



Climate
Law & Policy
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Booklet

Understanding the safeguard requirements of
The Verified Carbon Standard– Jurisdictional
and Nested REDD+ Framework (VCS JNR):
a Tool for Indigenous Peoples and Local
Communities

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In doing so, this project seeks to strengthen the high-integrity carbon market for Nature-Based Solutions (NBS) to climate change that provide economic, social and environmental benefits for the countries and local communities producing the carbon credits.

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Acronyms

CCBS	Climate, Community and Biodiversity Standard
COP	Conference of the Parties
FREL	Forest Reference Emission Level
FSC	Forest Stewardship Council
IP	Indigenous peoples
JNR	Jurisdictional and Nested REDD+
LC	Local communities
RBP	Results-based payments
SOI	Summary of Information
SIS	Safeguards Information System
UNFCCC	United Nations Framework Convention on Climate Change
VCM	Voluntary Carbon Market
VCS	Verified Carbon Standard
WFR	Warsaw Framework for REDD+

Introduction

Objective of this document

The objective of this document is to provide Indigenous Peoples and Local communities (IP and LC) with a clear understanding of the safeguard requirements of The Verified Carbon Standard's Jurisdictional Nested REDD Program (VCS-JNR) with the ultimate goal of empowering them to participate effectively in national or subnational government led processes in connection to VCS-JNR.

This document is not intended to provide a critical analysis of VCS-JNR. Direct quotations from VCS-JNR official documentation will be directly cited and quoted in italic, and any other recommendations or analysis is the author's own, based on experience and best practices.

Structure of this document

As mentioned above, this tool aims to facilitate understanding of the VCS-JNR' safeguards requirements for IP and LCs. The document is structured as follows:

Section 1 presents the background and overview of VCS-JNR.

Section 2 presents the safeguards requirements of VCS-JNR.

Section 3 explains VCS-JNR safeguard related reporting requirements and offers guidance to IP and LCs on how to engage with national and subnational government led processes on this matter.

This paper has been developed through a mixed-methods approach. A desk-based analysis has been conducted particularly as a source for official information on VCS-JNR. A series of webinars have also been conducted with key stakeholders from IP and LC's organizations which have contributed to collecting contextual and views and perspectives on the matter.

Who should be using this tool?

This tool is primarily addressed to leaders from IP and LC organizations at both national and subnational level who are engaging with Jurisdictional REDD+ programs that are registered with VCS-JNR.

I. Background

The Verified Carbon Standard (VCS) is a greenhouse gas (GHG) crediting program launched by Verra, a not for profit organization founded in 2007 by environmental and business leaders¹. Geared towards individual projects (as opposed to Jurisdictional REDD+ programs), in 2012 Verra launched the Jurisdictional and Nested REDD+ (VCS JNR)² Framework and is the world's first accounting and verification framework for jurisdictional REDD+ programs and nested projects³. [The JNR](#) Framework is open for Jurisdictional REDD+ Participants (national and subnational governments) to design, implement and integrate projects and programs that conserve and enhance forests at national and subnational levels and leverage carbon finance.

Verra's JNR Framework was one of the earliest methodologies for integrating REDD+ projects with jurisdictional-level approaches to carbon accounting and wider policies⁴ and covers four different scenarios, ranging from a REDD+ project nested in a jurisdictional baseline to a fully jurisdictional programme where credits are only issued at the national (or subnational) level.

It is worth noting that to date, there are yet to be any credits issued through VCS JNR, but this is likely to change in the near future. Additionally, all other VCS REDD+ methodologies were recently updated and will require alignment with jurisdictional-scale baselines and reference areas, meaning all VCS REDD+ projects will move much closer to being nested REDD+ over the next couple of years.

In terms of its certification process, it is important to underline that VCS-JNR uses the VCS methodology as a basis, that is, the VCS program elements, including regular auditing by Verra and third parties for incorporation into the Verra Registry, for example, will apply to JNR programs. The difference with ordinary VCS projects is that VCS-JNR projects will have to adhere to the additional rules of the JNR program. These rules include⁵:

¹<https://verra.org/about/overview/#the-organization>

²<https://verra.org/project/jurisdictional-and-nested-redd-framework/>

³Ibid

⁴Sylvera, "A guide to Jurisdictional REDD+", <https://www.sylvera.com/blog/an-introduction-to-jurisdictional-redd>

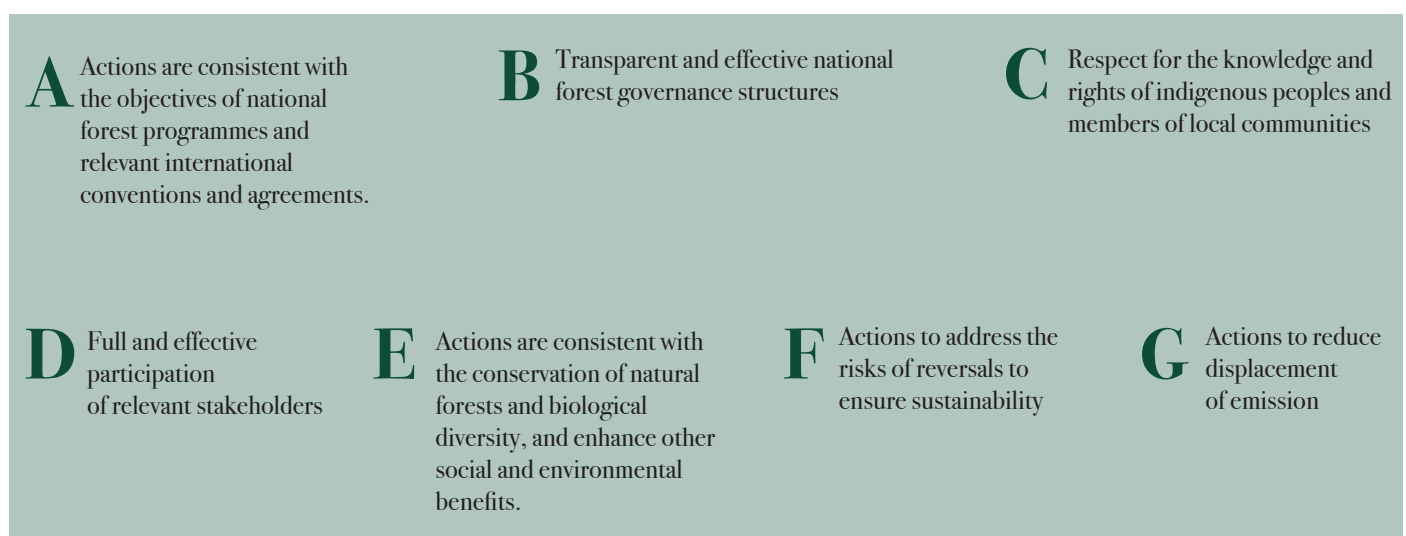
⁵<https://verra.org/project/jurisdictional-and-nested-redd-framework/>

- Accounting procedures to create credible historical forest reference emissions levels (FRELs)
- Tools for determining a conservative benchmark against which to measure emission reductions and removals and ensure their additionality.
- Methods of monitoring and then accounting for leakage—the shifting, whether through market or ecological forces, of greenhouse gas (GHG) emissions elsewhere, which affects the total reductions achieved.
- Buffer accounts address the non-permanence risk of forest-conservation projects; should fire, illegal logging, or other misfortune visit the project’s forested area, credits from the buffer account are cancelled to ensure the credits issued to the project still represent the originally indicated emissions reductions.

II. Understanding the Safeguard-related requirements of the Standard

VCS JNR broadly requires compliance with the UNFCCC REDD+ Safeguards and relevant national and subnational legislation. Figure 1 illustrates the seven REDD+ safeguards adopted by the UNFCCC.

Figure 1. *UNFCCC Safeguards*



This said, VCS JNR does not prescribe that Jurisdictional REDD+ programs must clarify what the UNFCCC safeguards mean to country context, and how they will be implemented throughout the implementation of REDD+ activities. It also does not prescribe any procedures that Participants must undertake, such as environmental and social risk assessments and the adoption of associated management plans, all of which can help better understand the specific risks to IP and LCs. Nevertheless, the VCS-JNR sets out that Participants (national and subnational governments) must comply with the following safeguard related requirements:

1. **Comply with the Warsaw Framework for REDD+ (WFR)⁶ safeguard requirements⁷** (see Box 1) and any relevant jurisdictional (national and subnational) safeguards requirements otherwise established by any law, statute, or regulatory framework (e.g., including those that are not specific to REDD+).
2. **Provide information in ‘monitoring reports’ with respect to how, during the design and implementation of the program, WFR safeguard requirements, and any relevant jurisdictional (national and subnational) safeguards requirements have been addressed and respected.** Participants are also expected to report any advances in the safeguard information systems created for providing information on how safeguards are addressed and respected, where available.
3. **Jurisdictional REDD+ programs are developed and documented in a transparent manner and in consultation with stakeholders.** Participants are required to provide information about how stakeholder consultations related to the design and implementation of the jurisdictional program were performed, including who was consulted, the way the consultations occurred (including input received and how this was considered), and the outcomes of the consultations.

⁶Available at: <https://unfccc.int/topics/land-use/resources/warsaw-framework-for-redd-plus>

⁷Jurisdictional proponents should refer to the most recent UNFCCC decisions including but not limited to Decision 1/CP.16 (Cancun, 2010), Decision 12/CP.17 (Durban, 2011), Decision 9/CP.19 (Warsaw, 2013), Decision 12/CP.19 (Warsaw, 2013).

Box 1: Safeguard requirements under the WFR

The United Nations Framework Convention on Climate Change (UNFCCC) recognizes that safeguards are a key part of REDD+ implementation and links the UNFCCC safeguards to results-based payments (RBPs), requiring that Jurisdictional REDD+ programs demonstrate how they have addressed and respected them throughout the implementation of their REDD+ activities⁸. The specific UNFCCC safeguard requirements are the following:

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

REDD+ activities, regardless of their type of funding source, are to be implemented in such a way that is consistent with the UNFCCC safeguards⁹. This implies that Jurisdictional REDD+ programs should take steps to clarify what UNFCCC safeguards mean to country context, and how they will be implemented throughout the implementation of REDD+ activities.

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

Jurisdictional REDD+ programs implementing REDD+ activities are required to establish a system to provide information on how the seven UNFCCC safeguards are being addressed and respected in all of the phases of implementation of REDD+ activities¹⁰. This is commonly referred to as the Safeguard Information System (subsequently referred to as the SIS).

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

In order to receive results-based payments, Jurisdictional REDD+ programs must present their most recent summary of information demonstrating how the safeguards have been addressed and respected (subsequently referred to as the summary of information or SOI)¹¹. 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 Conference of the Parties (COP). An additional and voluntary format for providing information to the UNFCCC is through the UNFCCC REDD+ web platform.

⁸UNFCCC 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.

⁹Agrees that, regardless of the source or type of financing, the activities referred to in decision 1/CP.16 paragraph 70, should be consistent with the relevant provisions included in decision 1/CP.16, including the safeguards in its appendix I” UNFCCC Decision 2/CP.17 paragraph 63

¹⁰UNFCCC Decision 1/CP.16 Paragraph 71(d).

¹¹Decision 9/CP, Paragraph 4, UNFCCC Decision 2/CP.17, op cit, Paragraph 63 and 64.

Key Takeaways for IP and LCs:

- VCS-JNR relies on the broad requirements set out by WFR, and it does not specify how the WFR requirements are expected to be implemented. This leaves Jurisdictional REDD+ programs to determine themselves how to implement these requirements, which can put at risk the rights and interests of IP and LCs.
- VCS-JNR offers the opportunity to use any other relevant standard (e.g. REDD+ Social & Environmental Standards (REDD+SES), Climate, Community & Biodiversity Standards (CCBS), policies of the Green Climate Fund, the World Bank safeguards policies, the World Bank Environment and Social Framework, and the Forest Stewardship Council (FSC)). Consequently, Jurisdictional REDD+ programmes are allowed to pick from these standards, without recognizing the standards differ widely over the scope and depth of their safeguards, including associated environmental and social risk assessments. This can lead to further exacerbating challenges for the effective application of safeguards for IP and LCs, and later on for the validation and verification.

How does VCS-JNR address land tenure and prevent land grabbing?

VCS-JNR broadly requires compliance with the WFR, including the UNFCCC REDD+ Safeguards. IP and LCs should be aware the WFR deals with land tenure by requiring that Participants:

1. “Ensure the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities; when developing and implementing national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the UNFCCC safeguards.” Although this is a broad requirement to address land tenure issues, it must be understood to ensure that the rights of ownership and possession are recognized and respected, in alignment with relevant international legal obligations¹².
2. Implement REDD+ activities in a manner consistent with the UNFCCC safeguards. Although the UNFCCC REDD+ safeguards do not explicitly mention land tenure, international best practices over the scope of interpretation of the UNFCCC REDD+ safeguards^{13, 14} recognize that safeguards ‘b’ and ‘c’ encompass the recognition and respect for collective and individual land rights.

¹²Including ILO Convention 169 (in particular article 14.1) and UNDRIP (in particular article 26.1)

¹³Braña Varela, J., Lee, D., Rey Christen, D., and Swan, S. 2014. “REDD+ Safeguards: Practical Considerations for Developing a Summary of Information.”

¹⁴Rey, D., Roberts, J., Korwin, S., Rivera, L., and Ribet, U. (2013) A Guide to Understanding and Implementing the UNFCCC REDD+ Safeguards. ClientEarth, London, United Kingdom.

How does the standard address Benefit-Sharing?

VCS-JNR specifically requires that Participants put an equitable, transparent, and legally binding benefit-sharing system in place¹⁵. More precisely, VC-JNR requires that this system is developed with due consideration of:

- Stakeholders' carbon rights, including rights to land, forests, and forest resources, as well as their contribution to ecosystem services that resulted or will result in GHG emission reduction.
- A transparent and participatory process in which stakeholder participation is justifiably representative, with a special emphasis on IP and LCs.

This said, IP and LCs should be aware that VCS-JNR does not provide guidance for the design of this benefit-sharing system, nor does it specify how it will be assessed in the validation and verification process.

IP and LCs should advocate for these to comply with relevant international conventions and agreements, domestic legal frameworks and international best practices¹⁶, which generally consider that benefit sharing plans should:

- **Outline a meaningful participatory process for developing the BSP.** The plan should clearly outline how stakeholders will be engaged in the process of developing the BSP, with the aim of ensuring their meaningful engagement. This should build on a robust and transparent stakeholder mapping exercise to correctly identify the relevant stakeholders.
- **Identify their legal basis.** The plan should consider a mapping of the legal basis, to help ensure the BSP is designed through existing structures, albeit not, strictly speaking, tailored to REDD+. In accordance with emerging best practices, when these existing structures are well-functioning, countries should consider regulating benefit sharing within the framework of these existing structures, which can make it easier for concerned actors to participate in REDD+ than to build an entirely new structure.

¹⁵VCS-JNR Requirements, Scenario 3, April 2021, available at: https://verra.org/wp-content/uploads/2021/04/JNR_Scenario_3_Requirements_v4.0.pdf

¹⁶For example, https://wwfint.awsassets.panda.org/downloads/wwf_assessment_report_redd_programs_v4.pdf or https://www.nature.org/content/dam/tnc/nature/en/documents/tnc_benefit%20sharing_web.pdf or https://www.cifor.org/publications/pdf_files/Books/REDD-Benefit-Sharing.pdf

- **Identify the beneficiaries.** Beneficiaries are understood as a group of stakeholders (people involved in or affected by REDD+ Program implementation) to receive Monetary and/or Non-Monetary Benefits resulting from the REDD+ Program. Beneficiaries may include but are not limited to, communities, civil society, and the private sector, including any nested REDD+ projects. Governments, as Program Entities and parties to the Emission Reduction Payment Agreement (ERPA), may be considered beneficiaries, and retain a certain amount of ERPA Payments to cover their costs for implementing and/or managing the REDD+ Program.
- **Identify the types of benefits.** The plan should identify the form/types of benefits that are expected to be offered in correlation to the relevant REDD+ actions, which include Monetary and/or Non-Monetary Benefits.
- **Identify the mechanism/process for the distribution of benefits.** The plan should outline the way in which Monetary and Non-Monetary Benefits are to be shared with Beneficiaries, including both their proportion and the mechanism used.
- **Identify the necessary institutional arrangements.** The plan should also identify the institution(s) responsible for the BSP.
- **Identify the monitoring provisions for the implementation of the BSP.** The plan should also identify the necessary monitoring provisions for the BSP.

How does the standard address grievances and the need for a grievance redress mechanism at the jurisdictional level?

There are two main avenues for addressing grievances available to IP and LCs through VCS-JNR:

1. At the jurisdictional level, VCS-JNR requires that Participants develop a mechanism for receiving, screening, addressing, monitoring, and reporting feedback on stakeholder grievances and concerns about the design, implementation, and evaluation of the jurisdictional REDD+ program. This mechanism is expected to include appropriate means of communication to enable all interested and/or stakeholders to participate. VCS-JNR refers to Principle 6.6 of REDD+ SES for additional guidance.

These mechanisms and/or procedures are expected to be aligned with relevant international agreements or conventions and domestic legal frameworks in a way that guarantees the right of access to justice in the context of REDD+ activities. In this sense, IP and LCs should consider and advocate that the available grievance redress mechanisms incorporate the following principles set out by international best practices¹⁷:

- a) **Legitimate:** enabling trust from the stakeholder groups for whose use they are intended and being accountable for the fair conduct of grievance processes. Accountability for ensuring that the parties to a grievance process cannot interfere with its fair conduct is typically one important factor in building stakeholder trust.
- b) **Accessible:** being known to all stakeholder groups for whose use they are intended and providing adequate assistance for those who may face barriers to access. Barriers to access may include a lack of awareness of the mechanism, language, literacy, costs, physical location, and fears of reprisal.
- c) **Predictable:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation. For a mechanism to be trusted and used, it should provide public information about the procedure it offers.
- d) **Equitable:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice, and expertise necessary to engage in a grievance process on fair, informed and respectful terms. Where imbalances are not redressed, perceived inequity can undermine both the perception of a fair process and the mechanism's ability to arrive at durable solutions.
- e) **Transparent:** keeping parties to a grievance informed about its progress and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake. Providing transparency about the mechanism's performance to wider stakeholders, through statistics, case studies or more detailed information about the handling of certain cases, can be important to demonstrate its legitimacy and fairness, and retain broad trust. At the same time, confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary.

¹⁷For example, https://knowledgehub.transparency.org/assets/uploads/kproducts/ti_document_-_guide_complaint_mechanisms_final.pdf or <https://irm.greenclimate.fund/resources/other> or https://climateactiontransparency.org/wp-content/uploads/2020/10/Stakeholder-Participation-Guide_ch9.pdf

- f) **Rights compatible:** these processes are generally more successful when all parties agree that outcomes are consistent with applicable national and internationally recognized rights. Grievances are frequently not framed in terms of rights and many do not initially raise human rights or other rights concerns. Regardless, where outcomes have implications for rights, care should be taken that they are consistent with applicable nationally and internationally recognized standards and that they do not restrict access to other redress mechanisms.
- g) **Enabling continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms. Regular analysis of the frequency, patterns, and causes of grievances; strategies and processes used for grievance resolution; and the effectiveness of those strategies and processes, can enable the institution administering the grievance redress mechanism to improve policies, procedures, and practices to improve performance and prevent future harm.
2. [VERRA's grievance redress mechanism](#) (Box 2 outlines the procedure, including how to access it)

Box 2: VERRA's Complaints and appeal policy

Stakeholders are provided with the following complaints procedure:

- 1) The complaint shall include the following information:
 - a) Name of the complainant.
 - b) Name of organization, where relevant.
 - c) Contact information for the complainant.
 - d) Details of the complaint.
 - e) Declaration of any conflict of interest in submitting the complaint.

- 2) The complaint shall be addressed to the appropriate program manager listed on the Verra website and emailed to secretariat@verra.org with the word complaint in the subject line. An email response is provided to the complainant from Verra acknowledging receipt of the complaint.

- 3) Verra appoints an appropriate person to handle the complaint, who will organize an analysis (involving external experts, as required) and determine any appropriate action required.

- 4) Verra prepares a written response and provides this to the complainant. The response to the complaint is brought to the attention of and approved by the Verra Chief Executive Officer (CEO).

- 5) All information submitted by the complainant with respect to the complaint is kept confidential by Verra. Complaints by stakeholders about a project proponent or its partners shall be pursued with the respective entity.

Box 2: VERRA's Complaints and appeal policy

APPEALS

Where a complaint, submitted as set out in Section above, has not been resolved to the satisfaction of the complainant, complainants are provided with the following appeals procedure:

- 1) The appeal shall include the following information: a) Name of the appellant. b) Name of the organization, where relevant. c) Contact information for the appellant. d) Details of the appeal, including reference to the original complaint.
- 2) The appeal shall be addressed to the Verra CEO with the word appeal in the subject line, and emailed to secretariat@verra.org. An email response is provided to the appellant from the CEO acknowledging receipt of the appeal.
- 3) The CEO presents the appeal to the Verra Board, which organizes an analysis, involving external experts (as required).
- 4) The Verra Board prepares a written response and the Verra CEO provides this to the appellant. The Verra Board's decision is final and binding.
- 5) All information submitted by the appellant with respect to the appeal is kept confidential by Verra and the Verra Board.

III. Understanding VCS-JNR relevant reporting requirements

How does VCS-JNR require the application of UNFCCC reporting requirements?

In correlation to UNFCCC relevant requirements, VCS-JNR requires Participants to have complied with the WFR requirements, including which is that they should have submitted the most recent SOI for the period for which they are seeking RBPs, as well as have in place an SIS.

However, VCS-JNR does not offer any guidance for the design/set-up of the SIS, nor does it clarify what it means to have a SIS “in place” for purposes of validation and verification.

Experience has shown that having an operational SIS is essential to ensuring all stakeholders’ meaningful participation in gathering/analyzing safeguard-related information (as per UNFCCC guidance)¹⁸, and to provide quality assurance of such information¹⁹. In this sense, it would be recommended that IP and LCs should advocate that a SIS is adequately set-up in each jurisdiction, and used to strengthen the quality, reliability and credibility of information used to demonstrate conformance with UNFCCC safeguards indicators as per VCS-JNR requirements, particularly when it comes to demonstrating how the information was assessed and either internally or externally verified. This means that the SIS should be easily accessible, with detailed information on how to submit feedback and information.

How can IP and LCs access information submitted to Verra?

VCS JNR provides three key opportunities for IP and LCs to be involved in the process, and thus be able to access information related to the process. This information is available at the Verra registry: <https://verra.org/registry/>

¹⁸UNFCCC Decision 2/CP.17 paragraph 63

¹⁹García, M., Rey, D., Rivera L., Korwin, S., and Ribet, U. [2017] Strategic and Design Considerations for Designing a Safeguard Information System, A Self-assessment Tool. CLP and SNV, London, United Kingdom.

1. Requires that Jurisdictional REDD+ programs are developed and documented transparently and in consultation with stakeholders²⁰. This means that if IP and LCs may be affected by the Jurisdictional REDD+ program, they have a right to participate in its design. Participants are specifically required to ensure their participation and document how stakeholder consultations related to the design and implementation of the jurisdictional program have been performed, including who was consulted, the way the consultations occurred (including input received and how this was considered), and the outcomes of the consultations. Furthermore, Participants are required to demonstrate that the consultations were conducted in a language and a manner that allowed the effective participation of all relevant stakeholders, with special attention to indigenous peoples and local communities.
2. Requires that Participants submit ‘monitoring reports’ with respect to ‘how’, during the design and implementation of the program, the WFR safeguard requirements, and any relevant jurisdictional (national and subnational) safeguards requirements have been addressed and respected²¹. These monitoring reports are also expected to be developed in consultation with stakeholders.
3. Requires that Jurisdictional REDD+ programs undergo a validation and verification process, during which IP and LCs can provide comments during the 60-day comment period published on the Verra website (see Box 3 below).

Box 2: VCS JNR process for public comment

To submit comments, stakeholders should click the Public Comment Period hyperlink in a given project entry and complete the Public Comment box on the project page on the Verra Registry. Below the comment box, IP and LCs would be able to find all the information available of the project.

When submitting a comment, a contact name needs to be provided as well as information of the country/area, organization name (if comment is made on behalf of an organization), and email address.

The maximum characters allowed on the comment box is 5,000. For larger comments, IP and LCs should submit them to info@verra.org

²⁰VCS-JNR Requirements, Scenario 3, April 2021, available at: https://verra.org/wp-content/uploads/2021/04/JNR_Scenario_3_Requirements_v4.0.pdf

²¹Ibid

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[Jurisdictional and Nested REDD+ \(JNR\) Requirements](#)

[JNR Requirements Scenario 2](#)

[JNR Requirements Scenario 3](#)

[REDD+ Social and Environmental Standards Principles and Criteria](#)

[VERRA-jurisdictional and nested REDD+ \(JNR\)](#)