

Environmental and Social Management Framework for ENDE-REDD+



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Acronyms

CCF-A	Environmental Forest Advisory Council
Cn.	Political Constitution of Nicaragua
FPIC	Free, Prior and Informed Consent
CRACCS	South Caribbean Coast Autonomous Regional Council
CRACCN	North Caribbean Coast Autonomous Regional Council
EESA	Environmental and Social Assessment Strategy
ENDE	National Avoided Deforestation Strategy
FCPF	Forest Carbon Partnership Facility
GRUN	Government of Reconciliation and National Unity
GTI	Indigenous Territorial Government
INAFOR	National Forestry Institute
INETER	Nicaraguan Institute of Territorial Studies
INTA	Nicaraguan Institute of Agricultural Technology
MAG	Ministry of Agriculture
MARENA	Ministry of the Environment and Natural Resources
MEFCCA	Ministry of Family, Cooperative, Community and Associative Economy
MGAS	Environmental and Social Management Framework
NTON	Nicaraguan Obligatory Technical Norm
PCN	Central and North Pacific
PI-PCN	Indigenous Peoples of the Central and North Pacific
PNDH	National Human Development Plan
RACCS	South Caribbean Coast Autonomous Region Sur
RACCN	North Caribbean Coast Autonomous Region
REDD+	Reducing Emissions from Deforestation and Forest Degradation
R-PP	Readiness Preparation Project
SERENA	Natural Resources and Environmental Secretariat
SNMRV	National Monitoring, Reporting and Verification System
UEP	Project Execution Unit
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change

Glossary

Forest: Forest has been defined in the ENDE-REDD+ framework as any continuous (compact) area equal to or greater than 1 ha, with tree coverage equal to or greater than 30%, and an average total height of trees equal to or greater than 4 meters. It includes ecosystems such as bamboo, mangroves, natural palm, xerophytic forests, and stunted and riparian vegetation.

Deforestation: According to the definition of the Marrakesh Agreements, the direct conversion of treed lands into untreed lands caused by human beings (REDD: Reporte de Evaluación de Opciones <http://www.REDD-OAR.org>)

Exotic species: Species of flora or fauna, including microorganisms, whose natural area of geographic dispersion does not extend to the national territory and is found in the country as a product of human activities, whether voluntary or not (Approved by N.A. Decree No. 1079 of October 27, 1995, and published in *La Gaceta*, Diario Oficial No. 215 of November 15, 1995).

Forest degradation: Changes in the forest that negatively affect the structure or function of the site or forest area and thus reduce the forest's capacity to offer products and/or services. With respect to REDD, degradation concretely refers to the reduction of carbon density. (REDD: Reporte de Evaluación de Opciones <http://www.REDD-OAR.org>)

Forestry Plantation: A grouping of plants established by direct or indirect planting (NTON 18-001-01, Published in *La Gaceta* No. 76 of April 25, 2002).

Forestation: The action of populating or planting tree or bush species in lands that lack them. Decreto 73-2003, Regulations to Forestry Law 462.

Green markets: Markets where products and services coming from green production are transacted.

Native species: Vegetable or fauna species of a given zone or region whose reproduction or survival capacity depend on the environmental conditions of their natural surroundings (Approved by A.N. Decree No. 1079 of October 27, 1995, and published in *La Gaceta*, Diario Oficial No. 215 of November 15, 1995).

Natural regeneration: Arboreal vegetation found in the first phases of growth and development as part of the natural process of forest renewal (NTON 18-001-01, Published in *La Gaceta* No. 76 of April 25, 2002).

Reforestation: Induced or artificial establishment of arboreal species with diverse ends, be it for energy, lumber, protection, etc. (Regulation to Decree 73-2003, Regulation to Forestry Law 462).

1 Introduction

This document contains the Environmental and Social Management Framework (MGAS), drawn up to strengthen the implementation of the Strategy to reduce emissions from deforestation and forest degradation in Nicaragua (ENDE-REDD+) being promoted by the Government of Reconciliation and National Unity (GRUN), whose priorities are defined in the National Human Development Plan.

ENDE-REDD+ is conceived as a political and strategic framework of the Nicaraguan State to integrate actions in the national, regional and local spheres aimed at reversing the main causes of deforestation, forest degradation and change in soil use, considering the restitution of the rights of original and Afro-descendant peoples to enjoy the natural resources in a rational and sustained manner.

MGAS is a result of the analytical methodology called Environmental and Social Evaluation Strategy (EESA), which has made it possible to engage a broad dialogue with the different protagonists identified, take up their considerations about the benefits and risks implied by the application of strategic lines defined for REDD+ and actions aimed at reducing the deforestation and degradation of the forests and caring for Mother Earth.

MGAS is an important instrument for ENDE-REDD+, as it guides the procedures for ensuring adequate environmental and social management, includes an appraisal of the environmental and social safeguards the country will activate by executing ENDE-REDD+, and contains specific sections that address the requisites for each safeguard policy applicable to the country and procedures to reduce the environmental and social risks of the actions derived from ENDE-REDD+.

MGAS also includes an Indigenous Peoples' Planning Framework (MPPI) that takes into account that the application of ENDE-REDD+ will have a strong impact on forested areas of the country, which significantly overlap with areas belonging to indigenous and Afro-descendant peoples; 59% of the country's forests are found in indigenous and Afro-descendant territories. It further includes the Policies Framework for Involuntary Resettlement and a Feedback Mechanism that will permit the stakeholders to be informed and to present demands.

2 Background

Since 2007, the Government of Reconciliation and National Unity (GRUN), under the leadership of President Commander Daniel Ortega Saavedra, has been developing measures for the conservation and restoration of forests in the country and I take care of Mother Earth.

In 2011, a process of dialogues and consultations got underway for preparation of the Project “Support to the Preparation of the Strategy for the Reduction of Emissions from Deforestation and Forest Degradation (ENDE-REDD+),” with support from FCPF¹ (first donation) through the World Bank. As a result, the preparation document for REDD+, known as the Readiness Preparation Project (R-PP) was drafted, as well as the initial organization of the participation and dialogue platforms with territorial and regional governments, organizations of experts on the issue and institutions of the GRUN.

In 2013, Nicaragua put into operation a second donation to initiate the process of preparing the ENDE. This backing permitted firm steps to be taken to achieve a coherent strategy in accord with the country’s socioeconomic and environmental reality. In 2014 the Project Executing Unit (UEP) was created, using the dialogues to consolidate the participation platform made up of three working groups, structures defined under the broad consultation process during the preparation of the R-PP.

In 2015, MARENA designed the Emissions Reduction Programme Idea Note (ER-PIN), proposing to the FCPF Carbon Fund an area of coverage that comprises the two Caribbean Coast Autonomous Regions, Bosawás and Indio Maíz. The ER-PIN was submitted to the World Bank on September 11, 2015, and its approval was the result of a collective effort of cooperation and concertation between MARENA, the government authorities of the Caribbean Coast Autonomous Regions and representatives of the indigenous and Afro-descendant peoples of the North and South Caribbean Coast Autonomous Regions (RACCN and RACCS, respectively).

In 2017 the FCPF has approved an additional US\$5 million to culminate the process of preparing the programme, as well as the programme to reduce emissions from deforestation and degradation of the forests in the Caribbean Coast, Bosawás and Indio Maíz. MARENA has committed itself to presenting the Preparation Package (R-Package), which includes the design of the Strategy to reduce emissions from deforestation and forest degradation in Nicaragua (ENDE-REDD+); a National Forest Monitoring Report and Verification (MRV), the preparation of a reference scenario and an Environmental and Social Management Framework.

¹ Fondo Cooperativo para el Carbono de los Bosques.

The fundamental objective of the ENDE-REDD+ strategy is to contribute to poverty reduction and climate change impact adaptation and mitigation, reversing the tendency of deforestation and forest degradation² and restoring degraded areas in hydrographic basins and ecosystems of national importance. This will also permit the country to manage and negotiate financial flows adequate to the national circumstances to develop forest and climate change investments, programmes and projects.

The ENDE-REDD+ Strategy will be executed under the Christian, socialist and solidary model, prioritizing the execution of actions linked together in alliances for prosperity, involving families; indigenous and Afro-descendant communities; forestry and agricultural producers and poor rural communities that are highly vulnerable to climate change. The country's commitment is a practical expression of the principles of the Universal Declaration of Universal Declaration of the Common Good of Earth and Humanity, which asks that the Earth be understood as alive and a subject of dignity.

3 National Context

Nicaragua is the largest country in Central America, with 130,373 Km², and a population of approximately 6 million inhabitants, with an annual population growth rate of 1.0% (INIDE 2015). The poverty rate is 42%, with one in seven people living in extreme poverty. Nicaragua's rural areas are home to the majority of the poor (65%) and extremely poor (80%), whose livelihoods depend largely on subsistence agriculture, forests and natural resources (BCN 2015). In the urban area, 14.8% of the population lives in conditions of poverty, while in the rural area it affects 50.1% (INIDE 2015).

In recent years the country has achieved a privileged macroeconomic situation for the Latin American region. The average Gross Domestic Product in the 2011-2015 period was 5.2%, thanks to macroeconomic policies combined with a constant expansion of exports and direct foreign investment. Much of this investment has been achieved through government-business-worker alliances and has been decisive in maintaining national stability and combating poverty and extreme poverty, which has permitted an advance in the country's social and economic development.

Nonetheless, increasing GDP may be at the detriment of the country's natural resources, as the *III Informe GEO Sobre el Estado del Ambiente de Nicaragua 2003-2006* shows us that Nicaragua's economic development is based on unsustainable productive systems, and the current degradation is reducing the potential and future supplies for increasing and diversifying production. Extensive cattle-raising is the main cause of the change in soil use.

According to official INETER data from 2015, the coverage and uses of Nicaragua's land is the following: 40.31% of the soil has agricultural use (annual and perennial crops and pasture), 34.45% is covered with forest, 9.86% corresponds to secondary vegetation

² The deforestation rate in Nicaragua for the 2005-2015 period is estimated at 75,546 per year (INETER, 2015).

(bushes and brambles), 8.71% is covered with water (lakes, lagoons and rivers) and 6.67% corresponds to other uses. The annual estimated deforestation rate in Nicaragua for the 2005-2015 period is 75,546 ha per year (INETER, 2015).³

To deal with the issues of the change of soil use, effects of climate change today and in the future, and reduction of deforestation and forest degradation in Nicaragua, the GRUN is promoting diverse national strategies that emphasize prevention and adaptation to climate change, among them the ENDE-REDD+ strategy within the REDD+ framework, working in a consensual manner with key stakeholders, creating synergies to take advantage of international mechanisms and forest financing platforms and adjust them to our national and regional circumstances.

With regard to land tenure, Nicaragua has advanced enormously in the titling of almost 96% of the indigenous territories, leaving a minimum part pending, thus restoring the rights of indigenous and Afro-descendant communities. To complete 100% of the demarcation and delivery of communal titles to indigenous and Afro-descendant peoples, only 4% corresponding to the Alto Wanky located in the department of Jinotega is missing.

4 National ENDE-REDD+ Strategy

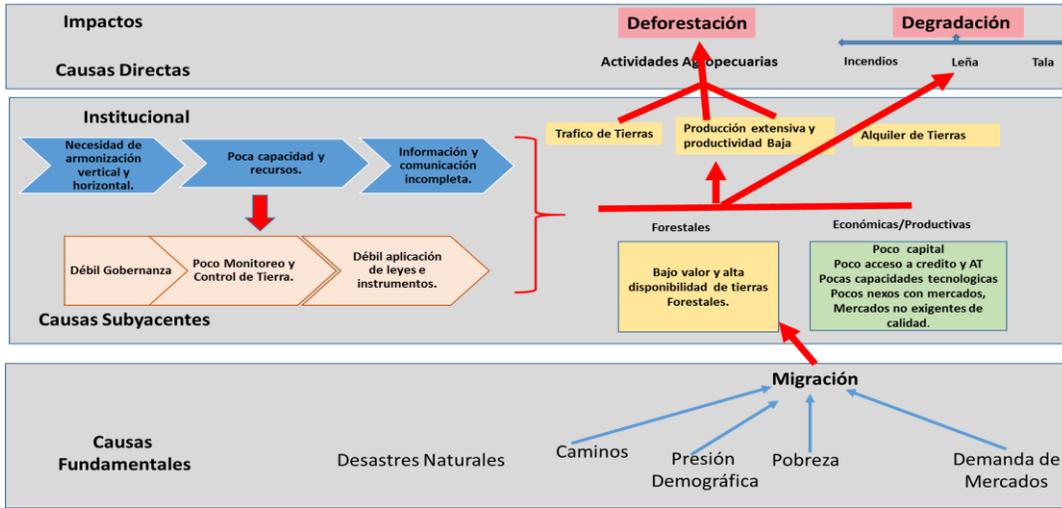
ENDE REDD+ represents the national agenda that is taking up the issue of deforestation and forest degradation and their link with forest management at different levels. ENDE REDD+ also offers the opportunity to link the issue of deforestation and degradation with equity and social justice, property rights, and the use, access and management of the forest resources. As the product of an intense dialogue conducted through three working groups that make up the dialogue platform to halt deforestation in Nicaragua, six strategic lines have been designed with a comprehensive approach that interrelates the four pillars on which ENDE-REDD+ rests:

- National Forestry Programme.
- Environmental and Climate Change Strategy.
- Agro ecological agriculture and Livestock Conversion.
- Protection of the Biodiversity and protected areas.

The deforestation can be divided into direct, underlying, intermediate and fundamental causes, as is demonstrated in the tree of problems of Figure 1.

³ Official land-use maps, MARENA-INETER 2015.

Figure 1 Tree of deforestation and forest degradation problems at a national level



Below is a matrix of strategic lines that will guide the actions to reduce the deforestation rate by at least 50% in 2040, a percentage that could increase to the degree that funds are available to implement the actions listed in the strategic lines.

Matrix of Strategic Lines with their objectives and actions

	Lines	Objectives
1	Strengthen the awareness, education, communication and promotion of values and information related to the protection of Mother Earth that take into account the territorial identity and worldview of original and Afro-descendent peoples.	Improve the awareness, availability and communication of information related to the protection of Mother Earth and land and natural resource use by both the government and the general public with a focus on the common good and shared responsibility.
	1.1 Development of cultural campaigns that promote a healthy environment. 1.2 Strengthening of the capacities of educators and social communicators on environmental contents. 1.3 Promotion of exchanges of experiences that promote knowledge about the country’s biodiversity and natural wealth. 1.4 Management of knowledge derived from successful experiences in forest resource management and adaptation to climate change. 1.5 Assure an adequate flow of information needed for decision-making related to land and natural resource use in the regional and local spheres of government. 1.6 Integrate issues of forest and environmental policies and legislation into the national educational system.	

	1.7 Make contributions to the recognition of the cultural heritage and good environmental practices of the original and Afro-descendant peoples.	
2	Strengthen the national, regional and local coordination and capacity of the governments related to land and natural resource use, considering the forestry, environmental, agricultural and energy policies and laws	Promote the evolution of good government on land and natural resource use through the incorporation of criteria of consistent and shared environmental successes and an adequate level of resources that permit the implementation of effective monitoring and control systems and the application of laws, policies and management instruments related to land and natural resource use, especially in the indigenous territories.
	<p>2.1 Improve national, regional and local coordination, especially the access to and flow of information related to land and natural resource use.</p> <p>2.2 Strengthen the coverage and managerial capacities in the key institutions for ENDE-REDD+ including strengthening the equipping of the regional governments and specific programmes such as the campaign against forest fires, the monitoring and control of forest plagues, and the national reforestation crusade and management of natural regeneration, as well as the application of natural resource management instruments.</p> <p>2.3 Strengthen the capacity of INAFOR, INETER and MARENA to monitor changes in soil use, supervise the forestry management and protected area management plans as well as territorial plans for adaptation to climate change.</p> <p>2.4 Strengthen the Early Warning Systems within the SNMRV through their application in the Caribbean Coast regions and Central and North Pacific (PCN), establishing an institutional plan and a unit to respond to the alerts.</p> <p>2.5 Promote the incorporation of climate change adaptation and sustainable forest ecosystem management criteria in the agricultural and environmental policies, as well as in the territorial planning processes.</p>	
3	Promote the protection, conservation and restoration of landscapes and biological corridors through forestation and reforestation in the Caribbean and PCN.	Help conserve and increase the forest through reforestation, sustainable forest management, natural regeneration, consolidation of the APs, ecotourism and forest conservation on farms, as well as increasing the value of the forests.
	<p>3.1 Condition agriculture through forest conservation on farms (agricultural exploitations).</p> <p>3.2 Promote Payments for Ecosystemic Services (PSE) or Conservation that fosters forest conservation in priority indigenous territories.</p> <p>3.3 Consolidate the monitoring and control of the APs (SINAP)</p> <p>3.4 Promote sustainable ecotourism.</p> <p>3.5 Promote reforestation and natural regeneration under different modalities, especially for the production of firewood or forage banks.</p>	

	<p>3.6 Promote reforestation and natural regeneration under different modalities (e.g. gallery forests, plantations, regeneration, enrichment of perforated forests, windbreaks) to maintain or restore the ecosystemic services (e.g. carbon capture, hydric recharge, protection of water courses, reduction of landslides and hydric and wind erosion, conservation of protected areas, restoration of biological corridors).</p> <p>3.7 Promote sustainable forest management/community forest management, both for wood and for secondary or non-wood products, as mechanisms that improve production at the same time as forest conservation.</p> <p>3.8 Strengthen the institutional framework and fostering of protection, conservation and sustainable use of the mangrove ecosystems, strategic to the fishing economy, ecotourism and the climatic resilience of the coastal zones.</p>	
4	<p>Increase sustainable and low-emission agricultural-forest production as well as producers' incomes and employment.</p>	<p>Help promote the transformation of traditional production toward profitable, sustainable and low-emission production models through training, technical assistance, improved access to credit and the organization of producers.</p>
	<p>4.1. Promote the organizational development of farmers, cattle ranchers and those involved in forestry occupations into cooperatives, associations, etc. to improve their productivity and access to markets.</p> <p>4.2. Promote successful experiences with wooded pasture systems, agroforestry and forest plantations with a focus on low-emission sustainable production combined with forest conservation.</p> <p>4.3. Promote group technical assistance with a commercial focus and good environmental practices.</p> <p>4.4. Promote credit access mechanisms (e.g. through guarantees, cost reduction and risk aggregation) and condition it to the adoption of conservation measures.</p> <p>4.5. Promote research and development (R&D) applied to the current needs to define adapted and climatically intelligent technologies.</p> <p>4.6. Increase the use of degraded lands through plantations, SAF and natural regeneration management.</p> <p>4.7. Promote the quality and value added of products produced under schemes of zero deforestation or reduction of the carbon footprint (agricultural, livestock and forestry)</p>	
5	<p>Promote investments and the strengthening of forestry and agricultural value chains with a focus on sustainable and low-emission markets that value sustainability and reduced deforestation.</p>	<p>Contribute to the country's productive transformation by promoting investments in sustainable and low-emission agricultural activities and the diversification and intensification of agricultural production with a focus on protecting the natural resources, taking advantage of ecological market niches that</p>

		involve the adoption of sustainable and low-emission production systems.
	<p>5.1 Promote the attracting of private investments and the model of public-private alliances and shared responsibility for sustainable and low-emission productive processes.</p> <p>5.2 Promote the strengthening and linking up of the value chain links of priority categories (cocoa, coffee, beef, milk, lumber and basic grains) focused on different markets but prioritizing green ones.</p> <p>5.3 Promote nexuses to new green markets or those for sustainable products, especially markets for meat from systems with reduced deforestation.</p> <p>5.4 Promote organizational eco-innovation and the organizational development of agricultural and forestry producers (cooperatives, associations, etc.) according to their participation in the links of the different value chains.</p> <p>5.5 Implement market intelligence to identify new inclusive green markets and improve access to commercial information and requirements for markets that emphasize sustainable products.</p> <p>5.6 Foster traceability, certification and responsible purchases of agricultural and forestry production.</p>	
6	Strengthen the initiatives of adaptation to climate change in territories of indigenous and Afro-descendant peoples of the Caribbean Coast and Central North Pacific.	Promote the strengthening of resources, coordination and capacities of the territorial forestry management and government of the original and Afro-descendant peoples.
	<p>6.1 Strengthen the technical and technological capacities of the Regional and Territorial Governments (GTI) and the Council of Indigenous Peoples of the PCN for their improved involvement in the implementation of programmes, projects, plans and actions linked to ENDE REDD+.</p> <p>6.2 Support the strengthening of the community structures, and the creation and strengthening of technical and administrative capacities to assure efficient and responsible governance of the land, forests, waters, fish and biodiversity.</p> <p>6.3 Develop formation programmes on topics related to climate change, co-benefits of the forest, carbon accountability and restitution of rights.</p> <p>6.4 Strengthen institutional capacity and assure the distribution of knowledge for the execution of ENDE REDD+, starting from the territorial reality and rescuing ancestral knowledge.</p>	

5 Scope and objectives of the MGAS

Scope

ENDE-REDD+ will be executed nationally, counteracting the main causes that provoke deforestation and forest degradation and is planned not to cause negative impacts in its implementation. Nonetheless, analyses have been done of the social and environmental risks that could emerge, so this Environmental and Social Management Framework (MGAS) has been designed to help regulate, order and control the projects that are executed in ENDE-REDD+.

MGAS is an instrument for the internal use of MARENA and institutions involved in ENDE-REDD+. It is a standardized instrument to assure good environmental and social practices, taking into account the existing legal and juridical framework in the country and the commitments with the defined safeguards.

General objective

Assure adequate environmental and social management in the different programmes, projects and actions of ENDE-REDD+, including compliance with the national environmental legislation related to the Safeguard Policies of the World Bank and Cancun, establishing the tools and procedures required for it.

Specific Objectives

- Identify the environmental and social norms related to ENDE-REDD+ as a frame of reference and provide the elements to comply with the applicable national environmental and social legislation.
- Identify the risks and establish mitigation measures for them in order to apply the National Avoided Deforestation Strategy.
- Provide the elements to comply with the Environmental and Social Safeguard Policies of the World Bank applicable to ENDE-REDD+.

6 Legal framework linked to ENDE-REDD+

The country has a solid legal framework rooted in the Political Constitution of Nicaragua (Cn.). As a basic norm, the Cn. establishes responsibility for a healthy environment, protection of the natural resources, recognition and protection of the different property regimes, recognition of the communal property of the indigenous and Afro-descendant communities, promotion of sustainable economic development in harmony with Mother Earth, recognition of the use, enjoyment and benefit of the natural resources, ownership by the forest owners and the autonomy of the Autonomous Regions of the Caribbean Coast.

The country's environmental Legal Framework is underpinned by articles 60 and 102 of the Cn. and is a robust legal framework as it has been sustained since 1996 under the principles of Environmental Law mandated in international instruments ratified by Nicaragua and has created special laws that regulate the forest, protected areas, biodiversity, water, land and other issues under the sustainable development focus.

Political Constitution of Nicaragua:⁴ recognizes the importance of the State in environmental protection and of the services provided by the forests and their ecosystems, which represent a juridical strength for the implementation of ENDE-REDD+. The State has a regulatory and normative role, is a guarantor of the application of the laws, decrees, resolutions, ordinances, programmes, policies, public policies and strategies on environmental and forestry issues.

The analysis of the articles of the Political Constitution linked to ENDE-REDD+ is presented in the following chart.

Political Constitution	Constitutional scope
Art.2	Direct participation of the people in national affairs.
Art. 5	Recognition of the original and Afro-descendant peoples, forms of social organization, administration of local affairs, maintenance of their communal forms of property and the enjoyment, use and benefit of the natural resources.
Art. 8	The Nicaraguan people is of a multiethnic nature.
Art. 44	Recognition of the different types of property that must fulfil a social function.
Art. 60	Right to live in a healthy environment.
Art. 89	Right of the peoples of the Caribbean Coast to preserve and develop their identity, recognition of their communal forms, and enjoyment, use and benefit of the waters and forest.
Art. 102	The natural resources are national assets, granting concession contracts for natural resources when the national interest requires it.
Art. 103	The State guarantees the forms of property; legal dominion and possession is not perturbed except in cases in which the laws on the issue permit.
Art. 180	Use, enjoyment and benefits of the natural resources as an inalienable right of the Caribbean Coast Communities.

⁴ Art. 182. The Constitution is the fundamental charter of the Republic and the other laws are subordinated to it. No laws, treaties, decrees, regulations, ordinances or dispositions that oppose or alter its dispositions shall have any value.

Art. 181	Autonomous regime in which the concessions and contracts granted by the State require the approval of the Regional Council.
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Article 60 of the Cn. establishes the fundamental right of all Nicaraguans to live in a safe environment and their obligation to preserve and conserve it. In the recent reform,⁵ elements were incorporated directed “...to the care of Mother Earth as the supreme and universal common good, subject of dignity, which must be loved, cared for and regenerated. Making a call to protect and restore the integrity of the ecosystems, with special concern for the biological diversity and for all natural processes that sustain life. The Nicaraguan nation must adopt production and consumption patterns that guarantee the vitality and integrity of Mother Earth...”

In the Cn. the Nicaraguan State assumes and makes its own the integral text of the Universal Declaration of the Rights of Mother Earth. The Cn. conducts the State to promote productive activities in a sustainable manner, ensuring the vitality and integrity of Mother Earth. In this regard, environmental care is associated with the permanence and sustainable benefits of the natural resources compatible with the development of the country and the needs of its population.

With respect to control of the natural resources, article 102 of the Cn. establishes that “The natural resources are national assets. The preservation of the environment and the conservation, development and rational exploitation of the natural resources correspond to the State; it can grant contracts for the rational exploitation of these resources when the national interest requires it under transparent and public processes....”

ENDE-REDD+ must guarantee what is laid out in article 98 of the Cn.: “The main function of the State in the economy is to achieve the country’s sustainable development, improve the people’s living conditions and realize an increasingly fair distribution of the wealth in the search for good living.” This development must be comprehensive and sustainable to guarantee the interests and individual, social, sectoral and regional needs of the nation. (Art. 99 Cn.).

Synthesis of the Legal Framework

Nicaragua has been transforming its laws since the 1990s, with an orientation to the protection, conservation and sustainable use of the natural resources as assets of the nation. Below is the legal framework related to ENDE-REDD+

⁵ Law No. 854, "Law of Partial Reform of the Political Constitution of the Republic of Nicaragua," approved on January 29, 2014, published in *La Gaceta, Diario Oficial* No. 26 of February 10 of the same year.

Legal framework in effect	
<p>Law 28, Law of the Autonomous Regime of the Caribbean Coast and its regulations, Decree No. 3584. Text of Law No. 28 “Statute of Autonomy of the Regions of the Caribbean Coast of Nicaragua with its incorporated reforms. Law No. 28, approved on July 29, 2016. Published in <i>La Gaceta</i> No. 155 of August 18, 2016.</p>	<p>It establishes the norms and regulations of the Caribbean Coast autonomous region and recognizes the rights and duties corresponding to its inhabitants in conformity with the Political Constitution of Nicaragua.</p>
<p>Law No. 40 and its regulations. Text of Law 40, Law of Municipalities with reforms and incorporations. <i>La Gaceta Diario Oficial</i> No. 06, published January 14, 2013.</p>	<p>The law that regulates the municipality as the basic unit of the country’s political-administrative division, regulates its territory and natural resources in coordination with other authorities, the local affairs of its circumscription, recognizes the existence of the indigenous communities located in its territories, whether legally constituted or de facto, according to the dispositions of the Law of Indigenous Communities of 1914, 1918, Law 445 and other laws.</p>
<p>Law 217, General Law of the Environment and Natural Resources. Approved on March 27, 1996, published in <i>La Gaceta</i> No. 105 of June 6, 1995 and its regulations Decree 9-96. Text with reforms and incorporations published in <i>La Gaceta Diario Oficial</i> No. 20 of January 31, 2014.</p>	<p>General Law of the Environment and Natural Resources has the objective of establishing norms for the conservation, protection, improvement and restoration of the environment and natural resources that make it up, assuring their rational and sustainable use in accord with what is stated in the Political Constitution. Article 18 of Law 217 created the National System of Protected Areas. Nicaragua has been advancing satisfactorily in updating, adjusting and modernizing its laws; in 2004 it considered important reforms to Law 217,⁶ which incorporate the issue of climate change.</p>
<p>Law 274, Basic Law for the Regulation and Control of Pesticides, Toxic, Dangerous and Other Similar Substances, approved on November 5, 1997, published in <i>La Gaceta</i> No. 30 of February 13, 1998, and the regulations</p>	<p>The law establishing the basic norms for the regulation and control of pesticides and toxic, dangerous and other similar substances as well as determining the institutional competency to that effect and ensuring the protection of sustained agricultural activity, human health, the natural</p>

⁶ Text of Law No. 217, "General Law of the Environment and Natural Resources" with its reforms incorporated, published in *La Gaceta, Diario Oficial* No. 20 of January, 31, 2014.

<p>for Law 274, Decree 49-98, approved on June 26, 1998. Published in <i>La Gaceta</i> No. 142, of July 30, 1998.</p>	<p>resources, safety and hygiene of labour and the environment in general to avoid the damage these products could cause due to their improper selection, management and poor use.</p>
<p>Law 290, Law of the Organization, Competence and Procedure of the Executive Branch and Law 929, Law of Reforms and Additions to Law 290. Law No. 929 reforms Law No. 290, Law of the Organization, Competence and Procedure of the Executive Branch and Law 462 on conservation, fostering and sustainable development of the forestry sector, published in <i>La Gaceta Diario Oficial</i> No. 97, of May 25, 2016.</p>	<p>It determines the organization, competence and procedures of the Executive Branch (MARENA, MAG, INAFOR, MEFFCA, etc.).</p>
<p>Law 445, Law of the Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Caribbean Coast of Nicaragua and of the Bocay, Coco and Indio Maíz Rivers. Published in <i>La Gaceta</i> No. 16 of January 23, 2003.</p>	<p>Regulates the communal property regime of the lands of the indigenous peoples and ethnic communities of the Caribbean Coast and the basins of the Coco, Bocay and Indio Maíz rivers.</p>
<p>Law 462, Law of the Conservation, Fostering and Sustainable Management of the Forestry Sector and its reforms. Approved June 26, 2003, published in <i>La Gaceta, Diario Oficial</i> No. 168 of September 4, 2003. Law with substantial reforms contained in Law 929, <i>La Gaceta, Diario Oficial</i> No. 97 of May 25, 2016.</p>	<p>Since 2003 the country has had a modern legal forestry framework whose objective is to regulate and promote the conservation, fostering and sustainable development of the forestry sector through Law 462,⁷ taking as a fundamental base the forestry management of the natural forest, the fostering of plantations and the protection, conservation and restoration of forested areas. Law 462 stresses the importance of improving the standard of living of the population through forest management and giving participation to the municipal governments and civil society to oversee the conservation of the resource, assuring the multiple benefits in goods and services produced by forests. In relation to ownership of the land and its diverse forms of tenure, Law 462 expressly defines that the</p>

⁷ Law 462, Law of Conservation, Fostering and Sustainable Development of the Forestry Sector, approved on June 26, 2003, published in *La Gaceta, Diario Oficial* No. 168 of September 4, 2003.

	owner of the soil has dominion over the forest cover existing above it, and of the benefits derived from it, being responsible for managing it in accord with the law and its regulations
Ley 475, Law of Citizen Participation. Approved on October 22, 2003. Published in <i>La Gaceta</i> No. 241 of December 19, 2003.	The objective of the law is to promote the full exercise of citizenship in the political, social, economic and cultural spheres through the creation and operation of institutional mechanisms that permit fluid interaction between the State and Nicaraguan society, contributing with that to the strengthening of liberty and participatory and representative democracy established in the Political Constitution of Nicaragua.
Law 757, Law of dignified and equitable treatment of Indigenous and Afro-descendant Peoples. Approved on March 2, 2011. Published in <i>La Gaceta</i> No. 96 of May 26, 2011.	Its objective is to regulate and ensure the fair and egalitarian treatment of the Indigenous and Afro-descendant Peoples of the Caribbean Coast and Upper Wangki of Nicaragua, as well as of the indigenous peoples of the Central and North Pacific of Nicaragua with respect to opportunities and access to work in the public and private sector and nongovernmental organizations with all the rights, guarantees and benefits established in the labour laws, international conventions signed and ratified by Nicaragua, and other related dispositions.
Law 765, Law of Promoting Agro-ecological or Organic Production. Published in <i>La Gaceta, Diario Oficial</i> , No. 124 of July 5, 2011, and its regulations.	This is a law aimed at production under three major dimensions: social, economic and environmental. Its objective is to foster development of agro-ecological or organic production systems through the regulation, promotion and push to production activities, practices and processes with environmental, economic, social and cultural sustainability that contribute to the restoration and conservation of the ecosystems and agro-ecosystems, as well as sustainable land management.
Law 805, Law of Conservation and Sustainable Use of the Biological Diversity, October 19, 2012.	Its objective is to regulate the conservation and sustainable use of the existing biological diversity in the country, ensuring equitable participation and fair distribution of the benefits derived from its use with special attention to the indigenous and Afro-descendant communities and respect for and recognition of intellectual property rights, and the

	<p>traditional and customary use forms of the local communities.</p>
<p>Decree 01-2007, Regulation of the Protected Areas of Nicaragua, approved on January 8, 2007. Published in <i>La Gaceta</i> No. 08 of January 11, 2007.</p>	<p>Nicaragua has a National System of Protected Areas (SINAP), whose purpose is to protect the country's natural resources; preserve natural ecosystems representative of the country's diverse biogeographical and ecological regions; protect hydrographic basins, aquifers, samples of biotic communities, genetic resources and the genetic diversity of wildlife flora and fauna; protect natural landscapes and the surroundings of historic archaeological and artistic monuments; promote local sustainable development promoting the implementation of clean processes and technologies for the improvement and rational and sustainable use of the natural and potential ecosystems and systemically strengthen the environmental services that the protected areas provide for the benefit of the area's inhabitants, the national economy and sustainable development.</p> <p>SINAP produces various environmental services: carbon capture, water and soil protection, connectivity and conservation of biodiversity.</p>
<p>Decree 76-2006, Environmental Evaluation System, approved December 19, 2006. Published in <i>La Gaceta</i> No. 248 of December 22, 2006.</p>	<p>The objective of Decree 76-2006 is to establish the dispositions that regulate the Evaluation System, which is made up of the Strategic Environmental Evaluation and the Environmental Evaluation of Works, Projects, Industries and Activities.</p> <p>Environmental Evaluation is used as an instrument for preventive management with the aim of identifying and mitigating possible environmental impacts of plans, programmes, works, projects, industries and activities in conformity with the decree, and includes the preparation of studies, holding of public consultations and access to public information for decision-making that concludes with the authorization and/or denial by the competent authority (MARENA, SERENA and municipal governments).</p>
<p>Law 759, Law of Traditional Medicine, approved March 29, 2011 and published in <i>La Gaceta, Diario Oficial</i>, No. 123 of July 4, 2011, and its Regulation, Decree</p>	<p>It recognizes, respects, promotes and protects the practices and knowledge related to traditional medicine. It also seeks to protect the knowledge of collective intellectual property. It protects and</p>

No. 25-2014, published in <i>La Gaceta, Diario Oficial</i> , No. 85 of May 12, 2014.	promotes the use of natural medicines based on plant, animal and mineral derivatives or any combination of them, in conditions of quality, safety, accessibility and responsibility.
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International treaties

Nicaragua has assumed regional and international commitments by adopting and implementing a series of administrative, legislative and political adjustments aimed at dealing with the phenomenon of climate change under three major principles: precaution, common but differentiated responsibilities and sustainable development in its three pillars (social, environmental and economic).

The international treaties and conventions that have been adopted and ratified on the issues of the environment and sustainable development are diverse: forests, biodiversity, climate change, anti-desertification, indigenous peoples, protection of the ozone layer and control of dangerous substances, among others. All of them, in accord with our Cn., are part of our national legislation.

With respect to the issue of climate change, the country has stood out since 1993 in its approval and ratification of the Regional Convention on Climate Change. That agreement commits the Central American countries to establish regional economic integration and cooperation mechanisms for the rational use of the environment so as to protect the climatic system for the benefit of the present and future generations. The Convention establishes that the States, in accord with their capacities, will implement national programmes and take measures to assure the conservation of the climate within and outside of their jurisdiction.

Below is a presentation of the Treaties, Conventions and Declarations ratified by Nicaragua that are relevant to the implementation of ENDE-REDD+:

Universal Declaration of the Common Good of the Earth and Humanity	The Universal Declaration of the Common Good of the Earth and Humanity is part of our Political Constitution of Nicaragua. The declaratory section stresses that “the climates belong to the Common Good of Mother Earth and of Humanity because they are the essential condition of the maintenance of life and climate changes must be treated globally and with a shared responsibility.”
United Nations Framework Convention on Climate Change (UNFCCC).	Nicaragua signed and ratified the United Nations Framework Convention on Climate Change (UNFCCC), the objective of which is to “achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that

	<p>would prevent dangerous anthropogenic interference with the climate system.” (UN, 1992, Article 2). Nicaragua recognizes the importance of directing actions aimed at actively and concertedly participating in the international community’s efforts to ensure stability in the world’s climate.</p>
<p>Kyoto Protocol, approved by the National Assembly via Legislative Decree No. 2295, July 1, 1999, published in <i>La Gaceta, Diario Oficial</i>, No. 133, of July 13, 1999.</p>	<p>The Protocol constitutes a historic first step to control greenhouse effect gases, offering a basic framework of action in the struggle against climate change. The protocol obliges many industrialized countries to implement the policies and institutions needed to reduce emissions, although its impact on the rising tendency of emissions has been very limited.</p> <p>In 2014, Nicaragua noted that “what we need is a legally binding instrument that recognizes the different degrees of development, as well as responsibility and differentiation with respect to who causes and who is suffering the consequences of this phenomenon. This agreement contains obligatory commitments to reduce greenhouse gas emissions and also financial commitments, technology transfer and the strengthening of the capacities of the developing countries.”</p>
<p>Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p>	<p>Nicaragua has signed and adopted CITES, assuming the commitments to see to it that the international trade in wild animal and plant specimens does not constitute a threat to their survival. Law 217 establishes an annual off-season that seeks to ensure the protection of endangered species at risk of extinction.</p>
<p>RAMSAR.</p>	<p>Inter-governmental treaty that offers the framework for the conservation and rational use of wetlands and their resources.</p>
<p>Convention 169 “Indigenous and Tribal Peoples Convention”</p>	<p>ILO Convention 169 was ratified by Nicaragua in 2010. It is the only binding international instrument that specifically addresses the rights of indigenous peoples.</p>
<p>UN Declaration on the Rights of Indigenous Peoples.</p>	<p>Another instrument ratified by Nicaragua is the UN Declaration on the Rights of Indigenous peoples, which, though it does not have the status of a convention or treaty, i.e. does not involve binding or obligatory compliance by its signatories, the</p>

	National Assembly assumed in 2010 the commitment to promote actions that take up the juridical premises of that Declaration to adjust the national normative frameworks to it.
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	The International Convention on the Elimination of All Forms of Racial Discrimination was approved by the UN General Assembly in 1965 and went into effect in 1969. This Convention is based on the principle of dignity and equality of all human beings, and that all have the same human rights and fundamental liberties, without distinction for reasons of race, language, sex, religion or nationality
Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).	International juridical instrument approved by the States that commits them to a serious of obligations regarding women. Nicaragua ratified the CEDAW agreements on September 3, 1981.
Protocol of Montreal.	International agreement that limits, controls and regulates the production, consumption and trade in substances that despoil the ozone layer.
Stockholm Convention on Persistent Organic Pollutants.	The Stockholm Convention was created to protect human health and the environment against the damages caused by COPs. It was signed by Nicaragua in May 2001 and ratified in July 2005.
Sustainable Development Goals (SDG).	The SDGs are an inclusive agenda with defined goals for 2010. They address the fundamental causes of poverty and unite to achieve a positive change on behalf of persons and the planet.

6.1 Legislation for Indigenous and Afro-descendant Peoples

Political Constitution of Nicaragua: In 1986, when a new Political Constitution was promulgated, the State of Nicaragua first recognized the multiethnic nature of the country, the existence of Original and Afro-descendant Peoples and their right to maintain and develop their own identity, culture and organization. It also recognized their right to communal ownership of the land and established the Autonomy regime for the Caribbean Coast,⁸ recognizing the full rights of the indigenous and Afro-descendant peoples of the

⁸ Original and Afro-descendant Peoples of Nicaragua.

Caribbean Coast to the ownership, use and administration of their natural resources and management of their communal lands under their different forms. These rights are consigned in the Political Constitution of Nicaragua.⁹

Law 28 of Autonomy of the Regions of the Atlantic Coast of Nicaragua: Known as Autonomy Regime. It establishes their effective participation in the development affairs of the region to harmonize them with the interests of the Caribbean Coast Communities.

Article 8, point 4, says: “Promote the rational use, enjoyment and benefit of the waters, communal lands and defence of their ecological system” and point 5 says “The study, fostering, development, preservation and dissemination of the traditional cultures of the Atlantic Coast Communities, as well as their historical, artistic, linguistic and cultural heritage must be promoted.”

The governance platform of the indigenous territories is regulated by a very solid structure of traditional communal authorities who play a transcendental role in administering the natural resources in general. In 2001, with approval of Law 445.

Ley No. 445, Law of Communal Property Regime: It refers to the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua (today called Autonomous Regions of the Caribbean Coast) and of the Bocay, Coco, Indio and Maíz Rivers. Published in *La Gaceta* No. 16 of January 23, 2003. It guarantees the indigenous peoples and ethnic communities full recognition of the rights of communal property; the use, administration and management of the traditional lands and their natural resources via their demarcation and titling; regulates the rights of communal ownership, use and administration of the natural resources on the communal lands; and determines the legal procedures necessary for that recognition.¹⁰

Taking into account the full participation through their traditional leaders, it establishes the basic principles of the administrative regime in the management of their communal territories; it establishes the norms and procedures for the demarcation and titling process over the communal property right and defines the institutional order that will governing the titling process for the communal lands of each of the different indigenous peoples and ethnic communities that are the object of this law.

The National Demarcation and Titling Commission (CONADETI) as of 2016 has titled 23 indigenous and Afro-descendant territories covering an area of 37,252.91 sq km, which represents approximately 54.7% of the Caribbean Coast and is equivalent to 31% of the national territory.

Law No. 162, official use of the languages of the Caribbean Coast communities of **Nicaragua:** It establishes that they have the right to the preservation of their languages.

⁹ Political Constitution of Nicaragua, Articles 5, 79 and 180.

¹⁰ Art. 2 of Law 445.

The State of Nicaragua will establish special programmes for the exercise of this right and will provide the resources necessary for them to function well.

Law 759 on traditional medicine: It seeks recognition of the right to, respect for, and protection and promotion of practices and expressions of ancestral traditional medicine of the indigenous and Afro-descendant peoples in all their specialties and the individual and collective exercise of them on behalf of their own and intercultural health. Their effective application and development correspond to the State. Therefore, ENDE-REDD+ must assure access to their traditional medicinal resources by the indigenous and Afro-descendant peoples.

Convention 169: This convention is based on recognition of the aspirations of the indigenous and tribal peoples to take control of their own institutions, forms of life and economic development, and to maintain and strengthen their identities, languages and religions within the framework of the States in which they live. To comply with this Convention two essential elements must be taken into account: the first of them is free, prior and Informed Consent (FPIC), which means that a community cannot reflect and make decisions on a specific topic if it lacks sufficient information, which must be clear, objective, true and sufficient, and the consent must be free of any pressure. The second element is the sphere of the consultation, which must be previously agreed to with the community and defined whether it is at the level of organizations or a plebiscite with the general community, which will obviously depend on the impact, sector and dimension of the activity to be developed. The transcendental aspect of this right is that it respects the community's decision of who can freely accept or reject any proposal based on whether or not it is considered suitable.

The execution of ENDE-REDD+ must be based on respect for the organization of the original peoples, who have traditional leadership through their Communal Assemblies, Councils of Elders, Community Boards of Directors, *Síndicos* (community representatives in charge of natural resources), *Wihatas* (Communal Judges), Territorial Governments and others in charge of representing their territories for decision-making on issues that involve their lands and natural resources.

See more details on Indigenous Peoples in the Framework of Indigenous and Afro-descendant Peoples Planning incorporated into this MGAS.

7 Institutional Framework

The ENDE-REDD+, as a public policy framework for the reduction of greenhouse gas emissions, forest degradation and deforestation, is underpinned by the guiding principles of human development and proposes the establishment of institutional and inter-sectoral mechanisms that ensure the sustainability of the strategy with the active participation and commitment of the diverse stakeholders, as well as access to the benefits derived from the ecosystemic, economic and social goods and services of REDD+.

To assure the implementation of the Environmental and Social Management Framework, its institutional framework has been defined, taking as a base the framework of governance and its relationship with the process of restituting the rights of the original and Afro-descendant peoples. Compliance with the Environmental and Social Management Framework (MGAS) will be the responsibility of the institutions involved in the ENDE-REDD+ listed below.

Institutions involved

The Ministry of the Environment and Natural Resources (MARENA) is the national lead authority of the country's environmental policy,¹¹ administers the National System of Protected Areas (SINAP), the National System of Environmental Information (SINIA) and the Environmental Evaluation System; regulates and authorizes the sustainable use of agricultural and forest soils in the country and is responsible for sanctioning natural or juridical persons for damage to the environment through an administrative procedure.

Inter-institutional coordinations:

- The Environmental Evaluation System is decentralized in the Caribbean Coast Autonomous Regions and is the responsibility of the Secretariat of Natural Resources (SERENA) of each autonomous region, which coordinates with MARENA.
- Coordination with the Agricultural Ministry and with the National Forestry Institute in sectoral planning and sustainable use policies for agricultural, livestock and forest soils throughout the national territory.
- Coordination with the authorities of the Attorney General's Office, Prosecutor General's Office, National Police and Army of Nicaragua for the protection, surveillance and control of protected areas.

In the framework of the implementation of the national ENDE-REDD+ programme, MARENA will be responsible for:

- Executing the National ENDE-REDD+ Programme;
- The National Forest Monitoring System, which will process and provide information on national indicators of forests, non-carbon benefits (Hydric Resources, Biodiversity and Food Security) and Information on Safeguards validated by the ENDE-REDD+ Programme.
- Generating and monitoring information related to the biodiversity, ecosystem (protected areas), species, GHG emissions, points of heat and soil uses.
- Making official the data on deforestation and recovery of forest at a national level.
- Quantifying the amount of emissions and/or absorptions through annual recovery or loss of forest cover.

¹¹ Law 290, Law of the Organization, Competency and Procedure of the Executive Branch.

The **National Forestry Institute (INAFOR)**:¹² It is the national authority that formulates forestry policy and norms; supervises the forestry fostering programmes; reports on the forestry sector; surveils, regulates and controls the sustainable use of the nation's forestry resources, exercising faculties of inspection and issuing measures, corrections and sanctions. INAFOR is responsible for the administrative processes to sanction natural or juridical persons that infringe on the forestry laws and regulations outside of protected areas. The surveillance and control is done through coordination with other authorities (municipal governments, SERENA, MARENA, National Police and the Army).

In the framework of the implementation of the national ENDE-REDD+ programme, INAFOR will be responsible for:

- National Forestry Inventory, which will be administered by INAFOR through the Division of National Forestry Inventories, an entity responsible for providing information about the state of the forests and the biomass. The data generated will permit the calculation and updating of the national emission factors.
- Promoting reforestation programmes.

The Nicaraguan Institute of Territorial Studies (INETER):¹³ It is the institution in charge of the investigation, inventory and evaluation of the country's physical resources, executing the territorial planning studies, regulating and conducting the cartographic and geodesic works; and regulating, operating, updating and executing the national physical cadastre.

In the framework of the implementation of the national ENDE-REDD+ programme, INETER will be responsible for:

- Administering the land use, forest cover and production monitoring system: it is administered by INETER which will provide the geospatial data and information called "Activity data."
- Quantifying the amount of emissions and/or absorptions by livestock or loss of forest cover annually through the application of the IPCC guides.
- Making the national deforestation and recovery data official.

Agricultural Ministry (MAG): Among its faculties are: formulating agricultural development policies, plans and strategies. It formulates and proposes the delimitation of the zones, areas and limits of agricultural development. It formulates proposals and coordinates with the Ministry of the Environment and Natural Resources on the ecological system protection programmes with emphasis on soil and water conservation.

¹² Law of Partial Reform to Law No 290, Law of Organization, Competency and Procedures of the Executive Branch, to Law 462, Law of Conservation, Promotion and Sustainable Development of the Forest Sector. *La Gaceta, Diario Oficial*, No. 87 of May 11, 2017.

¹³ Law 311, Organizational Law of INETER. *La Gaceta, Diario Oficial*, No. 143 of July 28, 1999.

In the framework of the implementation of the national ENDE-REDD+ programme, the MAG will be responsible for:

- Preparing all the SNMRV protocols in coordination with the other institutions.
- Drafting production protocols with an environmental focus for the categories related to ENDE-REDD+.

Ministry of Family, Community, Cooperative and Associative Economy (MEFCCA): it promotes and develops the rural and urban family economy through socio-productive plans, programmes and strategies (food security, tourism, gastronomy, handicrafts and family agricultural production), provides technical accompaniment, promotes the use of easily-implemented agro-industrialization technologies and processes, small businesses and participants in socio-productive programmes and accompanies the Secretariat of the Caribbean Coast and government authority in the Nicaraguan Caribbean Coast development plans in the indigenous, mestizo and Afro-descendant territories, with preservation of their particularities, traditions and culture.

In the framework of the implementation of the national ENDE-REDD+ programme, the MEFCCA will be responsible for:

- Developing productive projects that give value to the forest and ensure good environmental practices.
- Supporting the agro-ecological transformation of traditional farms for their adaptation to climate change.

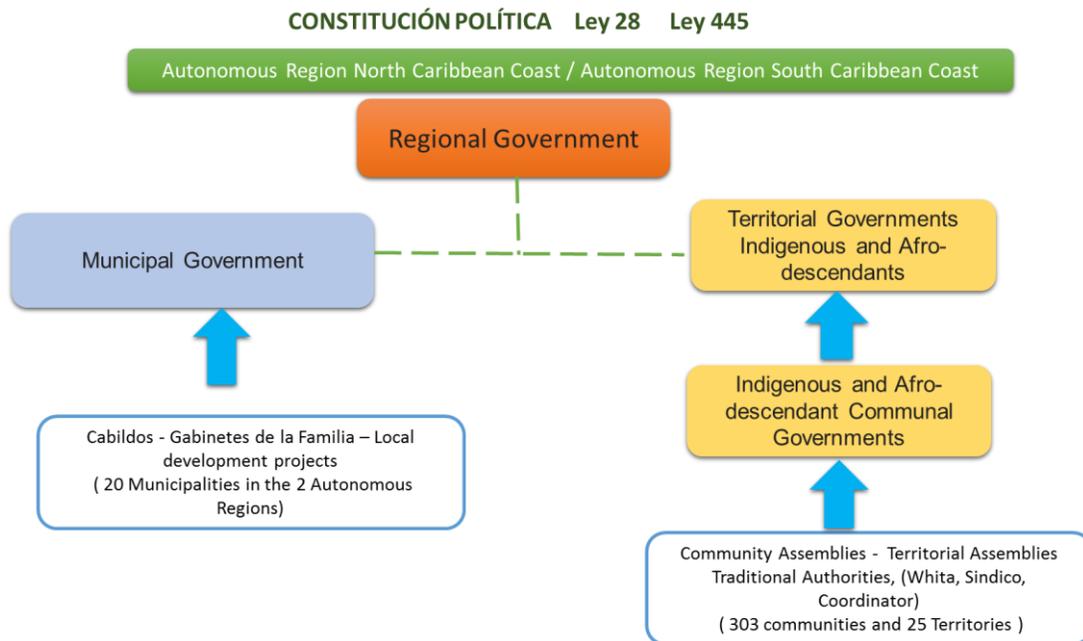
Ministry of the Treasury and Public Credit (MHCP): It administers public finances; defines supervises and controls the Tax Policy; formulates policies, norms and procedures for the budget preparation, programming and execution; consolidates and proposes the General Budget Bill to the President of the Republic; administers the State Public Investment Record (RIPE); and organizes and supervises the transfers and disbursements of current and capital financial resources.

In the framework of the implementation of the national ENDE-REDD+ programme, the MHCP will be responsible for:

- Identifying the financial instruments that will be used in the programme.
- Identifying sources of financing linked to sustainable development.
- Assuring the transfers of the payments by result.

The Autonomous Governments of the Caribbean Coast: In relation to governance, in the Autonomous Regions of the Caribbean Coast (RACC) a system of administration coexists, under the following levels: Autonomous Regional Governments, Municipal Governments, Territorial Governments and Communal Governments, as shown in Figure 2.

Figure 2. Scheme of administration of the Autonomous Regions of the Caribbean Coast



The regional government has among its powers to participate effectively in the elaboration and execution of development plans and programs in its region, as well as to manage, promote the rational use, enjoyment and enjoyment of waters, forests, communal lands and the defense of its ecological system.

The Regional Councils issue resolutions and ordinances on the issues of their competency in the region; participate in the planning, implementation and follow-up of the economic, social and cultural policies and programmes that affect their region; approve through resolution the exploitation of the natural resources in the region, and have a Secretariat of Natural Resources (SERENA) that oversees the sustainable management of the national resources in each region and administers the National Environmental Evaluation System.

The Regional Coordination has the region's executive functions, among them representing the region, organizing and directing the executive activities of the region, complying with and enforcing the policies, directives and dispositions of the Executive Branch and of others that the laws mandate to them.

In the framework of the implementation of the national ENDE-REDD+ programme, the Autonomous Governments of the Caribbean Coast are responsible for implementing ENDE-REDD+ in coordination with the central level.

Territorial and Communal Authorities: According to Law 445, they are the representation with administrative and traditional government bodies that represent the communities that elect them according to their customs and traditions. The territorial authorities or Indigenous Territorial Governments (GTI) are administrative bodies of the territorial unit that they legally represent. For governance, the GTIs have Ecological Statutes and Norms that help regulate and administer the resources. Inside the communities, the maximum authority is the Communal Assembly, which elects the *Sindico* and *Whita*, who are

designated to administer the natural resources. In addition, pastors, teachers, nurses and midwives are figures who are generally consulted by the communities on issues of communal management.

The GTI structure is in charge of representing a set of communities. Its board of directors is made up of delegates for decision-making in the affairs that involve their lands and natural resources and they are involved in implementing the ENDE REDD+.

The implantation of the ENDE must be based on recognition of and respect for the organization of the autonomy regime and of the original peoples, who have their own traditional leadership. The structure of territorial power starts with the Communal Assembly, which may be advised or counselled by the Council of Elders and has a Communal Board of Directors. Within that board are two very important figures related to the management or administration of the community's resources, which are the *Síndico* and the communal judge, or *Wihta*.¹⁴

The Municipal Governments: they have competence in all affairs that affect the socioeconomic development and the conservation of the environment and natural resources of their territorial circumscription. They have the duty and right to resolve, under their responsibility, the provision and management of all affairs of the local community within the framework of the Political Constitution and other laws of the Nation. The economic resources for the exercise of these competencies will originate in their own income and in those transferred by the Government, through the transfer of either taxes or financial resources.

8 Dialogue Scheme for ENDE-REDD+

ENDE-REDD+ is being designed via an inclusive participation and consensus process both by the variety of stakeholders and by the structure of the platform of governance used. In that process, the authorities of the national and sub-national governments discussed and defined three working groups to implement the dialogue, consultation and consensus. This platform of governance permits the participation of different institutions of the governmental sector, environmental organizations, producers, rural communities, and indigenous and Afro-descendant peoples.

Working Group I: it has a strategic political role in the decision-making processes at the highest level. It is where the political changes and guidelines needed to correct the effects on the environment and forests are made. It is the communication channel with the Presidency of the Republic and the Cabinet of Production, Consumption and Trade. It is made up of the heads of the governmental institutions linked to the issue of climate change

¹⁴ *Wihtas* in the Miskito language and *Wistah* in the Mayangna language.

and forest: Ministry of Environment and Natural Resources (MARENA); Agricultural Ministry (MAG).

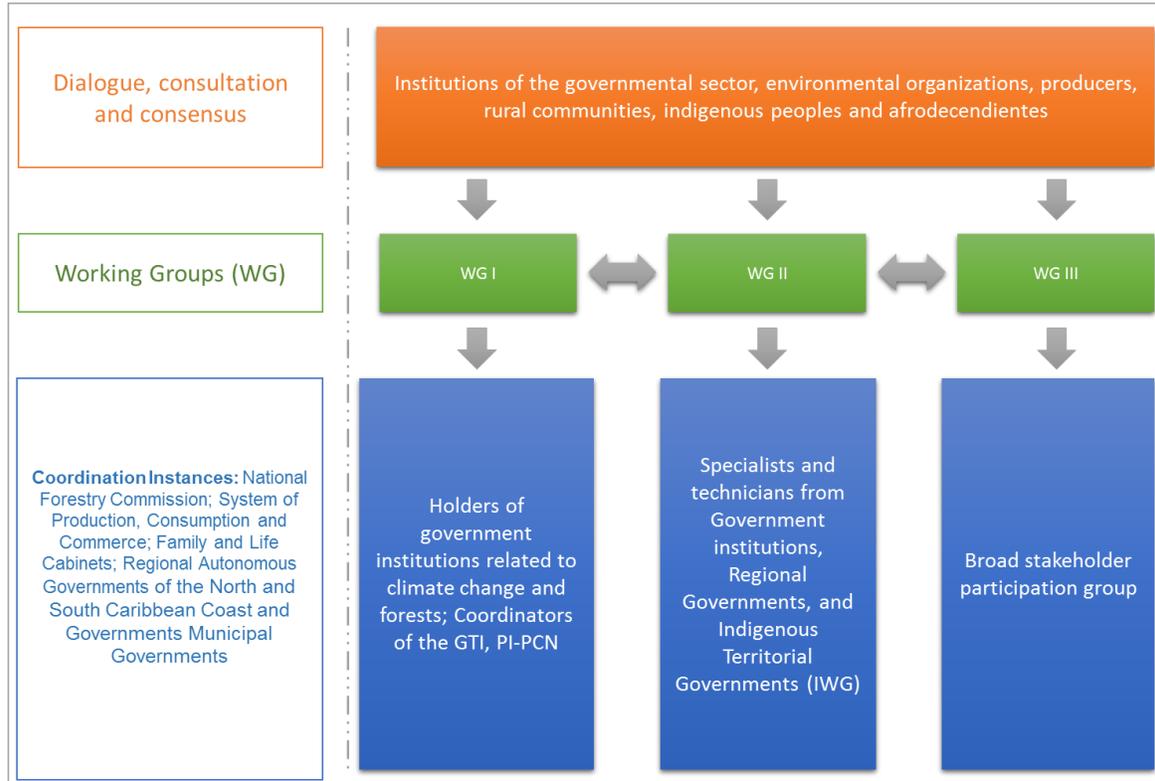
Ministry of Family, Community, Cooperative and Associative Economy (MEFCCA), Ministry of the Treasury and Public Credit (MHCP), National Forestry Institute (INAFOR), Nicaraguan Institute of Territorial Studies (INETER), North Caribbean Coast Autonomous Regional Government (GRACCN), South Caribbean Coast Autonomous Regional Government (GRACCS), representatives of the Indigenous Territorial Governments (GTI), representative of the Council of Indigenous Peoples of the Central and North Pacific (PI-PCN), Secretariat of Development of the Caribbean Coast (SDCC) and the Secretariat of National Public Policies (SPPN).

Working Group II: it has the role of promoting the entire technical planning process that permits fulfilment of the outlined objectives and goals of ENDE-EDD+, and it plays an important coordinating role between the strategic political aspect and the implementation and dialogue with the other actors. It develops the field activities and collects the needs, concerns and issues of the different related social and productive sectors through the dialogue and consultation exercises. It is made up of officials of the government institutions in charge of designing and implementing forest and climate change policies as well as doing research, promoting technological innovation and administering the computer nodes related to SINIA. Officials of the regional and territorial governments, representatives of indigenous and Afro-descendant peoples of the RACCN-RACCS, as well as of PI-PCN; municipal governments, environmental organizations, universities, producer associations and women organized around the issue of climate change and forestry issues are also part of it.

The list of government institutions noted in working groups I and II will be expanded insofar as the actions require the intervention of institutions such as INTA, IPSA, MIFIC and others.

Working Group III: it is an ample entity of dialogue and consultation called by regional and central government authorities to inform, consult and take contributions of different participants on the issue, among them peasant farmers; producers; youths and women; the Cabinets of the Family, Community and Life; and the general population.

Figure 3. Working Groups of the ENDE-REDD + Program



9 Safeguards and ENDE-REDD+

The GRUN development model is Christian, socialist and supportive. It has a high priority of economic growth, which has the human being as the center of the model and drives it in harmony with Mother Earth, establishes a model of Dialogue, Alliance And Consensus, which allows the construction and implementation of the ENDE-REDD + Strategy with the participation of indigenous and Afro-descendant peoples, business sector, productive sector, universities, environmental organizations, women, youth and different governmental institutions in a model of faith, Family and community to ensure the common good and care for Mother Earth.

Both the UNFCCC¹⁵ and the World Bank have defined social and environmental conditions or criteria, known as Safeguards, that must be taken into account to prevent or mitigate direct or indirect negative impacts on ecosystems and the communities that inhabit them, during the processes of implementing strategies related to the international REDD+

¹⁵ United Nations Framework Convention on Climate Change.

initiative, a process in which Nicaragua is enrolled, to reduce greenhouse gas emissions due to deforestation and forest degradation.

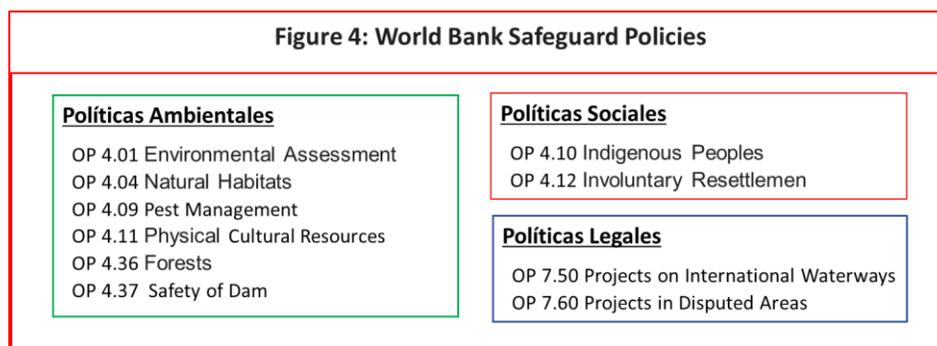
The safeguards are social and environmental conditions or criteria that, based on the implantation of the legal framework, favour attention to, participation in and improvement of the conditions of specific vulnerable groups as well as protection of the environment, seeking to ensure that the social and environmental issues are taken into account in a decision-making process for the purpose of identifying, evaluating, avoiding, minimizing or mitigating adverse impacts. Their objective is to prevent or mitigate direct and indirect negative impacts in the ecosystems and the communities that inhabit them.

The safeguards determined by the UNFCCC are known as REDD+ Safeguards or Cancun Agreement (Appendix I of the 1/CP.16 decision). These safeguards refer to the measures that are already regulated by the dispositions of the diverse international instruments, and constitute an international framework of environmental, social and governance principles under which any activity related to REDD+ must be implemented.

The Cancun Agreements require all REDD+ activities to be implemented “in accord” with the REDD+ safeguards, which are:

- a) Complementarity or compatibility of the measures with the objectives of the national forestry programmes and international conventions and agreements on the issue;
- b) Transparency and efficacy of the national forestry governments, taking into account the national legislation and sovereignty;
- c) Respect for the knowledge and rights of indigenous peoples and members of the local communities, taking into consideration the pertinent international obligations and circumstances and the national legislation, keeping in mind that the United Nations General Assembly has approved the United Nations Declaration on the Rights of Indigenous Peoples;
- d) The full and effective participation of the interested parties, in particular that of the indigenous peoples and local communities.
- e) Compatibility of the measures with the conservation of the natural forests and biological diversity, ensuring that they are not used for the conversion of the natural forests, but rather serve as an incentive to protect and conserve those forests and the services derived from their ecosystems and to buttress other social and environmental benefits;
- f) Actions to deal with the risks of reversal;
- g) Actions to reduce the displacement of emissions.

For its part, the World Bank has 10 safeguards or operational policies divided into environmental and social themes and those related to the legal issue. It also has a public outreach policy, which is crosscutting and is applied in all policies.



The World Bank safeguards were analysed and it was determined that seven of them apply to ENDE-REDD+, which are also supported by the country’s legal and regulatory framework. This set of safeguards was related, as seen in the chart below.

Chart 1: World Bank Safeguard Policies activated by ENDE-REDD+

OP	Safeguards	Activated
4.01	Environmental Evaluation	Yes
4.04	Natural habitats	Yes
4.09	Pest management	Yes
4.10	Indigenous peoples	Yes
4.11	Physical-cultural resources	Yes
4.12	Involuntary resettlement	Yes
4.36	Forests	Yes
4.37	Security of dams	No
7.50	Projects in international waterways	No
7.60	Projects in conflict zones	No

To ensure adequate social and environmental management in ENDE-REDD+, the Safeguards noted above were analysed, and given that MARENA has the support of the FCPF and the World Bank, the national regulatory framework and international commitments were related, which permitted application of the operational policies.

Foreseeing the potential incorporation of diverse financing agencies in the implementation of ENDE-REDD+, each with its distinct policies and procedures, the FCPF has envisaged developing a common framework that ensures consistency with the World Bank safeguards. Under the FCPF’s Common Approach to Social and Environmental Safeguards for Multiple Delivery Partners, they are substantially equivalent to the World Bank safeguards. The common approach provides them a common platform for managing the risks and ensuring quality in the process of preparing the REDD+ initiative.

In that framework, Nicaragua has prepared itself for compliance with the Common Approach to the application of the FCPF’s environmental and social safeguards. It is doing so by preparing the application of the following four instruments:

- Implementation of a strategic social and environmental evaluation and preparation of an Environmental and Social Management Framework.
- Preparation of principles for effective involvement of the stakeholders.
- Communication Strategy.
- Feedback Mechanism or Strengthening of the Communication for ENDE-REDD+ (Accountability and complaint mechanisms)

National Legislation associated with the operational policies of the World Bank

The links between the Cancun Safeguards, those of the World Bank and Nicaragua’s Legal Framework have been identified For ENDE-REDD+. Chart 2 below details this relationship:

Chart 2: Linkage of the UNFCCC Safeguards, those of the World Bank and Nicaragua’s legal framework.				
Cancun Safeguards	World Bank Safeguards activated for ENDE-REDD+		Links with Nicaraguan juridical and political instruments	Links with recognized international juridical instruments
	OP	Safeguards		
a, f, g	4.01	Environmental evaluation	Law 217 General Law of the Environment and Natural Resources, Decree 76-2006. Environmental Evaluation System in Nicaragua	Sustainable Development Goals (SDG). Montreal Protocol.
b, d, g	4.04	Natural habitats	Law 217, General Law of the Environment and Natural Resources, Decree 01-2007, Regulation on Protected Areas of Nicaragua, Law 462, Law of Conservation, Promotion and Sustainable Development of the Forestry Sector. Law 807, Law of Conservation and Sustainable Use of the Biological Diversity.	CITES, RAMSAR, Decree of Habitat creation. Sustainable Development Goals (SDG). UNFCCC Forests Forum

	4.09	Pest Management	Law 765, Law to Promote Agro-ecological or Organic Agriculture, NTON 11037-12	Stockholm Convention for management contaminants
c, d	4.10	Indigenous peoples	Law 28 and Law 445, Laws No. 40 and 261, Reforms and incorporations to Law No. 40, "Municipalities Law".	Convention 169 Convention of Indigenous Peoples International Convention on the Elimination of All forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Convention on Biological Diversity.
C	4.11	Physical cultural resources	Law 445, - Law of Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Coco, Indio and Maíz Rivers. Law 28, Autonomy Statute of the Caribbean Coast Regions Nicaragua, Decree 1142 of the Law of the Cultural Wealth of the Nation. Law 759, Law of Ancestral Traditional Medicine. Law 217 (Article 18) Law 272 Law of the Electricity Industry	The United Nations Declaration on the Rights of Indigenous Peoples.

C	4.12	Involuntary Resettlement	<p>Political Constitution of Nicaragua.</p> <p>Ley 28. Autonomy Statute of the Caribbean Coast Regions of Nicaragua</p> <p>Law 445 – Law of Communal Property Regime of the Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and the Coco, Indio and Maíz Rivers.</p> <p>Law 217, General Law of the Environment and Natural Resources.</p> <p>Decree 01-2007, Regulation of Protected Areas of Nicaragua.</p> <p>Law 309, of Regulating Ordering and Titling of Spontaneous Human Settlements.</p> <p>Law 475, on citizen participation.</p>	<p>The Universal Declaration of Human Rights (Articles 17, 22, 25).</p> <p>The American Declaration of Rights and Duties of Man</p> <p>The United Nations International Pact of Economic, Social and Cultural Rights, 1976</p> <p>The International pact of Civil and Political Rights</p> <p>The Organization of American States’ American Convention of Human Rights.</p> <p>ILO Convention 169</p> <p>The United Nations Declaration on the Rights of Indigenous Peoples.</p>
a, b, c, d, e, f	4.36	Forests	<p>Law 462, Law 462, Law of Conservation, Promotion and Sustainable Development of the Forestry Sector. Law 217 General Law of the Environment and Natural Resources</p>	<p>UNFCCC Forests Forum Sustainable Development Goals (ODS)</p>

10 Strategic lines and their relationship with the activated safeguards

To define the framework that will guide good environmental and social management in implementing ENDE-REDD+, the relationship of the activated safeguards has been effected with the strategic lines as observed in the following chart:

	Strategic Lines	Safeguards
1	Strengthen the awareness-building, education, communication and promotion of values and information related to the protection of Mother Earth that take into account the territorial identity and worldview of original and Afro-descendant peoples.	Environmental evaluation OP 4.01 Indigenous Peoples OP 4.10
2	Strengthen the national-regional and local coordination and capacity of the governments related to land and natural resource use, considering the forestry, environmental, agricultural and energy laws and policies	Environmental Evaluation OP 4.01 Indigenous Peoples OP 4.10 Involuntary Resettlement OP 4.12
3	Promote the protection, conservation and restoration of landscapes and biological corridors through forestation, reforestation and natural regeneration in the Caribbean Coast and Central and North Pacific.	Environmental Evaluation OP 4.01 Indigenous Peoples OP 4.10 Natural habitats OP 4.04 Involuntary Resettlement OP 4.12 Physical cultural resources OP 4.11 Forests OP 4.36 Pest Management OP 4.09
4	Increase sustainable low-emissions agricultural-forestry production as well as producers' incomes and employment.	Environmental evaluation 4.01 Indigenous Peoples OP 4.10 Natural habitats OP 4.04 Involuntary Resettlement OP 4.12 Forests OP 4.36 Pest Management OP 4.09
5	Promote investments and the strengthening of the forestry, agro-silvopastoral and agricultural value chains with a focus on sustainable, low-emissions markets that value sustainability and reduced deforestation.	Environmental Evaluation 4.01 Indigenous Peoples OP 4.10 Forests OP 4.36
6	Strengthen the adaptation to climate change initiatives in territories of original and Afro-	Environmental Evaluation 4.01 Indigenous Peoples OP 4.10

descendant peoples of the Caribbean Coast and Central and North Pacific.	
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Below the degree of impact each safeguard will have on ENDE-REDD+ and the instructions to attend to their activation.

OP	Characterization	Instructions for its application
Environmental Evaluation, OP/BP 4.01:	<p>Environmental Evaluation, OP/BP 4.01: this operational policy requires that an environmental category (A, B, C) be applied to each project as part of an environmental investigation. This investigation will also determine if the Project unleashes other Safeguard Policies, such as, for example, Pest Management.</p> <p>Those projects that foresee temporary or permanent effects on the natural or social environment, whether rural or urban, through direct, indirect or cumulative impacts. The depth of the analysis is in pursuit of the environmental risk level reflected in an Environmental Impact Evaluation (EIA), Environmental Assessment (VA), or Municipal Environmental Evaluation Form (FEAM).</p> <p>ENDE-REDD+ will not negatively affect the environment, but by its very preventive nature will require application of this safeguard to all programmes and projects linked to implementation of ENDE-REDD+.</p>	<p>It requires that all projects proposed for obtaining financing be subjected to an Environmental Evaluation (EA) to ensure its solidity and environmental sustainability, and thus improve the decision-making process.</p> <p>Attention to this safeguard is regulated in Law 217 on the Environment and Decree 76-2006 referring to the Environmental Evaluation System.</p> <p>The Environmental Evaluation System is made up of: Strategic Environmental Evaluation, aimed at environmentally evaluating the investment and national and sectoral development plans and programmes for the purpose of ensuring the inclusion of the environmental variable in the plans and programmes of national, binational or regional importance.</p> <p>The Environmental Evaluation of Works, Projects, Industries and Activities.</p> <ul style="list-style-type: none"> • The Environmental Evaluation of Works, Projects, Industries and Activities is classified in three categories: Environmental category I: projects, works, activities and industries considered Special Projects, which due to their national, binational or regional importance or

OP	Characterization	Instructions for its application
		<p>for their economic, social and environmental connotation could potentially cause a strong impact.</p> <ul style="list-style-type: none"> ● Environmental Category II: projects, works, activities and industries considered High Impact with respect to the nature of the process and potential environmental effects. ● Environmental Category III: projects, works, activities and industries considered Moderate Environmental Impact with respect to the nature of the process and potential environmental effects.
<p>Natural Habitats: OP/BP 4.04:</p>	<p>Conservation of the natural habitats, like other protection measures and environmental improvement, is essential to long-term sustainable development. The Bank supports the protection, maintenance and rehabilitation of the natural habitats and their functions. The Bank is in favour of applying, and hopes that the actors involved will also apply, a preventive criterion regarding natural resource management to ensure sustainable development opportunities from an environmental perspective. The Bank does not lend its support to projects that, in its opinion, imply an important degree of critical conversion or degradation of natural habitats.</p> <p>By its own definition, ENDE-REDD+ will positively influence the natural habitats, helping to</p>	<p>Law 217 is one of the main guides for ensuring this safeguard as the prevention, regulation and control of any of the causes or activities that cause deterioration of the environment and contamination of the ecosystems has been defined as one of its objectives. In addition it has created the National System of Protected Areas (SINAP), which covers all protected areas declared to date and those that will be declared in the future, also integrating Private Wildlife Reserves into this system with their particular regulations.</p> <p>When an area under the environmental protection regime or one considered a fragile or critical area from the environmental perspective is found under a project's direct or indirect influence, complementary studies will be required according to the need of each area to be affected, such as for example an Area</p>

OP	Characterization	Instructions for its application
	protect and restore the landscape and biodiversity.	Management Plan, using for that purpose the required legal environmental and administrative management instruments laid out in Law 217, including the Regulations of protected Areas of Nicaragua, Decree No. 01-2007
Pest Management OP/BP 4.09:	<p>This policy is directed to those projects or activities that foresee the use and application of chemical substances for controlling pests. Its activation helps stakeholders control the pests that affect agriculture or public health, promoting and supporting a safe, effective and ecologically rational pest control. The World Bank supports a strategy that promotes the use of biological or environmental control methods and reduces dependence on synthetic chemical pesticides.</p> <p>ENDE-REDD+ has activated this safeguard in consideration of the strategic line geared to the implementation of crops and plantations that will require the use of pest controls.</p>	<p>When conducting the initial evaluation of a project, it will define whether it will implement pest control. Should it do so, it will be based on the Regulations of Law 274. For this safeguard special attention will be given in the follow-up and support to the Integrated Crop Management Plan (MIC) and the Integrated Pest Management Plan (MIP).</p> <p>Article 36, clause 2 of Law 274, Basic Law for the Regulation and Control of Pesticides and Toxic, Dangerous or Other Similar Substances establishes that the fabrication, formulation, storage, rebottling, repackaging, transport, commercialization and application as one of the conditions for registering, as well as the installations and locations for warehousing, sale and/or distribution comply with all legal dispositions, including environmental ones. Article 38 then states that the environmental impact findings issued by MARENA must accompany it as information on environmental issues.</p>
Indigenous Peoples: OP/BP 4.10:	This policy contributes to fulfilment of the Bank's mission to reduce poverty and achieve sustainable development ensuring that the development process is conducted with absolute respect for the dignity and human,	For attention to the safeguard of Indigenous Peoples, the country has robust regulations that ensure the rights of indigenous and Afro-descendant peoples, underpinned in the Political Constitution of Nicaragua, Laws 28, 445, Laws 40 and 261

OP	Characterization	Instructions for its application
	<p>economic and cultural rights of Indigenous Peoples. In all projects proposed for financing by the Bank that affect Indigenous Peoples, the Bank demands that a free, prior and informed consultation be conducted.</p> <p>This Safeguard takes on major importance for the design and implementation of ENDE-REDD+, as Nicaragua is recognized as a Multiethnic State in Article 5 of the Fundamental Principles of the Political Constitution of Nicaragua, which establishes the State's legal recognition of the indigenous peoples.</p> <p>In addition, 89% of the forest, 72% of which is found in indigenous territories in the Caribbean, Alto Wangki and Bocay, and at the national level forests in indigenous territories represent 59%¹⁶</p>	<p>Municipalities Law and its Reforms, Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples.</p> <p>This MGAS also has a Indigenous Peoples' Planning Framework (MPPI), which orients the guidelines to be followed when an activity or work is executed in areas inhabited by indigenous peoples, independent of whether it will provoke a positive or negative impact.</p> <p>It also guides the drafting of a Plan of Indigenous Peoples (PPI) in accord with the guidelines established by this MGAS in the Indigenous Peoples' Planning Framework.</p>
Cultural and Physical Wealth OP/BP 4.11:	<p>This policy seeks to assure that investments do not affect cultural, archaeological, physical, patrimonial-historic and paleontological resources during the development of a project.</p> <p>The incidence of this Safeguard is considered to be of a low level.</p>	<ul style="list-style-type: none"> • Decree No. 1142, Law of Protection of the Cultural Wealth of the Nation applies. • Decree 142, Law Decreeing that the Archaeological, Historical or Artistic Monuments belong to the State.
Involuntary Resettlement OP/BP 4.12:	<p>This policy is conceived to avoid or reduce involuntary resettlements to a minimum, studying all viable options for it in the design of projects. Should it be inevitable, the involuntary</p>	<p>Having an Involuntary Resettlement Policy Framework that permits assurance that the impacts associated with involuntary resettlement caused by the implementation of the strategic lines and activities of ENDE REDD+ will</p>

¹⁶ ENDE-REDD+ Data.

OP	Characterization	Instructions for its application
	<p>resettlement is conceived and executed as a sustainable development programme, ensuring the participation of those affected in the planning and execution of the resettlement and in the project benefits, supporting the individuals affected in their efforts to improve their means of subsistence and standards of living, or at least recover the levels they had before the project.</p> <p>The analysis done has foreseen that the implementation actions will not require involuntary resettlements, considering that the actions will be developed in areas where the owners of the land are indigenous and Afro-descendant communities or private properties, and the management of protected areas do not require that they be uninhabited. Nonetheless, some circumstances could arise in which access by families to the natural resources they have used is restricted.</p>	<p>be minimized and those affected will receive adequate compensation.</p> <p>The conclusions of an assessment of the situation and condition of the persons or communities affected or a socioeconomic study of the population affected; Census; Consultation with the population affected; b) Definition of the reinstatement strategy; c) Information and outreach stage; d) Concertation assemblies; e) Written agreement between the parties that indicate the resettlement terms; f) Follow-up proposal for the implementation of the agreement and g) Feedback procedures.</p>
Forests: OP/BP 4.36:	<p>The goal of this World Bank policy is to help the borrowers take advantage of the potential of forests to sustainably reduce poverty, integrate them effectively into the sustainable development process and protect their values and environmental services at the local and global level. The Bank may only finance commercial forest exploitation activities when it has determined,</p>	<p>Those cases where the execution of a work or activity could potentially affect a natural and biologically important forested area negatively. In these cases the preventive, mitigating and compensatory activities must be included as part of the Environmental Evaluation and respective Environmental Management Plan to ensure minimum effects on these areas. The MGAS will be applied.</p>

OP	Characterization	Instructions for its application
	<p>based on appropriate environmental evaluations or other relevant information that the areas affected by said activities are not critical forests or linked critical natural habitats.</p> <p>The incidence of this safeguard is considered to be very low, as ENDE-REDD+ has been proposed to reverse the causes of deforestation and forest degradation and it must be taken into account that the forests represent 25% of Nicaragua's national territory, of which 98% is natural forest.¹⁷</p>	
<p>Security of dams OP 4.37:</p>	<p>When the Bank finances a project that includes the construction of a new dam, it requires that it be designed and its construction supervised by the best and most experienced professionals. It also requires that the borrower adopt and apply some security measures relative to the design, presentation of offers, construction, functioning and maintenance of the dam and the works linked to it.</p>	<p>No dams will be constructed in the implementation of ENDE-REDD+.</p>
<p>Projects in international waterways OP 7.50</p>	<p>The policy is applied to the following: a) Hydroelectric, irrigation, flood control, navigation, drainage, water and sewage, industrial and other similar projects that involve the use or possible contamination of international waterways and b)</p>	<p>Does not apply. Nicaragua has two rivers that mark border limits (Coco and San Juan) and ENDE-REDD+ does not contemplate any action that will adversely modify the quality, quantity, course or flow of its waters. The actions planned for reducing</p>

¹⁷ □ National Inventory 2007-2008.

OP	Characterization	Instructions for its application
	the detailed design and engineering studies of the projects mentioned.	deforestation and forest degradation will offer additional benefits to improve the sources of water.
Projects in zones of conflict OP 7.60	This safeguard states that projects in zones in dispute may pose delicate problems that not only affect the relations between the World Bank and its members countries but also between the country in which the project is executed and one or more of its bordering countries. To avoid diminishing the position of the Bank or the countries involved, any controversy regarding a zone in which the realization of a project is proposed will be addressed on the first possible occasion.	Does not apply. ENDE-REDD+ is of a national nature, which includes border areas. The policy Nicaragua implements in its relations with its neighbours are of friendship, respect and cooperation. On the other hand, the actions of ENDE-REDD+ are located within the national territory, so there is no situation of territorial conflict with other countries.

11 Results of the Strategic Environmental and Social Assessment

The ENDE-REDD+ is nationwide, however ENDE-REDD+ has been prepared with a particular focus on the Caribbean Coast, taking into account that the greatest concentration of forests is in this area of the country. These forests are inhabited and belong to indigenous and Afro-descendants peoples, who are forest dependent. In the large Central and North Pacific regions of the country, dialogue has taken place with stakeholders to reduce deforestation and forest degradation; but it still needs to be consolidated.

Within the policy framework of alliances for prosperity, dialogues and consensus implemented by the GRUN, MARENA, other national government institutions, the Caribbean Coast Regional Autonomous governments and the Indigenous Territorial Government, afro-descendant and indigenous communities have been added, along with social organizations and the private sector. This has allowed for the formation of three working groups, which over the last years have been consolidated as areas for coordination and consensus among the entities specializing in ecosystemic forestry resource management.

The Strategic Environmental and Social Assessment, SESA, is an instrument that connects the different components, actions and activities needed to formulate a comprehensive

strategy and contributes to clarifying alternatives for including social and environmental factors. The Strategic Environmental and Social Assessment was done by identifying and engaging key stakeholders involved, convening workshops, strengthening capacities and forming roundtables. The analyses carried out are linked to the drivers of deforestation and forest degradation, the country's legal and public policies framework, the elaboration of proposals for strategic lines and actions to reduce deforestation and forest degradation, the distribution of benefits and the social and environmental risks implied in the implementation of these lines of action.

The process described had a high participation of stakeholders in 96 work sessions, 91 workshops and 18 forums and congresses. In these activities 8,300 stakeholders participated, of which 61% were men and 39% women, 25% were youths and 65% were indigenous and afro-descendants. This information is documented in the proceedings and minutes found on the ENDE-REDD+ website: <http://enderedd.sinia.net.ni/index.php/2-uncategorised/28-documentos-ende-redd>.

Full and effective participation of the indigenous and Afro-descendant peoples in the activities and design of the ENDE-REDD+, in dialogues, consultations and consensus conducted along with Regional Autonomous Councils, the ITGs, regional governments and the Environmental Forestry Advisory Council (CCF-A) that work in the RACCN have favoured the preparation of an Environmental and Social Management Framework that integrates the concerns of this complex of stakeholders, including the Miskitu, Sumu-Mayangna, Ulwa, , Creole, Garifuna and Rama indigenous and Afro-descendant peoples and Mestizos who live in the Caribbean Coast Region of Nicaragua, the Council of the 22 indigenous peoples of the Central and North Pacific of the country, agricultural and livestock producers, PRO-Nicaragua, foreign cooperation, local governments, etc. These spaces constitute the multiethnic, multilingual and multi-cultural melting pot that is Nicaragua.

In addition, there have been dialogues with cattle ranchers at a municipal level in coordination with the mayor's office and producers associations. Dialogues in reference to the forests were held with representatives of the private sector, which not only allowed for their concerns and proposals to be heard, but also for the sharing of the course being defined by ENDE-REDD+. It is important to highlight that in these dialogues and consultations the livestock sector expressed its commitment to the environment and the forests. It is encouraging for ENDE-REDD+ that within the objectives and content of CONAGAN's Regional Congresses III and IV, held in Siuna and Waslala, respectively, the issue of ENDE-REDD+ was addressed, acknowledging the environmental services provided by the forests.

12 Social and environmental risks related to the strategic lines and actions of the ENDE-REDD+ and its mitigation measures

The ENDE-REDD+ technical team took into account the information generated during the broad dialogue and consultation process with the different stakeholders, among them

cattle ranchers, cacao producers, women, communicators, academics, leaders and community members from the indigenous and Afro-descendant peoples for the analysis of the social and environmental impacts. Minutes were reviewed from meetings (64) and workshops (81), including the SESA roundtable work sessions in the Autonomous Regions, the Monitoring, Reporting and Verification meetings and the meetings with the Coordination roundtables.

Defining the strategic lines for the Strategy to reduce emissions from deforestation and forest degradation in Nicaragua (ENDE-REDD+) has been a dynamic process that required having to continuously adjust the analyses of their impacts and risks as well as measures for mitigation.

**Matrix of risks and mitigation measures for each strategic line
Governmental mitigation measures proposed for strategic lines**

Strategic Line 1:						
Strengthen awareness-raising, education, communication and promotion of values and information related to the protection of Mother Earth that take into account territorial identity and the world vision of the indigenous and Afro-descendant peoples.						
<i>Objective: Enhance awareness-raising, availability of information and its communication related to the protection of Mother Earth and the use of land and natural resources by the government and general public, with emphasis on common welfare and shared responsibilities.</i>						
Strategic Action	Social Aspects			Environmental Aspects		
	Positive Impacts	Adverse Impacts	Mitigations measures	Positive Impacts	Adverse Impacts	Mitigation measures
1.1 Development of cultural campaigns that promote a healthy environment	<ul style="list-style-type: none"> Stakeholders with greater knowledge and degree of awareness and sensibility on environmental issues and love for Mother Earth Greater recognition of the indigenous and Afro-descendant 	<ul style="list-style-type: none"> Cultural activities and information materials not adjusted to local cultures. Lack of use of indigenous mother tongues can limit local identity and communication. Outside facilitators who 	<ul style="list-style-type: none"> Application of Law No. 162: Official Use of the languages of the Caribbean Coast communities of Nicaragua. Comply with ILO Convention 169, Laws 28 and 445 	<ul style="list-style-type: none"> Better quality of life Greater environmental protection Healthier environment for living. 	n/a	
1.2 Strengthening the capacities of educators and social communicators on environmental contents.						
1.3 Promotion of exchanges of experience that promote knowledge about the country's biodiversity and natural wealth.						
1.4 Management of the knowledge derived from successful experiences in managing forest						

resources and adapting to climate change.	peoples' world vision.	do not understand or adapt to local cultures or are guided by prejudices about indigenous peoples' relationship with the forest, coming in with an awareness-raising attitude.	<ul style="list-style-type: none"> •Application of the ENDE-REDD+ Indigenous and Afro-descendant Peoples' Planning Framework. 			
1.5 Ensure adequate flow of information needed for decision-making related to the use of land and natural resources in local and regional government spheres.	<ul style="list-style-type: none"> • High degree of youth engagement in educational, cultural activities and positive actions 					
1.6 Integrate forestry and environmental policies and legislation into the national education system.	<ul style="list-style-type: none"> • Strengthening the conservation of native cultures. 		<ul style="list-style-type: none"> •Focus on mutual learning and diffusion of good traditional practices based on the technical knowledge of the indigenous and Afro-descendant communities. 			
1.7 Contribute to recognition of the cultural heritage and good environmental practices of the indigenous and Afro-descendant peoples.	<ul style="list-style-type: none"> • Stakeholders with increased formation capacities. 	<ul style="list-style-type: none"> • Women's traditional roles are reproduced. 	<ul style="list-style-type: none"> •Incorporate organized women into 			

			the work teams.			
Strategic Line 2:						
Strengthen national-regional and local coordination and the governments' capacities related to land and natural resource use taking into consideration forestry, environmental, agricultural, livestock and energy laws and policies.						
<i>Objective: Encourage the government's good evolution on land and natural resource use through the integration of consistent and shared criteria for environmental success and an adequate level of resources that permits implementation of effective systems for monitoring and control and the application of laws, policies and management tools related to land and natural resource use, especially in indigenous territories.</i>						
Lines of Action	Social Aspects			Environmental Aspects		
	Positive Impacts	Adverse Impacts	Mitigations measures	Positive Impacts	Adverse Impacts	Mitigation measures
2.1 Enhance national-regional and local coordination, especially the access and flow of information related to land and natural resource use.	<ul style="list-style-type: none"> Institutional system strengthened. 	<ul style="list-style-type: none"> Weak organization and consensus in regards to respect towards indigenous, Afro-descendant and Mestizo territories, for joint decision-making and effective follow- 	<ul style="list-style-type: none"> Application of Law No. 162 Compliance with ILO Convention 169, Laws 28 and 445 Application of ENDE-REDD+ Indigenous and Afro- 		Plans for opening up new roads and highways do not include measures to prevent extraction of illegal lumber.	
2.2 Strengthen coverage and managerial capacity in key institutions for ENDE-REDD+ including strengthening equipping of regional governments and specific programmes such as the campaign against forest fires, monitoring and control of forest	<ul style="list-style-type: none"> Greater level of implementation of the legal and policies framework. 					Strengthen the presence of park rangers in control posts

<p>pests, the national reforestation crusade, management of natural regeneration and the application of tools for managing natural resources.</p>		<p>up and monitoring.</p> <ul style="list-style-type: none"> • Non-compliance due to the lack of funds. • Weak communication due to weak understanding of languages between parties involved. • Broadening the range of criteria for forest protection could affect the peasant population's use of resources. 	<p>descendant Peoples' Planning Framework.</p> <ul style="list-style-type: none"> • Application of the Involuntary Resettlement Policy Framework. • Culturally appropriate feedback mechanisms. 			<p>Strengthen the capacities of the Municipal and Regional Forestry Commissions.</p>
<p>2.3 Strengthen the capacities of INAFOR, INETER and MARENA to monitor changes in soil use, supervise forest management plans, protected areas management plans and territorial plans for adapting to climate change.</p>						
<p>2.4 Strengthen the Early Warning Systems within the SNMRV through its application in the Caribbean Coast and PCN regions, establishing an institutional plan and a unit to respond to the warnings.</p>						
<p>2.5 Promote the integration of criteria for climate change adaptation and sustainable</p>						

management of forest ecosystems into agricultural, livestock and environmental policies as well as into the land demarcation processes.						
<p>Strategic Line 3:</p> <p>Encourage the protection, conservation and restoration of landscapes and biological corridors through forestation, reforestation and natural regeneration in the Caribbean Coast and Central and North Pacific</p> <p><i>Objective: Help conserve and increase forests through reforestation, sustainable forestry management, natural regeneration, the consolidation of protected areas, ecotourism and forest conservation on farms as well as increasing the value of the forests.</i></p>						
Line of Action	Social Aspects			Environmental Aspects		
	Positive Impacts	Adverse Impacts	Mitigations measures	Positive Impacts	Adverse Impacts	Mitigation measures
3.1 Condition agricultural and livestock incentives to forest conservation on farms (agricultural and livestock exploitation).	<ul style="list-style-type: none"> Better quality of life. Reduced poverty in indigenous, afro-descendant and rural communities. Contribution to food security Generation of jobs related to 	<ul style="list-style-type: none"> Mechanisms for distribution of benefits do not result in benefits for the inhabitants of the forests. Definition of mechanisms for distribution of benefits could generate 	<ul style="list-style-type: none"> Proceed in accordance with the norms established in the Indigenous and Afro-descendant Peoples' Planning Framework 	<ul style="list-style-type: none"> Greater forest protection, improved index of biological diversity, reduced gas emissions. Watershed protection, 		
3.2 Promote Payments for Environmental Services (PES) or for conservation that encourage forestry conservation in prioritized indigenous territories.						

	forestry and agroforestry activities.	conflict in the community.	and the Involuntary Resettlement Policy Framework.	recovery of degraded areas. Greater soil coverage and protection.		
3.3 Consolidate monitoring and control in the Protected Areas (SINAP)	<ul style="list-style-type: none"> • Forest ranger brigades from the communities for fire control and environmental and social monitoring. 		<ul style="list-style-type: none"> • Culturally appropriate feedback mechanisms. 	<ul style="list-style-type: none"> • Stakeholders with greater knowledge contribute to better results in forest quality, biological diversity. 		
3.4 Promote sustainable ecotourism		Tourists' demands transform the communities' culture.			Natural habitats are altered for ecotourism purposes.	<p>Regulation and control of activities that deteriorate the environment, supported with the application of the law.</p> <p>Application of Laws 217 and 462.</p>
3.5 Promote different modalities for reforestation and natural regeneration, especially firewood production or fodder banks.		Doing territorial planning means having to relocate families and/or restrict	<ul style="list-style-type: none"> • Proceed in accordance with the norms established in 		Introduction of	

<p>3.6 Promote different modalities reforestation and natural regeneration (e.g. gallery forests, plantations, regeneration, enrichment of perforated forests, windbreaks) to maintain or restore ecosystemic services (e.g. carbon capture, water recharge, protection of watercourses, reduction of landslides and water and wind erosion, conservation of protected areas, restoration of biological corridors).</p>		<p>access to forest-dependent families.</p>	<p>the Indigenous and Afro-descendant Peoples' Planning Framework and the Involuntary Resettlement Policy Framework.</p> <ul style="list-style-type: none"> • Culturally appropriate feedback mechanisms 		<p>exotic forest species that could be infected with endemic pests and affect biodiversity.</p>	<p>Apply the regulations established in Law 217 and Law 807, chapter 11.</p>
<p>3.7 Promote sustainable forestry management, communal forestry management for lumber and secondary products or non-timber forest products as mechanisms that improve production simultaneously with forest conservation.</p>						
<p>3.8 Strengthen the institutional framework and the promotion of protection, conservation and sustainable use of mangrove ecosystems, which are strategic for the fishing economy, ecotourism and the climatic resilience of the coastal areas.</p>						

Strategic Line 4:						
Increase sustainable agroforestry and livestock production and emission reduction as well as producers' income and employment.						
<i>Objective: Contribute to the transformation of traditional production to models of profitable, sustainable production and emission reduction through training processes, technical assistance, improved accessibility to credit and organizing producers</i>						
Lines of Action	Social Aspects			Environmental Aspects		
	Positive Impacts	Adverse Impacts	Mitigations measures	Positive Impacts	Adverse Impacts	Mitigation measures
4. 1 Promote and strengthen the organizational development of groups of farmers, cattle ranchers and forestry (cooperatives, associations, etc.) to improve their productivity and access to markets.	Increased production for internal consumption Contribution to the country's productive transformation by increasing and diversifying agricultural and livestock production, with increased yields and added values, guaranteeing food sovereignty and security and	<ul style="list-style-type: none"> Programmes and project designs do not include cultural elements of the indigenous and Afro-descendant peoples. Productive transformation affects the traditional livelihood of the indigenous and Afro- 	Proceed in accordance with the norms established in the Indigenous and Afro-descendant peoples' Planning Framework, in relationship to Free and informed prior consent			
4.2 Promote successful experiences with silvopastoral systems, agroforestry and forest plantations, with a focus on sustainable production with emissions reduction in combination with forest conservation.					Forest plantations are executed like a mono-cultures affecting bio-diversity.	To strengthen agro-ecological production that guarantees forest restoration and conservation of

	nutrition for the people. Production for export with greater added value, with emphasis in the protection of natural resources.	descendant peoples.				bio-diversity based on Law 765.
4.3 Encourage group technical assistance with a commercial focus and good environmental practices.						
4.4 Promote mechanisms for access to credit (e.g. through guarantees, reduced costs and risk aggregation) conditioned to the adoption of conservation measures.	Maintain and improve livelihood					
4.5 Promote research and development applied to the current needs to define adapted and climatically intelligent technologies.						
4.6 Increase the use of degraded land through plantations, agroforestry systems and natural regeneration management.		<ul style="list-style-type: none"> Families will have to be relocated and/or access restricted to forest- 	<ul style="list-style-type: none"> Proceed in accordance with the norms established in the 	Greater income, increased environmental benefits.	Increased illegal tree cutting and forest fires Introduction of	Strengthen the Municipal and Regional Forestry

<p>4.7 Promote quality and added value of products produced under zero deforestation or carbon footprint reduction schemes (agricultural and livestock production and forestry)</p>		<p>dependent families during territorial planning.</p> <ul style="list-style-type: none"> • Sacred places are not taken into account. 	<p>Indigenous Peoples' Planning Framework</p> <ul style="list-style-type: none"> • Proceed in accordance with the norms established in the Involuntary Resettlement Policy Framework. 		<p>exotic species that could be infected with endemic pests or affect biodiversity.</p>	<p>Commission's capacities. Strengthen the campaign against forest fires. Strengthen agro-ecological production in accordance with Law 765.</p>
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Strategic Line 5

Promote investment and strengthen forestry, agricultural and livestock value chains with a focus on sustainable and low-emissions markets that value sustainability and reduced deforestation.

Objective: Contribute to the country's productive transformation through the promotion of investment in sustainable and emission-reduction agricultural and livestock activities, diversification and intensification of agricultural and livestock production with emphasis on protecting natural resources and leveraging ecological market niches, which implies the adoption of sustainable and emission-reduction production systems.

Lines of Action	Social Aspects			Environmental Aspects		
	Positive Impacts	Adverse Impacts	Mitigations measures	Positive Impacts	Adverse Impacts	Mitigation measures

5.1 Promote the capture of private investment and a model of public-private alliances and shared responsibilities for sustainable, emission-reduction productive projects.	Foreign cooperation aligned with the national production strategy, which along with other measures will allow for increased productivity, while climate change and its consequences are dealt with in a better manner.	Programme and project designs do not include cultural elements of the indigenous and Afro-descendant peoples.	<ul style="list-style-type: none"> • Proceed in accordance with the norms established in the Indigenous Peoples' Planning Framework • Culturally appropriate feedback mechanisms 		n/a		
5.2 Encourage the strengthening and articulation of the value chains of priority products (cacao, coffee, meat, milk, timber, basic grains) focused on different markets, prioritizing green markets.							
5.3 Promote ties with new green markets or markets for sustainable products, especially markets for meat coming from reduced deforestation systems.							
5.4 Promote organizational eco-innovation and organizational development of agricultural, livestock and forestry producers (cooperatives, associations, etc.) according to their participation in the links of the different value chains.				Conditions created for an increase in private national and foreign investment.			
5.5 Implement market intelligence to identify new inclusive green markets and							

enhance access to commercial information and market requirements that stress sustainable products.						
5.6 Foster traceability, certification and responsible purchases from agricultural, livestock and forest production.						
Strategic Line 6: Strengthen initiatives for climate change adaptation in indigenous and Afro-descendant peoples' territories of the Caribbean Coast and Central and North Pacific. <i>Objective: Encourage the strengthening of resources, coordination and capacities in governance and territorial forestry management of the indigenous and afro-descendant peoples.</i>						
Lines of Action	Social Aspects			Environmental Aspects		
	Positive Impacts	Adverse Impacts	Mitigations measures	Positive Impacts	Adverse Impacts	Mitigation measures
6.1 Strengthen the technical and technological capacities of the Indigenous Territorial Governments (ITG) and the Council of Indigenous Peoples of the Central and North Pacific for better involvement in the implementation of	Increased social economic welfare for the Caribbean population. Autonomous Regional	<ul style="list-style-type: none"> Lack of appropriation of public policy in Forest and Environmental governance. 	Culturally appropriate feedback mechanisms		n/a	

programmes, projects, plans and actions linked to ENDE REDD+.	governments strengthened and continue with the regionalization process.	<ul style="list-style-type: none"> • Generation of conflicts between municipal authorities and territorial authorities. • The active participation of indigenous women and their organizations is not strengthened. 				
6.2 Support the strengthening of community structures, the creation and strengthening of technical and administrative capacities to ensure responsible and efficient governance of the land, forest, water, fishing and biodiversity.	The organization, leadership and cultural identity of the indigenous peoples are strengthened for management of their resources and territories.					
6.3 Develop formation programmes around themes related to climate change, co-benefits of the forest, carbon accounting, and restitution of rights.	Improved capacity to manage the RBB and Indio Maiz.					
6.4 Strengthen institutional capacities and ensure the distribution of knowledge for the implementation of ENDE REDD+, starting from the territorial reality and rescuing ancestral knowledge.	Opportunity for indigenous and afro-descendant women to work in agricultural, forestry and ecotourism activities.					

13 Implementation and Monitoring of the Environmental and Social Management Framework

In Nicaragua, forests and forest ecosystems are not only sources of direct resources for the indigenous, Afro-descendant and rural communities that inhabit them, but are also managed by these populations with a holistic, integrated and systematic vision.

In addition, the forests are sources of exploitation for sectors such as tourism, agroecotourism, industry, transportation, energy, agricultural and livestock production and forestry. They also have ecological functions that allow for the production of water and soil conservation and erosion control, among others. However, the aforementioned benefits attract inherent problems such as deforestation and forest degradation, loss of biodiversity, decrease of water sources (aquifers) and therefore a decrease in the livelihood of the indigenous communities.

The Safeguards Information System (SIS) is being designed as an integral part of the National Monitoring, Reporting and Verification System (SNMRV) of ENDE-REDD+ under MARENA's leadership and in alliance with regional, territorial and municipal governments since August 2016. The SIS will allow for a coherent approach to defining safeguards and ensuring coverage of the REDD+ actions and measures independent of the financial source or initiative. It also will facilitate a framework of indicators that will serve for monitoring compliance with the safeguards at national, sub-national and community levels.

Paragraph 37 of the final document of the World Conference on Indigenous Peoples (WCIP), which took place in the UN headquarters September 22-23, 2014, urges the participation of indigenous peoples: *"We note that indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In this regard, we commit ourselves to giving due consideration to all the rights of indigenous peoples in the elaboration of the post-2015 development agenda."*¹⁸

13.1 National Safeguard Information System

The main objective of the National Safeguard Information System (SIS) is to provide and manage information about how the safeguards are being addressed and respected during implementation of the ENDE-REDD+ programme, in agreement with the legal framework of Nicaragua.

The SIS will include exit processes that will generate summaries or reports required by the UNFCCC for follow-up on compliance with the activated safeguards for Nicaragua.

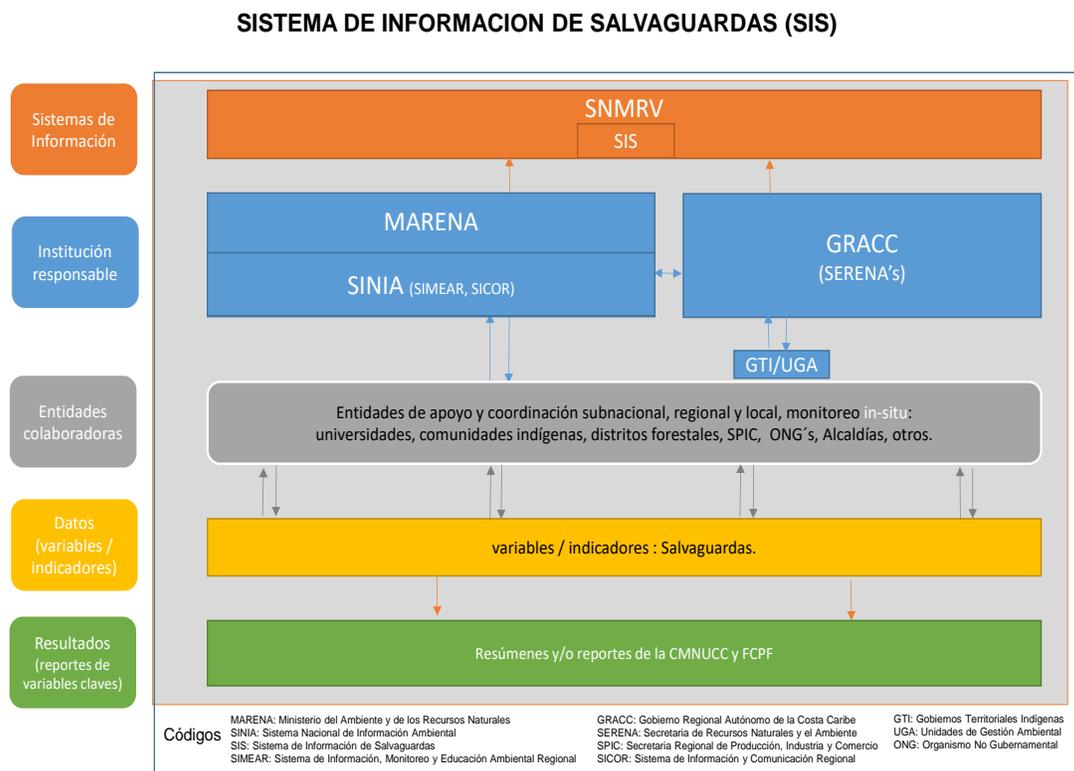
¹⁸It is the commitment of the States that subscribed to the Objectives of Sustainable Development 2016-2030.

The government of reconciliation and national unity through MARENA, as the lead ENDE-REDD+ institution, will be the Nicaraguan State institution that will provide the official information on the approach to and compliance with the Safeguards, establishing collaboration agreements with the institutions registered in the indicators established for this purpose. SINIA is the institution that does the follow-up and reporting of the environmental indicators and will be the entity in charge of providing official information.

The SIS will be capable of providing precise, timely, reliable and complete information on the different elements and sub-elements identified in each of the guarantees established in part 2 of annex I of Decision1/COP16. The function of the SIS platform will be to collect and manage socioeconomic and environmental information on a local, regional and national scale, according to the design and outreach of the activities for ENDE-REDD+, to then report on the way the safeguards are being addressed and respected during the implementation of the ENDE-REDD+ programme.

The proposed design for the SIS is an integral part of the SNMRV with similar characteristics in regards to functionality and flexibility, allowing for information management relevant to the safeguards to inform the UNFCCC and FCPF. At the same time it will allow other national and international actors to access the information about how safeguards are being addressed and respected. The information gathered about the safeguards will be used to give feedback on the process and recommendations to the ENDE-REDD+ programme through specific actions that propose measures in response to non-compliance of a safeguard. See figure 4.

Figure 4. Safeguards information system



Identified Indicators for ENDE-REDD+

Safeguard	Indicators
Environmental Evaluation, OP/BP 4.01:	1. Number of Environmental Impact Assessments approved Surface size of projects implement Environmental Impact Assessments (EIA)
Natural Habitats: OP/BP 4.04:	2. State of protected areas management (variables: Protected Areas with Management Plans, Amount of Protected Areas demarcated and labelled, Amount of Protected Areas with infrastructure and equipment, number of Park Rangers in the Protected Areas, Public financing executed in Protected Areas) 3. Use of Natural Resources in the Protected Areas (variables: Amount of Protected Areas with Annual Crops: Coffee and Cacao) Surface size being cultivated with Coffee and Cacao in the Protected Areas. 4. Threatened Fauna Species/Appendix II CITES (variables: Birds, Mammals, Amphibians, Reptiles, Fresh water and Marine Fish, Insects, Molluscs and Arachnids)
Pest Management OP/BP 4.09:	5. Expired Chemical Waste (variable: Volume of expired chemical waste according to type of product. Pesticide waste (COP ¹⁹), Pesticide waste (Non-COP) 6. Dangerous Industrial Residue 7. Consumption of Chlorofluorocarbons that deplete the ozone layer
Indigenous Peoples: OP/BP 4.10:	8. Community Environmental Projects in protected areas (variable: amount of projects executed by indigenous peoples) 9. Financial resources from the national budget destined for indigenous peoples. 10. Forest loss and gain in indigenous populations 11. Number of workshops done in indigenous populations.
Cultural and Physical Heritage OP	To be defined

¹⁹ COP: Contaminantes Orgánicos Persistentes.

<p>Involuntary Resettlement <i>OP</i> 4.12:</p>	<p>12. Number of Environmental Impact Assessments that require involuntary resettlement 13. Number of Joint Protected Area Management Plans.</p>
<p>Forests: <i>OP/BP</i> 4.36:</p>	<p>14. Forest Surface in Nicaragua 15. Biological corridors surface 16. Forest loss and gains in the nuclear and buffer zones of the Bosawas Biosphere Reserve and the Indio Maiz Biological Reserve</p>
<p>Mechanism to Strengthen Communication</p>	<p>17. Number of comments received and dealt with</p>

13.2 Indigenous and Afro-descendant Peoples’ Planning Framework

Whereas ENDE-REDD + is a national strategy and the State of Nicaragua is by nature multiethnic, an Indigenous and Afro-descendant Peoples’ Planning Framework (IPPF) was designed. It provides the guidelines for projects, investments and actions to be developed in the areas of indigenous peoples. A summary of the Indigenous and Afro-descendant Peoples’ Planning Framework document is presented in an annex of this ESMF.

ENDE-REDD+ is being built within a long dialogue process between state institutions and representatives of the country’s indigenous peoples, which has strengthened the national democratic governance as it responds in a specific way to the demands for full and effective participation and the recognition of cultural and collective rights. The indigenous representatives—leaders and technicians—are participating in the decision-making within the three ENDE-REDD+ working groups ensuring livelihood, welfare and equitable access to the expected benefits of ENDE-REDD+.

The IPPF for ENDE-REDD+ indicates the legal framework that backs the rights of the indigenous and Afro-descendant peoples, describes the peoples and identifies their geographical location. It indicates the protocol to be followed by every programme or project when its area of action is within the indigenous or Afro-descendant populations.

Information about the Indigenous and Afro-descendant peoples

According to the VIII Population Census in Nicaragua, conducted in 2005, 8.6% of the total population identifies as belonging to a certain indigenous or ethnic community. In Nicaragua we can find indigenous communities in the Pacific, Central and North regions and the Caribbean Coast. There also are ethnicities of Afro-Caribbean ancestry, such as the Creoles and Garifuna.

Today's indigenous populations in the Central and North Pacific of Nicaragua are organized under the National Council of Indigenous Peoples of the Central and North Pacific of Nicaragua, which draws together 22 indigenous peoples, descendants of Chorotega, Nahoas, Xiu-sutiaba and Cacaopera. They are located in the departments of Rivas, Masaya, León, Chinandega, Matagalpa, Jinotega, Nueva Segovia and Madriz.

No	Indigenous People	Department	Ancestry	
1	Monimbó	Masaya	Chorotega	
2	San Juan de Oriente			
3	Nindirí			
4	Subtiaba	León	Xiu-sutiaba	
5	Virgen del Hato	Chinandega	Chorotega	
6	San Jorge	Rivas	Nahoas	
7	Nancimí			
8	Ostional			
9	Salinas de Nagualapa			
10	Veracruz del Zapotal			
11	Urbaite Las Pilas			
12	Jinotega	Jinotega	Chorotegas	
13	Mozonte	Nueva Segovia		
14	Li-Telpaneca	Madriz		
15	San Lucas			
16	Totogalpa			
17	San Antonio de Padua			
18	Santa Bárbara			
19	Cusmapa			
20	Matagalpa	Matagalpa		Cacaopera
21	Sébaco			Chorotega
22	Muy Muy			

These 22 indigenous peoples maintain their own forms of organization and traditional use of natural resources. Their languages are no longer preserved. They are legally represented

by the Administrative Directorate. These peoples are backed by articles 5 and 8 of the Constitution of the Republic. In addition, Article 67 of the Municipalities Law indicates that the municipalities will acknowledge the existence of the legally established or de facto indigenous communities located in their territories and will respect their formal and traditional authorities, who must be taken into account in municipal development plans and programmes and in decisions that directly or indirectly affect their population and territory.

Indigenous and Afro-descendant peoples live in the Caribbean Coast region. They have maintained their traditions, culture, mother tongue and ancient social structures. They are Mískitus, Mayagnas/Sumus, Ulwas, Ramas, Creoles and Garifunas.

The Miskitu people have a significant presence in the urban populations of Waspam, Puerto Cabezas and Corn Island. At a rural level, their communities are located along the Wangki River from the municipality of Jinotega to its mouth in Cape Gracias a Dios. They are also along the northern Caribbean coast at the mouths of the Grande de Matagalpa and Prinzapolka Rivers and a series of Miskitu communities extend across the extensive plains of pine forests in the municipalities of Puerto Cabezas and Waspam. There are also Miskitu communities around Rosita and Bonanza, though of smaller populations.

The Ramas currently live in the territory south of the city of Bluefields, named Rama-Kriol territory. The Rama and the Kriol have formed an alliance respecting their beliefs and traditions and have formed the Rama/Kriol Territorial Government. Its area covers a great extension of the South Caribbean Coast Autonomous Region and the department of Rio San Juan. Their political centre is the island of Rama Key, south of the city of Bluefields, in the city's bay. There are 6 Rama communities (Rama Cay, Wiring Cay, Sumu Kaat, Tiktik Kaanu Bangkukuk and Indian River) and three Afro-descendant Kriol communities (Corn River, Monkey Point and Graytown) within this extensive territory.

The Mayangna people are made up of three large language families that inhabit different territories: Panamahka, Tuahka and Ulwa, and their languages have important variations. They live in the North and South Caribbean regions and in the department of Jinotega. The Sumu-Mayagna communities have settled along the banks of the largest rivers of the Caribbean Coast and the most important ones of the RACCN, such as the Waspuk, Wawa and Uliwas rivers or the head of the Prinzapolka, Umrawas, Walakwas or Lakus, Bambana, and Amak-Bocay rivers, all of which empty into the Caribbean sea of Nicaragua.

The Mayagnas are organized politically and administratively into territories and communities with a coordination entity called the Sumu-Mayangna Nation Government. The Sumu-Mayangna nation is made up of nine territories: 1. Mayangna Sauni As; 2. Mayangna Sauni Bu; 3. Mayangna Sauni Bas; 4. Mayangna Sauni Arungka; 5. Mayagna Sauni Tuahka; 6. Mayangna Awastingni; 7. Mayangna Sauni Umra; 8. Mayangna Sauni Walakwas; and 9. Mayangna Sauni Karawala.

The Afro-descendant peoples are descendants of Africans who arrived to the Caribbean Coast at different times, about 300 years ago. They are divided into two groups:

Creoles: The majority of the Creole population is located in the municipalities of Bluefields,

Pearl Lagoon, Corn Island, Cabo Gracias a Dios and the city of Bilwi. A significant number of Creole families are also settled in the region's mining sector (Siuna, Bonanza and Rosita).

Garifuna: The Gariganu (plural of Garífuna) live in communities along the Caribbean Coast of Belize, Guatemala, Honduras and Nicaragua, in a multinational territory they consider their own. With the establishment of networks between those countries, the Garifuna have gone through an important cultural revitalization process, which includes the recovery and reaffirmation of their language and other cultural practices (Sambola, 2009). The Nicaraguan Garifuna live in Pearl Lagoon, Orinoco and other neighbouring communities of the South Caribbean.

The indigenous and Afro-descendant peoples of the Caribbean Coast and the Special Development Zone of Alto Wanki are organized in Indigenous Territorial Governments (ITG) and Communal Governments. The Indigenous Territorial Governments (ITG) have ecological statutes and norms that regulate territorial governance and access to natural resources. These statutes and norms are inscribed and recognized in the Regional Councils' Registry Office.

Nicaragua has a Strategy for Development of the Caribbean Coast, whose objective is to continue with the comprehensive human development model, advance in economic growth with equity and insert the Caribbean into the national dynamics with social, economic, environmental and cultural sustainability and the exercise of a self-government that consolidates community democracy and direct democracy. The axes of the strategy are:

- Axis No. 1 includes food security and sovereignty, autonomous regional education, regional health, water and sanitation programmes.
- Axis No. 2 includes programmes such as defence and protection of the environment, climate change and risk management, economic infrastructure, and agroindustrial, fishing, tourism, agroforestry and mining development.
- Axis No. 3, seeks to develop the institutional capacities of the autonomous regime and citizen participation, according to their customs and traditions to lead human development in the Caribbean Coast and Alto Wangki and Bocay.

Steps to follow for programmes or projects in areas with indigenous peoples:

1. Identify the project's areas of influence in the indigenous peoples' territories.
2. Establish contact with the indigenous peoples' authorities in the Regional, Territorial, Communal or Local order to organize dialogue and consultation.
3. Conduct a social assessment to identify possible positive impacts and social and environmental risks the actions could bring about.
4. The social assessment should include a gender analysis.
5. Elaborate an Indigenous Peoples' Planning Framework (IPPF), taking into account that the consultation must start with preparatory meetings with the directorate of

the ITGs. Consultation workshops should be convened under the principle of Free, Prior and Informed Consent.

6. Follow-up on compliance with the IPP.
7. Ensure the FPIC

Within this framework, ENDE-REDD+ will respect and use the country's legal regulations, institutional set-up and development objectives currently in force. Likewise, it will adopt the necessary measures so that the implementation of ENDE-REDD+ does not cause any negative impact on the peoples' cultures, knowledge, traditions or the country's environment.

The Indigenous Peoples' Plan makes a special appeal to compliance with consultation principles and mechanisms, in accordance with Law 445 and ILO Convention 169. The consultation is the expression and delivery of technical information about the Programme or Project, followed by a discussion and decision-making process. During this time the communities must rely on translators who translate everything that said during the process into their own language and must be aided by knowledgeable technicians. Both the translator and the technicians must be approved by the ITG.

To comply with Convention 169 and the Nicaraguan national laws described above, two essential elements should be taken into account:

- The first one is **free, prior and informed consent**. In other words, a community cannot reflect or make a decision about a specific issue if it does not have enough information, which must be clear, culturally appropriate, objective, true and sufficient, and the consent must be free of any pressure.
- The second element is the scope of the consultation, which must be agreed upon previously with the community and defined whether it is at the level of organizations or of a community plebiscite. This obviously depends on the impact, sector and dimension of the activity or action to be implemented. This right is transcendental because it respects the community's decision to freely accept or reject any proposal, as it sees fit.

The implementation of ENDE-REDD+ must be based on respect for the organization of the indigenous peoples, who have traditional leadership through their communal assemblies, Councils of Elders, Communal Directorates, *Síndicos*, *Wihatas* and Territorial Governments, among others. They represent their territories in decision-making processes around issues that involve their land and natural resources.

What will be consulted? In regards to the issues to be consulted, community members have expressed that all issues related to solutions to problems in the territories must be consulted. It has been expressed that any project, policy or programme related to deforestation and forest degradation, conservation, management of natural resources, pay for results and others, must be issues subject to consultation.

It has also been demanded that the consultations must extend to the ENDE-REDD+ programme because there is a desire to know specifically about its origin, justification, objectives, funding origins, programme length, ways of applying FPIC within the communities, distribution of benefits and communal participation, among others.

13.3 Involuntary Resettlement Policy Framework

In this section we present a summary of the Involuntary Resettlement Policy Framework, which is attached in its complete form to this ESMF. The activation of Operational Policy 4.12 Involuntary Resettlement Policy has been analysed, starting with the legal framework of the Political Constitution of Nicaragua currently in force and other laws that regulate involuntary resettlement, including the rights of indigenous and Afro-descendent peoples to regulations for protected areas.

The analysis of the Safeguards including Involuntary Resettlement was done in a participatory manner, which included the Strategic Environmental and Social Assessment (SESA) roundtables, work sessions with MARENA's technical team, three workshops with stakeholders, leaders of the indigenous people and afro-descendants. In addition, the analysis was shared in the National Consultation of the ESMF workshop.

To reach consensus in regards to the activation of the Safeguard required a special process of analysis and negotiation. The first reaction of the indigenous and Afro-descendant leaders was rejection of the activation of this Safeguard, because it is a very sensitive issue for their communities. This is explained by the apparent link the issue of this Safeguard may have with the processes of land titling and restitution of communal land rights being implemented by the indigenous and Afro-descendent peoples of the Caribbean Coast. This titling process contributes to economic sustainability, governance and social harmony in the countryside. Likewise, it strengthens the institutional and technical legal framework for the administration of property rights. Advances have been made in the titling of 23 territories of the Caribbean Coast and Alto Wangki and Bocay.

The Indigenous Territories face a problem related to the presence of "third parties" in their territories, who have illegal possession and in many cases have settled there with the authorization of some community leaders. According to Law 445, it corresponds to the State to implement the technical, administrative and legal procedures to guarantee full exercise of the indigenous and Afro-descendant peoples' communal property rights through legal or administrative regularization of third parties (natural persons or legal entities) settled inside indigenous and Afro-descendant territories. In this context, the ITGs have presented a proposal to solve this situation, which is called "Territorial Self-cleansing." It is being implemented internally and externally by community members, communal authorities and territorial authorities eager to culminate the fifth and last stage of territorial cleansing established in subsection 5 of article 45 of Law 445.

Territorial management is an essential function of the Communal and Territorial Governments, so the design and implementation of Self-cleansing is an indicator of strength

in the ITGs' natural resource management. This also gives support to the affirmation that involuntary resettlements will not be done out in the Territories of the Indigenous people and Afro-descendants of the Caribbean Coast and guidelines of this Resettlement Policy Framework.

Protected Area Regulations: OP 4.12 of the World Bank was also analysed. It states that involuntary resettlement may be required during the execution of development projects, which happens due to the effects of a decision by some state institution, which has the authority to apply the law of public utility. Involuntary resettlement may cause severe long-term hardship, impoverishment and environmental damage unless appropriate measures are carefully planned and implemented.

The operational policy of OP 4.12 covers direct social and economic impacts resulting from investment projects funded by the World Bank and activated when at least one of the following conditions occurs:

a) Involuntary taking of land, resulting in:

- Relocation or loss of shelter;
- Loss of assets or of access to assets, or
- Loss of income sources or means of livelihood, whether or not those affected must move to another location.

b) Involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the persons' livelihoods.

Legal Framework: Nicaragua has a robust legal framework that recognizes and guarantees human rights, property rights, rights to self-determination and participation. The Political Constitution of Nicaragua guarantees that Nicaraguans enjoy a healthy environment, protection of natural resources, recognition and protection of different property regimes, recognition of indigenous and afro-descendant communal property, promotion of sustainable economic development in harmony with Mother Earth, recognition of use and enjoyment of natural resources, forest ownership and autonomy in the Autonomous Regions of the Caribbean Coast.

The implementation of ENDE-REDD+ will provide social and environmental benefits for the indigenous, Afro-descendant and rural communities, derived from enhanced biodiversity, water sources and access to food that comes from the forest. However, potential risks are foreseen in regards to access to the livelihood of families due mainly to the protection measures for those protected areas that are contemplated within the Strategy.

Applying the analysis of the Safeguard to the strategic lines, a possibility has been identified that by implementing three of the six lines, some people or communities may be affected in regards to restricted use of the resources they have been using. The identified lines are 2, 3 and 4, shown in the following table.

	Lines	Safeguards
2	Strengthen national, regional and local coordination and the governments' capacities related to land and natural resource use taking forestry, environmental, agricultural, livestock and energy laws and policies into consideration.	Environmental evaluation OP 4.01 Indigenous Peoples OP 4.10 Involuntary Resettlement OP 4.12
3	Encourage the protection, conservation and restoration of landscapes and biological corridors through forestation, reforestation and natural regeneration in the Caribbean Coast and Central and North Pacific	Environmental evaluation OP 4.01 Indigenous Peoples OP 4.10 Natural habitats OP 4.04 Involuntary Resettlement OP 4.12 Cultural-Physical Resources OP 4.11 Forests OP 4.36 Pest Management OP 4.09
4	Increase sustainable agroforestry and livestock production and emissions reduction as well as producers' income and employment.	Environmental evaluation OP 4.01 Indigenous Peoples OP 4.10 Natural habitats OP 4.04 Involuntary Resettlement OP 4.12 Forests OP 4.36 Pest Management OP 4.09

Due to the aforementioned and taking into account that ENDE-REDD+ is a long term national strategy, an Involuntary Resettlement Policy Framework has been drafted. When the resettlement of populations is inevitable due to an environmental assessment, which according to the ESMF, is mandatory during the designing stage of the project, a planning instrument for Resettlement will be drawn up, which has been defined as the preparation of Procedural Norms.

In principle, a census should be taken of the foreseen population affected by involuntary resettlement, which could be:

- a) Those who have legally established rights regarding land, including common law and traditional rights. (In Nicaragua, for the case of the indigenous and Afro-descendant peoples there will be no displacement).
- b) Those who do not have legally established rights regarding the land at the time the census is taken, but demands some right over the land or assets, provided that their demand is recognized in the country's laws or through a process stipulated in the resettlement plan.
- c) Those who lack a legal right or a recognized claim regarding the land they are occupying.

13.4 Mechanism for Strengthening Communication

Access to information—as a human right—is essential to ensure that all engaged stakeholders can participate effectively and express their interests during the consultations and decision-making about ENDE-REDD+. It is required that during the implementation process all citizens, especially vulnerable groups such as the indigenous peoples and local communities, not only have access to present their grievances about the actions of public workers and institutions, but also have the option of a two-way and culturally appropriate communication.

For this, MARENA has proposed the creation of a Mechanism for Strengthening Communication with ENDE-REDD+ that opens up a range of options to obtain information, make comments and even complaints, receive and deal with concerns that the engaged stakeholders may have in regards to the development and implementation of the Strategy.

a. General Objective

Broaden the range of options to obtain information, make comments and present grievances and complaints related to compliance with the ENDE-REDD+ Safeguards. It also implies offering a consistent, true, complete and timely response regarding the development and implementation of REDD+

b. Specific Objectives

- To receive, evaluate and solve concerns and complaints from families and/or communities about the performance or respect protected by the social and environmental ENDE-REDD+ safeguards, also as indicated in the specific Frameworks.
- To monitor the degree of satisfaction with the implementation of the system of benefits that contributes to reducing deforestation and forest degradation.
- To obtain and incorporate information to improve the performance of the ENDE-REDD+ activities.

Process for implementation of the mechanism

All comments received will be registered in a centralized manner in the Safeguard Information System, in a space that will be created for this purpose.

Stakeholders who want to present comments or complaints will have several options to do so with this mechanism, be they Miskitus, Sumu/Mayagnas, Ulwas, Afro-descendants or Mestizos or whether they live in urban zones or far from them.

Five points of entry for communication have been conceived, from the stakeholders to the entities that will tend to, respond to and follow up on the comments or complaints, taking into account the variety of possibilities of access.

- Access through traditional authorities and negotiators: *wihtas*.²⁰
- Access through Community Assemblies.
- Access through Suggestions Boxes.
- Periodic surveys.
- Electronic access through the website (accessible from a cell phone).

Details of the points of access and each one's operating system are as follows:

a. Traditional authorities and negotiators

To strengthen communication with families and stakeholders from the indigenous and Afro-descendent peoples, a connection to the Indigenous Territorial Government has been foreseen, through the *wihtas* and *síndicos*, contributing to feedback adjusted to the culture of the indigenous peoples and their customs for resolving disagreements.

In this sense, the capacities of a leaders' network made up of *síndicos* and *wihtas* from the indigenous and Afro-descendant territories will be strengthened in the use of a web page and safeguards and the Mechanism to Strengthen Communication for ENDE-REDD+. These will later be replicated in the communities.

Stakeholders who live in rural communities can appeal to their Municipal or Regional leaders or councillors.

b. Community Assemblies

During assemblies for strengthening capacities or dialogue, a suggestion box should be installed to receive comments or whatever seems relevant. This suggestion box should be presented at the beginning of the workshop or assembly.

Information gathered must be entered into the centralized register of the Safeguard Information System.

c. Suggestion boxes in institutional offices

This tool has been strongly approved in the South Caribbean Coast Autonomous Region. Placing ENDE-REDD+ suggestion boxes in institutional offices such as MARENA, INAFOR, the mayor's office and GTI has received high acceptance, particularly in the RACCS, especially regarding implementation of the Emissions Reduction Programme.

²⁰ *Wihta* in Miskitu and *Wistah* in Mayangna.

The suggestion boxes will be installed in the offices of Environmental Management Units, in each GTI office and in MARENA offices.

This tool will be used in MARENA delegations in the departments influenced by ENDE-REDD+.

d. Periodic surveys

Information about the behaviour and development of the Programme will be gathered periodically through simple questionnaires to identify elements that need improving. The surveys will be done to identify stakeholders' perception of specific aspects, for example distribution of benefits.

e. Electronic access

The link to MARENA's website will have a tab to enable the reception of concerns and claims from stakeholders who have available internet services on their computers or cell phones.

Although this access is limited in zones far from urban centres or department heads, advances in electronic communication in the country are moving at a fast rate and the spread of internet coverage to places of difficult access is generalized. Such is the case that all Indigenous Territorial Governments in the country have an email address and parks in every municipal capital have free access to internet.

Cuestionario de Mecanismo de Fortalecimiento de la Comunicación

Nombres: *

Apellidos: *

Correo Electrónico:

Teléfono:

Departamento: *

Etnia: *

En Representación de:*	
Propia: <input checked="" type="radio"/>	Comunal: <input type="radio"/>

Tipo de planteamiento (Marque con una X):		
Sugerencia: <input type="radio"/>	Observación: <input type="radio"/>	Queja: <input checked="" type="radio"/>

Describe:

*Campos obligatorios

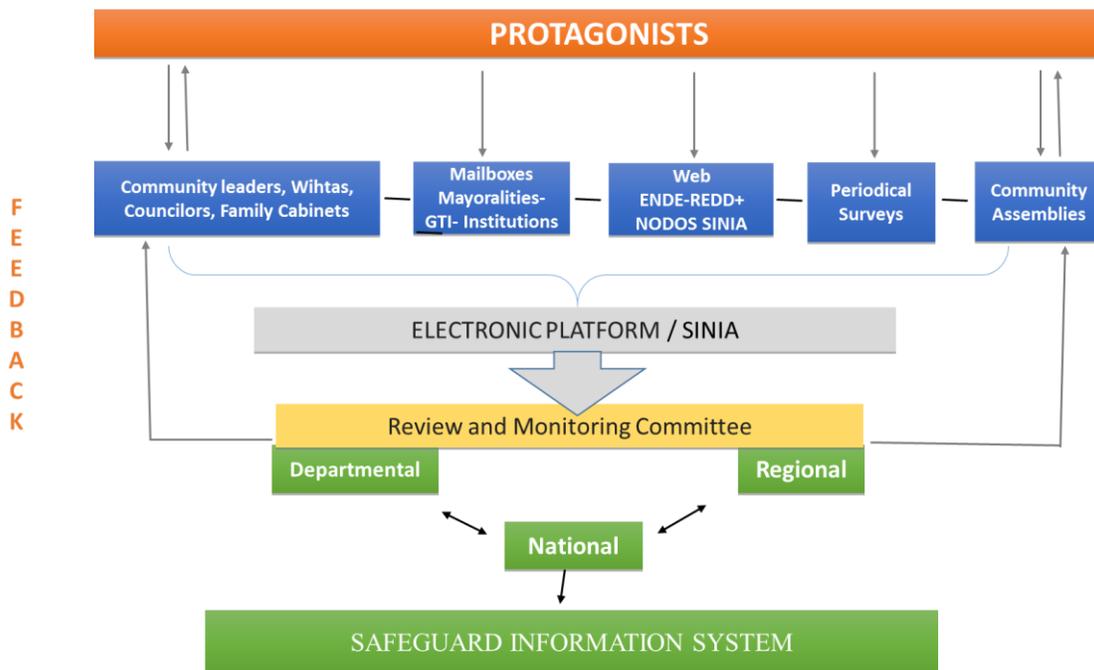
Procedure for concerns and complaints received

Comments must be gathered in one place for follow-up and monitoring. The creation of a virtual space has been considered, linked to the Safeguard Information System. The web page is the place to gather the comments presented regarding observations or complaints related to the implementation of ENDE-REDD+ activities. The different points of access will be gathered in the website, from which emails will be sent in real time to people in charge in MARENA, who will follow up on the mechanism. Quarterly public information will be provided about the management of the mechanism through the MARENA ENDE-REDD+ web page.

The Wihtas and other leaders from the indigenous peoples, afro-descendants and rural communities must enter comments received into the ENDE-REDD+ web page. The information that comes in through the suggestion boxes must also be entered into the web. Departmental or regional commissions must define the procedure for opening the suggestions boxes and reporting the comments.

The comments must contain basic information about the user, to be able to provide them with responses. Those who do not comply with this requisite must be analysed and dealt with as permitted by the information. A commission will be formed at the national, departmental or regional level to deal with the comments.

Figure 5: Diagram of Mechanism for Strengthening Communication with ENDE-REDD +



All information generated through this Mechanism for Strengthening Communication with ENDE-REDD will be used to adjust the design and implementation of the ENDE-REDD+ readiness process.

Annexes:

Indigenous Peoples Planning Framework

Involuntary Resettlement Policy Framework

Mechanism for Strengthening Communication

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