



**Challenges in Setting up Legal Frameworks and Institutional Arrangements for
Subnational REDD+:
Insights from CIFOR Global Comparative Study on REDD+ (GCS-REDD+)**

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THINKING beyond the canopy





CIFOR's Global Comparative Study (GCS-REDD+)

- To support REDD+ policy arenas and practitioner communities with
 - information
 - analysis
 - tools
- So as to ensure 3E+ outcomes:
 - effectiveness
 - efficiency
 - equity and co-benefits

GCS-REDD+: Activities

C1: National policies & politics	C2: REDD+ project sites	C3: MRV & reference levels
Comparative policy process analysis	Comprehensive methodology: BACI	Field testing of methods
8-9 policy processes & selected policy studies	20 project sites	Defor. & degradation modelling -> RL
Surveys 2010-2011	Surveys 2010 - 2012/13	National MRV systems

National REDD+ Policies and Processes, REDD+ projects, MRV



Similar issues among countries (1)

- REDD+ rhetoric dominates, policy action (formulation/ implementation) lags behind (some exception)
- Political issue

Similar issues among countries (2)

- Governance: mostly problematic – corruption, illegal logging (and other deforestation/emitting activities)
- Decentralization: incomplete or partial (ambiguous authority), problem in implementation (e.g., without capacity), or recentralization → REDD+ policies and decisions at the national level, while implementation at the local/subnational level
- Vertical (i.e., national and subnational) disconnect → implications for national vs sub-national schemes, harmonization between the different levels in nested approach models.
- Sectoral disconnect and lack of coordination:
 - Incoherent policies
 - Development orientation vs REDD+
 - Competition for landuse (agric, mining)

Similar issues among countries (3)

- **MRV capacity**
 - National Forest Inventory, maps
- **CSO participation**
 - Domestic vs international
 - Focus on certain issues (e.g., safeguards)
- **Financial mechanisms**
 - Trust fund? Market?
- **Benefit Sharing**
 - Lessons from Reforestation Fund, Annual Forest Fee
 - Cost and benefit calculations
 - Institutional wrangling
 - Few examples of performance-based mechanisms in forestry (e.g., KFCP Demonstration Activity initiating village agreements)
 - Governance is key; accountability
- **Tenure**: mostly problematic → equity and effectiveness; rights and liability

Country contexts

Countries	Drivers of deforestation	MRV	Benefit sharing	Coordination & Commitment	Challenge
Brazil	Agriculture, infrastructure, ranching	++	--	- +	Policy reform, drivers of deforestation
Bolivia	Agriculture, logging, mining	--	--	--	Acceptance of REDD, governance
Cameroon	Agriculture, logging	--	--	--	Governance reform, coordination
DRC	Agriculture, mine, logging	+ -	--	- +	Governance reform, capacity,
Indonesia	Agriculture, logging, mining	+ -	--	- +	Governance reform, national priorities
Mozambique	Agriculture, fuelwood, fire	+ -	--	- +	Governance reform, benefit sharing
Nepal	Agriculture, logging	+ -	--	- +	Governance reform, lack capacities
Peru	Agriculture, infrastructure, logging	+ -	--	- +	Governance reform, benefit sharing,
PNG	Agriculture, logging	+ -	--	- +	Policy reform, capacity
Tanzania	Agriculture, logging	+ -	--	- +	Forest governance, capacity,
Vietnam	Agriculture, logging	+ -	--	- +	Forest governance; benefit sharing

Criteria	MRV	Benefit sharing	Coordination / Commitment
++	<ul style="list-style-type: none"> - Enhanced technology - Available capacity - Developed institutional structure - Information sharing mechanisms established and transparent 	<ul style="list-style-type: none"> -Earlier BSM experiences analysed -Consultation processes established -Schemes decided upon - Equity aspects included 	<ul style="list-style-type: none"> -Political will expressed -Active role/participation in international negotiations - Political vision for REDD agreed on - Existing REDD coordination unit -Cross sectoral aspects are included - Regulatory framework harmonised - National strategy developed
-+ +-	Not all criteria as above are fulfilled	Not all criteria as above are fulfilled	No cross-sectoral coordination, but with the political commitment
--	Most of the above criteria are not fulfilled	REDD benefit sharing mechanisms are still planning	No cross-sectoral coordination and lack political commitment (no REDD Unit, no regulatory framework, no REDD strategy)

Tenure challenges at 19 project sites

Source: village survey

Country	Reasons for tenure insecurity
Brazil	Lack of titles; restriction on land use by government, land invasions into communal forestland area by outsiders; contestation by former estate owners; ongoing conflicts with neighboring cattle rancher
Cameroon	No land titles; rights can be easily revoked; competition for land with people from other village; restrictions on land and resource use by company; destruction by elephants
Tanzania	Lack of titles; rights can be easily revoked; restriction on land use by government;
Indonesia	Have no title; rights can be easily revoked; restriction on land use by government; competition for land with outside company; ambiguity of rights with de facto open access
Vietnam	Does not apply

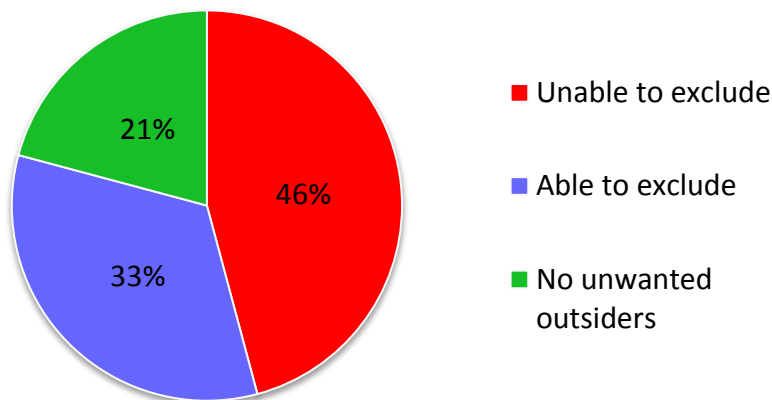
Tenure related issues at 5 countries

Country	Villages with tenure insecurity over at least a portion of village lands (number & %)	Villages with unsuccessful attempt to exclude external users (number & %)
Brazil	44%	13%
Cameroon	100%	17%
Tanzania	32%	16%
Indonesia	85%	40%
Vietnam	0%	0%

Example: Indonesia

Village actual ability to exclude unwanted outsiders

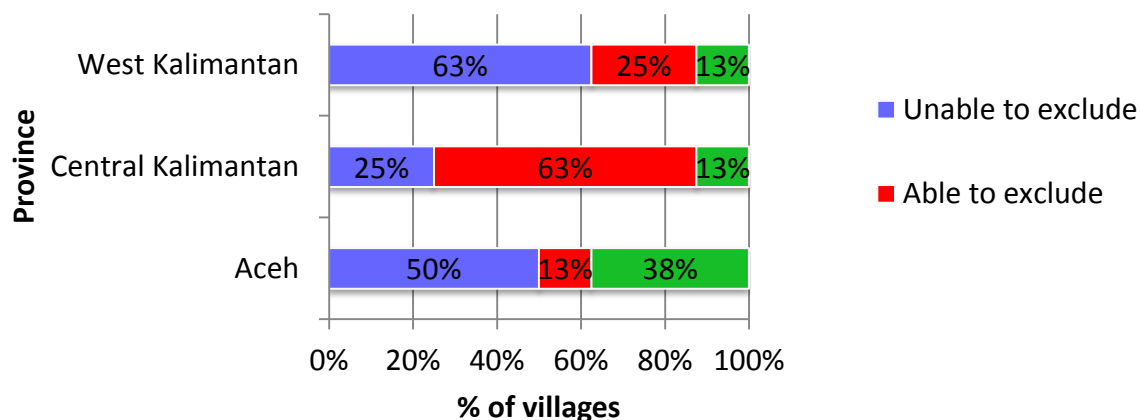
Actual ability to exclude unwanted outsiders (n = 24 villages)



Unwanted outsiders:

- Oil palm plantations
- Logging companies
- Residents of other villages
- Newcomers
- Conservation NGO
- Small scale loggers
- Transmigrants

Actual ability to exclude unwanted outsiders (n= 32 villages)



Tenure challenges – proponent perceptions

- Lack of title
- Claims on village lands by concessionaires
- Unclear village boundaries
- Lack of clarity on carbon ownership, and
- Unclear time period of tenure

Tenure findings and challenges

- Tenure insecurity is persistent in a subset of sites, due to high level of contestation over control of forest lands by (mainly) external users → challenge for proponents
- REDD+ related tenure challenges are being addressed on a “second-best” basis (short of national tenure reform)
- Tenure reforms: piecemeal and local, with little articulation to national strategies and action
- Challenges: identify right holders, motivate responsibility, avert a resource rush, and assure existing livelihoods and rights will not be compromised

Moving forward

- Vertical and horizontal policy and regulatory coherence
 - Address competing forest land uses
- Enforcement of existing supportive policies
 - E.g. Indonesia's moratorium of forest and peatland conversion
- Learn from demonstration activities
 - E.g. Performance-based rehabilitation activities
- In light of the broad and deep-rooted challenges, effective REDD+ institutions will take time and need persistent international and domestic commitments
- Opportunity for improved land and forest governance

THANK YOU