced in practice. For this reason, it is strongly recommended that following its validation, the Ministry of Climate Change, possibly through the hiring of consultants, develop the following:

- administrative protocols (on participation, transparency etc.) as identified in the legal analysis and section III of this document as a fundamental step towards the development of safeguard **operational guidelines** for safeguard oversight and enforcement.
- **operational guidelines** to ensure the implementation of the measures and frameworks outlined in the ESMF, which can then be used at the provincial level to train the relevant staff of the administrative entities identified in the previous section.<sup>154</sup>

The Consultants who develop these documents will need to be familiar with both UNFCCC and World Bank safeguard requirement, as well as REDD+ and the Strategic Options contained in Pakistan's National REDD+ Strategy. Due to the technical nature of the work and the need to build on the initial analysis of Pakistan's analysed legislation, it is recommended that at least one consultant be legally trained, and be familiar with the development of operational protocols and other administrative operational manuals, commonly used by government agencies to guide the operations of their civil servants. The consultants' level of understanding should be adequate to facilitate training and other capacity related activities on safeguards.

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<sup>154</sup> a) The summary of Pakistan's relevant existing legal obligations and procedures as identified in the legal analysis and section III of this document; b) REDD+ specific administrative protocols (on participation, transparency etc.) as identified in the legal analysis and section III of this document; c) The final institutional arrangements, confirming who is responsible for oversight, enforcement and reporting d) The process to be followed by oversight authorities to ensure safeguard implementation (see Figure 1); e) procedural checklists for safeguard entities to follow to ensure compliance with safeguard related obligations contained in the PLRs and protocols).

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It should be noted that due to the differences among provinces (in terms of PLRs and future PRAPS) the above-mentioned documents will need to be developed at the federal level, and subsequently tailored to each province through the development of additional operational guidelines.

Capacity building should be viewed as more than training. It is human resource development and includes the process of equipping the individuals with the understanding, skills and access to information, knowledge and training that enables them to perform their safeguard duties effectively.

The capacity building includes training workshops designed to assist national and provincial safeguard focal points to understand their duties in terms of safeguard oversight and enforcement, as well as reporting, as outlined in the ESMF, SIS design document and other operational documents to be developed.

The following training programmes are recommended:

### **Training programme 1: The big picture**

Content:

- Pakistan's National REDD+ Strategy (Strategic Options, institutional arrangements and process for developing PRAPs)
- Pakistan's ESMF (understanding the main PLRs associated with each Cancun safeguard, understanding the content and process of the triggered OPs, understanding the institutional arrangements for implementing safeguards at the project and provincial level)
- Pakistan's SIS (understanding the information/reporting needs linked to each safeguard, understanding the functions, institutional arrangements and flow of information for Pakistan's SIS)
- How to develop TORs for provincial safeguard officers

Participants: NRO<sup>155</sup> Safeguard specialist, provincial REDD+ focal points, forest owners, MOCC person(s) responsible for national communications, P&D focal points (national and/or provincial), EPA focal point

### **Training programme 2: The operational guidelines**

Content:

- Understanding the key obligations and procedures contained in the operational guidelines, including the additional protocols (transparency, financial reporting, consultation, EIA etc.)
- Understanding the process for tailoring the operational guidelines to the provincial context (adding provincial legislation where additional/more specific than federal law)

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<sup>155</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.

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- Understanding the screening checklist for project proposals, including completion of EIA forms
  - Understanding the process of developing and approving REDD+ interventions at the project level in a manner consistent with the safeguards
  - How to develop a safeguard mitigation plan for a project based on the guidance provided in the PLRs<sup>156</sup> for each safeguard

Participants: NRO<sup>157</sup> Safeguard specialist, provincial REDD+ focal points, forest owners, P&D focal points (national and/or provincial), EPA focal point.

### **Training programme 3: Reporting for the SIS**

Content:

- Understanding the link between safeguard implementation and reporting
- Understanding the information/reporting needs linked to each safeguard, understanding the functions, institutional arrangements and flow of information for Pakistan's SIS
- Learning to tailor the info needs to specific REDD+ interventions for safeguard reporting

Participants: NRO Safeguard specialist, provincial REDD+ focal points, forest owners, P&D focal points (national and/or provincial).

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<sup>156</sup> And, if considered appropriate, the guidance from the analysed OPs in the ESMF.

<sup>157</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.

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## 6. SECTION V: MONITORING AND EVALUATION

Safeguard reporting/monitoring and evaluation is closely linked to the operation of the Safeguard Information System (SIS) and overall monitoring and reporting of the ESMF. For a more comprehensive overview of the design proposal (including full institutional arrangements and reporting process) for Pakistan's SIS, see the Framework for Design of a Safeguard Information System in Pakistan. The safeguard reporting process operates at three administrative levels:

- REDD+ intervention/project level
- Provincial level
- National level

### 6.1.1 REDD+ intervention/project level

At the REDD+ intervention/project level, the initial reporting will be carried out by the implementing entity, which may be the government, community or private entity. These entities will need to complete a **safeguard reporting template**,<sup>158</sup> to demonstrate that the operational guidelines have been followed throughout implementation.

### 6.1.2 Provincial level

At the provincial level, both the PRMUs and the P&D (M&E Unit) will be responsible for reviewing project safeguard reports. As the P&D already has a mandate and resources for oversight of project implementation, it is expected that it can complement the information available to the PRMU (safeguard reports) with its own due diligence checks.

In addition to reviewing the safeguard reports, the PRMUs will be tasked with the preparation of **provincial safeguard reports**, that is, an analytical summary of the safeguard reports it has collected and compiled.

Following the completion of the provincial safeguard reports by the PRMUs, these will be validated by the PRMC.

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<sup>158</sup> See SIS design document



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### 6.1.3 National level

At the National Level, the **NRO's<sup>159</sup> safeguard officer** will be responsible for compiling and analysing the various provincial safeguard reports and preparing the national safeguard reports and the Summary of Information, under the supervision of the NRO. The validation of these national reports should be done by the National Steering Committee.

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<sup>159</sup> The functions of the NRO will be taken over by the the Pakistan Climate Change Authority established under Section 5 of the Climate Change Act, 2017.

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## 7. SECTION VI: RECOMMENDED NEXT STEPS TO OPERATIONALISE ESMF

While the ESMF is intended to serve as one of the primary building blocks for Pakistan's safeguard management framework, for reasons noted above, it does not provide the detailed procedures and mechanisms to ensure that safeguards are implemented and enforced in practice. For this reason, it is strongly recommended that following its validation, the following activities be prioritised by the Ministry of Climate Change:

- The development of administrative protocols (on participation, transparency etc.) as identified in the legal analysis and section III of this document as a fundamental step towards the development of safeguard **operational guidelines** mentioned in section IV of this document.
- The development of **operational guidelines** to ensure the implementation of the measures and frameworks outlined in the ESMF. These operational guidelines should include:
  - a) A summary of Pakistan's relevant existing legal obligations and procedures as identified in the legal analysis and section III of this document;
  - b) The adoption of additional REDD+ specific recommendations (administrative protocols on participation, transparency etc.) as identified in the legal analysis and section III of this document;
  - c) The final institutional arrangements, confirming who is responsible for oversight, enforcement and reporting
  - d) The process to be followed by oversight authorities to ensure safeguard implementation (see Figure 1)
  - e) Procedural checklists for safeguard entities to follow to ensure compliance with safeguard related obligations contained in the PLRs and protocols).

