



Ministry of Environment, Water and Natural Resources

**UN-REDD**  
PROGRAMME



## **SCOPING REDD+ GOVERNANCE IN KENYA**

### **GOVERNANCE, CORRUPTION & BENEFIT SHARING ISSUES IN THE DESIGN & IMPLEMENTATION OF REDD+ IN KENYA**

#### **WORKSHOP REPORT**

**3-4 July 2013, Nairobi, Laico Regency Hotel**

---

## Contents

1. Background & Workshop Objective .....	3
2. Workshop approach & outcomes.....	3
3. Introduction and Global Context.....	4
3.1 Opening remarks & update on Kenya REDD+ readiness progress .....	4
3.2 The key role of governance in the REDD+ mechanism:, and UN-REDD methods and experience to support it.....	5
3.3 Ice breaker / Data crowd sourcing exercise .....	6
3.4 A comparative overview of REDD+ policy and governance approaches across the Africa Region .....	7
4. Deforestation and forest degradation in Kenya: Corruption& governance challenges.....	8
4.1 Key issues emerging from UNDP/MOFW study .....	8
4.2 Break Out Groups .....	9
5. Implementing REDD+: The Governance challenges .....	12
5.1 Key issues emerging from the current UNDP/MOFW study, including on benefit sharing .....	12
5.2 Plenary discussion .....	13
6. Mitigating governance risks for REDD+: Policy priorities .....	15
7. Workshop Conclusion and Close .....	22
Annex 1: Workshop participants .....	23
Annex 2 : Evaluation questionnaire.....	25

## 1. Background & Workshop Objective

The Kenya's Ministry of Environment, Water and Natural Resources, supported by UNDP through targeted support from the UN-REDD Programme, has commissioned two complementary studies on crucial governance dimensions of REDD+: a study on the issues and risks of benefit-sharing mechanisms for REDD+; and a study on the corruption challenges for implementing REDD+ (the latter conducted by the U4 anti-corruption resource centre in Bergen, Norway). Both studies are based on stakeholder interviews and fieldwork in Kenya, conducted between April and July 2013.

As part of the process of finalizing these studies, the Ministry hosted on 22 April an inception workshop devoted to the theme of benefit-sharing and another workshop on 3<sup>rd</sup> and 4<sup>th</sup> July specifically on corruption and governance. This last workshop was intended to collate views and policy ideas from a range of governmental and non-governmental stakeholders. The workshop was integral to the support of the UN-REDD Programme, provided by UNDP and FAO, on the various inter-related governance issues for REDD+: how to concretely counter corruption risks in REDD+; establishing a framework for carbon rights and benefit-sharing, building on existing experiences and mechanisms; and clarifying the legal frameworks for carbon finance and REDD+. This report highlights the key issues discussed during the 3<sup>rd</sup> – 4<sup>th</sup> July Workshop.

### Key Highlights

- A. Discussing corruption risks in REDD+ implies a discussion on existing practices in the forest sector that could impede the success of REDD+ as well as a discussion on new risks that build on current weaknesses.
- B. A strong consensus emerged on the need for improved access to relevant and usable information, especially regarding land use planning, land ownership and financial management at project, county and national levels. This would allow both effective participation of all stakeholders and monitoring and oversight of corruption risks.
- C. There was a strong feeling that at national and local level, institutional strengthening including establishment of a strong institutional framework for REDD+ and enforcement of relevant legislation and regulations is needed to mitigate corruption risks.

## 2. Workshop approach & outcomes

The workshop was designed to give maximum time for participant discussions and group work. The Workshop Programme and links to presentations can be downloaded from: <http://tinyurl.com/KenyaREDDGovernanceJuly2013>

The workshop was divided into the following sections.

- Introduction and global context
- Section 1: Deforestation and forest degradation in Kenya: Corruption & governance challenges
- Session 2: Implementing REDD+: The Governance challenges
- Session 3: Mitigating governance risks for REDD+: Policy priorities
- Presentation of next steps, conclusion, evaluation and closing of the workshop

A list of participants is presented in Annex 1.

### 3. Introduction and Global Context

The introductory session covered the opening remarks by the Government of Kenya, Ministry of Environment, Water and Natural Resources, update on Kenya REDD+ readiness progress, the key role of governance in the REDD+ mechanism, and UN-REDD methods and experience to support it, participant introductions, methodology & ice breaker / Data crowd sourcing exercise and a comparative overview of REDD+ policy and governance approaches across the Africa Region.

#### 3.1 Opening remarks & update on Kenya REDD+ readiness progress

By Alfred Gichu, Ministry of Environment, Water and Natural Resources ([link](#))

A number of partnerships have been supporting the Ministry of Environment, Water and Natural Resources (MEWN) including UNDP, UNEP, Japanese, AusAid, etc. for environmental sustainability initiatives. REDD + helps achieve Kenya National Goals and the national forestry aspirations for Kenya especially realization of the Constitutional and Vision 2030 objectives of increasing forest cover to a minimum of 10%. REDD + is a Climate change mitigation process and will help Kenya achieve its National Climate Change Response Strategy (NCCRS). Alfred highlighted the following as key priority areas of focus.

- Need to reduce pressure to clear forests for agriculture, settlements, etc.
- Need to promote sustainable utilization of forests
- Need to improve governance by strengthening capacity for Forest Law Enforcement and Governance (FLEG), advocacy and awareness
- Need to enhance carbon stocks through reforestation

REDD+ will be implemented through policy implementation and other actions at the national level. A number of laws will be revised in Kenya in order to conform to the constitution, Vision 2030 and climate change. The revision provides an opportunity for REDD+ activities to be embedded in key policy documents. REDD+ readiness proposal for Kenya was ready in 2010 but funds have not been accessed for implementation. However, some activities have been undertaken including establishment of a REDD+ steering committee and thematic working groups. With support from Finnish Government, Kenya has been able to develop a

clear roadmap for establishing a national reference emission level and a national forest monitoring system. With support from the Japanese government, Kenya has developed a national forest cover map. The ministry has already started developing a national forestry programme, within which REDD+ will be embedded. A number of studies have been conducted, to support REDD+ work. A National Carbon Investment Strategy is being developed by the Ministry of Finance. A National Climate Change Response Strategy Action Plan has already been concluded and REDD+ activities are included in the plan. Some of the ongoing studies include FAO supported legal preparedness assessment, Oxford law institute support to strengthen governance, legal frameworks, etc. and the REDD+ governance assessment.

### **3.2 The key role of governance in the REDD+ mechanism, and UN-REDD methods and experience to support it**

By Josep Gari – Regional Advisor REDD+ for Africa and Estelle Fach- Anti-Corruption Specialist for REDD+ ([link](#))

Climate policy internationally and nationally is allowing countries to decide how to mitigate corruption risks in their country. REDD+ provides tools on how to mitigate climate change. It is a clear commitment from government and internationally that REDD+ is crucial. It is great that the Gok has opened the door to discuss this difficult subject on corruption risks in REDD+. This will be an excellent model for other countries to follow.

There are two important points to note:

- Performance – Government and stakeholders need to demonstrate performance.
- Safeguards-Government, stakeholder and actors need to demonstrate safeguards to international community on how to mitigate risks in governance.

Mitigation of REDD+ governance risks will bring credibility to the system and will allow for the development of instruments on how to prevent leakage and develop adequate safeguards. There are two aspects to take into account when discussing corruption risks in REDD+ : a) existing corrupt practices that enable/enhance deforestation and forest degradation and b) new corruption risks that can be brought on by REDD+ , including how will benefits be shared, How decisions on land use are made for REDD projects, with what integrity will carbon stocks and flows be monitored and reported, what are the risk of laundering REDD+ assets? In addition, some corrupt practices may be enhanced by REDD+, for example land grabbing.

UN-REDD supports anti-corruption work through studies, awareness-raising events, guidance and Tools and Direct Country Support such as the one currently provided to Kenya

Some of the early Lessons learned include:

- Anti-corruption in REDD+ is no longer a taboo. Governments have been taking this seriously both due to their obligations under the UN Convention

Against Corruption but also by realizing the effectiveness, efficiency and equity gains in preventing corruption in REDD+.

- REDD+ anti-corruption work is flexible to align with each country's "readiness" stage and legal and policy context
- Perceptions differ, but not as expected. Surveys show that while corruption risks are usually ranked higher by CSOs and indigenous people, the roadmap on how to tackle corruption is similar among stakeholders. Different groups, men vs. women, are affected differently from corruption in forestry sector.
- There is desire to learn from south-south exchanges; learning between countries and can be supported by Un-REDD Programme.

### **3.3 Ice breaker/Data crowd sourcing exercise**

**By André Standing, U4, CMI**

In order to gather participant's views on corruption and risk mitigation measures, participants were asked to use sticky notes to identify the following:

- Governance risks in deforestation/degradation
- Governance risks in implementing REDD+
- Policies and activities to mitigate corruption risks in REDD

The results are consolidated below

#### ***Underlying context conducive to corruption risks***

- Bureaucracy
- Expensive process
- Policies are inadequate, low acceptance by stakeholders , and incapacity to implement them
- Lack of understanding of technical costs and inputs for REDD
- Lack of commitment by stakeholders and implementers
- Low knowledge / awareness on REDD+
- Lack of clear guidance
- Lack of a monitoring framework
- Membership to board of directors in administration of resources
- Land Ownership and access to resources

#### ***Corruption risks***

- False / unverifiable claims for credits
- Incorrect baselines
- Land grabbing (x2)
- Displacement of communities
- Embezzlement or misallocation of REDD resources (3x)

#### ***Recommendations for policies and activities to mitigate risks***

*Access to information, tracking and monitoring*

- Proper monitoring and evaluation put in place, through a policy (3x)
- Ensure access to information for everyone, for example:
  - Putting up good up to date forest information systems, storing it publically (web-based)
  - Making forest inventories public
  - Policy to be put in place to show how gets what, costs and benefit sharing
  - Transparency tools such as REDD registry (2x)
  - Enactment / Devotement of Freedom of Information Laws
- Awareness creation and capacity building
- Implementing tools for community based monitoring
- Independent audits of claims
- Apply the right to FPIC
- Ensure engagement of independent CSO platforms , such as Climate Finance Watch
- Develop Capacity of civil society to monitor governance

*Participation, such as:* Ensure that all stakeholders are involved in mgmt, determination and application of resources (NGOs, industry players) and Networks strengthened

*Institutional strengthening, such as :* establishing strong institutional frameworks for REDD+ (2x), develop capacity for enforcement of relevant legislations, set-up an anti-corruption office to oversee REDD+ activities, separation of politics / politicians from the policy implementation process which should be spearheaded by an administrative arm with qualified personal (2x), clarify and strengthen the role of customary institutions

#### *Policy and guidance*

- Clear cost-benefit sharing to implement REDD+, payment for Ecosystem Services Policy , adherence to standards for projects such has VCS or CCB ,
- Very clear policies on corruption
- Clear guidelines for REDD projects (2x)
- Enact Climate Change law and policy

#### *Complaints mechanism*

- Ensure local access to redress mechanism
- Whistle-blower specific to forest governance and REDD+
- Ensure that complaint mechanism with legal mandates with genuine consequences

#### *Other*

- Create a good markets for buyers
- Ensure an independent and transparent MRV
- Establish integrity pacts with companies, governments and communities
- Clarify carbon rights, benefit sharing and forest bonds

### **3.4 A comparative overview of REDD+ policy and governance approaches across the Africa Region**

By Johanna Wehkamp, Mercator Fellow (Germany) ([link](#))

The drivers of deforestation have been identified and then mapped in a number of African countries. Governance was identified as the major driver of deforestation in most countries. Countries have different priorities in their REDD+ strategies. Some countries are focused on policy design (legal framework, etc.) while others are focused on enforcement of existing policies. On approaches to carbon ownership and benefit sharing, in some countries, ownership is by state. Under this approach structural problems can be addressed but communities have no benefit. It is difficult to address structural issues where ownership is by individuals or community. On benefit sharing, there are several mechanisms; e.g, national benefit sharing mechanism including establishment of a national redistribution fund.

#### **4. Deforestation and forest degradation in Kenya: Corruption & governance challenges**

This session was used to explore participants' views and experiences on the actual role of corruption in contributing to deforestation and forest degradation in Kenya. Issues for discussion included illicit encroachment and improper transfer of ownership of public and community forests, and collusion and rent-seeking by state officials in illegal logging and related charcoal trade. The session also explored the extent such challenges have been reduced through institutional and legal reforms, and what new actions and measures are required. The session started with a video on anti-corruption for REDD+ which can be downloaded at <https://creativello.box.com/s/w02zknska9xqjnsf2ehz> or viewed online on Youtube <http://youtu.be/TRVZ8I5oRbM>)

##### **4.1 Key issues emerging from UNDP/MOFW study**

By Michael Gachanja ([link](#))

Under this presentation, key issues looked into by the study were highlighted as follows:

- Contribution of existing corruption to deforestation
- Potential ways of implementing REDD+ can increase corruption

Corruption is prone to all types of forests, private, community and public forests. Corruption is more than bribery and includes abuse of office. Areas that are prone to corruption were identified as follows:

- Land grabbing, forest conservation and encroachment of forests. Irregular allocation of forestland during allocation of land to landless people, e.g in Mau Forest as well as potential land grabbing in allocation of land to communities living in trust lands and government land.
- Forest conversion to other land uses e.g mining in forest areas and conservation of forestland for cultivation of biofuels as shown by clearing of land for Japropha in Dakatcha woodlands where ranch officials and local authorities were compromised to give out land for Japropha projects.



- Uncertainty in governance of community land/Trust land since the Community Land Bill is still under preparation. Once enacted it may take up to 10 years to register these lands.
- Illegal logging and charcoal – communities rely on charcoal and firewood for livelihoods. Some of the Charcoal Producer Association (CPAs) formed are issuing certificate of origin for illegally harvested charcoal. Charcoal transporters pay bribes to be able to transport charcoal, regardless of whether they have a permit or not.
- Management of Forest Plantations and sharing of information on revenues. Selective allocation of logging permits which sometimes is not open – only a select few companies get logging permits. Issue of conflict of interest affecting open tendering and logging of trees in plantations. Information of KFS plantation revenues is treated as confidential raising concerns whether the same will apply on carbon revenues. Another issue raised is on transparency on forest inventories, where is the data on how much forest is being allocated for harvesting and is this information available to the public?
- Devolution – potential corruption risks especially because County Government are only getting 15% from central govt. How will counties fill the deficit of their budgets so as to sustain their activities?

An example was given by Transparency International (TI) where complaints were received that part of a forest in Coast had been given to a private investor for a crematorium. Apparently the license had been issued through a bribe.

(See also the [background document](#) circulated)

## 4.2 Break Out Groups

Two groups were formed to discuss the following:

- Illegal logging, charcoal production and extraction of other natural resources
- Land grabbing and plantation issues

Each group discussed the following:

1. Identify and describe the main corrupt-like practices
2. How prevalent and/or widespread is each corrupt-like practice you described?
3. What is its real impact, such as impact on deforestation and forest degradation, on national economy, on community livelihoods, on social cohesion and/or other social and environmental, dimensions, etc?
4. Identification of measures to counter each corrupt practice.

### Report back from discussion group

Group 1: Illegal logging, charcoal production and extraction of other natural resources

---

#### ***Description of the main corrupt-like practices***

Main corrupt practices in forest exploitation

- Legitimizing illegal/and or destructive practices/processes through the assurance of licenses irregularly

#### Why?

- Lack of enforcement and monitoring of impacts, lack of knowledge/information on the volumes to be extracted in terms of trees) while issuing licenses, lack of control from the body in charge of oversight, lack of reference to guidelines after licenses have been issued.
- Lack of consultation with stakeholders prior to implementation of major projects. This brings about lack of transparency
- Lack of clear and or simple guidelines, this makes the use of short cuts a better option thus promoting corruption eg requirement of EIA before formation of CPAs
- Use of guidelines that preclude the local community from using the resources
- Direct bribery/exchange of money in licensing and enforcement of guidelines
- Politically influenced decisions that are contrary to existing guidelines e.g presidential decrees aimed at securing political support
- Timber imports, the arrangements/procedures are quite questionable, the borders are porous and people are compromised

#### **Prevalence, on a scale of 1 (low) to 10 (high)**

1. Logging - 2/4 (some feel its low, others high, little timber coming from Kenya, most coming from Tanzania)
2. Licensing -5
3. Access to information – 5 (information only given on need basis)
4. Consultation/transparency 3
5. Political interference – 5
6. Interpretation of law/policy – 3
7. Direct bribery – 5

#### Note:

- Transparency can be looked into conjunction with policies especially where participation is concerned as it has been left open to varied interpretation
- No guidelines has been given on what consultation should include and it has left room for manipulation

#### **Real Impact**

1. Poverty: reduced GDP
2. Deforestation and land degradation leading to tree destruction of ecosystems
3. Conflict over resources among/between communities
4. Food insecurity leading to starvation
5. Increase the effects of climate change and exposes people to risk
6. Decrease resilience against shocks

## **Land grabbing**

### ***Key corruption risks***

1. Petty corruption including during land allocation (issuing of community lands or public lands to individuals)
2. Political influence: Use of Mau forest last year for key political reasons, promising communities that they would not be evicted from the land to get political mileage.
3. Lack of information on inventories and manipulation of information by officers. One of the mitigation actions is close monitoring by the civil society, especially since the constitution is now clear. There is also need to empower communities to understand forest laws and how to avoid political interference as well as to advocate for accessibility of information.
4. Overlap in institutions, policies and mandates create a good environment for opportunists to identify areas not clearly covered. This can be mitigated by creation of a platform (at county and national level) to discuss and eliminate conflicting areas.
5. Poor enforcement of the law, due to lack of political will. Lack of human resources is not an issue to Kenya; instead it is the issue of enforcement. Need to create more awareness on reporting corruption and more efforts on follow up using credible information.
6. Private sector-triggered corruption. 20% of community lands is lost due to bribery and political interference in management of this land. Recommendation: Need to create awareness on community-based conservancy and community-owned forests and needs to amplify community voice. Use of community land by private investors as collateral to access financing to generate wind power (case of Mara). Also some investors are getting contractual areas with owners for a certain amount of time and then creating no-go zones to the communities. Recommendation: UN-REDD guidelines on FPIC should be used; including provisions so that communities understand the types of contracts they are getting into (avoid carbon cow-boys).
7. Manipulation of data. Recommendation: need for observers or oversight committees (of CSOs) to give independent policy guidelines on how to issue licenses for carbon-trading projects

## **Plantations**

### ***Key corruption risks***

Conflict of interest in KFS board: Representation of private entities is skewed towards major timber companies, who influence the decisions that are being made. This is however being addressed in the revised Forest Bill 2013 whereby a representative from the industry and one for communities will be nominated by representative bodies. Recommended measures: Declaration of conflict of interest in issues at hand, review of the practice (currently ongoing in the drafting of the Forests Bill), oversight by EACC, Commission of administration of

justice (Ombudsman), office of efficiency monitoring unit and/or a third party to monitor what is harvested.

How effective is reporting on corruption: at KFS, the reports go to a committee. What if the complaints are about an officer sitting on this committee? What other option should we adopt?

## 5. Implementing REDD+: The Governance challenges

This session considered the governance and corruption risks associated with the future implementation of REDD+ in the case of Kenya, including on decisions on land use planning, revenue management & benefit sharing and carbon measuring reporting and verification (MRV).

### 5.1 Key issues emerging from the current UNDP/MOFW study, including on benefit sharing

By Michael Gachanja([link](#))

This presentation covered three main themes:

1. Benefit Sharing and Revenue Management
2. REDD+ Carbon Rights
3. Generating data and implementing MRV

The study looked at carbon rights/benefit sharing situations as well as existing carbon projects. The key findings of the study are:

- Management arrangements on equitable sharing of benefits is supported by many policies and legislation
- Community and private rights over natural resources are recognised and protected
- Carbon rights and benefit sharing arrangements are not defined
- Carbon policies and strategies identify carbon market as a valuable option to reward REDD+ activities, but they do not specify issues to do with REDD+ rights and benefit sharing
- It is difficult to have access to certain data, like volume and amount of carbon sales, credit price, share of certain stakeholders (like project developer or private investors) from different carbon projects;
- Some of the local communities involved in REDD+ projects do not have clear ideas in terms of costs/benefits/risks associated with the projects and the choices made by the project developer in terms of benefit-sharing;
- Benefit-sharing arrangements are very diverse (depending on whether the project is implemented on private land or gazetted land), scope (carbon only or carbon and co-benefits: jobs, wood),
- Disbursement procedures are also different (to individuals like TIST, to households like Kakamega, to CBO like Kasigau or Mikoko).

The study recommends the following:

1. Information and rules on earnings through REDD+ should be communicated effectively with all stakeholders, and that Free, Prior, Informed consent (FPIC) is respected.
2. Consultations and consent procedures should be used similar to FPIC to make sure that affected communities are informed, they understand the stakes, accept the arrangements, and that this is properly documented.
3. Clarity/balancing between community rights and those of individuals within the community on REDD+ rights especially on community land.
4. Transparency in sharing of earnings from REDD+ at national level is needed
5. A costs/risks/benefits assessment of the on-going and future AFOLU projects should be undertaken in order to facilitate comparisons among projects and to have a collective understanding among GoK, local communities, private project developers, donors, etc
6. Encourage at minimum threshold benefit-sharing systems that at least demonstrate (through the cost-risks/benefits assessment) that opportunity costs + extra initial benefits for a transition to alternative activities of each stakeholder are more than duly covered
7. Clear definition of the scope of the benefit-sharing with a bias to what can be economically evaluated
8. Clarification of REDD+ rights in legislations/regulations with an aim of recognising all types of stakeholders taking into account:
  - Ownership of carbon rights is proportionate to efforts (Land Act, 2012)
  - Tenure rights, including recognized and registered customary rights: The newly published Land Registration Act and Land Act provide a strong basis
  - Resources usage rights, including for forest concession-holders or CFAs contributing to removals and/or emissions reduction. The Forests Bill 2013 could serve as a basis for defining criteria or indicators in terms of resources usage rights, which in turn will be used to define REDD+ right.

## 5.2 Plenary discussion

The presentation was followed by a plenary discussion to consider three risks, all underpinned by deliberate lack of access to information including inadequate FPIC. Participants were prompted, for each risk, to specify why and how, at which stage (design, implementation, monitoring) this would happen, and who could correct it.

**Risk 1: Vested influence by powerful actors [private entrepreneurs, politicians] on decisions on land use planning that precludes carbon rights or benefit sharing (“state /policy” capture)**

1. How to avoid conflicts of interest since decision-makers are also implementers? Note that we rely on information that comes from project-level activities. We need to start imagining a REDD+ process that is country-driven.
2. There is need to ground REDD+ regime in land-use planning. How this evolves will determine where REDD+ activities are undertaken. Adequate participation needed.
3. There is need sooner or later to have a policy on REDD+. Certain actors (government, private sector, communities) may be more empowered, others more sidelined. REDD+ policy and planning will determine margin of flexibility on REDD+, hence the need to find adequate balance.
4. How do you prevent collusions between different actors from happening?
  - Involvement of different actors in developing policies – we have moved to a bicameral way of developing policies (senate and parliaments).
  - Vigilant public means we need an institution that ensures that public is part and parcel of bills (ex : drafting conservation bill, collecting views from communities, support from Kenya forest working group to ensure that bill has community views in that bill)
5. How has participation gone so far in REDD+? Currently the steps are positive, but could be better. There is need to involve many stakeholders in design, implementation and monitoring. Right now there is a lot of participation at implementation level, but not enough at design level. At monitoring level, there is room for improvement.
6. There is need to build capacity to understand concepts. Communities do not feel they are “on top of it”. CSO and community are often passive actors because of lack of knowledge, even if in Kenya there is good quality dialogue and collaboration between stakeholders than elsewhere. There is need to strengthen the National coordinator’s office.
7. What we propose should be subject to a strategic social and environmental assessment, where corruption risks are addressed, and with adequate polling/consultation of stakeholders.

**Risk 2: Fraudulent reporting/verification on data and results for REDD+ : carbon stocks, reference level, emission reductions**

1. National Forest Monitoring System (NFMS) should be housed in institution that would not have any interest in activities that are taking place in the country.
2. At community level, CFAs can play various roles with the right capacities in order to limit risk 2. They can measure and report, but should not verify because they are direct participants (conflict of interest). There should be internal audits for continuous monitoring that would inform higher up oversight bodies. Values need to be built / enhanced as well, so that communities’ own accountability increases. Data verification and analysis is complex and need to remain scientifically rigorous. This scientifically rigorous element needs to remain at national level.

**Risk 3: Fraudulent financial information [investments and revenues] to steal REDD+ benefits and misdistribution (embezzlement) of REDD+ benefits**

This issue was considered major with a call for accountability mechanisms.

1. Independency of monitoring bodies: A lot of projects are using 3<sup>rd</sup> party standards, verified yearly by external auditors (CCB or VCS). From a corruption perspective, this is more complicated. There is no incentive to provide an honest/negative assessment, since auditors would lose contracts. We need a further level of checks and balances. Fraud may start with the baseline figure.
2. Communities need ways and avenues to express concerns on a regular basis in platform where their ‘early warnings’ can be heard and followed up on by decision-makers
3. At the national level, the Ministry of Finance will be accessing carbon finance at the national level should distribute benefits across sectors.
4. At community level, payments are not standardized payments and currently there is dishonesty and lack of information at that level. There is need for more information about how much has been paid to communities.
5. In voluntary market, each transaction is negotiated, which implies that numbers could remain fuzzy for a while.
6. Distribution (crediting pathways)
  - Benefits could be community project, not cash: this would minimize risks
  - If cash, not all CFAs have structures to handle financial benefits
  - In both scenarios (cash or non-cash): there is risk of elite capture from powerful community individuals.
7. How do you link participation (revenue creation) to benefit (revenue distribution)? How do you link accounting area to land tenure and ownership?
8. Clause in our Constitution that all national assets should be shared within the country.

## 7. Mitigating governance risks for REDD+: Policy priorities

Building on the discussions from day 1, this final session reflected on the priority areas of concern considering the key policy implications and recommendations, including for government and non-government stakeholders. It drew experiences from the Kenyan Ethics and Anti-Corruption Commission perspective, [\(link\)](#), anti-corruption and the role of civil society in Kenya by the Transparency International. [\(link\)](#), how gaps in the forest related legal framework relevant to REDD+ can be conducive to corruption by the Institute for Law and Environmental Governance (ILEG) [\(link\)](#) and transparent, access to information and capacity development for anti-corruption in REDD+ from UNDP [\(link\)](#)

The above presentations were followed up by two working groups discussing the following key issues:

1. Transparency/access to information
  - What information?
  - How will this be made available and accessible?
  - By whom?

## 2. Participation in policy-making and oversight

- How to include rural communities?
- How to avoid elite capture/bias?
- How to ensure participation is empowering /democratic?
- How to promote gender equality?

## 3. Capacity building

- Whose capacity (communities, NGOs, Government anti-corruption commission, judiciary etc.).
- In what areas/themes?
- By whom?

## 4. Accountability mechanisms

- By whom?
- How? (Whistle blowing? On-line reporting?)
- Access to justice?

Each of the group was free to address any of the above issues. The outputs of the group discussions, only slightly edited, are presented in table 1 and 2 below.



**Group 1:**

Risk (Focus on 3 priorities)	Policy/activity to reduce risk.	Actions in next 6-12 months?	Resources needed to implement actions?	Indicator of success?
<p>1. Corruption in management of public and community forests? (Indigenous and plantations)</p>	<p>Develop policy guidelines on Information on the finances being received in the country and the status of budgets allocated by the national budget and County budget on REDD+ processes</p> <p>Efficacy of efforts by communities by MEW&amp;NR REDD focal point</p> <p>Devolution policy to include clarity( articulate and clarify ) in management of resources by devolved entities (By CIC, Devolution ministry , MEW&amp;NR)</p> <p>Need to integrate REDD+ in key ministries e.g. mainstream REDD+ (by REDD steering committee)</p> <p>Structured capacity building on basics on REDD+ concept</p> <p>Reach out on the county leaders and policy makers of REDD+ on basics of REDD+ concept</p> <p>Oversight institutions, e.g Kenya Bureau of Standards (KBS)- on standards of verification or endorsement of a certain standards, EACC<sup>17</sup> in Technical working group</p>	<p>Targeted capacity development and expand human capacity on REDD+ focal point</p> <p>Include REDD+ mainstreaming to the existing ministry climate change desk officers</p> <p>Identification of stakeholders in REDD+</p> <p>Planning for capacity building on utilization on the existing resources as well as on concept of REDD-</p> <p>Targeting existing capacities on climate change as well as communities, county policy makers</p>		<p>Policy in place and accessible</p> <p>Centralized reports on the finances</p> <p>Number of workshops held and stakeholders involved to clear the grey areas</p>

	Reporting of corruption Adoption and strengthening existing mechanisms and capacity building on quality reporting Transparency on the judicial system			
--	---	--	--	--

**Group 2:**

Risk (Focus on 3 priorities)	Why or What is the Cause of this Corruption.	Policy/activity to reduce risk.	Actions in next 6-12 months?	Resources needed to implement actions?	Indicator of success?
1. Corruption in land allocation/conversion	<p>Special/ vested interests in the land in question.</p> <p>Means to illegally acquire land. Historical injustices in dealings with land.</p> <p>The historical land registration regimes that are ambiguous, overlapping and have a number of loop holes.</p> <p>Vesting of power on the management of land to a single authority previously ministry of lands now the National Land Commission.</p> <p>Concessions; this is an inherent risk area for corruption if not properly managed.</p> <p>Population growth leading to encroachment (contentious matter though others feel that it is an issue of poverty limiting our access to land and</p>	<p>Creation of a database for the inventory of land; all automated and available to the general public.</p> <p>Advocacy activities on the implementation of Land and Environmental laws (this is basically the improvement of the public participation requirement or exercises).</p> <p>Public participation from the engineering of the Concession framework to the implementation and monitoring process including tendering.</p>	<p>REDD+ to work very closely with the National Land Commission on the issue of land tenure.</p> <p>Evaluation of the commercial viability of the REDD+ project. (Proposed baseline study should be conducted)</p> <p>Integration or pushing of the integration of the REDD+ in public policy.</p>	<p>Involvement of both REDD+ and industry stakeholders for better achievement of objectives.</p> <p>Financial Technical Human capital.</p>	<p>Automated land data base with inventory of land that is accessible to all.</p> <p>Effective/ efficient public output from participation- case study.</p>

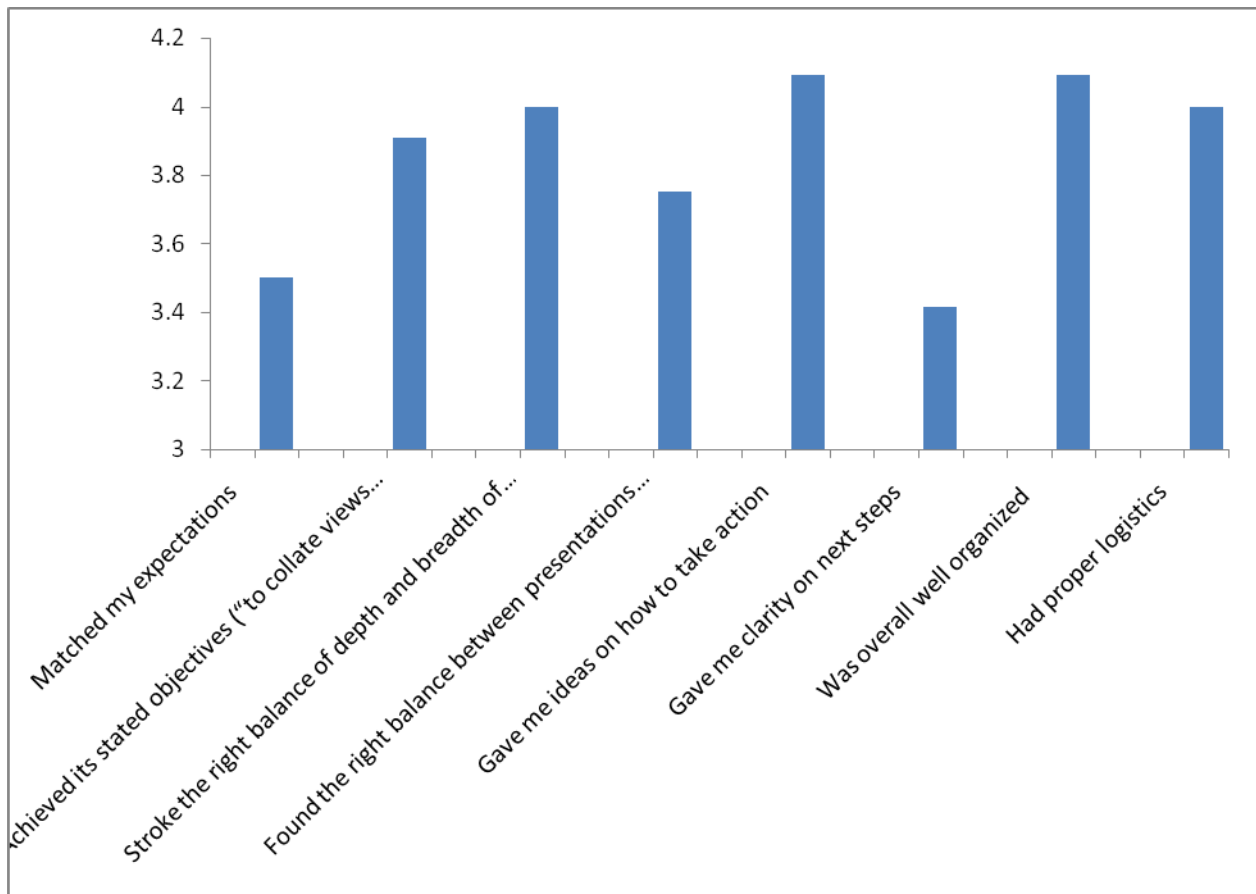
	<p>resources therein).</p> <p>Lack of adherence to land use policies; land that is clearly not agricultural converted to agricultural because of our 'obsession' with farming and exporting of farm produce.</p>				
3. Revenue management/benefit sharing	<p>Improper structure for channeling funds- especially a top down structure.</p> <p>Inherent risk of a misunderstanding that benefits accrue only where an investment has been made.</p> <p>Inherent risk in the understanding or the clearness of the land tenure on the land that the REDD+ project is conducted.</p>	<p>Clear structure on the benefit sharing.</p> <p>Transparency on the use and disbursement of revenues from REDD+</p> <p>Incorporation of all these to the national policies and the interrelations of the different government authorities and communities.</p>	<p>Use samples of successful pilot projects in the building of a policy framework.</p>		



## 7. Workshop Conclusion

The workshop was officially closed by Alfred Gichu, the National REDD+ Coordinator, who thanked participants. In his concluding remarks he indicated that the workshop outcomes will guide Kenya in designing of REDD+ strategy and in implementation of REDD+ projects.

A workshop evaluation, whose questionnaire is presented in Annex 2, was conducted to assess both the satisfaction of participants (below) and the key points they took home. The full results can be accessed [here](#).



## Annex 1: Workshop participants

Gender	Name	Institution	Tel	Email
F	Nelly Kabue	Ethics and Anti Corruption Commission	722646618	nkabue@integrity.go.ke
F	Heini Vihemaki	Embassy of FINLAND	722519905	Heini.vihemaki@formin.fi
M	Zembi Odera	FAN	733394497	Zemba.oder@gmail.com
M	Titus Wamae	ILEG	720435256	tituswamae@yahoo.com
M	Kimaren Riamit	KEPA	722300540	kimaren@yahoo.com
M	Eric Nahama	KFS	722354290	Eric_nahama@yahoo.com
M	Samuel Obonyo	KFS	720911014	sobonyo@kenyaforestservice.org
F	Jane Wambui	KWS	722726713	jwamboi@kws.go.ke
F	Mwanjuma Abdi	NACOFA	722705443	mwajumabdi@gmail.com
M	Paul Nguru	NEMA	720749489	muirunguru@yahoo.com
M	Alfred Gichu	NRCO	0722 787403	alfredgichu@yahoo.com
M	Philip Mrema	PACJA	704437115	maafrica@yahoo.com
F	Judy Ndichu	Transparency International Kenya	720297876	jndichu@tikenya.org
F	Dorothy Muriuki	TIST Kenya	726788662	dorothynaitore@yahoo.com
F	Anne Martinussen	UNDP, UN-REDD	71079572	Anne.martinussen@undp.org
F	Christianna Pangalos	UNDP	725644069	Christianna.pangalos@undp.org
F	Estelle Fach	UNDP, UN-REDD	(+41) 229178206	Estelle.fach@undp.org
F	Johanna Wenkamp	UNDP	-	johannawehkamp@gmail.org
M	Josep Gari	UNDP, UN-REDD	-	Josep.gari@undp.org
M	Koji Fukuda	UNDP, UN-REDD	-	Koji.fukuda@undp.org
M	Michael Gachanja	UNDP Consultant	722499891	Gachanja2000@yahoo.com

M	André Standing	UNDP Consultant	734231125	Andre.standing@cmi.no
M	Richard Kaguamba	UNEP	706010112	Richard.kaguamba@unep.org
M	Tim Steele	UNODC		Tim.steele@unodc.org
M	Bryan Adkins	Wildlife Works	720014445	bryan@wildlifeworks.com
M	Nicholas Soikan	World Bank	721959013	nsoikan@worldbank.org



## Annex 2 : Evaluation questionnaire

**Name (optional) :**

**General comments : the workshop :**

Matched my expectations

1(poor) 2 3 4 5(excellent)

Comments :

Achieved its stated objectives (“to collate views and policy ideas from a range of governmental and non-governmental stakeholders.”)

1(poor) 2 3 4 5(excellent)

Comments :

Stroke the right balance of depth and breadth of topics

1(poor) 2 3 4 5(excellent)

Comments :

Found the right balance between presentations and group work

1(poor) 2 3 4 5(excellent)

Comments :

Gave me ideas on how to take action

1(poor) 2 3 4 5(excellent)

Comments :

Gave me clarity on next steps

1(poor) 2 3 4 5(excellent)

Comments :

Was overall well organized

1(poor) 2 3 4 5(excellent)

Comments :

Had proper logistics

1(poor) 2 3 4 5(excellent)

Comments :

## **General suggestions : how can we improve this type of workshop ?**

### **Introduction session**(INTRODUCTION & GLOBAL CONTEXT)

What key issues were raised?

What have I learned?

Overall remarks and suggestions

### **Session 1 : *Deforestation and forest degradation in Kenya: Corruption & governance challenges***

What key issues were raised?

What have I learned?

Overall remarks and suggestions

### **Session 2 : *Implementing REDD+: The Governance challenges***

What key issues were raised?

What have I learned?

Overall remarks and suggestions

### **Session 3 : *Mitigating governance risks for REDD+: Policy priorities***

What key issues were raised?

What have I learned?

Overall remarks and suggestions