Review of <u>Mozambique's DRAFT R-PP</u> submitted to the 10th Participants' Committee meeting of the FCPF

Provisions on Enforcement and Non-Carbon Monitoring
17-19 October 2011

This assessment examines the DRAFT Readiness Preparation Proposal (R-PP) submitted by Mozambique for consideration at the 10th Participants Committee meeting of the FCPF in Berlin, Germany (17-19 October 2011).[1]

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).

Mozambique August 2011
1. **Does the R-PP adequately address weak law enforcement, illegality and corruption as drivers of deforestation and forest degradation?**

In general terms, the R-PP recognises the link between weak law enforcement, illegality and corruption and its impact on deforestation and forest degradation. The R-PP provides a brief insight into what the key drivers of deforestation and forest degradation are. However, it does not go into adequate detail in this respect and fails to indicate who the key actors are behind illegal forestry activities.

The R-PP provides a basic description of the direct and indirect drivers of deforestation and forest degradation (from page 57 of the R-PP, dated September 2011). Deforestation is recognised as mainly being a consequence of extra-forest sector activities, including agriculture and hunting, particularly due to use of fire in land clearing; biomass energy; illegal harvesting of timber; mining; and, infrastructure development.

The R-PP recognises that there are few studies on forest degradation, but that those studies which have been conducted show degradation is rampant and is more likely to have a larger impact on carbon stocks than deforestation (p. 57). The R-PP also acknowledges that forest degradation depends on the extent to

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which enforcement of legislation within the forest sector and efficient harvesting technologies can be strengthened (p. 57).

The R-PP acknowledges governance and weak enforcement of land, forests and environmental legislation (p. 7) as being an underlying cause of deforestation and forest degradation. The R-PP provides a table (p. 62-64) which highlights where incidents of illegality occur; the table suggests that throughout the country there are occurrences of illegal hunting using forest fires (causing deforestation and degradation); illegal logging; and, illegal artisanal mining.

The R-PP also highlights that limited law enforcement capacity, due to lack of equipment and few qualifications amongst forest guards, is an indirect driver of deforestation and forest degradation (p. 62). The number of field officers is small with limited means and that they are therefore vulnerable to corruption (p. 71).

There is a general recognition that current Land Policy and Legislation is threatened by corruption and illegal practices, particularly in the consultation processes (p. 68). However, the R-PP does not elaborate on these in any detail. Furthermore, the R-PP fails to describe who the main players involved in corruption are, other than saying that field officers are vulnerable. Moreover, the R-PP lacks detail as to who the main actors are involved in illegal activities.

In terms of responses to illegality, weak law enforcement and corruption, the R-PP acknowledges the need to strengthen weak law enforcement, improve institutional capacity, ensure transparency, and tackle illegality and corruption.

The R-PP provides a table (p. 70) which 'provides a snapshot' of governance challenges faced according to the World Bank's five pillars of good forest governance. One of the pillars is transparency, accountability and public participation. The R-PP provides a brief assessment of challenges and strategies to deal with this and states that a more detailed analysis will be conducted during the implementation of the R-PP (p. 70).

According to the results of the consultation process carried out in Mozambique, the R-PP acknowledges that in order to increase carbon stocks in the country, law enforcement capacity will need to be strengthened (p. 40). Furthermore, the R-PP recognises the need to strengthen government capacity to monitor timber harvesting, including independent monitoring, and forest guards should be better trained and equipped to deal with illegal practices (p. 75). Moreover, the table (p. 62-64) suggests that community guards should be engaged in the process to further strengthen law enforcement.

The R-PP also illustrates current ongoing processes to address weak law enforcement. For example, UEM (Universidade Eduardo Mondlane) is providing technical support to the National REDD Working Group including awareness raising and training of field-level staff to create a capable knowledge base. This involves improving law enforcement and governance to reduce illegal activities (p. 44). This process was concluded in July 2011, with detailed information to be provided once UEM has compiled it.

Lastly, the R-PP does not analyse whether or not there is any illegal cross border trade in forest products driving deforestation and forest degradation and, furthermore, it does not recognise the importance of regional cooperation to tackle the issue of illegality and corruption.

Recommendations:

- Provide a more in-depth analysis of how illegality, weak law enforcement and corruption drive deforestation and forest degradation.

- Provide information on who the main actors are involved in illegality and corruption.

- Elaborate on the response strategies already outlined in the R-PP

- A detailed analysis of the World Bank's five pillars of forest governance is scheduled to be conducted during the implementation process. This should be conducted prior to implementation of REDD+, as it will be necessary to guide effective implementation.

- The R-PP should indicate whether any illegal cross border trade in forest products exists and, if it does, how it proposes to promote regional cooperation to tackle the issue.

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

While the R-PP acknowledges the need for a monitoring mechanism to evaluate social and environmental risks and impacts (p. 97), and despite recognising the importance of governance monitoring, the R-PP does not adequately address the issue of monitoring the social, environmental and governance safeguards.

With regard to social and environmental monitoring, the R-PP discusses the importance of establishing a SESA process and designing an ESMF in order to deal with the risks and impacts of REDD+ (p. 83). The R-PP proposes institutions which should play a part in any SESA process, including governmental, non-governmental and civil society organisations. The R-PP provides a very brief introduction to what areas the SESA and ESMF should address but makes no concrete suggestions.

The R-PP provides no insight into how the SESA process and ESMF will operate and appears to rely on NGOs and Civil Society Organisations to assess governance rather than developing a monitoring system as part of the implementation process. In addition, the R-PP makes no acknowledgement of the Cancun safeguards.

The R-PP proposes the adoption of the World Bank Operational Policy OP 4.01 (*Environmental Assessment*) for evaluating 'environmental and social soundness and sustainability of investment projects and support integration of environmental and social aspects of projects into the decision making process' (p. 106). The R-PP also states that OP 4.10 (*Indigenous Peoples (forest dependent communities)*) will ensure free, prior and informed consent before allocation of resources to third parties, including to the State, while OP 4.12 (*Involuntary Resettlement*) will be adopted to contribute towards reducing losses of livelihoods and standards of living (p. 106). Beyond mentioning the adoption of these operational policies, the R-PP does elaborate on them.

Finally the R-PP makes no reference to the need to monitor the transparency of REDD+ fiscal transactions.

Recommendations:

- Component 4b is not adequately developed and needs to provide more information on the development of a monitoring system for non-carbon monitoring.

- Component 2d provides good background information but needs to be further developed in order to sufficiently describe the SESA process and the design of the ESMF.

- The R-PP needs to describe how the transparency of REDD+ fiscal transactions will be ensured and monitored.

3. Other issues

A key issue that may arise during the REDD+ process is the question of land, carbon and forest tenure and the equitable sharing of benefits. The consultation process raises this as an issue which needs 'reflecting on' and recognises that ownership of carbon rights is unknown (p. 47).

Discussions during consultation suggested that carbon rights should be tied to customary land tenure in order to limit possible alienation of communities in REDD+ implementation and benefit sharing (p. 78). Moreover, according to the R-PP, one of the options for addressing the indirect drivers of deforestation and forest degradation is to develop legislation on carbon rights, building on the consultations, linking them to land and forest tenure (p. 78).

The R-PP indicates a willingness to tackle the issue of land tenure and suggests that the SESA process should include the issue of land tenure, access to resources and benefit sharing mechanisms. In addition, the adoption of OP 4.12 (*Involuntary Resettlement*) will contribute to addressing the issue of land tenure conflict (p. 106). Despite acknowledging the potential problems that may arise over the question of land and carbon tenure, the R-PP needs to further address the question of how land tenure conflicts will be addressed during the REDD+ process.