**Preparing governance for REDD+ in Kenya:**

***Terms of reference for component 2: Carbon rights and benefit-sharing issues***

## Background

The Government of Kenya (GoK) has been engaged in a number of activities to prepare the country for a REDD+ mechanism, mostly with support from the World Bank’s FCPF. The country is also a partner member of UN-REDD. To advance and complement these current efforts in REDD+ readiness, the GoK has recently requested the UN-REDD Programme to provide targeted assistance for developing capacities on REDD+ governance, with a focus on two critical areas:

1. how to identify and respond to corruption risks in REDD+; and
2. scoping of carbon rights and benefit sharing arrangements in REDD+ (in anticipation of investment opportunities).

Within the UN-REDD partnership, UNDP has the lead in these areas of work, and has accordingly been working with the Government and other country stakeholders on a proposal for work to be carried out. These TORs relate to work to be carried out under the second area.

The REDD+ Governance proposal will launch analysis and national dialogue on carbon rights and benefit sharing in REDD+, which are fundamental to creating a conducive environment for investments in forests and carbon finance in general, with due recognition of community rights and expectations, and a clear role for government and public institutions.

The outputs will serve two important purposes: 1) they will be an important resource for the government and for people wanting to develop, or involved in, carbon projects; and 2) they could be converted into guidelines or other similar instruments in future policy processes.

## Activities

* Develop 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[[1]](#footnote-1). This should be constructed in a way that covers all of the most likely situations, that feeds from existing experiences in related domains, and in a way that can feed into the REDD+ strategy. The framework should:
  + Draw on the latest international thinking on definitions and practical approaches to understanding both carbon rights and benefit sharing in REDD+.
  + Consider effectiveness (especially environmental effectiveness), efficiency (economic efficiency and promotion of investment) and equity implications of carbon rights and benefit sharing systems.
  + Take into account key developments that may result from the devolution process that is underway (e.g. through using scenarios to understand the impacts of this).
  + Take into account key entry points into ongoing policy processes and government priorities, such as the carbon investment framework and interest in market based approaches.
* Conduct a brief analysis of existing policies and laws relevant to carbon rights and benefit sharing in REDD+. This could draw on other ongoing activities such as work on a REDD+ legal framework being supported by FAO under the UN-REDD umbrella.
* Use the framework for an analysis of existing carbon projects or other projects relevant to REDD+ (at least 3 projects) to understand how carbon rights and benefit sharing arrangements have been worked out so far.
* Guide the national consultant on the fieldwork to be carried out as part of the above analyses.
* Develop recommendations in a form that can be fed into the National REDD+ strategy or other relevant policy/legal processes (e.g. Forest Policy; benefit sharing rules that are being developed etc.).
* Develop a work plan for follow up of this current work stream.
* Develop and implement a work plan for consulting stakeholders on the analytical outputs. This should include an initial expert workshop and a final stakeholder validation workshop with key stakeholders in the Kenya REDD+ process.

## Outputs

* Analytical report compiling information and analysis gathered, and proposing a framework
* A document providing recommendations and/or framework guidelines that can be integrated into REDD+ strategy
* A work plan for follow up of the work stream

## Competencies

The contracted organization/individual should have at least an advanced degree in forestry, forestry governance, environmental economics or related field. Priority will be given to an entity with relevant experience in research in the area of forest governance and financial management in the natural resource sector, combined with experience in facilitating multi-stakeholder consultations at national and local levels. Demonstrated ability in assessing laws and policies related to fiscal management, economics, governance and social impacts of forest and natural resource management is highly desirable.

## Work plan

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| **Milestone** | **Indicative date** |
| * Contract start | 15/02/13 |
| * Inception report outlining in detail how the work will be approached | 28/02/13 |
| * Scoping report presenting thinking on framework and entry points, and also initial findings from desk review of existing activities | 1/03/13 |
| * Expert forum to discuss scoping report and shape further work | 15/03/13 |
| * Detailed research, including field visits | 30/03/13 |
| * Final draft report, including recommendations | 1/04/13 |
| * Validation workshop | 15/04/13 |
| * Final report | 30/04/13 |

**Required Qualifications and Experiences**

* Masters in a relevant discipline, such as Political Science, Development Studies Sociology or Natural Resource Management
* Demonstrated knowledge and experience working on issues of benefit sharing in forestry based carbon projects in developing countries
* Knowledge and experience of working in Kenya preferred
* Understanding of the work of the UN-REDD Programme and FCPF
* Good command of English (both speaking and writing)

**Duration of the consultancy**

The consultant will be expected to work for 30 Days - in the between 15 February 2013 to May 30th 2013

1. This framework must clearly define carbon rights and benefit sharing in the Kenyan context [↑](#footnote-ref-1)