

# REDD POLICY STUDIES: Corruption Risks Identified

Presented by:

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# Background

- PNRPS: enabling and stable policy for REDD-Plus
- PNRPS: reexamine existing policies on forestry and other environmental laws that relate to REDD-Plus
- Four policy studies ---- (i) Review of Forest Policy; (ii) Analysis of key drivers of deforestation and forest degradation (DD), (iii) Clarifying Carbon Rights (CCR), and (iv) Assessment of FPIC Implementation (FPIC).
- Guidance/Framework: PNRPS and DENR-FMB GIZ Project “Climate-relevant Modernisation of the National Forest Policy and Piloting of REDD Measures in the Philippines”
- Key Partners/Implementors: DENR-FMB and CodeRedd
- Funding support: International Climate Protection Initiative of the German Federal Ministry for the Environment (BMU), Swiss Agency for Development and Cooperation

# Analysis of Key Drivers of Deforestation and Forest Degradation

- Corruption and collusion identified as one of the Policy-Institutional-Governance factors that cause deforestation and forest degradation
- Unstable, confusing, conflicting forest policies & mandates
  - unclear and uncoordinated provisions of their implementing rules and regulations, these policies have led to overlapping land uses/tenure instruments

*(findings of study team on Drivers of Deforestation and Forest Degradation)*

# Analysis of Key Drivers of Deforestation and Forest Degradation

- Institutional weaknesses (lack of human, technical, financial capacities)
- Poor monitoring & law enforcement
- Lack of political will & coordination
  - **conflicting mandates** of national and local government agencies as well as political alliances constrain the **coordination and collaborative efforts**

*(findings of study team on Drivers of Deforestation and Forest Degradation)*

# Analysis of Key Drivers of Deforestation and Forest Degradation

- **Policy Agenda:**

- harmonization of forest policies and enactment of a sustainable forest management law (to stabilize forest policy)

## **Operational Recommendation**

- **anti-corruption efforts** should be mainstreamed at all concerned government agencies at the national and local levels
  - include improving criminal justice to combat illegal logging to promote transparency, participation, and accountability in all decision-making levels from forest allocation to monitoring and enforcement

*(source: study team on Drivers of Deforestation and Forest Degradation)*

# Review of Forest Policy

We have laws, policies and regulations that influence benefit sharing and affect safeguards, including laws and regulation on corruption.

Legal and institutional issues have weakened and impeded their implementation.



# Review of Forest Policy

## Promote transformative forest governance

- Freedom of Information (FOI) bill
- Review National Anti-Corruption Program of Action (NACPA) and the Multi-Sectoral Anti-Corruption Council (MSACC)
- Review MFPCs (multisectoral forest protection committees)
- EO on National Multi-stakeholder REDD-Plus Council (NMRC)
  - Clearly spelling out its nature, composition, responsibilities and operational protocols

# Clarifying Carbon Rights

- Institutional weaknesses (NCIP and DENR)
  - Manobo Caraga case
    - Lopsided deal – NCIP has a role in ensuring that the IPs get the best deal. In this case, it was NCIP that aggravated the bad deal .
    - 30 % of the funds were to be held by NCIP in trust for the community – conflict of interest, potential for graft and corruption
    - Need to strengthen role of DENR in *regulating* “carbon cowboys”
    - Failure to identify potential impact to local livelihood and culture
- Unclear policy on benefit-sharing involving communities
- Lack of knowledge on REDD-Plus among local and government officials

*(findings of Carbon Rights study team)*



# Clarifying Carbon Rights

- Policy Agenda: legal instrument (JAO) that will clarify carbon rights
- Transparency and accountability mechanisms have to be in place
- Need for clearing-house mechanism in order to examine track record of companies
- Conflict resolution mechanisms have to be in place
- In high conflict areas, REDD-Plus projects may not necessarily be a good idea

*(excerpts from study team on clarifying carbon rights)*

# Assessment of FPIC Implementation

- List of violations reveal a manipulative scheme on the part of the seekers of the consent in order to get the “consent” of indigenous communities
- In most cases, there had been considerable procedural and substantial violations of the FPIC guidelines. We could not even speak of a more than 50% full and faithful implementation of the guidelines. For the most part, indigenous communities had been short-changed, if not deceived by many FPIC applicants.

*(findings of FPIC implementation study)*

# Assessment of FPIC Implementation

## RECOMMENDATIONS

1. Expansion of FPIC to cover both Indigenous Peoples and Non – Indigenous
2. Revision of FPIC Guidelines (issued April 2012)
  - Field Based Investigation
  - Time
  - Ancestral Domain as single unit of FPIC
  - Non-Transferability of FPIC
3. Implementation Mechanism (Capacity Building of NCIP)
4. Contract (Memorandum of Agreement)
5. Financing

*(source: FPIC study team)*

- **Forest Crimes come with**
  - **means (capital, financial institutions, corrupt government systems)**
  - **motive (need, greed, power) and**
  - **opportunity (weak forest management, inadequate domestic regulatory capacity, lack of trade controls).**
- There are different roles for different players – national governments, forestry agencies, regional/international criminal justice regime, civil society, importing country governments and industry, and donor governments and international organizations – to reduce means, reduce motive and foreclose opportunity for forest crimes.

[Mr. William Magrath, World Bank, Southeast Asian regional workshop on improvement forest law compliance and governance was held in Manila, Philippines during 11-13 September 2007, co-sponsored by the Food and Agriculture Organization of the United Nations (FAO) and the International Tropical Timber Organization (ITTO)]