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12

**GOOD
GOVERNANCE**

REDD+ ACADEMY

LEARNING JOURNAL

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The UN-REDD Programme is the United Nations collaborative initiative on Reducing Emissions from Deforestation and forest Degradation (REDD) in developing countries. The Programme was launched in 2008 and builds on the convening role and technical expertise of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP).

The UN-REDD Programme supports nationally-led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including Indigenous Peoples and other forest-dependent communities, in national and international REDD+ implementation.

REDD+ACADEMY

The REDD+ Academy is a coordinated REDD+ capacity development initiative led by the UN-REDD Programme and the UNEP Environmental Education and Training Unit, which seeks to match the scale of the global climate change mitigation challenge and enable systematic, focused capacity development to deliver REDD+ on the ground.

The REDD+ Academy is a comprehensive response to capacity building needs identified by the countries receiving support from the UN-REDD Programme. The main aim of the REDD+ Academy is to empower potential “REDD+ champions” with the requisite knowledge and skills to promote the implementation of national REDD+ activities.

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DIRECTOR,
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With deforestation and forest degradation being the third largest source of greenhouse gas emissions globally, action to reduce deforestation and to rebuild forests globally is vital. By realizing social and economic benefits, REDD+ is also fundamental to delivering on the Sustainable Development Agenda.

Following the adoption of the Paris Agreement, the focus of many developing countries is now firmly on REDD+ implementation. I encourage you to take the REDD+ Academy online course, and apply your knowledge to make REDD+ a national and a global success!

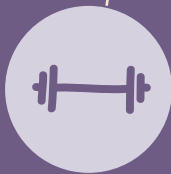
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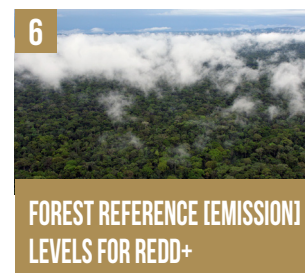
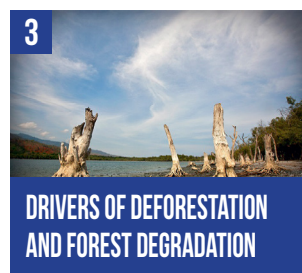
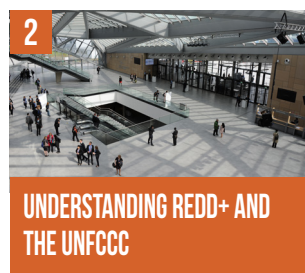


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12

Good Governance

This module presents the importance of good governance in national REDD+ processes.



The module contains sections about:

- Governance and the UNFCCC's REDD+ decisions
- Governance factors underlying drivers of deforestation and forest degradation and barriers to 'plus' activities
- Governance as an enabling factor in developing successful and effective national REDD+ strategies and policies and measures (PAMs)
- Monitoring and accountability for PAMs
- Strengthening governance to implement NS/APs and PAMs
- Governance and REDD+ safeguards
- Managing REDD+ funds



What do you already know about this topic?

12. GOOD GOVERNANCE

GOVERNANCE AND THE UNFCCC

What is governance?

Like so many buzzwords, governance has come to mean different things to different people. The concept of governance is a dynamic construct in which many people and actors have a say.

Although numerous attempts have been made to define governance it is hard to capture all of its dimensions and dynamics in a single and succinct definition. However, the term governance is generally considered to encompass: the interaction of laws and other norms, institutions, and processes in a society; how decisions are made; as well as how and if responsible actors or decision-makers are held to account.

Governance includes how a society:

- organizes how its members live together;
- responds to different interests and opinions, which are grounded in norms and values;
- manages the distribution of resources;

These concepts are translated into rules, regulations, institutions and conditions.

Governance also covers:

- who has the power to make decisions that affect natural resources and natural resource users and how those decisions are made;
- who has the power and responsibility to implement those decisions and how those decisions are implemented;
- who is held accountable, and how, for implementation of those decisions.

The Human Rights agenda provides the basis for the UN governance principles. The United Nations has worked on a definition of democratic governance for the 2030 Agenda¹. However, there is no universal definition that is applicable to all people, societies and cultures equally, so a common understanding and the prioritization of domestic action are more important. Therefore, good governance is often simpler to understand through its key principles, which include:

- Rule of law: equal treatment (both protections and punishment) for everyone, all the time

- Transparency and access to information: sharing useful information proactively (not only on request) and in a way that ensures that it is usable
- Accountability: accept responsibility and answer for actions
- Respect for rights: human rights are not violated but instead enhanced (see also Box 12.5)
- Participation and inclusiveness: the law recognises the right of all stakeholders and rights-holders to take part in decision-making and implementation, and they effectively do so
- Performance and effectiveness: what is planned is actually done, in a timely manner
- Consensus seeking: listening to all relevant voices and explaining if/when some proposals cannot be adopted
- Capacity: that all who participate in a process have the knowledge and skills to do so effectively, at the individual, institutional and organizational levels
- Anti-corruption: no abuse of vested power for personal gain, whether these are already defined by legal frameworks or not
- Gender equality: the equal rights, responsibilities and opportunities of women and men and girls and boys (see Box 12.7)

Governance in the UNFCCC and its decisions

In 14 decisions taken by the parties to the United Nations Framework Convention on Climate Change (UNFCCC) which relate to REDD+, 'governance' is only mentioned in one.² Decision 1/CP.16, also known as 'The Cancun Agreements':

“... Requests developing country Parties... to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations... ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities ...”

It also includes among the seven 'Cancun safeguards' to be promoted and supported during REDD+ activities:



REFLECTION POINT

What is the difference between governance and government?

Which good governance principles resonate the most with you?

¹ The 2030 Agenda for Sustainable Development refers to the process led by the United Nations that defined the Sustainable Development Goals.

² All of the UNFCCC decisions relevant to REDD+ are available in the Decision booklet REDD+ (UNFCCC, 2014).

“Transparent and effective national forest governance structures, taking into account national legislation and sovereignty”.

In fact, elements of good governance are detailed in each of the first four safeguards:

- Consistency with national forest programmes and international conventions;
- Transparency and effectiveness,
- Respect for knowledge and rights of indigenous peoples and local communities;
- Full and effective participation.

The principles of good governance are moreover necessary to address and respect the remaining three safeguards:

- Prevent conversion of natural forests, conserve biodiversity, and ensure social and environmental benefits;
- Actions to address the risk of reversals;
- Actions to reduce displacement of emissions.

Box 12.1 Forest governance

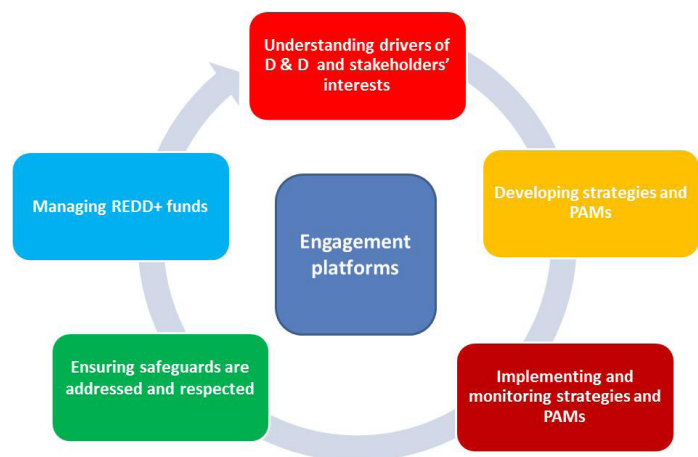
While there is no official definition, forest governance includes all the standards, processes, institutions, and people that control how humans interact with forests, including the law and the institutions that create or implement the law (or other norms).

Good governance and REDD+

Good governance principles can be applied at multiple levels (global/international, national, sub-national/state/province, local) and should ideally be adhered to throughout the different steps of REDD+ implementation. They can create an enabling environment for ‘governing’ the REDD+ process successfully, helping ensure inclusive and

meaningful participation during decision-making, and promoting equity, fairness, transparency and justice during all phases of REDD+.

Figure 12.2 Stages of the REDD+ process where good governance is crucial



Source: UN-REDD Programme

Figure 12.2 shows the stages of the national REDD+ process where governance is particularly important.

- Understanding the direct and indirect drivers of deforestation and forest degradation, or the barriers to effective conservation, sustainable management of forests and enhancement of forest carbon stocks;
- Developing successful and effective national strategies or action plans (NS/APs) and policies and measures (PAMs);
- Implementing and monitoring strategies and PAMs;
- Ensuring that safeguards are addressed and respected;
- Managing REDD+ funds in a transparent and accountable manner, to avoid risks such as undue influence, fraud or embezzlement.



REFLECTION POINT

For which of the aspects of REDD+ that you have studied does good governance seem essential? Why?

What measures can be taken to ensure meaningful participation of stakeholders in REDD+ processes?

What would be key to ensure policy coherence and harmonization of sectoral laws, and avoid conflicting policies and laws across ministries or sectors?

How can REDD+ be institutionalized in a sustainable manner, so that it is not vulnerable to political change or individual turnover?

Box 12.3 Cross-cutting governance issues

A number of governance issues cut across several steps of a REDD+ process.

Participatory governance

Just as important as governance analyses is the need to consult, engage and collaborate with relevant stakeholders at various stages. Public participation, supported by transparency and access to justice, is one of the most recognized principles of sustainable development. Since the United Nations Conference on Environment and Development in 1992, international legal instruments dealing with the environment and socio-economic development, have called for active 'participation' by affected groups and civil society as not only desirable but necessary if sustainable development objectives are to be met.

Stakeholders can be grouped into government/public sector, civil society, private sector, the general public and consumers, and the international community such as international financial institutions. They can also be rights-holders such as property owners, women, indigenous peoples, communities or individuals that hold traditional or formally recognized usufruct (and/or other) rights to land or resources that will be affected by the decisions being made. As REDD+ decisions place specific emphasis on the full and effective participation of indigenous peoples and local communities, this should be a priority issue for participatory governance. A more in-depth discussion on stakeholder engagement can be found in *Module 11: Stakeholder Engagement in REDD+*.

Gender equality

Actions can be taken at various steps to promote gender-responsive REDD+ processes in the context of good governance approaches. These actions can involve undertaking a gender analysis of drivers and/or an assessment of gender gaps/inequalities in policies, decision-making, local practices and cultural norms; ensuring the active and equitable participation of women, youth, as well as other marginalized groups in consultations/ workshops/

trainings; fully integrating gender equality and women's empowerment considerations in the development and implementation of a REDD+ strategy; and developing and undertaking gender sensitive monitoring and reporting activities (e.g. use of gender indicators and sex-disaggregated data). Such activities can be achieved through mobilizing gender expertise throughout the REDD+ process, including in planning, implementation and monitoring and reporting.

Access to information

Effective participation by civil society and indigenous stakeholders, as well as effective cross-sectoral coordination is underpinned by access to and exchange of information. This pertains to all aspects of the development, design, implementation and monitoring of a national REDD+ strategy.

Legal frameworks

Effective legal and regulatory frameworks are key to the successful implementation of REDD+. Legal and regulatory provisions that are supportive of REDD+ objectives can help ensure that REDD+ requirements are addressed in a coherent way and in line with international provisions. For example, the implementation of legislation that clarifies tenure and access rights to natural resources may help reduce pressure on forest resources and reduce dispute risks during REDD+ implementation. In addition, strengthened participatory law development processes and recognition of procedural rights (e.g. access to information, participation in decision making, access to justice) imply the involvement of relevant REDD+ stakeholders at national level – as do elaborating publications and strategies to build awareness of laws and regulations currently in force. Both in preparing for and implementing REDD+, countries may seek to build upon, adapt, or strengthen implementation of their existing policies, laws and regulations, possibly through the adoption of new texts, in order to ensure they realize and enforce national and/or sub-national legal frameworks supportive of REDD+.

GOVERNANCE FACTORS UNDERLYING DRIVERS AND BARRIERS TO 'PLUS' ACTIVITIES

As seen in **Module 3: Drivers of Deforestation and Forest Degradation**, preparing for effective and efficient REDD+ implementation requires strong analytical foundations on which countries can build their vision for REDD+, and make informed and strategic decisions that will shape a critical pathway to implement that vision.

In order to implement REDD+ activities effectively, countries should seek to understand and address the direct and related indirect drivers of deforestation and forest degradation (DDFD). They should also understand the dynamics of and barriers to the 'plus' activities of REDD+: forest conservation, enhancement of forest carbon stocks and sustainable management of forests.

Box 12.4 Understanding Drivers and Barriers through a Governance Lens

-What governance deficits facilitate deforestation and forest degradation, and create barriers to conservation, sustainable management of forests and enhancement of carbon stocks?

-What governance enablers facilitate good forest stewardship and land use planning?

-How are these governance factors evolving?

Indirect drivers (also called 'underlying causes' or 'driving forces') can be related to international drivers (e.g. markets, commodity prices), national drivers (e.g. population growth, domestic markets, national policies, fiscal framework, but also governance) and local drivers (e.g. change in household behaviour).

Similarly, barriers to the 'plus' activities refer to the various obstacles to their implementation. Barriers may be very diverse, and include governance weaknesses such as lack of participation, corruption, inappropriate legal frameworks, and weak enforcement of existing laws.

Box 12.5 The Human Rights-based approach

The Human Rights-based approach (HRBA) is a process which applies a number of core principles aimed at ensuring the full enjoyment of human rights by pointing to both procedural and substantive rights.

Procedural rights refer to, for example, rights to participation, to free, prior and informed consent (FPIC), and to representation or development.

Substantive rights refer to, for example, rights to lands, territories and resources.

The failure to apply procedural and substantive rights are governance weaknesses that can affect both drivers and barriers.

Identification of the agents of deforestation and forest degradation is also key to an in-depth analysis of drivers and barriers. It may for example be useful to map decision-makers and other influential actors, such as customary or decentralized administrative authorities, the formal or informal ways in which they impact the drivers, and their incentives and barriers to change their behaviour. This mapping may be done for example through an 'institutional and context analysis' (see Annex 1).

Activities to analyze drivers and barriers also need to be conducted in a participatory and gender sensitive manner in order to ensure that they are accurate and have ownership from a broad range of stakeholders. This includes ensuring: a complete understanding of stakeholders' rights; access to information; and recognition of livelihood and subsistence activities of stakeholders that may be significantly impacted by REDD+ management decisions. Lack of participation also often results in a lack of a gender perspective, detailed in the next section.

Studies³ of the 'governance factors behind drivers and barriers' could help countries understand the potential impacts of current practices and the potential benefits of change. Example of governance-related underlying drivers and barriers are highlighted below.

³ These studies can be stand-alone or included in broader studies on drivers and barriers that take into account other underlying causes.

Lack of participation

The text of the UNFCCC recognizes the need for the full and effective participation of all stakeholders. It places specific emphasis on consulting with indigenous peoples and local communities, because they may have poorly recognized rights to the use and ownership of forests and are more vulnerable to being left out of decision-making processes. This is why the REDD+ decisions emphasize the participation of these groups and make note of the UN Declaration on the Rights of Indigenous Peoples, which includes reference to the right to Free, Prior and Informed Consent (FPIC). This reflects a core concept of the human rights-based approach (see box 12.5) and a key aspect of good governance, i.e. the promotion of the interaction between state actors and citizens,

including equitably women and men, who are able to exercise their legal rights, address their interests and have them mediated with dialogues with state actors.

Just as importantly, examining participation – or the lack thereof - can help to reveal the underlying causes of deforestation and forest degradation, including corruption, illegal forest conversion, forest ownership and access rights. A more in depth discussion on participation can be found in **Module 11: Stakeholder Engagement in REDD+**.

Nepal provides an example of how poor participation fuels key drivers; in this case, the lack of a deliberative and inclusive process contributed to the four main drivers identified at the national level: illegal logging, encroachment, fuelwood collection and roads (see Figure 12.6).

Figure 12.6 Example of DDFD fuelled by poor participation - Nepal

Policy, governance and tenure underlying causes of drivers of deforestation ⁵				
	Illegal logging	Encroachment	Fuelwood collection	Roads
Lack of deliberative and inclusive process	Contested policies (both at national and local levels) result in weak ownership by stakeholders and conflicts between authorities and local communities as is the case in Terai forest management and Churia protected areas	Confrontation between the state and Sukumbasis has turned forests into a war zone; there is little support from stakeholders at local level in maintaining forest integrity and too few consultation on land and land use policies	Fuelwood collectors cannot shape fuelwood related policies. As fuelwood collection in government forest is deemed illegal, collectors ignore sustainable practices	Road constructions outside the district development plan tend to ignore due process, which undermines environmental sustainability

Source: [UN-REDD \(2014\)](#)



REFLECTION POINT

Can you think of an example where poor participation is an indirect cause of deforestation or forest degradation? How? Is this an issue of laws and norms, of their application, of institutions, or a combination of the three?

In another example, traditional authorities in Malawi mandated to protect forest reserves under customary law are not accepted by formal government structures. This leads to conflict between these actors, resulting in corrupt practices and contributing to DDFD.

Gender perspective

UNFCCC Decision 1/CP.16 refers to the need to address gender considerations when developing national REDD+ strategies (see Box 12.7 for gender terms). When identifying drivers and governance-enabling factors to address these drivers, gender-differentiated roles, actions and perspectives should be considered. This means the roles, actions and perspectives of all stakeholders, including women, men and youth. This is particularly important for women as they are often the primary users of forests.

There are many reasons why a gender perspective is important to understand and address drivers and barriers.

First, the lack of gender perspective has been shown to be a barrier to conservation or reforestation.

In Kenya, for example, local men involved in planning a fuelwood tree planting project assumed that women would fulfil their traditional role of providing water for seedlings. After the seedlings were distributed, the men discovered that the women were unwilling to do the extra hours of water-collecting required by the project. Furthermore, the women were not particularly interested in the tree species selected. The failure to consult women in the planning phase of the project meant that their concerns were ignored. Not surprisingly, they were indifferent to its success, and the seedlings died for lack of water. However, the second phase of the project incorporated women's interests by providing the types of trees they preferred. Women then agreed to help, and this time the project was successful.⁴

Additionally, it has been shown that a higher proportion of women participants in local institutions of forest governance is related to significantly greater improvements in forest conservation.⁵ In addition, women's practices

such as traditional agroforestry systems and tree planting can help identify barriers to sustainable management of forests or reforestation.

Box 12.7 Gender Terms

Gender equality: The equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women.

Source: UN Women Concepts and Definitions on Gender Mainstreaming, available at: <http://www.un.org/women-watch/osagi/conceptsanddefinitions.htm>

Gender mainstreaming: The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Source: United Nations Economic and Social Council Agreed Conclusions, 1997/2, available at <http://www.un.org/women-watch/osagi/intergovernmentalmandates.htm#ecosoc>

Second, the analysis of drivers of deforestation and degradation (as well as barriers to 'plus' activities) can be enriched by information known to local communities and indigenous groups, especially women and youth within them, through their forest patrolling and monitoring activities, or through their gathering of plants or fuelwood.

Therefore, these groups can also be an informative source of knowledge in identifying drivers of deforestation and forest degradation around their communities, as well as a resource in identifying corresponding possible solutions. Understanding the varying roles played by men and women can enable a more accurate analysis of the problem — who is driving deforestation, why, where and how — and also help identify potential solutions. This can help formulate governance interventions that are applicable and relevant at both national and local levels.

4 Gender Matters Quarterly, 2001. Available at http://pdf.usaid.gov/pdf_docs/PNACP513.pdf

5 Agarwal, B. (2010). Gender and Green Governance: The Political Economy of Women's Presence Within and Beyond Community Forestry



REFLECTION POINT

Can you think of an example where gender inequality is an indirect cause of deforestation or forest degradation? Or alternatively, where women's enhanced participation has contributed positively to enhanced conservation, management of forests or forest carbon stocks?

Box 12.8 : Gender and Tenure

In many instances, women's rights to control over land are not formally recognised, even though they access and use many products (e.g. firewood, non-timber forest products). As reported by a female participant in consultations on governance shortcomings for REDD+ in Malawi in 2015: "It's a motivation issue. We are assuming the same roles, but are not formally accepted. If men run away to seek better economic opportunities outside the community to sustain the family, we are left behind doing exactly the same work without formal recognition. How can this be? The same applies to national replanting schemes. We are very active in maintaining them while our male colleagues have run away a long time ago."

Finally, given various social, economic and cultural inequalities and legal impediments, particularly within the forest sector, women and often other marginalized groups, such as the poor, youth, handicapped, etc., in many societies continue to experience exclusion that limits their ability to fully participate, contribute to and benefit from REDD+ action. More specifically, these inequalities can also lead to them having unequal access to information and legal processes; not being involved in decision-making on benefit sharing mechanisms and financing structures; and being excluded from REDD+ benefits due to weak rights to land and forests. As women typically rely more on forests than men do, and rural women engage in multiple economic activities that are key to the survival of households, it is therefore critical that deliberate, explicit and meaningful efforts are taken to ensure REDD+ governance systems and programmes are inclusive, fair and mainstream gender both in policy and in practice. In fact, promoting sustainability of and building long-term support for REDD+ processes is often connected to its ability to demonstrate and distribute corresponding benefits equitably and fairly.⁶

The UN-REDD Viet Nam Programme Gender Analysis⁷ noted the need to transform gender relations and foster women's empowerment by recognizing, supporting and rewarding women's roles in forest management and protection. It also noted that strategies to address gaps in the analysis should be based on the notion that women are not victims, but rather powerful agents of change, due in strong part to their roles as stewards and managers of forest resources.

6 UN-REDD Programme (2013). Guidance Note on Gender Sensitive REDD+. Available at http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=11824&Itemid=53

7 UN-REDD Programme (2013). UN-REDD Viet Nam Programme Gender Analysis. Available at: http://www.unredd.net/index.php?option=com_docman&task=doc_download&gid=11372&Itemid=53

Weak enforcement capacities and corruption

Law enforcement is vital for effective governance. Poor law enforcement is due to lack of capacity, and often to corruption. For example, bribes between illegal loggers and forest managers, and/or collusion with government officials are commonly identified causes of forest degradation and illegal forest activities.

In Indonesia, for example, although the 2014 Indonesia Forest Governance Index reported a slight improvement in the number of cases of forestry crimes being filed in court, there is clearly a connection between weak law enforcement capacity and continued corrupt practices allowing perpetrators to operate and continue deforestation ([UNDP, 2015](#)).

In Kenya, a REDD+ corruption risk assessment ([UN-REDD, 2013a](#)) highlighted how corruption has historically contributed to deforestation and degradation:

- The difficulties of the Kenya Forest Service in promoting forest conservation and managing the relocation of people deemed as 'squatters';
- The risks of county governments using community forest lands for patronage purposes;
- Corruption suspected in the allocation of forested areas to biofuel, oil or mining companies (causing deforestation) without sufficient restrictions to limit environmental impact;
- Bribes between illegal loggers and forest managers, and/or collusion by government officials facilitating forest degradation;
- The lack of capacity of Charcoal Producer Associations (CPAs) to check the origin and source of charcoal, and acceptance of fraudulent documentation as CPAs depend on licensing for their funding;

In [Panama](#), weakness of forest management institutions and conflicts between institutions, institutional bureaucracy and poor transparency and corruption underlie commercial and fuelwood extraction that cause deforestation.

In Nepal, as seen in Figure 12.9 below, a participative corruption risk assessment highlighted poor transparency corruption and weak law enforcement were also highlighted as catalysing direct drivers of illegal logging, encroachment, fuelwood collection and road construction.

FIGURE 12.9 Country example of corruption and law enforcement-related drivers - Nepal

Policy, governance and tenure underlying causes of drivers of deforestation ⁸				
	Illegal logging	Encroachment	Fuelwood collection	Roads
Poor transparency and corruption	Corruption induces over harvesting to meet interests of all involved parties; officials often blind eye	Bribing influences distribution of land titles by the Land Commission officials; land mafia often encourages people to capture land and benefit from illegal transactions	Brick factories, hotels and other commercial consumers of fuelwood bribe officials	Corruption encourages use of heavy machines instead of labour based approach; lack of information undermines monitoring and public scrutiny
Weak law enforcement	Organised criminals make life threats to Department of Forestry (DFO) staff, whose capacity to respond is weak; political interference, weak judiciary system leads to impunity	Weak DFO capacity to monitor and evacuate illegal settlers, who are often backed by political parties	Weak DFO capacity to monitor and check unsustainable harvesting	Weak enforcement of Environmental Impact Assessment and other environmental standards

Source: [UN-REDD \(2014\)](#)

These issues are often exacerbated by limited public services (due to low financial and human capacity) that lead to unenforced laws and regulations and often open up opportunities for illegal activities.

Unclear and Unsecure tenure rights

While secure tenure creates a sense of ownership and can serve as an incentive to protect forests and invest in their sustainable management, the opposite tends to be true as well: weak tenure security often results in poor management and loss of the resource. Clear enforceable rights of exclusion are a key element of forest tenure that allows the rights holder to resist outside interference. Likewise, clear and secure tenure increases accountability and has been found to reduce certain drivers since the rights holder is also the bearer of responsibility.⁸

In many UN-REDD partner countries, customary tenure rights over forests are an important consideration. Customary use rights may be understood as the access, control and use of land

according to long-standing principles, values, customs and traditions, including seasonal or cyclical use, which operate outside the formal legal system. These rights are associated with traditional land administration institutions and customary law that define how rights are allocated and protected. When forest land that is considered under a National REDD+ Strategy is customarily owned or occupied, e.g. when there is overlap of logging or agricultural concessions and illegal logging on customary lands, the full participation of customary landholders is essential.

In Cambodia, REDD+ stakeholders were involved in piloting a new tool for mapping community tenure called Open Tenure. This tablet-based application is used by the community members themselves to record their tenure rights, with data stored on a web-based server. The first trial was successfully conducted in 2015 with the Sorng Rokavorn community forestry group in northwest Cambodia.

A number of UN-REDD partner countries have completed broad multi-stakeholder assessments of their tenure regimes in the context of REDD+ in order to gain insight on the links between tenure and forestry in the country context, and to guide steps towards improved governance of tenure (see Annex 1).



REFLECTION POINT

Pick a direct driver of deforestation or forest degradation in your country. Could it be exacerbated by corruption?

⁸ World Resources Institute and the Rights and Resources Initiative (2014). Securing Rights, Combating Climate Change: How Strengthening Community Forest Rights Mitigates Climate Change. Available at: <https://www.wri.org/sites/default/files/securingrights-full-report-english.pdf>



REFLECTION POINT

Do you have an example of how weak tenure rights aggravate a specific driver of deforestation or degradation, or constitute a barrier to conservation, sustainable management of reforestation activities?

Box 12.10 Voluntary guidelines

UN-REDD encourages partner countries to refer to the *Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries, and Forests (VGGT)*. This set of internationally-accepted standards were endorsed in May 2012 by the Committee on World Food Security. A wide range of stakeholders - from governments to civil society to the private sector - were involved in several years of consultations and drafting in order to reach consensus on the final document. The VGGT provide ambitious guiding principles for analysing and reforming tenure systems under REDD+. This landmark document provides a vision for countries to work towards good governance of tenure with articles that provide specific benchmarks for countries to work towards. The VGGT:

- Recognize and respect all legitimate tenure rights and the people who hold them;
- Safeguard legitimate tenure rights against threats;
- Promote and facilitate the enjoyment of legitimate tenure rights;
- Provide access to justice when tenure rights are infringed upon;
- Prevent tenure disputes, violent conflicts and opportunities for corruption.

Lack of transparency in the issuance of permits

Lack of transparency can lead to misinformation and abuses that exacerbate certain DDFD as well as barriers to conservation or forest enhancement activities.

A Corruption Risk Assessment for REDD+ in the Philippines ([UN-REDD, 2013b](#)) identified risks related to the illegal issuance of permits (resource utilization permits, cutting permits and small scale mining permits) by local officials and congressional representatives. Increased transparency to allow civil society to effectively monitor the way permits are issued was deemed an important measure to consider.

Similarly, it was shown in Indonesia that licenses for forestry concessions play a role in high forestry and land sector emissions in Indonesia, not only because of the 52 million hectares covered by licenses, but also for governance reasons. First, when licensing is deemed too costly (in terms of time lost as well as formal and informal fees), people or companies applying for the license may attempt to recuperate those costs

by exploiting the forest under their current license without abiding by the established standards, or by exploiting it outside the authorized areas or range of activities. Second, informal fees can allow licenses to be granted in areas such as protected forests or conservation forests, in violation of regulations. An in-depth evaluation of the regulations on the forest permit system pointed to a) weaknesses that allow permits to be granted inappropriately, such as some opacity at provincial and district levels resulting in a higher number of permits or permits granted in inappropriate areas and b) systemic strengths (such as the more transparent online automated systems at the national level that reduce face-to-face interactions and thus opportunities for corruption), which could be expanded to provincial and district levels ([UN-REDD, 2015](#)).

Weak, incomplete or conflicting laws and policies

Effective governance also relates to the enhancement of laws and regulations related to the governance and sustainable use of forests and other natural resources, the lack of which can aggravate drivers. This process could start with identifying inconsistencies in terminology relevant to forestry matters and gaps and overlaps among sectoral laws. Actions to address drivers or barriers to 'plus' activities can be affected by definitions of terms such as forests, forest conservation, trees, deforestation, ecosystem services, community, etc., so it is important to make sure that this terminology is harmonized. Legislators may adapt existing definitions or include new ones in national laws.

For example:

- In Malawi, the issue of customary tenure not being legally recognized is causing encroachment in government-controlled Forest Reserves. Between 65 per cent and 75 per cent of land in Malawi is customary land and an estimated 51-65 per cent of Malawi's forests are located on these lands, which are governed by customary rights that remain ill-defined and unprotected in national legislation. A history of inequitable access to land and forest resources, accompanied by the lack of government capacity to enforce existing regulations, has also led to serious levels of encroachment in government-controlled Forest Reserves causing deforestation and degradation.

- In Myanmar, the Forest Department defines land with trees outside the legal forest estate as “Public Forest Land” whereas the Agriculture Department defines the same land as “Vacant, Fallow and Virgin Land”.
- In Mexico, the term ‘environmental services’ was redefined to emphasize the relationship of their benefits with the functionality of the natural ecosystem and the individuals settled in the territory. In addition, it is now recognized that environmental services are regulated by the Forest Sustainable Development Law.
- Honduras carried out reforms to solve land categorization conflicts between the Law on Forestry, Protected Areas and Wildlife, the Agrarian Reform Law and the Law on the Protection of Coffee Activity.
- In Nepal, conflicts between the Forest Act and the Local Self Governance Act (LSGA) have led to negative environmental consequences including deforestation and forest degradation. The LSGA allows local governments to prepare and implement forest management plans and imposes taxes on forest products whereas the Forest Act invests such rights in District Forest Officers and local communities.

In addition, inconsistencies or conflicts between laws risk incentivising activities that may drive deforestation or forest degradation, e.g. by stating that a prerequisite for acquiring title to land is making the land ‘productive,’ or by granting mining, oil or gas exploitation permits for forested land without consulting other stakeholders or government agencies with a say over how that land is used.

Lack of cross-sectoral coordination

Effective governance also relates to having adequate institutions and administrative frameworks to coordinate the various organizations involved in forest governance. A lack of coordination between state agencies may result in ineffective application of PAMs that affect drivers of deforestation and degradation.

An example is the lack of coordination of forest authorities with enforcement bodies. If the police, public prosecutors office or the judiciary are not informed about challenges related to forest crimes, they cannot be part of the response. Often the lack of involvement of

enforcement bodies is rather caused by lack of information or awareness of the importance of illegal forest activities.

Most importantly, lack of coordination across sectors that impact forests can be a major underlying cause of deforestation or degradation. As a number of interconnected drivers cause forest loss, a number of sectors must be mobilized and work in harmony in order to address them effectively. For example, in the DRC, the country’s agricultural policy did not, until recently, consider limiting the current and future impact of agricultural practices on forests. To correct this, the DRC developed a comprehensive REDD+ investment plan that address all major direct and indirect drivers – such as slash and burn agriculture, artisanal logging, charcoal and wood energy, mining, inadequate land tenure, demographic pressure, weak governance and poor land use planning - and whose implementation is supervised by the Ministry of Finance. All concerned ministries, such as the Ministry of Agriculture, of Health, of Environment have REDD+ focal points and were actively involved in finalizing the investment plan, now partially funded through the Central Africa Forest Initiative.

In Tunisia, a tenure assessment found that the poor coordination between the Direction Générale des Forêts and the Ministère des Domaines de l’Etat et des Affaires Foncières caused deforestation because it resulted in a lack of oversight and monitoring.

GOOD GOVERNANCE IN REDD+ NATIONAL STRATEGIES AND PAMS

Designing ‘enabling PAMs’

PAMs are discussed in depth in **Module 7: Policies and Measures for REDD+ Implementation**. In the same way that drivers may be divided into ‘direct’ and ‘underlying’ drivers for practical purposes, PAMs may be split into ‘direct’ and ‘enabling’ interventions. Underlying drivers may be targeted with enabling interventions such as capacity building, land use planning and governance programmes (for example, to strengthen coordination, transparency and anti-corruption).

Examples of ‘governance-enabling PAMs’ are shown in Figure 12.11 below.



REFLECTION POINT

How do you think transparency and access to information could address, in practice, the issues presented in the Philippines and Indonesia examples above?

Figure 12.11 Examples of 'enabling governance PAMs'

Governance deficits	Examples of enabling PAMs/Interventions
Lack of transparency/ access to information	Increase access to information about sales/transactions at timber auctions
	Publish details about mechanisms and timelines for licenses granted to tobacco/palm oil/commodity farmers (also applies to other licenses)
	Increase access to information about who has a permit to do what on which land (registries)
	Monitor farm expansion real-time (via satellite imagery)
Poor law enforcement	Strengthen forest law enforcement (collaborate with national FLEGT processes to enhance traceability of timber, employ more guards with better equipment and capacity)
	Increase capacity of IPs/forest dependent peoples to monitor their lands
	Avoid revolving doors between agriculture lobbyists and decision makers
	Establish clarity on procedures for forest concessions and enforce adherence to requirements (to avoid 'personal treatment')
Corruption	Criminalize the acceptance of bribes by state employees
	Institute practices to promote budget tracking and transparency
	Establish accessible systems to make it easier for people to report illegal activities (anonymous hotlines, for example)
	Forbid forestry officials from engaging in the timber trade
	Install cameras at checkpoints to monitor bribes paid when charcoal trucks pass (and volume of charcoal transport)
	Strengthen conflict of interest rules for officials making decisions on land concessions
Low judicial capacity	Strengthen capacity to process cases in court e.g. training for judges, prosecutors
	Build capacity to prosecute multiple crimes perpetrated at the same time (e.g. Illegal logging/expansion, illegal permits, paying of bribes)
Lack of policy or legal coherence	Promote alignment of national and local priorities/plans/actions including through new laws and regulations
	Map existing policies to identify overlaps and conflicts across sectors and establish plan to harmonize and streamline relevant processes (promote holistic and cross-sectoral coordination)
Lack of or poor stakeholder inclusion	Clarify access/user rights among IPs and forest-dependent communities
	Promoting gender equity in forest access, use, capacity and awareness
	Establish platforms to allow different stakeholder perspectives and interests to shape plans, priorities, and PAMs
Insecure tenure	Improve security of tenure for indigenous peoples and land and access rights for women



REFLECTION POINT

Can you think of an example of an 'enabling governance PAM' in your country? Would it affect more than one direct driver? Which additional benefits would this PAM bring about?

Prioritizing 'feasible' PAMs

In *Module 7: Policies and Measures for REDD+ Implementation*, a "multi-dimensional selection process for PAMs" was presented. A government ministry or entity in charge of REDD+ needs to engage in multi-dimensional decision analysis in order to weigh different possible PAMs, determine the trade-offs involved and assess both benefits and risks. Some of these

dimensions refer to how governance strengths or governance deficits may make a PAM more or less feasible, such as:

- Will there be political resistance to this PAM if some influential stakeholder stands to lose?
- Does this PAM build on existing law or regulation that has been in the past exceptionally transparent and accepted or opaque and poorly enforced?

- How much local community knowledge, skill and participation is needed to implement one PAM?
- Policy coherence: has the parliament been involved in ensuring policy coherence between different sectoral policies? For example, will subsidies that encourage forest loss, such as those to the palm oil or timber sector, conflict and overwhelm the potential financial support provided for reducing deforestation?
- What has been the engagement to date of political decision makers in the REDD+ design and decision process? Has REDD+ been kept at a technical level, or has engaged the country's leadership?

In Sri Lanka, an assessment of tenure was conducted as part of the development of the country's national strategy on REDD+. The assessment involved applying VGGT criteria (see Box 12.10) to analyze the implications for tenure of a wide array of possible PAMs. The assessment found that some PAMs, including a crackdown on forest encroachment and improvements in land-use planning, were likely to have significant implications for tenure issues. This could make the PAM in question less feasible.

Strategically engaging with the right agents /Participatory Decision-Making

Strategic engagement of the appropriate agents (both civil society or relevant ministries) is key again here to develop the most appropriate set of REDD+ PAMs. The actors here may be the same as those consulted during the drivers analysis process, but their interest and commitment will be higher, or their opposition stronger, as the design and fine tuning process could lead to the design of actions that has effects and consequences on their own institutions. Here again, such engagement is predicated on some governance principles:

- A basic legal framework must exist for participation: appropriate legal frameworks can institutionalize policies and actions that can enable cross-sectoral policies and commitments, as well as the right for indigenous peoples and civil society participation in public affairs, and a right to

access to public information. At times this may necessitate legal reform, especially when the current legal frameworks puts a barrier to cross-sectoral coordination, especially regarding institutional mandates. Traditional authorities and laws should be considered as well. In any decentralized system of forest governance, legislation and guidelines that clearly define property rights and management responsibilities are crucial for effectively integrating cross-sectoral demands on forests;

- Access to information: a critical question is whether stakeholders have the information, as well as skills, capacity and tools to effectively participate in discussions and decision-making. For example, statistics on subsidies that have an impact on forests may be known by the Ministry in charge of agriculture, but not shared with the Department of Forestry, making the fiscal incentives reform all the more complex;
- Institutional arrangements, such as the interaction between the legislative, judicial and executive, are important.

Box 12.12 Prioritizing actions based on actors' analyses

Country Y has decided that the first iteration of its national REDD+ strategy would focus solely on cattle ranching, one of the major drivers of deforestation in the country. Several PAMs are contemplated such as: a) removing tax incentives and subsidies intended to support expansion of beef production; b) providing training and financial support for more intensive production based on improved breeds, feeds, pastures and animal health; c) ending land titling schemes that encouraged deforestation by allowing expropriation of 'under-utilized' forest lands and awarding farmers and ranchers legal ownership of lands that they have cleared and occupied; and/or d) discouraging road construction and improvement in most forest areas*.

Complementing a cost analysis, an institutional analysis of the actors (cattle ranchers, Ministry of Agriculture, Land, Trade or Infrastructure**) who need to be engaged and supportive of each of these reforms and the possible political barriers will help the country's REDD+ team in this choice.

*Examples extracted from <http://www.fao.org/3/a-a0262e.pdf>

**In another country Z, where the selected activity is reducing degradation originating from timber and fuelwood collection, major actors to engage would be forest-dependent communities, with particular attention to be paid to the roles of women as agent of change

STRENGTHENING GOVERNANCE TO IMPLEMENT NS/APS AND PAMS

While specially-designed PAMs can enable better governance for REDD+, further institutional strengthening may be needed to improve performance, i.e. the effective implementation of other PAMs. Some examples of such capacity building are discussed below.

Certain PAMs will need more ‘boots on the ground’. Indonesia is for example strengthening its law enforcement on forest crimes and training stakeholders from forest guards to the judiciary to apply this approach. Elsewhere, strengthening the ability of indigenous organizations to monitor REDD+ forest activities may prove one of the most cost effective detection and enforcement measures.

Capacity-building can happen at different levels⁹:

- i. Functional capacities, i.e. management capacities needed to formulate, implement and review policies, strategies, programmes and projects. In other words, the cross-cutting capacities needed to ‘get things done’;
- ii. Technical capacities, i.e. are those associated with particular areas of expertise and practice in specific sectors;
- iii. Collaborative capacity, i.e. having a clear vision and strategy to enable collective thinking, adaptive planning, and implementation beyond money, personnel, skills, and equipment. Collaboration between different sectoral ministries can encourage sustainable investments by sharing risks and rewards or providing needed capacity building. Collaboration may range from provision of information to another organization; sharing of personnel; collaboration on joint research projects with other stakeholders; collaboration on joint grant or funding proposal; creation of an inter-ministerial task force; signing a MOU; and sharing and permitting or regulating activities. New institutional arrangements may be needed to support better collaboration between sectors.

⁹ UNDP (2008). Capacity Development Practice Note. Available at: <http://www.undp.org/content/undp/en/home/librarypage/capacity-building/capacity-development-practice-note/>

ACCOUNTABILITY AND MONITORING FOR PAMS

Accountability mechanisms that oblige decision-makers to take responsibility for their actions should be supported by monitoring and feedback systems and grievance and redress mechanisms.

Monitoring PAMS is essential for accountability systems, as it enables adjustments to those that are not achieving the intended outcome and/or that have unintended negative impacts on stakeholders.

Feedback systems can occur through established platforms, participatory social impact analysis and policy audits, or social¹⁰. Feedback systems are only effective when government acts on the feedback received, through public and timely responses, be they positive or negative.

As REDD+ PAMs seek to induce positive shifts in current practice and use of forest resources, countries will need [to monitor those shifts](#), i.e. evaluate if the legal, administrative and financial measures have produced the expected effects. This is different but complementary to the objectives of a National Forest Monitoring Framework (see Box 12.13). Safeguards (see section below) are another way to ensure accountability.

What to monitor?

Module 7: Policies and Measures for REDD+ Implementation

discussed tracking implementation. Supporting countries to track implementation of PAMs can empower national governmental and non-governmental actors to monitor their performance (see box 12.12), including:

- Their relevance: whether the objectives of the PAMs cover the multiple dimensions of the issue
- Their usefulness: examine if the intervention has had not only the expected results, but also examine collateral effects, including negative ones;

¹⁰ See UNDP (2010) ‘Fostering Social Accountability: From Principle to Practice,’ available at <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/OGC/dg-ogc-Fostering%20Social%20Accountability-Guidance%20Note.pdf>, and UNDP (2011) ‘A Practical Guide to Social Audit as a Par-ticipatory Tool to Strengthen Democratic Governance, Transparency and Accountability,’ available at <http://www.pogar.org/publications/ac/books/practicalguide-socialaudit-e.pdf>



REFLECTION POINT

Once a suitable regulatory system or legal framework is in place to appropriately deal with REDD+ implementation, what is the best way to ensure this is implemented?

For a particular ministry or, indigenous peoples’ group or civil society organization, can you provide an example of how capacities needed to design PAMs, are different from capacities needed to implement them?

- Their internal coherence: are different PAMs with the same objectives complementary or redundant;
- Their external coherence: are the PAMs aligned with and contributing to the country's national development strategy, or other sectoral PAMs, including governance and fiscal measures;
- Their strategic relevance or efficacy: can the results be attributed to the PAM, or are they a 'happy coincidence';
- Their cost-effectiveness: are costs reasonable compared to other PAMs implemented concurrently? Are efforts (inputs, resources) needed for results to be delivered;
- Their sustainability over time: are PAMs embedded sufficiently that they will survive changes in government? Can they be sustained without external funding?;
- Their capacity-building component: have the PAMs helped enhance the capacities of the institutions implementing them?
- **Government oversight bodies** such as Court of Accounts (TCU, Brazil), or more specific bodies such as anti-corruption agencies, play a role in monitoring different aspects of the performance of PAMs;
- **Parliaments** have a role to play in ensuring the coherence among policies addressing different sectors:
 - As the lawmaker, a parliament is responsible for debating and ratifying legislation that would govern a national REDD+ program. For example, parliaments can ensure that fiscal incentives such as subsidies to the palm oil sector do not dwarf parallel efforts to reduce deforestation caused by palm oil plantations;
 - Elected parliamentarians can give voice to the concerns of diverse social actors (including indigenous peoples, local communities and CSOs), and can ensure these are reflected in the law-making and budget allocations processes;
 - Parliaments have a unique role when it comes to oversight of the national REDD+ process, both related to the financial and the legislative process. By adopting and monitoring state budgets, parliaments serve as a check on executive power, and can help ensure the transparent, equitable and accountable management of REDD+ funds.



REFLECTION POINT

Given the governance structure of your country and the respective capacities of different actors, who do you think should be in charge of monitoring PAMs in your country? What mechanisms could support or complement this?

What could the role of the judiciary be for REDD+ accountability systems?

Box 12.13 The difference and complementarities of monitoring PAMs and NFMS

Monitoring the impacts of shifts in public policies and implementing a National Forest Monitoring System (NFMS) are different, but related, activities. On the one hand, a NFMS seeks to, *inter alia*, monitor the impact of demonstration activities or REDD+ PAMs in terms of their effectiveness (in terms of tCo2e or biophysical proxies); on the other hand, monitoring shifts in policies is about monitoring what can be described as their overall performance. Indicators in the latter are not carbon-based, although efforts should be made to draw a causality chain between performance and effectiveness. More information can be found in *Module 5: National Forest Monitoring Systems for REDD+*.

Who monitors PAMs?

Depending on the country context, a range of approaches can be used to monitor PAMs:

- **REDD+ national steering bodies, boards or agencies** are the primary actors to monitor the effectiveness of PAMS. They can be supported in this task by either multi-stakeholder platforms (including indigenous peoples, civil society, REDD+ agencies and donors) or governmental or non-governmental bodies with more independence from the national REDD+ decision-making process;

As seen above, effective monitoring of PAMS depends upon access to timely and relevant information as well as appropriate legal frameworks, which can institutionalize policies and actions to support monitoring. In addition, in many countries strengthening the capacities of the actors listed above to monitor REDD+ PAMs may be necessary.

Grievance and redress mechanisms

Grievance and redress mechanisms (GRMs) are fair, transparent and accountable organizational systems and resources established by national government agencies to receive and address concerns about the impact of their policies, programmes and operations on external stakeholders, including women, men and youth. The stakeholder input handled through these systems and procedures may be called 'grievances,' 'complaints,' 'feedback,' or other terms.

GRMs can be the first line of response to concerns that could not be fully addressed by proactive stakeholder engagement or effective safeguards. GRMs are discussed in more detail in **Module 11: Stakeholder Engagement in REDD+**.

SAFEGUARDS

The safeguards defined in UNFCCC Decision 1/CP.16 (commonly known as the Cancun safeguards) embody the principles of good governance and prescribe good governance arrangements in the design of NA/APs and PAMs for REDD+ and throughout their implementation. Information on how countries address and respect these safeguards is generated and presented through a Safeguard Information System, and a summary of this information is required by the UNFCCC to qualify for results-based payments (see **Module 8: REDD+ Safeguards under the UNFCCC**).

A country approach to safeguards allows a country to build on existing governance arrangements that, combined with national (and other international) policy goals, can be used to operationalize the Cancun safeguards. The governance arrangements targeted by the country approach comprise three core elements that together can ensure social and environmental risks from REDD+ are reduced and that benefits are enhanced:

- i. **Policies, laws and regulations (PLRs)** - what needs to be done at the higher levels of government in order to enable REDD+ activities to be implemented in a manner consistent with the Cancun (and other) safeguards, i.e. how safeguards are being addressed;
- ii. **Institutional arrangements** - the mandates, procedures and capacities to ensure that the relevant PLRs are actually implemented in practice, i.e. how safeguards are being respected; and
- iii. **Information systems and sources** that collect and make available information on how REDD+ safeguards are being addressed and respected throughout REDD+ implementation.

Assessment of benefits and risks of policies and measures

In the light of the Cancun safeguards, a country should undertake an assessment of risks and benefits of the PAMs it has identified (for example using the UN-REDD Benefits and Risk Assessment Framework (BeRT) tool presented in **Module 8**). The assessment should include a determination of how the country's PLRs already address and mitigate risks or promote benefits. This assessment, which can be iterative, can bring out the gaps and can inform decisions on which actions to include in a REDD+ strategy.

For example, Cancun Safeguard (b) is about transparent, effective forest governance. If this safeguard were to be 'unpacked' or 'clarified' in a country context it could cover issues such as:

- Access to information;
- Accountability;
- Land tenure;
- Enforcement of the rule of law;
- Adequate access to justice, including procedures that can provide effective remedy for infringement of rights, and to resolve disputes (i.e. grievance mechanisms);
- Gender equality;
- Coherence of national/subnational legal, policy and regulatory framework for transparent and effective forest governance;
- Corruption risks;
- Resource allocation/capacity to meet institutional mandate;
- Participation in decision-making processes.

An assessment of the PAMs would generate questions such as:

- Will a particular REDD+ action/PAM generate and share relevant and timely information (i.e. financial information, information about decision-making processes, bidding and procurement processes, etc.) with stakeholders in the appropriate language and format;
- Will it set up new or enhanced forest-related decision-making structures, with clear and defined roles and responsibilities;
- Will it be monitored against a set of clear, measurable and time-bound targets;
- Is it framed and codified by legal/regulatory systems that are enforceable? And can it create and apply appropriate sanctions;
- Can it be safeguarded against corruption risks through additional specific detection, prevention and sanction measures;
- Does it have the appropriate capacities (individual, institutional, collaborative, financial) to be effectively implemented;
- Does it have adverse impacts on gender equality and/or the situation of women and girls;
- Does it equitably impact the ability of

women, men and youth to participate in design, implementation and/or to access to opportunities and benefits? Or affect stakeholders' abilities to use, develop and protect natural resources?

At the same time, an analysis of the existing policies, laws and regulations should also be considered, and gaps ascertained, for example through the following questions:

- Do the PLRs in place provide timely, relevant and usable information about REDD+ actions, establish decision-making structures, and evaluate the effectiveness of REDD+ actions on a regular basis?
 - For example: information showing whether the volumes of timber sold at auctions exceed the maximum legal harvest, thus indicating illegal logging; or clear and realistic forest management targets and objectives as well as the data that shows whether they are being achieved;
- Do they include or propose approaches to ensure the accountability of bodies representing stakeholders?
 - For example, systems to help promote trust and participation of local stakeholders in REDD+ activities, such as reforestation efforts by local communities, including both women and men;
- Can they prevent or detect and sanction abuses of power and corruption in the implementation of REDD+ actions?
 - For example, a 'multi-door' approach to fighting forest crimes, as developed by Indonesia to help address illegal logging by utilizing several laws (for example, anti-money laundering legislation, forest legislation and anti-corruption law) to bring together intelligence and strengthen cases and sentences for those who have committed forest crimes.

Examples of governance analysis feeding into country approaches to safeguards:

- As mentioned earlier, the primary corruption risks identified in the [Philippines](#) were related to illegal issuance of permits (resource utilization permits, cutting permits and small scale mining permits) by local officials and congressional representatives. These risks have been taken into consideration in the

development of the country's safeguards, policies, laws and regulations;

- In Bhutan, a REDD+ corruption risk assessment¹¹ informed the development of the country's approach to the Cancun safeguards, especially on safeguard 2b, as it relates to governance strengths and weaknesses in commercial timber production and rural timber supply, illegal logging and forest crimes, and decentralization and community forestry;
- Nigeria, through extensive stakeholder consultations, prioritized the following four governance challenges: broad and informed participation of REDD+ stakeholders; community organizing and cohesion in REDD+ implementation; harmonization of the policy and legal framework for REDD+; and transparency and accountability of the REDD+ process and finance;
- In Vietnam, a PLR gap analysis was undertaken to provide options, priorities, milestones and recommendations on REDD+ safeguards in Vietnam. Sixty PLRs that would support the effective implementation of the Cancun Safeguards were identified, but their practical effectiveness has not been assessed. For example, with respect to Safeguard b) on 'transparent and effective national forest governance structures', access to information was identified as a gap, and the LEP No. 55/2014/QH13 and the 2013 Draft Law on Access to Information was seen as a way to address this gap.

11 UN-REDD (2015). Corruption Risk Assessment for REDD+ in Bhutan. Available at: http://www.unredd.net/index.php?option=com_docman&view=download&alias=14590-bhutan-corruption-risk-assessment-for-redd-executive-summary&category_slug=technical-2505&Itemid=134



REFLECTION POINT

What principles of good governance or particular issues would you highlight for your country under safeguard b) ("transparent and effective forest governance")?

What existing governance information system in your country could provide valuable information on REDD+ safeguards? Which stakeholders are involved in this system?

MANAGING REDD+ FUNDS IN A TRANSPARENT, EQUITABLE AND ACCOUNTABLE MANNER

Considering transparency and accountability when designing a REDD+ fund management system can decrease the risk of conflicts with stakeholders - by managing expectations on accessing funds, for example - and increase donor confidence, and hence a programme's ability to attract financial support.

A number of good practices in REDD+ fund management arrangements have been highlighted¹², and are listed below:

Transparency

- A fund operates with a clear set of minimum fiduciary standards (with specific criteria for assessment and procedures for addressing shortcomings);
- Financial accounts, including donor contributions and expenditures, are made public in a timely and accessible manner. In particular, sufficient data is available to reconcile disbursements and payments;
- Use of the publically available information is monitored to ensure that it reaches the intended stakeholders.

Participation and decision-making

- Documents are circulated in line with agreed deadlines and made publicly available in the appropriate languages, and regular information sessions are held with civil society to maintain an open dialogue;
- There is a balance of power between donors and the recipient country in decision-making on the disbursement of funds, with representation or other accountability mechanisms for civil society organizations, indigenous peoples and local communities;

- A fund has clear guidelines on conflicts of interest to prevent any individual involved in its governance structure from receiving economic gains, for example by requiring proper disclosure or restricting voting rights.

Oversight, complaints and redress

- Responsibilities for managing and monitoring the risks of corruption and misuse of funds¹³ are clear and these roles can be carried out without fear of retribution;
- An independent body provides clear oversight over financial management and deals with allegations of fraud, misuse and other corrupt practices;
- Internal and external independent financial, performance and impact audits are regularly conducted;
- Preventive systems (including capacity building, spot checks, and careful monitoring) are emphasized; sanctions are appropriate and are applied fairly;
- Complaints and redress systems are accessible and may be used by groups as well as individuals.

Equity

- Definition of REDD+ beneficiaries includes indigenous groups, communities, women, or youth, who may not have customary or legal ownership over land and the resources on it, but may have use rights and play a direct or indirect role in forest management and use. Viet Nam's REDD+ gender analysis cited above highlighted a gap in equity in fund design, governance and management;
- Those who participate in REDD+ activities are rewarded through equitable benefit sharing (understood here as both monetary and non-monetary benefits, including up-front payments, milestone payments, royalties, institutional capacity building, education and training). The UN-REDD Viet Nam Programme Gender Analysis ([UN-REDD, 2013c](#)) found that

12 Global Witness (2012). Safeguarding REDD+ Finance, available at: <https://www.globalwitness.org/sites/default/files/library/Safeguarding%20REDD+%20Finance.pdf>; UNDP (2013). Background Note on UNDP's support to Countries on REDD+ Finance and National REDD+ Funds. Available upon request.

13 Including training, per diems, salaries, vehicles, recruitment processes, travels, overheads.

women have struggled to access benefits from payment for ecosystem services and community forestry projects, partly because they lack land rights.¹⁴

Country examples

A number of national REDD+ funds have integrated considerations on transparency and accountability in the design of their REDD+ fund management systems and the modalities for disbursement. For example:

- Democratic Republic of Congo (DRC) has included in the operational manual of its National REDD+ Fund a number of measures related to proactive information disclosure and to the detection, reporting and sanction of misuse. For example, the technical committee that submits advice and recommendations includes civil society experts, the review of proposals is characterized by a double blind process where the identity of the reviewers is kept anonymous to avoid collusion, a financial micro-evaluation of implementing entities is undertaken by a third party, and a multi-

channel complaints mechanism is provided for;

- Brazil's Amazon Fund is generally considered as demonstrating high standards of transparency and accountability. The Brazilian Economic and Social National Development Bank was entrusted with managing the funds for its ability to meet high standards of transparency and accountability through strong financial management. High transparency on disbursement has been observed. Observers have however noted that robust fiduciary standards have made it more difficult for small organizations to access the fund. Civil society representatives are active in the Multi-Stakeholder Guidance Committee (COFA) which also includes federal and state representatives. Monitoring and transparency are among the criteria with which project proposals are screened. The transparency of the applications received and the projects funded has increased substantially over time, in part as a result of guidance by COFA;
- The Congo Basin Forest Fund allows sub-national and local entities direct access to funds; when combined with stringent financial safeguards, this is considered an effective way to reduce risks of misallocation at the national level.

14 The concept of carbon rights is not covered here, since countries do not need to address this issue to access results-based payments under the UNFCCC. Project-based approaches to REDD+, however, require that countries define carbon ownership. Furthermore, results-based payment initiatives such as the FCPF Carbon Fund require that ER-Program entities be able to demonstrate title to emission reductions and transfer such titles to buyers. Note that there are challenges with operationalizing this approach since assessing emission reductions at a scale corresponding with land ownership may be technically very challenging and prohibitively expensive, except perhaps in countries of limited size or in countries where tenure is already well-defined.



REFLECTION POINT

What progress is your country making in how it manages REDD+ Funds, from the international to the national and sub national levels?

ANNEX 1: TOOLS AND APPROACHES

Various tools can be used to assess governance in relation to the elements of REDD+ described in Figure 12.2:

Tools and approaches	Countries where approach has been applied	Suitable/adaptable to									
		Analysing governance-related of drivers	Designing PAMs	Implementing PAMs	Monitoring PAMs	Addressing safeguards	Respecting safeguards	Managing REDD+ funds			
Institutional and context analysis	Argentina, Côte d'Ivoire, Honduras, Panama, Paraguay	✓	✓								
Participatory governance assessment	Nigeria, Viet Nam, Indonesia	✓	✓								
Corruption risk assessment	Kenya, Bhutan, Philippines, Nepal, Peru, Malawi, Bangladesh	✓	✓			✓					✓
Social audit for PAMs	Not piloted yet				✓						
Gender analysis	Papua New Guinea, Viet Nam, Sri Lanka, Cambodia	✓	✓	✓							
Legal assessment	Kenya, Pakistan, Honduras Ivory Coast, Peru, Madagascar, Guatemala, Nepal, Mexico	✓	✓								
Tenure assessment	Laos, Tunisia, Malawi, Benin, Vietnam, Sri Lanka	✓	✓								
Assessment of existing GRMs	Suriname, Cambodia, Panama, Paraguay				✓						
CAST	Costa Rica, Mexico, Viet Nam, Zambia	✓	✓								
BeRT	Republic of Congo, Peru				✓	✓	✓	✓			



EXERCISE 24

Link the main components of good governance on the left to the seven safeguards for REDD+

Principle of good governance

Transparency and access to information

Accountability

Respect for rights

Participation

Performance effectiveness

Rule of law

Gender equality

Consensus seeking

Responsiveness to feedback

Coordination

Capacity

Safeguards

a) Policy alignment (national and international)

b) Transparent and effective forest governance

c) Knowledge and rights of indigenous peoples and local communities

d) Full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities

e) Natural forest, biodiversity, social and environmental benefits

f) Address risk of reversals

g) Reduce displacement of emissions

**EXERCISE 25**

The following are some of the key principles of good governance, but they have been scrambled. Unscramble the letters and take the letters in parenthesis to get the secret word.

ATACBICUONITLY A _ () _ _ N _ _ _ _ _ _ _ _
 WFOR LU ELA _ U _ _ _ F _ () _
 CANITPROIPIAT () _ _ T _ _ _ _ A _ _ _ _ _
 ECPREOFMNA _ E _ _ _ _ _ () _ C _
 FRTHEER PSI SCTORG _ _ S _ _ () _ _ O _ _ _ _ _ S
 QGNYEE EDRAULT _ _ _ D _ _ _ _ () L _ _ _
 UCOT-RRNNAITPOI _ _ () _ - _ OR _ _ _ _ _ _ _
 RPEYTRAACNNS _ _ _ N _ _ A _ _ _ _ ()

Answer: _ _ _ _ _ _ _ _

**KEY MESSAGES:**

- As there is no universal definition of good governance that is applicable to all people, societies and cultures equally, it is simpler to understand the concept through its key principles, such as participation, transparency, accountability, coordination and rule of law;
- Governance principles are important for a country to 'govern', or manage, its REDD+ process and a key feature contributing to the sustainability of national REDD+ strategies;
- Governance principles can help to
 - understand underlying factors that enable drivers of deforestation and forest degradation, or impede effective conservation, sustainable management of forests and enhancement of forest carbon stocks;
 - develop successful and effective national REDD+ strategies and REDD+ PAMs, and to implement and monitor them;
 - ensure that safeguards are addressed and respected; and
 - manage REDD+ funds in a transparent and accountable manner that avoids corruption risks.



WHAT FURTHER QUESTIONS DO YOU HAVE ABOUT THIS TOPIC?



NOTES

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NOTES

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Reference and resources

Governance-related material published by the UN-REDD Programme is available in English, Spanish and French on the UN-REDD Programme Collaborative Online Workspace at <http://www.unredd.net/>. Key materials include:

- [Ensuring Inclusive, Transparent and Accountable National REDD+ systems: the Role of Freedom of Information \(2012\)](#)
- [Guidance on Conducting REDD+ Corruption Risk Assessment \(2013\)](#)
- [UN-REDD Support and Country Examples on Legal Preparedness for REDD+ \(n.d.\)](#)
- [Ten simple slides on Freedom of information for REDD+ \(2013\)](#)
- [Fast Facts: Participatory Governance Assessments for REDD+ \(2013\)](#)
- [PGA Pilots Overview \(2013\)](#)
- [Frequently Asked Questions about PGA \(2013\)](#)
- [UN-REDD Viet Nam Programme Gender Analysis \(2013c\)](#)
- [Implementing Gender-sensitive, Effective and Sustainable REDD+ Strategies \(2012\)](#)
- [The Business Case for Mainstreaming Gender in REDD+ \(2011\)](#)
- [Tenure and REDD+: Developing enabling tenure conditions for REDD+ \(2013\)](#)
- UN-REDD (2017). Methodological Brief on Gender. Available at: <http://www.unredd.net/documents/global-programme-191/gender-and-womens-empowerment-in-redd-1044/global-gender-resources/15952-technical-resource-series-4-un-redd-methodological-brief-on-gender-low-resolution-version.html>
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- An online discussion group on legal preparedness for REDD+. Accessible at: <https://dgroups.org/fao/law-for-redd-plus/>

Country studies and reports:

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- UNDP (2011). Local governance, anti-corruption and REDD+ in Latin America and the Caribbean. Available at: http://www.undp.org/content/undp/en/home/librarypage/environment-energy/climate_change/local_governanceanti-corruptionsandreddinlatinamerica.html

Asia and the Pacific

- FAO (2012). Legal Paper N.89: Forest Carbon Tenure in Asia-Pacific: A comparative analysis of legal trends to define carbon rights in Asia-Pacific. Available at: <http://www.fao.org/legal/publications/legal-papers/en/>
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- UN-REDD Programme (2013b). Results from the Philippines REDD+ Corruption Risk Assessment. Available at: <http://www.unredd.net/documents/un-redd-partner-countries-181/asia-the-pacific-333/a-p-partner-countries/philippines-457/targeted-support-2431/technical-2536/10932-executive-summary-philippines-redd-plus-corruption-risk-assessment-july-2013-10932.html>
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- UN-REDD Programme (2013). Sharing National Experiences in Strengthening Transparency, Accountability and Integrity for REDD+. Showcasing DRC, Kenya, Nepal and the Philippines. Available at: <http://www.unredd.net/documents/policy-board-86/eleventh-policy-board-meeting-geneva-switzerland-8-10-december-2013-3271/information-session-documents-3361/information-session-1-sharing-national-experiences-3380/11902-sharing-national-experiences-on-transparency-accountability-and-integrity-for-redd-11902.html?path=policy-board-86/eleventh-policy-board-meeting-geneva-switzerland-8-10-december-2013-3271/information-session-documents-3361/information-session-1-sharing-national-experiences-3380>
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