

# Preventing the risks of corruption in REDD+ Financing

## An overview from Kenya



Susan W. Kinyeki  
Ethics and Anti-Corruption Commission (EACC), Kenya  
Estelle Fach  
UNDP, UN-REDD Programme



# Background – Kenya's forests

- Kenya is endowed with natural resources including forests, minerals and other resources.
- Since 1995, forest development in the country has been guided by the Kenya Forest Master Plan (KFMP), a long term forest sector plan for the period 1995 to 2020.
- KFMP was instrumental in the formulation of the current Forest Policy and the Forest Act 2005.
- Kenya has in recent times embarked on some forest and natural resource governance initiatives to address some of the challenges in this domain of resource management



# Forest Policy

- **Contribute to poverty reduction, employment creation and improved livelihood** through sustainable use, conservation and management of forests and trees;
- **Contribute to sustainable land use through soil, water and biodiversity conservation, tree planting and sustainable management of forests and trees;**
- **Promote participation** of private sector, communities and other stakeholders in forest management;
- Promote farm forestry and dryland forestry to produce timber, woodfuel and other forest products;
- Promote forest extension to enable farmers and other forest stakeholders to benefit from forest management approaches and technologies; and
- Promote forest research, training and education to ensure a vibrant forest sector.



# Kenya and REDD+

- Since 2010, Kenya is one of the 44 UN-REDD Programme partner countries , receiving:
  - Regional trainings
  - Targeted support (small funds and technical assistance on specific issues)
- Kenya submitted a final REDD+ readiness plan (R-PP) in March 2010 under the support of the Forest Carbon Partnership Facility (FCPF), and got it approved
- UN-Kenya (FAO & UNDP) participate in some of the working and advising groups for the RPP
- Analysis of RPP by independent NGOs highlighted that corruption issues were weakly addressed, recommending measures to assess illegality, corruption risks and political economy



# Kenya's commitment on anti-corruption

- Corruption a serious challenge. The 2011 Corruption Perception Index places Kenya 154<sup>th</sup> out of 183 countries
- Enactment of a new constitution anchored on governance (27 Aug 2010)
  - On-going reforms in various sectors (Judiciary, Police, Public service)
  - Devolution of power
  - Separation of arms of government
  - Supremacy of the constitution in regard to the executive (case of appointment of the EACC chairman)
- Anchoring Ethics and Anti Corruption Commission in the Constitution
- Establishment of Commission of Administrative Justice (Ombudsman)



# Corruption context for REDD+

- **Land Management**

- Bribery/corruption to facilitate government-to-private sector land deals (irregular land allocation to private individuals etc)
- Bribery/corruption to facilitate unsustainable extraction of resources, including timber
- Bribery/corruption to facilitate approval of projects



- **Negative environmental impacts**
- **Disregard for the rights of indigenous peoples**
- **Disregard for customary rights and access to resources by local communities**





# Some Interventions

- **Commission of Inquiry into the Legal, Land Policy, Constitutional and Institutional Framework on Land (“Njonjo Commission”)**
  - The government gazetted a Commission of Inquiry to look into the land law system of Kenya. This Commission, popularly referred to as the “Njonjo Commission”, collected oral and written submissions from Kenyans on a wide variety of issues.
- **Commission of Inquiry into Illegal/Irregular Allocation of Public Land (“Ndung’u Commission”).**
  - The Commission presented its report in June 2004
  - Most of its recommendations have informed the contents of the National Land Policy
  - Implementation of recommendations :
    - land title deeds and deed plans with an acreage of 89.5 Hectares and a value of US\$ 1.6 million have been surrendered



# The Ethics and Anti Corruption Commission (EACC)

- Mandate
  - Education
  - Prevention
  - Investigation and asset recovery
- Enactment/implementation of Public Offices Ethics Act (2003)
- Development of codes of conduct for public institutions (constitutional requirement)
- Vetting of all public officers (constitutional requirement- issuance of clearance certificate to hold a public office)
- Examination and partnership programmes
- Awareness creation through school, colleges and universities (introduction of integrity clubs in secondary schools)
- Integrity assurance officers/integrity champions in every government agency
- Development of National Anti-corruption plan (13 stakeholders) (available on the EACC website)





## **Role of Anti-corruption Agencies to ensure an equitable, transparent and accountable REDD+**

- To serve as watchdog (preventive & detective)
- To provide an effective vehicle to disseminate information regarding Ethics (chapter 6)
- To vet public officers
- To prepare best practice (systems review)
- To study and draft good governance policies and to ensure that those in government who breach the public trust are held accountable for their actions.



# EACC Objectives for REDD+

1. Develop a National policy on carbon investment and trading
2. Strengthening institutions through capacity building
3. Mainstreaming anti-corruption in national REDD+ process
4. Develop guidelines for investing in Carbon



# EACC on REDD+

- **Dedicated focal person on climate finance issues**
  - **Capacity building**
    - Signing of Performance Contracts with the Government of Kenya, with commitments by Kenya Forestry Research Institute and Kenya Forest Service
    - In 2010, 30 Corruption Prevention Committee members and 50 Integrity Assurance Officers in the Ministry of Forest were trained
    - Formulate governance instruments such as Anti-corruption policies, Corruption Prevention plans, codes of conduct
    - Development of REDD+ training programmes
  - **Part of a consultative process to develop World Bank's Social and Environmental Strategic Assessment (SESA) and enrich Forest Policy**
  - **Integrity testing programmes** (proactive way to detect corruption before it occurs)
  - **Recovery of title deeds** (details available in EACC annual report 2011)
  - **Working group with Kenya Forest Services to lead the UN-REDD Targeted Support**
- Working with partners such as Transparency International and other NGOs
- Working closely with other government arms



# UN-REDD Targeted Support

**Outcome 1** : Anti-corruption capacities for carbon finance & REDD+ are enhanced

1. Online perception survey and focus group discussions to prioritize corruption risks in REDD+
2. Development and validation of an Institutional Context Analysis
3. Joint capacity assessment & development plan for Kenya Forest Services and Ethics and Anti-Corruption Commission to work on anti-corruption measures for REDD+.

**Outcome 2**

1. The policy framework around carbon rights and benefit-sharing arrangements for REDD+ is analysed and discussed among stakeholders.



# Emerging Lessons

- High levels and widening range of participation
- Need for delivery institutions at local level and alignment of national, provincial and local government plans
- Alignment of sectoral policies needed to avoid clashing policy directives
- Fostering competitiveness of the forest sector locally and internationally
- Progress easier when there is perception of common interest
- No one size fits all – some communities benefited better than others
- Capacity building to ensure empowerment of local level institutions and to promote forestry as a driving force of social and economic development
- Effective mechanisms to ensure compliance with forestry legislation
- Strong feedback mechanisms for monitoring and evaluation
- There are a suite of forest governance tools readily available that can be, adapted, tested and adopted as standard practice for governance e.g. the FAO/WB Framework For Assessing and Monitoring Forest Governance, 2011



# Challenges

## **On fighting corruption**

- Changing minds, attitudes and behaviours is no easy task.
- Socio-economic demands on resources
- Lack of shared incentives for action
- Corruption also fights back
- The link between grand corruption and politics also comes to the fore
- Grand corruption invariably has international connections

## **On REDD+**

- REDD+ still needs to be demystified
- Lack of engagement with cross-sectoral proximate causes of deforestation
- Limited engagement with underlying drivers of deforestation
- Lack of holistic focus on forest sustainability



## And yet...

- Addressing corruption risks in REDD+ now will support a more equitable, efficient and effective REDD+
- Capacities exist and need to be tapped into
- Kenya and other countries are realizing the potential pragmatic and reputational risks of not strengthening transparency and accountability for REDD+, and acting on these.



# Thank you

For more information:

[susankinyeki@yahoo.com](mailto:susankinyeki@yahoo.com)

[estelle.fach@undp.org](mailto:estelle.fach@undp.org)

[david.githaiga@undp.org](mailto:david.githaiga@undp.org)

[josep.gari@undp.org](mailto:josep.gari@undp.org)

**[Ethics and Anti-Corruption Commission](#) website**

[www.eacc.go.ke/](http://www.eacc.go.ke/)

**[UN-REDD Programme](#)**

[www.unredd.net](http://www.unredd.net)