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# Safeguards at a glance

## Are voluntary standards supporting community land, resource and carbon rights?

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### Key messages

- REDD+ initiatives have been readied and implemented in landscapes where community land and resource tenure and carbon rights are either unrecognized, unclear or unenforced; this barrier to equitable REDD+ must be addressed by all safeguards standards and guidelines.
- Despite mention of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in UNFCCC decisions regarding REDD+, including the Cancun safeguards, initiatives have not placed importance on the wide scope of rights it recognizes; if respect for UNDRIP were more central – with specific requirements and indicators to monitor progress – standards could catalyse a rights-responsive transformation in climate actions.
- Reviewed standards failed to link rights over land and resources and rights to carbon, and tended to recognize the former but not the latter; these omissions require reconsideration.
- Free, prior and informed consent (FPIC) was a common requirement of standards, especially in cases of displacement, but most failed to include specific guidelines; this means what happens in the name of FPIC is highly varied.
- The power relations inherent in land and resource tenure and carbon rights in the Global South cannot be easily transformed, but standards can go further in addressing inequalities by providing specific guidelines to ‘do better’ through rights-responsive design and implementation.

**This flyer is part of a series on REDD+ safeguards, focusing on the rights and social inclusion concerns of the women and men of the Indigenous Peoples and local communities (IPs and LCs) that steward the forests where climate solutions are implemented.** Flyers provide lessons for application in different national contexts, present evidence for decision makers and practitioners to consider the implications and benefits of supporting the rights of IPs and LCs, and contribute to the participation of IPs and LCs representatives in discussions on and monitoring of safeguards.

## Introduction

Safeguards standards and guidelines can play an important role in enabling social and environmental goals in response to the growing political and financial interest in ‘nature-based solutions’ to the climate emergency. This flyer series examines the rights and justice concerns regarding the United Nations Framework Convention on Climate Change (UNFCCC) framework for reducing emissions from deforestation and forest degradation (REDD+). As discussed in the first flyer in this series (Sarmiento Barletti et al. 2021), these have largely related to Indigenous Peoples’ (IPs) and local communities’ (LCs) access to land and natural resources, access to information about climate actions, participation in relevant decision-making, and their fair receipt of financial and other benefits derived from initiatives (Barbier and Tesfaw 2012; Aguilar-Støen 2017; Duchelle et al. 2018).

Addressing these concerns is vital for REDD+, as half of the world’s tropical forests are within territories owned and managed by IPs and LCs (Fa et al. 2020). These areas hold close to 25% of the total carbon in tropical forests, with great potential for mitigation actions, yet are also some of the most economically poor in the world (Frechette et al. 2018). Despite recent progress, IPs and LCs still face legal and political barriers to the recognition of their ancestral territories and/or to the respect of their rights over recognized lands (Dooley et al. 2022). Hence, scholars and the representative organizations of IPs and LCs warned early on that REDD+ might exacerbate vulnerabilities if it did not strategically address the shortcomings of prior mainstream forest-based initiatives (Espinoza Llanos and Feather 2011; Larson 2011). Critics and grassroots sceptics (e.g. the ‘No rights, no REDD’ movement) centred on two key issues: the potential restrictions in communities’ access to forests and forest resources – including potential land grabbing associated with REDD+ as a new source of income – and the attribution of carbon rights that would allow for the commercialization of emission reductions (Corbera et al. 2011; Patel et al. 2013). Since then, there has been a growing consensus that clarifying and securing community tenure is an enabling condition for the effective and equitable achievement of REDD+’s goals, and that collective tenure regimes are one of the most effective, efficient and resilient ways to protect forests and support climate change mitigation (Ding et al. 2016; RRI 2016; Sunderlin et al. 2018; FAO and FILAC 2021).

In response, REDD+ proponents placed greater importance, at least in theory, on the recognition of community land and resource rights. However, this emphasis has not, for the most part (with some exceptions: see Jodoin (2017)), been reflected in practice; this is in part because REDD+ has been readied and implemented in local contexts of unrecognized, unclear or unenforced land and resource tenure rights in the Global South (Awono et al. 2014; Dwyer et al. 2016). The emphasis on tenure, however, has led to consensus regarding the inclusion of IPs and LCs among REDD+ beneficiaries in

benefit-sharing mechanisms (see Tamara et al. (2022) on Indonesia and Rodríguez et al. (2022) on Peru). Nevertheless, the lack of clarity over carbon rights – commonly linked to rights over forest ownership in national legal frameworks – is a barrier to community participation in decision-making regarding the commercialization of emission reductions (RRI and McGill University 2021). This includes challenges to their effective participation in the decision-making processes regarding who carbon credits are sold to, under what standards they are validated, through what intermediaries, and at what price, among other characteristics of such trades.

Voluntary standards and guidelines and associated social safeguards related to carbon markets provide one potential pathway to address inclusion and justice concerns. In the context of the many pledges to support low carbon development and sustainability goals in tropical forests, the rights, interests, and well-being of forest-dependent IPs and LCs cannot be left out of any climate solution (Dooley et al. 2022). This is the third global flyer in a series exploring a set of characteristics (see Box 1) related to the rights of IPs and LCs in 11 voluntary safeguards standards for REDD+ and safeguards guidelines of multilateral funding institutions. Our aim is to provide lessons for the application of such standards in different national and subnational contexts, to enable standard proponents to compare their safeguards provisions with those of others, and for REDD+ implementers to consider the implications and benefits of supporting the rights of IPs and LCs.

The first flyer of the series presents an ‘at a glance’ comparative analysis of the standards and guidelines (Sarmiento Barletti et al. 2021). The fifth and seventh flyers examine the same standards and guidelines, but zero in on specific topics – gender (Sarmiento Barletti et al. 2022), and this one on the rights of IPs and LCs to land, resources and carbon, respectively.

### Box 1. What’s in the table?

The table lists safeguards guidelines from multilateral institutions that fund REDD+ as well as voluntary standards for REDD+. Based on a review of documents published by each standard or institution, we present analysis from 11 guidelines/standards in total. The first two lines of the table set out the ratings we assigned each guideline/standard regarding its recognition and support for IP and LC rights to (a) land and resources and (b) carbon in the first flyer of the series. The rest of the table explores the requirements set by standards to (c) recognize tenure rights, (d) assess community land tenure, and (e) avoid and (f) mitigate negative impacts on community access to land and resources; we will address community access to benefits derived from REDD+ in another flyer. Safeguards guidelines/standards were rated as fully aligning with the criterion (“yes”), aligning in a limited way (“partial” – for those that only met some aspects of the criterion), or not aligning (“no”).

## Background: The land, resource and carbon rights of IPs and LCs in the context of REDD+

The history of collective and individual rights of the men and women of forest-dependent communities is a history of dispossession (Kelly and Peluso 2015; Human Rights Council 2018; Global Witness 2020; Dooley et al. 2022). Given this context, activists and scholars warned early on that REDD+ financial incentives could drive a land grab of untitled community lands and marginalize IPs' and LCs' land claims; and government and the private sector could profit by usurping carbon rights and failing to include communities in their benefit-sharing mechanisms (Espinoza Llanos and Feather 2011; Jacob and Brockington 2020). Despite the centrality of land and resource rights to both the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) – which is mentioned in UNFCCC decisions regarding REDD+ and the Cancun safeguards – and International Labour Organization C169, their recognition and respect is not a priority in most REDD+ countries. As we noted in the first flyer in this series, most voluntary standards call for compliance with UNDRIP but do not include clear guidelines or reporting requirements for the scope of rights under the declaration (Sarmiento Barletti et al. 2021).

Clarity regarding land and resource rights is particularly important when considering that REDD+ benefits are linked to forest ownership in some national legal frameworks, such that communities without rights might be excluded from the commercialization of carbon emission reductions from their forests. Nevertheless, the Forest Carbon Partnership Facility (FCPF) initiative in Indonesia's East Kalimantan Province includes both recognized and unrecognized traditional (*adat*) villages among its beneficiaries. This is an important development as countries tend to exclude unrecognized communities from similar programmes.

Despite inclusion in benefit-sharing mechanisms, communities have not often been granted legal rights over carbon; such rights are seldom defined in national legal frameworks and remain largely untested where they have been (RRI and McGill University 2021). This uncertainty is a major barrier to the achievement of equitable forest carbon finance. The unclear legal status of carbon rights may drive competing claims between communities and actors with access to technical capacities, time and resources (Pham et al. 2013; Loft et al. 2017).

If community rights to land, resources and carbon benefits are not secured, REDD+ will not achieve positive results for people, nature and climate. If past exclusion and rights transgressions are not addressed, they are likely to be reinforced or exacerbated. Even when forest-based initiatives have attempted to foster inclusion, they have often done so by addressing the symptoms of injustice rather than its structural causes (Larson et al. 2021). In the context of REDD+, a commitment to land tenure reform and to the recognition of community rights to resources and carbon could

catalyse a necessary challenge of the mainstream political and economic interests that drive deforestation and forest degradation (Sunderlin et al. 2018). Further, for REDD+ to be transformational, progress is needed towards the recognition and enforcement of community carbon rights, including binding safeguards that secure their free, prior and informed consent (FPIC) in the negotiation of carbon agreements relevant to their lands, and to benefiting (financially and otherwise) from trades in emission reductions.

Although powerful actors will surely continue to challenge the rights of IPs and LCs, voluntary safeguards standards for REDD+ have the potential to support change. This effort could build on lessons from REDD+ initiatives that have – directly and indirectly – supported community tenure rights (Jodoin 2017), relevant bilateral and multilateral agreements that have achieved rights recognition, and the demands of representative organizations of IPs and LCs. For example, the REDD+-related Joint Declaration of Intent signed by Peru, Norway and Germany – and more recently extended to include the United Kingdom and United States – included the formalization of 5 million ha for IPs in the Peruvian Amazon. The interest in supporting change is best evidenced in the USD 1.7 billion pledged to support the tenure rights of IPs and LCs at the UNFCCC's Conference of the Parties (COP) 26. In the context of REDD+, voluntary safeguards standards may be a pathway to guide projects and finance to support the land, resource and carbon rights of IPs and LCs; we explore that potential here.

## Preliminary findings: Attention to the land, resource and carbon rights of IPs and LCs in voluntary standards and multilateral guidelines for REDD+

In what follows, we present our preliminary analysis of the official documents available for each standard or guideline (see the 'Safeguards documents reviewed' section at the end of this flyer).

Despite a broadly positive recognition of the land and resource rights of IPs and LCs (11/11 were 'Yes' or 'Partial'), this is not the case regarding community carbon rights. All of the standards call for the respect of land resource rights under national or local law but carbon rights are not addressed. This is a problem because carbon rights remain unclear in legal systems across the REDD+ frontier or are linked to forest ownership, which is also unclear in some countries and unachievable in others for IPs and LCs. Although standards (6/11) tend to refer to carbon rights, none mention support for the recognition of community carbon rights.

Most standards require that projects carry out land and resource rights assessment before implementation (10/11); one of those standards limits the assessment to cases when project implementation leads to community resettlement.

The reviewed standards call for the respect of community land and resource rights to different extents; most (7/11) extend such support to territories that are claimed by IPs and LCs but remain unrecognized under national legal frameworks.

Standards hold a wide scope of requirements for proponents to avoid detrimental impacts on community land and resource rights, generally understood in terms of their physical and economic displacement due to the project. Most of the guidelines for the five multilateral financial institutions require that initiatives avoid, “where feasible”, any physical and economic displacement by exploring other implementation alternatives or considering implementing

activities elsewhere. The majority of those institutions (4/5) include additional provisions such as participatory processes for cases that involve the relocation of communities.

There is considerable variation in the requirements to avoid adverse impacts to community land or resource rights under the independent voluntary standards. Some (3/6) require respect for and protection of community access, use, and control over land and resources, even when those rights have not been formally recognized; in one of those cases, the standard limits recognition to a country’s current laws and thus does not provide a uniform standard. Only one standard (1/6) requires that projects be implemented where there is clear and

**Table 1. Safeguards at a glance: Attention to community land, resource and carbon rights in voluntary standards and multilateral guidelines for REDD+**

	MULTILATERAL FINANCIAL INSTITUTIONS				
	African Development Bank (AfDB) <sup>1</sup>	Asian Development Bank (ADB) <sup>1</sup>	Green Climate Fund (GCF)	Inter-American Development Bank (IDB) <sup>1</sup>	Forest Carbon Partnership Facility (FCPF) Carbon Fund
<b>(a) Land and resource rights</b>	Partial (only under involuntary resettlement)	Yes (recognized or not)	Yes (recognized or not)	Yes (recognized or not)	Yes (recognized or not)
<b>(b) Carbon rights</b>	N/A	N/A	No	N/A	No
<b>(c) Requires assessment of community tenure</b>	Partial. Only for resettlement planning. Cadastral surveys carried out when people in area of impact do not have land titles	Yes. Social impact assessment required, with “particular attention” to IPs’ customary rights	Yes. Must identify rights, tenure arrangements and/or traditional resource usage	Partial. Impact evaluation on land tenure/use, ecosystem services, and IPs and LCs	Yes. Assessment of land & resource tenure regimes (including customary rights) in the project area
<b>(d) Recognizes tenure</b>	Partial. Recognize national laws & local definitions of land tenure, rights to common property resources, and inheritance practices	Yes. Requires legal recognition of customary lands/ territories in the project’s area	Yes. Requires plan to ensure recognition of rights	Yes. Must provide guidelines for recognition of land tenure rights	Yes. Must have an action plan for the legal recognition of land that IPs have traditionally owned or customarily used/ occupied
<b>(e) Avoids negative impact</b>	Partial. Only considers physical or economic displacement. Alternative project design must be explored to avoid involuntary resettlement	Partial. Avoids any restricted access to or displacement from protected areas and natural resources. Requires consent of affected IPs and LCs for physical and economic displacement	Yes. Documents efforts to avoid or minimize areas under traditional ownership, use or occupation. Requires FPIC & IP engagement plan for activities in community lands, including those under customary ownership, use or occupation	Yes. Transparent participatory process to resolve competing land claims; informs people about their rights and provides access to impartial advice. Considers alternatives to avoid/minimize economic/physical displacement	Partial. Only for resettlement, which is only allowed after FPIC in gender-sensitive consultations
<b>(f) Mitigates negative impact</b>	Yes. Consultation & resettlement assistance & compensation at full replacement cost when there is displacement, including for people without land titles or recognized rights	Partial. When resettling, improves or at least restores their livelihoods (no mention of community participation)	Yes. Culturally appropriate compensation determined through FPIC process	Yes. Compensates communities in a culturally appropriate manner, to improve or restore their living standards or livelihoods. Must establish a grievance mechanism	Yes. Presents plan to mitigate negative impacts from physical and economic displacement. Compensation measures should improve or at least restore living standards

Notes: 1 Safeguards guidelines reviewed were not only for REDD+ but the institutions fund REDD+ activities in their portfolios; 2 The standard is not limited to REDD+

stable tenure. Other standards (2/6) require that measures to secure rights are deployed “if applicable” or “where feasible”, and another (1/6), that competing land claims are identified and resolved (although with no guidelines on how to do so), and that activities do not affect those claims negatively.

More than half of the standards and guidelines have additional requirements for cases that affect IPs specifically. In those cases, FPIC is a common requirement for cases of displacement (6/11), although not all standards have specific guidelines on how to carry out consultations. This lack of specificity is worrying as there is a wide range of so-called FPIC processes, and the term is used for very different standards of excellence.

Mitigation measures (including compensation and/or restitution) are common in cases where land and resource rights are affected due to economic or physical displacement (8/11). Measures are divided between requirements to improve or at least restore communities’ previous livelihood levels (4/11) and requirements for a consultation process to determine resettlement assistance and compensation (4/11). Some standards (6/11) require that land and resource rights assessments include both legal and customary rights-holders and that compensation is offered to both. Again, most standards do not include clear requirements on how to carry out these processes or definitions of “fair” compensation.

INDEPENDENT VOLUNTARY STANDARDS						
The REDD+ Environmental Excellence Standard (TREES) <sup>2</sup>	Climate, Community and Biodiversity (CCB) Standards	Land Rights Standard <sup>2</sup>	Plan Vivo Standard	Verified Carbon Standard (VCS)	VCS Jurisdictional & Nested REDD+	
Partial (no uniform standard)	Yes (with indicators; recognized or not)	Yes (recognized or not)	Partial (only where recognized)	Partial (only where recognized)	Partial (only where recognized)	
No	No	No	No	No	No (as per local law)	
Partial. Requires inventorying and mapping of statutory and customary rights, following applicable laws	Yes. Maps statutory and customary tenure/ use/ access/ management rights to lands, territories and resources	Yes. Requires human impact assessment to assess land rights	Yes. Participatory planning (w/community involvement); land tenure and resource management are taken into consideration	Yes. Assessment of legal and/or customary tenure rights to land and resources, and location of territories and resources under customary use and/or ownership	No	
Partial. Follow applicable laws to recognize and secure rights	Yes. Must demonstrate that all property rights are recognized, respected and supported	Yes. Requires effective recognition of customary tenure systems, laws and/or governance structures	Partial. No provision for the recognition or protection of customary rights when they have not been formally recognized	Partial. Project proponents shall recognize, respect, and support local stakeholders’ property rights and, where feasible, take measures to help secure rights	Partial. No provision for the recognition or protection of customary rights, in situations where they have not been formally recognized	
Partial. Only in cases of relocation, which is only allowed with the consent (via FPIC) of concerned IPs and LCs	Yes. If applicable, must include measures to secure rights. Conflicts over land and resource rights must be identified and resolved. FPIC must be obtained for those whose property rights will be affected by the project	Yes. Respects, protects and promotes rights to lands, territories, and resources, legally recognized or not	Partial. Agreements must not remove, diminish, or threaten participants’ legal/recognized land tenure. Project interventions must only take place where there is clear and stable tenure	Partial. Project coordinator must assist participants on acquiring legal/regulatory permissions for the project interventions. FPIC should be obtained if property rights are affected. ‘Where feasible’, measures to help secure rights must be adopted	Partial. Proponent shall demonstrate the rights to GHG emission reductions in accordance with local law and respect all rights (including carbon rights) of non-state stakeholders, including IPs and LCs	
Partial. Relocation agreed through FPIC with affected communities	Partial. Restitution and/or compensation required for resettlement	Yes. ‘Fair’ compensation for any current and future impacts on IP and LC lands and resources	No	Partial. ‘Just and fair’ compensation (no definition nor guidelines for FPIC in decision-making) when property rights are affected	No	



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## Moving towards a rights-transformative REDD+

In general terms, most of the reviewed standards and guidelines call for respect for the land and resource rights of IPs and LCs and many even refer to the rights recognized under UNDRIP. However, they also require that project proponents follow national legal frameworks, which already tend to limit community access to land and resources and to the wide scope of rights under UNDRIP. Physical and/or economic displacement is to be “avoided” rather than prohibited and, in most cases, displacements are only considered as such if they involve formally recognized communities. Most standards require compensation or restitution for resettlement that improves or at least restores livelihood levels, although not all require consultations with the affected groups to inform or guide these processes, which, for IPs, infringes upon UNDRIP-recognized rights to self-determination.

Some standards have additional protections, which are good examples that could be replicated by others. These include identifying and resolving land and/or resource conflicts prior to project implementation, requiring, in cases of displacement, FPIC for all communities (e.g. not only IPs or legally recognized communities), and securing rights and/or legal recognition of customary rights. These provisions, however, must be more than suggestions and not just to be applied “where feasible”; respecting land, resource and carbon rights should be a strictly monitored priority and a precondition for disbursements of funds.

Despite some progress in support of the rights of IPs and LCs, standards need more stringent implementation guidelines

and monitoring criteria to assure the recognition and respect of such rights; up to now, only the monitoring, reporting and verification of biophysical aspects of REDD+ have received such attention.

We will continue to update our analysis as part of Center for International Forestry Research’s Global Comparative Study on REDD+’s engagement with safeguards, providing evidence-based recommendations towards a rights-responsive REDD+ that benefits forests and the men and women that steward them.

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### **Safeguards documents reviewed (in order of presentation in Table 1)**

#### **African Development Bank (AfD)**

AfDB. 2013. Integrated Safeguards System – Policy statement and operational safeguards. Accessed 12 December 2021. [https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December\\_2013\\_-\\_AfDB'S\\_Integrated\\_Safeguards\\_System\\_-\\_Policy\\_Statement\\_and\\_Operational\\_Safeguards.pdf](https://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/December_2013_-_AfDB'S_Integrated_Safeguards_System_-_Policy_Statement_and_Operational_Safeguards.pdf)

#### **Asian Development Bank (ADB)**

ADB. 2009. Safeguard policy statement. Accessed 12 December 2021. <https://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>

#### **Green Climate Fund (GCF)**

GCF. 2017. Terms of reference for the Pilot Programme for REDD+ Results-based Payments. Accessed 12 December 2021. <https://www.greenclimate.fund/document/terms-reference-pilot-programme-redd-results-based-payments>

#### **Inter-American Development Bank (IDB)**

IDB 2020. Environmental and Social Policy Framework. Accessed 12 December 2021. <https://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-110529158-160>

#### **Forest Carbon Partnership Facility Carbon Fund (FCPF Carbon Fund)**

FCPF. 2016. Carbon Fund Methodological Framework. Accessed 12 December 2021. <https://www.>

[forestcarbonpartnership.org/system/files/documents/FCPF%20Carbon%20Fund%20Methodological%20Framework%20revised%202016\\_1.pdf](https://forestcarbonpartnership.org/system/files/documents/FCPF%20Carbon%20Fund%20Methodological%20Framework%20revised%202016_1.pdf)

#### **World Bank Environmental and Social Framework**

World Bank. 2017. The World Bank Environmental and Social Framework. Accessed 12 December 2021. <https://thedocs.worldbank.org/en/doc/837721522762050108-0290022018/original/ESFFramework.pdf>

#### **The REDD+ Environmental Excellence Standard (TREES)**

Architecture for REDD+ Transactions. 2021. The REDD+ Environmental Excellence Standard Version 2.0. Accessed 12 December 2021. <https://www.artredd.org/wp-content/uploads/2021/12/TREES-2.0-August-2021-Clean.pdf>

#### **Climate, Community and Biodiversity (CCB) Standards**

Verra. 2017. Climate, Community & Biodiversity (CCB) Standards. Version 3.1. Accessed 12 December 2021. [https://verra.org/wp-content/uploads/CCB-Standards-v3.1\\_ENG.pdf](https://verra.org/wp-content/uploads/CCB-Standards-v3.1_ENG.pdf)

#### **Land Rights Standard**

Gold Standard Foundation. 2019. Safeguarding principles and requirements, Version 1.2. Accessed 12 December 2021. <https://globalgoals.goldstandard.org/103-par-safeguarding-principles-requirements/>

Gold Standard Foundation. 2019. Stakeholder consultation and engagement requirements, Version 1.2. Accessed 12 December 2021. <https://globalgoals.goldstandard.org/102-par-stakeholder-consultation-requirements/>

IPMG, RRI, FPP, GLF. 2021. The Land Rights Standard. Accessed 12 December 2021. <https://docs.google.com/document/d/1fUaq93M9tRrLDNsDubOtoyBxwxSOMi96Qc4vfH2OXRA/edit>

#### **The Plan Vivo Standard**

Plan Vivo. 2013. The Plan Vivo Standard for Community Payments for Ecosystem Services Programmes. Accessed 12 December 2021. <https://www.planvivo.org/Handlers/Download.ashx?IDMF=a677d7d1-ce55-4925-aeaa-71b8c95caf1c>

#### **Verified Carbon Standard (VCS)**

Verra. 2021. VCS. Version 4.1. Accessed 12 December 2021. [https://verra.org/wp-content/uploads/2021/04/VCS-Standard\\_v4.1.pdf](https://verra.org/wp-content/uploads/2021/04/VCS-Standard_v4.1.pdf)

#### **Verified Carbon Standard Jurisdictional and Nested REDD+ (JNR)**

Verra. 2021. VCS Jurisdictional and Nested REDD+ (JNR) Requirements – Scenario 3. Version 4.0. Accessed 12 December 2021. [https://verra.org/wp-content/uploads/2021/04/JNR\\_Scenario\\_3\\_Requirements\\_v4.0.pdf](https://verra.org/wp-content/uploads/2021/04/JNR_Scenario_3_Requirements_v4.0.pdf)



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