

## NEPAL

(R-PP dated 19 April 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 demonstrates a strong commitment to inclusive and transparent stakeholder participation in the REDD process. It identifies an array of relevant stakeholders and frequently emphasizes the importance of engaging indigenous peoples, *Dalit* communities, and women in particular. The R-PP documents extensive consultations conducted thus far to raise awareness and solicit feedback on the draft R-PP, and summarizes key outcomes and issues identified (p18-20). Future consultations are expected to build on existing participatory structures such as forest user groups (p26). However, it is not yet clear how these structures will link to the REDD Stakeholders' Forum, which will serve as the main outreach and communication platform (p13).

The proposed Consultation and Participation Plan describes a consultation process that will be applied to each of the major R-PP components (p22). Overall, the Plan seems to strike a reasonable balance between awareness-raising activities and concrete opportunities for stakeholders to engage in decision-making processes. To promote transparency, the R-PP states that the REDD Working Group (RWG) will regularly disclose its activities and achievements to stakeholders in appropriate languages (p12). The public will be given a clear timeframe to submit comments and concerns through a variety of different channels, including public hearings (p25). Stakeholder input will be considered by policymakers, and validation workshops will be held to reflect on the uptake of input into final decisions (p26). Finally, the R-PP states that there will be regular monitoring of the consultation process, including mid-term and final evaluation (p26).

**Recommendations:**

- Propose a mechanism to resolve grievances and disputes relating to REDD
- Be more concrete about how existing participatory mechanisms will be used during the consultation process

**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 states that weak coordination in policy development, planning and implementation results in pervasive unplanned and unregulated use of land and resources (p33). Forest lands in particular suffer from conflicting legal jurisdiction between ministries and across government levels (p32). However, the R-PP does cite some examples where land use planning has been rationalized at the local level using multi-stakeholder bodies (p36). In developing the REDD strategy, the R-PP proposes to assess potential policy instruments and institutional arrangements that would facilitate the implementation of effective land use planning (p41). It also proposes to integrate REDD considerations into broader policy arenas, including the upcoming constitution-making process. It is hoped that these processes can be used to reconcile remaining inconsistencies in the legal and policy framework (p43).

Given the significant challenges around land use in Nepal, effective coordination for REDD will be vital. The R-PP recognizes this, and relevant sector and sub-national interests are represented in the REDD Apex Body and REDD Working Group, although specific roles and responsibilities have yet to be clarified (p43). Initial consultations revealed that “non-forestry ministries and government bodies have limited interest in REDD” (p19), and the R-PP proposes to convene national roundtable meetings to address this issue (p26). The R-PP also states that the high level Climate Change Council led by the Prime Minister will help address inter-ministerial coordination problems and challenges of conflicting policies (p48).

**Recommendations:**

## NEPAL

*(R-PP dated 19 April 2010)*

- Consider the implications if the proposed national roundtable meetings fail to generate adequate multi-sector interest in REDD, and potential alternative options to generate greater political will
- Elaborate on how inconsistencies in the legal and policy framework, particularly across sectors, will be reconciled

**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 makes a broad statement about promoting efficiency, transparency and accountability in the implementation of the REDD strategy (p45), but the financing mechanism is only notional at this stage and no concrete procedures or processes are yet proposed. The R-PP states that government administered financing mechanisms often suffer from inefficiency and lack of accountability, and therefore suggests that a “forest carbon trust fund” governed by a multi-stakeholder board might be more appropriate for REDD (p47). However, the R-PP also states that “political influence and issues of downward accountability and transparency may persist” within the existing National Trust for Nature Conservation. Deeper insights into the causes of these problems and lessons for a potential REDD fund need to be further explored moving forward.

The R-PP also suggests that a sub-national approach to benefit sharing will likely be used and will take advantage of existing multi-stakeholder bodies at the local level with experience channeling funds to local stakeholders (p46-7). The R-PP makes broad statements about equitable benefit sharing with a focus on local communities and women, and proposes an opportunity cost study to determine specific levels of compensation.

**Recommendation:**

- Commission a study to investigate the accountability and transparency problems faced by the existing National Trust for Nature Conservation, and the lessons to be learnt 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 states that information relating to REDD must be accessible at all levels and to all actors (p62). The collection and coordination of sub-national information will be performed by a National Forest Information Management System (p64-65). The R-PP also proposes to create a “central clearinghouse for all REDD-related information,” which would be managed with broad participation of stakeholders in order to ensure transparency and accountability (p48).

The REDD-Forestry and Climate Change Cell will be responsible for monitoring and oversight of the implementation of REDD activities (p12). This Cell is led by the Ministry of Forests and Soil Conservation and therefore cannot be considered independent; however, the R-PP states that it has been proposed to add civil society representatives to the Cell (p48). The R-PP proposes to monitor broader governance issues through the REDD+ Social and Environmental Standards Initiative, which is being facilitated by the Climate, Community & Biodiversity Alliance and Care International (p67). Specifically, measurable and verifiable indicators will be developed to monitor impacts on good governance objectives relating to tenure, benefit-sharing and decision-making. The R-PP states that the capacity of local communities and government bodies will be built in order to monitor these parameters.

**Recommendation:**

- Include civil society organizations in the REDD-Forestry and Climate Change Cell to enhance the independence of the oversight mechanism

**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*

## NEPAL

*(R-PP dated 19 April 2010)*+ *Links identified governance challenges to proposed REDD+ strategy options and implementation framework*

The R-PP states that unclear land tenure and use rights are key drivers of deforestation and degradation (p31). Most government-managed forests are “*de-facto* open access resources with limited control over their use,” and where control is enforced (e.g. protected areas) conflicts with local people are often reported (p32). The R-PP does not provide detailed information on the underlying causes of tenure problems, or the potential implications for REDD. It does, however, provide the terms of reference for studies to review tenure laws and policies and implications for establishing carbon rights, to identify existing and potential conflicts relating to tenure, and to develop policy recommendations to address conflict (p119, 126). Further, the R-PP states that clarifying land tenure issues and establishing a link between carbon ownership rights and land tenure are major priorities of its REDD Implementation Framework (p45). The R-PP does not explicitly address the tenure situation of Indigenous Peoples, although it does states that the principle of FPIC will be applied to REDD activities (p22).

**Recommendations:**

- Discuss the effectiveness of judicial and non-judicial systems for resolving conflicts and upholding rights, including potential implications for REDD
- Describe the tenure situation of indigenous peoples

**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*

The R-PP summarizes the evolution of forest management systems in Nepal over time (p33-35). It also describes Nepal’s strong historical commitment to participatory forest management involving forest dependent communities, and especially women, *Dalits*, and indigenous peoples. However, the R-PP also admits that participatory approaches have not been effectively implemented in certain regions where there are high transboundary pressures on forests and where forest governance and law enforcement are weak. The R-PP identifies some key challenges for forest management agencies such as declining budgetary appropriations as a percent of the national budget and weak institutional arrangements in government controlled forests (p36-37). However, there is relatively little information in the R-PP about the specific capacity constraints of the Ministry of Forests and Soil Conservation or related sub-national agencies with respect to forest management. The R-PP proposes to conduct a study in consultation with relevant stakeholder to compare and contrast different forest management modalities and identify related governance challenges (p96). Correspondingly, the proposed REDD strategy options include numerous measures to enhance the sustainable management of forests in collaboration with local communities (p113-117).

**Recommendation:**

- Elaborate on the capacity constraints of forest management agencies, and how these constraints will be overcome in order to implement REDD strategies

**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 recognizes weak law enforcement as a major driver of deforestation and forest degradation (p31, 37), but it does not yet elaborate on the underlying causes of the problem. It does, however, propose to conduct studies to better understand and address enforcement challenges (p39). Further, the R-PP identifies numerous potential REDD strategy options to strengthen law enforcement, including measures to improve public awareness of forest crime, to increase law enforcement capacity of government bodies and communities, and to strengthen judicial processes (p110). Although the R-PP does not explicitly discuss corruption or efforts to combat corruption, it does propose to identify institutional reforms in order to increase accountability and transparency of forest-related agencies.

**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*

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Although the R-PP's analysis of governance issues relevant for REDD remains preliminary at this stage, there appears to be strong commitment to addressing governance challenges within the REDD strategy and implementation framework. Further, the R-PP offers terms of reference for several studies that should deepen the understanding of key governance issues. Notably, the R-PP states that these studies will be conducted in consultation with relevant stakeholders. Further, unlike most R-PPs submitted to date, the Nepal R-PP touches upon issues relating to gender and to the role of the judiciary in forest governance. As readiness preparation proceeds, it would be useful to evaluate the outputs of the planned studies to see if these particular issues are further elaborated, and whether the proposed REDD strategy options are adjusted to address newly identified governance challenges. Finally, the R-PP also seeks to frame REDD within the broader governance context of the country, and specifically notes that the upcoming process to develop a new constitution will likely have far-reaching governance implications for forests (p13).