



global witness

Review of R-PPs submitted to the 6th FCPF Participants Committee Meeting

Provisions on Enforcement and Non-carbon Monitoring

June 2010

This assessment examines the Readiness-Preparation Proposals (R-PPs) due to be considered at the FCPF's 6th Participants Committee meeting in Georgetown, Guyana (28 June – 1 July 2010).¹

It focuses on: 1) how the documents address illegality, corruption and law enforcement issues; 2) engagement of relevant stakeholders in the implementation of the R-PP; 3) whether a system for independent monitoring is considered and if civil society and other relevant stakeholders are involved; 4) what type of system is proposed to monitor and assess governance and social and environmental impacts (non-carbon monitoring); and 5) whether the proposed Monitoring and Evaluation system will assess the level of transparency, accountability, consultation and stakeholder participation in the readiness process. Our evaluation is largely based on the standards established by the FCPF for assessing R-PPs.² The complete results can be found in the Annex to this document.

Summary

The seven REDD country proposals under consideration by the FCPF Participants Committee generally recognise the key roles that weak governance, corruption and poor law enforcement play in driving or facilitating deforestation and forest degradation. For the most part, however, the proposals do not include adequate analysis of the underlying factors behind the drivers, nor do the proposals adequately identify the actors involved. Argentina's R-PP is a notable exception in this regard.

The countries have made some reference to how to address these issues, although concrete actions are still few and/or poorly elaborated. Nepal presents detailed measures in the Annex but these are not reflected in the main text.

¹ Argentina (revised), Costa Rica, Kenya, Nepal, Peru (draft), Republic of Congo, Tanzania; available on the FCPF website at: <http://www.forestcarbonpartnership.org/fcp/node/257>

² FCPF Program Document FMT 2009-1-Rev.4, "Review and Assessment of Readiness Preparation Proposals, Draft – March 9, 2010"

Only a few countries have considered the need to monitor and assess progress in addressing governance issues during the REDD readiness phase and beyond. In contrast, the proposals set out each country's system for monitoring carbon emissions in detail. Many of the proposed readiness activities, however, will not result in immediate or directly attributable reductions in carbon emissions, and therefore those activities should be assessed in other terms. While some countries have recognised the importance of a system for monitoring governance and social and environmental impacts, little detail is generally given in their proposals about what these systems will look like. Fundamental questions like what exactly will need to be monitored, who oversees the system, who participates in it, and how it will be integrated into a comprehensive monitoring system, and into the broader REDD strategy, are, for the most part, not answered, although some countries have taken initial steps.

The R-PP for Peru does not include a component on non-carbon monitoring. The R-PPs for Republic of Congo and Tanzania are also notable for failing to adequately address non-carbon monitoring in their proposals.

Overall, our findings demonstrate the need for more guidance on non-carbon monitoring from the FCPF, as well as the international community more broadly, as early as possible during the "REDD readiness" process to enable the development of credible systems which can provide feedback to improve the design of REDD strategies.

Background: The critical role of non-carbon monitoring

A comprehensive monitoring system is an essential part of the FCPF's "learning by doing" approach to REDD readiness. Without regular feedback on the implementation and impacts of readiness activities, it will not be possible to refine the design of programmes or to clearly and meaningfully link activities to impacts, whether positive or negative.

Further, many of the readiness activities required to lay the groundwork for successful national REDD programmes will be carried out before any measurable emissions reductions will occur. Many activities cannot, therefore, be directly (or even indirectly) correlated with emissions reductions, although they are key to ensuring that emissions reductions are possible. In other words, carbon MRV is not sufficient for monitoring or assessing the outputs of interim REDD financing in a way that can usefully feedback into the design and assessment of REDD strategies. In the longer term, the compliance of REDD activities with governance, social and environmental safeguards, as established under the United Nations Framework Convention on Climate Change (UNFCCC) as part of an international REDD agreement or by multi-lateral development banks, will require the collection of more than just data on carbon. This has been recognised through the inclusion of a provision on monitoring and reporting on safeguards in

Key findings

- The illegal and unsustainable activities resulting from weak governance, corruption and poor law enforcement are acknowledged by all countries as factors contributing to deforestation and forest degradation, although Peru (and to a lesser degree, Costa Rica) do not adequately acknowledge weaknesses in these areas.
- Poor law enforcement capability is broadly cited as a major governance problem, although none of the R-PPs outline a set of convincing measures to address this issue.
- The R-PPs focus primarily on the MRV (measurement, reporting and verification) of carbon emissions and removals.
- While all but one proposal includes a system for non-carbon monitoring, they fall short of presenting complete and convincing systems. The countries seem unsure of key elements such as what to monitor, how and when to monitor it, and what to do with the information. This demonstrates the need for guidance from the FCPF on this issue.
- The R-PP for Peru does not include a component on non-carbon monitoring. The R-PPs for Republic of Congo and Tanzania notably fail to adequately address this topic in their proposals.
- The role of civil society and especially indigenous peoples and local communities in the design and operation of the monitoring systems is generally recognised but needs further elaboration and clarification in most cases. None of the proposals include an adequate system for independent monitoring and assessment. There is currently an independent forest monitor in the RoC, although there is little discussion in its R-PP of extending this system to REDD and engaging civil society and other stakeholders.
- While the R-PPs acknowledge that the implementation and enforcement of laws and regulations – either existing ones or new ones designed for REDD – is a key challenge, none has a convincing proposal for how to monitor and assess progress or how the results will feed back into the design and refinement of the REDD strategy.

the most recently published draft REDD negotiating text.³ The text requires that the following safeguards inter alia are “promoted and supported” by developing countries:

- “Transparent and effective national governance structures, taking into account national legislation and sovereignty.”
- “Full and effective participation of relevant stakeholders, including, in particular, indigenous peoples and local communities [in the design and implementation of key elements of a national REDD strategy].”
- “Actions that are consistent with the conservation of natural forests and biological diversity” and “enhance other social and environmental benefits.”

In addition to demonstrating compliance with these safeguards, monitoring provides the opportunity to build trust between stakeholders by increasing transparency, inclusiveness and participation in the design, implementation and review of readiness activities. Independent monitoring plays an important role in this by engaging relevant stakeholders, including representatives from civil society, indigenous peoples and local communities, and providing external verification of implementation and impacts of REDD strategies.

While the emphasis of this study is the monitoring of governance and other safeguards or non-carbon “benefits and impacts”, the inclusion and engagement of key stakeholders, particularly local communities, in a system for carbon MRV will also be important. This has been repeatedly emphasised by members of the Technical Advisory Panels in their assessment of R-PPs, and has been included by the FCPF as part of the standards for assessing R-PPs (see below).

In the most recent R-PP template⁴, the FCPF has recognised the importance of countries identifying and addressing major governance issues in Components 2a and 2b, including:

- Identifying the “effectiveness of law enforcement systems”;
- Assessing “institutional capacity to enforce forest laws and governance issues; and
- Identifying linkages between the strategic options and key governance issues.

In the Guidelines to Component 2c, the R-PP template asks countries to:

- Describe how “the performance of the implementation framework” will be “monitored and reported” either as part of the MRV system or by a separate system.
- Describe how the “checks and balances” in the implementation framework should “ensure transparency, accountability and equity.”
- Consider how stakeholders will be engaged in the implementation framework and how they will be engaged in the “robust mechanisms for independent monitoring, assessment and review.”

³ Draft UNFCCC REDD text, FCCC/CP/2010/2, 11 Feb 2010, <http://unfccc.int/resource/docs/2010/cop16/eng/02.pdf> para 5 (c). The provision on monitoring and reporting on safeguards remains in square brackets, meaning consensus is still to be reached.

⁴ FCPF Readiness Preparation Proposal (R-PP) Template, R-PP v. 4 (January 28, 2010)

- Answer the question: “what other institutional and governance reforms might be needed (e.g., anti-corruption laws and measures, national best practices for fiscal transparency, clarifying roles and responsibilities within a decentralized forest management system, etc.)?”

The FCPF has also recognised the importance of monitoring beyond carbon and taken steps towards realising this with Component 4b in the most recent R-PP template dedicated to the design of a system for monitoring “other benefits and impacts” (i.e. non-carbon). Among the issues to be addressed according to guidance in the template are:

- Monitoring of “key governance factors pertinent to REDD implementation”
- Monitoring of “social and environmental impacts”
- Establishing “independent monitoring and review” that involves civil society and other stakeholders in a system that feeds back findings to improve REDD implementation
- An assessment of systems required for monitoring and review, transparency, accessibility and sharing of data both nationally and internationally (for both carbon MRV and monitoring of other benefits and impacts – Components 4a and 4b)
- Capacity building, and the scope and role of local communities, NGOs, government agencies and the private sector to participate in the monitoring system (for both carbon MRV and monitoring of “other benefits and impacts” – Components 4a and 4b)

In its standards for assessing the R-PP,⁵ the World Bank also requests that the following elements be included in the R-PPs:

- Early ideas on including capability to monitor other benefits and impacts, e.g. rural livelihoods, conservation of biodiversity, key governance factors directly pertinent to REDD implementation, and the impacts of the REDD strategy in the forest sector.
- A description of “how transparency of the monitoring system and data will be addressed”
- Addressing “independent monitoring and review, involving civil society and other stakeholders, and how findings would be fed back to improve REDD implementation.”

⁵ FCPF Review and Assessment of Readiness Preparation Proposals, Program Document FMT 2009-1-Rev.4

Annex- Assessment of R-PPs from Argentina, Costa Rica, Kenya, Nepal, Peru, Republic of Congo, Tanzania

Argentina R-PP, 14 June version

1) Illegality, corruption and law enforcement

- a. Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)

Components 2a, 2b and 2c of the R-PP assess in quite some detail issues of illegality, enforcement and governance in the Argentinean forestry sector.

Among the causes of deforestation, Component 2a lists:

- lack of regularization of land tenure and related conflicts (p.31, 33, 34);
- ineffectiveness of forest policy to date and weak governance, both nationally and between national and provincial levels (p. 32);
- lack of enforcement capacities with regard to the 2007 Forest Law (Law 26.331) (p. 33);
- lack of monitoring and enforcement capacities to prevent and manage forest fires (p. 34).

The document also analyses drivers of deforestation at the sub-national level. Illegal logging is identified as a major driver of deforestation especially in the Yungas rainforest, as well as in the Atlantic rainforest. Fire is identified as a big driver of deforestation in the Patagonia forest, while land encroachment drives deforestation in the Monte and Espinal forests (p. 35, 36, 42).

The main actors driving deforestation at the national level, as identified in the R-PP, are: large scale agricultural companies (particularly soybean producers), agro-fuel companies, and cattle ranchers (p. 31-34). At sub-national level other important actors identified are: illegal loggers (Yungas) and rural farmers (Yungas, Monte) (p.35-36).

Despite mentioning illegality, weak enforcement and governance, the R-PP does not specifically mention corruption nor does it suggest that corruption problems affect governance. The causes of governance problems are mainly identified as lack of capacity, lack of coordination between different ministries and scales, and lack of implementation of national forest land plans (e.g. see p. 32, 42).

- b. What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)

Component 2b considers measures to address illegality and law enforcement as starting points for the development of a REDD+ strategy.

Argentina recognises the main task of REDD+ readiness to be strengthening the implementation and enforcement of the new Forest Law (p. 40), which is deemed to have brought the necessary systemic changes to the national governance of the forest sector.

At the same time, Argentina's provinces have authority to enforce forest statutes and reduce illegal deforestation. The R-PP recognises, however, that the capacity of local jurisdictions and law enforcement authorities at provincial level require improvement.

Institutional strengthening and allocation of resources for capacity building are identified in the R-PP as necessary to improve coordination among national and provincial authorities and the implementation of forest land use plans (p. 42).

Argentina also recognises that the land tenure system needs to be regularized and a conflict resolution mechanism established (p. 39).

The table at p. 41-43 sets out a number of drivers of deforestation linked to governance and suggests specific responses.

2) Institutional and policy framework

a. How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)

Institutional framework

Stakeholders are to be represented in the REDD Advisory Committee (RAC). The RAC will consist of representatives of scientific and technical institutions, NGOs, civil society, trade unions, indigenous peoples organizations and the private sector. Two main working groups will be formed: 1) the scientific and technical working group and the 2) civil society working group.

The RAC will support and advise the Readiness Implementation Unit (RIU) in technical, social and environmental issues during the R-PP implementation. It will meet and report to the RIU every four months, providing scientific and technical information as well as feedback from the broader consultations process (p. 9). However, the RAC does not provide input to the Steering Committee, which is the National body, established in December 2009, with the strategic role of coordination of the R-PP implementation.

Policy process

Argentina's new Forest Law establishes a participatory process for land use planning for national forests, including public audiences to authorize deforestation plans. It also recognizes the rights of indigenous communities and small rural producers, and it creates a Fund to compensate landowners that conserve forests (p. 33).

b. Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other relevant stakeholders involved? (Component 2c)

Monitoring of REDD implementation is to be the main responsibility of the Secretariat of Environment and Sustainable Development (SAyDS). In the R-PP, there does not appear to be a system proposed for independent monitoring, assessment and review of REDD implementation, although stakeholders may engage in the review of implementation through the production of reports twice a year (see question 4 below).

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

Argentina is to design and implement a MRV system for monitoring the co-benefits, impacts, drivers of deforestation and degradation and related governance and policies (p.71).

Decree 2213/02 establishes the SAyDS as the relevant authority to coordinate the implementation of Argentina's obligations under the UNFCCC, including REDD (p. 47). Argentina also proposes to design indicators to monitor two governance aspects:

1. the degree of implementation and enforcement of relevant laws, and
2. capacity building for monitoring and control by the provincial authorities (p.72).

SAyDS is the agency tasked with monitoring these indicators (p. 72) and will, to the extent possible, rely on local or community-based monitoring of natural resources (p.71). While the R-PP links local monitoring to the monitoring of biodiversity (p.71), the level of civil society engagement in monitoring governance needs to be clarified.

b. How will the environmental and social impacts of proposed actions be monitored and assessed? (Component 4b)

Component 4b describes two different monitoring systems for environmental and social impacts. Monitoring environmental impacts is limited to biodiversity and forest condition. Argentina aims to develop a set of indicators based on the existing Climate, Community and Biodiversity Alliance (CCBA) standards and the IUCN Red List (p. 71). Social impacts will be monitored at macro and micro-levels. Socio-economic monitoring will apply to poverty reduction and job creation indicators (p.72). SAyDS is also to conduct consultations with experts and relevant stakeholders to determine indicators to identify the relationship between deforestation, poverty and unemployment (p. 72).

The proposal lacks detail on methodologies and timelines for monitoring non-carbon impacts of REDD implementation, but it does define clear responsibilities and processes.

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (component 4b)

To the extent possible, SAyDS will rely on locally or community-based monitoring of natural resources. A broad range of approaches will be considered, from self-monitoring of harvests by local resource users themselves, to census by local government staff, or inventories by amateur naturalists. In all of these approaches, the monitoring will be carried out at a local scale and by individuals with no or only limited formal scientific training. On the other hand, landscape indicators will be used to show the importance of ecosystem connectivity for biodiversity conservation and species survival (p. 71).

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

Not elaborated.

e. How is non carbon monitoring linked to MRV of emissions? (Components 4a and 4b)

Component 4b provides that the monitoring system for co-benefits and REDD+ strategy impacts will be independent, but linked to the forest carbon MRV system (p. 71). SAyDS is to design and implement a MRV system for the co-benefits, impacts, drivers of deforestation and degradation and related governance and policies. The MRV system for co-benefits and impacts is to be built gradually, starting with basic indicators identified in the short-term, which will be complemented with more complex indicators over time. No clear indication is provided on the time frame for building this system, although indicators are to be added based on experience with REDD+ activity pilots and lessons from the R-PP implementation. The MRV system for co-benefits and impacts will assess both environmental and social impacts of REDD+ implementation (p. 71).

f. How will the results be fed back into the design and implementation of REDD?

Component 6 provides for the constant evaluation of R-PP implementation that will feed into future design and implementation of REDD+ (see below). The final evaluation will assess the R-PP implementation results and their use in the REDD strategy and action plan (p. 84).

4) Will the proposed Monitoring and Evaluation system assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

Component 6 sums up the review and assessment framework for the R-PP implementation (2011-2012):

- semi-annual discussions with stakeholders are to produce reports on R-PP implementation
- a mid-term review will assess progress on implementation considering all the components

- a final evaluation will evaluate results and assess use of such results in the REDD+ Strategy and action plan (p. 84)

Although the review process covers all aspects of implementation, it does not explain how each aspect will be monitored and assessed. Overall, Component 6 would benefit from an explicit mention of transparency, accountability and stakeholder participation assessment in the evaluation framework. Discussions with stakeholders are to be held twice a year, and while this provides some transparency, the stakeholders have not been identified.

Costa Rica R-PP, 14 June version

1) Illegality, corruption and law enforcement

a. Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)

The R-PP acknowledges that forests are still being lost and that any perception that there is no deforestation in Costa Rica is wrong (p.34). It recognises that ‘deforestation is the result of the policies of economic development focused on agriculture and cattle ranching’, the latter being the more pressing driver (p.10).

There are also various references to weak law enforcement and illegality as drivers of deforestation: ‘weak enforcement of laws controlling illegal logging’ in privately owned forests, ‘weakness of the state to sanction the irregular titling of land’ in indigenous reserves and ‘weakness of the state in the supervision of the natural wealth with regard to the threat presented by squatters, illegal logging, and hunters and miners’ in national parks and biological reserves (p.41).

No reference is made to “corruption” in the R-PP. However, there is evidence that corruption in the Costa Rican forestry sector is an issue⁶, and therefore reforms and capacity building within law enforcement agencies and other relevant institutions in the government will be required.

The R-PP identifies the need to enhance capacity to improve control over illegal activities and strengthen enforcement capacities in the forest sector. These tasks are the responsibility of two government-controlled bodies: SINAC and the Association of Agricultural Engineers or CIAgro (p. 50-51). There is no mention of the role of civil society in the monitoring of governance issues.

b. What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)

The R-PP suggests that the capacity of the National System of Conservation Areas (SINAC) to control illegal logging and forest fires be strengthened. It also suggests that enforcement capacities of CIAgro, to whom the government has delegated the supervision of the execution of forest activities, also be strengthened (p.50-51).

The R-PP states that there is no need for major institutional or governance reforms (p.64). However, the creation of a Fraud Control Unit and a Registry of Environmental Service Rights is deemed necessary to guarantee transparency, accountability and equity of carbon transactions (p. 12 and 64).

It is worth noting that the R-PP suggests that promoting production and consumption of sustainable wood from natural primary and secondary forests and reforestation activities are to be included as part of the strategy to increase carbon sequestration. Large-scale logging in natural primary forests will always result in significant reductions in carbon stocks. Studies have shown that carbon stocks in commercially logged forests are 40-60% lower than in intact natural forests depending on the intensity of logging. Even in the best case scenarios of “reduced impact” logging, 6 -10 trees are killed or severely damaged for every tree that is harvested. Further,

once logging occurs a forest becomes more susceptible to fire, and to conversion to agricultural uses.⁷

2) Institutional and policy framework

a. How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)

The R-PP describes the consultation process carried out as part of its preparation (p.22-25). Further consultation is to be based on existing channels of communication and a network of previously established relationships (p.27). 96 'Relevant Interested Parties' are identified, 50 of which, according to the R-PP, need to be involved in the consultation process. No explanation is provided about this selection process, or which "relevant interested parties" have been identified.

The Board of Directors of the National Fund for Forest Financing (FONAFIFO) is to act as a coordinating entity for REDD. An expansion of the current Board of Directors is suggested, and it will include a seat for a representative from indigenous peoples' organisations (p.8) and a second seat that will be appointed from rural land owners, environmental NGOs, or organizations that represent civil society (to be determined) (pp.8-9). No further information is provided as to how the representatives will be selected.

b. Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other relevant stakeholders involved? (Component 2c)

The proposed system for monitoring and review of REDD+ implementation is limited to issues of fraud and accounting of carbon transactions. The system is based on the work of the Fraud Control Unit and of the Registry of Environmental Service Rights that are to ensure the transparency, accountability and equity of the process (p. 12 and 64). The discussion of the issues of transparency, accountability and equity, however, are confined to the market sphere. While this approach is consistent with the REDD+ implementation strategy based on payments for carbon services, it does not consider the role of governance, or of the broader institutional and policy framework.

Moreover, the oversight system works with no involvement of civil society and the activity of monitoring and enforcement agencies (SINAC and CIAgro) is not subject to independent monitoring, assessment and review.

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

There is no explicit mention of governance monitoring in the R-PP. It states that Costa Rica already has a basic but functional implementation framework, including a governance component, and that no major institutional and governance reforms are required (p.64). However, there is evidence that corruption in the Costa Rican forestry sector is an issue⁶, and therefore reforms and capacity building within law enforcement agencies and other relevant institutions in the government will be required. Corruption undermines governance; therefore governance monitoring and assessment should be included in the R-PP.

b. How will the environmental and social impacts of proposed actions be monitored and assessed? (Component 4b)

Monitoring of environmental impacts is to be done based on activities defined in the Logical Framework Matrix (p. 89) to be produced in two workshops held by the end of 2010 (p. 90). The workshops are to produce two reports that will form the basis for progress assessment. The R-PP also foresees the definition of a baseline for impact on biodiversity and water resources that should be periodically evaluated via impact assessment, but it lacks a description of how the evaluation and monitoring of such aspects will be carried out. Instead, the R-PP suggests that an existing project, the Ecomarket Project being funded by the Global Environment Facility, be used for this purpose (p. 89). The Ecomarket Project includes procedures for monitoring biodiversity and impacts on water resources. These procedures were developed for another purpose, and there is no analysis of their

applicability to monitor environmental impacts resulting from the implementation of the R-PP.

Monitoring of social impacts also builds on a methodology in use since 2001 (and reviewed in 2007) which relies on the calculation of a Social Development Index per district. Few details are disclosed about the assessment and monitoring processes.

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (Component 4b)

The R-PP states that the MRV system will monitor changes in carbon stocks, implementation of the REDD+ strategy and co-benefits (p.81). The system relies on existing methodologies for data collection. No information is provided on the participation of civil society in this process of data collection.

There is no discussion on ensuring the capacity of civil society to participate.

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

According to the R-PP, the SESA is to be designed as an instrument to measure the performance and results of the REDD+ strategy design (p.69). There is no discussion, however, about how this will link with monitoring of REDD+.

e. How is non-carbon monitoring linked to MRV of emissions? (Components 4a and 4b)

Not mentioned.

f. How will the results be fed back into the design and implementation of REDD?

Not mentioned. Although environmental impacts and stakeholder engagement are to be periodically assessed, the R-PP does not provide details on how this assessment will feed back into implementation.

4) Will the proposed Monitoring and Evaluation system assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

Component 6 provides a summary of the progress indicators for the various components. The integration of indigenous organizations and the consultation process is to be assessed through annual progress reports, while the establishment of the REDD+ Board of Directors and the operation of the Secretariat are also to be assessed (p. 95-96). In addition, the creation of a REDD+ webpage and newsletter is an instrument that can ensure transparency, provided that information is published and updated regularly.

⁶ Serious problems of corruption in Costa Rica were highlighted in the aftermath of the 2009 earthquake crisis (see: <http://www.coha.org/earthquake-exposes-fault-lines-in-costa-rican-governance-2/>), and recent surveys show a high public perception of corruption in the country (http://www.ticotimes.net/dailyarchive/2009_08/081909.htm#story1). Evidence of corruption specifically in the forestry sector is currently being gathered in an academic Study, referred to at: <http://www.efdnitiative.org/research/projects/project-repository/exploring-the-patterns-of-corruption-in-the-costa-rican-forestry-sector>.

⁷ See Global Witness report, *Vested Interests: industrial logging and carbon in tropical forests*, July 2009, available at: http://www.globalwitness.org/media_library_detail.php/847/en/vested_interests_industrial_logging_and_carbon_in

Kenya R-PP, June version

1) Illegality, corruption and law enforcement

- a. Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)**

Poor governance is recognized as one of three key drivers of deforestation and forest degradation, and as contributing to the other two drivers (clearance for agriculture and unsustainable utilization). The R-PP acknowledges, however, that inadequate data is available related to governance drivers (p.32).

Along with poor governance, the R-PP also recognises mismanagement and misuse of existing legislation as the main contributors to rapid deforestation and forest degradation (p.26 - 28). Illegal logging, poor law enforcement and corruption are also mentioned, but there is little detail provided on these issues.

The R-PP fails to identify the actors involved in illegality or corruption. It identifies the need for capacity building at all levels.

- b. What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)**

The solutions proposed in the R-PP are to strengthen the Kenya Forest Service (KFS), the judicial system and the National Environment Tribunal. However, there appears to be little appreciation of the magnitude of the task to strengthen these institutions – which is considerable.

The R-PP identifies KFS as the primary actor in maintaining forest governance, and acknowledges that it currently lacks institutional capacity or ability to implement its mandate (p.31).

The R-PP acknowledges the priority of improving forest governance and suggests legislative, policy and institutional reforms initiated with the new Forests Act 2005 (which came into force in 2007) are the means to do so. Reforms are intended to increase civil society engagement and community participation, which the R-PP recognises as necessary to improve governance. It acknowledges that forest governance measures are at an early stage of implementation and have not begun to show results yet (p.31). Subsidiary legislation and operating rules needed for the Forests Act to be effective are still in draft form and progress is slow (p.26). The new forest policy is also still in draft form (p.26). No detail is provided and no specific mention is made of strengthening enforcement capacity (other than strengthening the judicial system) or putting in place anti-corruption measures, despite the considerable opportunity for abuse of the system in Kenya.

No mention is made of developing cooperative enforcement mechanisms, both with other relevant enforcement agencies in-country, notably the Kenya Wildlife Service (KWS), or across borders through the Lusaka Agreement Task Force (LATF) headquartered in Nairobi. KWS and LATF have been engaged for some years in tackling illegal cross-border sandalwood trade but no mention is made of this trade. KWS has far stronger enforcement capacity than KFS, and manages a significant proportion of the forest estate in national parks. No mention is made in the R-PP of the contribution KWS could make towards training and strengthening enforcement capacity.

No mention is made of the East African FLEG programme, or any proposal made to link to this programme. FLEG and REDD are operating in separate worlds, despite involving the same institutions and donors.

2) Institutional and policy framework

- a. How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)**
- b. Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other**

relevant stakeholders involved? (Component 2c)

Stakeholders are engaged at various level in the design and implementation of REDD readiness activities. The National REDD+ Steering Committee will have some members from civil society (WWF, IUCN, Kenya Forest Working Group (KFWG) and academics) but it does not have members from local communities and indigenous peoples (participation of the National Association of Community Associations (NACOFA) is yet to be decided upon) (p. 10).

The REDD+ Technical Working Group (TWG) will include four representatives from CSOs, NACOFA, water user groups and indigenous peoples. The TWG is to review and oversee implementation and to manage the monitoring and evaluation activities described in Components 2d, 4b and 6 (p. 11).

The National REDD+ Coordination Office will be responsible for REDD+ implementation (p.11). The R-PP provides that the Coordination Office may collaborate with NGOs (p.11), although there is no permanent role for NGOs or civil society within the coordination office.

The R-PP acknowledges the low level of awareness of REDD+ issues within Kenya (p.18) and the need to disseminate general REDD+ information in the context of developing Kenya's programmes, policies and measures (p.20).

The R-PP indicates that stakeholder consultations will continue throughout the implementation phase of the R-PP (p.5). Community participation is to be conducted through Community Forest Associations (p.27).

A mechanism for benefit sharing with local communities is not yet finalised (p.27).

The R-PP recognises the risk of conflict amongst local communities and forest authorities (p.27).

The institutional framework for implementing REDD+ is set out in figure 5 (p.9). It includes the establishment of a national "conflict resolution" mechanism within the National REDD+ Coordination Office. The R-PP suggests that the conflict resolution function for REDD could be handled by NEMA (p.11). There are no further details provided.

An external mid-term review will "provide independent assessment of the impacts of the interventions" (p. 72). However, this does not amount to independent monitoring (an on-going process) and it is not indicated that civil society will be involved.

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

A baseline governance assessment is proposed based on a system under development by the World Bank (p. 71). However, this system (reviewed by Chatham House for a workshop on monitoring governance for REDD+⁸) is not fully developed. Moreover, a baseline assessment is not adequate on its own to monitor governance. There is no provision in the R-PP for continual monitoring of governance, or for independent monitoring.

b. How will the environmental and social impacts of proposed actions be monitored and assessed? (Component 4b)

The R-PP sets out an approach to assess and monitor social and environmental impacts from REDD+ (p.70). Institutions with expertise and capacity in monitoring environmental impacts will be involved (p.71).

The Schedule for REDD+ implementation indicates that social and environmental monitoring will be tested at demonstration sites, and revised as necessary. Unlike the MRV of emissions, however, there is no indication of social and environmental monitoring being scaled up to the national level (p.79).

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (Component 4b)

The assessment of social and environmental impacts is intended to be participatory, involving civil society, private sector, community members, local and national governments (p.50).

More generally, the monitoring function is to be managed by the National REDD+ Coordination Office (p.71). Although there is no civil society representation in this office, the R-PP does indicate that stakeholders will be involved in monitoring, including during the design of the monitoring system (p.71). During implementation of the R-PP, stakeholders, including actors from conservancies, are to be involved in monitoring developments at selected demonstration or pilot project areas (p.20). There is no indication of whether civil society will participate at the national level.

Awareness raising and training workshops will also be conducted for stakeholders (p.51).

The budget allocation for non-carbon monitoring is too low (approximately one-tenth of the budget proposed for monitoring emissions), reflecting the lower priority and inadequate attention ascribed to it.

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

The SESA has two components, a Strategic component and an Environment and Social Management Framework (ESMF) component (p.50). According to the R-PP, the SESA is to be a participatory process involving civil society organizations, private sector, community members, local and national government. It is to be closely linked to the consultation and participation plan (p.50). Establishing a governance baseline using the World Bank diagnostic tool is part of the ESMF (p. 52). The system for monitoring social and environmental impacts will build on the outputs of the SESA, which will generate baseline information, and use participatory processes and diagnostic tools described in 2d (p.70).

e. How is non-carbon monitoring linked to MRV of emissions? (Components 4a and 4b)

Local communities are to undertake a significant role in measuring carbon stocks and are to be trained in providing ground-truthing data through text messages on their mobile phones (p.65). Local level monitoring will support area changes that cannot be detected remotely (p.66).

The R-PP recognises the need to monitor governance, and to link governance levels to carbon stock change (p.71). However, no information is provided on how this link would be made or who would conduct this monitoring, how or when.

f. How will the results be fed back into the design and implementation of REDD?

The document does not explain how the results of monitoring activities will feed back into design and implementation of REDD.

4) Will the proposed Monitoring and Evaluation (M&E) system assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

The Programme M&E framework is to monitor implementation of the readiness activities. Development and implementation of the Programme M&E Plan is the responsibility of the National REDD+ Coordination Office.

The M&E framework is to include the establishment of a management information system (MIS), which provides information on, amongst other things, transparency in the use of the funds (p.82). The M&E framework does not otherwise assess the level of transparency or accountability in the readiness process.

Specific relevant stakeholders are to be consulted in the evaluation of the R-PP implementation (p.83). The R-PP does not specify who these stakeholders are. The M&E Framework does not appear to assess the level of consultation and stakeholder participation in the readiness process.

⁸ Jade Saunders and Rosalind Reeve, 'Monitoring Governance for Implementation of REDD+', background paper one, Monitoring Governance Safeguards in REDD+ Expert Workshop, 24-25 May 2010, Chatham House, London.

Nepal R-PP, 19 April version

1) Illegality, corruption and law enforcement

a. Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)

Information on these issues is contained in Component 2a and Annex 2b-1 to the R-PP.

Component 2a makes reference to weak governance and weak forest law enforcement as factors that favour the illegal harvesting of forest products and forest encroachment in the Terai, Siwaliks and high mountain regions. Illegal timber exports to Tibet are singled out as a major driver in the High mountain region (p 31). Weak governance is described as a cross-cutting factor underlying a number of direct drivers of deforestation and forest degradation (p. 31).

With regard to weak law enforcement, the R-PP notes that 63% of forested areas, although government-managed, are de facto open access resources with limited control over their use (p.32). Illegal harvesting is particularly acute where protected areas conflict with local communities' dependency on forests. In general the proposal does not adequately identify the other actors responsible for deforestation and forest degradation (such as government and logging or mining companies) and would seem to give local communities an undue share of the responsibility. The R-PP indicates that Nepal proposes to carry out a more detailed study on the causal factors of weak forest sector governance, law enforcement and policy implementation and possible actions to address these (p. 37).

Annex 2b-1 contains a detailed analysis of the drivers and underlying causes of deforestation and degradation, including the role of weak law enforcement and impunity and weak governance in the context of illegal harvesting of forest products (p 110-111).

b. What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)

The R-PP contains proposals to address issues of illegality, corruption and enforcement. In particular, Annex 2b-1 (at p. 110-111) lists a comprehensive set of measures that need to be in place to address weak governance and weak law enforcement that lead to illegal harvesting of forest products. Inter alia, the Annex makes explicit references to the need for: increased accountability and transparency of all concerned agencies; strengthened penalty system for government officials; establishing decentralized multi-stakeholder forest governance structures; and assessment of alternative governance arrangements for protected areas.

The document also mentions the current development of a new Constitution establishing a federal system. The Constitution is anticipated to recognize the role of local communities in protecting, conserving and enhancing natural resources and to benefit from them. A Commission for natural resources has also been proposed as a constitutional body (p. 49).

The R-PP would benefit from the inclusion in the text of the strategic options proposed in the Annex, particularly to explain how the proposed measures can be achieved and in what timeframe. Component 2b is weak in this regard as it does not mention any strategic options to respond to problems of illegality, weak enforcement or weak governance.

With regard to capacity, Annex 2b-1 mentions the need to restructure government staff, particularly in the Department of Forestry, and create better capacity amongst all law enforcement agencies. However, overall the R-PP lacks an adequate assessment of these problems and of the best response to them. Overall, the R-PP only recognizes but does not analyze capacity building problems related to enforcement, corruption and illegality.

2) Institutional and policy framework

a. How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)

According to the R-PP, relevant stakeholders are to be engaged mainly through the newly established REDD Working Group (RWG) which gives institutional representation to members from the government, indigenous peoples groups, community forest user groups, private sector, civil society and development partners. The RWG is to ensure the effectiveness and efficiency of the REDD implementation process by proactively providing innovative ideas, monitoring program activities, and preparing a comprehensive REDD Strategy. In addition, the members of the RWG are to advocate and lobby at the political level to guarantee that other stakeholders in their constituencies are aware of and support the REDD readiness plan (p.12).

The RWG established a REDD Stakeholders' Forum, which serves as the principal outreach and communication platform for consultation and provides feedback on the R-PP preparation process and its content. It includes representatives from the private sector, civil society, media, government organizations, community-based organizations, local and international NGOs, donors, academia, research organizations, and all interested stakeholders. The Forum is mentioned as an instrument that is to ensure the transparency and accountability during the readiness and implementation process (p. 13).

Local stakeholders are also to be engaged in REDD pilot projects and activities aimed at building capacity and awareness; to support community-based adaptation to climate change; and to build experience and capacity on Payment for Environmental Services (p. 35).

b. Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other relevant stakeholders involved? (Component 2c)

The REDD strategy described in Component 2b requires a 3-year preparation plan involving five stages. The fifth stage is to be a comprehensive evaluation of the implementation of the previous four stages. Monitoring is to be performed continuously with the results compiled in the National REDD Strategy. The objective of the monitoring and evaluation is to ensure transparency and effectiveness of the REDD preparation process. The monitoring process is to be public, transparent, and accessible to all stakeholders (p. 43).

An inter-ministerial high-level REDD monitoring body is tasked with reviewing REDD implementation. The body is comprised of members from 11 ministries and the national planning commission. It is controlled by the Ministry of Forestry and Soil Conservation, and does not have any civil society members (p. 48). It cannot, therefore, be regarded as an independent body.

The main instrument to monitor REDD-related information is the proposed forest carbon registry, which will coordinate all MRV actions and is meant to ensure transparency, and compliance with REDD quality standards and social safeguards. The proposed registry will also allow for the enforcement of standards, such as the REDD+ social and environmental standards being developed by Nepal through the Climate Community and Biodiversity Alliance (CCBA) (p. 48).

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

b. How will the environmental and social impacts of proposed actions be monitored and

assessed? (Component 4b)

Nepal has been playing a major role in developing the REDD+ Social and Environmental Standards initiative, being facilitated by the CCBA. Nepal anticipates using these standards as a benchmark for monitoring social and environmental impacts as well as for monitoring governance (p. 67). However, monitoring and assessment of non-carbon aspects in the first phase is to be limited to a desk study only, while field monitoring is foreseen after 2013 alongside carbon MRV (pp.67-68).

Overall, Component 4b of the R-PP is inadequate. It lacks details on non-carbon monitoring, and fails to mention what institutions will be tasked with monitoring social and environmental impacts. Further, the R-PP does not provide a timeline for the development of the existing standards and monitoring capacities.

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (Component 4b)

Nepal is planning capacity building activities for local communities and local level government bodies to monitor the social and environmental impacts of REDD (p. 67-68). It is unclear, however, if NGOs will have any role in the monitoring process, although discussions are underway with CCBA and CARE International to pilot these activities “on a smaller scale” in Nepal. (p. 67)

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

The R-PP recognizes that REDD can have negative impacts on the environment and indigenous peoples and local communities, and that therefore the SESA process is necessary to assess such impacts. The SESA will produce an Environmental and Social Management Plan, which recommends monitoring the social and environmental impacts and related activities. It is unclear, however, what institutions will carry out the monitoring activities (p. 54).

e. How is non-carbon monitoring linked to MRV of emissions? (Components 4a and 4b)

The R-PP proposes a desk study to develop measurable parameters for assessment of social and environmental impacts. These parameters are to be incorporated in the field manual to be developed in 2011-2013 in order to determine emissions and removals (p.67).

Nepal has also started a new Forest Resource Assessment project to run from 2010-2014. It involves a forest resource assessment for the whole country, and is planning to generate national-level baseline data (p.6). An important objective of this project is to strengthen institutional capacity in building and maintaining forest sector information and data sharing. A social and environmental baseline at the national level is to be developed taking into account some of the data collected as part of the Forest Resource Assessment project (p.67). The proposed timeline for the project suggests this baseline may not be completed until 2014.

f. How will the results be fed back into the design and implementation of REDD?

Although the results of non-carbon monitoring are to be integrated into the MRV system, the R-PP does not specify how these results will feed back into the design and implementation of REDD after the readiness phase.

4) Will the proposed Monitoring and Evaluation system assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

The R-PP does not contain a National Monitoring and Evaluation Program (M&E) framework (Component 6). According to the R-PP, the M&E framework is to be developed by the REDD Forestry and Climate Change Cell (under the Ministry of Forests and Soil Conservation), which assesses the performance of the implementation of the R-PP and the REDD+ readiness strategy. It is expected to be finalized by the end of June 2010.

Perú Draft R-PP, April 2010

1) Illegality, corruption and law enforcement

- a. **Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)**

Weak law enforcement is not adequately acknowledged in the R-PP as a driver of deforestation or forest degradation. Corruption is only briefly alluded to on page 40. The lack of relevant policies – a National Forest Policy, a Land Planning Policy, a Biodiversity Conservation Policy, etc – is briefly alluded to as a weakness perpetuating illegal logging. Overall, activities such as industrial logging and mining concessions, legal and illegal, are not discussed in detail, and there is insufficient analysis of the underlying factors that facilitate problems with these. This is despite broad acknowledgement in the country that weak law enforcement, illegality and corruption are rife in the forest sector⁹.

Likewise, there is no mention in the R-PP of the main actors behind deforestation and forest degradation, including the role of government or logging and mining companies. Moreover, the R-PP states that the highest deforestation rates occur in forests which belong to indigenous peoples and local communities (p. 34), a statement which contradicts recent studies on the issue (see for example Oliviera et al 2007; Hvalkoff 2006¹⁰).

- b. **What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)**

The R-PP does not provide any substantial discussion on how these matters will be addressed. Nor does it discuss the current lack of institutional capacity or what is required to strengthen it. In particular, there is no discussion of the need to undertake reforms and capacity-building within law enforcement agencies and other relevant government institutions.

2) Institutional and policy framework

- a. **How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)**

The R-PP recognises the importance of consultation and participation with stakeholders in the development and implementation of national strategies (p.20). It is suggested that existing platforms for communication used by both the government and civil society – including indigenous peoples and local communities – be utilised. However, there is no discussion about how this arrangement will function, or who will be in charge of ensuring that engagement is meaningful.

The role of different stakeholders is not defined clearly. In particular, there is a lack of adequate recognition of indigenous peoples living in and around forests as key rights-holders and instrumental stakeholders. This is despite Perú being a signatory to ILO Convention 169, and thus having the obligation not only to consult but also to obtain prior consent before implementing development projects that directly affect indigenous peoples¹¹.

- b. **Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other relevant stakeholders involved? (Component 2c)**

A 'Technical Group on REDD' has been created under the Peruvian National Commission on Climate Change. This is tasked, *inter alia*, with 'the identification of the best institutional options to ensure the sustainability of the National System for Monitoring and Verification of Forest Carbon (SISNACAF)', and with 'the identification and reorganisation of legislative loopholes that hamper REDD implementation' (p. 6). No detail is provided in the R-PP about how the Technical Group is to operate or who is to be represented on it.

The draft proposal identifies a number of institutions directly and indirectly involved with REDD (p. 7-10). It states that the implementation of REDD schemes and their supervision and monitoring is the responsibility of the Ministry of Environment (MINAM), which is also the focal point of the UNFCCC. The agency tasked with supervising and monitoring forest activities on the ground, however, is the Supervisor Agency of Forest Resources (known as “OSINFOR”), which falls under the Presidency of the Council of Ministers. No information is provided on the link between OSINFOR and the Technical Group on REDD, including how information would be shared, or otherwise clearly defining their separate roles.

Regional Governments have ‘an important role’ in controlling forest activities under their jurisdiction and ensuring compliance with national forest policy. (p.8)

There is no discussion about what the system of checks and balances will look like during the design and implementation of a REDD strategy, which renders it difficult to assess whether “transparency, accountability and equity” will be ensured. A mechanism for engagement of relevant stakeholders in monitoring and assessment is not presented.

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

A very brief section on governance is presented under Component 2a (Assessment of Land Use, Forest Policy and Governance). It mentions a new National Forest Policy being developed, as well as an ongoing decentralisation process. Language around governance is limited to a single paragraph where corruption is singled out as one of the main causes of weak governance. No discussion is included in the R-PP on how to address weak governance or corruption, and no other references are made to governance challenges or how to address them.

There is no Component 4b, and the R-PP otherwise fails to mention any assessment or monitoring of governance.

b. How will the environmental and social impacts of proposed actions be monitored and assessed? (Component 4b)

Component 4b is missing from the R-PP, despite being included in the table of contents. There is no discussion elsewhere of monitoring social and environmental safeguards, or governance. Only the monitoring of carbon is discussed in Component 4a. The proposed monitoring system is thus not comprehensive and will fail to provide adequate information on REDD implementation.

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (Component 4b)

Since Component 4b is missing, the only monitoring system referenced in the R-PP is for monitoring carbon emissions. There is only one general reference to the National System for Monitoring and Verification of Forest Carbon (SISNACAF) stating that it will combine satellite and field data, and that this will help improve the performance of the State bodies in managing forest resources (p77).

There is no information provided on whether this system will be independently monitored, how civil society will be involved, or what measures will be taken to ensure civil society has participated meaningfully.

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

The proposal states the need for public consultation in the development of the SESA. It also mentions the need to have environmental impact studies, and commits Perú to adopting all the social safeguards recommended by the World Bank (p. 61-62). Nonetheless, it does not explain which measures will be adopted or how they are to be implemented. For example, the establishment of clear mechanisms to resolve conflicts related to REDD projects,

such as conflicts over land, carbon ownership or benefit sharing, is not discussed.

e. How is it linked to MRV of emissions? (Component 4a)

The R-PP does not address how civil society will be engaged in the MRV of emissions, or how this monitoring system will be linked to the monitoring of governance, or monitoring of environmental or social impacts.

f. How will the results be fed back into the design and implementation of REDD?

This matter is not addressed in the R-PP.

4) Will the proposed Monitoring and Evaluation system assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

The stated objective for Component 6 is to ‘encourage a transparent and efficient management of resources, as well as support the country in monitoring progress towards readiness and identify and address weaknesses and deficiencies as they occur’ (p.89).

However, the text does not discuss how to achieve this. It appears to be incomplete, as shown by the lack of data in the budget table on Monitoring and Evaluation (M&E). An outline is presented in a few lines, and offers a framework for M&E as a combination of indicators on ‘progress’ and ‘outcomes’. Some indicative questions to address these are offered, but a clear overall framework is lacking. There is no provision for assessing the level of transparency, accountability, consultation or stakeholder participation.

⁹ Global Witness has been travelling to Perú regularly since 2004. In meetings with government officials, civil society and the private sector, weak enforcement, illegality and corruption have regularly been identified as fundamental issues undermining the rule of law in the Peruvian forest sector.

¹⁰ Oliveira, P.C., G.P. Asner, D. E. Knapp, A. Almeyda, R. Galván Gildemeister, S. Keene, R. F. Raybin, R.C. Smith. 2007. “Land-Use Allocation Protects the Peruvian Amazon”, *Science* 317. (5842): 1233 – 1236.

Hvalkof, S. 2006 “Progress of the Victims. Political Ecology in the Peruvian Amazon”. In: *Reimagining Political Ecology, “Ecologies for the Twenty-First Century Series”* pp. 195-233, (eds.) Aletta Biersack and James B. Greenberg, Duke University Press, Durham

¹¹ Article 16.2 of ILO Convention 169 states: ‘Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent’.

Republic of the Congo R-PP, 19 April 2010 English version

1) Illegality, corruption and law enforcement

a. Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)

The R-PP identifies illegal and unsustainable logging as a principle driver of deforestation and forest degradation (p. 28).

According to the proposal, the underlying factors that facilitate these problems include “lack of enacting regulations, inadequate enforcement of laws and regulations, and insufficient qualitative and quantitative human resources” (p. 29). The proposal does not, however, include an adequate analysis of these underlying factors.

RoC claims that unspecified “legal and regulatory constraints” created by the State and the “environmental requirements of consumers” for voluntarily-certified timber products will ensure that logging will not be a future cause of deforestation and forest degradation (p. 32). These claims are not backed by supporting documentation or justification and appear to be unrealistic given 1) the serious governance problems identified by the proposal, 2) overall trends in the certification of tropical wood products and the recent announcement by DLH, which owns the largest certified logging operation in RoC, of its plans to sell off its forestry operations, 3) the lack of long-term

data on the impact of certified logging on deforestation and forest degradation in practice. Overall, the country's plans to continue and even expand industrial-scale logging across nearly all of the remaining accessible and unprotected forest areas despite the stated lack of regulatory control, inequitable distribution of rights to use the forest, and overall governance issues, calls into question the country's seriousness in addressing deforestation and forest degradation.

The suggestion that the "impacts of unsustainable or even illegal logging on forests are difficult to quantify and spatialize" (p. 34) is questionable given that an Independent Forest Monitor, referred to as the "Forest Observatory" in the English translation of the R-PP, has been working in RoC since 2007 and has produced numerous detailed reports and recommendations. The key findings of these reports and the implications for deforestation and forest degradation in RoC need to be summarized and discussed in the R-PP.

The proposal states that the transfer of ownership rights to local collectivities and the registration of land titles have not been implemented despite being called for by law (p. 50).

In general, the proposal does not adequately identify the actors involved in deforestation and forest degradation, particularly within the private sector, which manages the majority of the accessible forests in RoC. Poor communities are given an undue share of the responsibility for deforestation and forest degradation.

b. What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)

A strategic option to address illegal logging (SO2.1, p. 40) is presented in Component 2b; however, no coherent strategy is elaborated. Instead, the VPA/FLEGT process and the Independent Forest Monitor are briefly referenced. A deeper analysis of the scope, underlying causes and impacts of illegality in the forest sector and beyond needs to be carried out as part of the R-PP formulation process to inform the design of coherent and effective strategic options. If the Independent Forest Monitor and local NGOs are expected to detect "offenses [sic] on the ground" as stated, there will need to be capacity-building measures to help these organizations contribute to monitoring and oversight. None are proposed as part of the strategic option. It is important to also note that the Independent Forest Monitor is ultimately a diagnostic tool for assessing the implementation of laws and regulations, and not a substitute for law enforcement or an end unto itself. Ultimately, reforms and capacity-building within enforcement agencies and other relevant institutions in the government will be required. There is no discussion of such activities under the strategic options.

The RoC's engagement with the VPA/FLEGT process is referenced nine times in the document (pp. 7, 17, 18, 27, 32, 34, 40, 58, 63) without any further discussion of key considerations such as the timeframe for implementation, the expected impact the process will have on deforestation and forest degradation, or how it will be coordinated with the REDD+ process. More thinking needs to be presented on these issues to ensure that the two processes do not undermine one another.

A text box "Focus on provisions for transparency and anti-corruption" (p. 53) provides names of the country's anti-corruption bodies with no explanation regarding their function, composition, effectiveness, or applicability to the REDD+ process.

The process of moving towards the completion point for Heavily Indebted Poor Countries (HIPC) debt relief required RoC to institute reforms to improve forest sector governance and address corruption. A discussion of measures taken or underway should be part of the background of the proposal. There is a brief reference to recommendations from the World Bank (p. 27), but no source is given and the recommendations are insufficiently elaborated.

Overall, there is no discussion of where capacity needs to be built within specific government agencies to strengthen forest sector governance.

2) Institutional and policy framework

a. How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)

A REDD+ National Committee is to oversee the design and implementation of the REDD+ strategy. One third of the 42 seats on the committee are to go to civil society (4 NGO, 6 local community or indigenous peoples, and 4 academia), with the remaining seats split between private sector and government (p. 11). The REDD+ National Coordination, which also has responsibility for implementing the strategy, is to have experts amongst its members in different areas but has no specific requirements for civil society engagement (p. 13).

A series of legal reforms are proposed in Component 2c but the role of the REDD+ National Committee in developing the reforms is not described. There is also no discussion of the role of civil society in formulating the legal reforms proposed.

b. Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other relevant stakeholders involved? (Component 2c)

A National REDD+ Fund and Registry are proposed to manage funds and increase transparency of REDD+ activities. An Independent Forest Monitor will be used to help monitor the logging industry. No role for civil society, and in particular local communities, is described beyond the seats on the REDD+ National Committee.

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

There is currently an Independent Forest Monitor (“Forest Observatory”) in RoC with a mandate to monitor the logging industry. The intent to monitor “REDD strategy governance” (i.e. the functioning of the implementation framework) is stated briefly in Component 4b (p. 79). Overall, Component 4b is not adequately elaborated, consisting of half a page of bullet points.

b. How will the environmental and social impacts of proposed actions be monitored and assessed? (Component 4b)

The proposal states that rural income, “conservation of biodiversity and other environmental benefits (notably water and soils)”, and “institutional and economic impacts” will be monitored. No further details are provided about how these will be monitored or evaluated (p. 79).

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (Component 4b)

Other than reference to the Independent Forest Monitor, there is no discussion of independent monitoring and there is no further mention of a role for civil society in the MRV system in Components 4a or 4b.

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

The proposal states that the development of the monitoring system alluded to in Component 4b will be based on the SESA process.

e. How is it linked to MRV of emissions? (Component 4a)

Not elaborated.

f. How will the results be fed back into the design and implementation of REDD?

Not elaborated.

4) Will the proposed Monitoring and Evaluation framework assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

This component consists of a table with indicators (p. 85-86). There is no description of who will carry out the evaluation and no description of specific indicators meant to assess the overall transparency, accountability or level of stakeholder participation in the process. None of the suggestions from the R-PP template on transparency and participation seem to have been considered.

Tanzania R-PP, 15 June version (Final Draft)

1) Illegality, corruption and law enforcement

a. Does the proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation? Does it identify the primary actors involved and where capacity needs to be increased? (Component 2a)

Problems with poor governance from local to national level are acknowledged (pp. 16-26). The problems identified include corruption, elite capture, low accountability, lack of transparency, low participation and weak enforcement. An analysis of strengths and weaknesses concerning establishing and implementing REDD in Tanzania includes among the weaknesses 'unsatisfactory enforcement' and 'entrenched corrupt practices and lack of good governance in the forest sector and elsewhere' (p. 14).

Inadequate attention, however, is paid to illegality in the timber sector. Timber extraction is recognized as one of the major causes of forest loss in the assessment in Component 2a (p. 21), but no mention is made of the extent of illegality – which is known to be a problem. Illegal timber extraction is only mentioned as a driver in Table 2b-1 on strategic options (p. 29). Annex 2a of the R-PP states that 'far more timber than the official license allows appears to be taken out illegally from the forest reserves' (Annexes, p. 33) but this point is not taken up in the main text.

The R-PP refers to the need to develop a strategy to monitor the drivers of deforestation and forest degradation. It does not, in general, adequately identify the actors involved in the forest sector responsible for driving deforestation or forest degradation.

b. What measures are proposed to address these issues? Is there an assessment of the institutional capacity to carry out these measures? (Component 2b)

The strategic options identified to address illegal timber extraction (p. 29) and policy and governance failures (p. 30) are inadequate. The measures proposed to address poor enforcement are insufficient. Training and institutional capacity for improved governance are included in the budget but no details are given (p. 62).

Studies are planned under five themes. Governance issues are to be addressed in the context of rural development, financial flows in the context of modalities for establishing and operationalising a National REDD Trust Fund, and a legal and institutional framework review in the context of REDD intervention (p. 31). But the development of training of trainer programmes to be included in the study planned on REDD information needs is limited to forest carbon monitoring and assessment and makes no mention of monitoring non-carbon issues, i.e. governance and social and environmental impacts (p. 32).

Some interesting pilot projects have been initiated that are of relevance to governance: approaches to organising

REDD work at a local level, with a focus on governance and tenure; incentive schemes that provide equitable benefit sharing mechanisms, especially to local communities; participatory methods for monitoring, assessing, reporting and verifying; and approaches that address drivers of deforestation and forest degradation (p. 32).

Under Component 2c (REDD Implementation Framework), several key issues are identified relating to governance, including ‘effective monitoring and evaluation of processes at national and sub-national levels’, ‘stakeholders engagement and involvement of local communities’, and ‘anti-corruption laws and measures, national best practices for fiscal transparency’ (p. 34). The actions proposed in Table 2c-1, however, do not go far enough to address these issues (note there is some inconsistency in page numbering here).

2) Institutional and policy framework

a. How are relevant stakeholders engaged in the implementation framework? (Components 1a and 2c)

Stakeholders are inadequately engaged in the implementation of the institutional and policy framework.

A REDD task Force has been appointed by the Government to oversee implementation of technical and operational issues in relation to REDD readiness. The Task Force is an interim arrangement and is to be replaced by permanent structures such as the National Climate Change Technical Committee (p.7).

Due to the temporal nature of the Task Force, its membership does not include NGOs and forest peoples’ organizations. They are expected to be included in the permanent structure that will follow the Task Force (p. 7), but there is no clear timeline indicating when this will happen.

b. Is there a system for independent monitoring, assessment and review of REDD implementation? Is the oversight system transparent, and how are civil society and other relevant stakeholders involved? (Component 2c)

Involvement of local communities and other civil society actors is discussed in relation to carbon monitoring (p. 37), in part as a cost effective approach to gathering data. There is no provision for independent monitoring, or detail on how civil society will be involved in monitoring the implementation of REDD.

3) Monitoring system

a. How will governance be monitored and assessed? (Components 2c and 4b)

b. How will the environmental and social impacts of proposed actions be monitored and assessed? (Component 4b)

Component 4b (on non-carbon monitoring) is not addressed adequately. The section on monitoring, although entitled 4a and 4b, is almost entirely focused on monitoring carbon emissions and removals. Although it states that the MRV system will ‘also monitor rural livelihoods, conservation of biodiversity, key governance factors related to REDD implementation and assess the impacts of REDD strategy in the forest sector’ (p. 37), no information is provided on how this will be carried out.

c. What methods for data collection will be involved? Is the system independent, how will civil society be involved, and what measures will be taken to ensure that civil society has the capacity to participate meaningfully? (Component 4b)

The system relies on NAFORMA (the National Forest Resources Monitoring and Assessment), i.e. an inventory approach based on sample plots, which has a biophysical component and a socio-economic component for which information will be collected through interviews. The role of civil society is unclear, other than engaging local communities in carbon measurement.

Verification of carbon measurements is proposed to be undertaken by an “independent semi-autonomous National Carbon Monitoring Centre (NCCM)”, but it is questionable whether such an institution would be truly

independent.

d. How is monitoring and assessment linked with the SESA process? (Component 2d)

In Component 2d, the R-PP states that the SESA will give special consideration to governance (among other things), and that the proposed study will come up with an Environmental and Social Management Plan that should include a 'simple monitoring system to monitor impacts' (p. 39-40). But no further detail is provided.

e. How is non-carbon monitoring linked to MRV of emissions? (Components 4a and 4b)

The focus is almost exclusively on carbon MRV – which is not surprising given the number of organizations engaged in developing carbon MRV in Tanzania. The need to coordinate initiatives was recognized at a workshop on MRV (which focused on carbon) in February 2010. As noted above, there is very little information on non-carbon monitoring other than collecting socio-economic data through NAFORMA, and none on how the systems will be linked. Although a "unified monitoring framework" is proposed, it is unclear how non-carbon monitoring will fit into this.

f. How will the results be fed back into the design and implementation of REDD?

In August 2009, Tanzania developed a National REDD Framework that defines the policy, legal, institutional, financial and collaborative arrangements required to successfully implement a REDD strategy in Tanzania. Based on this framework, a number of demonstration projects and studies have been initiated to gather lessons and information that will feed into National REDD Strategy design and implementation (pp. 4-5).

The results of the Program Monitoring and Evaluation (p.66) also provides a means of feedback of information into the design and implementation of REDD. However, little information is provided on how this will occur, or how the level of feedback is to be evaluated.

4) Will the proposed Monitoring and Evaluation system assess the level of transparency, accountability, consultation, and stakeholder participation in the readiness process? (Component 6)

The proposal states that the Program Monitoring and Evaluation (M&E) framework is a combination of 'process' and 'product' indicators, and includes benchmarks and qualitative and quantitative indicators such as the level of transparency in the R-PP development, inclusiveness of stakeholders, dissemination of information, and means of feedback (p. 66). However, the framework presented includes activities and targets but does not contain indicators that address transparency and inclusiveness.

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