

**Supporting Effective and Inclusive National
Systems of Governance for REDD-plus**



UN-REDD PROGRAMME

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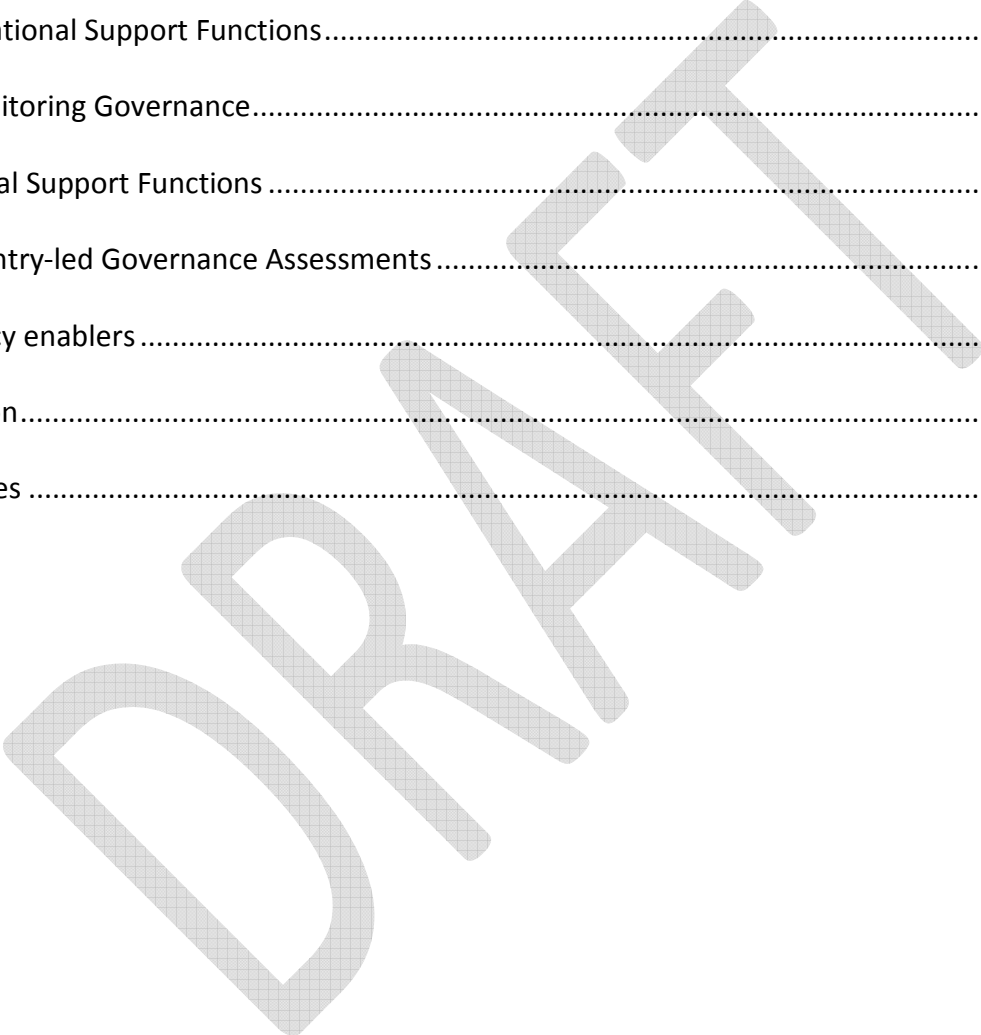
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Background

Under the United Nations Framework Convention on Climate Change (UNFCCC) negotiations, progress has been made on the issue of reducing greenhouse gas emissions from deforestation and forest degradation in developing countries and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks. This issue is referred to as “REDD-plus”. The Copenhagen Accord recognizes “the need to provide positive incentives to such actions through the immediate establishment of a mechanism including REDD-plus, to enable the mobilization of financial resources from developed countries.”

The REDD-plus negotiating text under the UNFCCC’s Ad Hoc Working Group on Long-Term Cooperative Action (LCA text) explicitly refers to governance. In paragraph 6:

“Requests developing country parties to address forest governance issues when developing and implementing their national REDD-plus strategy or action plan”

and in paragraph 2(b):

“further affirms transparent and effective forest governance structures taking into account national legislation and sovereignty” as an element to be safeguarded when undertaking REDD-plus activities.

Other safeguards included in the text relate to governance, in particular paragraphs 2(c) and (d):

“Respect for the knowledge and rights of indigenous peoples and members of local communities...”

“Full and effective participation of relevant stakeholders, including, in particular, indigenous peoples and local communities”.

Capacity building and land tenure issues are also explicitly mentioned in the LCA text and will comprise important elements of a REDD+ governance framework.¹

¹ A number of REDD-related governance initiatives focus on forest sector governance, and the differences between forest governance and REDD+ governance has not yet been clearly articulated. One element is of course the different national authorities and agencies that will be involved, REDD+ governance being associated with more sectors than forest governance, such as ministries of finance, trade etc. Other differentiating elements lie in the unique key characteristic of REDD+ activities as opposed to general forest program. For example, the financial receipts associated with successful implementation of a REDD strategy will be significant. In this sense it will be crucial to put in place governance measures that will ensure the targeted and equitable distribution of benefits.

In Copenhagen at the 15th Conference of the Parties to the UNFCCC in December 2009, no decision was reached on whether the safeguards ought be measured, reported and verified (MRV) by REDD-plus countries. Nevertheless, the need to monitor governance has also been recognized by the UN-REDD Programme in its scope of work towards a “MRV for Governance Framework”. The need to contain provisions on assessing governance has also emerged from UN-REDD ‘Quick Start’ National Programmes.

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Why is Governance so Important for REDD-PLUS?

In many developing countries, especially in Africa, the majority of current greenhouse gas emissions come from land-based sources, particularly forested lands². As such, payments for these emission mitigation measures will offer the first opportunity to launch countries onto low-carbon, climate-resilient development pathways. Payments under a REDD-plus mechanism can translate into incentives for changes in land use and better stewardship of forest resources. This, however, can only be achieved if the socio-economic drivers of deforestation and forest degradation are addressed and current forest resource users have sufficient confidence in the REDD-plus mechanism to change the way they use forest resources. This will not be easy, as current emission-intensive uses of forest resources are often an important source of foreign exchange, energy, food security, new settlements or employment. In this context, good and efficient governance of forest resources and the distribution of benefits will be central to the success of REDD-plus policies and measures. Good governance will enable an environment conducive to the predictable and lasting delivery of emission reductions, ensure that REDD-plus policies provide sufficient incentives and minimize negative social impacts, and promote structures of service delivery and payments geared towards sustainable development and poverty reduction outcomes.

Governance challenges are many: unenforced land tenure systems, elite capture, marginalization of stakeholders, uncoordinated mechanisms or corruption are often recognized, and can be met with coordinated, cross-sectoral development strategies. Underpinning and reinforcing good governance is secure tenure and enforcement. Governance will need to be grounded on clear and

DEFINING GOVERNANCE

UNDP defines governance as the “complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences”. These political institutions and processes determine how power and responsibilities are exercised, how decisions are taken and how the various stakeholders influence policies, plans and projects. Governance frameworks typically include actors (grouped into overlapping categories of the public sector, private sector, and civil society), principles (such as accountability and transparency), and mechanisms (for example, laws, rules, and practices).

Democratic governance goes beyond the efficiency of institutions and rules, and aims for these to be fair and developed through democratic processes in which all people have a real political voice. Democratic governance emphasizes process and political legitimacy and promotes human development.

Pro-poor governance is a dimension of democratic governance and includes the extent to which policy processes involve the poor; the extent to which policy content targets the poor; and the extent to which the policy and outcomes actually benefit the poor³. Pro-poorness is achieved when governance innovations enhance the assets and capabilities of the poor.

¹ UNDP 1997

² de Koning 2010

³ OGC Forthcoming

² In-line with the ‘conservation, SFM and enhancement of stocks’ component of REDD-plus, mitigation is not just about reducing emissions. New sequestration is very important and an essential element. The IPCC estimates that in Africa for example, of all land-based cost-effective mitigation potential, reducing forest emissions represent one-third, new forest sequestration one-third, and better agricultural practices one-third.

enforceable tenure systems for land and carbon and well-defined rights to resources; it will emphasize multi-stakeholder mechanisms and local empowerment; and it will be based on principles of transparency, inclusiveness, accountability, coordination and capacity and enforcement.

If the allocation of carbon rights is opaque and uncertain, if the distribution of benefits is unpredictable, untimely or captured by a few, if lack of enforcement allows free riders to exploit the system, or if corruption is perceived as high, stakeholders will not take the risk of forgoing the income they derive from their current uses of forest resources. Conversely, when the rights of forest dependent communities are violated or communities are marginalized, investors, weary of insecure business environments and unpredictable emission reductions, are deterred. In addition, REDD-plus systems may have to be robust enough to withstand shocks such as drops in carbon prices, rises in the prices of commodities, changes in governments, etc. all of which can further decrease or reverse confidence.

Building REDD Readiness on solid governance foundations

FOREST GOVERNANCE

Forest governance has been defined as “the modus operandi by which officials and institutions (both formal and informal) acquire and exercise authority in the management of the resources of the sector to sustain and improve the welfare and quality of life for people whose livelihoods depend on the sector”¹. It is associated with the government agencies where official authority and power is located, including ministries of forestry, agriculture, environment and other regulatory agencies.²

Good forest governance promotes efficient, effective and equitable allocation and management of forest resources through democratic forest governance processes, such as participatory policy making, fair and accessible legal provisions and equitable implementation and enforcement³.

Poor forest governance on the other end is characterized by low levels of transparency, accountability, and participation in decision-making and a lack of capacity and coordination in forest management and administration. These manifest in high levels of corruption – in particular rent-seeking and patronage⁴-, pervasive illegal and unplanned forest conversion and use, and conflicts over forest ownership and access rights⁵.

¹ Mayers et al 2006

² WRI 2003

³ Kuning 2010

⁴ Kolstad et al 2009

⁵ Saunders et al 2008

Building solid governance structures is an essential component of the capacity support provided by the UN-REDD Programme. It is recognized that to achieve readiness, national policies and measures will need to strengthen governance elements such as systemic and institutional capacity, development of legal frameworks and law enforcement capacity, land tenure and forest governance reforms. The report of the Informal Working Group on Interim Finance for REDD-plus has for example emphasized the importance of transparent and effective national REDD-plus governance structures to REDD readiness:

As developing forest countries start implementing their REDD-plus strategy, they will need to strengthen their institutions and key capabilities, and in parallel start to implement concrete policies, measures and actions.

For example, this could include:

- *The development of relevant legal frameworks and law enforcement capabilities, including judiciary reform*
- *Efforts to improve forest governance, including resolving uncertainties around land tenure through land tenure reform and land tenure system capacity building*
- *Sector-specific policies*
- *Further development of required institutions and capabilities to demonstrate the integrity of emission reductions*
- *Building of the financial systems to receive and transfer REDD-plus payments, including treasury reform*³

Along with the establishment of national MRV and monitoring systems, these elements are considered to be the critical *participation enablers* and *policy enablers* essential to participate in a REDD-plus mechanism (Text Box 2).

To this effect, governments in REDD countries have already demonstrated the importance they give to governance by addressing governance challenges through the planning and implementation of early “Quick Start” activities under the UN-REDD Programme. For example, the initial UN-REDD National Programme in the Democratic Republic of Congo (DRC) was highly participatory and has assisted DRC put in place a participatory and cross-sectoral readiness framework to address the significant post-conflict governance challenges DRC faces.

POLICY AND PARTICIPATION ENABLERS

The IWG-IFR has defined participation and policy enablers as:

Participation enablers – includes the building of the systems required to monitor performance, the building of the financial systems to receive and transfer REDD-plus payments, and setting up the basic infrastructure to implement REDD-plus policies.

Policy enablers – are the reforms necessary to support REDD-plus policies and measures, e.g., policy reforms in areas such as land tenure and land use planning. They include:

- Land tenure law reform and land tenure system capacity building, institutional capacity building, land-use planning
- Treasury reform, judiciary reform, support services capacity development
- Enforcement of forest laws, independent monitoring, forest law reform, standards and guidelines, tax reform, NGO capacity building

There are many challenges in tackling governance, whether in the forest sector or beyond. Governance issues are rooted, complex and often interconnected, and transformational change may be necessary. The change can only be achieved through inclusive systems. UNDP, the lead agency on governance within the UN-REDD Programme partnership, has decades of experience engaging on participatory governance and multi-stakeholder arrangements and stakeholder processes as a capacity development

³ IWG-IFR 2009

resource⁴. Through this work it has been demonstrated that country-led, multi-stakeholder processes lead to stronger, more sustainable systems. UNDP's work is deeply rooted in human rights-based approaches to development. Its expertise and experience on indigenous peoples, gender issues and vulnerability in conflict and post-conflict situations⁵ will also significantly contribute to the UN-REDD Programme support interventions.

UN-REDD Programme Support Activities on Governance

The support provided by the UN-REDD Programme is driven by the concept that good governance is highly contextual. A country's needs in building good governance systems go beyond REDD-plus activities. To complement existing governance initiatives and contribute comparative value, the UN-REDD support to Programme's activities will focus on governance priorities specific to national REDD-plus readiness processes. Prioritizing key issues according to the national contexts will be crucial to ensuring that governance activities are in line with a country's progress on the "REDD readiness curve", at a pace that is adapted to its constraints and opportunities. As appropriate, REDD-plus governance elements can be used as entry points into addressing broader governance issues. The Programme will seek to identify opportunities to mainstream governance and making REDD-plus governance interventions useful beyond REDD-plus and the forest sector.

Support will be provided at the global level, using the convening power of the UN system to provide normative guidance on monitoring governance, as well as through national support interventions.

International Support Functions

Monitoring Governance

REDD governance interventions have been increasingly addressed through the need and demand for monitoring governance performance. This is part of a larger trend that seeks to include, beyond emission reductions, governance, livelihood and ecosystem services parameters as elements to measure, report and verify (MRV) in REDD-plus systems, and has been described in the UN-REDD Programme's "Towards an MRV for Governance" scope of work⁶, the Forest Carbon Partnership Facility's template for REDD Readiness Preparation Proposals and – although in bracketed text - in the LCA text⁷. This has in turn led to a rapid growth in the production and use of governance indicators,

⁴ UNDP 2006

⁵ UNDP 2008

⁶ UN-REDD Programme 2009

⁷ Para 5 (c): "*requests* that a developing country Party aiming to undertake activities referred to in paragraph 3 above, [provided that support is made available,] in accordance with national circumstances and respective capabilities, develop: (c) [A robust and transparent national forest monitoring system for the monitoring and reporting of the activities referred to in paragraph 3 above [, and the safeguards referred to in paragraph 2 above]...

indexes and assessments tools by domestic and international stakeholders.⁸ In this context UNDP, with the support and expertise of FAO on MRV issues, will focus its interventions on playing a convening role at the global level to increase cooperation and coordination between various initiatives, such as those of the NGO community, the World Bank and bilateral initiatives, that have developed indicators and/or are planning to conduct governance monitoring activities in REDD countries. The Programme will convene expert workshops that give prominence to voices from developing countries while contributing to building capacity for governance practitioners from REDD countries. It will also foster a governance for REDD-plus community of practice by hosting a dedicated online knowledge sharing platform.

Through these activities the UN-REDD Programme will build a common understanding and shared conceptual framework for governance monitoring under REDD-plus, emphasizing the principles of country ownership and when possible promoting methodological approaches that facilitate multi-stakeholder participation -including indigenous people, other forest-dependent communities and civil society -, transparency, robustness and sustainability. This process will of course be informed by the lessons learned by the Programme through multi-stakeholder country-led governance assessments (see section below). The Programme will broker this emerging knowledge through electronic networks, facilitating country-transfer of knowledge through publications, workshops and trainings, identifying lessons learned and best practices, and building communities of practice.

National Support Functions

Developing national systems of governance of REDD will require considerable thought and planning, and to achieve tailored and sustainable results should be conducted in country-led processes that involve a range of national stakeholders from the government, civil society and private sectors⁹. The UN-REDD programme will therefore prioritize an inclusive, bottom up, multi-stakeholder approach to designing and implementing governance reforms. The consultation and participation activities that have already been initiated under the UN-REDD Programme support to engagement of stakeholders in REDD-plus planning design will be built upon.

National support will include both assistance to countries to develop governance policies, measures and capacity building as well as, depending on national circumstances, capacities and capabilities, support to countries to implement the *participation* and *policy* enablers set out in their national REDD-plus strategy or action plan.

⁸ See for example WRI, CCBA and CARE, CIFOR, VERTIC, Global Witness and others.

⁹ UN-REDD Programme 2009

Country-led Governance Assessments

Governance activities should begin with a clear picture of a country's REDD + governance situation, gaps and needs as defined through multi-stakeholder processes. Towards this goal, the UN-REDD Programme will support the conduct of "country-led REDD governance assessments"¹⁰ as a lead-in point to the UN-REDD governance support activities. These multi-stakeholders assessments are undertaken by a partnership between government and civil society and help point to particular institutions or institutional arrangements as the cause of governance challenges, hence identifying appropriate operational solutions and performance improvement processes. These assessments also produce disaggregated and non-ranking governance indicators, making them different from "top down" or "template" approaches to assessing governance¹¹. Rather than the indicators themselves, however, emphasis is put on the *process* of developing indicators, based on what stakeholders value, and the process of establishing an information management system that reinforces domestic accountability over time¹². Because country-led assessments combines management, research, monitoring, and means of changing practices with the goal of obtaining credible information, they are an integral component of adaptive management. They open spaces for engagement with stakeholders often absent from decision-making processes and dialogue, and can potentially address *status quo* and power blockages, for example between large landowners and marginalized populations.

Country-led governance assessments for REDD + will be guided by principles of country ownership, conditional to inclusive mechanisms for state and non-state actors, and with a strong focus on capacity building. For governance assessments to provide depth into forest resource-use policy issues, the UN-REDD Programme will emphasize that they integrate an explicit focus on Indigenous, marginalized and vulnerable groups – including the poor, smallholders and women. These activities will therefore logically build on the ongoing work of engagement of Indigenous Peoples and other forest-dependent communities in national readiness processes, as well as on the early governance initiatives undertaken in countries preparing for REDD such as initial institutional strengthening.

Beyond their use to establish a "governance baseline" and prioritize future governance reforms, country-led governance assessments may also be subsequently repeated to measure the effectiveness of such governance reforms, hence enabling national stakeholders to better monitor performance. This adaptive management process that relies on an iterative cycle of monitoring, assessment, and decision making can become increasingly mainstreamed and facilitated thanks to the networks and mechanisms established during the first country-led governance assessment, noting that some have been conducted - albeit with a different focus- in a number of REDD countries. The UN-REDD Programme

¹⁰ UN-REDD Programme 2009

¹¹ UNDP 2008

¹² Laksa 2009

will also support countries in exploring ways in which country-led governance assessments can be used as part of their governance MRV obligations. The Programme will seek to coordinate with other governance assessments such as those developed by the Forest carbon Partnership Facility, alleviating the burden on developing countries

The UN-REDD programme comparative advantage in this area first derives from the expertise of UNDP's Democratic Governance Group through the Oslo Governance Centre which has substantial experience in dealing with governance issues and assessments, in particular in various countries that are currently undertaking UN-REDD national programmes (such as Zambia and Indonesia) or have joined as observers. The Programme will also serve as an honest broker or neutral institution, required to ensure that the governance evidence resulting from the country-led assessments is trusted by external partners and donors. Finally, the support of the UN-REDD Programme will build on UNDP's proven strengths to facilitate and convene national dialogues through inclusive systems of consultation with local communities that involve women and ethnic minorities and to link and integrate activities with national REDD-plus and broader development plans.

Policy enablers

The bulk of the support by the UN-REDD programme will be towards supporting policy enablers. These include key governance elements such as land tenure capacity building, implementation of treasury and judiciary reforms, enforcement of forest laws etc. Within this broad framework the UN-REDD Programme will ensure that the bulk of its support is provided to the policies, laws or institutions that are perceived and identified as priorities during the country-led governance assessments processes.

Institution strengthening may include reorganizing and strengthening the institutions that currently deal with forest governance and agricultural policies, the judiciary, and the treasury so that they have the capacity to support effective REDD-plus policies.

User Capacity Development

In addition to the institutional capacity building that has been at the core of its early in-country Quick Start activities, the UN-REDD Programme will support REDD-plus governance user capacity development, based on two main pillars. It will 1) provide training and guidance to national stakeholders, including statistical offices, government, and civil society, on the production and application of governance-related data; and 2) ensure that the processes undertaken themselves further develop the capacities of local stakeholders to understand and participate in good governance.

The initial activities will support capacity assessments, i.e. analyses of desired capacities against existing capacities, to generate an understanding of capacity assets and needs that in turn informs the formulation of a capacity development response. This early capacity assessment can be promoted as part of the country-led governance assessments described above. This assessment shall be provided for national and local government partners, civil society, and selected institutions to be engaged in country-led assessments.

Based on this capacity assessment, the activities supported by the Programme may include:

- Providing training opportunities to national counterparts, local governments and representatives of civil society and marginalized groups.
- Encouraging the use of existing local capacity as well as the engagement of Indigenous Peoples and other civil society actors in REDD-plus planning and implementation activities as a way to build their capacities in governance areas such as secure tenure, payment distribution systems, and carbon rights, and in being proactive actors of country-led assessments.
- Supporting information, education, and communication initiatives that enhance the capacities of CSOs, local governments and other stakeholders to effectively engage and participate in REDD-plus programs.

Because local capacity development for governance has attracted in the past considerable attention from the international community, the UN-REDD programme will tap into UNDP's experience in coordinating donor activities in countries. The Programme will also build on UNDP's strengths in providing support to capacity development efforts for both state and non-state actors, including Indigenous Peoples and other forest-dependent communities

Evidenced-based Policy Making

Because it is generated in a bottom-up process, the data gathered during country-led assessments reflects perceptions and realities on the ground that should be at the core of governance policy-making. In addition, policies developed based on data gathered through wide-ranging and inclusive processes contribute to building confidence and thus have more chances to be carried out on the ground by the stakeholders they involve or target.

The UN-REDD Programme will also seek to support and help strengthen evidence-based governance policy making. This might include supporting the development of a strategy that engages policy makers in the country-led governance assessments, including training events on the REDD-plus mechanism and governance assessments through workshops and seminars; supporting the establishment of integrated teams of policy officials and researchers; and supporting policy makers in the use of governance data in policy-making processes.

The UN-REDD Programme will ensure that the bulk of its support is channeled towards the implementation of policies identified as priorities during the country-led governance assessments processes. Support to democratic policy reform has been a major focus of UNDP and the UN-REDD programme will build on its convening role and neutrality and a strong tradition of active support, backed up by a dynamic community of practice.

Strengthened National Legislative Frameworks

It is likely that governance priorities identified in-country will include the need for strengthened national legislative and policy frameworks, and this is expected to be particularly crucial for issues of tenure and property rights. Because land tenure issues will play a prominent role both for participative processes and for REDD-plus benefits sharing, disputes over land tenure and ownership are likely to be exacerbated both during the design and implementation of REDD mechanisms, unless property rights are clarified and measures are put in place to make these rights secure. REDD-plus, in short, cannot be achieved without clarifying rights to land, forests and carbon. Robust and proactive steps are to be taken to clarify and strengthen the property rights of rural and forest peoples; in their absence insecure tenure will not thwart confidence in who is eligible to REDD-plus revenues and deter local stakeholders from taking the risk of changing their current uses of forest resources.

In this area, the UN-REDD Programme will in particular support processes that seek to increase recognition of collective, customary rights and rights to multi-users, and land recognition processes. Particular focus will be placed on free, prior and informed consent, an area in which the Programme has largely contributed to through early exercises on how to implement FPIC. Recognizing the complexity and politically contentious aspects inherent to clarifying property rights, the UN-REDD Programme will seek to build capacity of the designated agencies as well as local communities, and foster dialogue between groups with vested interests. The Programme will here build on UNDP's expertise on pro-poor property tenure issues for Indigenous and marginalized people¹³.

In many countries the national legislative framework necessary to support a REDD-plus mechanism is still either inexistent or incoherent. So far only one country – Indonesia – has passed national legislation that is intended to provide a comprehensive model for REDD-plus activities. Countries will need to put in place legislative frameworks to support the planning and implementation of REDD-plus. Many countries will need legal frameworks that protect forest resources and clearly define property rights to these resources. There might also be a need for forest laws and policies to be clearly laid out and to make them consistent with each other and with informal rules where present. As appropriate and based on countries needs, the UN-REDD Programme will be providing support to strengthening judiciary reform, forest law reform, tax reform and the enforcement of forest laws. In the judiciary, the

¹³ Laksa 2009; Meinzen-Dick 2009

UN-REDD Programme could support frameworks that offer an effective and independent conflict resolution system, and that ensures that contracts and agreements are honoured and enforced, with clearly defined offenses and penalties that are effectively graduated and prosecuted. Support can be provided to reorganizing and strengthening the institutions that currently deal with forest governance and agricultural policies, the judiciary, and the treasury so that they have the capacity to support effective REDD-plus policies, and reforming the land tenure system, especially in forested and adjacent areas. The support provided by the UN-REDD Programme will build on UNDP's experience in strengthening capacity of Parliaments to analyze and draft legislation; increase access to information among policy makers; and increased cross-sectoral coordination.

Conclusion

The value added by the UN-REDD Programme will derive from its commitment to multi-stakeholder, country-led process that builds sustainability in REDD-plus governance reforms over time. With its extensive expertise in human-rights based approach to development and governance, convening power to support activities at the global level and in-country presence at the national level, the UN-REDD Programme is well positioned to support the establishment of transparent, effective and inclusive national REDD-plus governance structures that seek to foster confidence in donors, governments and forest users alike/

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