

LAO P.D.R.

*(R-PP dated 11 October 2010)***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's Consultation and Participation Plan recognizes the importance of a conducting a transparent and inclusive process, but notes that consultations to date have been limited to the national level and to the few provinces where readiness activities are currently envisioned. The R-PP explains the focus on national stakeholders by noting that many local stakeholders live in remote villages that are difficult to access, and that at this point in R-PP development there is no budget for the high costs of full participation across provincial, district and village level consultation (p18). Many of the ethnic groups and local communities do not have written materials in their languages, and educating these communities so they are able to participate in a manner that is in line with the principle of Free, Prior and Informed Consent (FPIC) is cited as an important priority (p19). Proposed methods to improve the ability to conduct consultations with these communities include development of audio materials in local languages, information sharing managed by stakeholder groups and the use of the government's Technical Service Centres (TSC), which already provide support to villages for agriculture and activities (p19,24). The R-PP lists a few existing projects at the local level that have consultation components that could incorporate REDD+ activities, but it does not elaborate on how these initiatives have addressed the constraints of accessibility and language barriers, or whether these activities could be scaled up for REDD+.

The R-PP proposes a broad range of tools for engaging stakeholders throughout the REDD+ process. Stakeholder interviews and consultation meetings have been the main tools utilized thus far, and the R-PP proposes further mechanisms that include workshops, focus group meetings, and self-administered questionnaires, although a clear timeline and process for administering these activities is not delineated (p24). The Consultation and Participation plan aims to ensure transparency and accountability through monitoring and evaluation of the consultation process that includes indicators that assess whether information has reached intended recipients and how stakeholder feedback is shared and addressed in the consultation process (p26). The R-PP does not include a discussion of dispute resolution mechanisms for stakeholder processes.

Recommendation:

- Clarify how stakeholder conflicts relating to REDD+ will be addressed through a dispute resolution mechanism

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 effective mechanisms to coordinate REDD+ across sectors*+ *Proposes effective mechanisms to coordinate REDD+ across levels of government*

The R-PP recognizes the importance of considering REDD+ in the context of land use planning and national development programs such as the Forest Strategy 2020, and makes some effort to identify mechanisms of incorporating REDD+ more broadly into planning processes. For example, the R-PP discusses including an assessment of the impacts of land allocation decisions on carbon values into existing land use planning processes (p41-42). Furthermore, the potential conflict between REDD+ goals and existing priority policy goals for the land use sector such as commercialization of agriculture is acknowledged (p29). The R-PP estimates that nearly half of the emissions from land use change in Lao PDR are 'highly dependent on decisions and actions from other sectors that require land for other purposes' (p39).

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While the R-PP notes that the current readiness management arrangements have been led by a REDD+ Task Force that is made up of a majority of members from one ministry (the Ministry of Agriculture and Forestry), the improvement of cross-sectoral coordination by adding representatives of key ministries such as the Ministry of Mines and Energy and the Ministry of Finance, Planning and Investment is proposed (p14). High level coordination and decision-making at the ministerial level will be provided by the National Environment Committee, which also oversees implementation of the National Climate Change Strategy and Action Plan (p14). Similarly structured provincial level arrangements are proposed in order to ensure sub-national coordination, but how these provincial entities would coordinate with the national REDD+ task force or with local level implementing bodies is not discussed.

Recommendations:

- Identify potential strategies for reconciling conflicts between competing land use priorities that go beyond raising awareness
- Clarify how the established national REDD+ task force and provincial level task forces will collaborate
- Elaborate on how the REDD+ Task Force will reach out to include a broader representation of sectoral interests

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 recognizes the importance of developing transparent and accountable financial management arrangements for receiving international financial flows as well as for distributing those funds to sub-national and local recipients (p55-56). The R-PP notes that there are some current funds operating in Lao PDR, but does not elaborate on what these funds are or what lessons they may provide for REDD+ fund management, only stating that a system for REDD+ is likely to be more complex. The possibility of creating a REDD+ fund during the implementation phase has been discussed with members of the Ministry of Finance as well as various fund administrators, but the R-PP describes these conversations as “preliminary” and does not elaborate on how such a fund might be administered and which agency would be in charge of oversight (p55).

The R-PP briefly discusses some challenges inherent in developing a benefit-sharing system at the local level, citing questions of who pays transaction costs for distributing local level revenues and the potential perverse incentive of providing revenue only to those actors that are inclined to clear land as issues that will need to be discussed and piloted at the village level. The R-PP suggests that simple methods of benefit sharing could be tested during initial phases of readiness in order to eventually create a more complex system based on lessons learned (p56).

Recommendation:

- Propose a study to assess the effectiveness of existing systems of revenue management and benefit sharing in Lao PDR and key findings that are likely to be relevant 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 efforts to address governance challenges

The importance of sharing information with relevant stakeholders, as well as ensuring transparency in decision-making and monitoring through ensuring access to timely information, is supported in the R-PP by the proposed establishment of a REDD+ ‘clearing house’ mechanism (p58). The R-PP states that this system will build off of existing information management systems and will be hosted by the Ministry of Agriculture and Forestry (MAF). The R-PP proposes to link this clearinghouse with existing

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databases of other agencies in the MAF, although it does not clarify the type of information that will be made available.

The R-PP proposes to monitor drivers of deforestation and forest degradation, as well as key governance concerns. Monitoring of drivers of forest change will require gathering of information from relevant forest agencies on concessions, land use allocations, and detection of illegal activities. The R-PP plans to build off of existing initiatives to develop indicators for monitoring governance-related issues, specifically proposing to adapt a draft framework of governance parameters agreed at a Chatham House workshop in May 2010 in order to create country-specific indicators that will be approved by stakeholders. The R-PP also proposes to undertake an assessment of baseline governance factors that will need to be addressed in REDD+ implementation and conduct annual monitoring to assess progress (p84)

Recommendations:

- Clarify the types of information that will be available in the REDD+ clearinghouse mechanism
- Identify an entity that could be responsible for independent monitoring of REDD+ implementation

GOVERNANCE CHALLENGES FOR ADDRESSING DEFORESTATION DRIVERS*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

In Lao PDR usage rights are generally conferred by the state to village authorities or ethnic groups, but local communities and ethnic groups typically do not hold any legal title or enforceable rights to the land that they manage. There are land use planning processes for delineating agricultural and forest land in rural areas, but the legal status of land that is allocated to communities is not clarified in the R-PP (p29). The R-PP authors acknowledge that the existing tenure situation poses some difficulties for REDD+, since groups that do not hold legal title may not be able to benefit from REDD+ revenues or there may be multiple stakeholder groups with overlapping claims to land (p29). However, the authors do not elaborate further on how these conflicts could be resolved.

The tenure challenges identified in the R-PP are not directly linked to proposed REDD+ strategy options, although some of the results of unclear tenure such as illegal harvesting or forest clearing are indirectly addressed through proposed solutions such as support programs for alternative livelihoods and agroforestry systems. The authors state that the development of a REDD+ regulation should address insecure tenure by clarifying rights to resources, including carbon tenure, but does not propose a process or further studies for achieving this task.

Recommendation:

- Propose a study to examine how existing tenure rights or potential conflicts caused by overlapping tenure claims can be clarified, including how to include relevant ethnic groups and other stakeholders in the process of clarifying rights

Forest Management

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

Considers the role of non-government stakeholders, including communities, in forest management

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

Lack of capacity to implement forest laws and management activities is an ongoing issue in the forest sector in Lao PDR (p30). Forest management priorities for the 2020 Forest Strategy include improvement of sustainable forest management practices as well as forest restoration efforts. Some progress towards these goals has been made through the establishment of 3 main forest

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demarcations-Production, Protection and Conservation Forests; however, management of these forests is still in a nascent stage. Despite the establishment of these forest zones, in practice very few protection forests have demarcated boundaries and many production forests still lack management plans (p36). Therefore, in many cases illegal logging and forest clearing are ongoing due to a lack of financing and staff capacity. In some cases local communities may be allowed to harvest small quantities of timber for their own uses, but overall the role of non-government actors in forest management is not discussed in detail.

The proposed REDD+ strategy is to support the forest management strategies that are already being put into place, such as encouraging forest protection and promoting sustainable forest management. Proposed activities also seek to strengthen capacity for forest management at all levels among all stakeholders, although specific capacity needs are not defined (p52).

Recommendations:

- Provide further detail on who has oversight for forest management activities and opportunities for involvement of non-government stakeholders in REDD+ or other forest management programs
- Identify how the limited financial and technical capacity of forest management agencies will be addressed as part of readiness

Forest Law Enforcement

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

Discusses efforts to combat corruption

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

The R-PP clearly identifies some of the major obstacles to effective law enforcement in Lao PDR, emphasizing the role that weak law enforcement and poor oversight of forests plays in contributing to illegal logging activities. The R-PP states that a new Department of Forest Inspection (DOFI) has been established within the Ministry of Agriculture and Forestry (MAF) to address these issues and improve overall monitoring of the forest sector (p29). Efforts to improve law enforcement capacity and training are already planned under the new five year plan for DOFI for 2011-2015, and it will likely be supplemented by some strategies proposed in the R-PP. For example, better enforcement of harvest quotas in management plans, analysis of wood products and consumption that ensures better data is collected on wood harvesting and export, and the development of a surveillance system that can improve real-time monitoring are all potential REDD+ strategy options proposed to address existing forest law enforcement weaknesses that contribute to illegal forest activity (p46-48).

Corruption is mentioned briefly in a list of issues to be monitored as part of overall REDD+ performance in the section 4b on monitoring of other benefits and impacts, but is not discussed elsewhere in the R-PP.

Recommendation:

- Clarify whether corruption is a pervasive problem in the forest sector that needs to be addressed for REDD+

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's briefly discusses general forest governance challenges in the forest sector that are likely to impact REDD+. The major issue cited is the contribution of weak governance to overall implementation and enforcement issues that result in poor natural resource management (p29). Inadequate funds and a lack of trained staff are major constraints to ensuring implementation of laws and policies, and this problem exists particularly at the provincial and district levels. The R-PP identifies some strategies for improving implementation, primarily by strengthening enforcement efforts.

Recommendation:

- Elaborate on methods for strengthening capacity of institutions at the district and provincial level