



global witness

## Review of Colombia's R-PP submitted to the 10<sup>th</sup> Participants' Committee meeting of the FCPF

### Provisions on Enforcement and Non-Carbon Monitoring October 2011

This assessment examines the draft Readiness Preparation Proposal (R-PP) submitted by Colombia on 29 September 2011 for consideration at the 10<sup>th</sup> Participants Committee meeting of the FCPF in Berlin, Germany (18-19 October 2011).<sup>1</sup> This final English version of the R-PP was not available on the FCPF website until 14 October 2011.

This assessment focuses on how the R-PP addresses illegality, corruption and law enforcement issues and what type of system is proposed to monitor and assess governance and social and environmental impacts (non-carbon monitoring).

#### Colombia R-PP 29 September 2011

##### 1. Does the R-PP adequately address weak law enforcement, illegality and corruption as drivers of deforestation and forest degradation?

The R-PP states that deforestation data reported for Colombia ranges greatly and that these differences make historical trend analysis difficult (p. 72). It also states that understanding deforestation and forest degradation at national and regional levels is complicated because there are multiple factors, which determine specific land use (p. 76).

However, the R-PP acknowledges create seven primary drivers of deforestation (p. 76 – 77):

- Extension of agricultural and livestock frontier
- Illicit crops
- Settlement/displacement of populations
- Infrastructure
- Mining

<sup>1</sup> R-PP available on the FCPF website at:

[http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Oct2011/GUATEMALA\\_Revised\\_draft\\_R-PP-September\\_30\\_2011.pdf](http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Oct2011/GUATEMALA_Revised_draft_R-PP-September_30_2011.pdf)

- Timber extraction, commercial and otherwise (both legal and illegal)
- Wildfires

The R-PP further states that these drivers of deforestation have their own number of underlying causes which may be demographic, economic, political/institutional, technical, environmental or cultural (p. 77). These causes are elaborated on somewhat within Figure 7 (p. 77) and include institutional weakness, limited capacity of command and control, poor land use planning and poor coordination of government policies.

In addition, the R-PP acknowledges that 4 of the 5 development drivers for the country; Agriculture; Mining; Infrastructure; and, Housing are direct drivers of deforestation and increase pressure on forests (p. 80).

Beyond the above, there is no further elaboration of how illegality, weak law enforcement and corruption contribute to deforestation and forest degradation, including an attempt to identify which actors are involved in the illegality and corruption driving deforestation across Colombia.

However, table 2a (Summary of activities and budget for assessment of land use, forest policy and governance, p. 82) includes an activity of 'Sub national and local identification of deforestation drivers' which will be ongoing until 2013.

The R-PP does provide for extensive and in depth examination of strategy options (p. 85 – 97) to address the drivers of deforestation and forest degradation described earlier, including tables describing short term (–2012), medium term (2013–2019) and long term (2020+) measures. Within these options, there is brief reference to the need improve law enforcement and tackle illegality but the proposal does not address the issues further.

While the R-PP does not discuss whether or not corruption plays a role in driving deforestation and forest degradation, it does indicate a willingness to tackle corruption and states that it has launched the Global Network Pact in order to address corruption (p. 26 & p. 166). However, this appears to only address corruption within the private sector.

In addition to the few comments on how to address issues of corruption, illegality and weak law enforcement, the R-PP is silent on what government institutions will be relied on to address the issues and what capacity building will be required. Indeed, the document appears to be missing Component 2c, 'REDD+ Implementation Framework'.

However, the R-PP does indicate that it plans to consult with civil society over the issue of 'institutional adaptation and policy' which has as one of its aims the need to clarify the issue of 'competence and responsibilities regarding climate change' (p. 55). In addition, the R-PP indicates a willingness to consult over the issue of a financial legal frameworks and, moreover, to 'ensure transparency and strengthen governance in relation to REDD+' by coordination of national and regional strategies and by appointing an ombudsman, amongst others, to oversee Colombia's REDD+ strategies (p. 55 – 56).

Finally, the R-PP fails to address the issue of illegal cross border trade in forest products.

## **Recommendations**

- The proposal could provide more information on specific approaches and institutional requirements for strengthening law enforcement and addressing illegality and corruption.
- Component 2c 'REDD Implementation Framework' needs to be included.
- Finally the R-PP needs to investigate the issue of the illegal cross border trade in forest products and, if it is found to be a problem, develop a strategy for responding.
- Some of the figures, plates and diagrams have not been translated from Spanish into English since their inclusion in the draft R-PP. Doing so would assist in making the proposal more comprehensible to non-Spanish speakers.

## **2. Does the R-PP adequately address the need to monitor social, environmental and governance safeguards?**

Component 4b, which is the key section of the R-PP dealing with non-carbon monitoring is brief and does not discuss the issue of governance monitoring. It is important that this receive more attention, especially give the governance issues and illegal forest and land-use activities acknowledged elsewhere in the proposal as underlying drivers of deforestation and forest degradation.

The component focuses on monitoring environmental criteria and presents a set of indicative types of elements to be monitored focused on biodiversity and ecosystem function and services (pp. 140-143). There is a new section on "social indicators" that describes the type of information that will be collected by the National Bureau of Statistics (DANE). The R-PP suggests that a number of research institutions, universities and NGOs will work towards developing the aforementioned indicators (p. 123). Component 4b is weak in describing how local communities and indigenous peoples could be involved in social and environmental monitoring. There is a reference to "community based" monitoring on page 144 but the implications are unclear and there is no further elaboration. There is no discussion of how the monitoring system will achieve inclusiveness and independence. There is no indication of how non-carbon monitoring will be integrated with the carbon monitoring system.

The monitoring of social aspects of REDD is also described in Component 2d. It is not clear whether this is viewed as a one-off process or involves the creation of a permanent monitoring system. This should be clarified and the elements of a permanent system that includes stakeholder participation and oversight should be described in the non-carbon monitoring described in Component 4b.

The proposed SESA process includes an extensive set of social and environmental indicators (pp. 101-102) and states that the process of elaborating the SESA and ESMF will be participatory under the leadership of the Ministry of Environment and Sustainable Development (MADS) and the REDD+ Interdisciplinary Working Group (REDD+ IWG), although there is no further description of what this process will look like (p. 100). The outline of the SESA and ESMF process and content is encouraging but needs to include more detail about how it will be implemented and what agencies and stakeholders will be involved. The R-PP mistakenly defines the ESMF as the "framework for social and environmental monitoring" on page 114.

### **Recommendations**

- Propose how governance will be monitored
- Describe how independence, transparency, and inclusiveness will be achieved in the design and

implementation of the monitoring system

- Elaborate plans for monitoring of social impacts and benefits as part of the permanent monitoring system described in Component 4b
- Explain how carbon and non-carbon monitoring will be coordinated

### 3. Other issues

#### **A clear regulatory framework**

The R-PP identifies the need to establish a clear regulatory framework for REDD+ activities. It acknowledges concerns expressed by indigenous peoples, local communities and other organisations, who are witnessing an uncontrolled increase in REDD+ projects proposed by companies, institutions and individuals (p. 97) and proposes to put into place interim regulations within a year.

#### **Participation**

An opening note about this version of Colombia's R-PP states that the document has been produced in a collaborative manner with different stakeholders.

The REDD+ IWG will be in charge of coordinating actions and decisions related to REDD matters. This group includes representatives from different ministries as well as a representative from the private sector, indigenous peoples, communities, academia and NGOs. These will meet at least twice a year and will all have voting rights (p. 16 – 17). There is acknowledgement that the participation of communities in workshops does not necessarily imply that they support the REDD+ mechanism.

#### **Carbon rights, equitable benefit distribution, land tenure and conflict resolution**

The R-PP states that Colombian civil society organisations have been working closely with the government on REDD+ related issues. This has included discussions on the potential benefits of REDD+ projects, with much focus on equitable distribution and carbon rights. There is acknowledgement that in order to continue to make progress on a REDD+ strategy, the official position on carbon rights and benefit distribution needs to be agreed among stakeholders (p.81).

In addition, it is stated that some of the topics for consultation with civil society organisations are: the equitable sharing of benefits; conflict resolution; and, ownership and tenure (p. 55).

The R-PP identifies land tenure, just and equitable distribution of resources, and, mechanisms to settle conflicts as key social, economic and cultural factors to consider when developing the ESMF (p. 102).

It is promising that Colombia is keen to develop a conflict resolution mechanism for REDD. It is important that such a system is robust and, *inter alia*, recognises traditional laws and customs, is independent/free of vested interests, and is able to produce decisions that are binding on government or private sector interests.