



**Monitoring Governance Safeguards in REDD+ Expert Workshop**

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**Background Paper Two**

## **Governance in REDD+**

*taking stock of governance issues raised in readiness proposals*

*submitted to the FCPF and the UN-REDD Programme*

*by:*

**Crystal Davis**

Associate, Institutions and Governance Program

World Resources Institute

10 G Street NE, Suite 800; Washington DC, 20002

[www.wri.org](http://www.wri.org)

[cdavis@wri.org](mailto:cdavis@wri.org)

*contributors:*

**Estelle Fach**, UNDP

**Evelyn Namubiru-Mwaura**, ENL Consulting

**Rick Jacobsen**, Global Witness

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## I. Summary

This background paper was prepared for the *Expert Workshop on Monitoring Governance Safeguards in REDD+* sponsored by Chatham House and the UN Collaborative Programme on REDD. It provides an overview of how readiness proposals submitted to the World Bank's Forest Carbon Partnership Facility (FCPF) and the UN-REDD Programme consider governance-related issues and their monitoring.

The intent of this paper is to support the workshop discussion on identifying the governance monitoring needs of REDD+ countries, and on how well those needs are currently being met. It takes stock of how issues of forest governance and the monitoring of governance have come up in the 16 country proposals<sup>1</sup> submitted to the FCPF and the UN-REDD Programme as of March 2010. It provides examples of issues that are discussed in a fairly comprehensive manner and also identifies potential gaps. In the two countries where programme implementation has been initiated, the paper also provides early insights into how these governance interventions are being applied. The paper does not seek to prescribe a definitive set of governance considerations for REDD+ readiness, or stipulate how governance should be monitored. Rather we hope that it will prompt workshop participants to reflect on these questions, taking into account the governance issues and needs that countries themselves are raising in their REDD+ readiness proposals.

Key conclusions from our review of the 16 country proposals include:

1. The proposals identify many governance considerations relevant for REDD+. Among these, the importance of promoting participation, transparency, accountability and coordination in the design and implementation of REDD+ programmes are common themes. However, relatively few concrete procedures, processes and rules are proposed to ensure that these principles of good governance are adhered to in practice.
2. Most of the proposals identify weak law enforcement and unclear land tenure as key governance challenges for REDD+. However, the depth of analysis of the underlying problems and potential solutions is relatively low at this stage. It is often not clear how countries intend to address these issues through their REDD+ strategies.
3. Several proposals include provisions for monitoring and assessing governance, but the discussion does not move beyond the concept stage. A few countries intend to develop a system for independent monitoring of forest sector activities, although, with one exception, these systems appear to be limited in scope to commercial forestry. With regards to measurement, reporting and verification (MRV), most proposals focus entirely on the MRV of carbon.

## II. Getting Ready for REDD+ with the FCPF and the UN-REDD Programme

The UN-REDD Programme and the World Bank's FCPF are leading multilateral initiatives to help prepare developing countries with forests to participate in a future REDD+ mechanism under the next international climate agreement. Negotiators within the United Nations Framework Convention on Climate Change (UNFCCC) have not yet agreed on all the details of how REDD+ will operate. However, it is generally understood that REDD+ will involve positive incentives for developing countries for reducing

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<sup>1</sup> **R-PPs reviewed:** Argentina, Democratic Republic of Congo (joint proposal to the FCPF and the UN-REDD programme), Ghana, Guyana, Indonesia, Madagascar, Mexico, Panama, and Suriname. **NPDs reviewed:** Bolivia, Democratic Republic of Congo (initial document), Indonesia, Panama, Papua New Guinea (initial document), Tanzania, Viet Nam and Zambia

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emissions from deforestation and forest degradation, as well as broader efforts to conserve, sustainably manage and enhance forest stocks.<sup>2</sup> Some have envisaged REDD+ as a three-phase process: (i) planning, preparation and capacity building; (ii) policy implementation; and (iii) receiving performance-based payments. Others support a two-phase approach in which the second and third phases are combined. What these phases will mean in practice within an international system is still being discussed.

The FCPF and the UN-REDD Programme are examples of what the initial period of planning and preparation – widely known as the “readiness phase” – could look like. Both launched in 2008, these initiatives provide financial support and technical guidance to developing countries seeking to become ready for REDD+. To date more than USD 150 million and USD 100 million have been committed to the FCPF and the UN-REDD Programme respectively. To gain access to readiness financing, participating countries must submit a proposal outlining a roadmap of activities needed to achieve readiness. Countries applying for FCPF funds must prepare a Readiness Preparation Proposal (R-PP) using a standard template developed by the World Bank with input from stakeholders engaged in the FCPF process. Countries applying to the UN-REDD Programme can submit a National Programme Document (NPD), which has a more flexible structure. Alternatively, starting this year, the UN-REDD Programme will also accept submissions using the R-PP template. As of March 2010, nine R-PPs and seven NPDs have been submitted by 15 countries.

**Table 1: Country Readiness Proposals Considered in this Paper**

	UN-REDD Programme Countries		FCFP Participant Countries			
Region	NPD considered in this paper	NPD not submitted*†		R-PP considered in this paper	R-PP not submitted*	
Africa	DRC** Tanzania Zambia	Kenya Nigeria Republic of Congo (RoC) Sudan		DRC** Ghana Madagascar	Cameroon C. African Republic Ethiopia Equatorial Guinea Gabon Kenya	Liberia Mozambique RoC Tanzania Uganda
Asia – Pacific	Indonesia Vietnam PNG	Bhutan*** Bangladesh*** Cambodia Nepal	Philippines Solomon Islands Sri Lanka	Indonesia	Cambodia Lao PDR Nepal PNG	Thailand Vanuatu Vietnam
Latin America & Caribbean	Bolivia Panama	Argentina Costa Rica Colombia***	Ecuador Mexico Paraguay	Argentina Guyana Mexico Panama Suriname	Bolivia Chile Colombia Costa Rica El Salvador	Guatemala Honduras Nicaragua Paraguay Peru
† With the exception of Paraguay, these countries have joined the UN-REDD Programme since October 2009 and enjoy observer status *Proposals not submitted as of March 2010 ** The DRC produced an initial NPD, and then submitted a joint document, following the R-PP template, to both the FCPF and the UN-REDD Programme. *** Pending inter-sessional approval by the Policy Board						

<sup>2</sup> UNFCCC. 2007. *Bali Action Plan*.

Through this process, the FCPF and the UN-REDD Programme are helping to shape international understanding of what it means to be “ready” for REDD+. The R-PP template identifies four components of readiness and provides guidance on key activities needed to prepare each component (see Table 2). The UN-REDD Programme’s guidance for developing NPDs calls for designing interventions around the same, agreed components of readiness<sup>3</sup> found in the R-PP template. For example, NPDs contain sections on situation analysis, results and resources frameworks, monitoring frameworks, and risk mitigation analyses.<sup>4</sup> Both proposal structures also prompt countries to establish the systems and processes necessary to manage and coordinate REDD+ activities. For example, countries developing an R-PP must formulate a plan detailing how relevant stakeholders will be consulted and engaged in REDD+ planning and implementation throughout the readiness phase and beyond, while NPDs must include specific outcomes and outputs for measuring achievements in this area.

**Table 2: Readiness Components and Related Readiness Activities across the R-PP and NPD proposals**

Components of readiness	Related readiness preparation activities	Overarching readiness preparation activities
1. Assessment/situational analysis of the situation of deforestation & forest degradation (D&D), and relevant governance issues	<ul style="list-style-type: none"> <li>Assess the biophysical characteristics of D&amp;D</li> <li>Assess the direct and underlying drivers of D&amp;D</li> <li>Assess past experiences trying to combat D&amp;D</li> </ul>	<ul style="list-style-type: none"> <li>Establish a process of <b>stakeholder participation and consultation</b> for all aspects of readiness preparation</li> <li>Define <b>institutional roles and responsibilities</b> for managing and coordinating REDD readiness activities</li> <li>Design a system to <b>monitor and evaluate progress</b> in readiness preparation</li> </ul>
2. REDD+ strategy options & REDD+ implementation framework	<ul style="list-style-type: none"> <li>Develop strategy options to address the drivers of D&amp;D revealed in the assessment / situation analysis</li> <li>Assess the feasibility, costs/benefits, risks, etc of various strategy options</li> <li>Consider the legal &amp; institutional frameworks necessary to implement REDD+ and manage revenues, including reforms to existing frameworks</li> <li>Assess social and environmental impacts of proposed REDD+ strategy options &amp; implementation frameworks / evaluate risk &amp; risk mitigation strategies</li> </ul>	
3. Reference Scenario	<ul style="list-style-type: none"> <li>Review historical data on D&amp;D</li> <li>Assess feasibility of different approaches to developing a reference scenario</li> <li>Assess capacity needs</li> </ul>	
4. Monitoring System	<ul style="list-style-type: none"> <li>Design a system to monitor emissions and removals</li> <li>Design a system to monitor other benefits &amp; impacts</li> <li>Consider the role of non-government stakeholders in the monitoring system</li> <li>Assess capacity needs</li> </ul>	

<sup>3</sup> UN-REDD Programme Annotated template

<sup>4</sup> The UN-REDD programme and FCPF are currently working to further harmonize their templates, as to facilitate the submission of joint proposals by countries that wish to do so.

### III. Governance Considerations in the Readiness Phase

Strengthening forest governance will be an essential readiness activity for countries seeking to achieve significant and lasting emission reductions from REDD+. Typical symptoms of weak forest governance – such as corruption, illegal and unplanned forest conversion, and conflicts over access to land and resources – are critical drivers of deforestation in many countries. National REDD+ strategies to address these drivers will need to include measures to strengthen law enforcement capacity and clarify forest tenure, and potentially other forest governance reforms. Promoting robust foundations of good governance for REDD+ can also help safeguard against perverse social and environmental impacts, while advancing broader sustainable development goals. Strengthening institutional capacity and coordination and ensuring transparent and inclusive decision-making processes can help bolster these foundations.

The FCPF and the UN-REDD Programme have both recognized the importance of building the capacity of REDD+ countries to address and monitor governance issues. The FCPF's R-PP template, for example, includes guidance on assessing the governance-related drivers of deforestation and developing strategies to address them; on promoting transparency, participation and coordination in the design and implementation of REDD+ programs; and on monitoring key governance factors pertinent to REDD+ implementation. The UN-REDD Programme is currently finalizing its proposals and work plans to support effective and inclusive national systems of governance for REDD+. <sup>5</sup> The Programme includes intellectual contributions and leadership towards defining a global framework for monitoring governance as it pertains to REDD+ systems, in addition to national governance capacity support for its pilot countries. For example, the Programme plans to support country-led governance assessments, which will help pilot countries to arrive at a clear picture of their REDD+ governance situation, gaps and needs through a multi-stakeholder process. It will also support the implementation of 'policy enablers' identified through the country-led governance assessment process, such as land tenure capacity building, implementation of treasury and judiciary reforms, and enforcement of forest laws. Finally, the Programme is also developing a 'social due diligence' approach and risk assessment tool, currently open for comments, that seeks to guide the design and implementation of UN-REDD Programmes (and potentially other REDD+ initiatives) by providing a structured framework to assess risks in terms of good governance, livelihoods and policy coherence. The first principle of good governance covers corruption, transparency & accountability and stakeholder participation, the latter focusing on a) identifying and enabling stakeholders and b) vulnerable groups and free prior and informed consent.

The 16 R-PPs and NPDs reviewed in this paper identify and discuss various issues of forest governance and governance monitoring relevant to REDD+ implementation. The specific issues raised and the depth of discussion on each issue varies across the different proposals, although overarching trends do emerge. Some variation is to be expected based on the unique governance context of each country. However, one of the objectives of the Expert Workshop for which this paper was prepared is to identify key governance parameters that should be monitored in all REDD+ countries. Table 3 below identifies several overarching governance considerations that are prominent across the 16 country proposals reviewed, as well as a preliminary list of potential gaps. The following sections of this paper take stock of the different ways in which these considerations are discussed in the proposals.

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<sup>5</sup> UN-REDD Programme. "Supporting Effective and Inclusive National Systems of Governance for REDD+." DRAFT (March 2010).

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**Table 3: Governance issues raised in the country proposals and potential gaps**

Governance Issues		
Key governance consideration:	Examples from the proposals:	Governance issues receiving minimal coverage across the proposals:
1. stakeholder participation and consultation in REDD+ planning & implementation	<ul style="list-style-type: none"> <li>• plans to ensure continuous engagement of all relevant stakeholders in REDD+ planning and implementation</li> <li>• special emphasis on vulnerable groups, e.g. forest dependent communities, indigenous peoples, and women</li> </ul>	<ul style="list-style-type: none"> <li>• strategies to engage women</li> <li>• consideration of how stakeholder representatives will be chosen</li> <li>• learning from past experiences with participatory processes</li> </ul>
2. transparency and accountability of REDD+ systems	<ul style="list-style-type: none"> <li>• designing transparent and accountable REDD+ revenue management and benefit distribution systems</li> <li>• designing participatory and transparent REDD+ monitoring and MRV systems</li> <li>• creating dispute / conflict resolution systems</li> </ul>	<ul style="list-style-type: none"> <li>• role of civil society in the monitoring and MRV system</li> <li>• concrete strategies to promote financial transparency and accountability</li> <li>• role of the judicial system in dispute/conflict resolution</li> </ul>
3. government coordination in REDD+ planning & implementation	<ul style="list-style-type: none"> <li>• mainstreaming REDD+ across sectors and within national development plans</li> <li>• consideration of reforms to improve vertical and horizontal coordination</li> </ul>	<ul style="list-style-type: none"> <li>• clear roles and responsibilities for National REDD+ Working Group members</li> <li>• engagement of sub-national government</li> </ul>
4. legislative reform and enforcement	<ul style="list-style-type: none"> <li>• clarifying land tenure and land use plans</li> <li>• implementation and enforcement of existing policies and laws</li> <li>• creating anti-corruption measures</li> </ul>	<ul style="list-style-type: none"> <li>• role of law enforcement bodies in REDD+ strategy design</li> <li>• potential solutions to identified challenges</li> </ul>
Monitoring of Governance Issues		
Key monitoring consideration:	Examples from the proposals of governance-related activities that will be monitored:	Monitoring issues receiving minimal coverage across the proposals:
A. monitoring and MRV of efforts to address governance issues relevant to REDD+	<ul style="list-style-type: none"> <li>• clarification and reform of laws, including tenure laws</li> <li>• development of a land use plan</li> <li>• strengthening of law enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• concrete plans for how governance issues will be monitored and assessed</li> </ul>
B. monitoring and oversight of REDD+ systems and processes	<ul style="list-style-type: none"> <li>• monitoring implementation of consultation and participation mechanisms</li> <li>• third-party monitoring of forest management activities and law enforcement</li> <li>• independent auditing and participatory oversight of financial management rules, including benefit sharing</li> </ul>	<ul style="list-style-type: none"> <li>• identification of independent bodies to carry out monitoring and oversight</li> <li>• combining elements of monitoring and oversight into an integrated system with feedback loops</li> </ul>

#### IV. Governance Issues in the Country Proposals

##### 1. *Stakeholder participation and consultation in REDD+ planning and implementation*

Full and effective participation of relevant stakeholders in all aspects of planning and implementing REDD+ programs is widely believed to be crucial to their success. It is also one of the seven safeguards agreed during the UNFCCC negotiations on REDD+ in Copenhagen<sup>6</sup>. The importance of stakeholder participation is recognized in both R-PPs and NPDs, and all of the proposals contain at least a preliminary mapping of key stakeholders for REDD+. This issue is generally discussed in greater detail within the R-PPs, which are required to include a full consultation and participation plan. Even so, it is often unclear from the plans how stakeholders will be able to meaningfully engage in and influence decision-making processes for REDD+. Some of the proposals focus primarily on activities geared towards disseminating information and raising awareness. Other proposals do seek to strike a balance between disseminating information and gathering feedback, but they do not yet elaborate concrete procedures to ensure a transparent and accountable process. For example, the proposals of Argentina, the Democratic Republic of the Congo (DRC), Ghana, Mexico and Suriname propose to establish “feedback loops” and “validation processes” to encourage uptake of stakeholder concerns, but they do not explain how these processes will operate. Early experiences from the implementation of national UN-REDD programmes in the DRC and Viet Nam provide some indications of how stakeholder consultation activities might function in practice (see Box 1).

Some of the proposals – notably those of Argentina, Guyana, Panama, PNG, Suriname and Tanzania – place special emphasis on strategies to engage local communities and/or indigenous peoples. PNG’s NPD, for example, proposes to follow the UN-REDD Programme’s operational guidance on engagement of indigenous people and other forest dependent communities, while Tanzania’s NPD proposes to apply FAO, UNDP and UNEP rights-based and participatory approaches. For other proposals, more detail on how indigenous and other forest dwelling communities will be consulted is a major recommendation emerging from the independent assessments conducted by the Technical Advisory Panel (TAP) commissioned by the World Bank.

Several gaps emerge across all of the proposals. First, there is a lack of attention to how women, in particular, will be engaged. Second, the question of how individuals will be selected to represent their stakeholder constituencies at meetings and workshops is a sensitive issue that is generally not considered. Finally, very few proposals consider lessons from past experiences engaging stakeholders in environmental policy processes. Those that do discuss past experiences rarely do so with a critical lens. Ghana’s R-PP, for example, states that REDD+ consultations will build from the multi-stakeholder platform developed through the FLEGT/VPA<sup>7</sup> process, but it does not reveal relevant lessons learned (p25).

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<sup>6</sup> Draft UNFCCC REDD text, FCCC/CP/2010/2, 11 Feb 2010, <http://unfccc.int/resource/docs/2010/cop16/eng/02.pdf> (para 2, p 27).

<sup>7</sup> Stands for Forest Law Enforcement, Governance and Trade Voluntary Partnership Agreement between the European Union and Ghana.

### **Box 1: Stakeholder engagement activities in the DRC and Viet Nam through National UN-REDD programmes**

The DRC initial NPD, approved in March 2009, was focused on stakeholder engagement and participation. The NPD's first outcome sought to prepare an R-PP through a participatory approach. Analysis of the achievements on the first outcome by an independent reviewer estimated that "The preparation process has benefitted by an active civil society and a national network of local NGOs, civil society organizations and community-based organizations, including representatives of indigenous peoples and other forest dependent peoples that, since inception, have sought to be involved in and informed about the R-PP preparation process, with generally good effect." The second outcome of the initial NPD was to "inform and train stakeholders in order for them to participate actively in the REDD process". Over 30 consultations, meetings and workshops have been held to date at the national and provincial levels.

Viet Nam, whose national UN-REDD programme was initiated mid-2009, is currently testing an eight-step process to seek free, prior and informed consent (FPIC) in two pilot districts as part of its overall outcome to increase capacity to manage REDD+ at provincial and district level. This process is based on the principles that: (i) FPIC should be sought for all forest communities and communities living at the margin of forests; (ii) FPIC activities must proactively reach out to communities, and not wait for them to come forward; (iii) homogeneity between communities cannot be assumed; and (iv) rights holders offer primary guidance for customized consent procedures. A detailed description of this process can be found at: <http://tinyurl.com/Viet-Nam-UN-REDD-FPIC>.

### *2. Transparency and accountability of REDD+ systems*

As a part of the readiness phase, countries will establish new systems and institutions necessary to implement REDD+. For example, all countries will need a system to monitor and MRV carbon and non-carbon impacts of REDD+ activities. They will also need a system for managing revenues generated from REDD+ activities and sharing associated benefits with relevant stakeholders. The integrity and effectiveness of these systems will depend, in part, on whether procedures and rules are put in place to promote transparency, participation and accountability within the system. While the R-PPs and NPDs reflect an early stage in designing these systems, there is already some evidence that these issues are being considered.

A major focus in the proposals is on designing a carbon MRV system. A small number of NPDs and approximately half of the R-PPs also mention the need to monitor non-carbon aspects of REDD+ activities. Most proposals emphasize the technical and capacity building needs of government agencies, but there is also some recognition of the role of non-government actors – particularly academic institutions and to a lesser extent civil society – in designing and implementing the MRV system. For example, the NPDs and R-PPs of Argentina, Mexico, Viet Nam and Panama call for the participation of local communities in carbon monitoring on the ground. There is less discussion on the potential role of communities in monitoring non-carbon impacts, such as livelihood or poverty indicators. There is also relatively little assessment of the capacity of civil society and communities to effectively participate in an MRV system. Finally, a handful of proposals emphasize the importance of transparency in the monitoring system to encourage public access to and independent verification of data. However, they provide no details on how data will be managed or made easily accessible to the public.

All 16 of the country proposals discuss the need for an equitable system to manage and share revenues and/or benefits accumulated through REDD+. Further, roughly half of the proposals state that the

REDD+ revenue system should promote financial transparency and accountability. For example, the proposals of the DRC, Ghana, Madagascar and Suriname state that revenue management will be subject to regular auditing and independent monitoring. Overall, however, the proposals contain little detail on what a REDD+ revenue management and benefit sharing system might look like in practice. Only a few proposals discuss existing systems for managing forest revenues, or potential lessons learnt for REDD+. The DCR R-PP, for example, states that failed implementation of the current forest revenue allocation system is an ongoing source of tension between national and sub-national governments (p42). It further proposes to undertake a study to investigate past challenges and experiences in revenue distribution in the DRC and in the region to inform the development of a REDD+ revenue system. The Viet Nam UN-REDD Programme has already produced a comprehensive study seeking to inform the design of a national REDD+-compliant benefit sharing system (see box 2).

An overarching consideration that can help build accountability across REDD+ systems is the existence of mechanisms to hear disputes and resolve conflicts. The judicial system can play an important role in this, and Ghana's R-PP, for example, proposes to conduct trainings on REDD+ for judges and lawyers. However, few other proposals discuss the role of the judiciary. Extra-judicial systems of dispute resolution can also be an effective, and often more expedient and accessible, alternative to courts. Roughly half of the proposals seek to establish conflict and/or dispute resolution systems for REDD+, although they do not provide additional details. Most of the proposals do not distinguish between systems to resolve conflicts between REDD+ stakeholders (e.g. tenure conflict) and systems that allow citizens to hold their government accountable during the implementation of REDD+ programs.

### **Box 2: Designing a REDD+-compliant benefit sharing system in the Viet Nam UN-REDD Programme**

Under the leadership of the Viet Nam Department of Forestry and the UN-REDD Programme, a team of technical experts and advisors studied the requirements for a REDD+-compliant benefit distribution system in Viet Nam. Seventeen policy issues were identified, and in many cases solutions were proposed to existing constraints. Work continues to refine and clarify these solutions. Recommendations addressed, inter alia: (i) developing a legal framework for REDD+ in Viet Nam; (ii) classifying REDD+ revenues and creation of a dedicated REDD+ fund; (iii) identifying sub-national levels at which REDD+ revenues should be managed; (iv) identifying institutions to be involved in monitoring REDD+ interventions and Actions; (v) managing revenue retention by the government; (vi) identifying local payment levels and payment structuring; (vii) defining types of forest owners eligible to receive REDD+ benefits; (viii) strengthening law enforcement for performance-based distribution; (ix) developing participatory monitoring; and (x) designing a socially acceptable recourse mechanism.

This study has led to similar work being carried out in Cambodia and Laos, as well as in other countries participating in the UN-REDD Programme. The full study on a REDD+ Compliant Benefit Sharing System in Viet Nam can be downloaded directly at: <http://tinyurl.com/VietNam-BDS-Study>.

### *3. Government coordination in REDD+ planning and implementation*

Many of the main drivers of deforestation and forest degradation in REDD+ countries involve actors, policies and other factors originating outside of the forest sector. Combating these drivers – which include growing demand for agriculture, infrastructure, minerals and energy – will require strategies designed and implemented in coordination with institutions and agencies across sectors. All of the R-PPs and NPDs acknowledge, in principle, that promoting cross-sector coordination and mainstreaming REDD+ strategies into broader national development plans will be critical to the long term success of

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efforts to reduce deforestation. Suriname's R-PP, for example, states that REDD+ strategies must be consistent with its Multi-Annual Development Plan, even though the Plan currently prioritizes increased timber and agricultural production. Some proposals also describe examples of how weak sector coordination and lack of policy coherence have impacted forests in the past. For example, Panama's NPD states that their Agrarian Code has encouraged deforestation (p12). And Madagascar's R-PP explains that the existing Mining-Forest Interministerial Committee has failed to improve coordination between those two sectors (p30).

To address coordination challenges for REDD+, most proposals outline a structure for some type of national REDD+ working group, which includes representatives from relevant sectors and other stakeholders. However, the proposals contain relatively little detail on the respective roles and responsibilities of involved institutions. Further clarification of roles is a common recommendation made in the TAP reviews of the R-PPs and the independent technical reviews of the NPDs. These review processes have also underscored concerns that the coordinating agency for the REDD+ working group – often from the Ministry of Environment or Forestry – may not have adequate power and authority to carry out its mandate. This is the case in the independent technical review of the Zambia UN-REDD programme and the TAP review of the Ghana R-PP, for example.

One key gap is that few proposals describe how sub-national levels of government will be engaged in REDD+. Some of the proposals, including the NPD from Papua New Guinea and the R-PPs from DRC and Madagascar, mention challenges in the ongoing decentralization process, which may have consequences for REDD+ implementation. Similarly, Indonesia's NPD explains that efforts to develop policies for REDD+ at the provincial level have not been adequately aligned with national level processes led by the Ministry of Forestry (p5). However, it is not clear from these proposals how vertical coordination will be improved.

#### *4. Legislative reform and law enforcement*

In most countries REDD+ is unfolding in the context of ongoing reform processes seeking to clarify legal frameworks and strengthen institutional capacity in the forest sector. Each of the 16 proposals stresses that problems implementing and enforcing existing forest sector laws and regulations are a major challenge for REDD+. The design of REDD+ strategies should therefore be informed by past efforts to combat deforestation in addition to regularly updated assessments of problems and needs.

Some problems of implementation and enforcement stem from flaws in existing legal and regulatory frameworks governing issues such as land tenure, land use planning, forest management, revenue management, and decentralization. Among these issues, many of the proposals emphasize that lack of clarity over land tenure and rights to resources – particularly for local communities – is a key problem for REDD+. Lack of a coherent land use plan is often mentioned as a related challenge. Most proposals contain a preliminary overview of the tenure situation and propose to conduct a deeper assessment of problems and potential solutions as a part of the readiness phase. A few of the proposals – for example the R-PPs of Ghana and Madagascar – suggest establishing participatory processes to develop strategies for tenure reform and land use planning.

Even when strong legal frameworks are in place, most of the proposals assert that weak institutional capacity and corruption further inhibit effective implementation and enforcement. For example, Zambia's NPD describes inadequate capacity to monitor and manage timber concessions, resulting in

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extraction beyond sustainable levels (p36). Mexico's R-PP explains that certain areas of the country are inaccessible to law enforcement officers due to the presence of organized groups of illegal loggers, drug traffickers and guerilla groups (p24). Finally, Argentina's R-PP describes differing capacities of provincial governments, which has led to uneven implementation and enforcement of their forest law (p26). The problem of corruption is also brought up in many proposals. Madagascar's draft R-PP, for example, cites corruption as an indirect driver of deforestation and degradation through an undermining of forest management and law enforcement efforts (p30). The DRC's proposal even attempts to address corruption problems by proposing to create "corruption safeguards" for the REDD+ strategy (p14).

While the proposals describe many problems and state broadly that strengthening implementation and enforcement of laws will be a part of the REDD+ strategy, few solutions are offered at this stage. Panama's R-PP is a notable exception and provides specific plans for improving law enforcement (p44-47). However, most proposals lack a detailed description of key actors in the enforcement system or an assessment their capacity constraints. Furthermore, few proposals describe a role for law enforcement agencies in the development of REDD+ strategies, and law enforcement bodies are rarely represented on the proposed national REDD+ working groups.

### **V. Governance Monitoring Issues in the Country Proposals**

#### *A. Monitoring and MRV of efforts to address governance issues relevant to REDD+*

The country proposals identify a number of forest governance reforms necessary to lay the groundwork for successful national REDD+ programs and to address the governance-related drivers of deforestation. These include, for example, clarifying land tenure, developing land use plans, strengthening law enforcement systems and anti-corruption measures, undertaking judicial reform, improving government coordination, and increasing capacity for transparent financial management. Some of these activities will be carried out and financed before any measurable emission reductions will occur (e.g. during the readiness phase), and therefore non-carbon indicators to MRV the outcomes of readiness activities will be needed. Furthermore, establishing systems to monitor progress of efforts to strengthen governance – even when those efforts cannot be directly correlated with emission reductions – will also help countries to better understand and address their drivers of deforestation over time. Regular monitoring and evaluation of governance issues can generate feedback to inform the refinement of REDD+ strategies.

The most recent version of the R-PP template includes a component (Component 4b) on designing a system for monitoring "other benefits and impacts" (i.e. non-carbon). The guidance for this component recommends that the system include monitoring of "key governance factors pertinent to REDD implementation." However, few of the country proposals express the intent to develop such a system, despite the fact that governance challenges and potential measures to address them are discussed throughout other sections of the proposals. Among the exceptions, Zambia's NPD proposes to monitor the implementation of legal reforms (p76) and Argentina's R-PP proposes to create indicators for assessing the implementation of relevant laws and progress in building law enforcement capacity (p65). Similarly, the Madagascar R-PP proposes to monitor the clarification of the legal framework, the development of a land use plan, the functioning of institutions, and the effectiveness of implementation and law enforcement (p67). Beyond these examples, the monitoring and assessing of progress towards addressing governance issues stands out as a major gap across the 16 proposals.

### B. *Monitoring and oversight of REDD+ systems and processes*

All of the proposals reviewed in this paper identify illegal activities and weaknesses in law enforcement as drivers of deforestation and obstacles to implementing REDD+ strategies. A number of proposals also cite corruption as a concern. Independent monitoring and oversight of the implementation of REDD+ systems and processes is a key tool to help address these challenges, and will promote transparency, accountability and ultimately greater effectiveness of REDD+ programmes. It is critical that oversight organizations have independence from the entities being monitored, and that they provide regular feedback to identify weaknesses and obstacles in REDD+ implementation. In recognition of this, the R-PP template asks countries to consider how they will measure the performance of their REDD+ implementation frameworks (Component 2c), and how they will incorporate independent, multi-stakeholder monitoring and review into monitoring systems (Component 4b).

Key REDD+ systems and processes that the country proposals suggest monitoring include the consultation and participation process, the management and distribution of REDD+ revenues and benefits, and the enforcement of regulatory frameworks established for REDD+. For example, Ghana's R-PP proposes to develop criteria and indicators for assessing the effectiveness of participation, which will be applied by a multi-stakeholder REDD+ working group (p31). The Bolivia NPD and Argentina R-PP also propose to monitor the participation and consultation process. With respect to monitoring the enforcement of laws and regulations relating to REDD+, the DRC R-PP, for example, proposes to develop a monitoring system to encourage transparency, accountability, respect for procedures, and enforcement of laws (p87). Similarly, Madagascar's R-PP proposes to monitor the operation of REDD+ institutions and the enforcement of laws and regulations (p67). Finally, Guyana's R-PP includes provisions for the independent monitoring of compliance with forestry laws and regulations as a way to address illegal activities.

In most of these examples, however, the proposals either do not specify if the oversight mechanism will be independent or are unclear about the degree of independence of the monitoring body. Furthermore, they contain little detail about how the monitoring system would operate and whether the system would be comprehensive of the full spectrum of relevant REDD+ systems and processes. Overall, consideration of independent monitoring and oversight for REDD+ is lacking across the 16 proposals.

### **Conclusion**

Strengthening forest governance will be a critical activity for countries undertaking REDD+. It will help countries to achieve their emission reductions targets, to ensure that reductions are permanent and additional, and to promote broader sustainable development objectives. Different countries will face unique governance challenges in relation to REDD+, and likewise, solutions will have to be individually tailored. Nonetheless, our review of the 16 country readiness proposals submitted to the FCPF and the UN-REDD Programme as of March 2010 indicates that some governance considerations may be common across REDD+ countries. In particular, most proposals identify capacity, transparency, accountability, participation and coordination as key principles of good governance that should be applied to REDD+ systems and processes. And similarly, almost all proposals identify unclear land tenure and weak law enforcement as major governance challenges for REDD+. These findings suggest that it will likely be possible to agree on a core set of governance parameters that could be monitored in all REDD+ countries.

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However, the proposals' consideration of these governance issues remains very preliminary at this stage, and our review suggests that there may be additional governance issues important for REDD+ that have not yet been considered by most countries. Among these potential gaps, a lack of consideration of how governance issues could be monitored and MRVed to enhance the effectiveness of REDD+ programmes stood out as major weakness across most of the proposals. This indicates that more effort is needed to think comprehensively and systematically about issues of governance and monitoring of governance that are important for REDD+. This background paper and the Expert Workshop on Monitoring Governance Safeguards for REDD+ should be seen as a preliminary step towards initiating such a process with a wide range of interested stakeholders.