



Interim Progress Report

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)

November 2017



Ministry of Climate Change



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Abbreviations

(CF) MF	(Carbon Fund) Methodological Framework
CBA	Cost-Benefit Analysis
COP	Conference of the Parties
CSO	Civil Society Organizations
EA	Environmental Assessment
ER PIN	Emission Reductions Program Idea Note
ER Programme	Emission Reduction Programme
ESMF	Environmental and Social Management Framework
FCPF	Forest Carbon Partnership Facility (under the World Bank)
FREL/FRL	Forest Reference Emission Level and/or Forest Reference Level
GHG	Greenhouse Gas
GHGI	Greenhouse Gas Inventory
GRM	Grievance Redress Mechanism
GUI	Graphical User Interface
MACCs	Marginal Abatement Cost Curves
MBIGS	Multiple Benefits, Impacts and Governance Safeguards
MRV	Measured, reported and verified
NFMS	National Forest Monitoring System
NGO	Non-Government Organizations
NSC	National Steering Committee
PaMs	Policies and Measures
PES	Payment for Environmental Services
PGIU	Provincial Grievance and Implementation Unit
PLRs	Policies, Laws and Regulations
PRMC	Provincial REDD+ Management Committee
R-Package	Readiness Package (under the FCPF)
R-PP	Readiness Preparation Proposal
REDD+	Reducing Emissions from Deforestation and Forest Degradation, and conservation, sustainable management of forests and enhancement of forest carbon stock
ROSE	REDD+ Opportunities Scoping Exercise
SDPI	Sustainable Development Policy Institute
SESA	Strategic Environmental and Social Assessment
SIS	Safeguard Information System
SLMS	Satellite Land Monitoring System
SOI	Summary of Information
TOR	Terms of Reference
TS	Targeted Support
UNFCCC	United Nations Framework Convention on Climate Change
WG	Working Group

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:¹

- 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 2013.² 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.³ 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;⁴
- Have in place:⁵
 - 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);
 - 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;⁶ and

¹ UNFCCC Decision 1/CP.16 paragraph 70

² UNFCCC Decisions 9/CP.19; 10/CP.19; 11/CP.19; 12/CP.19; 13/CP.19; 14/CP.19 and 15/CP.19

³ UNFCCC Decision 2/CP.17 paragraph 63

⁴ UNFCCC Decision 1/CP.16 paragraph 73

⁵ UNFCCC Decision 1/CP.16 paragraph 71

⁶ UNFCCC Decision 2/CP.17 paragraph 63

- 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.⁷

REDD+ is based on a three-phased approach, which includes: Readiness (Phase I), implementation (Phase II) and results-based actions (Phase III).⁸ However, due to the significant time-frame between REDD+'s initial conception and introduction as a UNFCCC negotiation topic at COP 13 in Bali⁹ 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."¹⁰

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).¹¹ 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.

Objectives of this consultancy

The purpose of this consultancy 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

⁷ UNFCCC Decision 9/CP.19 paragraph 4

⁸ UNFCCC Decision 1/CP.16 paragraph 73

⁹ UNFCCC Decision 2/CP.13

¹⁰ 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

¹¹ <https://www.forestcarbonpartnership.org/pakistan>

- 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 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 and structure of the report

The following interim progress report aims to share the outputs that have been undertaken as part of this consultancy to date.

It is structured in the following manner:

- Section 2 provides a brief overview of the activities, outputs and progress made to date;
- Annexes contain the outputs due to be submitted by the 15th November 2017:
 - **Annex I:** Analyses of legal and institutional and governance capacity to address safeguards
 - **Annex II:** Clarification of the UNFCCC REDD+ safeguards in accordance with Pakistan's national circumstances
 - **Annex III:** Assessment of historical social and environmental issues in the forest/land use sector relevant to the assessment of potential risks and benefits arising from the proposed REDD+ strategy
 - **Annex IV:** Identification of relevant stakeholders and platforms to be used in the SESA.

2. Overview of the activities, outputs and progress to date

As noted above, the present consultancy aims to assist the Government of Pakistan in meeting both the UNFCCC and FCPF safeguard requirements in a coordinated and cost-effective manner. Progress has been made on the following tasks and outputs.

Table 1: Progress on tasks and outputs

Tasks	Explanation and objectives	Progress to date
<p>Task 2: Assessment of existing policies, regulations, procedures and institutional structures that are supporting the implementation of environmental and social safeguards in Pakistan</p> <p>Output 2: Report with analyses of legal and institutional and governance capacity to address safeguards in relation to UNFCCC safeguards.</p>	<p>The objective of this gap analysis is first to assess the extent to which Pakistan’s policies, laws and regulations (PLRs) reflect and regulate the rights and duties embodied by each component of the Cancun safeguards. Following this, a gap analysis of Pakistan’s institutional framework linked to the identified PLRs will be carried out to assess the extent to which these PLRs are being implemented in practice and help identify the main implementation challenges. Recommendations to address the identified gaps will also be included.</p> <p>This assessment helps to provide the foundation for the design of a governance framework for safeguards, based on Pakistan’s existing legal and institutional framework. The identification and assessment of relevant PLRs and institutions will also contribute significantly to the development of the ESMF.</p>	<p>Output 2 (Report with analyses of legal and institutional and governance capacity to address safeguards in relation to UNFCCC safeguards), has been prepared and submitted in Annex I of this report.</p> <p>Also included is the analytical matrix and institutional fact sheets.</p> <p>The report will be presented in the National Safeguards workshop scheduled for the 22nd November 2017.</p>
<p>Task 3: Clarification/interpretation of Cancun safeguards and linkages to World Bank Operational Policies</p> <p>Output 3: Report with proposed clarification/interpretation of the UNFCCC REDD+ safeguards in accordance with Pakistan’s national circumstances.</p>	<p>The process of ‘clarifying’ or interpreting the language of the Cancun safeguards not only helps to gain a shared understanding of the substantive rights and duties contained therein.</p> <p>This activity is key for the design of the SIS as it is one of the main inputs for identifying the types of information that will likely need to be gathered/provided by the SIS to demonstrate how the Cancun safeguards are being respected during REDD+ implementation.</p> <p>The clarification will also be key to the preparation of the SOI, following UNFCCC COP guidance.</p> <p>Drawing on the legal analysis, a draft clarification will be prepared and subjected to stakeholder consultation,</p>	<p>Output 3 (Report with proposed clarification/interpretation of the UNFCCC REDD+ safeguards in accordance with Pakistan’s national circumstances) has been prepared and submitted in Annex II of this report.</p> <p>The report will be presented in the National Safeguards workshop scheduled for the 22nd November 2017.</p>

	<p>following which it will need to be revised and validated by relevant stakeholders prior to its inclusion into Pakistan's first SOI.</p> <p>The report will be handed to the National Steering Committee to lead any further consultations as required. Based on CLP's global experience, we are advising the national REDD office of the government of Pakistan to consider the need for further consultations. In most countries, this process of interpretation and the final validation of such a document has taken an average of a year or more. Our local partner, HBP Pakistan is willing to facilitate you where feasible in a pro bono, non-binding manner.</p>	
<p>Task 4: Assessment of historical social and environmental issues in the forest/land use sector</p> <ul style="list-style-type: none"> - Assessment of drivers of deforestation, existing land tenure and land rights, conflicts deriving from forest utilization and potential resolution mechanisms, and benefit distribution issues from the perspective of resource owners and other indirect and co-beneficiaries. - Assessment of current progress in Pakistan with regards to addressing social and environment risks relating to REDD+ (includes information from the current Consultation & Participation process) encompassing an analysis of the institutional arrangements for coordinating the integration of environmental and social issues in REDD+ readiness. <p>Output 4: Assessment of historical social and environmental issues in the forest/land use</p>	<p>The assessment seeks to identify what are the historical social and environmental issues (including, historical adverse impacts and conflicts) in the forest/land use sector.</p> <p>This report will be a key input for the preparation of the SESA.</p> <p>Drawing on relevant prior analyses and interviews and consultations with key stakeholders, a draft report will be prepared and subjected to stakeholder consultation.</p>	<p>Output 4 (Assessment of historical social and environmental issues in the forest/land use sector relevant to the assessment of potential risks and benefits arising from the proposed REDD+ strategy) has been prepared and submitted in Annex III of this report.</p> <p>The report will be presented in the National Safeguards workshop scheduled for the 22nd November 2017.</p>

<p>sector relevant to the assessment of potential risks and benefits arising from the proposed REDD+ strategy.</p>		
<p>Task 5: Mapping of relevant stakeholders and platforms to be involved in the evaluation of potential risks and benefits associated with the implementation of REDD+ activities. This will include a gender assessment.</p> <p>Output 5: Report with identification of relevant stakeholders and platforms to be used in the SESAs.</p>	<p>To ensure that all relevant actors are involved in the SESAs, a stakeholder mapping process is necessary for the Emission Reduction Programme Area.</p> <p>This task will take into the account the approach, scale and scope of proposed REDD+ interventions.</p> <p>This exercise will consider the stakeholder mappings that have previously been carried out as part of the Readiness process as well as the guidelines on stakeholder engagement.</p>	<p>Output 5 (Report with identification of relevant stakeholders and platforms to be used in the SESAs) has been prepared and submitted in Annex IV of this report.</p>
<p>Task 6: Identification of social and environmental risks and benefits associated with the proposed REDD+ activities</p> <p>Output 6: Draft SESAs Report: preliminary identification of social and environmental risks associated with the proposed REDD+ activities.</p>	<p>This task will, build on initial assessments in the R-PP and draw on the findings of development of the REDD+ Strategy:</p> <ul style="list-style-type: none"> • Identify the key social and environmental issues associated with proposed REDD+ interventions (assess proposed strategic options). Please note we will need to coordinate with INDUFOR assignment to ensure draft strategic options are available at this stage. • Identify the likely social, gender and environmental impacts of the proposed REDD+ interventions. <p>Based on the results of the mapping of relevant actors carried out in Task 4, we propose to carry out several workshops/meetings to gather feedback on the findings of the preliminary desk-based risk assessment.</p> <p>In these meetings/workshops we will also identify appropriate measures to address and mitigate them.</p>	<p>Consultations in the provinces have been carried out to identify potential social and environmental impacts that may arise from the implementation of the REDD+ activities. Consultations have been carried out in Sindh, Balochistan, Punjab, AJK and FATA and are scheduled in the coming week for KP and GB.</p> <p>Further inputs will be gathered through the National Safeguards workshop scheduled for the 22nd November 2017.</p> <p>A draft SESAs report is being prepared.</p>



Analyses of Legal, Institutional and Governance Capacity to Address Safeguards in Pakistan

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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Acronyms

CBD	Convention on Biological Diversity
COP	Conference of the Parties
EIA	Environmental Impact Assessment
ERPA	Emissions Reduction Programme Agreement
ER-PIN	Emissions Reduction Programme Idea Note
ESMF	Environmental and Social Management Framework
FAO	Food and Agricultural Organization of the United Nations
FCPF	Forest Carbon Partnership Facility
FIP	Forest Investment Programme
FMT	FCPF Facility Management Team
FPIC	Free Prior Informed Consent
GHG	greenhouse gas
GRM	grievance and redress mechanism
ILO	International Labour Organization
MRV	Measurement, reporting and verification
NBSAP	National Biodiversity Strategy Action Plan
NBSAP	National Biodiversity Strategy and Action Plan
OLOC	Organic Law on the Ombudsman Commission
PFMC	Provincial Forest Management Committee
PLR	policies, laws and regulations
REDD+	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
REL	Reference Emission Level
R-Package	Readiness Package
R-PIN	Readiness Preparation Proposal Idea Note
R-PP	Readiness Preparation Proposal
SESA	Strategic Environmental and Social Analysis
UN	United Nations
UNDP	United Nations Development Program
UNDRIP	United Nations Declaration on the Rights of Indigenous People
UNFCCC	United Nations Framework Convention on Climate Change
UN-REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries

Executive summary

Pakistan seeks to meet UNFCCC and FCPF safeguard requirements in a cost-effective manner.

It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements for safeguards (e.g. PLRs, institutional frameworks, information systems, etc.) provide a fundamental framework through which they can address and respect 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 legal framework is considered a crucial element to be able to clarify what the objectives/principles embodied in the UNFCCC REDD+ safeguards language mean to the country context.¹² The specific objectives/goals/principles are determined **based on the existing legal obligations** of the country. In other words, the clarification serves to explain how the (broad) objectives/principles embodied by the UNFCCC REDD+ safeguards are reflected in the domestic legal framework.

In addition, and most importantly, the identification and assessment of the legal framework relevant to the safeguards, is a key input to be able determine 'how' the **country will ensure REDD+ activities are carried out in consistency with the safeguard goals**.

This report presents an analysis of Pakistan's relevant legal framework, with the following objectives:

a) Provide an identification and analysis of Pakistan's relevant and applicable legal framework to the UNFCCC REDD+ safeguards

The analysis will provide the necessary input to help clarify what the objectives/principles embodied in the UNFCCC REDD+ safeguards language mean to the country context. It is important to note that the specific safeguard objectives/goals/principles are determined **based on the existing legal obligations** of the country. In other words, the process of clarification serves to explain how the (broad) objectives/principles embodied by the UNFCCC REDD+ safeguards are reflected in the domestic legal framework.

b) Provide a clear understanding of how the legal and institutional framework in Pakistan may be used to meet the UNFCCC REDD+ safeguards and contribute to the SESA

The aim is to identify and understand what are the national and international legal obligations (e.g. policies, laws and regulations -PLRs), which Pakistan can use to ensure the consistency with the safeguards throughout the implementation of the REDD+ activities, and serve as an input to the SESA.

c) Provide recommendations to address identified gaps or weaknesses

The aim is to determine measures that could be taken to address identified risks and weaknesses in the policies, laws and regulations.

The identification and detailed analysis of Pakistan's legal framework demonstrates that Pakistan's Policies Laws and Regulations (PLRs) are largely consistent with the UNFCCC REDD+ safeguards. This document presents 84 recommendations that respond to the findings, weaknesses and gaps identified during analysis of the PLRs relevant to the UNFCCC REDD+ safeguards, and which are reflected in this report and matrix. The recommendations are organized according to the conceptual framework that breaks down the elements and sub-elements of the seven REDD + safeguards of the UNFCCC.

A general recommendation offered throughout was to consider the inclusion of specific provisions in the National REDD+ Strategy to express the commitment of Pakistan towards ensuring the adequate implementation of each of the UNFCCC REDD+ safeguards. Additionally, it was recommended National REDD+ office lead the development of certain protocols, guidelines, mechanisms and procedures to ensure the adequate implementation of these commitments, whilst addressing identified gaps and weaknesses in the relevant PLRs. A summary of the findings and recommendations is provided below.

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
SAFEGUARD A	Criteria A.1. Complement or be		1. We recommend that in the design phase of the REDD + Strategy a provision is inserted clearly

¹² Please refer to Clarification of the UNFCCC REDD+ safeguards in accordance with Pakistan's national circumstances.

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
	Consistent with the Objectives of National Forest Programmes	Partially	stating how it will be /is complementary and consistent with the objectives of national policies and programs.
	Criteria A.2. Complement or be Consistent with the Objectives of Relevant International Conventions and Agreements	Partially	<p>2. We recommend that in the design phase of the REDD+ strategy a provision is inserted, stating the country's commitment to ensuring REDD+ activities are to be implemented in a complementary/compatible manner with the obligations of the relevant and applicable international conventions and agreements.</p> <p>3. 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.</p> <p>4. Capacity building activities for legislators and other stakeholders to improve the legislation and awareness may also be done.</p>
SAFEGUARD B	<u>Criteria B.1. Transparency</u> <ul style="list-style-type: none"> Sub-Criteria B.1.1. Right of Access to Information 	Partially	<p>5. Recommend considering 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+.</p>
	<ul style="list-style-type: none"> Sub-Criteria B.1.2. Institutions to Ensure Access and Distribution of Information 	Partially	<p>6. 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.</p> <p>7. Alternatively, and in alignment with recommendation 5, we recommend the protocol on access to information 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.</p> <p>8. We recommend the 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.</p>
	<u>Criteria B.2 Effective National Forest Governance</u>	Partially	<p>9. We recommend the 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,</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards	To what extent do the PLRs address the safeguards	Key recommendations
<ul style="list-style-type: none"> Sub-Criteria B.2.1 Accountability 		<p>and its scope will depend on the political will, but it may be sectoral or focused solely on resources derived from REDD+ activities.</p> <p>10. We also recommend the REDD+ strategy outlines the country's commitment to combat corruption, and more specifically in the context of the implementation of the REDD+ Strategy activities.</p> <p>11. 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.</p> <p>12. In the absence of political/internal support we recommend encouraging a strengthening of the existing public accountability systems.</p>
<ul style="list-style-type: none"> Sub-Criteria B.2.2 Clear Land Tenure Rights 	Partially	<p>13. We recommend that land titling/registration legislation and associated processes be revised and improved to provide social and gender adequate access, and in an efficient and cost effective manner. The current system has been made more difficult by having two parallel systems running simultaneously; considering the integration of these systems into a single comprehensive one would be ideal.</p> <p>14. Issues of resettlement or land acquisition, restrictions of access to natural resources need to be addressed. A dedicated resettlement framework developed under the ESMF must be followed, and describe the process and principles for determining restrictions, offsets, compensation and other mitigation measures with the full participation of potential and actual affected persons.</p> <p>15. If feasible, adopt PLRs that would define or identify the various types of forest land in accordance with relevant classifications.</p> <p>16. Conduct nationwide awareness and education on the rights and procedures for land titling and resettlement framework to build understanding amongst the landowners and thereby ensure it is fully utilized.</p>
<ul style="list-style-type: none"> Sub-Criteria B.2.3 Equitable Distribution of Benefits 	Partially	<p>17. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing the 'equitable' distribution of the benefits and their scope in accordance with the country's legal provisions.</p> <p>18. We recommend National REDD+ Office leads the establishment of an instrument for ensuring the equitable distribution of the benefits associated</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			<p>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.</p> <p>19. In connection with the above recommendation, we recommend National REDD+ office 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.</p>
	<ul style="list-style-type: none"> Sub-Criteria B.2.4 Gender Equity 	Partially	<p>20. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing and promoting gender equality in the implementation of REDD + activities, especially regarding the distribution of benefits in participation and land tenure.</p> <p>21. We recommend the 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. The time taken to incorporate specific provisions into legislation can be quite lengthy depending on whether there is internal or political will to do so. If there is an opportunity to ride on current efforts to amend/revise Acts in each sector then it would be ideal to introduce these changes during this time.</p> <p>22. If the above recommendation is not politically feasible and in complementarity, we recommend National REDD+ office leads the establishment 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 can be developed as part of organisational directives or as part of implementing its core activities. Budget allocation is also an issue considering that it occurs annually at specific times. If it is not covered then, it will not be endorsed at any other time, unless placed under other general budget lines.</p> <p>23. There needs to be more 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. We recommend allocation of specific funding to further support and maintain these agencies and to ensure it is specifically for awareness raising in the</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			<p>public service, and to come up with internal policies for each sector, if not available.</p> <p>24. We recommend considering 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).</p>
	<ul style="list-style-type: none"> Sub-Criteria B.2.5 Adequate Access to Justice 	Partially	<p>25. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing and promoting access to justice in the context of the implementation of the REDD+ activities.</p> <p>26. We recommend that through the specific assessment of the grievance and dispute resolution mechanisms in the country (planned under this consultancy) further recommendations are provided with regards to what extent they can be used to ensure access to justice in the context of REDD+.</p> <p>27. It is also worth considering that where there are reviews occurring or amendments taking place, these measures should be introduced and piggy backed off this process.</p> <p>28. Linked with the previous recommendations, we suggest that through creation a dedicated 'Feedback Mechanism for addressing Complaints or Unconformities with regards to REDD +' to offer the relevant stakeholders one administrative window- in case there is any disagreement, observation or interest concerning the rights of relevant stakeholders in the context of the implementation of the REDD+ activities.</p>
	Sub-Criteria B.2.6 Integration of Social, Economic and Environmental Considerations	Partially	<p>29. We recommend that the relevant forestry authorities consider developing and using 'Consultation Guidelines' when dealing with the approval of REDD+ activities/projects and engaging with customary landowners (linked to recommendations under safeguards D). The National REDD+ office should also be empowered to compel all relevant agencies involved in REDD+ activities/projects to ensure that this Guideline is used. This would need to be carried out by forestry officers prior to and during the development of the REDD+ project to ensure meaningful participation is achieved and social considerations are taken into account.</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			30. We recommend having advocacy and awareness-raising programs to ensure that stakeholders from all sectors are made aware of the relevant issues and guidelines to be observed.
	Sub-Criteria B.2.7 Cross-Sectorial Coordination	Partially	31. We recommend considering using the National REDD+ strategy to outline concrete mechanisms and institutional structures/platforms to support and encourage cross-sector coordination, in relation to REDD+ related activities. 32. We recommend considering that information sharing across sectors is provided within specific legislation, especially in relation to establishment of REDD+ working groups and their objectives, roles and functions.
SAFEGUARD C	Criteria C.1 Defining Indigenous Peoples and Members of Local Communities	Not Covered	33. We recommend considering the inclusion of a section in the National REDD+ strategy that offers a specific definition for 'tribal/indigenous' and local communities in the context of those that are most vulnerable in the context of REDD+ activities, based on the provisions of the legal framework. 34. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing and promoting the rights of indigenous peoples, local communities and vulnerable groups in the context of the implementation of the REDD+ activities and in accordance with the relevant legal framework. 35. Furthermore, to operationalize the rights of indigenous peoples, local communities and vulnerable groups, we recommend National REDD+ Office to consider the adoption of a protocol/guidelines applicable to REDD+ activities. The aim of this protocol is to provide guidance on how their rights should be respected, protected and promoted when undertaking REDD+ activities. 36. If politically feasible, we also recommend revision/amendment within all natural resource enabling Acts (especially Forestry) is carried out, to further define what constitutes 'marginalized groups' ¹³ or disadvantaged groups (as per the UNDRIP or ILO 107 conventions) for the purpose of ensuring that these people are given special consideration in both the development of resources in places where they reside and the benefits derived and distributed from these projects. (This will need to take into consideration the differing contexts of the various provinces in the country.)

¹³This includes both customary landowners (in rural areas such as villages) and local communities who are residing on land as a result of forced migration, or similar kinds of uncontrolled circumstances, which place them at an unfair disadvantage to others.

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			37. As with all revisions/amendments to Law the process will take time and may be difficult to push, without political or internal support. In this regard, we recommend considering implementing an awareness raising process/programme. In particular, it could be useful to devise an information sheet/brief to be used to carry out awareness on this safeguard with emphasis on the reasons for the need to revise/amend PLRs for this purpose. This can be a joint effort between both public/international development partners to implement within all natural resource development sectors.
	Criteria C.2 Definition of traditional knowledge of indigenous peoples and local communities	Not Covered	<p>38. In accordance with recommendation 33, we recommend considering the inclusion of a section in the National REDD+ strategy that offers a specific definition for customary landowners (indigenous peoples) and local communities and other vulnerable groups in the context of REDD + activities, on the basis of the provisions of the framework legal.</p> <p>39. We recommend considering provisions of international law relating to the definition of the term 'traditional knowledge' in a section in the National REDD+ strategy, which includes knowledge of traditional medicine and medicinal plants; knowledge and practices of traditional means of subsistence related to forest conservation; knowledge of plant genetic resources; knowledge about the spiritual value of forests; and knowledge of flora and fauna. However, other types of indigenous knowledge, such as oral traditions and performing arts, may similarly be affected by REDD + measures.</p> <p>40. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which such knowledge shall be respected, protected and promoted in the context of REDD + activities.</p>
	Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law • Sub-Criteria C.3.1 Non-Discrimination	Not Covered	41. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which non-discrimination shall be respected, protected and promoted in the context of REDD + activities.

Criteria and sub-criteria of the UNFCCC REDD+ safeguards	To what extent do the PLRs address the safeguards	Key recommendations
<ul style="list-style-type: none"> Sub-Criteria C.3.2 Self-Determination 	Not Covered	<p>42. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which right to self-determination shall be respected, protected and promoted in the context of REDD + activities.</p>
<ul style="list-style-type: none"> Sub-Criteria C.3.3 Rights Associated with Culture 	Not Covered	<p>43. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which rights associated with culture shall be respected, protected and promoted in the context of REDD + activities.</p> <p>44. There protocol and guidelines must promote the need to maintain cultural inheritance through the establishment of the institutions and systems which support and facilitate its preservation.</p>
<ul style="list-style-type: none"> Sub-Criteria C.3.4 Collective tenure rights 	Partially	<p>45. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which rights associated with land tenure of indigenous/tribal/vulnerable groups shall be respected, protected and promoted in the context of REDD + activities. This should establish an acceptable standard for doing so, based on international best practice on what constitutes transparent, and fair processes when acquiring customarily owned land, but applicable to the national context.</p> <p>46. Additionally, we recommend the indigenous peoples framework and resettlement plan (to be developed under the ESMF) are used to regulate land tenure.</p>
<ul style="list-style-type: none"> Sub-Criteria C.3.5 Benefit-Sharing 	Partially	<p>47. In accordance with recommendation 35, we recommend, the protocol or guidelines, provide guidance on the manner in which benefit sharing shall be respected, protected and promoted in the context of REDD + activities.</p> <p>48. In accordance with recommendations 17, 18 and 19 above, we recommend:</p> <ul style="list-style-type: none"> the REDD+ Strategy outlines the country's commitment to guaranteeing the 'equitable' distribution of the benefits and their scope in accordance with the country's legal provisions. National REDD+ Office leads the establishment of an instrument for ensuring the equitable 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.

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			<ul style="list-style-type: none"> ▪ In connection with the above recommendation, we recommend National REDD+ office 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.
SAFEGUARD D	<u>Criteria D.1</u> <u>Definition and Regulation</u> <u>Meaningful Full and Effective Participation</u>	Partially	<p>49. Provide definition of full and effective participation in the REDD+ Strategy, emphasizing national application.</p> <p>50. 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.</p> <p>51. If feasible, enact national PLRs that replicate the provisions on effective participation in provincial PLRs. Current PLRs may also be reformed to complement the same, such as the Forest Act of 1982, KPK Forest Ordinance of 2002, Pakistan Environmental Protection Act of 1997 and Pakistan Climate Change Act of 2017.</p>
	<u>Criteria D.2</u> <u>Creating an Enabling Environment for an Effective Participation.</u> <ul style="list-style-type: none"> • Sub-Criteria D.2.1 Identification of Relevant Stakeholders 	Partially	<p>52. We recommend the National REDD+ Strategy define 'interested party/stakeholders', which will guide the identification of relevant stakeholders in the context of the application of the National REDD+ strategy.</p> <p>53. We recommend that broad/general and clear standards be developed by National REDD+ Office to identify minimum requirements for selection of individual board members who are selected to sit on any REDD+ related decision making bodies e.g., Boards or Committees, and that this standard should be referred to in relevant PLRs.</p> <p>54. We recommend, that a protocol or guidelines are adopted by the National REDD+ Office, 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.</p>
	<ul style="list-style-type: none"> • Sub-Criteria D.2.2 Providing Access to Information 	Partially	<p>55. In accordance with recommendation 54, we recommend the introduction of a protocol/guidelines within National REDD+ Office which make it mandatory to carry out thorough landowner awareness-raising and information sharing on various implications of the proposed REDD+ activities/projects, prior to its development.</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			56. We also recommend that accountability measures be introduced as part of existing internal administrative processes within National REDD+ Office and key sector agencies to address complaints relating to the denial of access to publicly acceptable information.
	<ul style="list-style-type: none"> Sub-Criteria D.2.3 Implementing Participatory Mechanisms 	Not Covered	<p>57. In accordance with recommendation 52, we recommend the National REDD+ Strategy define 'interested party/stakeholders', which will guide the identification of relevant stakeholders in the context of the application of the National REDD+ strategy.</p> <p>58. In accordance with recommendation 54, we recommend, that the protocol or guidelines that are adopted by the National REDD+ Office, to provide guidance on the manner in which consultations and participatory mechanisms should be carried out prior to the approval and implementation of a proposed REDD+ activity.</p>
	<ul style="list-style-type: none"> Sub-Criteria D.2.4 Access to Justice/Conflict Resolution Mechanisms in Environmental Decision Making 	Not Covered	<p>59. In accordance with recommendation 52 and 54, we recommend, that the protocol or guidelines that are adopted by the National REDD+ Office, provide a procedure on access to justice in environmental decision making, and through which accountability measures be introduced as part of existing internal administrative processes within National REDD+ Office and key sector agencies to address complaints relating to the denial of access to publicly acceptable information and participation.</p> <p>60. If politically feasible, we recommend considering a revision/amendment to forestry legislation to provide for clear dispute resolution processes and to define the kinds of matters which will be subject to this process.</p> <p>61. Clear remedies should be provided for these disputes including basic breaches of constitutional rights.</p>
	<p><u>Criteria D.3 Effective Participation of Indigenous Peoples and Local Communities</u></p> <ul style="list-style-type: none"> Sub-Criteria D.3.1 Creating an Enabling Environment 	Not Covered	<p>62. 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.</p> <p>63. In accordance with recommendation 54, we recommend, that the protocol or guidelines that are adopted by the National REDD+ Office, recognize and promote the participation of</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			indigenous peoples, in accordance with their traditional structures and customary law.
	Sub-Criteria D.2.5 Free, Prior and Informed Consent	Not Covered	<p>64. Begin with ensuring that indigenous peoples are able to fully and effectively participate in decision-making processes by adopting recommendation 54.</p> <p>65. If politically feasible, National REDD+ office to adopt guidelines to applying FPIC in applicable REDD+ activities.</p> <p>66. If politically feasible, enact legislation on the right to FPIC and regulating its application.</p>
SAFEGUARD E	<p><u>Criteria E.1 No Conversion of Natural Forests</u></p> <p>1. Sub-Criteria E.1.1 Defining Natural Forest, Biological Diversity and Ecosystem Services</p>	Partially	<p>67. We recommend considering the inclusion of a section in the National REDD+ strategy that offers a specific definition for the terms 'natural forests' or 'native forest', or '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 on the context of the application of the REDD+ activities.</p> <p>68. 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 definitions are consistent with the UNFCCC, CBD and Rio Declarations ratified.</p> <p>69. There will need to be close and ongoing coordination between the legal/policy divisions of each sector to ensure consistency in the use of the terms used for REDD+ and related activities.</p>
	2. Sub-Criteria E.1.2 Prohibiting the Conversion of Natural Forests	Not Covered	<p>70. We recommend that the country recognize and commit to ensuring that the implementation of REDD+ activities do not result in the conversion of natural forests, through the National REDD+ Strategy.</p> <p>71. If politically feasible, we recommend considering a revision/amendment of all relevant natural resource PLRs to indicate the clear prescription of prohibitions relating to natural forest conversion and what it entails.</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
	<p><u>Criteria E.2 Protection and Conservation of Natural Forests and Biodiversity</u></p> <ul style="list-style-type: none"> • Sub-Criteria E.2.1 Identifying Natural Forests and Biodiversity 	Not Covered	<p>72. We recommend that in carrying out the strategic assessment of the proposed REDD+ activities an environmental component is considered, with a view of ensuring the protection and conservation of biodiversity.</p> <p>73. We also recommend the strategic assessment involves a mapping exercise of biodiversity and 'natural forests' in the areas where REDD+ activities will be implemented, as well as updating forest inventories with due consideration of 'natural forests'.</p> <p>74. If politically feasible, we also 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 organisations. 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.</p>
	<p>3. Sub-Criteria E.2.2 Implementing Measures to Protect Biodiversity and Natural Forests</p>	Partially	<p>75. In alignment with recommendation 72, we recommend evaluating the incidence of mechanisms for protection and conservation of natural forests and biodiversity identified in order to analyse their effectiveness and complementarity in the context of REDD+ activities.</p> <p>76. We recommend evaluating the existing PLRs directed towards the protection and conservation of biodiversity in order to analyse their effectiveness and complementarity in the context of REDD+ activities. This can be reflected in the National REDD+ Strategy alongside provisions that would set out definitions, policy directions, and operational regulations relevant to the protection of biodiversity and natural forests.</p> <p>77. If politically feasible, we 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.</p>

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
	4. Sub-Criteria E.2.3 Supporting Conservation Research and Awareness-Raising	Not Covered	78. We recommend considering the inclusion of a section in the National REDD+ Strategy that would express and outline the country's commitment to promoting conservation, research and awareness in the field, which could include promoting technologies for monitoring biodiversity and forests. Any provisions on the research programmes and activities should emphasize the clear link between the forest research and enhancement of understanding on biodiversity, and encourage a holistic approach across both sectors.
	5. Sub-Criteria E.2.4 Integration of Biodiversity in Cross-Sectoral Policies	Not Covered	79. We recommend that the National REDD+ Strategy include a section outlining commitment of cross-sectoral biodiversity considerations throughout its implementation.
	6. Sub-Criteria E.2.5 Enhancement of Other Benefits	Not Covered	80. We recommend the inclusion of a section in the National REDD+ Strategy on the enhancement of non-carbon benefits of REDD+, exploring the current status and advantages of the same, and outlining a framework directed at the promotion/enhancement of non-carbon benefits brought about by REDD+. 81. In order to operationalize the above-mentioned commitment, we recommend considering components or criteria for the protection and conservation measures appropriate to each REDD+ activity which could be defined through a strategic assessment of the proposed REDD+ activities (as per recommendation 72).
SAFEGUARD F & G	<u>Criteria F&G.1 Monitoring and Assessment</u>	Not Covered	82. We recommended the inclusion of a section in the National REDD+ Strategy on MRV, which outlines an MRV framework that explicitly ensures the implementation of safeguards (f) and (g). It must particularly ensure that the following are taken into account: <ul style="list-style-type: none"> ○ the development of detailed land use and forest inventories, and the monitoring of land use and land use change; ○ monitoring of entire forest product supply chains;

Criteria and sub-criteria of the UNFCCC REDD+ safeguards		To what extent do the PLRs address the safeguards	Key recommendations
			<ul style="list-style-type: none"> ○ the provision of law enforcement bodies with adequate mandates, sources and expertise to conduct routine monitoring; and ○ regular monitoring and reporting on social and environmental impacts of forest programs linked to REDD+ activities.
	<u>Criteria F&G.2 Measures to Tackle Reversals and Displacement</u>	Not Covered	<p>83. We recommend the integration of a framework/measures meant to explicitly address reversals and displacements related to deforestation and forest degradation in the National REDD+ Strategy in a section on MRV.</p> <p>84. We recommend, if possible, the 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.</p>

Specific recommendations for the adoption of legal provision or the amendment of existing ones, were also provided throughout. The amendment of legislation should be subject to available resources, funding and technical expertise, provided there is political/internal will to do so. All current revisions/amendments to legislation such as seen within forestry, conservation and land law, should be capitalized on whilst the process of review and revision is taking place in Pakistan.

1. Context and Background

REDD+ is an international climate change mitigation mechanism adopted under the United Nations Framework Convention on Climate Change (UNFCCC) that seeks to contribute to the reduction of global carbon emissions from deforestation by providing financial incentives, in the form of 'results-based payments', to developing countries that successfully slow or reverse forest loss. The UNFCCC Conference of the Parties (COP) articulated five REDD+ activities that developing countries can implement to be eligible to receive these payments:¹⁴

- a) Reducing emissions from deforestation;
- b) Reducing emissions from forest degradation;
- c) Sustainable management of forests;
- d) Conservation of forest carbon stocks; and
- e) 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 2013.¹⁵ 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.¹⁶ According to the Warsaw Framework, developing country Parties aiming to receive results-based finance for REDD+ must:

1. 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;¹⁷
2. Have in place:¹⁸
 - 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);
 - 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)
3. Ensure that REDD+ activities, regardless of the source and type of funding, are implemented in a manner consistent with the UNFCCC REDD+ safeguards¹⁹
4. Provide the most recent summary of information on how all of the UNFCCC REDD+ safeguards have been addressed and respected before they can receive results-based payments.²⁰

UNFCCC REDD+ safeguards requirements

Although REDD+ is primarily a mechanism to incentivise forest-based climate change mitigation, it is broadly agreed that it should, as a minimum, 'do no harm', and where possible go beyond this to 'do good' and achieve multiple (carbon and non-carbon) benefits. Given the potential environmental risks and benefits of REDD+ implementation, Parties to the UNFCCC recognised the need to ensure that the rules and guidance for REDD+ include measures to protect those potentially at risk, particularly indigenous peoples, local communities and biodiversity. For this reason, they agreed to the adoption of seven safeguards for REDD+ at the 16th Conference of the Parties (COP16) also known as the 'Cancun safeguards' (see Box 1).

¹⁴ UNFCCC Decision 1/CP.16 paragraph 70

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

¹⁶ UNFCCC Decision 2/CP.17 paragraph 63

¹⁷ UNFCCC Decision 1/CP.16 paragraph 73

¹⁸ UNFCCC Decision 1/CP.16 paragraph 71

¹⁹ UNFCCC Decision 2/CP.17 paragraph 63

²⁰ UNFCCC Decision 9/CP.19 paragraph 4

Box 1: The Cancun safeguards²¹

When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:

- (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
- (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;²²
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions

The UNFCCC recognises that safeguards are a key part of REDD+ implementation, and links the UNFCCC REDD+ safeguards to results-based payments, requiring that countries demonstrate how they have addressed and respected them throughout the implementation of their REDD+ activities.²³

The specific UNFCCC safeguard requirements are the following:

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

REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that the UNFCCC REDD+ Safeguards are addressed and respected.²⁴ This implies that countries should take steps to define how the UNFCCC REDD+ safeguards will be implemented, and to ensure compliance with the safeguards throughout the implementation of REDD+ activities.

Requirement 2: Establish a system to provide information on how the UNFCCC REDD+ safeguards are being addressed and respected

The governments of countries implementing REDD+ activities are required to establish a system to provide information on how the seven UNFCCC REDD+ safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities.²⁵ This is commonly referred to as the Safeguard Information System (subsequently referred to as the SIS).

According to the UNFCCC guidelines, the SIS should:²⁶

- Be consistent with guidance in decision 1/CP.16, appendix I, paragraph 1²⁷;

²¹ UNFCCC Decision 1/CP.16 Appendix 1 paragraph 2

²² Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as International Mother Earth Day.

²³ UNFCCC Decision 2/CP.17, Paragraphs 63 and 64, which should be read along with UNFCCC Decision 1/CP.16, Paragraph 69 and Appendix 1, Paragraph 2.

²⁴ Decision 1/CP.16 paragraph 69, Decision 2/CP.17, Paragraph 63

²⁵ UNFCCC Decision 1/CP.16 Paragraph 71 (d).

²⁶ UNFCCC Decision 12/CP.17 Paragraph 2

²⁷ Which states that REDD+ activities should: (a) Contribute to the achievement of the objective set out in Article 2 of the Convention; (b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention; (c) Be country-driven and be considered options available to Parties; (d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems;

- Provide transparent and consistent information that is accessible by all relevant stakeholders and updated on a regular basis;
- Be transparent and flexible to allow for improvements over time;
- Provide information on how all of the safeguards are being addressed and respected;
- Be country-driven and implemented at the national level;
- Build upon existing systems, as appropriate.

Requirement 3: Provide a summary of information on how the UNFCCC REDD+ Safeguards are being addressed and respected

In order to receive results-based payments, countries must present their most recent summary of information demonstrating how the safeguards have been addressed and respected.²⁸ The UNFCCC also establishes that the summary of information should be provided periodically, and be included in national communications or other communication channels identified by the COP. An additional and voluntary format for providing information to the UNFCCC is through the UNFCCC REDD+ web platform.²⁹

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 towards the completion of an Emission Reduction Programme (ER Programme) and ultimately, results-based payments.³⁰ 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).³¹

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

Substantive Requirements

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).³² 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.³³

Procedural Requirements

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.

The SESA stems from environmental assessment (EA) requirements of the World Bank.³⁴ It is intended to be an inclusive process whereby the REDD+ country, with the participation of all potentially affected

(e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty; (f) Be consistent with Parties' national sustainable development needs and goals; (g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change; (h) Be consistent with the adaptation needs of the country; (i) Be supported by adequate and predictable financial and technology support, including support for capacity-building; (j) Be results-based; (k) Promote sustainable management of forests;

²⁸ Decision 9/CP, Paragraph 4, UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

²⁹ Decision 12/CP.19, Paragraph 2 and 3

³⁰ Ibid

³¹ 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>

³² UN REDD FCPF (2012) R-PP Template Annexes Version 6, for Country Use p. 44

³³ 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_Revised.pdf

³⁴ See OP 4.01 – Environmental Assessment, para. 7; and Annex A, para. 10.

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:³⁵

- 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.³⁶ 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.³⁷ It largely provides a framework for REDD+ countries to address environmental and social issues in their REDD+ Strategy as it is implemented.

The ESMF is completed and presented, to the extent possible, as part of the REDD+ country’s Readiness Package (R-Package). However, if REDD+ investments have not yet been specifically identified, the ESMF remains a general principles-based document, leaving specific details for later.

How is Pakistan responding to these relevant international REDD+ Safeguards requirements?

Pakistan seeks to meet both UNFCCC and FCPF safeguard requirements in a cost-effective manner.

It is now generally considered by most countries that identifying, assessing, and strengthening existing governance arrangements for safeguards (e.g. PLRs, institutional frameworks, information systems, etc.) provide a fundamental framework through which they can address and respect the UNFCCC REDD+ safeguards throughout the implementation of their REDD+ actions, and also meet SESA requirements concerning assessment legal and institutional capacity.

Several countries have embarked on the identification and assessment of their safeguards-relevant governance arrangements. The understanding and scope of the term ‘governance arrangements’ differs from country to country, but the key elements countries are considering include:

- policies, laws and regulations (the ‘legal framework’)
- institutional arrangements
- information systems and sources
- grievance redress mechanisms
- enforcement mechanisms

Given that the legal framework of the country generally protects and regulates many of the objectives enshrined in the UNFCCC REDD+ Safeguards, the legal framework is considered a crucial element to be able to clarify what the objectives/principles embodied in the UNFCCC REDD+ safeguards language mean to the country context. The specific objectives/goals/principles are determined **based on the existing legal obligations** of the country. In other words, the clarification serves to explain how the (broad)

³⁵ Ibid

³⁶ R-PP Template, Component 2d, p. 44.

³⁷ Common Approach, p. 47, para. 23.

objectives/principles embodied by the UNFCCC REDD+ safeguards are reflected in the domestic legal framework.

In addition, and most importantly, the identification and assessment of the legal and institutional framework relevant to the safeguards, is a key input to be able determine 'how' the **country will ensure REDD+ activities are carried out in consistency with the UNFCCC REDD+ safeguards, and provide inputs to the SESA.**

2. Objectives and How to Navigate this document

The main objectives of the report are:

a) Provide an identification and analysis of Pakistan's relevant and applicable legal framework to the UNFCCC REDD+ safeguards

The analysis will provide the necessary input to help clarify what the objectives/principles embodied in the UNFCCC REDD+ safeguards language mean to the country context. It is important to note that the specific safeguard objectives/goals/principles are determined **based on the existing legal obligations** of the country. In other words, the process of clarification serves to explain how the (broad) objectives/principles embodied by the UNFCCC REDD+ safeguards are reflected in the domestic legal framework.

b) Provide a clear understanding of how the legal and institutional framework in Pakistan may be used to meet the UNFCCC REDD+ safeguards and contribute to the SESA

The aim is to identify and understand what are the national and international legal obligations (e.g. policies, laws and regulations -PLRs), which Pakistan can use to ensure the consistency with the safeguards throughout the implementation of the REDD+ activities.

c) Provide recommendations to address identified gaps or weaknesses

The aim is to determine measures that could be taken to address identified risks and weaknesses in the policies, laws and regulations.

How to navigate this document?

The following section provides tables that summarize the findings identified in the analysis of the legal framework. These tables follow the same framework used for the analysis, which includes the main elements and considerations of UNFCCC REDD + Safeguards.

The information is presented by:

- Findings:
 - Paper: which is understood as the legal framework provisions that were considered aligned with UNFCCC REDD + Safeguards.
 - In Practice: they shall be understood as good practices that support the implementation of safeguards (same as were reported in the interviews).
- Gaps or weaknesses:
 - Paper: provisions that are deemed to not entirely able to ensure the application of the UNFCCC REDD + Safeguards, or that are not addressed by the legal framework.
 - In Practice: mainly cases where certain provisions of the legal framework are considered ineffective (according to the inputs provided in interviews).
- Recommendations: offer measures to strengthen the application of the PLRs in order to ensure the effective application of the UNFCCC REDD + Safeguards. Recommendations are divided:
 - Paper, suggestions of how gaps or weaknesses could be addressed through legal or policy reforms/developments.
 - In practice, suggestions of measures or actions that could be carried out by relevant government authorities (e.g. institutional strengthening).

3. Summary results of the analysis of Pakistan’s Policies, laws and regulations

Synthesis of the analysis of Safeguard (a)

Criteria A.1. Complement or consistent with objectives of national forest programmes

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The legal framework in Pakistan sets out clear objectives for its forest programmes under the Forest Act,³⁸KPK Forest ordinance³⁹, the Pakistan Environmental Protection Act⁴⁰, and Pakistan Climate Change Act⁴¹, which set out specific targets relating to the protection, conservation, management and sustainable development of Pakistan’s forests. Although there is no specific legal requirement for new policies, programmes, or plans (including REDD+) to be consistent with objectives of national forest programmes, it is implied within forestry PLRs and Forest Act⁴² which seek to establish the conditions for development of forests in Pakistan. <hr/> <p>In practice (how these PLRs are implemented): N/A</p>	<p>In relation to the PLRs on paper:</p> <p>The only possible gap lies in the fact that the majority of these PLRs restrict the regulation and control of these forest programmes to the ambit of the forestry sector and not as part of a broader national forest preservation initiative managed apart from the forestry sector.</p> <hr/> <p>In practice:</p> <p>These are broad aspirations which are captured within key PLR’s, and do govern the manner in which various land use sectors construct their programs and activities, however, due to lack of coordination/cooperation and communication between these key agencies, there are still gaps/inconsistencies seen in the implementation of the objectives of national forest programmes.</p>	<ol style="list-style-type: none"> We recommend that in the design phase of the REDD + Strategy a provision is inserted clearly stating how it will be /is complementary and consistent with the objectives of national policies and programs.

³⁸Forest Act, 1927

³⁹ KPK Forest ordinance, 2002

⁴⁰ Pakistan Environmental Protection Act, 1997

⁴¹ Pakistan Climate Change Act, 2017

⁴²Forest Act, 1927

Criteria A.2. Complement or consistent with relevant international conventions and agreements

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • Pakistan is Party to fourteen (14) relevant international conventions and agreements.⁴³ • International Law does not form part of the hierarchy of laws/legal framework of Pakistan unless incorporated into national law.⁴⁴ <hr/> <p>In practice (how these PLRs are implemented): The Prime Minister of Pakistan has constituted a <i>Treaty Implementation Cell</i> to supervise and coordinate the implementation of the UN Conventions and Protocols to which Pakistan is a signatory. It has a mandate to oversee the formulation of an effective mechanism in consultation with all Provincial Governments and relevant Federal Ministries/Divisions/Agencies to enable the Provincial Governments as well as the Federal Agencies concerned for effective implementation of the ratified conventions. Further, to develop identical protocols for implementation which can work as effective tools for Provincial and Federal Governments to regularly document the progress made.</p>	<p>In relation to the PLRs on paper: N/A</p> <hr/> <p>In practice: N/A</p>	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> 2. We recommend that in the design phase of the REDD+ strategy a provision is inserted, stating the country's commitment to ensuring REDD+ activities are to be implemented in a complementary/compatible manner with the obligations of the relevant and applicable international conventions and agreements. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ol style="list-style-type: none"> 3. 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. 4. Capacity building activities for legislators and other stakeholders to improve the legislation and awareness may also be done.

⁴³Refer to Annexe III of this Report.

⁴⁴Fourth Schedule Constitution of Pakistan, 1973

Synthesis of the analysis of safeguard (b)

Criteria B.1 Transparency

Sub-Criteria B.1.1 Right of Access to Information

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The Right of Access to Information is a qualified right under the National Constitution of Pakistan.⁴⁵ The Khyber Pakhtunkhwa Right to Information Act⁴⁶ interprets ‘Information’ as ‘material which communicates meaning and which is held in recorded form.’ The Sindh Transparency & Right to Information Bill/Act⁴⁷ defines “Information” as any information held by a public body and includes any memo, book, design, map, contract, representation, pamphlet, brochure, order, notification, document, plans, letter, report, accounts statement, project proposal, photograph, audio, video, drawing, film, any instrument prepared through electronic process, machine-readable documents and any other documentary material regardless of its physical form or characteristics. The Freedom of Information ordinance⁴⁸ establishes procedures by which citizens 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Access to ‘Information’ is subject to exemption from access by the public.⁵⁰ Although, the kind of information accessible by the public is defined, the process of accessing it is not explicitly set forth. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> Access to Information is not guaranteed if it falls within the long list of exemptions which is often misconstrued to deny any form of access by the public. The Freedom of Information ordinance remains weak on many fronts, especially regarding implementation mechanism. Under this ordinance, any citizen of Pakistan may file an application before the designated personnel of the department to furnish the information. Upon receiving the application, the official is bound to response the individual within the stipulated time. If the applicant is not provided the information within the prescribed time, 	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> Recommend considering 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+. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> Above recommendations apply.

⁴⁵Article 19-A of the Constitution of Pakistan, 1973

⁴⁶ Section 2 (e), 2013

⁴⁷ Section 2 (e), 2016

⁴⁸Freedom of Information Ordinance, 2002

⁵⁰Article 19-A of the Constitution of Pakistan, 1973

<p>may obtain access to official information. The Ordinance gives a legally enforceable right to every person to be given access to public record held by the Government, which is subject to an exemption contained in Section 15 of the Ordinance relating to International Relations.⁴⁹</p> <hr/> <p>In practice</p> <ul style="list-style-type: none"> • N/A 	<p>he/she may file a complaint before the Mohtasib. In practice, however, there is often a lack of response from the public offices within the prescribed time framework.</p>	
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Sub-Criteria B.1.2 Institutions to Ensure Access and Distribution of Information

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • The Constitution does not mention specific institutions dedicated for distribution of information. • 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. 	<p>In relation to the PLRs on paper:</p> <p>N/A</p> <hr/> <p>In practice:</p> <p>85. Distribution of information within forestry legislation, is not often applied in practice.</p> <p>86. In reality, each public office has a designated official tasked to respond to such queries within a stipulated time. The process, however, is complex, and which deters people from pursuing their applications.</p> <p>87. Apart from this, there is a lack of awareness among citizens of their right of access to information.</p>	<p>On how to address the gaps on paper:</p> <p>6. 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.</p> <p>7. Alternatively, and in alignment with recommendation 5, we recommend the protocol on access to information 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.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <p>8. We recommend the consideration of measures aimed at ensuring public institutions have trained staff and adequate administrative units to support relevant</p>

⁴⁹Section 3 and 15 of the Freedom of Information Ordinance, 2002

<hr/> In practice (how these PLRs are implemented): <ul style="list-style-type: none">• N/A		stakeholders (especially vulnerable groups) to exercise their right of access to information.
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Criteria B.2 Effective National Forest Governance
Sub-Criteria B.2.1 Accountability

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> National Accountability Ordinance, 1999 was promulgated to eradicate corruption and corrupt practices and hold accountable all those persons accused of such practice. At the end of each financial year, the Authority shall prepare an annual report, which shall include audited accounts of the Authority.⁵¹ Further, the Authority shall prepare an annual report incorporating its annual audited accounts and performance evaluation based on the progress reports to maintain transparency and accountability.⁵² The Civil Servant Act purports to make legal provisions for the appointment of persons to the service of Pakistan and for the terms and conditions of their service. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Corruption and Corrupt Practices have not been defined in any law pertaining to forestry. The Forest Act does not stipulate whether a Budget approval process is carried out and if so, how often and when. There is also a lack of sufficient public involvement/scrutiny allowed within its decision-making processes concerning allocation of funds. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> 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. There is a considerable lack of monitoring and enforcement of codes of ethics (if any at all) upon officers within these kinds of agencies and especially when dealing with accounting processes for disbursements of money. Bribery and other forms of corruption go undetected because of this. <ul style="list-style-type: none"> There is a tendency for the finalization of significant negotiations and contracts to occur almost entirely behind closed doors. 	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> We recommend the 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. We also recommend the REDD+ strategy outlines the country's commitment to combat corruption, and more specifically in the context of the implementation of the REDD+ Strategy activities. 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. <p>On how to address the gaps from the PLR's implementation:</p> <ol style="list-style-type: none"> In the absence of political/internal support we recommend encouraging strengthening of the existing public accountability systems.

⁵¹Section 9(d) of the Pakistan Climate Change Act, 2017

⁵²Section 13(4) of the Pakistan Climate Change Act, 2017

Sub-Criteria B.2.2 Clear Land Tenure Rights

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> 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.⁵³ It also provides the basis for just compensation to be awarded in the event acquisition of land/resources from them⁵⁴. Forestry laws in Pakistan ensure tenure and rights of local communities over state owned forests including right of way, water, firewood etc.⁵⁵ The legal classification of forest land is divided into the following categories: Reserve Forests (RF) as a matter of legal proviso is often free from the rights of local communities and are protected and conserved through regulatory enforcement of forest acts. In some reserve forests few rights for grazing, right of way and access to water points are admitted. 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There is a pluralistic legal environment where parallel customary systems of transforming land rights. Land transaction, particularly registering a piece of land is 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. According to USAID report⁵⁶, a land registration in Pakistan involves six procedures, requires an average of 50 days and costs 5.3 % of the total property value. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> Legislation which deals with land titling/ registration, is underutilized, due to many reasons, mostly relating to distrust by landowners of the government's processes and its capacity to both record and hold/keep title to land as a result of corruption. The USAID Country Profile of Pakistan on Land Tenure and Property Rights has calculated that 50-75% of cases in civil courts at lower and High Court 	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> We recommend that land titling/registration legislation and associated processes be revised and improved to provide social and gender adequate access, and in an efficient and cost effective manner. The current system has been made more difficult by having two parallel systems running simultaneously; looking into the integration of these systems into a single comprehensive one would be ideal. Issues of resettlement or land acquisition, restrictions of access to natural resources need to be addressed. A dedicated resettlement framework developed under the ESMF must be followed, and describe the process and principles for determining restrictions, offsets, compensation and other mitigation measures with the full participation of potential and actual affected persons. If feasible, adopt PLRs that would define or identify the various types of forest land in accordance with relevant classifications. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ol style="list-style-type: none"> Conduct nationwide awareness and education on the rights and procedures for land titling and resettlement

⁵³Article 23 of the Constitution of Pakistan 1973

⁵⁴Article 24 of the Constitution of Pakistan 1973

⁵⁵ Section 11 of the Forest Act, 1927, and Section 23 of the KPK Forest Ordinance 2002

⁵⁶United States Agency for International Development (USAID). 2008. Pakistan's Agenda for Action: Interim Report. Business Climate Legal & Institutional Reform (Bizclir). Washington DC: USAID.

<p>Protected Forests (PF) are often burdened with rights of all descriptions admitted at the time of permanent land settlements. The rights included are grazing, grass cutting, lopping for fuel wood, collection of dead, dry trees for house hold consumption. The rights differ in provinces and other federating units. In the high hills of Punjab, local residents are allowed 3 mature trees of Chirpine or Bluepine after 5 years for constructions of house/ pen sheds. Similarly, they are allowed 1 mature such tree at the death of family member. In KP the forests of princely states at their merger with Pakistan were declared PF and income generating from these forests is divided to the local owners ranging from 60 to 80%.</p> <p>Communal/ Guzara Forests are those belonging to local residents and are managed by the forest department/ local administration. In Punjab Guzara forests are controlled by the Deputy Commissioner (DC) with the help of DFO Guzara. The local residents are allowed 3 mature trees of Chir or kail for construction of house/ pen sheds after every 3 years. They are also allowed 1 mature tree of Chir or Kail. The income generated through sale proceeds of timber is goes 70% to village Guzara society, 25% to DFO Guzara central funds and remaining 5% for welfare of staff who are temporary in nature. There is a Guzara Advisory Committee (10 official members and 9 elected and 1 female member nominated by the DC) under the Deputy Commissioner as Chairman. In KPK Guzara forests are under the control of forest department and any income accruing from sales proceeds is divided</p>	<p>levels are related to land disputes. The same report claims that over a million land cases are pending in various courts all over the country. Along with cases related to sale, purchase, transfers, allotment, boundary fixation; a large number of cases is related to inheritance and succession amongst the kin and/or next generations. Hence the land rights use management is overburdened with social and technical issues.</p> <ul style="list-style-type: none"> Records of land are computerized, but the system is both manual and computerized. There is high risk of corruption coming from the office of the Patwari due to Land Revenue Laws, and any findings from his office are difficult to overrule. 	<p>framework to build understanding amongst the landowners and thereby ensure it is fully utilized.</p>
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<p>between the community and department 80:20 ratio. In communal forests, local people also have rights of grazing, grass cutting, collection of fire wood, NTFPs for domestic use.</p> <p>Unclassed & Section 38 Areas the lands surrendered during different land reforms were put under the control of forest department and have not been declared as RF or PF due to litigation or some other reasons are still designated as un classed forest. Similarly, the evacuee property maintained by forest department under section 38 of forest act are called section 38 areas and most of them are still un classed. Another form of section 38 areas is when some owner put his land at the disposal of forest department for certain period and FD undertakes forestry operations and after the agreement period returns to the owner.</p> <p>Village Forests Government can assign a RF / PF to the neighbouring community for joint management with certain conditions.</p> <p>Private Forests are mostly located in GB, FATA. Their income is distributed as per local laws/ customs / norms of the area. In the hills of Punjab these are called Malkiat forests and 70% income goes to individuals.</p> <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> • N/A 		
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Sub-Criteria B.2.3 Equitable Distribution of Benefits

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • PLR's do not deal with the equitable distribution of benefits arising from the use of forest resources. • Benefit Sharing arrangements are stipulated broadly on the Constitution of Pakistan.⁵⁷ <hr/> <p>In practice (how these PLRs are implemented): N/A</p>	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> • 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. <hr/> <p>In practice: N/A</p>	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> 17. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing the 'equitable' distribution of the benefits and their scope in accordance with the country's legal provisions. 18. We recommend National REDD+ Office leads the establishment of an instrument for ensuring the equitable 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. 19. In connection with the above recommendation, we recommend National REDD+ office 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. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> • N/A

⁵⁷ Article 38 of the Constitution of Pakistan, 1973

Sub-Criteria B.2.4 Gender Equity

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The Constitution recognizes Gender Equality⁵⁸ and the Right of women citizens to participate in all economic activities.⁵⁹This is further recognized and encouraged in specific forest PLRs at the national level.⁶⁰ <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There are no clear mandate and specific regulations for public agencies to implement this right and to raise awareness and implement policies on gender equality and discrimination. The PLRs mentioned touch on equitable sharing and gender equality, but no mechanism is provided that would allow the involvement of women in the management processes. Pakistani laws recognize the rights of women over property; for instance, a woman can gift the property whenever she wants to and moreover she has the right to alienate her property whenever she wants to do so. However, cultural practices tend to restrict its application or the exploration of these commensurate rights. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> Although there is a recognition of gender equality in Pakistani law, cultural practices tend to restrict its application or the exploration of these commensurate rights. There is also no way to monitor or enforce the existing PLRs due to serious lack of resources (funding, personnel and facilities). Gender discrimination/inequality tends to be greater at the subnational level, where cultural 	<p>On how to address the gaps on paper:</p> <p>20. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing and promoting gender equality in the implementation of REDD + activities, especially with regard to the distribution of benefits in participation and land tenure.</p> <p>21. We recommend the 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. The time taken to incorporate specific provisions into legislation can be quite lengthy depending on whether there is internal or political will to do so. If there is an opportunity to ride on current efforts to amend/revise Acts in each sector then it would be ideal to introduce these changes during this time.</p> <p>22. If the above recommendation is not politically feasible and in complementarity, we recommend National REDD+ office leads the establishment 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 can be developed as part of organisational directives or as part of implementing its core activities. Budget allocation is also an issue considering that it occurs annually at specific times. If it is</p>

⁵⁸Article 25 of the Constitution of Pakistan, 1973

⁵⁹Article 34 of the Constitution of Pakistan, 1973

⁶⁰Section 99 (3) of the KPK Forest Ordinance, 2002

	<p>practices are more entrenched. Despite having certain rights available to them, women often choose not to pursue or avail of these due to cultural considerations.</p>	<p>not covered then, it will not be endorsed at any other time, unless placed under other general budget lines.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <p>23. There needs to be more 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. We recommend allocation of specific funding to further support and maintain these agencies and to ensure it is specifically for awareness raising in the public service, and to come up with internal policies for each sector, if not available.</p> <p>24. We recommend considering 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).</p>
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Sub-Criteria B.2.5 Adequate Access to Justice

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> 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.⁶¹ A process of appeal is also provided⁶² <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Along with land revenue department, the formal court system (Judiciary) of Pakistan is also entitled to deal with land cases, causing a parallel arbitration mechanism. As the formal court system has the jurisdiction to pend or grant stay against the revenue court proceedings, it is causing further delays in settling the cases. The USAID Country Profile of Pakistan on Land Tenure and Property Rights has calculated that 50-75% of cases in civil courts at lower and High Court levels are related to land disputes. The same report claims that over a million land cases are pending in various courts all over the country. Some degree of remedies for breaches of rights pursuant to the forestry legislation are provided, but they are not related to the broader general rights of access to justice prescribed under the Constitution. The process of how and who will enforce these remedies, is not stipulated in the existing provisions. Public Law offices do not exist to assist citizen's incapable of accessing legal services and other support. <hr/>	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing and promoting access to justice in the context of the implementation of the REDD+ activities. We recommend that through the specific assessment of the grievance and dispute resolution mechanisms in the country (planned under this consultancy) further recommendations are provided with regards to what extent they can be used to ensure access to justice in the context of REDD+. It is also worth considering that where there are reviews occurring or amendments taking place, these measures should be introduced and piggy backed off this process. Linked with the previous recommendations, we suggest that through creation a dedicated 'Feedback Mechanism for addressing Complaints or Unconformities with regards to REDD +' to offer the relevant stakeholders one administrative window- in case there is any disagreement, observation or interest concerning the rights of relevant stakeholders in the context of the implementation of the REDD+ activities. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> Above recommendations apply

⁶¹ Article 4 and 10-A of the Constitution of Pakistan, 1973

⁶² 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

	<p>In practice:</p> <ul style="list-style-type: none">• Local traditional arbitration bodies are highly gender biased. None of the arbitrary councils from all regions/provinces of Pakistan has a female representation at all. Even the cases and disputes revolving around female issues are dealt by masculinity. The voices of women; even a point of view or a scanty explanation, are represented in male voice and vocabulary.• The litigation process in Pakistan tends to belong and complex; given that such processes are complex and time consuming, people often prefer not to seek for redress of their grievances.• Appeal processes in forestry legislation are not fully exercised/utilized. Remedies for breaches of rights are often not realized/received due to lengthy legal battles in court.	
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Sub-Criteria B.2.6 Integration of Social, Economic and Environmental Considerations

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The Pakistan Environmental Protection Act requires project shall commence construction or operation unless he has filed with the Federal Agency an initial environmental examination or, where the project is likely to cause an adverse environmental effect, an environmental impact assessment, and has obtained from the Federal Agency approval in respect thereof.⁶³ Legislation also requires the regular environmental 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.⁶⁴ <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Although according to the definition of Environment under Pakistan Environmental Protection Act, 1997, environment means all social and economic conditions affecting community life, the social aspect does not seem to be duly considered. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> Public participation is often limited to a minimum to dissuade any future obstacles to the project development. Environmental aspects of most forest projects are not taken into consideration in the process of planning and development. 	<p>On how to address the gaps on paper:</p> <p>29. We recommend that the relevant forestry authorities consider developing and using ‘Consultation Guidelines’ when dealing with the approval of REDD+ activities/projects and engaging with customary landowners (linked to recommendations under safeguards D). The National REDD+ office should also be empowered to compel all relevant agencies involved in REDD+ activities/projects to ensure that this Guideline is used. This would need to be carried out by forestry officers prior to and during the development of the REDD+ project to ensure meaningful participation is achieved and social considerations are taken into account.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <p>30. We recommend having advocacy and awareness-raising programs to ensure that stakeholders from all sectors are made aware of the relevant issues and guidelines to be observed.</p>

Sub-Criteria B.2.7 Cross-Sectorial Coordination

⁶³ Section 12 of the Environmental Protection Act, 1997

⁶⁴Section 19 of the Sindh Environmental Protection Act, 2014

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • Within the Forestry Sector, existing forestry laws, rules, regulations and policies do not sufficiently address this issue. However, it is more adequately catered for at Provincial and Federal level.⁶⁵ • Round Table Committees have been established by the authorities for involving stakeholders in policy formulation, planning and implementation. All stakeholders including provinces, non-government organizations, private sector companies, forest associations, media groups, academicians and eminent experts are taken on board during the process of formulation of policies. The Hazara Community participation rules were enacted for protected forests in 1996 and extended to reserved forests in 1997. • From 2011 onwards, the Ministry of Climate Change has conducted series of capacity building workshops for provincial forest department professionals and other stakeholders. Office of the Inspector General Forests, the Climate Change Ministry is implementing the REDD+ Readiness Preparation Project. <hr/> <p>In practice (how these PLRs are implemented):</p>	<p>In relation to the PLRs on paper:</p> <ol style="list-style-type: none"> 31. Within the Forestry Sector, existing forestry legislation and policies do not sufficiently define concrete mechanisms to support and encourage coordination. 32. Information sharing across sectors and by specific entities to carry out this function are not provided for in legislation. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> • Information sharing across sectors requires a willingness and high level consensus to initiate the process, without this, it is impossible to accomplish, and is an obstacle to the effective implementation of many activities requiring cross-sectoral coordination. • Regular Radio and TV programs are arranged for general public and articles and special supplements are published in national newspapers on the occasion of Spring and Monsoon Tree Planting Campaigns. International Day of Forests (IDF) is celebrated every year in Islamabad and all provincial capitals with the involvement of private sectors including Serena Hotels, SDPI, other national NGOs. 	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> 31. We recommend considering using the National REDD+ strategy to outline concrete mechanisms and institutional structures/platforms to support and encourage cross-sector coordination, in relation to REDD+ related activities. 32. We recommend considering that information sharing across sectors is provided within specific legislation, especially in relation to establishment of REDD+ working groups and their objectives, roles and functions. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> • Above recommendations apply

⁶⁵Section 4 and 6 of the KPK Forestry Commission Act, 1999

<p>National Forest legislation does not highlight any mechanisms to support and encourage coordination. Higher level ministerial or inter-departmental forums on REDD+ related matters are just being developed and applied.</p>		
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Synthesis of the analysis of Safeguard (c)

Criteria C.1 Defining Indigenous Peoples and Members of Local Communities

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • Pakistan ratified Indigenous and Tribal Populations Convention of 1957 in 1960. However, the term ‘indigenous people’ is not used in the Constitution or in relevant PLRs • KPK Forest Ordinance of 2002 was promulgated for the promotion of the economic, social and ecological well-being of local people. Local people or local community has not been defined or explained in the Ordinance. • The legal framework provides definitions for ‘local communities’, however, they are too general for all present intents and purposes. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> • Although there is no specific terminology in the PLRs, in practice different words are used such as local community, indigenous and tribal. 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> • PLRs do not provide a specific definition or explanation of what constitutes/qualifies as ‘vulnerable people’ for the present purpose of this safeguard. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> • N/A 	<p>On how to address the gaps on paper:</p> <p>33. We recommend considering the inclusion of a section in the National REDD+ strategy that offers a specific definition for ‘tribal/indigenous’ and local communities in the context of those that are most vulnerable in the context of REDD+ activities, on the basis of the provisions of the legal framework.</p> <p>34. We recommend the REDD+ Strategy outlines the country's commitment to guaranteeing and promoting the rights of indigenous peoples, local communities and vulnerable groups in the context of the implementation of the REDD+ activities and in accordance with the relevant legal framework.</p> <p>35. Furthermore, in order to operationalize the rights of indigenous peoples, local communities and vulnerable groups, we recommend National REDD+ Office to consider the adoption of a protocol/guidelines applicable to REDD+ activities. The aim of this protocol is to provide guidance on how their rights should be respected, protected and promoted when undertaking REDD+ activities.</p> <p>36. If politically feasible, we also recommend revision/amendment within all natural resource enabling Acts (especially Forestry) is carried out, to further define what constitutes ‘marginalized groups’⁶⁶ or disadvantaged groups (as per the UNDRIP or ILO 107 conventions) for the purpose of ensuring that these</p>

⁶⁶This includes both customary landowners (in rural areas such as villages) and local communities who are residing on land as a result of forced migration, or similar kinds of uncontrolled circumstances, which place them at an unfair disadvantage to others.

		<p>people are given special consideration in both the development of resources in places where they reside and the benefits derived and distributed from these projects. (This will need to take into consideration the differing contexts of the various provinces in the country.)</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <p>37. As with all revisions/amendments to Law the process will take time and may be difficult to push, without political or internal support. In this regard, we recommend considering implementing an awareness raising process/programme. In particular, it could be useful to devise an information sheet/brief to be used to carry out awareness on this safeguard with emphasis on the reasons for the need to revise/amend PLRs for this purpose. This can be a joint effort between both public/international development partners to implement within all natural resource development sectors.</p>
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Criteria C.2 Definition of traditional knowledge of indigenous peoples and local communities

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The existing legal framework does not adequately define what constitutes traditional knowledge of customary or traditional peoples for the purposes of this safeguard and in compliance with the standards of international law.⁶⁷ <hr/> <ul style="list-style-type: none"> In practice (how these PLRs are implemented): Traditional knowledge has always been an aspect of customary law which is recognized under the Constitution but not defined. It is associated with intangible matter, which is very difficult to understand and to capture within local PLRs. It is a concept which is not very well known and not considered a threatened area in terms of its protection from extinction, or misuse/abuse in the development of natural resources. 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There is no specific legislation which specifically protects/regulates traditional knowledge of customary/traditional peoples as per relevant international legal standards. <hr/> <p>In practice: N/A</p>	<p>On how to address the gaps on paper:</p> <p>38. In accordance with recommendation 32, we recommend considering the inclusion of a section in the National REDD+ strategy that offers a specific definition for customary landowners (indigenous peoples) and local communities and other vulnerable groups in the context of REDD + activities, on the basis of the provisions of the framework legal.</p> <p>39. We recommend considering provisions of international law relating to the definition of the term 'traditional knowledge' in a section in the National REDD+ strategy, which includes knowledge of traditional medicine and medicinal plants; knowledge and practices of traditional means of subsistence related to forest conservation; knowledge of plant genetic resources; knowledge about the spiritual value of forests; and knowledge of flora and fauna. However, other types of indigenous knowledge, such as oral traditions and performing arts, may similarly be affected by REDD + measures.</p> <p>40. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which such knowledge shall be respected, protected and promoted in the context of REDD + activities.</p> <hr/> <p>On how to address the gaps from the PLR's implementation: N/A</p>

⁶⁷Example as per the Convention on Biological Diversity (CBD).

Criteria C.3. Recognition and Implementation of Rights in Accordance with International Law
 Sub-Criteria C.3.1 Non-Discrimination

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The constitution states all citizens are equal before law and are entitled to equal protection of law.⁶⁸ Every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business.⁶⁹ <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There are no relevant and specific provision applicable to forest sector to deal with non-discrimination of vulnerable groups <hr/> <p>In practice:</p> <ul style="list-style-type: none"> There are challenges with the monitoring and enforcement of these PLRs in the forest sector. Many of the disputes which arise and many of the cases in court, stem from some element of unjust/unfair practice experienced by customary landowners at the hands of government officers, or resource development companies (especially in the rural areas) relating to the resource development projects in their area. 	<p>On how to address the gaps on paper:</p> <p>41. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which non-discrimination shall be respected, protected and promoted in the context of REDD + activities.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> Above recommendations apply

⁶⁸Article 25 of the Constitution of Pakistan, 1973

⁶⁹Article 18 of the Constitution of Pakistan, 1973

Sub-Criteria C.3.2 Self-Determination

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> PLRs do not recognize and protect the right to self-determination. <hr/> <p>In practice (how these PLRs are implemented): N/A</p>	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> No provisions applicable to forest sector to deal with the recognition and protection of right to self-determination. <hr/> <p>In practice: N/A</p>	<p>On how to address the gaps on paper:</p> <p>42. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which right to self-determination shall be respected, protected and promoted in the context of REDD + activities.</p> <hr/> <p>On how to address the gaps from the PLR's implementation: N/A</p>

Sub-Criteria C.3.3 Rights Associated with Culture

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> PLRs do not recognize and protect the rights associated with culture. <hr/> <p>In practice (how these PLRs are implemented): N/A</p>	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> The legal framework does not outline a clear objective towards safeguarding customary landowner's and local communities' rights as they relate to culture and also indirectly includes a respect for their identity, customs, traditions and institutions. <hr/> <p>In practice: N/A</p>	<p>On how to address the gaps on paper:</p> <p>43. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which rights associated with culture shall be respected, protected and promoted in the context of REDD + activities.</p> <p>44. There protocol and guidelines must promote the need to maintain cultural inheritance through the establishment of the institutions and systems which support and facilitate its preservation.</p> <hr/> <p>On how to address the gaps from the PLR's implementation: N/A</p>

Sub-Criteria C.3.4 Collective tenure rights

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The Constitution states no person shall be deprived of his property save in accordance with law. Further, no property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation or specifies the principles on and the manner in which compensation is to be determined and given.⁷⁰ Forest Act recognizes the collective forest ownership. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There are no PLRs that touch on a collective right of ownership over forests/lands by indigenous communities/tribal/vulnerable groups. The detailed process used for extinguishing or diminishing collective land tenure rights is not clearly set out in the PLRs but only broadly referred to within the National Constitution. The need to detail what constitutes transparency and fairness in how this process is carried out must be stipulated within PLRs. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>45. In accordance with recommendation 35, we recommend, the protocol or guidelines, provides guidance on the manner in which rights associated with land tenure of indigenous/tribal/vulnerable groups shall be respected, protected and promoted in the context of REDD + activities. This should establish an acceptable standard for doing so, based on international best practice on what constitutes transparent, and fair processes when acquiring customarily owned land, but applicable to the national context.</p> <p>46. Additionally, we recommend the indigenous peoples framework and resettlement plan (to be developed under the ESMF) are used to regulate land tenure.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

⁷⁰Article 24 of the Constitution of Pakistan, 1973

Sub-Criteria C.3.5 Benefit-Sharing

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • PLR's do not deal with the equitable distribution of benefits arising from the use of forest resources. • Benefit Sharing arrangements are stipulated broadly on the Constitution of Pakistan.⁷¹ <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> • N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> • There are issues with the equitable distribution of benefits due to a lack of detailed guidelines within the relevant forest legislation to regulate it. • There are no provisions within existing forestry PLRs concerning the utilization of genetic resources and there is only a very limited reference to utilization of traditional forest-related knowledge. • The process or conditions for determining what is considered 'equitable' is also not clearly stipulated within the PLRs. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> • Utilization of genetic resources is not a known concept in Pakistan so there are no PLRs existing to cover this because of the lack of knowledge and understanding on the issue. There are no specific procedures/guidelines which exist to outline the manner in which this is applied within the forestry sector, apart from through basic consultation with traditional/customary landowners and local communities on how to develop the project on their land. The details of cultural/traditional knowledge of forests and its consideration is not captured. 	<p>On how to address the gaps on paper:</p> <p>47. In accordance with recommendation 35, we recommend, the protocol or guidelines, provide guidance on the manner in which benefit sharing shall be respected, protected and promoted in the context of REDD + activities.</p> <p>48. In accordance with recommendations 17, 18 and 19 above, we recommend:</p> <ul style="list-style-type: none"> ▪ the REDD+ Strategy outlines the country's commitment to guaranteeing the 'equitable' distribution of the benefits and their scope in accordance with the country's legal provisions. ▪ National REDD+ Office leads the establishment of an instrument for ensuring the equitable 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. ▪ In connection with the above recommendation, we recommend National REDD+ office 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. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <p>N/A</p>

⁷¹ Article 38 of the Constitution

Synthesis of the analysis of Safeguard (d)

Criteria D.1 Definition and Regulation Meaningful Full and Effective Participation

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> National PLRs⁷² mandate that environmental impact assessments be carried out with public participation. Provincial PLRs⁷³ facilitate the effective participation of local communities in the management of forests; and the participation of village communities and interested parties in the sustainable development of forests and wastelands. The Provincial Government will make efforts to encourage women to participate in the management process. Provincial PLRs also mandate cooperation between the Provincial Government and community-based organizations, village-based organizations, village development committees, and the like, in managing forests. PLRs⁷⁴ provide for the formation of Joint Forest Management Committees (JFMC) whereby forest guards work with local communities to look after large areas of forests. <hr/> <p>In practice (how these PLRs are implemented):</p>	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> The mandate for effective participation in forest management and sustainable development is included only in provincial PLRs. National PLRs only pertain to participation in environmental impact assessments. 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. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> A wider group of stakeholders from local communities are unable to effectively participate in JFMCs because these are monopolized by rich and influential persons. 	<p>On how to address the gaps on paper:</p> <ol style="list-style-type: none"> Provide definition of full and effective participation in the REDD+ Strategy, emphasizing national application. Information concerning the implementation of the National REDD+ Strategy should 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. If feasible, enact national PLRs that replicate the provisions on effective participation in provincial PLRs. Current PLRs may also be reformed to complement the same, such as the Forest Act of 1982, KPK Forest Ordinance of 2002, Pakistan Environmental Protection Act of 1997 and Pakistan Climate Change Act of 2017. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

⁷²Environmental Protection Act, 1997

⁷³Khyber Pakhtunkhwa Ordinance, 2002

⁷⁴Section 102 of the KPK Forest Ordinance, 2002.

<ul style="list-style-type: none"> A major challenge in is to identify and organize JFMC committee members and stakeholders. The social organization of rural Pakistan leads the inclusion of the politically influential and rich as dominant members of the JFMC. 		
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Criteria D.2 Creating an Enabling Environment for an Effective Participation.

Sub-Criteria D.2.1 Identification of Relevant Stakeholders

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> Provincial PLRs⁷⁵ define an “interested party” having bonafide interest in the sustainable development of the forest and natural resources. The 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. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> PLRs are only applicable at the provincial level. PLRs do not require mapping of relevant stakeholders prior to consultations. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>52. We recommend the National REDD+ Strategy define ‘interested party/stakeholders’, which will guide the identification of relevant stakeholders in the context of the application of the National REDD+ strategy.</p> <p>53. We recommend that broad/general and clear standards be developed by National REDD+ Office to identify minimum requirements for selection of individual board members who are selected to sit on any REDD+ related decision making bodies e.g., Boards or Committees, and that this standard should be referred to in relevant PLRs.</p> <p>54. We recommend, that a protocol or guidelines are adopted by the National REDD+ Office, 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.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> Above recommendations apply

Sub-Criteria D.2.2 Providing Access to Information

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
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⁷⁵Khyber Pakhtunkhwa Ordinance, 2002

<p>On paper:</p> <ul style="list-style-type: none"> • PLRs do not require or regulate the provision of access to information <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> • N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> • No PLRs exist on the provision of relevant and appropriate information as part of the consultation process. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> • N/A 	<p>On how to address the gaps on paper:</p> <p>55. In accordance with recommendation 54, we recommend the introduction of a protocol/guidelines within National REDD+ Office which make it mandatory to carry out thorough landowner awareness-raising and information sharing on various implications of the proposed REDD+ activities/projects, prior to its development.</p> <p>56. We also recommend that accountability measures be introduced as part of existing internal administrative processes within National REDD+ Office and key sector agencies to address complaints relating to the denial of access to publicly acceptable information.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> • Above recommendations apply
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Sub-Criteria D.2.3 Appropriate Participatory Mechanisms

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • National PLRs⁷⁶ mandate that environmental impact assessments be carried out with public participation. • Provincial PLRs⁷⁷ define an “interested party” having bona fide interest in the sustainable development of the forest and natural resources. <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> • N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> • PLRs are provincial in scope with no national counterpart. • The processes for participation are not clearly defined, nor are the steps for addressing the results of consultation. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> • N/A 	<p>On how to address the gaps on paper:</p> <p>57. In accordance with recommendation 52, we recommend the National REDD+ Strategy define ‘interested party/stakeholders’, which will guide the identification of relevant stakeholders in the context of the application of the National REDD+ strategy.</p> <p>58. In accordance with recommendation 54, we recommend, that the protocol or guidelines that are adopted by the National REDD+ Office, to provide guidance on the manner in which consultations and participatory mechanisms should be carried out prior to the approval and implementation of a proposed REDD+ activity.</p>

⁷⁶Environmental Protection Act, 1997

⁷⁷Khyber Pakhtunkhwa Ordinance, 2002

		<hr/> On how to address the gaps from the PLR's implementation: <ul style="list-style-type: none"> N/A
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Sub-Criteria D.2.4 Access to Justice/Conflict Resolution Mechanisms in Environmental Decision Making

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> PLRs do not require or regulate access to justice in environmental decision making. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Access to justice and conflict resolution in environmental decision making processes is not covered in any current PLRs. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>59. In accordance with recommendation 52 and 54, we recommend, that the protocol or guidelines that are adopted by the National REDD+ Office, provide a procedure on access to justice in environmental decision making, and through which accountability measures be introduced as part of existing internal administrative processes within National REDD+ Office and key sector agencies to address complaints relating to the denial of access to publicly acceptable information and participation.</p> <p>60. If politically feasible, we recommend considering a revision/amendment to forestry legislation to provide for clear dispute resolution processes and to define the kinds of matters which will be subject to this process.</p> <p>61. Clear remedies should be provided for these disputes including basic breaches of constitutional rights.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

Criteria D.3 Effective Participation of Indigenous Peoples and Local Communities
 Sub-Criteria D.3.1 Creating an Enabling Environment

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> National PLRs⁷⁸ mandate that environmental impact assessments be carried out with public participation. Provincial PLRs⁷⁹ facilitate the effective participation of local communities in the management of forests; and the participation of village communities and interested parties in the sustainable development of forests and wastelands. Provincial PLRs also mandate cooperation between the Provincial Government and community-based organizations, village-based organizations, village development committees, and the like, in managing forests. PLRs⁸⁰ provide for the formation of Joint Forest Management Committees (JFMC) whereby forest guards work with local communities to look after large areas of forests. 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Although PLRs on participation in forest management and environmental decision-making pertain to local communities, they do not ensure the effective participation of indigenous peoples. Pakistan is a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), but has not adopted PLRs reflecting its principles domestically. PLRs do not define culturally appropriate manner to distribute information, do not require incorporation of traditional/community structures for decision making processes, or provide assistance to strengthen the capacities of local communities and indigenous peoples to participate. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>62. 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.</p> <p>63. In accordance with recommendation 54, we recommend, that the protocol or guidelines that are adopted by the National REDD+ Office, recognize and promote the participation of indigenous peoples, in accordance with their traditional structures and customary law.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

⁷⁸Environmental Protection Act, 1997

⁷⁹Khyber Pakhtunkhwa Ordinance, 2002

⁸⁰North West Frontier Province Forest Ordinance of 2002

<p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 		
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Sub-Criteria D.3.2 Free, Prior and Informed Consent

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> PLRs do not address the right to free, prior, and informed consent. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> Pakistan is a signatory to UNDRIP, but does not have PLRs recognizing and regulating the right to FPIC consistent with the declaration. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>64. Begin with ensuring that indigenous peoples are able to fully and effectively participate in decision-making processes by adopting recommendation 53.</p> <p>65. If politically feasible, National REDD+ office to adopt guidelines to applying FPIC in applicable REDD+ activities.</p> <p>66. If politically feasible, enact legislation on the right to FPIC and regulating its application.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

Synthesis of the analysis of Safeguard (e)

Criteria E.1 No Conversion of Natural Forests

Sub-Criteria E.1.1 Defining Natural Forest, Biological Diversity and Ecosystem Services

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> 'Forest land' is defined in the National Forest Act of 1972. The specific terms 'natural forests' or 'primary untouched forests' are not defined in relevant forestry or natural resource legislation, 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> The specific terms 'natural forest' or 'primary untouched forests' is not defined in relevant forestry or natural resource legislation. These PLRs also do not provide any 	<p>On how to address the gaps on paper:</p> <p>67. We recommend considering the inclusion of a section in the National REDD+ strategy that offers a specific definition for the terms 'natural forests' or 'native forest', or 'ecosystem services', ensuring that all definitions are consistent with the UNFCCC, CBD and Rio Declarations signed/ratified by the government of</p>

<p>although a number of terms describing forests in accordance with their use ('reserved', 'protected', 'communal', 'unclassified', 'village' and 'private') is made appear in the country's PLRs.⁸¹</p> <ul style="list-style-type: none"> The Pakistan Environmental Protection Act of 1997 defines 'biodiversity' or 'biological diversity' in accordance with the CBD. It also defines 'ecosystem,' but there are no PLRs that define 'ecosystem services.' <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>definitions to distinguish between plantations and natural forests. Definitions for 'ecosystem services', are also not specifically captured as per relevant international law, although the term "ecosystem" has been defined in the Pakistan Environmental Protection Act of 1997.⁸²</p> <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>Pakistan, and which will be used on the context of the application of the REDD+ activities.</p> <p>68. 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 definitions are consistent with the UNFCCC, CBD and Rio Declarations ratified.</p> <p>69. There will need to be close and ongoing coordination between the legal/policy divisions of each sector to ensure consistency in the use of the terms used for REDD+ and related activities.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A
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Sub-Criteria E.1.2 Prohibiting the Conversion of Natural Forests

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> There are no specific provisions in the current legal framework that prohibit or control the conversion of natural forests. The policy objectives of the Draft National Forest Policy of 2015, however, include (1) the implementation of a national level mass afforestation programme to expand and maintain forest coverage to meet 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There are no PLRs that prohibit or control the conversion of natural forests into other types of forests or land classifications. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>70. We recommend that the country recognize and commit to ensuring that the implementation of REDD+ activities do not result in the conversion of natural forests, through the National REDD+ Strategy.</p> <p>71. If politically feasible, we recommend considering a revision/amendment of all relevant natural resource PLRs to indicate the clear prescription of prohibitions relating to natural forest conversion and what it entails.</p>

⁸¹ These terms can be found in the Forest Act of 1997 and the KPK Forest Ordinance of 2002.

⁸² Article 2 of the Convention on Biological Diversity and the 1992 Rio Declaration and Agenda 21

<p>international standards, and (2) controlling deforestation through the regulation of timber and inter-provincial trade of timber.</p> <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none">• N/A		<hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none">• N/A
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Criteria E.2 Protection and Conservation of Natural Forests and Biodiversity
 Sub-Criteria E.2.1 Identifying Natural Forests and Biodiversity

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> Nothing in the country's current legal framework requires the mapping of natural forests, nor of biological diversity (although Pakistan is a Party to the Convention on Biological Diversity). <hr/> <p>Includes in practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> To safeguard natural forests and biodiversity, the identification/mapping of the same is necessary. There are, however, no PLRs that address the identification and mapping of both natural forests (which could include their development and the update of inventories) and biological diversity (which includes ecosystem services). <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>72. We recommend that in carrying out the strategic assessment of the proposed REDD+ activities an environmental component is considered, with a view of ensuring the protection and conservation of biodiversity.</p> <p>73. We also recommend the strategic assessment involves a mapping exercise of biodiversity and 'natural forests' in the areas where REDD+ activities will be implemented, as well as updating forest inventories with due consideration of 'natural forests'.</p> <p>74. If politically feasible, we also 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 organisations. 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.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <p>N/A</p>

Sub-Criteria E.2.2 Implementing Measures to Protect Biodiversity and Natural Forests

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The Draft National Forest Policy of 2015 includes among its objectives the establishment and management of protected areas and networking through ecological corridors. There are, however, no other operative provisions with regard to the protection of natural forest areas, the sound environmental management and sustainable use of private/public forests, and their monitoring and evaluation. Reserve Forests (RF) are often free from the rights of local communities and are protected and conserved through regulatory enforcement of forest laws. In some forests, a few rights for grazing, right of way and access to water points are admitted. Included among the policy objectives of the National Forest Policy of 2015 is the promotion of standardized and harmonized scientific planning of forests, research and education. The Pakistan Environmental Protection Council has the mandate to provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non- 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> PLRs in relation to the regulation of biodiversity and natural forests in Pakistan need further development in terms of laying out definitions, policy direction, operational regulations, compliance and monitoring. Although there are a number of PLRs that make reference to related matters, there is a need to ensure consistency among all relevant instruments and sectors. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>75. In alignment with recommendation 72, we recommend evaluating the incidence of mechanisms for protection and conservation of natural forests and biodiversity identified in order to analyse their effectiveness and complementarity in the context of REDD+ activities.</p> <p>76. We recommend evaluating the existing PLRs directed towards the protection and conservation of biodiversity in order to analyse their effectiveness and complementarity in the context of REDD+ activities. This can be reflected in the National REDD+ Strategy alongside provisions that would set out definitions, policy directions, and operational regulations relevant to the protection of biodiversity and natural forests.</p> <p>77. If politically feasible, we 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.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

<p>renewable resources. Further, the Pakistan Climate Change Authority under the Climate Change Act, 2017 also has the similar provision of law.</p> <ul style="list-style-type: none"> • 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. • There are no existing PLRs in the country that regulate the panting of invasive species and prescribe penalties for the same. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> • N/A 		
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Sub-Criteria E.2.3 Supporting Conservation Research and Awareness-Raising

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> • The Draft National Forest Policy of 2015 includes among its policy objectives the enhancements of public awareness on economic, social, ecological and cultural values of forests. <hr/> <p>In practice (how these PLRs are implemented):</p>	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> • The National Forest Policy of 2015 identifies general policy objectives, but does not explicitly provide for the promotion of conservation research and awareness raising in relation to forest and biological diversity. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> • N/A 	<p>On how to address the gaps on paper:</p> <p>78. We recommend considering the inclusion of a section in the National REDD+ Strategy that would express and outline the country's commitment to promoting conservation, research and awareness in the field, which could include promoting technologies for monitoring biodiversity and forests. Any provisions on the research programmes and activities should emphasize the clear link between the forest research and enhancement of understanding on biodiversity,</p>

<ul style="list-style-type: none"> N/A 		<p>and encourage a holistic approach across both sectors.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A
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Sub-Criteria E.2.4 Integration of Biodiversity in Cross-Sectoral Policies

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> There are no PLRs that require/promote the integration of biological diversity considerations in cross-sectoral policies. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> International REDD+ safeguards include the promotion of biodiversity considerations in cross-sectoral policies, which are not reflected in current PLRs. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>79. We recommend that the National REDD+ Strategy include a section outlining commitment of cross-sectoral biodiversity considerations throughout its implementation.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

Sub-Criteria E.2.5 Enhancement of Other Benefits

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> No PLRs deal with enhancement of other benefits of forest resources (ecological, biological, climatic, socio-cultural, and economic contributions) PLRs do not regulate access to, and fair and equitable sharing of benefits derived from forest biological resources (non-timber forest products) PLRs do not promote the development of alternative livelihood in forests (eco-tourism, agroforestry) <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> N/A <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>80. We recommend the inclusion of a section in the National REDD+ Strategy on the enhancement of non-carbon benefits of REDD+, exploring the current status and advantages of the same, and outlining a framework directed at the promotion/enhancement of non-carbon benefits brought about by REDD+.</p> <p>81. In order to operationalize the above-mentioned commitment, we recommend considering components or criteria for the protection and conservation measures appropriate to each REDD+ activity which could be defined through a strategic assessment of the proposed REDD + activities (as per recommendation 72).</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

Synthesis of the analysis of Safeguards (f) and (g)

Criteria F&G.1 Monitoring and Assessment

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
<p>On paper:</p> <ul style="list-style-type: none"> The Pakistan Climate Change Council is mandated to monitor the implementation of international agreements pertaining to climate change. In addition, the Forest Act authorizes provincial governments to notify a monitoring committee, which would then monitor and evaluate afforestation plans. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <p>Apart from identifying and mandating specific institutions to regularly monitor and report on the implementation of climate change agreements and afforestation plans, Pakistan's PLRs do not include provisions that require, among others:</p> <ul style="list-style-type: none"> the development of detailed land use and forest inventories, and the monitoring of land use and land use change; monitoring of entire forest product supply chains; the provision of law enforcement bodies with adequate mandates, sources and expertise to conduct routine monitoring; and regular monitoring and reporting on social and environmental impacts of forest programs. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>82. We recommended the inclusion of a section in the National REDD + Strategy on MRV, which outlines an MRV framework that explicitly ensures the implementation of safeguards (f) and (g). It must particularly ensure that the following are taken into account:</p> <ul style="list-style-type: none"> the development of detailed land use and forest inventories, and the monitoring of land use and land use change; monitoring of entire forest product supply chains; the provision of law enforcement bodies with adequate mandates, sources and expertise to conduct routine monitoring; and regular monitoring and reporting on social and environmental impacts of forest programs linked to REDD+ activities. <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A

Criteria F&G.2 Measures to Tackle Reversals and Displacement

Findings (how the relevant legal framework addresses the safeguard component)	Gap(s)	Recommendations
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<p>On paper:</p> <ul style="list-style-type: none"> The minimization of risks related to deforestation and forest degradation are not incorporated into any existing PLRs at the moment, save for the clear prohibition of setting fires (or abetting in the setting of fires) in a forest, or leaving any fires burning in a manner that would endanger forests. <hr/> <p>In practice (how these PLRs are implemented):</p> <ul style="list-style-type: none"> N/A 	<p>In relation to the PLRs on paper:</p> <ul style="list-style-type: none"> There are no relevant PLRs that set out measures to tackle reversals and displacement under safeguards F and G, which are deemed necessary by international instruments. <hr/> <p>In practice:</p> <ul style="list-style-type: none"> N/A 	<p>On how to address the gaps on paper:</p> <p>83. We recommend the integration of a framework/measures meant to explicitly address reversals and displacements related to deforestation and forest degradation in the National REDD+ Strategy in a section on MRV.</p> <p>84. We recommend, if possible, the 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.</p> <hr/> <p>On how to address the gaps from the PLR's implementation:</p> <ul style="list-style-type: none"> N/A
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Conclusions and Overall Recommendations

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. However, specific legal gaps are identified, including with regards to safeguards C and D, 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+.

This document presents 84 recommendations that respond to the findings, weaknesses and gaps identified in the course of analysis of the PLRs relevant to the REDD+ safeguards, and which are reflected in this report and matrix. The recommendations are organized according to the conceptual framework that breaks down the elements and sub-elements of the seven REDD + safeguards of the UNFCCC.

A general recommendation offered throughout was to consider the inclusion of specific provisions in the National REDD+ Strategy to express the commitment of Pakistan towards ensuring the adequate implementation of each of the UNFCCC REDD+ safeguards. Additionally, it was recommended National REDD+ Office lead the development of certain protocols, guidelines, mechanisms and procedures to ensure the adequate implementation of these commitments, whilst addressing identified gaps and weaknesses in the relevant PLRs. These are:

- We recommend considering 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+. (Rec. 5)
- We recommend National REDD+ Office leads the establishment of an instrument for ensuring the equitable 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. (Rec. 18)
- We recommend National REDD+ office 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. (Rec. 19)
- We recommend that the relevant forestry authorities consider developing and using 'Consultation Guidelines' when dealing with the approval of REDD+ activities/projects and engaging with customary landowners (linked to recommendations under safeguards D). The National REDD+ office should also be empowered to compel all relevant agencies involved in REDD+ activities/projects to ensure that this Guideline is used. This would need to be carried out by forestry officers prior to and during the development of the REDD+ project to ensure meaningful participation is achieved and social considerations are taken into account. (Rec. 29)
- In order to operationalize the rights of indigenous peoples, local communities and vulnerable groups, we recommend National REDD+ Office to consider the adoption of a protocol/guidelines applicable to REDD + activities. The aim of this protocol is to provide guidance on how their rights should be respected, protected and promoted when undertaking REDD + activities. (Rec 35)
- We recommend that broad/general and clear standards be developed by National REDD+ Office to identify minimum requirements for selection of individual board members who are selected to sit on any REDD+ related decision making bodies e.g., Boards or Committees, and that this standard should be referred to in relevant PLRs. (Rec 53)
- We recommend, that a protocol or guidelines are adopted by the National REDD+ Office, 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. (Rec 54)
- If politically feasible, we recommend the National REDD+ office to adopt guidelines to applying FPIC in applicable REDD+ activities. (Rec 65)

Annex I: Detailed methodology

Scope of the Analysis

The legal framework of a country is made up primarily of laws, policies and regulations (PLRs), as well as plans and programmes that can assist in implementing these PLRs⁸³ (See Box 2). The PLRs and the plans/programmes of a country define what the country commits to promote and protect.

Is important to also consider under the scope of the identification, the relevant and applicable international agreements and conventions, on the environment, human rights and indigenous peoples. These when adopted by a country (when signed, ratified, or otherwise agreed to), are also considered to be part of the country's legal framework. Accordingly, international treaties may be: i) directly applied⁸⁴ in whole or in part; ii) be implemented by enactment of new PLRs; or iii) implemented by revision of the current PLRs.

Box 2: What are laws, policies, regulations, plans and programmes?

- Policies provide political direction to the adoption, implementation and interpretation of laws. For example, a National Forest Policy sets out the goals and long-term direction of the protection and development of the national forest estate without necessarily specifying how this is to be achieved.
- Laws define and regulate rights and obligations that must be guaranteed and how, without covering operational aspects. For example, a National Forest Law will seek to implement a National Forest Policy in terms of defining specific rights and duties that must be recognized and implemented, e.g. recognition of the participation of indigenous peoples in forest decision making processes.
- Regulations are issued by different government line ministries, departments and agencies to carry out the intent of the law. For example, the Ministry for Forestry may issue a regulation to provide technical guidance and economic incentives for tree planting, and which seeks to implement a specific provision on forest landscape restoration in the National Forest Law.
- Plans generally provide guiding quantitative targets and qualitative principles for programmes and projects. For example, a national plan for protecting mangrove forests might set out a target for protecting 50 percent of existing mangrove forests.
- Programmes operationalize the goals and objectives of plans. Programmes are spatially, temporally and technically explicit about the actions or activities and resources (budget) needed to achieve the plan's goals. For example, a national awareness-raising programme for protecting mangrove forests in the priority jurisdictions where >50 percent of mangroves occur.

The key methodological steps of the analysis

- 1) Identification of relevant and applicable international and national legal framework
- 2) Analysis of the identified relevant and applicable international and national legal framework

⁸³ Is important to note that in many countries they utilize either 'plans' or 'programmes', and in many cases the terms are used interchangeably.

⁸⁴ Will depend or vary according to the methods the country's employs for the 'incorporation' of international law into domestic law.

3) Recommendations for addressing gaps and weaknesses

1) Identification of relevant and applicable international and legal framework

In order to identify the relevant and applicable international and national legal framework in relation to the UNFCCC REDD+ safeguards we utilized the framework of interpretation presented in Box 3, along with the specific matrix. These serves as essential inputs to identify which are the relevant aspects of the legal framework that are thematically relevant to each of the UNFCCC REDD+ safeguards.

Box 3: UNFCCC REDD+ Safeguards Framework of Interpretation

For countries that have not determined a country safeguards framework, this section provides indicative and illustrative examples, based on international best practice interpretations of the constituent elements of the UNFCCC REDD+ safeguards, which countries may choose to consider when specifying the application of these safeguards in their particular country context and circumstances. Ultimately, how countries unpack the UNFCCC REDD+ safeguards will determine the content to be provided under each safeguard in their summary of information.

For each UNFCCC REDD+ safeguard we provide a brief summary background and list the indicative and illustrative examples, of the constituent elements of the UNFCCC REDD+ safeguards.

UNFCCC REDD+ Safeguard (a)

To address and respect Safeguard (a), countries are expected to ensure that their REDD+ activities are consistent with their national forest programmes as well as relevant international conventions and agreements. This means that countries implementing REDD+ activities will need to clearly identify applicable and relevant international conventions and agreements and national forest programmes, and analyse to what extent the proposed REDD+ activities complement or are consistent with them.

The indicative and illustrative constituent elements of this safeguard are:

1. Consistency with objectives of national forest programmes and/or plans to combat deforestation and forest degradation
2. Consistency with objectives of relevant international conventions and agreements

UNFCCC REDD+ Safeguard (b)

Safeguard (b) focuses on national forest governance structures, particularly with regards to 'transparency' and 'effectiveness'. Transparent governance structures are associated with a right of access to information, especially to vulnerable groups such as indigenous peoples and local communities.

Characteristics of effective governance structures generally include: laws and regulations relating to forest governance and sustainable use of forests, and enforcement of those laws; integration of social and environmental considerations, including human rights, in decision-making, public participation in decision making and related processes; clear rights of ownership and possession (land tenure) including for traditional and customary ownership; and fair and equitable benefit sharing arrangements. It is also associated with access to judicial or administrative procedures that can provide effective remedy for infringements of rights, and to resolve disputes, especially for indigenous peoples.

The indicative and illustrative constituent elements of this safeguard are:

1. Transparent National Forest Governance Structures
 - a. access to information
 - b. accountability
2. Effective national forest governance structures
 - a. land tenure
 - b. equitable distribution of benefits
 - c. gender equality
 - d. enforcement of the rule of law
 - e. institutional framework
 - f. adequate access to justice

- g. integration of social, economic and environmental considerations
- h. cross-sectoral coordination

UNFCCC REDD+ Safeguard (c)

Safeguard (c) focuses on the recognition and respect of the rights of indigenous peoples and local communities. In this way, REDD+ activities must be executed in accordance with relevant national and international laws and national circumstances—regarding both indigenous peoples and local communities. These rights are expected to apply both to the individual and the group as a whole, and include, but are not restricted to: the respect for traditional knowledge; the respect and protection of rights regarding land tenure; self-determination; non-discrimination; benefit-sharing; participation; and Free, Prior and Informed Consent (FPIC).

The indicative and illustrative constituent elements of this safeguard are:

1. Definition/determination of indigenous peoples and local communities
3. Definition/determination of traditional knowledge
4. Recognition and implementation of rights in accordance with international law
 - a. non-discrimination
 - b. self-determination
 - c. rights associated with culture
 - d. collective land tenure

UNFCCC REDD+ Safeguard (d)

The interpretation of 'full and effective participation' is generally associated to the recognition and implementation of procedural rights (also known as access rights) such as access to information, participation, and justice in relation to decision-making processes. Due to the different identities, cultures, languages and institutions of indigenous peoples and local communities, ensuring their full and effective participation is in some cases associated with special procedure or measures, including Free, Prior and Informed Consent (FPIC).

The indicative and illustrative constituent elements of this safeguard are:

1. Regulation of full and effective participation
2. Enabling environment for an effective participation
 - a. identification of relevant stakeholders
 - b. access to information for decision making
 - c. participatory mechanisms
 - d. access to justice/conflict resolution mechanisms in decision making
 - e. free, prior and informed consent/consultation

UNFCCC REDD+ Safeguard (e)

The overarching objective behind Safeguard (e) is that REDD+ actions must be 'consistent with the conservation of natural forests and biological diversity.' Specifically, REDD+ activities must not be used for the conversion of natural forests and the protection of natural forests and their ecosystem services should be incentivised. It is generally understood that actions should seek to contribute to the conservation of natural forest and biological diversity, which include: identification, mapping and monitoring of natural forests and biodiversity, regulation of biodiversity; support for conservation research; awareness raising; and integration of biodiversity concerns into other national sectors. Of particular importance for incentivising conservation, REDD+ activities should also seek to promote the enhancement of environmental and social benefits, such as environmental services and livelihoods.

The indicative and illustrative constituent elements of this safeguard are:

1. Conversion of natural forests
 - a. identification of natural forest, biological diversity and ecosystem services
 - b. regulation of conversion of natural forests
2. Protection and conservation of natural forests and biodiversity
 - a. identification or mapping of natural forests and biodiversity
 - b. measures to protect biodiversity and natural forests
 - c. conservation research and awareness-raising
 - d. integration of biodiversity in cross-sectoral policies

UNFCCC REDD+ Safeguards (f) & (g)

Safeguards (f) and (g) require countries to take action to 'address the risks of reversals', and to take actions to 'reduce displacement of emissions'. These safeguards seek to ensure that emission

reductions or removals are durable and real, i.e. the net benefit of an action will remain fixed for a long period (i.e. not be reversed, sometimes referred to as “permanence”), or that the activity has not shifted location—for example, an agent of deforestation moves to another location, but still causes the same amount of emissions (i.e. displaces the emissions, also referred to as “leakage”). Both of these concerns are sometimes managed through accounting rules.

Additionally, the social and environmental measures used to implement the other UNFCCC REDD+ Safeguards can be extremely relevant to Safeguards (f) and (g), in terms of reducing displacement, and the risks that forest emission reductions and removals are not lasting. Examples may include land tenure clarity, promotion of alternative livelihoods, sustainable use and management of forests, responsible planning, including REDD+ activities and/or objectives in development plans at national and subnational level, building awareness and strengthening institutional governance and regulatory frameworks, cross-sectoral coordination and integration, as well as ensuring participation and equitable sharing of sustainable benefits of REDD+.

The indicative and illustrative constituent elements of safeguard (f) are:

- a. displacement risk analysis
- b. specific actions taken to reduce displacement
- c. displacement detected and reported through NFMS

The indicative and illustrative constituent elements of safeguard (g) are:

- a. reversals risk analysis
- b. specific actions taken to avoid or reduce the risk of reversals
- c. reversals detected and reported through NFMS

Adapted from Rey, D., Roberts, J., Korwin, S., Rivera., & Ribet, U. (2013) *A Guide to Understanding and Implementing the UNFCCC*, ClientEarth, London, United Kingdom. Available from:

<http://www.clientearth.org/reports/a-guide-to-understanding-and-implementing-unfccc-redd-safeguards.pdf>

On the basis of the interpretative criteria provided in that framework and the matrix, we identified the relevant and applicable international legal instruments and national legal framework according to their relevance and thematic resemblance to the UNFCCC REDD+ Safeguards.

2) Analysis of the identified relevant and applicable international and national legal framework

Once the legal framework was identified and confirmed with the relevant stakeholders, we proceeded to:

- 1) Fill the matrix provided through desk based research
- 2) Confirm findings through interviews with relevant stakeholders

The findings documented in the matrix, were confirmed and complemented through semi-structured interviews, with relevant stakeholders. These include, government institutions, civil society, representatives from indigenous peoples and local communities, academia, etc.

In addition, through these interviews we sought to identify to what extent are the identified legal provisions duly implemented (i.e. if there any problems in terms of implementation) and to also gather inputs from the stakeholders concerning recommendations for addressing these gaps.

3) Recommendations for addressing gaps and weaknesses

Subsequently to gathering feedback on the completed methodological matrix, we proceeded to:

- a) summarize and systematize the findings and gaps in a technical paper. The systematization of the findings and gaps aim to provide a "picture" of the current state of the relevant legal framework.
- a) identify appropriate recommendations for addressing gaps and weaknesses.

Annex II: List of the PLRs that were assessed

No.	Title	
1	Access to Justice Development Fund Rules, 2002	Rules
2	Anti-Corruption Establishment ordinance, 1961	Law/Statute
3	Balochistan Enquiries and Anti-Corruption Act, 2010	Law/Statute
4	Balochistan Forest Regulation 1890 (Balochistan)	Law/Statute
5	Balochistan Freedom of Information Act, 2005	Law/Statute
6	Canal and Drainage Act, 1873 (Punjab)	Law/Statute
7	Cattle Trespass Act, 1871 (Federal)	Law/Statute
8	Constitution of Pakistan, 1973	Constitution
9	Contract Act, 1872	Law/Statute
10	Forest Act, 1927 amended in 2016 (Punjab)	Law/Statute
11	Forest Act, 1972 (Sindh) amended in 1994 (Sindh)	Law/Statute
12	Freedom of Information Ordinance, 2002	Law/Statute
13	Freedom of Information Rules, 2004	Rules
14	Hazara Forest Act, 1936, 1937 amendment Ordinance 1997 (Hazara Khyber Pakhtunkhwa)	Law/Statute
15	Hazara Community Participation Rules, 1996-1997	Rules
16	Khyber Pakhtunkhwa Anti-Corruption Establishment Ordinance, 1961	Law/Statute
17	Khyber Pakhtunkhwa Right to Information Act, 2013	Law/Statute
18	KPK Environmental Protection Act, 2014	Law/Statute
19	Law and Justice Commission of Pakistan Ordinance, 1979	Law/Statute
20	National Accountability Bureau Ordinance, 1999	Law/Statute
21	National Environmental Policy, 2005	Policy
22	NWFP Forest Ordinance, 2002 (Khyber Pakhtunkhwa)	Law/Statute
23	Pakistan Climate Change Act, 2017 (Federal)	Law/Statute
24	Pakistan Environmental Protection Act, 1997	Law/Statute
25	Prevention of Corruption Act, 1947	Law/Statute
26	Punjab Employees Efficiency Discipline and Accountability Act, 2006	Law/Statute
27	Punjab Environmental Protection Act, 1997	Law/Statute
28	Punjab Firewood and Charcoal (Restriction) Act, 1964 (Punjab)	Law/Statute
29	Punjab Forest (Sale of Timber) Act, 1913 amendment Ordinance, 2001 (Punjab)	Law/Statute
30.	Punjab Land Preservation (Chose) Act, 1900 (Punjab)	Law/Statute
31	Punjab Plantation and Maintenance of Trees Act, 1974 (Punjab)	Law/Statute
32	Punjab Transparency and Right to Information Act 2013	Law/Statute
33	Punjab Transparency and Right to Information Ordinance 2013	Law/Statute
34	Registration Act, 1908	Law/Statute
35	Sindh Enquiries and Anti-Corruption Act, 1991	Law/Statute
36	Sindh Environmental Protection Act, 2014	Law/Statute
37	Sindh Financial Management and Accountability Act, 2011	Law/Statute
38	Sindh Transparency & Right to Information Bill, 2016	Bill/Statute
39	The Convention on the Elimination of all forms of Discrimination against Women (CEDAW)	Convention
40	The Khyber Pakhtunkhwa Forest Development Corporation Ordinance, 1980 (Khyber Pakhtunkhwa)	Law/Statute
41	The Khyber Pakhtunkhwa Forestry Commission Act, 1999 (Khyber Pakhtunkhwa)	Law/Statute
42	Transfer of Property Act, 1882	Law/Statute

Annex III: List of relevant international agreements and conventions

- 1) United Nations Framework Convention on Climate Change (UNFCCC)
- 2) Kyoto Protocol to the UNFCCC
- 3) UNFCCC Cancun Agreement
- 4) UNFCCC Durban Agreement
- 5) UNFCCC Warsaw Framework
- 6) Convention on Biological Diversity
- 7) Rio Declaration (United Nations Conference on Sustainable Development)
- 8) Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES)
- 9) Convention for the Safeguarding of Intangible Cultural Heritage
- 10) United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- 11) International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 12) International Covenant on Civil and Political Rights
- 13) The International Convention for the Elimination of All Forms of Racial Discrimination (CERD)
- 14) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)



Clarification of the UNFCCC REDD+ Safeguards in accordance with the national context and circumstances of the Islamic Republic of Pakistan



Ministry of Climate Change



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Objective and scope of the report

This document aims to provide a preliminary and indicative clarification of the United Nations Framework Convention on Climate Change (UNFCCC) REDD+ safeguards in accordance with Pakistan's national context.

The purpose of the **clarification** is to specify how the principles/objectives encompassed in the UNFCCC REDD+ safeguards translate into concrete rights and obligations in the context of Pakistan. In other words, the clarification is expected to contextualize the general principles outlined in the UNFCCC REDD+ safeguards into specific principles and objectives that are to be followed and promoted in the context of the implementation of REDD+ activities in Pakistan, and which are anchored in the country's policies, laws and regulations (PLRs).

It is important to note at this point that the clarification itself **does not determine how such PLRs will be used/applied** to ensure the REDD+ actions are carried out in consistency with the safeguard, nor is the clarification a gap analysis of the PLRs. Instead, the determination of the use and/or application of the PLRs to ensure that REDD+ activities are carried out consistently with the safeguards will be done in the preparation of the Environmental and Social Risk Management Framework (ESMF). The ESMF will be based on the assessment of potential risks and benefits of the proposed REDD+ actions, as well as the findings of the legal and institutional assessment.

Background and relevance of the report

Parties to the UNFCCC agreed to a set of seven broad principles that are expected to be applied in accordance with national context and circumstances. In the final series of decisions on REDD+, which were agreed upon in Paris at COP 21, Parties to the UNFCCC developed some further guidance "on ensuring transparency, consistency, comprehensiveness and effectiveness when informing how the safeguards referred to in decision 1/CP.16, appendix I, are being addressed and respected."⁸⁵ As part of this guidance, the COP "strongly encourages" developing country Parties, when providing the summary of information on how the Cancun Safeguards are being addressed and respected, to include, inter alia: "A description of each safeguard in accordance with national circumstances."⁸⁶ A description of each safeguard in accordance with national circumstances can be achieved by identifying the various rights and obligations that are embodied in the Cancun safeguards, and examining how these are reflected in the specific country context. Studies have already been undertaken to identify/unpack these rights and obligations as reflected under international law,⁸⁷ but the national circumstances are particular to each country. It is also important that the description be the result of a shared or 'common' understanding among different stakeholder constituencies within a country, so as to facilitate their implementation.

The clarification of the UNFCCC REDD+ Safeguards in accordance with national circumstances is central to the preparation of the summary of information, as it helps to determine the information that should be *provided* to the UNFCCC to demonstrate how the safeguards are being addressed and respected.

Methodology

This document offers a clear and concise clarification of each of the UNFCCC REDD+ safeguards considering Pakistan's context and circumstances. This document was developed in accordance with the following steps:

⁸⁵ UNFCCC Decision 17/CP.21, see also UN-REDD [brief on summaries of information](#)

⁸⁶ Ibid, paragraph 5(b) see also UN-REDD [brief on summaries of information](#) for further analysis

⁸⁷ See Rey, D., Roberts, J., Korwin, S., Rivera, & Ribet, U. (2013) *A Guide to Understanding and Implementing the UNFCCC*, ClientEarth, London, United Kingdom. Available from: <http://www.clientearth.org/reports/a-guide-to-understanding-and-implementing-unfccc-redd-safeguards.pdf>

1. Based on the findings of a legal institutional and governance analysis⁸⁸, the language of each of the UNFCCC REDD+ safeguards was unpacked to identify the 'core interpretative elements' for each of the UNFCCC REDD+ safeguards;
2. Once the core elements were determined for each safeguard, the findings of the legal institutional and governance analysis were synthesised to provide a legal basis for each of these core elements (i.e. how they are anchored to the 'relevant' PLRs); and
3. Considering the combined core elements per safeguard, an overall and narrative clarification of each safeguard was developed.

Clarification of the UNFCCC REDD+ Safeguards in accordance with the national context and circumstances of the Islamic Republic of Pakistan

This section is structured in tabular format, done in relation to each of the seven UNFCCC REDD+ safeguards. Each column presents a set of information, as follows:

1. The first column **identifies the 'core clarifying elements'** for each of the UNFCCC REDD+ safeguards;
2. The second column ('legal basis') identifies and justifies **how each of the core elements are recognized, protected or promoted by the relevant PLRs in the country**. It is important to note that the information in this column **does not determine 'how' such PLRs will be used/applied** to ensure that the REDD+ actions are carried out consistently with the safeguard/s; and
3. The third and final column presents a **narrative clarification for each UNFCCC REDD+ safeguard, considering the combined 'core clarifying elements'**.

UNFCCC REDD+ Safeguard A: 'That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements'		
Core elements	Legal basis	Narrative Clarification
1. The REDD+ strategy is consistent with the objectives of national forest programmes	The legal framework in Pakistan sets out clear objectives for its forest programmes under the Forest Act, ⁸⁹ KPK Forest ordinance ⁹⁰ , the Pakistan Environmental Protection Act ⁹¹ , and Pakistan Climate Change Act ⁹² , which set out specific targets relating to the protection, conservation, management and sustainable development of Pakistan's forests.	"The REDD+ Strategy is designed in compliance with the objectives of national forest programmes, and consistent to the provisions of the relevant treaties and international
2. The REDD+ strategy is	Pakistan is Party to fourteen (14) relevant international conventions and agreements. ⁹³	

⁸⁸ Analyses of legal and institutional and governance capacity to address safeguards in Pakistan

⁸⁹ Forest Act, 1927

⁹⁰ KPK Forest ordinance, 2002

⁹¹ Pakistan Environmental Protection Act, 1997

⁹² Pakistan Climate Change Act, 2017

⁹³ ... International Plant Protection Convention, Rome, 1951, Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome 1956. 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. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982. Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), Paris, 1972. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979. Convention on the Law of the Sea, Montego Bay, 1982. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto. Agreement on the Network of Aquaculture Centres in Asia and the Pacific, Bangkok, 1988. Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, Basel, 1989. Convention on Biological Diversity, Rio De Janeiro, 1992. United Nations Framework Convention on Climate Change, Rio De Janeiro, 1992

consistent with relevant and applicable international conventions and agreements		conventions Pakistan is Party to”
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UNFCCC REDD+ Safeguard B: ‘Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;’

Core elements	Legal basis	Narrative Clarification
1. Right to access information is recognized and protected in the context of the implementation of the REDD+ strategy	The Right of Access to Information is a qualified right under the National Constitution of Pakistan . ⁹⁴	"Transparency and effectiveness of forest governance structures, including the right to access to information, accountability, access to justice, gender equality and the recognition and protection of land use rights are promoted and regulated in the scope of the application of the National REDD+ strategy through the relevant PLRs of the country."
2. Accountability is guaranteed in the context of the implementation of the REDD+ strategy	National Accountability Ordinance, 1999 was promulgated to eradicate corruption and corrupt practices and hold accountable all those persons accused of such practice.	
3. Right to access justice is recognized and protected in the context of the implementation of the REDD+ strategy	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. ⁹⁵	
4. Rights over forest land are recognized and protected in the context of the implementation of the REDD+ strategy	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. ⁹⁶ It also provides the basis for just compensation to be awarded in the event acquisition of land/resources from them ⁹⁷ . Forestry laws in Pakistan ensure tenure and rights of local communities over state owned forests including right of way, water, firewood etc. ⁹⁸	

⁹⁴ Article 19-A of the Constitution of Pakistan, 1973

⁹⁵ Article 4 and 10-A of the Constitution of Pakistan, 1973

⁹⁶ Article 23 of the Constitution of Pakistan 1973

⁹⁷ Article 24 of the Constitution of Pakistan 1973

⁹⁸ Section 11 of the Forest Act, 1927, and Section 23 of the KPK Forest Ordinance 2002

5. Gender equality is promoted and protected in the context of the implementation of the REDD+ strategy	The Constitution recognizes Gender Equality ⁹⁹ and the Right of women citizens to participate in all economic activities. ¹⁰⁰ This is further recognized and encouraged in specific forest PLRs at the national level. ¹⁰¹	
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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;

Core elements	Legal basis	Narrative Clarification
1. The rights of Indigenous and Tribal Populations are promoted and protected in the context of the application of the REDD+ strategy, in consistency with relevant and applicable international conventions and treaties.	Pakistan ratified Indigenous and Tribal Populations Convention, 1957 in the year 1960. KPK Forest Ordinance of 2002 was promulgated for the promotion of the economic, social and ecological wellbeing of local people. The constitution states all citizens are equal before law and are entitled to equal protection of law. ¹⁰²	"The recognition of, and respect for the rights of Indigenous and Tribal Populations in accordance to the relevant 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 and collective tenure rights."
2. Traditional knowledge is recognized and protected in the context of the application of the REDD+ strategy	Traditional knowledge has always been an aspect of customary law which is recognized under the Constitution but not defined. It is associated with intangible matter.	

⁹⁹ Article 25 of the Constitution of Pakistan, 1973

¹⁰⁰ Article 34 of the Constitution of Pakistan, 1973

¹⁰¹ Section 99 (3) of the KPK Forest Ordinance, 2002

¹⁰² Article 25 of the Constitution of Pakistan, 1973

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

Core elements	Legal basis	Narrative Clarification
1. The right to participate in the design and implementation of the REDD+ strategy is recognized and promoted.	National PLRs ¹⁰³ mandate that environmental impact assessments be carried out with public participation. Provincial PLRs ¹⁰⁴ define an “interested party” having bonafide interest in the sustainable development of the forest and natural resources.	"The right to participate, in particular for relevant local communities and vulnerable groups, is recognized and promoted 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."
2. Relevant local communities, indigenous and tribal populations, and vulnerable groups have the right to participate in the application of the REDD+ Strategy	Provincial PLRs ¹⁰⁵ facilitate the effective participation of local communities in the management of forests; and the participation of village communities and interested parties in the sustainable development of forests and wastelands. The Provincial Government will make efforts to encourage women to participate in the management process.	
3. Right to a Free, Prior and Informed Consent is recognized and protected in accordance with the relevant legal obligations.	Pakistan is a signatory to UNDRIP	

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

Core elements	Legal basis	Narrative Clarification
1. The conservation of natural forests and biological diversity is recognized and protected in the	The policy objectives of the Draft National Forest Policy of 2015, however, include (1) the implementation of a national level mass afforestation programme to expand and maintain forest coverage to meet international standards, and (2) controlling	"REDD+ activities under the National REDD+ Strategy will promote the conservation of natural forests and biodiversity, the

¹⁰³Environmental Protection Act, 1997

¹⁰⁴Khyber Pakhtunkhwa Ordinance, 2002

¹⁰⁵Khyber Pakhtunkhwa Ordinance, 2002

context of the implementation of the REDD+ strategy	<p>deforestation through the regulation of timber and inter-provincial trade of timber.</p> <p>Pakistan is a Party to the Convention on Biological Diversity.</p> <p>The Draft National Forest Policy of 2015 includes among its objectives the establishment and management of protected areas and networking through ecological corridors.</p>	enhancement of social and environmental benefits, and will not result in the conversion of natural forests, in accordance with the relevant PLRs in the country."
2. The REDD+ strategy will not incentivise the conversion of natural forests	The Pakistan Environmental Protection Council has the mandate to provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non-renewable resources. Further, the Pakistan Climate Change Authority under the Climate Change Act, 2017 also has the similar provision of law.	
3. Enhancement of ecological, biological, climatic, and socio-cultural, benefits is recognized and protected in the context of the implementation of the REDD+ strategy	N/A	

UNFCCC REDD+ Safeguard F & G, respectively: Actions to address the risks of reversals and Actions to reduce displacement of emissions		
Core elements	Legal basis	Narrative Clarification
1. Addressing risks of reversals is required by the REDD+ strategy	The Forest Act 1927 as well as the Khyber Pakhtunkhwa Forest Ordinance 2002 prohibit setting of fire or abetting in setting fire in a forest or leave any fire burning in such manner as may endanger forests.	"Risks of reversals and displacement of emissions of the proposed REDD+ actions are addressed through MRV and national forest monitoring system"
2. Addressing risks displacement of emissions is required by the REDD+ strategy		



ASSESSMENT OF SOCIAL, HISTORICAL AND ENVIRONMENTAL ISSUES IN THE FOREST AND LAND USE SECTOR

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)

November 2017



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Abbreviations

ADB	Asian development Bank
AJK	Azad Jammu & Kashmir
CBD	Convention on Biodiversity
CBO	Community Based Organization
CCD	Climate Change Division
CPEC	China Pakistan Economic Corridor
DC	Deputy Commissioner
DFO	Divisional Forest Officer
FAO RAP	Food & Agricultural Organization, Country Representative for Pakistan
FATA	Federally Administered Tribal Areas
FCPF	Forest Carbon Partnership Facility
FD	Forest Department
FGRM	Feed & Grievances Redress Mechanism
GB	Gilgit Baltistan
GCF	Green Climate Fund
GDP	Gross domestic Product
GEF	Global Environmental Facility
GHG	Green House Gases
GIS	Geographical Information System
GoP	Government of Pakistan
HBP	Hagler Bally Pakistan
ICIMOD	International Centre for Integrated Mountain Development
ICT	Islamabad Capital Territory
IG(F)	Inspector General (Forests)
ILO	International Labor Organization
IUCN	International Union for Conservation of Natural Resources
JFMC	Joint Forest Management Committee
KP	Khyber Pakhtunkhwa
LEAD	Leadership for Environment & Development
MAF	Million Acre Feet
MOU	Memorandum of Understanding
MRV	Measurement, Reporting and Verification System
NAMA	Nationally Appropriate Mitigation Actions
NAs	Northern Areas
NEEDS	National Economics Environmental Study
NSC	National Steering Committee
NTFP	Non Timber Forest Products
NWFP	North Western Frontier Province
PES	Payment for Eco-system Services
PF	Protected Forests
RF	Reserve Forest
RPP	Readiness Preparation Proposal
SDPI	NGO Sustainable Development Policy Institute, Pakistan
SESA	Strategic Environmental and Social Assessment
SPFC	South Punjab Forest Company

UNCCD	United Nation Convention to Combat Desertification
UNDP	United Nations Development Programme
UNFCCC	United Nation Framework Convention on Climate Change
VLUP	Village Land Use Planning
WB	World Bank
WG	Working Group
WWF	World Wildlife Fund

I. 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:¹⁰⁶

- 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 2013.¹⁰⁷ 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.¹⁰⁸ 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;¹⁰⁹
- Have in place:¹¹⁰
 - e. A national strategy or action plan (a link to which is shared on the UNFCCC REDD+ Web Portal);
 - f. 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);
 - g. A robust and transparent national forest monitoring system for the monitoring and reporting of REDD+ activities; and
 - h. 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;¹¹¹ 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.¹¹²

REDD+ is based on a three-phased approach, which includes: Readiness (Phase I), implementation (Phase II) and results-based actions (Phase III).¹¹³ However, due to the significant time-frame between REDD+’s initial conception and introduction as a UNFCCC negotiation topic at COP 13 in Bali¹¹⁴ and its

¹⁰⁶ UNFCCC Decision 1/CP.16 paragraph 70

¹⁰⁷ UNFCCC Decisions 9/CP.19; 10/CP.19; 11/CP.19; 12/CP.19; 13/CP.19; 14/CP.19 and 15/CP.19

¹⁰⁸ UNFCCC Decision 2/CP.17 paragraph 63

¹⁰⁹ UNFCCC Decision 1/CP.16 paragraph 73

¹¹⁰ UNFCCC Decision 1/CP.16 paragraph 71

¹¹¹ UNFCCC Decision 2/CP.17 paragraph 63

¹¹² UNFCCC Decision 9/CP.19 paragraph 4

¹¹³ UNFCCC Decision 1/CP.16 paragraph 73

¹¹⁴ UNFCCC Decision 2/CP.13

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."¹¹⁵

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).¹¹⁶ 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.

Objectives of this consultancy

The purpose of this consultancy 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 numerous questions, inquiries, and potential grievances regarding the REDD+ strategy or process.

Objectives and structure of the report

The general objective of this report is to provide an assessment of historical social and environmental issues in the forest and land use sectors, which are relevant to the assessment of potential positive and negative impacts that may arise from the implementation of the proposed National REDD+ Strategy in Pakistan. This report will be a key input for the preparation of the SESA.

This report has the following specific objectives:

1. Provide an assessment of historical and current social and environmental issues in the land use sector, including land tenure and land rights, conflicts deriving from forest utilization and benefits distribution from the perspective of resource owners and other indirect co-beneficiaries;

¹¹⁵ 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

¹¹⁶ <https://www.forestcarbonpartnership.org/pakistan>

2. Provide an assessment of the current progress in Pakistan with regard to addressing the identified historical social and environment issues; and
3. Provide assessment of potential risks and benefits arising from the proposed REDD+ strategy.

It is structured in the following manner:

- **Part I** – Introduction, containing the objectives, limitations and methodology of the Report
- **Part II** – Natural environment and socio economic situation in Pakistan
- **Part III** – General historical perspective on forestry in Pakistan
- **Part IV**– Social and Environmental Issues in the Forest and Land Use Sector in Pakistan
- **Part V** – Progress in Addressing Social and Environmental Issues
- **Part VI** – Conclusions and recommendations for addressing social and environmental issues in the land use sector and of relevance to REDD+

Limitations of the Report

We note some limitations regarding the preparation of this report in terms of non-availability of WG members in Islamabad, with whom to consult. In addition, there are limited resources available to serve as inputs and references for the preparation of this report.

Methods

The activities/methods applied to prepare this report are:

- Desk Review of the relevant literature (see bibliography)
- Discussion with experts, key informants and some members of Working Groups (WG) in person and through telephone.
- This draft social assessment will be consulted upon with relevant stakeholders during the National Workshop on Safeguards scheduled in November 22nd, 2017.

II. Natural Environment and Socio Economic Situation in Pakistan

State of Pakistan's Natural Environment

The Structural Adjustment Program initiated in Pakistan has continued since the 1980's under different names and forms. However, in the following three decades the Government was grossly negligent of environmental issues resulting in environmental degradation within the country. The degradation and damages calculated by the World Bank in 2006 shows the extent of damages caused as reflected in the following Table.

Table 1: Environmental Damages Annual Damage

Environmental Damages Annual Damage	Cost in PKR
Inadequate Water Supply, Sanitation & Hygiene	112 Billion
Agricultural Soil Degradation	70 Billion
Indoor Pollution	67 Billion
Urban Air Pollution	60 Billion
Cost of Lead Exposure	45 Billion
Rangeland Degradation & Deforestation	7 Billion
Total	249 Billion

Source: Pakistan Strategic Country Environmental Assessment Report by World Bank, 2006.

The situation has become even more serious with acute threats caused by Climate Change. Dealing with climate change is no longer a choice for the country; it is an imperative that the country has to cope with and adapt to in the foreseeable future as analysed in the report by Lead Pakistan and SDPI. The country does not have the luxury of an exit strategy when it comes to facing up to the climate challenge. The costs associated with this interaction need to be estimated to a reasonable degree of accuracy to allow the country to plan, strategize and prepare for this challenge.

The net situation of environmental issues rest with illegal cutting off trees, deterioration of range lands, heavy uncontrolled grazing and browsing, soil erosion, expansion of deserts, lack of community participation for the management of natural resources, water pollution, air pollution, noise pollution, indiscriminate use of pesticides and herbicides, growing population and expending uncontrolled habitation.

Agriculture

Less than 20% of the 88 million hectares of the country (including Northern Areas and Azad Jammu and Kashmir) has the potential for intensive agricultural use. The amount of cultivable land; nearly matched by the amount of land actually being cultivated. Yet Pakistan has ample potential to increase its agricultural production, by multiple cropping and increasing yields per hectare. Many institutional and physical reasons account the low intensity of use and low outputs. The most important physical sources are water and wind erosion, salinity and sodicity, water logging, flooding, and loss of organic matter. Watershed lands in the upper Indus and its tributaries suffer from quite unfavourable soil and moisture regimes, their management for forestry, agriculture, and soil and water conservation leaves much to be desired. Area classified as forests cover 4.57 million hectares, or 5.01% the land area of the country, of which less than 3 million hectares are actually under some form of tree cover. Closed cover forests

account for less than a million hectares. Accelerated surface erosion is reducing the life of the reservoirs on which irrigation depends.

Pakistan relies on irrigation for more than 90% of its food and fibre production. Water withdrawals have increased markedly since 1960 to 1961, but there has been no significant improvement in water-use productivity, or the crop output per unit of water. Yet there is an absolute limit to the amount of water available in the Indus Basin; the mean value is 137.2 million acre-feet (MAF), with an 80% chance of exceeding 123 MAF. Approximately 104 MAF are already diverted at canal heads. Only about 30% of diverted water reaches the crop roots. The rest is lost in canals and watercourses or during application in the field. Groundwater is a secondary or derived source. Of the total annual recharge of ground water estimated at 46 MAF, more than 41 MAF are drawn up by tube-wells and used; most of the unutilized recharge is in areas of saline groundwater.

Outside the irrigated Indus Basin water-mining and sharp declines of groundwater tables have become apparent in several areas. Simultaneously, overgrazing has brought down the productivity of rangelands to as little as 15 to 40% of their potential. Since Independence, growth in grazing livestock populations has been dramatic, primarily along field borders, between tracts of cultivated land, and along on riverbanks in intensively managed irrigated lands, which produce 78% of the fodder. Yet the relatively small share of expansion in dry lands has led to overgrazing. Three-fourths of the animals are of nondescript species, and the livestock sector is caught in a downward spiral of too many sick animals chasing too little feed.

Coastal Resources

The coastal strip of Pakistan is arid, and mangrove leaf litter constitutes a major source of nutrients. Primary productivity of mangrove-covered deltaic areas is four to seven times higher than those of coastal areas without mangroves. Most tropical marine species pass at least one stage of their life cycle in mangroves. Yet mangroves are under increasing environmental stress from reduced freshwater flows, from sewage and industrial pollution, from fodder, fuel wood, and timber extraction, and from clear felling for development.

Fisheries make a small but significant contribution to Pakistan's economy (0.8% of gross domestic product [GDP], but 3% of exports). The level of effort per unit catch has been rising with increased harvesting, and the landings of large and medium-sized shrimp collapsed in the 1980s.

Wildlife

The country has a great variety and richness of fauna, flora, wetlands, and other wildlife habitats and landscapes. Pakistan has given serious thought to protecting its biological resources, yet the coverage of ecosystems in the country's national parks and protected places is far from comprehensive. The policing of existing parks is inadequate, and operational management plans exist for just a few. There is a steeply rising demand for, and decreasing supply of wildlife. The ibex, snow leopard, wild ass, and houbara bustard all face extinction from hunting pressure. A greater threat is disappearance of habitat. Imbalance in the natural order has other long-range consequences. For example, the increase in the number of wild boars that trample crops have reduced the number of snakes, leading in turn to the increase in rats that are responsible for large post-harvest losses of grain.

Energy

Pakistan is both energy-poor and energy-profligate country. Reserves of oil and gas are small, but are relied on heavily. The known gas reserves of the country have a life expectancy of 16 years. Domestic oil production meets less than a quarter of the country's needs, with the balance imported at a high cost in foreign exchange spending. Only 1% of hydel potential has been developed to date, and there has been a significant increase in demonstrated and measured coal reserves in recent years. However,

both hydel development and coal generation could have serious ecological and social impacts if not properly managed. Alternative energy sources have yet been largely undeveloped.

Regrettably, the energy intensity in the production of GDP in Pakistan is as high as that of the United States, and is rising. There are significant opportunities to treat energy conservation as a new source of supply: transmission and distribution losses are high; the industrial sector could save 22% of the energy it uses with no loss of output; tube-well efficiencies could be doubled domestic energy use could be improved through better building design and insulation; and vehicular efficiencies could be improved by 5% through tune-ups alone.

Water

Pakistan is classified as a water-stressed country and headed towards becoming a water-scarce country. This is a serious environmental concern, and the social dimension of this concern is related to water use associated with land use and land use change. Water usage habits and water related behaviours need social engineering, which requires inclusion of social interactive trainings across the country for the forest dependent communities and the agriculturalists in the neighbouring villages.

Socio-Economic Situation in Pakistan

Urban Growth

The rapid population growth stresses the economy. Widespread poverty is further exacerbated by natural disasters and terrorism. Because population growth is concentrated in the cities, the urban population is also increasing exponentially. Urbanization results in widespread deforestation to accommodate the population. Expansion of urban centres and urban life style is a major social change that created challenges of land use. The peripheries of the urban localities had plantations that are now reduced or eliminated because of the urban expansion, one such example is expansion of Lahore towards Indian border. A remedial step can be the introduction of strict urban planning and provision of green lungs in urban design.

Safety and Security

In terms of safety and security, Pakistan has worked on improving its security conditions through the National Action Plan adopted in 2014 and Operation Zarb-e-Azb in the tribal regions of Pakistan. In 2017, counter-terrorism and counter-militancy operations by the Army were extended across the country under Operation Radd-ul-Fasaad. In such a situation, the development and implementation of environmental policies tend to be dwarfed by other more immediate priorities for the government.

Infrastructure

On 20 April 2015 Pakistan and China signed an agreement to commence work on a multi-billion dollar project, the China-Pakistan Economic Corridor (CPEC). This project is intended to improve Pakistan's economy by construction of modern transportation infrastructure, establishment of special economic zones and increasing power generation capacity. A vast network of highways and railways is to be built in order to link the seaports in Gwadar (Balochistan) and Karachi (Sindh) to Xinjiang in China. As part of the infrastructure project, an eleven-hundred-kilometre-long motorway will be constructed between Karachi and Lahore and the already existing Karakoram Highway between Rawalpindi and the Chinese border will be completely reconstructed. Railway networks will also be extended and renovated. These developments will have serious implications on the environment especially since the question of sustainable development and protection of the environment has not been explicitly addressed by either of the Governments nor is such concerns presently a part of the national discourse on CPEC.

The social and environmental developments in Pakistan are significant when we see the forestry praxis in Pakistan and revisit these developments to conceptualize carbon as commodity. Forestland use is a

complex, multi-stakeholder and multi-purpose business. The stakeholders on one end of the continuum are the forest dwellers or the neighbouring villagers who strive for livelihood and use or exploit forest for their ends, whereas on the other end of the continuum is the state that tries to protect the forest by policies, legislation and implementation of appropriate strategies.

Forest Use

The cutting of forests by local landlords and influential is a socio-environmental practice that is exhibited in south Punjab where the remedial step is taken by introducing South Punjab Forest Company (SPFC). SPFC is the result of policy shift where Public Private Partnership is introduced by giving the forestland on fifteen years' lease to individuals or companies; The Forest Act of 1927 was amended (clause 80-A) to introduce this Punjab Public Private Partnership Act 2014 (IX of 2014). However, the forest grown in fifteen years will be cleared when the land is awarded to the next leasing party, affecting carbon stock.

Agro-forestry in rural areas is seeing the continuity of the issues that are based on land-tenure and cultivator's interests. Land-tenure security can help improve the agro-forestry, however, events like Okara Military Farms conflict between agriculturalists and military administration are examples of lack of policies that abridge the gap.

VLUP or Village Land Use Planning is another social development that is adapted by the policy makers. Taking the military and such unconventional stakeholders (e.g. Border Areas Committee) can help improve the pathways to achieve goals of REDD+. Forest guards often face conflict with the local communities and they lack resources and energy to look after the large areas allocated to them. Joint Forest Management Committee is an answer to this issue of managing forests. The concept of Joint Forest Management Committee was introduced as a social public policy for forest management in Pakistan in 1996. Later the "North West Frontier Province Forest Ordinance, 2002" was introduced to facilitate JFMCs.

However, one major challenge in this regard is to identify and organize the JFM committee members and stakeholders. The social organization of the rural Pakistan leads the inclusion of political influential and rich to be the dominant members of the JFMC. Fairness and equity are to be ensured by giving voices to the poor segments and women of the community by being part of the JFMC.

III. General Historical Perspective of Forestry in Pakistan

Despite their importance and utility, the forestry sector has always been challenged by controversies in forest use and management. The forests in Pakistan are categorized according to the nature of the land and the usage rights that are permitted within them. However, forests are generally perceived to be public goods, and are open for all kinds of usage, ranging from woodcutting and collection, leisure activities, and raising livestock. Public awareness about the various kinds and categories of forestlands is inadequate and regulations are blatantly violated, sometimes with the consent of forest department. Forests have been recently defined by the Ministry of Climate Change as follows:

"A minimum area of land of 0.5 ha with a tree crown cover of more than 10% comprising trees with potential to reach a minimum height of 2 meters."¹¹⁷

A common national definition is mandatory to proceed to serve the forthcoming frameworks and actions that deal with forest/land use and rights. This achievement of getting a national definition indicates that Pakistan is serious in adapting REDD as a national forest strategy.

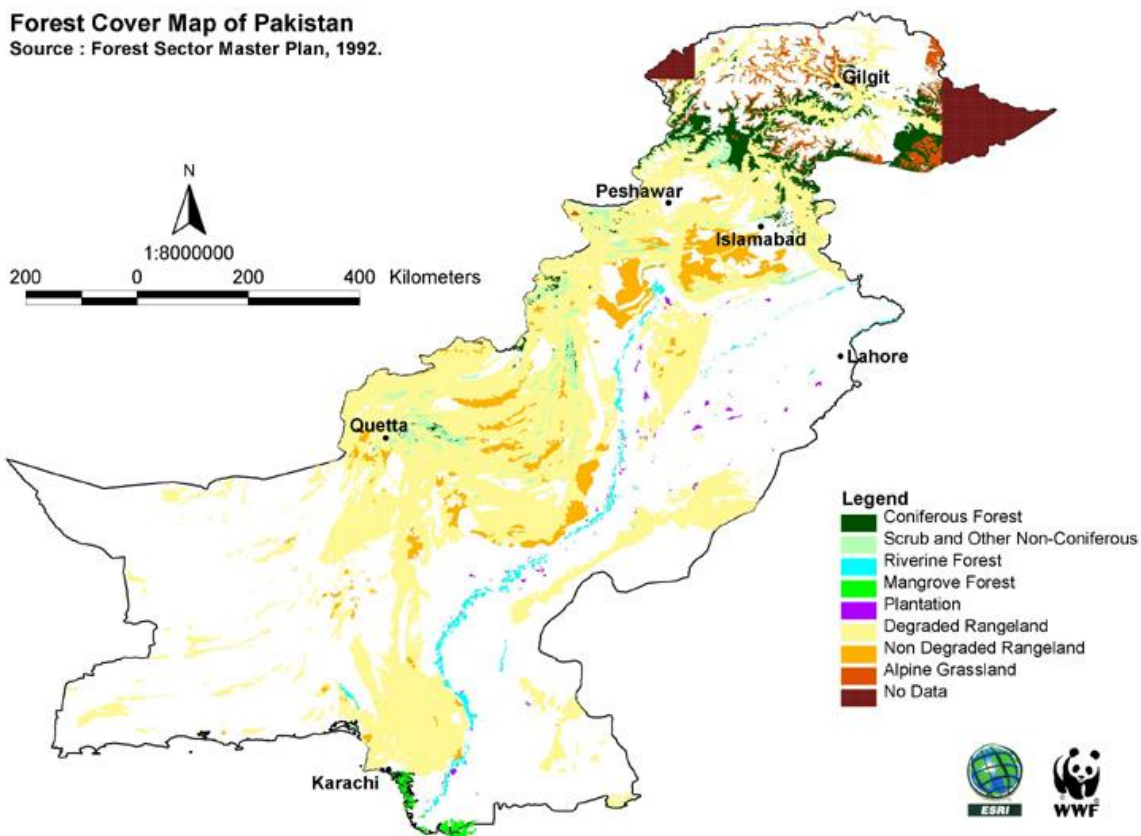
¹¹⁷ Notification No. 1-1/2016/NRC/WG dated 14th September 2017 issued by the Secretary Ministry of Climate Change in pursuance of the recommendations of the National Working Group.

5.01% of the total land area of Pakistan is covered by forests and planted trees. Pakistan is mainly a dry land country, with 80% of its land in arid and semi-arid areas. The main types of forests in Pakistan include conifer, juniper, scrub, riverine and mangrove forests. Irrigated plantations have been raised mainly in Punjab and Sindh provinces.

The main land use categories are forestland, cropland, grassland, settlement, wetland and other lands. Besides forest resource there are vast range and pasture lands in Pakistan. From the coastal zone to alpine areas there are 7 major range types, which include grasslands, grass-wood lands, grass-shrub lands, grass-forbs lands, woodlands, shrub lands and forbs lands. The climatic variations support the growth of different tree species in different climatic regions and divide Pakistan into nine distinct forest type (Siddiqui, 1996):

- i. Littoral and swamp Forests (mangroves),
- ii. Tropical dry deciduous forests,
- iii. Tropical thorn Forests,
- iv. Sub-tropical broad-leaved evergreen forests,
- v. Sub-tropical pine forests,
- vi. Himalayan moist temperate forests,
- vii. Himalayan dry temperate forests,
- viii. Sub-alpine forests and
- ix. Alpine Scrub

The Forest cover map below illustrates the type of forest in the country.



The forest resources of Pakistan are deteriorating both qualitatively and quantitatively. From 1990-2000, there was a 1.8 percent loss of forest cover. From 2000-2005, this loss was at 2.1%. The current rate of deforestation of natural forests is at 27,000 hectares per year. There is a serious threat of

accelerated deforestation and forest degradation in many parts of the country in the wake of rising population and associated wood demands, weak governance of tenure, encroachments and land cover changes superimposed by adverse impacts of climate change (R-PP).

In the past, the forestry was portrayed in academic circles as a technical subject dealing with certain techniques related to plants and tree raising and harvesting. It was seldom considered a socio-technical business, where the social perspective is even more strong, vibrant and decisive than the technical. The meaningful involvement of general public at strategic phases in forestry has always been undermined. The non-participation of people in planting, raising, protecting and harvesting has made forests a “no-man’s land” for an ordinary Pakistani. In certain areas and regions, although forests are considered a “collective good” where people try to maximize benefits, they do not feel obliged to perform certain actions for the enhancement or sustainability of the ‘public pool’.

The role of forests for the improvement of the environment has not been adequately publicized through media and other means of awareness raising. A review of text books taught in the schools of various provinces and regions of Pakistan can help ascertain the severity of negligence in environmental education.

The rituals and occasions related to tree planting have reduced over the passage of time. Many educational and local bodies institutions used to celebrate ‘*Shajar Kari Muhim*’ (Tree Plantation Drives) at least twice a year. The schools, colleges, hospitals, union councils and *Numbardars* (head man of a village) used to receive saplings free of cost (or at a nominal price) from the nurseries of Forest Department, but these practices have drastically reduced over time.

Forest and range land in Pakistan has been the hub of social, economic, political and environmental issues. Over the years degradation has been observed in quantity and quality of forest and range levels. The country is missing an institutional and constitutional framework corresponding to present day issues and problems. The gravity of problems related to forestry has intensified over the decades, causing a hazard like situation in this sector.

The frequent changes in institutional and constitutional frameworks of Forest Department have made the situation so fluid that it has increased the pre-existing knowledge gap amongst the line agencies as well as relevant communities. A review of the evolution and development of policies, acts and charters in the sub-continent and subsequently in Pakistan is discussed below to present a sketch of the fluidity of institutional and constitutional arrangements.

The first ever formal framework to restrict and regulate the uncontrolled exploitation of forests was chalked out in 1855, which is known as the “Charter of Indian Forestry”. Consequent upon the lessons, both positive and negative, from this Charter, the “Indian Forest Act of 1865” was put into force to protect the forests through the judicious use of timber. The prevalent usages were conceded as rights to justify the reserves for the State. It is believed that the Act laid down the foundation for objective-oriented forestry by transferring enhanced control by the State over forests which were previously open for public use.

This Act was replaced by “Indian Forest Act of 1878,” where forests were categorized as Reserve, Protected and Village forests. Reserve forests were exclusively under the control of Government for all kinds of usages. The Protected forest category allowed the right of local use to the communities. Village forests belonged to the villagers to cater to their subsistence needs. As is evident from the categorization, the major objective of this Act was to reduce local rights and to expand forest reserves for the State. The Act also helped in imposition of tax on timber transactions.

The traces of first ever forestry policy in the sub-continent dates back to 1894. At this time, it was claimed that the area under forest was more than 25% of the total land area of India and Pakistan and

these were believed to have a higher value than the livestock. Being an agriculture based economy the population was located more in rural areas; therefore, the usage of fuel wood was nominal. The policy also aimed to promote the economy and livelihood in the countries through forest management.

After the creation of Pakistan in 1947, the Indian Forest Policy of 1894 was implemented by the newly emerged State until 1955, when the first forest policy of Government of Pakistan was promulgated. The policy was mainly focused on:

- Introduction of the concept of sustained yields
- Preparation of management plans
- Demarcation of forests
- Establishment and promotion of wood industry
- Employment in forest sector
- Allocation of 10% of irrigated area for forests
- Creation of trained forest cadre of services
- Introduction of new plantation schemes (linear etc.)
- Mechanisms of land use for soil conservation
- Protection of habitat for wildlife, and
- Legislation for private forests

The first forest policy of the Government of Pakistan was announced in 1955. This policy defined the objectives of forest management based on the concepts of sustained yield; it also contained provisions for the preparation of management plans; fencing of forests; the establishment of wood-based industries; creating employment opportunities; the setting aside of ten percent of the area for irrigated plantations in new colonies; establishing linear plantations and a trained forest service; powers to control land use for soil conservation; the protection of mountain habitats for wildlife; and the management of private forests through legislation.

After the merger of provinces into West Pakistan, Forest Policy Statement of 1962 was enunciated. Major policy thrusts was on commercial forest management; the transfer of state lands to the Forest Departments to make up shortage forestry resources; the rights of local people; the appointment of forest magistrates; entrusting timber harvesting to forest departments or autonomous bodies; growing of industrial wood; supplying saplings to the public at nominal rates; plans for coastal areas; planting of floodplains; transferring land strips along railways, highways and canals to the forest departments; research on afforestation in arid zones; selection of fast-growing species for saline and waterlogged areas; legislation for the minimum number of trees on farmlands; and the promotion of farm forestry through forest extension services. Some of the policy directions like appointment of forest magistrates, rights of the people, creation of forest extension service and harvesting of forests by autonomous bodies were not implemented. Generally, the policy directions were positive, though thrust on commercial forest management is not fully valid at present.

In light of experiences and reflections collected from the above mentioned policies, in 1975, another forest policy was launched with a focus on elimination of rights of local people in public forests, establishing forest-based industries in close vicinity of forests, allocation of irrigation water for forests, transfer of linear plantation to forest department, and management of private forests through private forests cooperative societies. Again, some of the recommendations could not be implemented due to the absence of support mechanism or required equipment. The outweighed clauses included those on the elimination of community rights in public forests, provision of irrigation water and artificial instead of natural regeneration of forests.

The Forestry Policy guidelines issued in 1980 were part of the National Agriculture Policy. They included a greater thrust on planting fast-growing tree species, scientific forest harvesting, the scientific management of wilderness areas and production of medicinal herbs, among others. Except for the growing of fast growing species, none of the recommendations received due attention for implementation.

The identification of relevant rights holders often mentions indigenous communities or populations. In the national context, Pakistan ratified ILO Convention 107 in 1960 but is reluctant to sign ILO Convention 169. With a huge tribal or semi-tribal population, it is necessary to recognize indigenous communities or populations.

IV. Social and Environmental Issues in the Forest and Land Use Sector in Pakistan

In this section we examine what are the main drivers of deforestation and forest degradation, as well as the main issues around land tenure, land use conflicts, and gender equality.

a. Drivers of deforestation and forest degradation

Pakistan has a high rate of deforestation and forest degradation particularly in the Diamer District of Gilgit-Baltistan and Kohistan District of Khyber Pakhtunkhwa. The exact amount of forest cover in Pakistan today is under dispute. According to the Pakistan Forest Institute (PFI) in Peshawar, the percentage of forests in the country is 5.02%. According to the FAO, Pakistan lost 840,000 hectare of forest cover between 1990 and 2010 and the rate of loss of forests is 42,000 ha per year. Other studies show the total tree cover loss between 2000 and 2013 as 10,022.4 hectares; with a gain of only 847.3 hectares. Therefore; it is evident that Pakistan's current policies lack a strong and cohesive implementation strategy that can curb deforestation.

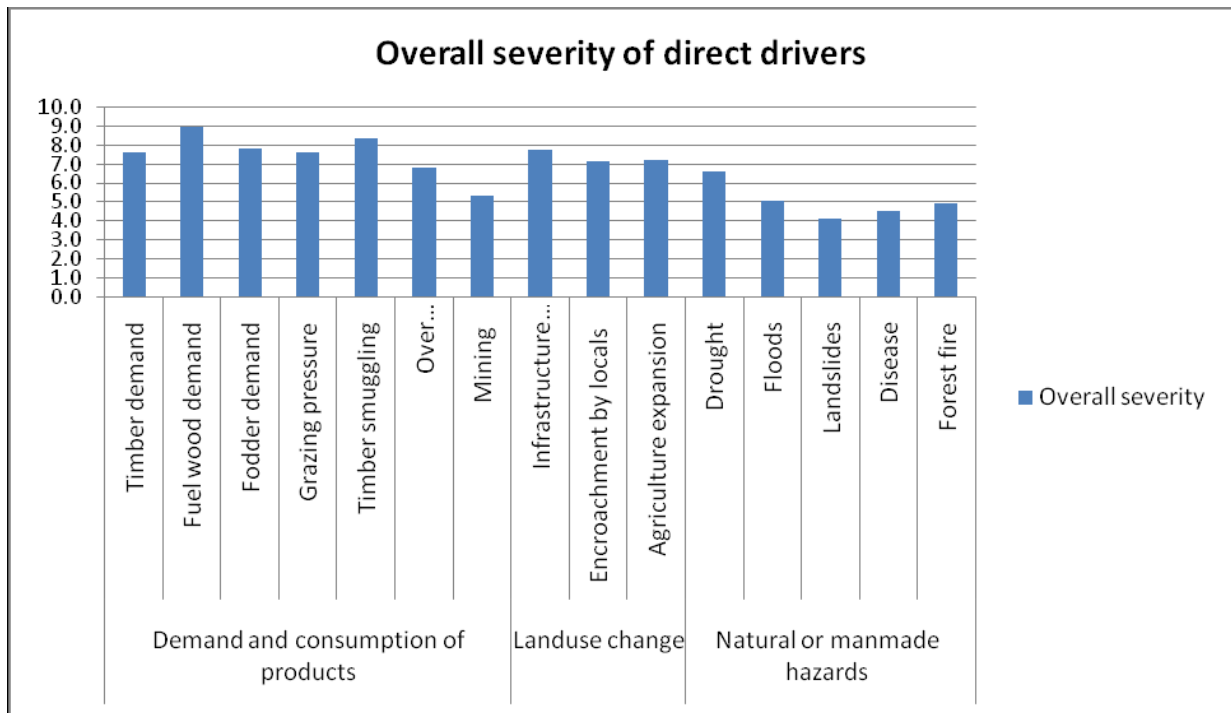
In Pakistan, the problem of deforestation is ascribed largely to excessive fuel wood collection, which exceeds the rate at which woody biomass is able to regenerate. Not only do local communities perceive the collection of fuel wood as their right, it is also a function of poverty and of the lack of alternatives for the poor. As part of the cycle, however, deforestation also causes springs to dry up and aggravates landslides, phenomena that directly affect the local poor.

The causes of deforestation and forest degradation in Pakistan include illegal logging mostly for firewood, fodder and timber, population pressures, lack of land use planning combined with intensification of agriculture, extension of housing colonies, settlements and industries, land sliding and erosion, salinity and water-logging, droughts and floods, pests and diseases, overgrazing and livestock pressure, migration, construction of roads and other physical infrastructure, mining, forest fires, poverty and lack of livelihood activities, lack of proper harvesting and transportation techniques in mountainous areas, invasive species in dry areas like Eucalyptus, Mesquite, Paper mulberry and Lantana. This is especially the case between anthropogenic and natural causes (e.g. drought).

Three categories of direct drivers were identified i.e. demand and consumption of products, land use change and natural or manmade hazards. The first category (i.e. demand and consumption of forest products) seems to be the most severe and critical followed by the second category (i.e. land use change) and then the third one (i.e. natural and manmade hazards) (figure-1). Regarding demand and consumption of forest products fuel wood demand is the most critical one followed by timber smuggling and demand and then fodder demand and free grazing. Comparing the direct drivers of deforestation and forest degradation, timber demand and timber cutting is a serious issue in all forest types. Fuel wood demand, fodder demand and grazing pressure are the most severe direct drivers in all the forest types. Mining is the most severe driver in scrub forests followed by moist temperate, riverine and dry temperate forests while in mangrove forest no such driver is present. Infrastructure development and forest land encroachment are the most severe drivers in scrub and moist temperate forests while in riverine and dry temperate forests these drivers are of moderate severity. Agricultural expansion is the most severe problem in all forest types except mangroves where such practices cannot be done. Drought has been indicated as the most severe driver in scrub forests followed by dry and moist temperate forests and then riverine forests. Mangrove forest again has no such issue. Flood is the most severe driver in riverine forests followed by scrub and then moist temperate forests while in dry temperate flood is of less severity. Mangrove forests have no problem of floods. Diseases and fires though found in all forest types are of low severity.

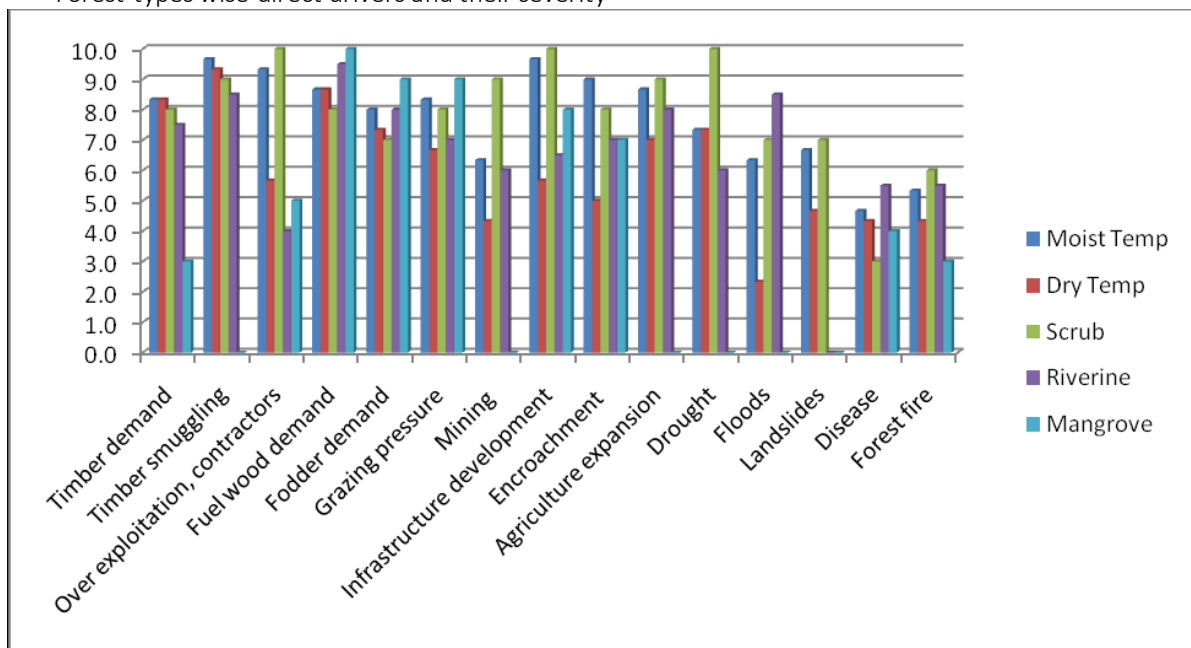
Climate change is a potential future driver. It is the main cause of changes in occurrence and severity of floods, droughts, diseases and forest fires. Mangrove forests may affect due to sea level rise.

Severity of direct drivers of deforestation and forest degradation in all forest types



Source RPP

Forest types wise direct drivers and their severity

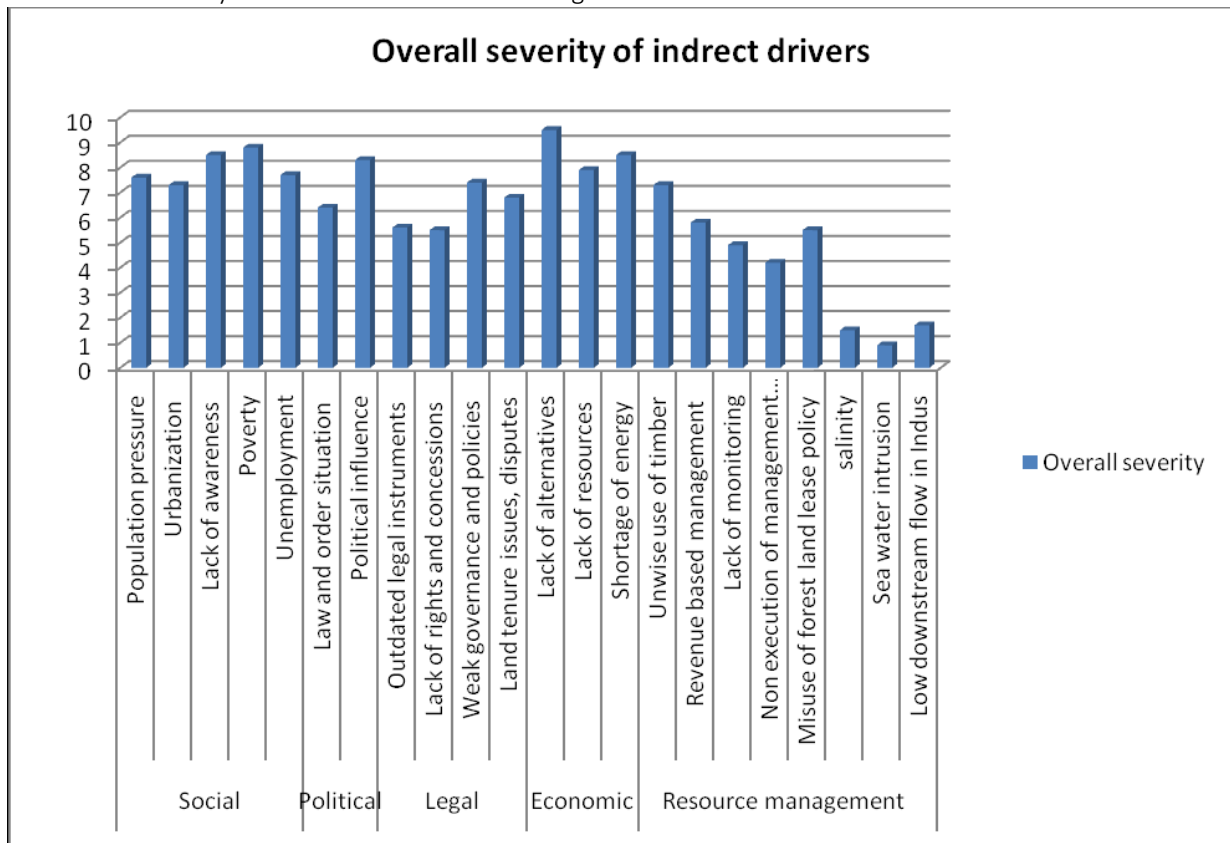


Source RPP

The indirect drivers of deforestation and forest degradation indicated by the participants can be broadly categorized into four categories i.e. social, political, legal, economic, and resource management. Lack of alternatives, lack of awareness, shortage of energy, poverty and political influence are the most critical indirect drivers of deforestation and forest degradation. Lack of resources, unemployment, weak governance and policies, urbanization and unwise use of timber and fuel wood have been identified as the second most critical drivers. The remaining 12 indirect drivers are of moderate severity. In moist temperate forests, population pressure, urbanization, political influence, unclear rights and concessions, lack of alternatives, shortage of energy and revenue based management are the most severe drivers causing forest degradation and deforestation. Regarding dry temperate forest poverty, lack of alternatives, weak governance and policies, unemployment, lack of resources and shortage of energy are the most severe drivers. In Scrub Forests urbanization, lack of awareness, poverty,

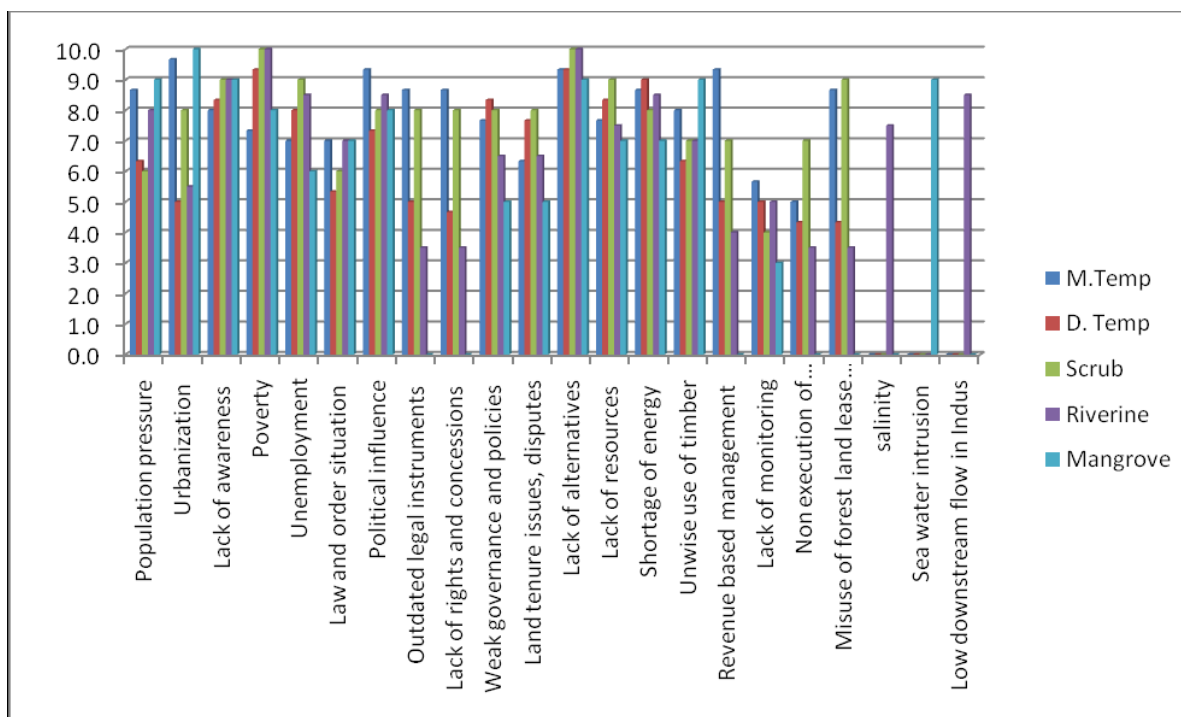
unemployment, political influence, outdated legal instruments, unclear rights and concessions, land tenure issues, lack of alternatives, lack of resources, shortage of energy have been identified as the most severe drivers. In Riverine Forests population pressure, lack of alternatives, unemployment, political influence, shortage of energy and low water flow in Indus have been identified as the most severe drivers. In mangrove forests population pressure, urbanization, lack of awareness, political influence, lack of alternatives and sea water intrusion are the most severe drivers.

Overall severity of indirect drivers of forest degradation and deforestation



Source RPP

Forest type wise overall severity of indirect drivers



Source RPP

Majority of households continue to use firewood for cooking and heating. More than 50 percent of domestic energy needs are met through fuel wood. Fuel wood consumption was estimated at 25.95 million m³, rising to 31.52 million m³, of which 90 percent came from the farmlands and the rest from the state forests. However, deforestation is not only the result of commercial logging and wood harvesting by the poor. Indeed, poor communities have become increasingly disempowered to manage forest resources as their rights to forests weakened due to economic pressure from commercial loggers. Illegal and excessive chopping of trees has resulted in severe soil erosion, flood damage, desertification and land degradation in many areas. This activity leaves the soil exposed and less able to absorb rainfall which does occur. Water, therefore, runs off and causes soil erosion, speeding-up the process of denudation and eventually leading to desertification. The removal of top soil is also resulting in low production of forage, fodder, fuel wood, timber, cereal crops and grains and, as a result, exacerbating poverty in the rural areas. Removal of vegetative cover from steep slopes also causes flash floods and increasing sedimentation load in rivers. About 11 million ha of northern mountain regions are affected by water erosion bringing about 40 million tons of sediments into the Indus water basin every year. This reduces land productivity, shortens the lifespan of major upstream reservoirs like Tarbela and Mangla, and reduces the efficiency of hydropower generation and irrigation systems downstream.

Over the past decade, poverty levels have increased in rural areas while they declined in urban areas. Poor people tend to exploit their limited land resources more intensively to meet immediate needs, even if exploitation compromises the long-term stability and viability of the land and its natural resources. Drivers of deforestation and forest degradation with respect to different climatic zones of Pakistan are as under.

Forest type	Indirect drivers	Direct drivers
Dry temperate	Scarcity of water, lack of funds, natural calamities, poverty, unemployment, political influence, nomads, lack of staff	Demand of fuel wood, fodder and timber, drought, grazing and browsing pressure
Moist temperate and Chir Pine Forests	Poverty, unemployment, population pressure, lack of alternatives, Unwise use of timber, Revenue based management, lack of awareness, Political influence, unplanned urbanization, lack of human and financial	Demand for fodder, fuel wood and timber, Conversion of forest land to agricultural land and

	resources, legal constraints, lack of monitoring, Issues of land tenure, non-execution of mgt plans, weak execution of laws, law and order situation, shortage of energy, land tenure issues, urbanization, lack of alternatives	infrastructure (roads and buildings). Flood, landslides, forest fire, diseases, timber smuggling, overgrazing,
Scrub	Poverty, unemployment, population pressure, lack of alternatives, lack of awareness, bad governance and policy making, political influence, Urbanization on forest lands,	Demand for fuel wood, fodder and timber, conversion to agricultural land, forest fires especially during summer, land sliding and soil erosion, diseases and drought, leasing of mining sites within the forest area, over grazing, over exploitation by timber contractors
Riverine	Poverty, Political influence, population pressure, unemployment, scarcity of water (excessive tapping of underground water), upstream barrages and dams leaving less water for downstream riverine forests, lack of facilities, lack of funds, lack of awareness, lack of research, lack of education, shortage of staff, lack of alternatives, natural hazards, bad law and order, misuse of forest land lease policy, grazing pressure by nomads	Demand for timber, fuel wood and fodder, charcoal making, overgrazing, diseases, forest fire, drought, lease, Illegal use of forest land for agriculture, agriculture expansion,
Mangroves	Absence of rights of communities(mangroves are state own forests), increase in salinity, sea intrusion, sea pollution, lack of ownership, less regeneration activities, lack of fresh water flow, increase population (migration towards delta and coastal areas),	Demand for fuel wood, fodder, browsing and trampling especially by camels, algal growth, conversion of forests to agriculture land

The main direct causes for deforestation and forest degradation are:

Direct Causes of Deforestation

- Small-scale and large-scale agricultural activities were identified as major drivers of deforestation and forest degradation. The natural growth of population is the root cause of encroachment of agriculture over silviculture.
- Fires caused by human activity results in destruction of woodlands and forests, often seen in Margalla hills. Fire lines are not strictly developed and maintained in many of the forests.
- Claiming land by the extensive over-growth of residential housing colonies (particularly in urban peripheries) is another major and direct cause of deforestation.

Direct Causes of Degradation of Forest

- The dependence on *biomass energy* is high across all regions and this has a huge pressure on the native forests. *Increased extraction of wood for fuel* (charcoal making, branches, leaves and twigs for firewood) is the main causes of forest degradation in the country. *Traditional charcoal production* is a key driver of forest degradation in the mangroves forest areas, and its impact on the forest resource is significant with a negative impact on aquatic bio-diversity.
- An increasing *livestock population combined with free grazing* that leads to overgrazing in forest areas is the main driver of forest degradation (especially degradation of the woodland vegetation). Despite some changes recently, in most parts of the country, *free grazing* still causes forest degradation and negatively impacts forest regeneration. Albeit, nomadic groups who practice vertical nomadism claim that their goats carry the tree seeds to high altitudes. They claim that tree cover on higher altitudes is because of the cross pollination done by the goats.

- Illegal and excessive wood extraction for industrial and construction purposes across the forest regions is also another driver of forest degradation.

The indirect drivers of deforestation and forest degradation are:

- (1) Low level of national awareness on significance of forestry for sustainable national development;
- (2) Absence of land use planning - concomitant and conflicting legal and cultural land right norms and practices;
- (3) Inadequacy of forest laws and poor implementation associated with poor institutional capacity and absence of educating masses about existing laws regarding forest resources;
- (4) Institutional instability and low capacity of forestry and related institutions;
- (5) Poor inter-sectoral coordination and resulting policy disharmony among sectors;
- (6) Unclear tenure/ forest user rights (including carbon rights);
- (7) Inadequate incentives to various interested actors from forest management and unclear benefit sharing scheme and poor participation of local communities and the private sector on sustainable forest management; and
- (8) Population growth coupled with poverty.

b. Land Tenure

Before its independence, Pakistan was a British raj and had been governed by colonial legislation, which was adopted and retained in much of civil law of Pakistan. Since its inception, the legislation of Pakistan has been amended, rephrased and altered to conform and adjust to Islamic jurisprudence. Finally the constitution of the Islamic Republic of Pakistan 1973 was enacted to specify statutory provisions for the people of Pakistan.

Accordingly, statutory law specific to land rights was enforced. The country has a pluralistic legal environment where parallel customary systems of transforming land right and setting disputes are believed mere judicious, accessible and efficient (Dowall and Ellis 2007, USAID 2008, Ali and Nasir 2010). The legal classification of forest land is divided in to the following categories:

Reserve Forests (RF) as a matter of legal proviso is often free from the rights of local communities and are protected and conserved through regulatory enforcement of forest laws. In some reserve forests, a few rights for grazing, right of way and access to water points are admitted.

Protected Forests (PF) are often burdened with rights of all descriptions admitted at the time of permanent land settlements. The rights included are grazing, grass cutting, cutting for fuel wood, collection of dead, dry trees for household consumption. The rights differ in provinces and other federating units. In the high hills of Punjab, local residents are allowed 3 mature trees of Chirpine or Blue pine after 5 years for constructions of houses or pen sheds. Similarly, they are allowed one mature such tree at the death of family member. In KP the forests of princely states at their merger with Pakistan were declared PF and income generating from these forests is divided to the local owners ranging from 60 to 80%.

Communal/ Guzara Forests are those belonging to local residents and are managed by the forest department/local administration. In Punjab Guzara forests are controlled by the Deputy Commissioner (DC) with the help of DFO Guzara. The local residents are allowed 3 mature trees of Chir or kail for construction of house/ pen sheds after every 3 years. They are also allowed 1 mature tree of Chir or Kail. The income generated through sale proceeds of timber is goes 70% to village Guzara society, 25% to DFO Guzara central funds and remaining 5% for welfare of staff who are temporary in nature. There is a Guzara Advisory Committee(10 official members and 9 elected and 1 female member nominated by the DC) under the Deputy Commissioner as Chairman. In KPK Guzara forests are under the control

of forest department and any income accruing from sales proceeds is divided between the community and department 80:20 ratio. In communal forests, local people also have rights of grazing, grass cutting, collection of fire wood, NTFPs for domestic use.

Unclassed & Section 38 Areas -- The lands surrendered during different land reforms were put under the control of forest department and have not been declared as RF or PF due to litigation or some other reasons are still designated as un classed forest. Similarly, the evacuee property maintained by forest department under section 38 of forest act are called section 38 areas and most of them are still un classed. Another form of section 38 areas is when some owner put his land at the disposal of forest department for certain period and FD undertakes forestry operations and after the agreement period returns to the owner.

Village Forests -- Government can assign a RF / PF to the neighboring community for joint management with certain conditions.

Private Forests -- are mostly located in GB, FATA. Their income is distributed as per local laws, customs or norms of the area. In the hills of Punjab these are called Malkiat forests and 70% income goes to individuals.

At present, more than two-dozen statutory frameworks govern natural and provincial matters of land rights. Owing to the legal and statutory status of various regions and provinces of Pakistan, the laws governing land rights are not only different in provisions but also have various parameters for interpretations. In certain areas, Islamic jurisprudence dominates over civil laws, whereas in other customary practices laws are considered as a separate legal framework.

These customary laws have varied implications in different provinces, regions, ethnicities and tribes. Customary laws managing land issues ranges from marital property rights to principles governing boundaries. The system of land administration in Pakistan through multiple and parallel institutions has resulted in poorly functioning, inadequate and duplicative system. A sluggish and ineffective judiciary system has enabled the corrupt land administration.

Another area of weak administration is in the processing of land revenue and registration. Although there exists a mechanism at the provincial registrar and board of revenue, records lack inclusiveness and are most of the time not comprehensive. The whole system is based on the records of the most junior revenue official (*patwari*), who has an absolute authority over surveying land, demarcation, resolution of conflicts and survey of cropping for assessment of revenue. The *patwari* is also responsible for registering land ownership, land transfers and distribution as well as maintenance of records. The multiplicity of responsibilities assigned to *patwari* has equipped him with arbitrary powers.

The *patwari* is the main custodian of land records at union council level and has an extensive system of registers separate for rural and urban areas. Only the records of military housing scheme and development authorities are maintained by other departments than the revenue or registrar departments.

Land transactions, particularly when registering a piece of land, are extremely cumbersome, socially inadequate, gender insensitive, and full of administrative anomalies. Without paying a bribe at various levels of the process, it is next to impossible to get land transferred or registered. According to a 2008 USAID report, land registration in Pakistan involves six procedures, requires an average of 50 days and costs 5.3 percent of the total property value. The overall procedure is ambiguous due to the non-publishing of the process for the public, which leaves sufficient room for corruption.

Currently the land and revenue records are being computerized, the records are saved in digital form, and new contractual staff is collaborating with the existing revenue staff to convert the traditional registration and transfer form to computer assisted functioning.

In ICT, NAs and AJK provinces, different systems of land tenure have been operating. There are certain areas where permanent land settlement took place in the latter half of the 19th century, while there are other areas such as Chitral in which tribal customs have prevailed. The Resumed Lands (amounting to 0.10 million hectares) are lands taken over by government as result of various land reforms and allotted to Forest Departments, but are yet to be legally classified in some cases, as litigation has yet to be finalized. Some areas given to Forest Departments out of evacuee lands were temporarily declared as forests under section 38 of Forest Act 1927 and must be legally classified after litigation. Unclassed Forests (amounting to 0.5 million hectares), are those that are declared under the Forest Act, 1927 and the Punjab Laws Act but are still awaiting the determination of their final legal classification.

The communities have been given rights to obtain timber and firewood and could graze their cattle in Protected Forests and Guzara Forests. But in Reserved Forests in the sub-mountain watersheds, limited rights of grazing were admitted at the time of permanent land settlements. The Laws were framed to regulate these rights, called *Haqdaries*.

Despite this the forests and rangelands are degrading quickly. Nomadic communities also enjoy grazing facilities with the blessings of local communities, receiving lease money for private lands, often encroaching into public forests at odd hours of the day. To minimize damage by nomadic communities migrating from areas of severe winters of AJK, NAs and Afghanistan such as Bakarwals and Pawindas, West Pakistan Goats Restriction Ordinance was promulgated in 1959, though it has since been repealed. The private wastelands forests and farmland plantations are also constrained due to lack of legal protection after the Trespass Act I of 1871 was also repealed.

To reverse the trend of deforestation, in particular in private and communal forests, all options shall be undertaken including payment for ecosystem services (PES); retiring the rights to forests and purchase of privately owned forests and converting the same protected forests. This shall be done with the prior informed consent of the forest owners and right holders.

The Government, with an aim to protect privately owned and communal forests, and whenever needed, may purchase forests lands particularly in Gilgit-Balistan and federally administered areas. This shall be done by adequately compensating the rightful owners and right holders and with their consent.

The purchase of privately owned and communal forestlands in provinces may be done in consultation with respective provincial government. In case the purchase of forestland is not possible, rights of forest use shall be traded-off on terms and conditions decided jointly by respective Forest Department, Land Revenue Department, Forest Associations and Federal Government. During the period of agreement with private owners and communities, the benefits including forest carbon stock, shall accrue to the Government of Pakistan. In case of purchase of forestlands and purchase of rights for specified period, non-owners and non-right holding forest dependent communities shall be compensated by Government of Pakistan, in collaboration with respective federating units, under a mechanism to be devised for this purpose.

But on the whole, rural discontent over chronic poverty, corruption, and the failure of the government to foster development is widespread in Pakistan. Land tenure and property rights are one aspect of these problems, undermining economic growth and fuelling conflict. Post-independence Pakistan has retained a feudal system of land tenure in which an elite class of landowners owns vast holdings worked by tenant farmers and laborers who live in persistent poverty. The ADB report stresses that:

“One important result of the weakening of judicial institutions has been a general decline in the vitality and effectiveness of regulatory frameworks in the country... [particularly in the] enforcement and protection of property rights, especially for the poor” (ADB, 36).

The World Bank asserts that the current tenure system and the continued concentration of land and power among a very small class of landowners is a barrier to the robust growth of Pakistan's agricultural sector. Seventy percent of Pakistan's population and 74 percent of Pakistan's poor live in rural areas. Among the rural poor, the incidence of poverty is greatest among agricultural laborers and tenants (Islam 1996). Poverty in Pakistan is strongly correlated with landlessness. According to the World Bank (2009), 2 percent of households control more than 45 percent of all land, severely constraining agricultural competitiveness and livelihood opportunities. 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.

Large landowning farmers have captured the benefit from significant investments in agricultural productivity associated with the Green Revolution of the 1960s — such as improved irrigation, fertilizers, seed varieties, access to credit, and major subsidies for agricultural inputs. Additionally, there is a pattern of bank lending in which family loans and “loans taken in the name of tenants but used by landlords” has resulted in large farmers “obtaining a larger de facto share of production loans than is prescribed by law” or readily apparent from bank ledgers (Qureshi 1993 as cited in Islam 1996).

The government initiated tenure reform and land redistribution measures in the early 1970s by discouraging share cropping, prohibiting tenant evictions and the exacting of free labor, and otherwise securing land rights of the tenants. However, due to sporadic implementation and ineffective protection of tenants' rights, evictions occurred widely, particularly in areas where landowners feared further tenant and laborer protections. Evictions, preferential credit for larger landowners, the high cost of agricultural inputs, and government policies in favor of mechanization resulted in further concentration of land ownership and increasing surplus of labor and landlessness in rural areas. In an analysis of change in land distribution patterns over time, Mahmood (1993) found an increased concentration of land and a reduction in total area sharecropped out to tenant farmers. Islam (1996) argues that land redistribution and a functional land market, based upon tenure reforms, would effectively increase the number of smallholder farms and result in absorption of labor in the agricultural sector, leading to wider rural employment.

The nexus of concentrated power and land ownership, unequal land distribution, and the state's inability to protect rights of landless has been a source of popular discontent and support for insurgent movements in countries throughout the world. Biswanger et al. (2005) provide numerous examples where incomplete and failed land tenure reforms were a source of populist discontent and subsequent revolt. They note that while policies that create and maintain inequitable land ownership may not necessarily lead to violent struggle, they clearly played a significant role in many cases (Biswanger et al., 34).

For example, in Punjab, tenant farmers working on the Okara Military Farms have been subject to harassment, intimidation, and abuse by the military due to the efforts of tenant farmer associations to organize and protect their rights to land in the face of new contract arrangements that would have undermined their long-term security (FIAN 2004; Sahi 2009). The recent fighting in the Swat Valley and adjoining districts has displaced tenant farmers and laborers. One report highlights the vulnerability of displaced tenant farmers and their families, noting that their “plight...is much more than the land owners as they will be unable to resume farming since they will have nothing to pay to the landlords as land rent. What will be the source of the livelihood for the 230,000 members of tenant farmers' families on their return?” (SAPP 2009, 5).

c. Land Conflicts

It is assumed that majority of the cases in formal judicial system and in customary arbitration councils are related to land. The USAID Country Profile of Pakistan on Land Tenure and Property Rights has calculated that 50 to 75 percent of cases in civil courts at lower and High Court levels are related to land disputes. The same report claims that over a million land cases are pending in various courts all over the country. Along with cases related to sale, purchase, transfers, allotment, boundary fixation, a large number of cases is related to inheritance and succession amongst kin groups.

Land disputes are omnipresent in all parts of Pakistan. These disputes are diverse in nature. At times these disputes turn into violent conflict that costs human life.

The cases over land are dealt by revenue courts which deal with an extremely large number of cases while facing structural anomalies like faulty land records, nontransparent terms of tenancy, defective sale or purchase deeds, and arbitration in revenues. The present revenue court system is full of corruption and malpractices mainly centered on the *patwaris* at the lowest level, to the secondary *Tehsildars* and tertiary DCRs and Provincial Boards of Revenue. The decisions at the local level take years to conclude, and are petitioned by either party for review to the next tier of courts, and finally the appellate authority at provincial level.

The whole process is full of hurdles and cumbersome, both at administrative and social levels. The ambiguities in documentation and record keeping have made the system corrupt and inefficient. Social obligation based on ethnicity, caste, consanguinity, political and religious affiliation has added into the already degraded system. The nepotism and Biradri biases have worsened the situation and have intensified the conflicts in land registration and usage affairs.

Along with land revenue department, the judiciary of Pakistan is also empowered to deal with land cases, creating a parallel arbitration mechanism. As the formal court system has the jurisdiction to pend or grant stay against the revenue court proceedings, it is causing further delays in settling the cases.

The situation related to land rights and use is more complex in Tribal Areas of Pakistan because of they are governed and administered under Frontier Crime Regulations (FCR) instead of the formal structure of judiciary in the form of High and Supreme Courts.

In FATA, the land disputes are settled by the traditional arbitrary council, locally famous as Jirga. The composition of Jirga is quite fluid and non-transparent which follows a non-hierarchical decision-making pattern. Decision makers in a Jirga are not fixed, rather availability is more considered than eligibility. The decision made in Jirga is binding for all involved and non-compliance is subject to penalty or punishments.

The local decision-making pattern through customary practices is totally different in Punjab and Sindh provinces. The basic social structure related to power and authority is quite different from Baluchistan, KP and FATA. The social organization in Punjab and Sindh is extremely hierarchical on the basis of social status derived from various sources like caste, race, sect and the economic and political class. Although the Panchayat is composed of Biraderi heads or elected local leaders, however, it has very weak compliance and implementation powers.

d. Gender equality

Article 23 and 24 of the Constitution apply equally to men and women in Pakistan. Under civil law, women have all the same rights to hold, acquire, transfer, sell or dispose of property as men. Nevertheless, the land rights of women in Pakistan are not on par with the rights of men. 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 example, with regard to agricultural property this means that a divorced woman would lose her right to access the common land, which was being used by her husband's family.

Under the Islamic law of inheritance, the shares of men and women are pre-defined. Yet, difficulties persist on the ground in ensuring that women receive their share of land. In a survey of over a thousand households in rural Punjab it was seen that only 36 women owned land in their own name and only 9 out of them had the power to sell the land without permission from the male members of their family. The existing system for land registration is highly unfriendly for women. The access and management of deeds, stamp papers, with various hierarchies of offices is highly biased and insecure for women. In some areas, the mobility and visibility of women in public offices is considered a social offence and against social and cultural norms. The inheritance practices are completely male dominated and share of women is highly discouraged, although Islamic teachings are strictly in favor of inheritance of women. The women cannot complete any land transaction without the supervision of a male (Ali and Nasir 2010, USAID 2008, Mehdi 2002).

Local traditional arbitration bodies are also highly gender biased. None of the arbitrary councils from all regions or provinces of Pakistan has any female representation. Even cases and disputes revolving around female issues are dealt with by men. The voices of women are represented in male voice and vocabulary. The local traditional arbitrary structures have weakened over time due to changes in family structure, community interactive patterns and increased complexity of social life.

V. Progress in Addressing Social and Environmental Issues

Recent Forest Sector Policies and Plans

Forest Policy is the first step in sectoral planning process, providing direction for long term planning, execution and monitoring of the forestry sector programmes in the light of ownership and tenure of the sector resources. The forestry sector policy has to be participatory and dynamic to adequately address the emerging challenges of resource management, socio-economic scenario, ownership and tenure and edapho-climatic imperatives.

The National Forest Policy of 1991 emphasized the integrated use of forestry resources, long-term loans at concessional rates and insurance for tree crops, leasing of selected public lands to interested groups, artificial regeneration, logging by the public sector, the establishment of extensive road networks to facilitate extraction, the mechanization of forestry operations, the establishment of regional research institutions; encouraging private game reserves, collaborative wildlife management through the sharing of revenues from trophy hunting, the promotion of social forestry and afforestation on degraded and marginal lands; the involvement of NGOs and voluntary organizations, tree plantations to mitigate pollution, legislation to protect wildlife habitats and wetlands, a GIS-based inventory and monitoring system and watershed planning and coordination as a federal function.

No formal Forest Policy has been formulated and enunciated by AJK Government so far. However, a draft forest policy was sent by the department for approval in 2010. The recommendations are focused on watershed management, community conversation of soil, environment and biodiversity, sustainable management of commercial forest, improving livestock and range management practices by improving quality and reducing number of livestock) as well as introducing deferred and rotational grazing for range sustainability. The Punjab and NWFP governments formulated and adopted forestry sector policies in 1999 that provide for ecological stability, environmental concerns, community participation, Joint Forest Management and Joint Ventures and other innovative interventions.

The latest National Forest Policy was developed in 2015 and approved by the government in 2017. It has the following main objectives:

- Enhancing public awareness on economic, social, ecological and cultural values of forests;
- Implementing a national level mass afforestation programme to expand and maintain forest coverage to meet international standards;
- Controlling deforestation through regulating movement of timber and inter-provincial trade of timber;
- Establishing and managing protected areas and networking through ecological corridors;
- Reducing carbon footprints of energy and economic sector programmes;
- Facilitating implementation of international conventions and agreements related to forestry, biodiversity and climate change; and
- Promoting standardized and harmonized scientific planning of forests, research and education.

This latest national forest policy has addressed the emerging subject of REDD+, as Pakistan has high rate of deforestation and forest degradation especially in the northern part of the country (GB). Most of the conifer forests in these areas are either privately owned or communal. Local communities solely depend upon these forests for livelihood through commercial sale of wood. The Government has no mechanism to pay compensation to legal owners and right holders of these forests in lieu of cutting trees.

Natural and man-made forests are habitats of wildlife and biodiversity and provide ecosystem services not only to human but also to all forms of life. Forest ecosystems are spread over in mountains, deserts, terrestrial and marine wetlands in Pakistan. In addition, wetlands are home to fauna other than fishes and unique aquatic flora. These forests and ecosystems are managed by the government through one or more provincial departments such as Forest Department, Wildlife Department and/or Fisheries Department. Unfortunately, each department has a system of management in isolation from other closely related departments or disciplines. The contemporary scientific knowledge calls for taking a holistic approach or ecosystem approach to better achieve the objective of conservation and sustainable use.

Some policy measures include:

- Synchronizing the effectiveness of forestry and wildlife departments at field level.
- Provinces shall consider making provincial wildlife and forestry postings at district level interchangeable, by revisiting the service structure.
- Provinces shall consider devising mechanism for better coordination between forests, wildlife and fisheries departments.

International Commitments and Obligations

Under the UNFCCC, the Cancun decisions on Reducing Emissions from Deforestation and Forest Degradation, or the REDD+ framework could bring enormous positive benefits to forest-dependent communities.

REDD+ is a market-based mechanism of quantified emission reduction from forests with certain safeguards, as follows: 1) actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements; 2) transparent and effective national forest governance structures, taking into account national legislation and sovereignty; 3) respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples; 4) full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities; 5) actions are consistent with the conservation of natural forests and biological diversity, ensuring that REDD+ actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits; 6) actions to reduce displacement of emissions; and, 7) actions to address the risks of reversals.

The Cancun Agreements also have a separate mechanism for Nationally Appropriate Mitigation Actions (NAMA) intending to compensate country-specific mitigation actions in all sectors including forestry. Pakistan is committed to meet all international obligations pertaining to forests by securing maximum financial and technological support from multilateral and bilateral sources.

The Government has taken a few preparatory actions as required under the Convention including training of all federating units and membership in related international and UN bodies. In Phase-I of REDD+, the World Bank's Forest Carbon Partnership Facility (FCPF) and United Nations REDD Programmed shall assist Pakistan in preparation of REDD+ national strategy, national forest monitoring system, national forest reference emission level and a national system of safeguards.

Some Policy Measures include:

- Effective participation of national focal points and forestry experts in conventions' meetings safeguarding national interest

- Inter-provincial and inter-ministerial bodies constituted for respective conventions and REDD+ shall oversee and monitor implementation of conventions
- National Focal Points of these conventions and agreements shall frequently coordinate with and facilitate all federating units in implementing forestry related obligations
- Government shall mobilize funds for forest protection and development from bilateral and multilateral sources including Global Environment Facility (GEF) and Green Climate Fund (GCF)
- Government and respective federating units shall allocate sufficient funds as a requirement of co-financing GEF and GCF supported projects
- Government shall enhance capacity of all federating units on preparing and negotiating forest proposals for funding under NAMA and GCF.

Forestry is also treated as a cross-cutting subject under the three Rio Conventions, viz: United Nations Framework Convention on Climate Change (UNFCCC), United Nations Convention to Combat Desertification (UNCCD) and Convention on Biological Diversity (CBD).

VI. Conclusions and Recommendations for Addressing Social and Environmental Issues in Land Use Sector and of Relevance to REDD+

Many of the historical social and environmental issues in the forest and land use sector, though socio-cultural in ontology, may be because of concomitant and often conflicting with customary and legal norms and practices. A clear regulatory process needs to be developed urgently to oversee REDD+ activities in the country especially to ensure rights of forestry stakeholders and indigenous populations. The primary issues identified are:

- REDD+ needs to address the data acquisition for National Forest Inventories. This can be made participatory by involving local community members residing in or around the forest, which need to integrate imparting education. Participatory Forest Inventory is already a common REDD+ practice and a successful precedent is available from Nepal.
- Notification of REDD+ steering committees, focal persons, and relevant provincial structures is a key development to improve the existing social and environmental issues.
- Gender equality as a key concept that should be embedded in design and development of National REDD+ strategy.
- Major challenge of equitable distribution of benefits among all stakeholders persists because of institutionalization of inequalities. Cultural contexts should also be integrated to ensure equality.
- Current adaptation of commercial forestry, such as SPFC in Punjab and JFMC in Khyber Pakhtunkhwa, are short-term solutions as they are term bound plantations. An innovative solution is needed to include partial plantation that help slow growing species inclusion in such commercial endeavors as corporate responsibility.
- Identification of forest communities often leads to labeling of these communities as threats to the forest. This needs sensitization of forest officials and education of the forest communities.
- REDD+ documentation so far is in English and the propagation of REDD+ purposes and goal are restricted to the educated quarters. An urgent production of material (including texts, audio and videos) for mass consumption is needed.
- Promotion of Farm Forestry and Urban Forestry can play a vital role in carbon sequestration in Pakistan's context. REDD+ needs to integrate these aspects in agriculture intensive regions and urban expansion scenarios¹¹⁸.
- The Literacy rate of Pakistan is far low, therefore; it is pertinent to consider alternatives for the feedback and grievances redress mechanism (FGRM). It must be multi-path mechanism that includes online feedback and complaint, postal feedback and complaint and in-person feedback and complaint. To make the FGRM more convenient, REDD+ provincial offices must provide guidelines and receive feedback and complaints in local vernaculars apart from the official language (i.e. English).
- Biodiversity needs to mitigate any anthropogenic invasion, and this requires that indigenous knowledge be integrated into REDD practices. This can be achieved by making interventions in message content that is designed for mass consumption.
- Ecosystem Services, particularly where intercropping is concerned, need to be promoted, advised and monitored.
- Migration, particularly rural to urban migration has a great impact on land use, it is pertinent to use tribal and indigenous bonds to mitigate the negative impact on plantations.

¹¹⁸www.lead.org.pk/events/training_of_trainers/attachment/NEEDS%20Study.doc

- *Purdah* (veil) is another social norm that taboos the female participation in multi-ethnic groups in certain communities. This may be addressed by forming exclusive women only community organizations or CBOs. Gender disparity in consultative process is a social risk and it might require innovative plausible fora in tribal areas in particular.
- Avoid the removal, alteration or disturbance of any physical cultural resources (defined as movable or immovable objects, sites, structures, and natural features and landscapes that have archeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance).
- Develop Indigenous Peoples Planning Framework and integrate this in Pakistan's REDD+ Framework. Develop provisions for social analysis, consultations and the preparation of an Indigenous Peoples Plan.
- Issues of resettlement or land acquisition, restrictions of access to natural resources be addressed. The REDD+ Framework must describe the process and principles for determining restrictions, offsets, compensation and other mitigation measures with the full participation of potential and actual affected persons.

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Annex I. List of Identified Interviewees

1. Ministry of Climate Change
2. Punjab Forest, Wildlife and Fisheries Department
3. Forest, Environment and Wildlife Department, Government of Khyber Pakhtunkhwa
4. Forest, Wildlife and Environment Department, Government of Gilgit Baltistan
5. Forest and Wildlife Department, Government of Sindh
6. Forest Department, Government of Azad Jammu & Kashmir
7. Directorate of Forests, FATA
8. Station Commanders (Military) of Forest Areas of High Significance
9. Boarder Area Committee (Army)
10. Board of Revenue
11. Department of Mines and Minerals, Government of Punjab
12. Mines and Minerals Development Department, Government of Sindh
13. Mines and Minerals Development Department, Government of Balochistan
14. Minerals Development Department, Government of Khyber Pakhtunkhwa
15. Pakistan Chamber of Commerce (Along with representatives of local chambers of commerce)
16. Oil and Gas Regulatory Authority Pakistan
17. Planning Commission of Pakistan
18. Provincial Departments of Livestock
19. Provincial Finance Departments
20. Provincial P & D Departments
21. EPA Punjab
22. SEPA Sindh
23. EPA Balochistan
24. EPA Khyber Pakhtunkhwa
25. EPA (P & D) Azad Jammu & Kashmir
26. Pakistan Forest Institute Peshawar, Pakistan
27. Punjab Forest Research Institute (Faisalabad)
28. National Highway Authority (NHA) Pakistan
29. Logging and Timber Contractors/Companies
30. Forest Guards
31. Forest Community Members/ Forest Users (particularly women)
32. Transhumance Nomads (Women to be interviewed too)
33. Forest Grazing Herders (e.g. Gujjar Bakarwals in North and Jaths in South)
34. Forest Owners

35. Ministry of Education
36. Provincial Directorate of Colleges
37. School Education and Literacy Department Sindh
38. School Education Department Punjab
39. Elementary and Secondary Education Department KP
40. Education Department GB
41. AJK Education Department
42. Provincial Irrigation Departments
43. Ministry of Railways
44. NGOs (LEAD, SDPI, WCS at national level)
45. NGOs (e.g SCOPE in Sindh, WESS Balochistan)
46. CBOs
47. Universities (Federal and Provincial – Faculty of Social Sciences in particular)
48. South Punjab Forest Company (SPFC) Lahore
49. Ministry of Railways
50. Irrigation Department Punjab
51. Sindh Irrigation Department
52. Federal Flood Commission
53. National Disaster Management Authority (NDMA)
54. Azad Kashmir Logging and Sawmills Corporation (AKLASC)
55. Pakistan Agricultural Research Council (PARC) (particularly Climate Change, Alternate Energy and Water Resources Institute, [Rangeland Research Institute](#), [Ecotoxicology Research Institute](#), and [Coastal Research Institute, Lasbela](#))
56. Ministry of National Food Security & Research



Mapping of relevant stakeholders and platforms to be involved in the evaluation of potential risks and benefits associated with the implementation of REDD+ activities

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)

November 2017



Ministry of Climate Change



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Introduction

Objectives of this consultancy

The purpose of this consultancy 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 numerous questions, inquiries, and potential grievances regarding the REDD+ strategy or process.

Objectives and structure of the report

The main objective of this report is to identify the relevant stakeholders and platforms that are to be used in the Strategic Environmental and Social Assessment (SESA) and ensure that all relevant actors are involved in the process.

More specifically, the report aims to identify and assess the existing institutional arrangements; and provide recommendations to address any gaps.

It is structured in the following manner:

- **Part I** – Introduction, containing the objectives, limitations and methodology of the Report
- **Part II** – REDD+ institutional arrangements in Pakistan and analysis of relevant platforms to be used for the SESA
- **Part III** – Conclusions and recommendations for engaging all relevant actors in the SESA

Methodology and scope

This report is mainly based on literature reviews, particularly the R-PP report, the Indufor report on stakeholder mapping¹¹⁹, international guidelines (e.g., UN-REDD Guidance Note on Gender Sensitive REDD+), and other relevant materials. Information from some key informants was also gathered through telephone.

Due to time and financial constraints, this report is prepared primarily through secondary data obtained during the preparation of RPP by Indufor, which involved all the federating units and represented the main forest types throughout the country. The report will be presented to all stakeholders in the workshop to be held in November 2017.

¹¹⁹ *Interim Report-1: Development of the National REDD+ Strategy and its Implementation Framework for Pakistan*

REDD+ institutional arrangements in Pakistan and analysis of relevant platforms for the SESA

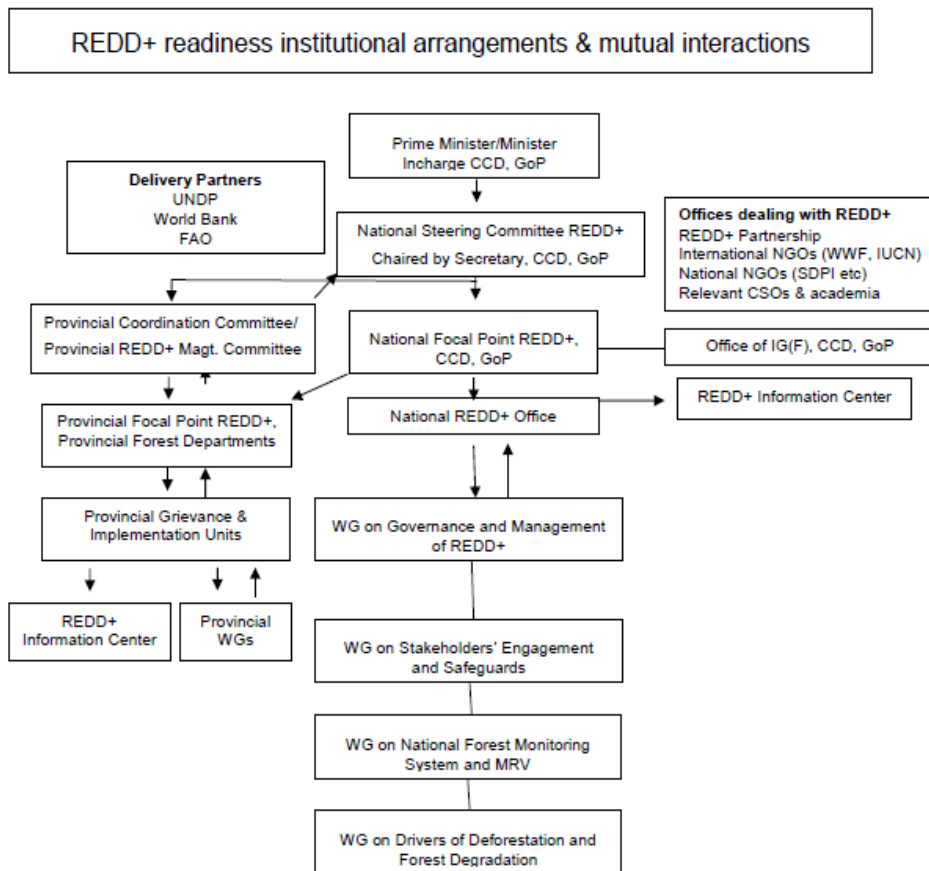
After the adoption of Cancun Agreements in 2010, Government of Pakistan took several measures to implement it, including organization of several workshops for awareness raising, training and consultations about REDD+ and the Cancun decisions at the national, provincial and district levels in 2011 and 2012. The REDD+ stakeholders at federal, provincial and local levels in government and civil society organizations actively participated in the training and capacity building program undertaken by federal government.

At federal level, a National Steering Committee on REDD+ was constituted in 2011 under the chairmanship of the Secretary of Climate Change with due representation of all national and provincial stakeholders. The Government of Pakistan designated an Inspector General of Forests in the Climate Change Division as the national focal point for REDD+ implementation in Pakistan. A process of REDD+ Roadmap was initiated by the NFP in technical collaboration with ICIMOD and WWF in 2012.

During the roadmap preparation, four technical Working Groups (WGs) were constituted in 2013 to compile and deliver information/ data on the following REDD+ pre-requisites: (i) Governance and Management REDD+; (ii) Stakeholders' Engagement and Safeguards; (iii) National Forest Monitoring System and MRV; and (iv) Drivers of Deforestation and Forest Degradation. All the relevant WGs are working under the guidance of NFP and in consultation with all stakeholders to acquire necessary data required for REDD+ implementation in Pakistan and prepare the roadmap. The inputs acquired through this process will be utilized to develop the REDD+ National Strategy and Implementation Plan.

At provincial levels, respective governments have also designated provincial focal points who frequently coordinate with the federal government through NFP on all matters related to REDD+ implementation. Some provinces and Territories have also established full-fledged REDD+ Implementation Cells. During the RPP implementation, all provinces and territories will establish REDD+ Management Committees to deal with technical and legal matters within their jurisdiction in accordance with relevant provincial and local policies and laws.

The chart below illustrates the interaction and reporting lines among various bodies involved in a Readiness phase. At the federal level, the Climate Change Division (CCD) being the NFP of UNFCCC is responsible for implementing the Cancun decisions on REDD+. Administratively, the CCD is a part of Cabinet Secretariat under the Prime Minister as the minister in-charge.



The main institutional arrangements include:

(a) National Steering Committee on REDD+

The National Steering Committee on REDD+ was established in 2011 to enhance multi-sectoral and multi-level coordination on REDD+. It was constituted at the federal level, and provides guidance to the Ministry of Climate Change in relation to policy formulation and guidance on REDD+. Its responsibilities include:

- assisting in the coordination of REDD+ activities with provinces and other relevant stakeholders;
- discussing and deciding on all substantive matters related to REDD+, to ensure inter-provincial consistency and national reports;
- facilitating and supporting provinces in the development and implementation of REDD+ processes; and
- reviewing the performance of provincial REDD+ cells.

Since its inception, the National Steering Committee has convened four (4) times, and is composed of thirty-seven (37) members, representing relevant ministries, donor agencies, national and international NGOs, academia, civil society, forest communities, forest industries, and women.

The NSC-REDD+ is multi-sectoral coordination and cooperation committee constituted for the planning and implementation of REDD+ activities at the highest level. It endorses work plans related to REDD+ and approves annual budget and provides advice and oversees the planning process and the implementation of activities on REDD+. In addition, the issues not settled by Provincial Grievances and implementation units and Provincial Management Committees would be referred to the NSC-REDD+ for final decision. The Secretary, CCD as the chairperson of National Steering Committee (NSC) on REDD+ reports directly to the Prime Minister as the Minister in charge of the Climate Change Division.

The Inspector General, Forests (IGF) as the National Focal Point for REDD+ acts under the guidance of NSC-REDD+ to coordinate the RPP activities at all levels, both vertically and horizontally. He provides technical guidance and assistance to four working groups and supervises the overall performance of REDD+ office in horizontal coordination. He is responsible for frequently interacting with provincial focal Points in

Provincial Forest Departments on one side and international and national organizations on the other side, which include NGOs like WWF, IUCN, Sustainable Development Partnership Institute (SDPI), relevant CSOs and Academia.

(b) National Thematic Working Groups (WGs) on REDD+

These were constituted in 2013 to compile and deliver information / data on the following REDD+ pre-requisites:

- Governance and Management of REDD+;
- Stakeholders' Engagement and Safeguards;
- National Forest Monitoring System with monitoring, reporting and verification (NFMS-MRV) and Forest Reference Emission Levels and/or Forest Reference Level (FREL/FRL); and
- Drivers of Deforestation and Forest Degradation.

The WGs frequently approach national and international institutions for acquisition of required data and information relevant to REDD+ and provide to NFP-REDD+ with the endorsement of provincial Focal Points.

(c) National REDD+ Office

Established under the supervision of the Inspector General of Forests, the National REDD+ Office is composed of technical experts and project management staff. These include the National REDD+ Coordinator, GIS/MRV Expert, National Forest Inventory Expert, REDD+ associates, Procurement Specialist and Finance Manager. The office is responsible for providing technical oversight and direction on REDD+ matters, as well as coordinating and managing REDD+ projects and programs, such as the FCPF's REDD+ readiness implementation.

(d) Provincial REDD+ Cells

Provincial REDD+ cells were designated in 2012, and tasked with becoming provincial focal points for the effective coordination of, and dissemination of information to, stakeholders. Their other responsibilities include:

- effectively and continuously liaising with the National REDD+ Office;
- providing support to international firms for undertaking studies in the province;
- nominating suitable officers for capacity building programme organized by the National REDD+ Office;
- providing access to the provincial data required either by National REDD+ Office or by the International Firms for completion of their studies;
- ensuring participation of the Working Group members in the meetings organized by National REDD+ Office;
- convening regular meetings of the Provincial REDD+ Management Committee and implement its decisions; and
- activating their respective Provincial Grievance and Implementation Units (PGIU).

Recent developments in government and changing conditions under the R-PP has resulted in the need to re-notify provincial focal points and update TORs through a consultative process, although a number of provinces have either established permanent provincial REDD+ cells or raised requests to the proper authorities to do so.

(e) Provincial REDD+ Management Committees (PMRCs)

At provincial level (on left side of the chart), Provincial Focal Points for REDD+ are responsible for coordinating REDD+ related activities in their respective province and are the in-charge of Provincial Grievance and Implementation Units and Provincial REDD+ Information Centers. A Provincial Coordination Committee headed by Additional Chief Secretary (Development) provides platform for coordination between different provincial Departments for REDD+ related activities.

At provincial level RPP is managed by Provincial REDD+ Management Committee headed by the Forest Department. Provincial REDD+ Management Committee approves the annual work plan and budget of the provincial component and provides guidance on different issues brought before this committee for advice and decision.

Provincial Forest Departments of Punjab, Sindh, Balochistan, Khyber-Pakhtunkhwa, AJK and Gilgit-Baltistan have designated their provincial Focal Points for REDD+ and have also formed, through notification, provincial REDD+ Management Committees to oversee the REDD+ activities at the provincial levels. These committees will ensure the participation of major stakeholders that have been identified in the previous

studies completed under UN-REDD Target Support (TS), including non-government organizations (NGOs)/ civil society organizations (CSOs) and the private sector under the chairmanship of Provincial Forest Secretaries. These committees will act as an inter-departmental institution for REDD+ activities, and deal with issues referred by Provincial Grievance and Implementation Units. The Committees will be authorized to endorse plans, programmes and projects related to REDD+, and approve the annual budget for their respective provinces.

The Chief Conservator of Forests in each province will exercise delegated administrative authority in all matters related to lands, contracts, agreements, MoUs, litigations, etc. under the guidance of provincial Management Committee. They may be appointed by the respective governments as the provincial Project Directors for the sake of implementation of RPP.

(f) Provincial Grievance and Implementation Units (PGIUs)

Under the guidance and protocols outlined in the R-PP, provinces have notified Provincial REDD+ Grievance and Implementation Units (PGIUs). They are tasked with supporting the transparent, efficient and effective implementation and monitoring of REDD+ readiness activities at the provincial, district and local levels. This necessarily includes supporting consultation processes in relation to the development of Multiple Benefits Impacts and Governance Safeguards (MBIGS), Feedback Grievance Redressal Mechanisms (FGRM), and REDD+ Safeguards Information Systems (SIS) for their respective provinces/territories, in conformity with the national or provincial status.

Other responsibilities of the PGIUs include:

- the implementation and monitoring of REDD+ activities at the provincial, district and local levels;
- drafting provincial standards for REDD+ in conformity with the national standards;
- developing MBIGS and REDD+ safeguards information system for the respective province in conformity with the national system;
- piloting MBIGS and REDD+ safeguards information system and ensuring that MBIGS and REDD+ safeguards information system required by UNFCCC are addressed; and
- implementation of feedback and grievance readiness mechanism.

Identification and analysis of relevant platforms to be used in the SESA

Two relevant platforms have been identified for the SESA and overall engagement on REDD+ safeguard related processes in Pakistan.

At the national level, the **Working Group (WG) on Stakeholders' Engagement and Safeguards** has been identified as the ideal platform to disseminate information and develop decision support in the technical development and implementation of REDD+ safeguards processes in Pakistan.

At the provincial level, the **Provincial REDD+ Management Committees (PMRCs)** are considered the ideal platform to disseminate information, encourage engagement by key organizational stakeholders in REDD+ safeguards processes in Pakistan, and provide guidance on different issues brought before these committees for advice and decision.

However, certain aspects of these platforms will need to be strengthened to ensure the full and effective participation of all stakeholders in REDD+ safeguards processes in Pakistan. We examine then below.

Analysis of WG on Stakeholders' Engagement and Safeguards

As per the membership of the group outlined in table 1 below, the WG on Stakeholders' Engagement and Safeguards does not represent all relevant stakeholders and its composition needs to be revised and strengthened.

Table 1: Membership of working group on stakeholder engagement and safeguards

Working Group 1 & 2		
	WG 1: Governance and Management	
	WG 2: Stakeholder Participation and Engagement	
S.No	Name	Organization
1	Dr. Khalida Khan	University of Punjab, Lahore
2	Dr. Ghulam Ali Bajwa	Punjab Forest Institute
3	Najam Ul Huda Khan	MoCC, M&M Islamabad
4	Dr. Muhammad Irfan Ashraf	Arid Agriculture University, RWP
5	Amjad Ali Ch	Forest ScienceAcadmey
6	Riaz Muhammad Khan	SAFI
7	Dr. Zakir Hussain	GB Forest and Wildlife Deptt
8	Iftikhar Ul Hassan Farooq	Punjab Forest Department
9	Shehzad Sadiq Gill	Sindh Forest Deptt
10	Munazza Naqvi	UNDP

important to consider all groups/sectors have a stake/interest forest and that will be affected by REDD+ activities. It is important to ensure that the process of selecting who relevant stakeholders is transparent so that all interested parties may participate and that all stakeholders are provided with equal opportunity to engage and contribute to the SESAs.

The range of stakeholders involved in REDD+ readiness consultations may include, but are not limited to:

- Indigenous peoples and other forest-dependent communities;
- Local communities, farmers who depend on forests for livelihoods;
- Civil society (NGOs, community associations, etc.);
- Vulnerable groups (women, youth, etc.);
- Government agencies (forests, environment, agriculture, energy, transportation, finance, planning, national, state, local, etc.);
- Environmental law enforcement agencies;
- Private sector (loggers, ranchers, energy producers, industry, farmers, agri-business etc.); and
- Academia.

Attention needs to be given to the inclusion of vulnerable groups (e.g. forest-dependent communities, women and other marginalized groups).

Is important to consider civil society organizations (CSOs), community-based organizations (CBOs), indigenous peoples' organizations (IPOs), non-governmental organizations (NGOs), and institutions with extensive experience working with or representing vulnerable groups, indigenous peoples and/or forest-dependent communities and/or their issues, being mindful that these do not replace proper indigenous representation.

From our evaluation, the membership of the WG on stakeholder engagement and safeguards is missing:

- the representation of Baluchistan, KPK, AJK & FATA
- the representation of CSOs, CBOs, IPOs and NGOs
- the representation of private sector
- the representation of indigenous groups and local communities

We highlight the need for a gender sensitive approach to the selection of the representatives of this group. Awareness raising on this matter will be essential.

Analysis of Provincial REDD+ Management Committees (PMRCs)

Provincial Forest Departments of Punjab, Sindh, Balochistan, Khyber-Pakhtunkhwa, AJK and Gilgit-Baltistan have designated their provincial Focal Points for REDD+ and have also formed, through notification, provincial REDD+ Management Committees to oversee the REDD+ activities at the provincial levels. These

committees are intended to ensure the participation of major stakeholders that have been identified in the previous studies completed under UN-REDD Target Support (TS), including non-government organizations (NGOs)/ civil society organizations (CSOs) and the private sector under the chairmanship of Provincial Forest Secretaries. These committees will act as an inter-departmental institution for REDD+ activities, and deal with issues referred by Provincial Grievance and Implementation Units. The Committees will be authorized to endorse plans, programmes and projects related to REDD+, and approve the annual budget for their respective provinces.

The membership of Provincial REDD+ Management and Coordination Committees was examined (however we must note the data for KPK, Baluchistan and FATA was not available). From our evaluation, the membership of the Provincial REDD+ Management and Coordination Committees is generally representative of most relevant stakeholder groups. However, we recommend considering strengthening its membership through the inclusion of the representation of indigenous groups and local communities living near forests, tribal leaders, and religious leaders. Specific and additional recommendations (drawing on the stakeholder analysis prepared by Indufor¹²⁰) for strengthening the composition of these PMRCs are provided below and for each province (if applicable). We highlight the need for a gender sensitive approach to the selection of the representatives of these platforms. Awareness raising on this matter will be essential.

Azad Jammu and Kashmir

Stakeholders from Azad Jammu and Kashmir (AJK) generally have some interest and influence in REDD+. There are government departments that have influence and interest in REDD+ and these will be important to maintaining the momentum in REDD+ and forest restoration work in AJK. However, there are some potentially strong resisters from the government and private sector, which could cause many challenges for REDD+ in AJK. It will be important to ensure the inclusion of all relevant government departments and the private sector in the PMRC. The most powerful influencer on REDD+ are the Defence Forces, which should also be included in the membership of the PMRC.

Balochistan

Legislators, the District Administration, tribal elders and politicians are viewed as generally the most influential stakeholders. In addition, religious leaders are also viewed as having a strong degree of influence over people, though not resources. It will be important to ensure the inclusion of these stakeholders on the PMRC.

FATA

The Federally Administered Tribal Areas (FATA) are arguably one of the most affected territories by conflict, as many of the Afghan refugees fleeing conflict found refuge within this area. The territory does share cultural similarities with border regions of Afghanistan, and therefore it is not surprising that many of the stakeholders that could have interests in REDD+ include Afghan nomads originating in Pakistan and tribal Maliks.

The territory does not host academics and research institutions like the other provinces, and suffers from a high illiteracy rate. On the other hand, FATA is the only territory/province that identified local literary persons and poets who often write about nature, as influential stakeholders that would benefit the REDD+ process if their technical knowledge and social awareness of REDD+ was developed. At least a third of the stakeholders identified have little interest in REDD+ as they are nomads, celebrities, and other such stakeholders that are not yet aware of REDD+ or other climate change frameworks.

The FATA PMRC presents an opportunity to reach out to tribal Maliks and religious leaders, who are potentially influential, and increase their role and awareness of REDD+. Firewood traders, the most important potential resister to REDD+, will be important to engage early on, with a focus on bringing the benefits of REDD+ to this stakeholder group as a priority.

Gilgit-Baltistan

N/A

Khyber Pakhtunkhwa

N/A

Punjab

N/A

¹²⁰ *Interim Report-1: Development of the National REDD+ Strategy and its Implementation Framework for Pakistan*

Sindh

The scarcity of water in Sindh is the underlying challenge for mangrove communities. This is because while the mangroves may not require irrigation, the communities involved in the restoration of mangroves, such as Keti Bundar, do require irrigation for their livelihoods and subsistence. It will be important to ensure adequate representation of mangrove communities on the PMRC.

Recommendations concerning gender

A gender sensitive national approach to safeguards is another entry point to ensure that REDD+ activities do not harm people or the environment and enhance benefits for both.²⁶ A gender sensitive national approach to safeguards, which takes full account of all forest users (including women, as primary forest users) will help promote the sustainability of REDD+, as well as ensure that users are not negatively affected and that they have access to benefits. Guidance and approaches to support countries on this work are currently being developed. As

Conclusions and overall recommendations for engaging all relevant actors in the SESA

There is considerable progress regarding the engagement of relevant stakeholders in REDD+ at federal and provincial level.

Two relevant platforms have been identified for the SESA and overall engagement on REDD+ safeguard related processes in Pakistan, and each with different objectives.

At the national level, the **Working Group (WG) on Stakeholders' Engagement and Safeguards** has been identified as the ideal platform to disseminate information and develop decision support in the technical development and implementation of REDD+ safeguards processes in Pakistan.

At the provincial level, the **Provincial REDD+ Management Committees (PMRCs)** are considered the ideal platform to disseminate information, encourage engagement by key organizational stakeholders in REDD+ safeguards processes in Pakistan, and provide guidance on different issues brought before these committees for advice and decision.

However, certain aspects of these platforms will need to be strengthened to ensure the full and effective participation of all stakeholders in REDD+ safeguards processes in Pakistan, as outlined in Section 2 of this report.

For the success of REDD+ and for ensuring its social and environmental sustainability, it is important that appropriate stakeholders are being represented in these platforms. Organizations may represent diverse, overlapping and conflicting constituencies and interests. This means competence, expertise, and accountability will be significant features to consider.

Additionally, we recommend that the **Working Group (WG) on Stakeholders' Engagement and Safeguards** adopts Terms of Reference (ToR) to be able to meet regularly and fulfil its objectives. Below we provide a draft ToR for this WG.

Draft Terms of Reference for the Working Group (WG) on Stakeholders' Engagement and Safeguards *Objective*

The **Working Group (WG) on Stakeholders' Engagement and Safeguards** is a multi-stakeholder technical and advisory forum established to disseminate information and develop decision support in the technical development and implementation of REDD+ safeguards processes in Pakistan.

These Terms of Reference (ToR) guide the work of the WG on Stakeholders' Engagement and Safeguards
Tasks

The tasks of the WG Stakeholders' Engagement and Safeguards are:

- a. Review and contribute to the Strategic Social and Environmental Assessment (SESA) and design of Social and Environmental Management Framework (ESMF)
- b. Review and contribute to the establishment of a Safeguard Information Systems (SIS).
- c. Review and contribute to the establishment of a Feedback Grievance and Redress Mechanism (FGRM).
- d. Provide overall technical knowledge and direction on social and environmental safeguards.
- e. Collaborate with other WGs to ensure linkages.
- f. Identify capacity needs for the stakeholders regarding their involvement in Pakistan's REDD+ program
- g. Other tasks as agreed with National REDD+ office and other relevant stakeholders.

Membership

Membership will consist of representatives from:

- a. Government agencies
- b. Representatives from all relevant provinces
- c. Civil society organisations, CBOs, IPOs and NGOs

- d. Private sector
- e. Development partners
- f. Indigenous peoples and local communities' representatives

While this list is not exhaustive, careful consideration should be given to members with specific expertise and experience in this technical area. Other members may be invited as and when required.

All members must designate alternates to attend if they are not available. Additional representatives may be invited to meetings as temporary participants as required.

The member institutions or organisations represented in the WG can withdraw their representatives at any time and replace them with other persons, if deemed necessary.

International experts and technical advisor(s) will support the WG as needed.

Responsibilities of WG Stakeholders' Engagement and Safeguards members

- a. Provide adequate technical advice to the Co-Chairs of the WG.
- b. Attend all WG meetings, and support the design and delivery of training events, workshops and other activities according to agreed schedules and work plans.
- c. Report back to their line ministries, organisations or constituencies about the content of discussions, proposals or recommendations of the WG.
- d. Review documents and presentations and providing comments and input to them in time.
- e. Liaise and consult with relevant organisational and individual stakeholders whose inputs are significant to the work of the WG.
- f. Provide inputs, guidance and assistance to consultants and other personnel of the REDD+ Office, if and when requested.

Operations

The operational work of the WG will be based on an annual work plan, which establishes the expected frequency of meetings, tentative agendas or indicative topics for discussion and an operational budget for meetings or other planned activities.

It is recommended that the WG meets at least once every two months in the initial stages. Frequency of meetings can be reviewed as needed. At the end of each meeting, the WG will determine the date, time, location and indicative subject matter of the next WG meeting.

WG members will select two (2) co-chairs, and a Secretary who will be assisted by the REDD+ Office. The Secretary will ensure that a notification of each meeting is sent out at least one week ahead of the meeting, accompanied by any relevant documents to be discussed during the meeting.

The Secretary will also circulate draft minutes of each meeting within three working days after the meeting. Upon receiving the draft minutes, all members of the WG (or their alternates) will provide comments in three working days. Final meeting minutes will be circulated by the Secretary to WG members seven working days after the meeting.

WG meetings will be organised by the REDD+ Office in coordination with the FCPF Programme Management Unit.

Decision-making

The WG will provide recommendations to the National REDD+ office and National REDD+ Steering Committee.

Recommendations will be developed based on a consensus approach. If consensus cannot be achieved within a reasonable timeframe, the matter of disagreement will be presented to the National REDD+ office and National REDD+ Steering Committee for its resolution.

Duration and timing

It is expected that members will be required to allocate between 1 and 3 days per month, depending on activities.

Funding

For WG members travelling from outside of Islamabad, the FCPF programme will provide financial support according to approved budgets to cover expenses incurred during the implementation of tasks related to the role. Support from other supporting frameworks will also be considered as they become available.

Confidentiality

Due to the evolving and innovative nature of discussions related to REDD+, the members of the WG might be provided with documents and data of sensitive nature. While all information discussed during the WG may be shared with third parties, there may be cases where the Co-Chairs of the WG recognizes the need to maintain confidentiality. Such information can then only be shared with the consent of the Co-Chairs.