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| UNITED NATIONS DEVELOPMENT PROGRAMMEBDP/EEG - MISSION REPORT SUMMARYDate: 5 Sept 2012 | UNDP_Logo-Blue w TaglineBlue-ENG.png |
| NameLeo Peskett and Josep Gari, UN-REDD | **Tel No.**  |
| **Approved Mission Itinerary:**Nairobi, Kenya | **List of Annexes**: n/a |
| Inclusive Travel Dates: | **Key counterpart(s) in each location:** |
| 25 Aug – 31 Aug 2012 |   | Location: Nairobi, Kenya * Alfred Gichu, National REDD+ Coordination Officer & Focal Point
* David Gathaiga, UNDP CO
* Mario Buccucci, UNEP Nairobi
* Finish Embassy
* NGOs/CSOs: Kenya Forest Working Group, IPAC, ILEG, ACT, Clinton Climate Initiative
* EACC (anti-corruption)
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| **Purpose/Objectives of Mission**Mission to scope out and make preliminary arrangements for targeted support on benefit sharing and carbon rights in REDD+ in Kenya |
| **Context**Kenya is a partner to the UN-REDD Programme, and has not yet received any funds to support its REDD+ activities. Kenya is an FCPF country, and the Ministry of Forests and Wildlife is managing the R-PP implementation process, although this has not progressed much since the initial R-PP preparation because the Bank is withholding money due to corruption issues in other NRM projects it is funding in the country. In mid 2012 the REDD+ Focal Point in the Ministry requested targeted support from UN-REDD on two specific areas of the readiness process where it considers further support may be useful. The initial request was broadly framed in the areas of ‘benefit sharing and carbon rights’ and ‘anti-corruption’. Given that regional and global staff are not that familiar with the REDD+ process in the country and the breadth of the request, this mission was organized in order to give more shape to the activities on benefit sharing and carbon rights.  |
| **Summary of Mission Activities/ Findings**The mission involved meetings with the REDD+ Focal point and the Secretary for Conservation in the Ministry of Forests and Wildlife, UNDP country office, other development partners and national NGOs involved in the REDD+ process. Meetings involved a discussion of the activities of the organization in question, a discussion about the REDD+ process and then a more detailed discussion on the themes proposed by the government. At the start of the mission UN-REDD discussed possible activities in detail with the Ministry and six other invited experts, allowing the team to test and discuss this in other meetings. **Background:*** Kenya has been developing REDD+ for the last couple of years, initially driven by the FCPF, but this process has stalled due to the Bank withholding money because of corruption in other sectors. Therefore, after initial activity and significant stakeholder consultation around the R-PP development, progress has been slow. The work under the FCPF is meant to consist of a wide range of activities, such as those on MRV/RLs, benefit sharing and carbon rights, and SESA. It seems that no further work has been carried out on these areas since the R-PP was developed.
* The wider political context is having an impact on the development of REDD+, as well as many other development programmes. The country has been working on implementing a new Constitution, which is focused on reducing the number of Ministries almost by half and on devolving powers to local governments. This leaves much uncertainty about the status of institutions managing forest resources in the country in the coming years. The devolution process also has large implications for possible benefit sharing arrangements in a future REDD+ mechanism. Further uncertainty is introduced by the General Election, scheduled for March 2013, so this needs to be considered in the TS work supported by UN-REDD. A number of draft policies exist that will be important to include in the TS work. The carbon investment policy is particularly relevant, although it only notes that developing a framework for investment in REDD+ projects should be a priority, with no details on how this could be achieved. Other initiatives, such as the Carbon Exchange that was planned a couple of years ago, do not seem to have progressed beyond their initial announcements.
* Development partners and a number of NGOs are involved in REDD+. Example activities include the Clinton Foundation, which is supporting the country on development of MRV systems and other forest information collection (AusAID is supporting this with $10 million over the next 3 years). Finland has the largest donor support, focusing on four main areas (none specifically on REDD+ but all relevant): 1) Policy coordination and development; 2) strengthening the Forest Service; 3) Sustainable management of forest reserves; 4) Forest micro-enterprise development. Some key activities relevant to REDD+ include a 3 year forest resource assessment, and supporting the development of a draft Policy on Forests. SIDA is also supporting the NGO ACT on the development of a benefit sharing policy.
* A study on governance in the forest sector was commissioned last year (it is available on the website of the Ministry) and they are currently working through implementing the numerous recommendations.

**Findings on how the targeted support request fits with the readiness process:*** Background research and the meetings during the week generally indicated that work on the broad themes of the proposed request by the government could make a helpful contribution to the REDD+ strategy process. However, there are a number alterations needed to the request in order to ensure a good contribution to the readiness process.
* Need to reflect government interests:
	+ Need to be aware of the devolution process and take this into account in any analytical work
	+ The Forest Act (2005) is now being revised in order to take into account key issues – one of them is CC and carbon. This could provide a useful entry point for the work.
	+ The Forests Bill is also considering the issue of benefit sharing. They may end up coming up with a law on benefit sharing in many NRM sectors.
	+ It may be possible to borrow criteria on benefit sharing from other areas (e.g. the mining sector currently sets revenue sharing at 80% to be retained by national government; 15% to be retained at county level; and 5% to go to communities)
	+ The issue of ‘incentives’ needs to be factored into the work and different land tenure systems need to be factored in.
	+ It will be important to look at the Land Use Policy, as this has more influence than Forest Policies (especially with the new Land Commission that is in place)
	+ Need to avoid the ‘talk shop’ accusation that there is surrounding climate change.
	+ There are project level activities in the country which we could learn from, but not much is known about them and the benefit sharing arrangements appear to be very ad-hoc.
	+ It might be useful to develop guidelines to inform project activities in the future. These could be developed very consultatively and as a next phase of the work.
* Need to ensure that outputs can feed into the wider process: There has not been a systematic study of existing projects and processes in terms of benefit sharing and carbon rights. This could be useful to improve the evidence base (and people’s understanding) and could also serve to contribute to draft guidelines on these issues (e.g. in policies etc.). Such guidelines could feed well into the readiness process.
* Need to take into account other ongoing work: There are a number of ongoing activities where there could be a danger of overlap and confusion if not managed well. The main differences to be aware of include:
	+ FAO work is not going into how you would allocate carbon rights. It is more focused on gaps in existing legislation, and it will probably set out what a good law needs to capture (e.g. benefit sharing procedures; investment procedures). The UNDP funded work could usefully provide experience from existing systems (i.e. not just what is on paper) and could more systematically set out a framework of carbon rights and benefit sharing arrangements in different situations (e.g. organized by different land tenure systems or forest management approaches).
	+ ACT and KFRI work on benefit sharing: The scope of this work is not clear but follow up discussions are planned.
	+ Cambridge REDD+ Law Project: This is more of an academic project that eventually seeks to develop a REDD+ Law. Discussions are still ongoing about the exact scope of the work.

**Summary of work to be carried out*** Considering the findings from the scoping mission, the main activities that will be carried out under this targeted support will include:
	+ Developing an overarching framework (possibly using different tenurial systems as a basis), to look at carbon rights/benefit sharing situations that may exist in a future REDD+ strategy under different situations. This can be used to both structure research work and provide structured recommendations (e.g. that might form the basis of guidelines within the REDD+ process). The potential to generate private sector investment will be a key consideration, given the government’s interests in this area and ongoing processes such as the carbon trading and investment framework.
	+ Brief analysis of existing policies and legislation relevant to carbon rights and benefit sharing. This will include ongoing processes, such as the establishment of benefit sharing rules.
	+ Analysing existing carbon projects/other projects and programmes relevant to REDD+, to understand carbon rights and benefit sharing arrangements.
	+ Bringing the framework and the analytical work together to generate recommendations in a form that can feed into the REDD+ strategy process. This might, for example, be a set of considerations for benefit sharing and carbon rights on different land tenure/forest management systems.
	+ Developing and implementing a work plan for stakeholder consultation on these issues, and building a community of practice to improve understanding and debate as the work progresses.

 **Key observations:*** There has been little coordinated movement on the REDD+ strategy development because of lack for funding for the R-PP.
* CSOs seem to be quite independently engaged in the REDD+ process. During the mission a meeting was held between the REDD+ Focal Point and over 20 local IP groups from different regions of Kenya.
* Continuing political uncertainty could make it difficult to develop a clear REDD+ strategy.
* There are a number of national experts and organisations that are well placed to carry out the work. The CO is unsure of the quality of outputs from purely national teams, so further discussion is required with them about how to commission the work.
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| Follow up actions:* Follow up with ACT and the KFRI on the development of benefit sharing policies
* Follow up with CO about whether international consultants are required in addition to local ones, and for a list of possible local consultants.
* UN-REDD regional and global advisors to finalise TORs based on which:
* Official endorsement of the support activities will be sought; and
* The recruitment of consultants will start.
 | **Distribution List:** * Tim Clairs, UN-REDD UNDP PTA
* Clea Paz, UN-REDD Secretariat
* Estelle Fach, UN-REDD GP
* Tsegaye Lemma, UNDP DDG
* Anne Martinussen, UN-REDD Nairobi
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