

GOVERNANCE OF REDD+

To what extent does the R-PP promote good governance within REDD+ systems and processes?

Stakeholder Participation in REDD+ planning and Implementation

Identifies relevant stakeholders for REDD+

Specifically considers how to engage vulnerable groups

Establishes procedures to ensure a transparent process and accountability for stakeholder input

+ Establishes a grievance / dispute resolution mechanism

Considers how to learn and build from other relevant participatory processes

The R-PP does not explicitly list key stakeholders for REDD+, although it states that consultations to date on REDD+ have been held at the national and regional level and have targeted local authorities, civil society organizations, the private sector, local communities, and indigenous peoples. A more refined list of stakeholders will be forthcoming (p20). The R-PP emphasizes the importance of engaging local and indigenous communities that will be directly involved in / impacted by REDD+ demonstration activities, although it does not propose a specific process (e.g. FPIC) for how these groups will be engaged. The REDD+ Coordination Body is tasked with conflict resolution and grievance management (p11), and specific procedures for handling conflicts and grievances will be developed during the preparation phase (p45).

The R-PP outlines a Consultation and Participation Plan “designed to increase the inclusiveness, transparency and accountability of decision-making processes” during R-PP implementation. Among the strengths of the proposed Plan are that it includes preliminary strategies to promote participatory decision-making, and seeks to build from existing channels to facilitate two-way communication between the government and stakeholders. However, additional details are still needed in order to understand how transparency and accountability for stakeholder input will be achieved in practice. For example, the R-PP expects the involvement of the National Alliance of Community Forest Association (NACOFA) in the National REDD+ Steering Committee to ensure the uptake of stakeholder input and transparency on key decisions taken (p20). However, the Steering Committee is only scheduled to meet twice per year and therefore provides limited opportunities for participation.

Recommendations:

- Describe the specific procedures and process through which forest adjacent communities and indigenous peoples will be consulted and engaged
- Describe how the existing communication channels listed (p19-20) will be coordinated in the context of REDD+, and how effective they have been in the past at facilitating the uptake of stakeholder feedback
- Explain how the non-government representatives on the REDD+ Technical Working Group will be selected

Government coordination in REDD+ planning and implementation

+ Considers REDD+ in the context of other sector policies, land use plans, and national development plans

- Proposes a process to reconcile potential conflicts between REDD+ strategies and other policies/plans

Proposes mechanisms to coordinate REDD+ across sectors

Proposes mechanisms to coordinate REDD+ across levels of government

The R-PP regularly frames REDD+ in the context of other sector policies and national plans. For example, it identifies several drivers of deforestation originating outside of the forest sector and begins to suggest potential REDD+ strategy options to address them. The drivers mentioned include poor policy harmonization between the forestry and agricultural sectors, inadequate integration of the forest sector into the economy and national accounting, and political interference in forest administration resulting in the degazetting of forest reserves for other land uses (p28, Annex 2a-1, p15). The R-PP also identifies several national level plans and strategies that are relevant to forest governance and REDD+, including pending legislation on land reform (p26). In light of these challenges, the R-PP states that REDD+ management arrangements should reflect a cross-sectoral approach in order to improve policy alignment and generate broader national support for the forestry sector (p44). The National REDD+ Steering Committee will be responsible for coordinating REDD+ activities across sectors, and includes representatives from the Ministries of Finance and Planning among others (p10-11). Although the R-PP does a good job of articulating clear roles and responsibilities for readiness management, it does not clearly articulate how the coordination challenges identified in Component 2a, particularly with respect to policy alignment, will be overcome. Finally, the R-PP also considers vertical coordination in its readiness management arrangements. Local Conservancy REDD+ Officers will be designated in each of the 10 conservancies and will report to the National REDD+ Coordination Office. Building capacity of actors at the conservancy level is also a major focus of the proposed REDD+ strategy options (p36-38).

Recommendations:

- Specify a clear process and political forum by which the conflicting sector policies identified in Component 2a will be reconciled in the context of REDD+

Transparent and accountable REDD+ revenue management & benefit sharing

+ Proposes a transparent system to track and coordinate international financing of activities related to REDD+

+ Considers measures to promote fiscal transparency and accountability for REDD+ revenue management

Proposes a transparent process for deciding who should benefit from REDD+ and how benefits will be targeted

+ Reviews lessons from past and/or existing systems for managing and distributing forest revenues

The R-PP clearly describes how REDD+ financing will be coordinated, managed and tracked. Specifically, the Finance Management Unit within the National REDD+ Coordination Office will be responsible for coordinating donor support for REDD+ activities, managing incoming finance, and tracking expenditures (p11&46). To promote transparency and accountability, a financial reporting system will be developed that includes annual budgets, monthly and quarterly financial reports, annual financial reconciliation, and end of program financial audit (p71).

In order to design an appropriate benefit-sharing mechanism for REDD+, the R-PP proposes to review past experiences with benefit-sharing and to collect best practices from REDD+ demonstration projects. It notes that equitable sharing of benefits and forest revenues with local communities has been inadequate in the past (Annex 2a-1, p15), and states that the situation is expected to improve with the establishment of Community Forest Associations (CFAs) under the new Forest Act (p26). The proposed REDD+ strategy options therefore seek to expedite the implementation of the CFA system. However, the R-PP also notes that some communities may have misaligned expectations of the types of forest revenues and benefits that will be shared under the new Forest Act, which may lead to future conflict (p27). As such, it is important that communities are able to effectively participate in REDD+ demonstration projects that will be testing different benefit-sharing approaches, and that their expectations and needs are transparently managed.

Recommendations:

- Clarify the terms on which key stakeholders, especially local communities, will be able to participate in and influence the design of benefit-sharing rules for REDD+

Transparent monitoring and oversight of REDD+

Proposes to establish information management systems for REDD+ that guarantee public access to information

+ Proposes mechanisms for independent oversight of the implementation of REDD+ activities

Proposes mechanisms to monitor progress of efforts to address governance-related drivers of deforestation

The R-PP does not make an explicit statement guaranteeing public access to information. However, the proposed Consultation and Participation Plan strongly emphasizes information sharing, and the R-PP also proposes to develop an “information clearinghouse” for all REDD+ knowledge and data (p42).

The R-PP also proposes several mechanisms for oversight of the implementation of REDD+. The REDD+ Steering Committee and Technical Working Group will be responsible for monitoring and evaluating the activities undertaken by the REDD+ Coordination Office. In addition, external consultants will be hired to evaluate outcomes and lessons learned from demonstration activities. Although not specified in the R-PP, it is important that these consultants have the independence and authority to draw conclusions without being influenced by the government. Finally, the R-PP also proposes to designate institutions with well defined powers to oversee and enforce REDD+ strategy implementation once the R-PP has been implemented. However, it does not specify if these bodies will be independent.

In Component 4b, the R-PP states that the outcomes of governance interventions aimed at addressing the identified drivers of deforestation and degradation will be monitored (p71). It further states that a governance baseline and indicators will be used to assess the general outcomes and carbon impacts of these interventions, but provides no additional details at this stage.

Recommendations:

- Explain how the proposed information clearing house will enable broad public access to information
- Provide more details on how governance interventions will be monitored

GOVERNANCE-RELATED DRIVERS OF DEFORESTATION

To what extent does the R-PP consider key forest governance challenges for achieving REDD+?

Land and forest tenure

- Discusses the situation regarding land and forest tenure, including for indigenous peoples

Considers the capacity of judicial and non-judicial systems to resolve conflicts and uphold the rights of citizens

Links identified governance challenges to proposed REDD+ strategy options and implementation framework

The R-PP's consideration of tenure issues is not very thorough especially given the recent and ongoing significance of land-related conflicts in Kenya. It states that “unclear tenure and access to forest resources” is a driver of deforestation (Annex 2a-1, p15). However, it does not explain why tenure is unclear or how it drives deforestation. It also does not describe the status of tenure rights for Indigenous Peoples. Rather, the R-PP states that the new Forest Act is expected to strengthen communities' rights of access to forest resources through the creation of Community Forest Associations (CFAs). The proposed REDD+ strategy options seek to facilitate the implementation of CFAs, but do not otherwise propose any interventions to clarify land tenure. As a part of establishing the REDD+ implementation framework, the R-PP proposes to generate “responses to the gaps in tenure, ownership and related legislation and policies that are needed to underpin REDD+ activities of public and private actors going forward” (p44). However, given the lack of discussion of tenure issues within the R-PP, it is difficult to infer what this activity might entail. Finally, while the R-PP does not discuss the current capacity of judicial and non-judicial systems to resolve conflicts, it does propose to strengthen the capacity of the judicial system in relation to forest and environmental laws, and to strengthen the National Environment Tribunal (p38).

Recommendations:

- Propose a study to further investigate the impacts of unclear tenure on deforestation, potential implications for REDD+,

and options for enhancing the recognition and protection of tenure rights in practice, particularly for indigenous peoples

Forest Management

+ Discusses the ability of forest agencies to plan and implement forest management activities

+ Considers the role of different stakeholders, including communities, in forest management

+ Links identified governance challenges to proposed REDD+ strategy options and implementation framework

Strengthening capacity and community participation in forest management is a major focus of the R-PP, and of the proposed REDD+ strategy options. The R-PP explains that communities have not been adequately engaged in forest management in the past, and that government capacity for forest management, particularly at the local level, is low. The new Forests Act is expected to provide a legal framework for addressing these problems, and has also created a new semi-autonomous institution – the Kenya Forest Service (KFS) – to replace the struggling Forest Department (p27). The proposed REDD+ strategy options include many measures to strengthen the capacity of the KFS, local government authorities, communities and the private sector to implement ongoing reforms under the Forests Act, including the creation of forest management plans.

Forest Law Enforcement

- Discusses the ability of law enforcement bodies to effectively enforce forest laws

- Discusses efforts to combat corruption in the forest sector

- Links identified governance challenges to proposed REDD+ strategy options and implementation framework

The R-PP provides a very limited discussion of forest law enforcement. Illegal logging, weak enforcement of forest laws, and corruption are listed as drivers of deforestation (Annex 2a-1, p15). However, the R-PP does not further elaborate on these problems, although it does briefly acknowledge that appropriate resources and capacities will be necessary to carry out and enforce new land and forest laws (p44).

Recommendations:

- Provide a more thorough assessment of the law enforcement system and existing problems of illegality corruption and political economy.
- Consider measures to strengthen forest law enforcement in the REDD+ strategy

Other Forest Governance Issues Relevant for REDD+

+ Discusses other forest governance issues that are relevant for REDD+

+ Links identified governance challenges to proposed REDD+ strategy and implementation framework

The R-PP identifies poor forest governance and institutional failures in the forest sector as one of the major underlying causes of deforestation and degradation (p28-9). It provides a brief overview of key governance challenges including weak public administration in the land and forest sector, declining funding for and political power of the Forest Department, weak law enforcement, weak community participation in forest management, weak capacity of government forest institutions to manage forests, and inadequate benefit-sharing from forest resources (p28, Annex 2a-1, p16-17). Further, the R-PP lists several broader reform processes, including revisions to the Constitution, which are intended to address the weaknesses in forest governance (p26,29). The proposed REDD+ strategy options focus primarily on facilitating and expediting the implementation of the new Forests Act, which is expected to resolve many of these issues. Regular assessment of the situation of forest governance would be useful to track progress on these issues as implementation of the Forests Acts proceeds. The R-PP begins to suggest a system for doing this in Component 4b, but few details are provided at this stage.

Recommendations:

- Consider conducting regular assessment of forest governance to monitor the effectiveness of the Forests Act in addressing identified governance challenges.