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# **Implementing REDD+ at the national level: stakeholder engagement and policy coherences between REDD+ rules and Kenya's sectoral policies**

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## **Abstract**

Effective implementation of rules on reduced emission from avoided deforestation and forest degradation (REDD+) depends on the compatibility between these rules and existing sectoral policies associated with forests. This paper applies content analysis of policy documents, semi-structured interviews and case study analysis to examine the interplay between REDD+ rules and Kenyan sectoral policies and local socioeconomic settings. Results reveal that the preparation of national REDD+ strategies in Kenya is usefully coordinated by the Kenyan forestry sector drawing on the sector's policy mandate and past experiences in forest management. This sectoral mainstreaming however degenerates into negative vertical policy interplay caused by poor consultations with key sectors outside the forestry sector e.g. lands and agriculture and further exacerbated by sectoral competition for climate finance. Analysis of REDD+ coherences with sectoral policies revealed that forest policies on reforestation and decentralisation are coherent with REDD+ rules (horizontal interplay) but this coherence is impeded by limited implementation of these measures e.g. poor support and coordination of Community Forest Associations. Lack of coherence was mainly observed

between REDD+ rules and resettlement and agricultural mechanisation policies prescribed in the lands and agriculture policies. Agricultural mechanisation and resettlement policies are synonymous with deforestation especially through illegal and politically motivated agricultural or settlement expansions into Kenya's forest areas. At the local level, REDD+ showed potential to positively influence local livelihoods but the aforementioned national institutional gaps and strict carbon standards and prices lead to negative trade-offs between carbon sequestration and alternative livelihoods. The paper advocates for strong multi-stakeholder consultative mechanism so that both Kenyan policy and socioeconomic settings can support effective REDD+ implementation.

**Key words:** Agricultural mechanisation, Deforestation, Policy interplay, Resettlement, REDD+

### **List of Acronyms**

CDM:	Clean Development Mechanism
CFA:	Community Forest Association
COP:	Conference of Parties
FCPF:	Forest Carbon Partnership Facility
ICDP:	Integrated conservation and development project
KFS:	Kenya Forest Service
MVR:	Measurement, Verification and Reporting
R-PIN:	Readiness Idea Note
R-P:	Readiness Proposal

## **1.0. Introduction**

Reduced emissions from avoided deforestation and forest degradation (REDD) has received international legitimacy as a cost-effective mitigation option poised to constitute a major part of the expected post-Kyoto climate agreement (Stern, 2006). A range of policy measures on monitoring, verifying, reporting, financing and safeguarding REDD+ activities, have been globally crafted since the programme's inception at the 13<sup>th</sup> Conference of Parties (COP) in Bali. These policy measures have been shaped through subsequent decisions including the 15<sup>th</sup> COP in Copenhagen (decision 1/C15), the 16<sup>th</sup> COP in Cancun and the recently agreed Warsaw Framework for REDD+ (Table 1). The Warsaw framework particularly provided an explicit roadmap for REDD+ implementation bringing together technical and institutional implementation guidelines.

As REDD+ implementation options become clearer, developing countries are getting ready to implement the programme within their jurisdictions amidst diverse international, regional, national and local interests (Corbera and Schroder, 2011, Atela et al., 2014). Implementing REDD+ involves translating the negotiated decisions on forest protection into practice and coordinating activities to deliver on sustainable development outcomes (appendix 1/CP. 16) (Sabatier and Mazmanian, 1980). REDD+ implementation at the national level in most developing countries currently involves instituting global rules as part of national policies (Cerbu et al., 2011, Peters-Stanley and Gonzalez, 2014) and protecting forests at the local level.

Table 1: Rules on REDD+ design components based on COP decisions

Design feature	Description	COP decision
Activities	<ol style="list-style-type: none"> <li>(1) Avoiding deforestation by for example keeping existing forest intact and addressing key drivers of deforestation</li> <li>(2) Avoiding forest degradation by for example avoiding the conversion of natural forest to plantation forest</li> <li>(3) Conservation of forest carbon stocks by</li> <li>(4) Sustainable forest management by avoiding extraction of premature trees below 30 years of age</li> <li>(5) Enhancement of forest carbon stocks through increasing indigenous high carbon value tree species and cover.</li> </ol>	Decision 1/CP. 16 Decision 2/CP. 13
Scale	<ol style="list-style-type: none"> <li>(1) National and subnational forests defined based on national circumstance e.g. 10% canopy cover for Kenya</li> <li>(2) Subnational projects expected to be nested into national systems.</li> <li>(3) Subnational activities to be verified using expert standards.</li> </ol>	Decision 2/CP. 13 UNFCCC (2009), Republic of Kenya 2010
MVR	<ol style="list-style-type: none"> <li>(1) Credible, result based nationally implemented MVR</li> <li>(2) The Monitoring process to apply scientific techniques of remote sensing e.g. FAO approaches within the IPCC's LULUCF guide</li> <li>(3) International verification through internationally accepted standards such as the VCS or team of experts</li> <li>(4) Avoiding leakage- avoiding shifting drivers of deforestation to other areas. National MVR to help avoid leakage</li> <li>(5) Additionality- requires that REDD activities increase carbon storage above the level at which of would occur without the activity.</li> <li>(6) Permanence- measures to ensure that emissions avoided are not reversed through future deforestation</li> </ol>	Decision 4/CP.15 Decision 1/CP.16 Decision 12/CP.17 Decision 10/CP.19 Decision 11/CP.19 Decision 13/CP.19 Decision 14/CP.19 Decision 15/CP.19 UNFCCC (2009)
Finace	<ol style="list-style-type: none"> <li>(1) Result based funding</li> <li>(2) Both market and public sources: can be in form of grants, loans, budgetary support among others.</li> <li>(3) Funds should be managed Principles for REDD+ finances including transparency, accountability, predictability</li> </ol>	Decision 4/CP.15 Decision 2/CP. 17 Decision 9/CP. 19 (UNFCCC, 2009). (UNFCCC, 2012)
Safeguards	<ol style="list-style-type: none"> <li>(1) Community consultation on land and carbon rights.</li> <li>(2) Community consent in line with the UNFCCC safeguards</li> <li>(3) Sustainable development and poverty alleviation</li> <li>(4) Equitable benefit sharing and conflict resolution mechanism</li> <li>(5) Biodiversity conservation</li> </ol>	Decision 4/CP15 Decision 1/CP.16 Decision12/CP.17 Decision 12/CP19 FCPF (2012b)

Effectively curbing deforestation through REDD+ depends on existing policies and socioeconomic settings governing forests at national and local levels (Leach and Scoones, 2015). Existing policies and socioeconomic setting are characterised with multiple stakeholders and national sectors linked to forests in one way or another. Ensuring multi-

stakeholder engagements in a manner that creates coherence across the interests of various forest stakeholders is critical for implementation (Appendix 1/CP. 16, g) (Ribot, 2009).

Concerns have been raised about the coherence between global policies emphasising sustainable forest management and national sectoral policies, especially in the context of rising deforestation in tropical areas (Chundama, 2006). For instance, the 2012 Earth Summit raised concerns about the poor performance of international treaties in curbing deforestation in national contexts where they are implemented (UN, 2012).

Existing debates have usefully investigated the preparedness of developing countries to adopt REDD+ rules (Kanowski et al., 2011, Minang et al., 2014b) as well as their level of stakeholder involvement in national readiness processes (Brown et al., 2011, Cerbu et al., 2011, Vatn and Angelsen, 2009). Yet, several studies (e.g. Minang et al. (2014a); Ghazoul et al. (2010) report many instances of poor stakeholder engagements in national REDD+ processes. Other studies also reveal that national policies, especially those outside of the forestry sector, are key drivers of deforestation in many developing countries (Wehkamp et al., 2015; Brown and Bird, 2008). Most of these studies strongly recommended the need for institutional transformations and enhanced stakeholder consultations in national REDD+ decisions. Informing such institutional transformation requires knowledge about where and how various sectoral policies might undermine or support REDD+ rules.

The aim of this paper is to analyse the implementation of global REDD+ rules within Kenyan policies and identify sources of coherences and conflicts between REDD+ design rules and existing sectoral policies and local socioeconomic settings. The specific objectives are: (1) to

evaluate how global REDD+ rules are instituted into national settings, (2) to analyse the stakeholder engagement in the national REDD+ process in Kenya, (3) to analyse the interplay between global REDD+ rules and Kenya's sectoral policies on forests, land and agriculture and (4) to assess the interplay between REDD+ rules and local socioeconomic setting.

By addressing these objectives, this paper provides insightful and comprehensive understanding of how policies are crucial in addressing deforestation in Kenya and elsewhere. The Kenyan case can provide lessons for other sub-Saharan African countries preparing to implement REDD+. The next section presents the study's theoretical framework. A description of methods employed, results and discussions follow subsequently.

## **2.0. Theoretical framework: Policy interplay**

Policy interplay refers to the process by which two or more policies interact and influence each other's effectiveness (Young, 2002). Decisions made under one policy (source policy) affect the effectiveness of another policy (target policy). Policy interplay is crucial in natural resource governance, especially in the context of fast emerging social systems that depend on existing institutional contexts. As such, policy interplay has become a critical variable in policy analysis by enhancing our understanding of policy effectiveness (Young, 2002, Gehring and Oberthür, 2009).

Policy interplay can be framed in various ways: symmetrical, unidirectional or vertical versus horizontal dynamics. In symmetrical interactions, two policies complement and

equally influence each other (e.g. legal rules that support and shape effective operations of ecosystem markets). In unidirectional interactions, one policy has more effects on the other (e.g. international regulations modifying local level institutions ((Young, 2002, Gehring and Oberthür, 2009, Oberthür and Stokke, 2011). Vertical interplay refers to the interaction between policies operating at different organisational levels such as global forestry policies interacting with national sectoral policies or local customary laws. This vertical interplay may involve adjacent institutions such as national and local government institutions or distant institutions such as global environmental rules and informal local settings. Furthermore, horizontal interplay mainly involves the interaction between two policies operating at the same level of social organisations (e. g. agriculture and forestry policies at the national level). Both vertical and horizontal interplay are relevant in REDD+ where global processes are instituted into national systems (vertical) and nationally agreed REDD+ rules, and then interact with existing sectoral policies and socioeconomic settings. Outcomes of an institutional interplay can be positive: i.e. beneficial or complementary if both institutions support similar objectives (Miles et al., 2002). For example, global REDD+ rules on halting deforestation could positively interplay (benefit from) national land policies that inhibit resettlement in forest areas. However, the outcomes can be adverse in the case of diverging institutional objectives (Urwin and Jordan, 2008).

Existing empirical research has mainly investigated the interplay between global multilateral policies/agreements (Oberthür & Stokke, 2011). Little research however exists on the interplay between global environmental regimes and national sectoral policies



(Cowie et al. 2007). Yet most emerging global environmental regimes are targeted at developing contexts where resource governance are handled by multiple sectors and/or stakeholders. This study applies (a) vertical interplay to analyse how the global REDD+ policies interact with national policy and local socioeconomic settings and (b) horizontal interplay to analyse how the instituted rules interact with existing sectoral policies.

### **3.0. Methodology**

#### **3.1. Study country: Kenya**

Kenya is located in East of Africa at 0.4252° S, 36.7517° E and was selected as the case country to understand how global rules build into national systems and interact with existing policy and socioeconomic settings. Kenya has committed to international climate actions, is a signatory to the UNFCCC (in 1994) and is currently involved in REDD+ negotiations (Republic of Kenya, 2011). As part of its national and international climate obligations, the Kenyan government has prepared a climate change action plan for 2013-2017 (Republic of Kenya, 2013) which emphasises REDD+ as one of the low-carbon development strategies. The REDD+ programme is viewed as strategic venture to addressing deforestation in Kenya. REDD+ would also support forest-driven economy and livelihoods. Kenyan forests are 'water towers' for industrial power and source of ecosystem services for the country's cash crops and rainfed agriculture for local subsistence. Agriculture directly contributes about 25% of Kenya's GDP and also supplies numerous non-marketed goods and services, such as firewood, construction material, fruits and opportunities for informal labour, to the country's rural population (Republic of Kenya,

2010a). To operationalize its REDD+ plans, Kenya, alongside 16 African countries, currently participates in the REDD+ readiness process supported by the World Bank's FCPF and UN-REDD. Lessons generated from this study could be adopted widely by the other African countries whose institutional processes draw from similar readiness procedures and conditions.

### **3.2. Data collection and analysis**

#### **3.2.1. Policy document analysis**

A range of policy documents (Table 2) were purposefully retrieved and analysed from the UNFCCC archives and Kenyan government departments. The UNFCCC documents especially COP decisions were reviewed to generate insights into the global REDD+ design rules that are currently being implemented at the national level. The national documents on REDD+ readiness and sectoral policies were analysed to generate information on the process of instituting REDD+ in Kenya and a stakeholder analysis undertaken to code how various stakeholders are engaged. Iterative content analysis approach was applied in analysing the documents (Marsh and White, 2006, Kohlbacher, 2006). The approach, in this case, involved retrieving homogeneous and heterogeneous relationships between policy statements and words. The analysis pursued both vertical and horizontal interactions that were outlined in the previous section 'Theoretical framework'. Vertical interaction focused on how the global rules are instituted at the national level. This involved retrieving and coding texts and statements that link national REDD+ readiness proposals, strategies to the global process and listing stakeholders involved and their respective roles.

Analysis of horizontal interaction focused on how globally/nationally established REDD+ rules interact with the national sectoral policies on forests, agriculture and lands. Lands and agricultural sectors were particularly targeted for the analysis due to their role in driving deforestation in Kenya (Ndungu Land Commission, 2004). Through the iterative content analysis, specific policy measures emphasised in the policy documents were retrieved and analysed against each of the REDD+ design rules: i.e. additionality, leakage avoidance, permanence, equity and rights. Theme coding was applied to extract specific policy measures from documents by organising document contents into policy aim, policy objectives and specific activities into table matrices. For instance the overall aim of the National Land Policy (NLP) is clearly stated as to ensure equity, productivity and sustainability in land deals. To achieve this aim, the document lists a number of measures including compensation, resettlement for displaced persons, and security of land rights among others. These were extracted to build a list of policy measures for the NLP while replicating a similar procedure for the forestry and agriculture policies. The list of policy measures was triangulated with semi-structured interviews (see next section). The identified sectoral policy measures were then matched against the specific REDD+ rules. The policy matching process was supported by literature on the performance of Kenya's historical forest management schemes and achievements (Wass, 1995, Republic of Kenya, 2007), deforestation trends (FAO, 2010) and deforestation drivers (Ndungu Land Commission, 2004). These helped to indicate which measures potentially posit positive or negative impacts for REDD+ rules such as sustainable forest management and safeguards. Sectoral policy measures supportive of REDD+ rules were classified as positive (+). A

negative (-) classification was assigned wherever measures conflicted specific REDD+ design rules.

Table 2: List of policy documents analysed

<b>Document name and year</b>	<b>Documents source</b>
UNFCCC Conference of Parties reports	UNFCCC archives <a href="http://unfccc.int/methods/lulucf/items/6917.php">http://unfccc.int/methods/lulucf/items/6917.php</a>
World Bank and UN-REDD readiness reports (2008,2010, 2012)	Forest Carbon Partnership Facility (FCPF) archives <a href="https://www.forestcarbonpartnership.org/">https://www.forestcarbonpartnership.org/</a>
Revised REDD Readiness Preparation Proposal for Kenya (2010)	FCPF archives <a href="https://www.forestcarbonpartnership.org/kenya-0">https://www.forestcarbonpartnership.org/kenya-0</a>
National Climate Change Action Plan 2013-2017	National Climate Change Secretariat
Forest Act 2005	Ministry of Environment
National Land Policy 2007	Kenya National Land Alliance
Agricultural Sector Development Strategy (2010-2020)	Ministry of Agriculture

### 3.2.2. Interviews with policy makers

Semi-structured interviews with government stakeholders (n=13) were conducted to triangulate the document analysis (Table 3). Government staff were targeted because of their mandate in creating national policy options and coordinating the implementation of REDD+ (McDermott et al. 2012). Relevant stakeholders were purposefully identified through a snowball process (Biermann, 2002, Reed et al., 2009). Selected stakeholders were drawn from the Kenya Forest Service where REDD+ National Coordination Office is hosted (n=5), National REDD+ taskforce (n=3), State Department of Lands (n=1), and State Department of Agriculture (n=4). The interviews clarified how global REDD+ design rules are implemented (instituted) and the roles and representation of stakeholders in the

process. Data gathered were coded into themes and supported with illustrative quotes underpinning key national policy views (Krippendorff, 2004).

### **3.2.3. Case study analysis: local level interactions**

Vertical interplay between the REDD+ rules and local context was analysed based on the operations of a particular REDD+ project in Kenya “the Kasigau Corridor REDD+ project”. The project was selected as a suitable case study drawing on Atela et al. (2014) which mapped and evaluated REDD+ projects across Kenya’s socioeconomic settings. The project was one of the world’s first REDD+ initiative to sell verified carbon credits in the voluntary market (Peters-Stanley and Gonzalez, 2014). The project has also been implemented over a relatively longer time period and has been exposed to dynamic socioeconomic and ecological processes in a manner that could enhance confidence on data collected (Jagger et al., 2010). Besides, the project operates in parts of the dryland ecosystem prioritised by the Kenya’s climate plan for REDD+, thus enhancing the potential policy impacts of the findings of this study.

The project proponent is a United States based private company, Wildlife Works. Wildlife Works has operated in the Kasigau area since 1998, with specific interests in wildlife conservancies and eco-tourism. The project protects 500,000 acres of dryland forest for carbon credits and engages the local community in conservation and development activities. Six focus group discussions, with purposefully selected community members working with the project, and semi structured interviews with project staff (n=6) were undertaken (Sithole, 2002). The discussions and interviews focused on how the project engages the local

socioeconomic settings key enablers and how the national policy processes/interplays implicate the project's work.

#### **4.0. Results**

##### **4.1. The FCPF process of implementing REDD+**

Kenya implements the global REDD+ rules through a readiness programme designed by the World Bank's Forest Carbon Partnership Facility (FCPF). The FCPF is an intermediary fund through which bilateral and multilateral REDD+ funds are channelled to support REDD+ implementation in developing countries. The fund draws its legitimacy from the 13<sup>th</sup> and 15<sup>th</sup> Conference of Parties (COP) to the UNFCCC which requested developed countries and financial bodies to support REDD+ in developing countries. The FCPF uses its panel of experts and consultants to design UNFCCC guidelines and help developing countries in instituting them into their national systems. The process follows three interlinked steps supported by a grant of US\$3.6 million. A country first submits a readiness idea note (R-PIN) - an initial intent to participate in the FCPF process. Upon acceptance, a country then prepares a Readiness Proposal (R-P) outlining strategies for executing the global REDD+ design nationally. The R-P is backstopped and evaluated by FCPF experts and consultants and, if approved, a country qualifies to execute results-based REDD+ actions through the FCPF Carbon Fund (FCF). Each step is approved by the World Bank as the fund's delivery partner, subject to standard criteria aimed at establishing results based Measurement, Verification and Reporting (MVR) systems for delivering credible carbon credits.

The MVR system encompasses technical design provisions including usage of remote sensing to acquire and interpret, monitor and report carbon information at national scale and in the context of IPCC guidelines. Carbon credits are particularly crucial for the funders of the readiness process who include profit seeking private sector investors targeting a post-Kyoto compliance market as well as developed countries expecting to meet their mitigation commitments. The fund's documents therefore state that '...the aim of the FCPF Carbon Fund is to pay for Emission Reductions (ERs) from REDD+ programs and deliver them to the Carbon Fund (Tranche) Participants'<sup>1</sup> and that '...there would be no systematic evaluation of non-carbon values under the Carbon Fund'.<sup>2</sup> In terms of social aspects of REDD+, the readiness conditions follow on from the World Bank's safeguards 'Strategic Environmental and Social Assessment (SESA)'. As discussed in the next subsection, the readiness process interplays with national processes and influences stakeholder engagement (vertical interplay).

#### **4.2. Stakeholder engagement in Kenya's REDD readiness process**

The FCPF process supports the national implementation but its emphasis on carbon delivery plays into national institutional gaps associated with negative policy interplays. The forestry sector through the Kenya Forest Service (KFS) represents the country in the global REDD+ meetings. The sector led the establishment of a national REDD+ taskforce constituting 40 members mandated to prepare the country's REDD+ strategies in line with

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<sup>1</sup> FCPF (2013: 3)

<sup>2</sup> FCPF (2012a:13)

UNFCCC and FCPF requirements. Specifically, the KFS (a forestry department), with the help of consulting experts selected and apportioned roles to the taskforce members. Out of the 40 members, 13 were from the forestry sector. The Ministry of Agriculture was represented by one person while there was no representation from the Ministry of Lands (Table 5.3).

The taskforce members were separated into three technical working groups (TWG), each handling its own roles on policy, consultation and methodology. The forestry sector and consultants have relatively more representatives in all the TWGs compared to other stakeholder groups. The representation of the forestry sector in the task force is relatively higher in the policy group tasked with overall management, coordination, and formulation of national REDD+ strategies (Table 3).



Table 1: Representation and roles of various stakeholders involved in the Kenya's REDD+ process. Source: modified from the Revised R-P for Kenya (2010).

Sector/Stakeholder	No of Rep.	Main role in formulation	Main role in implementation
Ministry of Forestry (State Department of Forestry)	13	P, C, M	- Overall coordination, - implementation, - monitoring and - Financial management
Ministry of Environment and Mineral Resources (State Department of Environment)	2	C	- Conflict resolution through National Environment Management Authority
Ministry of Agriculture (State Department of Agriculture)	1	C	NC
Ministry of dryland areas	1	C	NC
Ministry of Finance	1	C	- National conduit for international REDD+ finance
Ministry of water and irrigation	1	P	NC
Ministry of Energy	1	C	NC
Bilateral Partners	2	C	NC
International NGOs	7	P,C,M	- Implement subnational projects
National NGOs	1	C	- Implement subnational projects
National Universities	1	M	- Generate remote sensing tools
Consultants: Winrock Int., (USA), Applied Geosolutions (USA), Climate focus (Netherlands) and FAN (Kenya)	8	P,C,M	- Backstop technical processes
Intergovernmental organizations (IPAC, FAO, UNDP)	3	P	- Funding
Private sector	0	None (only Consulted)	- Implementing subnational projects
Local communities		None (only Consulted)	- NC

**Key:** P = Policy/ strategy formulation, C=Consultation, M=Developing methodological elements e.g. reference levels and capacity needs NC=Not Clear.

The R-P document explains that the forestry sector has the legal mandate and experience in formulating forest strategies for Kenya over the years and this experience is crucial for REDD+. Interviewees confirmed this view, adding that the forestry sector represents the

country in REDD+ processes because it understands the requirements and can deliver MVR strategies within the stipulated timelines. This would effectively minimise institutional complexities for delivering carbon funds. Indeed, they argue:

‘This work of carbon requires good coordination. Donors expect good systems that can produce carbon. It is about delivery of carbon because that is what will attract funds so to avoid competition and conflicts that can affect the carbon work, the Kenya Forest Service is steering the process. Other sectors will be involved in the implementation where necessary’

[Government staff, Department of Forestry Nairobi, July 2013]

In the R-P however, it is acknowledged that despite the experience of the forestry sector, there is lack of capacity within the sector to implement MVR systems for REDD+. Interviews revealed that most of the forestry staff are not conversant with particular remote sensing techniques expected to be applied in monitoring, scaling-up and projecting forest carbon stocks from the local to the national level. It is expected that the readiness process through consultants and FCPF experts will continuously help build the capacity of forestry staff to implement the country’s MVR system. Enquiries about expertise from other sectors, such as the Ministry of Lands which has been applying remote sensing tools in land mapping, reveal that these sectors have little understanding of REDD+ requirements because they are often not part of Kenyan delegations to REDD+ meetings and are also not consulted in the national process.

Other non-State stakeholders such as local communities and the private sector have no representation in the national taskforce. However, they were consulted through a very limited

number of regional workshops undertaken for each of the eight Kenyan provinces. Each Kenyan province is relatively large and is inhabited by averagely 5 million persons. The workshops aimed to collect views from stakeholders including private sector, civil society organizations and private forest users, such as timber millers, charcoal burners and heads of community forest associations, on the drivers of deforestation and potential roles of various stakeholders. However, the R-P reports that more time had to be spent in creating awareness about REDD+ because most stakeholders had very little knowledge about the programme. Given the limitations in terms of geographical scope and low awareness about REDD+, the level to which a one-off workshop could capture or represent the views of the millions of regional inhabitants is contested.

Stakeholders working at the national REDD+ office appreciate the need to fully engage the local communities in the national process but also acknowledge that there are significant challenges in harmonising REDD+ technical requirements and local community capacity:

‘The community is an important stakeholder in the REDD+ process. They are consulted through regional workshops. They provide important information but this information has to be re-worked by professionals to meet the results-based requirements for the national REDD+ policies’

[Member of REDD+ Technical Working Group, August, 2013]

Whilst not represented in the national taskforce, the private sector is expected to play a key role in operationalizing on-the-ground actions through sub-national projects. The private sector has diverse interest in forests ranging from timber business, forest products industries. In the context of REDD+, the private sector is main investors and resource mobilizers for the REDD+. The sector controls over 80% of REDD+ investments globally and in the Kenyan, context, this sector controls a majority of REDD+ demonstrations projects (Atela et al., 2014).

The R-P also states that the operationalization of actions will draw expertise from all relevant sectors. The operationalization scheme presented below (Figure 1) does not however clarify how this will happen given that most coordination and technical functions, including recruiting technical taskforces, are vested in the National Coordination Office (NCO) hosted by the forestry sector. The operationalization plan is also unclear about the role of the local communities even though Kenya's Forest Act legally recognises Community Forest Associations (CFA) as the devolved unit through which local communities could structurally engage in forest management initiatives such as REDD+. Whilst the plan establishes local conservancy officers under the NCO, it is unclear how these conservancies would work with the CFAs.

The plan does however include a National Steering Committee (NSC) comprised of Permanent Secretaries from various ministries. The NSC is expected to coordinate sectoral interests and stakeholder engagement. This committee is headed by the forestry Permanent Secretary and again completely excludes representation from lands and agriculture sectors.<sup>3</sup> Furthermore, the committee's role is largely ceremonial, such as approving plans, and may not make any influential inter-sectoral decisions because details, key plans and activities are all prepared by the forestry sector.

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<sup>3</sup>See Republic of Kenya (2010b) for the list of sectors included in the implementation plan

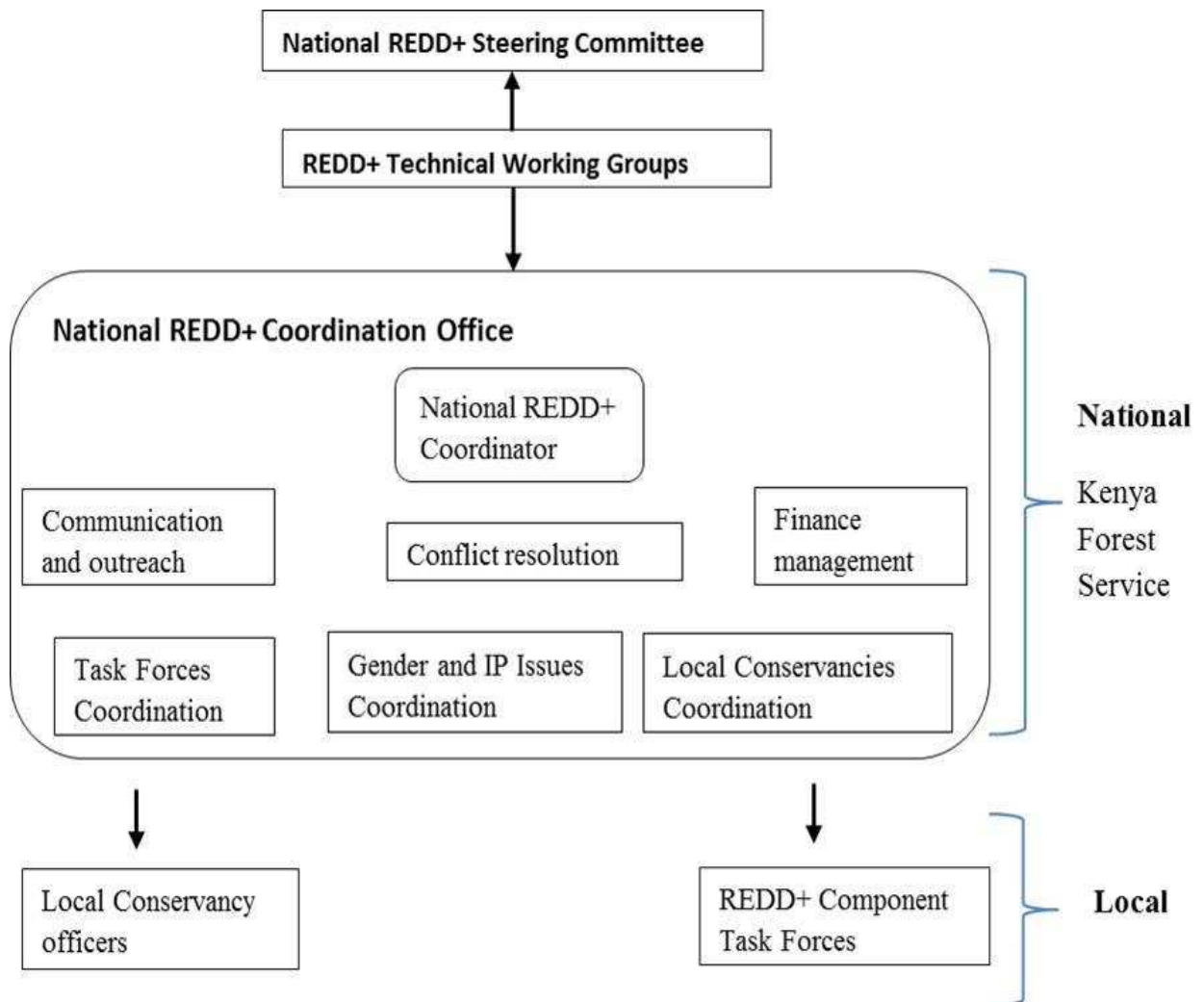


Figure 1: Operationalization plan for Kenya’s REDD+ policies/strategies. Source: Kenya’s R-P.

Given the lack of adequate sectoral and stakeholder engagement in the formulation and operationalization of REDD+ in Kenya, the vertical interplay between the FCPF processes is poor and can be termed as negative vertical interplay as further discussed in section 5 (discussions).

### **4.3. Interplay between REDD+ rules with national sectoral policies (horizontal interplay)**

#### **4.3.1. The Forest Act (FA)**

The Forest Act of 2005 was enacted as a means to encourage participatory forest management in Kenya. The Act legalises diverse forest management options including leasehold, public, and commercial forest management. The Act entrenches community participation in forest management options. Part IV, sections 45–48, of the Act specifically legalises the establishment of Community Forest Associations (CFA). These associations are constituted by groups of local people with clear interests and plans to manage forests in their areas. However, this Act does not include a legal basis for how external programmes such as REDD+ should engage local communities. It puts emphasis on how the local communities could manage or protect forests but not how they can benefit from, partner with or be protected from external programmes. Moreover, the Act does not elaborate how the state will logistically and technically support CFAs. Kenya's REDD readiness plan heavily draws from the Forest Act.

Out of the 10 measures identified in the Act, eight (80%) were mutually supportive to REDD+ rules especially MVR and financial rules (Table 4). The positive measures mainly emphasise reforestation/afforestation and avoidance of forest degradation and these are mutually supportive of carbon additionality by increasing carbon capture and sink capacity as required by REDD+. The diverse forest management measures (e.g. commercial and leasehold regimes) are supportive to REDD+ projects initiated by the private sector as part

of capital investments (Table 4). A key measure in the Act is the legalisation of CFAs as a means through which community members can engage in forest management initiatives such as REDD+. This is crucial for REDD+ safeguards which emphasise community consultations, consent and rights in REDD+. However, the lack of clear guidelines on how these CFAs should engage in REDD+ could expose these communities to exploitation by non-State actors expected to implement REDD+ in various localities. The Act also envisages enhancement of indigenous forests which could be useful in addressing concerns about biodiversity protection as required by the REDD+ safeguards. Measures on reforestation and expansion of area under forest could support carbon requirements such as additionality. A major drawback in the Act however, which potentially creates negative interplay, is that it lacks explicit provisions for cross-sectoral consultations that could help curb underlying drivers of deforestation outside the forestry sector (e.g. resettlement and agricultural mechanisation in the agriculture and lands sectors respectively).

#### **4.3.2. The National Agriculture Sector Development Strategy (NASDS)**

Kenya's Agricultural Sector Development Strategy (ASDS) (Republic of Kenya, 2010d) for 2010 – 2020 focuses on enhancing economic development via agriculture. It draws lessons from earlier strategies such as the Economic Recovery Strategy (ERS) and the Strategy for Revitalizing Agriculture (SRA). The ASDS brings together 20 ministerial portfolios relevant to agriculture and these are expected to support the implementation of the ASDS. The ASDS aligns its thematic focus with Kenya's vision 2030 'the country's industrialization blueprint' and the Comprehensive Africa Agriculture Development Programme (CAADP). CAADP is a compact, established by the AU member states in 2003, and is aimed at spurring

agricultural productivity by about 6% by the year 2015 through annual 10% budgetary allocation to agriculture. Such investments in CAADP are expected to achieve economic returns alongside food security subject to successful implementation. To achieve its goals, the strategy aims to support agricultural mechanisation as a way of enhancing agricultural productivity for economic development and alleviation of hunger. Mechanisation measures proposed include fertilizer use, input subsidies and machinery deployments.

Out of 12 measures identified, half (50%) are supportive to REDD+ rules while the other half negatively interplay the rules. The mutually supportive measures are those related to sustainable land management, agroforestry and conservation agriculture which are mainly crucial in enhancing and storing carbon. However, the overarching measure in the Act (i.e. agricultural mechanisation to achieve a 6% increase in agricultural productivity) negatively interplays with REDD+ rules. Mechanisation activities such as fertilizer use and deployment of machinery are agents of GHGs emissions<sup>4</sup> and thus could create leakage and threaten additionality. Kenya's national climate change action plan indicates that agricultural mechanisation contributes 40% Kenya's GHGs, the biggest share of total emissions compared to that of other sectors. Agricultural mechanisation for commercial purposes is also singled out as one of the underlying drivers of deforestation especially through agricultural expansion into forested lands.<sup>5</sup> Such practices could trigger rampant deforestation and reverse any emissions reduced through REDD+ thus compromising the permanence requirement under RED+. Even though the ASDS has provisions for inter-

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<sup>4</sup> IPCC, (2007)

<sup>5</sup>Ndungu Land Commission (2004)



ministerial consultations, these consultations are targeted at supporting commercialization and mechanisation agendas that could achieve the ASDS's central goals.

Table 2: Interplay between Kenya's national policies and REDD+ design rules as well as drivers of deforestation

Policy	Specific activities proposed in the policy and relevant to forests and REDD+	Interplay with REDD+ rules	Interplay with DD	
			AF	AE
NFA	Intensified afforestation	Additionality (+)	0	+
	Agroforestry	Leakage avoidance (+)	0	+
	Alternative energy sources	Leakage avoidance (+)	0	+
	Public and commercial forest management	Finance (+)	0	0
	Sustainable forest management	Additionality/Safeguards (+)	-/+	0
	Decentralized community entity	Safeguards (+)	0	+
	Increase in indigenous forest	Safeguards (+)	-/+	-/+
	Payment for ecosystem services	Finance (+)	0	0
	Minister as the overall decision making authority	Permanence (-)	0	+
	No mechanism for cross-sectorial consultations	Permanence (-)	-	-
NASDS	Agroforestry	Additionality/reduced leakage (+)	0	+
	Agricultural intensification	Additionality (+)	0	+
	Conservation agriculture	Leakage avoidance (-)	0	+
	Value addition to agricultural products	Additionality (-/+)	0	+
	Sustainable land management	Safeguards (+)	0	+
	Enhancing extension services	Leakage avoidance (+)	0	+
	Efficient irrigation and water harvesting	Safeguard (+)	0	+
	Climate change information to farmers	Additionality (-)	0	+
	Agricultural mechanization	Permanence (-)	-	-
	Minister as the overall decision making authority	Permanence (-)	-	-
	No mechanism for cross-sectorial consultations	Permanence (-)	-	-
	No legally decentralized community entity	Safeguards (-)	-	-
NLP	Conservation of land based natural resources	Safeguards/ Additionality (+)	0	+
	Strengthening land rights	Safeguards (+)	0	+
	Public, private and communal land rights	Safeguards (-/+)	0	+
	Transfer rights e.g. freehold and leasehold	Permanence (-)	-/+	-/+
	Compensation through resettlement	Permanence (-)	-	-
	Minister as the overall decision making authority	Permanence (-)	-	-
	Existence of decentralized community entity	Safeguards (+)	0	0
	No mechanism for cross-sectorial consultations	Permanence (-)	-	-

**Key:** NFA=National Forest Act, NLP= National Land Policy, NASDS= National Agricultural Sector Development Strategy DD=Drivers of Deforestation AF= Allocation of gazetted Forests land, AE= Agricultural Extensification (+) = Positive interplay, (-) = Negative interplay (0) = Not clear.

### **4.3.3. The National Land Policy (NLP)**

The National Land Policy encompasses the land reforms that were enshrined in Chapter Five of Kenya's constitution (Republic of Kenya 2010). The reforms emphasise the principles of equity, productivity and sustainability in land deals. To achieve these principles, institutional provisions in land governance have been proposed. At the national level, an independent arm of the State 'the National Land Commission' exercises powers that were initially vested in the Ministry of Lands. The commission has powers to allocate (development control) and acquire land (compulsory acquisition) in the interests of the public. The commission is arguably independent from State institutions that reportedly misused powers and mismanaged the country's land tenure system leading to the loss of public land and forests. However, there have been efforts from the mainstream Land's Ministry to retain power to allocate public land.<sup>6</sup>

Prior to the land reforms, decisions were centralised within the Ministry of Lands. The Lands Minister specifically had discretionary powers to allocate and subdivide land as necessary. This initial arrangement lacked structures for community consultation as in the new dispensation which has instituted Community Lands Board. Therefore the emerging attempts by the central lands ministry to control some of the devolved decisions could compromise gains that these reforms could provide to REDD+.

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<sup>6</sup>National Press: <http://www.youtube.com/watch?v=nd8aJWgM7zU>).

Out of the eight measures identified in the NLP, half (62%) negatively interplay REDD+ design rules (Table 4). Key policies in the NLP such as resettlement, centralised decisions on land and lack of cross-sectoral consultations are key drivers of deforestation. Resettlement in gazetted forests land is a major direct threat to Kenya's forests and this thrives in instances where land allocation decisions are vested in the Minister with little provision for cross-sectoral consultations. Discrete decisions such as resettlement were the key drivers of forest losses in Kenya and their persistence in the current policy regimes posit some risks for reversing emissions under REDD+ especially when such decisions are made for political convenience.

#### **4.4. Interplay with local implementation**

This interplay manifests itself in three perspectives: capacity, institutional setting for implementation and livelihood impacts. The implementation of the Kasigau project first involved an assessment by the State's National Environment Management Authority (NEMA) to verify and mitigate the project's environmental and social impacts. This assessment was however impeded by lack of adequate capacity within the government especially on the global standards upon which the project operates. This is exacerbated by the fact that NEMA, which is charged with these assessments, is poorly represented in the national REDD+ process.

In terms of institutional setting for implementation, bureaucratic processes within government departments in approving projects and obtaining certifications for various community projects supported by the REDD+ initiative was observed to be a major

impediment. Specific concerns were raised with regards to government departments outside the forestry sector (e.g. water, lands). Approval of water plans and registration of land as well as project social and environmental evaluation took unexpectedly long resulting in delays in livelihood opportunities for the local community. Additionally, certain decisions made through the excluded sectors (e.g. Ministry of Lands complicated the necessary conditions for the project's implementation).

For instance, the Kasigau project partly draws its success from collective tenure systems (communal and group ranches) which have enabled inclusive participation and benefit sharing as well as simplified negotiations with the local community to commit their lands to the project. However, the Lands Ministry plans to issue individual title deeds to ranch shareholders, meaning that a single ranch-land could be subdivided into individual ownerships made of up to 50-2,500 pieces. This means the REDD+ project will have to convince over 2,500 individuals to commit their parcels of land to the project, a situation that could be complex and costly and perhaps a recipe for emission reversals in the context of diverse individual interests in land use.

Local implementation also involves working with local institutions. The CFAs provides the legally decentralised local entity expected to engage with a REDD+ initiative. However, at the time of this research, the Kasigau area had no registered CFA and consequently there was no engagement of such an association with the project. The Forestry sector staff argued that establishing such associations requires incentives and support and these are apparently not provided for in the Act. The lack of implementation of the CFA provision

complicated local engagement for the project, especially in terms of spending time and resources to build new local institutions, such as carbon committees, so as to link the community to the project.

The interplay was also observed in project benefits. Carbon revenues generated from the project are equally shared between the project proponents and community members. The community share is channelled through trust funds from where various community projects (e.g. water supply schemes, educational bursaries). However, discussions revealed that the project benefits have not adequately matched community expectations (i.e. the opportunity costs of protecting the communal forest). According to project staff, expectations of dramatic livelihood improvements remain a challenge for the project. This is exacerbated by fluctuating carbon prices and buyers as well as carbon standard requirements (e.g. provisions against leakage) which impose restrictions on certain forest-based livelihoods required during hard time.

## **5.0. Discussion**

### **5.1. Stakeholder engagement in REDD+ implementation: implications**

The national REDD+ process in Kenya receives technical and financial support from the World Bank's FCPF. This support is crucial because it mobilises funds for REDD+ without which interests in REDD+ could wane, especially in the context of alternative land uses (Clements, 2010, Rosendal and Andresen, 2011). Findings however reveal that this support is complicated by national institutional gaps and results in a negative vertical interplay in instituting REDD+ rules among multiple stakeholders.

The process of instituting REDD+ into the Kenya's national strategies is usefully led by the forestry sector through the Kenya Forest Service (KFS) but this is mainly characterized by negative vertical interplay as key stakeholders are not adequately engaged in the national REDD+ plans. The findings of this study point to some of the underlying causes of poor stakeholder engagements and associated implications.

Poor stakeholder engagement here mainly stems from sectoral approaches to governing interlinked resources such as land, water, forests, energy, etc. Sectoral approach have been adopted in Kenya since independence as a way of ensuring coordination and accountability in resource management and delivery of associated services (Shanon, 2003). This study however reveals that the approach is characterized by implicit sectoral politics on power around resource control thereby degenerating into path dependencies. The claim that the forestry sector is best suited to handle REDD+ is a manifestation of path dependency whereby sectors have, overtime, monopolised specific resource decisions linked to their respective mandates (Shannon, 2003, Phelps et al., 2010). It also may be because the forestry sector wants to keep its relative power on REDD+ issues strong by dominating engagements and strategies over other relevant stakeholders.

Path dependency can be a good thing if it can bring about positive experiences for REDD+ (Shelby and Morgan, 1996). However, in this case path dependency appears to exclude key stakeholders in REDD+ decisions signaling negative implications for forest protection and reduced emissions. Further, failure by sector-driven Integrated Conservation and Development Projects (ICDPs) to address deforestation Blom et al., 2010, Atela et al., 2015)

casts doubts on whether sectoral mainstreaming could effectively handle REDD+ in isolation. Even in other countries such as Cameroon (Minang et al., 2014) and DRC (Brockhaus et al., 2013), path dependency has been associated with poor stakeholder engagement in REDD+ plans. In the context of limited funding from the national budget, path dependency has also created competition for climate mitigation and adaptation funds among Kenya's sectors (Maina et al., 2013). The monopoly of REDD+ by the forestry sector could as well be interpreted as an attempt to guard REDD+ funds from other sectors.

Ultimately, poor stakeholder engagement may compromise effectiveness of REDD+ which in reality is supported or implemented by multiple stakeholders. For instance, while the State remains the legitimate coordinator of REDD+ at the national level-through the forestry sector, most practical implementation of REDD+ projects in Kenya and globally are undertaken by the private sector and NGOs (Atela et al., 2014). In this context, it is possible that as REDD+ moves to full implementation and as many stakeholders become active in the programme, the relative power of the forestry sector could decline as was observed in Indonesia (Wibowo and Giessen 2015).

## **5.2. Policy coherence and implications for implementation**

Findings reveal that most forest policies are coherent with REDD+ rules but this coherence is affected by lack implementation of the forest policies. Lack of policy implementation is one of the greatest challenges in natural resource governance (Leventon and Antypas, 2012). While Kenya's Forest Act legalises decentralised forest management to CFAs, the operation of these CFAs is not supported by national institutional settings. Mogoi et al.

(2012) have raised a similar concern by claiming that Kenya's CFAs may not make meaningful engagement in forest management because access to decision-making, revenue streams, and overall resource control rights are vested in the central government via the Kenya Forestry Service. Therefore, for decentralisation to support REDD+, ensuring that local communities are supported to form CFAs and given rights to revenue and decision-making are prerequisites. Findings additionally reveal negative interplay between REDD+ rules and agricultural policies targeting mechanisation for economic development. Such negative interplay has been reported in Zambia (Kalaba et al., 2014) and other African countries and this affects effectiveness of the REDD+ policies (Young, 2002, Gehring and Oberthür, 2009). In Kenya, mechanisation practices are agents of GHGs emissions contributing 40% of Kenya's GHGs (Republic of Kenya, 2013). Mechanisation practices are also synonymous with agricultural expansion into forest land (Ndungu Land Commission, 2004). Mechanisation is justified on the account that agriculture remains the main source of Kenya's economic development contributing 25% to Kenya's GDP and almost entirely supports livelihoods in rural areas. In this context therefore, it is necessary to recognise trade-offs and invest in mutually supportive links between forest protection/emission reduction, food security and economic development. Policy measures such as agroforestry have been shown to be useful in achieving such multiple goals (Karsenty & Ongolo, 2012). Agroforestry practices, if supported by REDD+, could replenish land productivity and supply households with forest goods such as firewood and poles and these would minimise leakage in situations where forest access is restricted for REDD+ (Minang et al., 2014a). In recent times, agroforestry alongside other measures such as drought tolerant crops, zero



tillage has been integrated as part of climate smart agriculture initiatives aimed at achieving triple wins "mitigation, adaptation and food security" (Mbow et al., 2014). Supporting such climate smart agricultural technologies could be an entry point towards mutually enhancing coherence between REDD+ and agricultural policies.

Findings on REDD+ interplay with sectoral policies also reveal that certain policies in the land sector (e.g. resettlement) negatively interplay with REDD+ due to their linkage with underlying drivers of deforestation. In Kenya, the lands sector has the authority to allocate land for development or public use. The Kenyan experience however reveals that lands authorities have utilised this provision to allocate gazetted forests (sometimes irregularly) to private developers or electoral populations resulting in massive forest losses (Ndungu Land Commission, 2004). Such allocations have also degraded Kenyan forests as indigenous forest areas allocated to private developers are converted to fast growing plantation forests or crops (e.g. tea) to meet the timber and economic demands (Wass, 1995). This ultimately is not coherent with REDD+ safeguard (appendix 1/CP.1 6) that inhibit forest conversions because such result in loss of biodiversity. For instance, FAO (2010) indicate that Kenyan indigenous forest cover reduced by 5000 ha between 1990-2010 while plantation cover increased by 1100ha in the same period. The report attributes this dynamics to conversion of indigenous forests to plantation and other land uses. As such, this lack of policy coherence remains an impediment to the institutional transformation needed to address underlying drivers of deforestation for an effective REDD+. Such policy conflicts, however, thrive most within national institutional gaps such as centralised powers and lack of multi-stakeholder consultations on resource management decisions.

### **5.3. Interplay with local settings**

The interplay at the national level is a major source of interplay at the local level. The poor stakeholder engagement implicates effective REDD+ implementation at local levels by impeding enabling capacity and institutional setting for local implementation and restricting livelihoods. The fact that the lands sector is not adequately engaged in the national process and have little knowledge about REDD+ implies that the lands authorities may not think they are harming a REDD+ initiative by making discrete decisions on land subdivision as witnessed in the Kasigau case. Similarly, the water sector which is not represented in the national REDD+ taskforce, may not appreciate the need for water in a REDD+ project whether for alternative livelihoods or tree growth.

Poor stakeholder engagement also negates the required capacity for REDD+ implementation. The Kasigau case confirms this concern by revealing lack of adequate expertise from the State to support the project's implementation. In practice, the fact that Kenya's land sector has not been adequately involved in the taskforce implementing national REDD+ limits the sector's ability to contribute its expertise on land mapping techniques to the national MVR system. This could further explain why lack of expertise impeded the government's ability to assess global standards with which the project aims to comply. As such, while the literature (e.g. Angelsen et al., 2012), and the UNFCCC text (decision 4/CP 15) call on 'external' actors to support REDD+ capacity in developing countries, little attention has been paid to existing cross-sectoral expertise that is often subdued by poor sectoral integration in national REDD+ process.

Exclusion of local communities could also negate States' commitments to safeguarding participation rights of local communities even though the REDD+ safeguards (appendix 1/COP. 16) and the United Nations Declaration on the Rights of Indigenous People (UNDRIP, 2008) expect States to do so. Community exclusion in forest governance has been commonly blamed on lack of decentralised forest management and continued monopoly of forests by governments (Brown et al., 2011). This Kenyan case however reveals that despite decentralising forest management to CFAs through the Forest Act of 2005 (Republic of Kenya, 2005), the local communities are still not adequately involved in the national process apparently because the technical expertise required for REDD+ MVR system is potentially beyond the local systems and also because CFAs are not adequately established and funded. This challenges the notion that decentralisation automatically translates into effective community participation in environmental decision making and signals the need for factually decentralised forest policies.

Community exclusion means community circumstances are not well incorporated into the REDD+ policy decisions. This is further reflected in some negative vertical interplay observed between REDD+ and local socio-economic settings. In this, carbon standards and prices negatively interplayed local livelihood settings. In the Kasigau case, the strict standards lead to trade-offs between carbon sequestration and livelihoods while fluctuating carbon prices negatively impact community cash flows, thus increasing the opportunity costs of forgoing alternative livelihoods.

## **6.0. Conclusion**

This paper has analysed REDD+ implementation and interplay within Kenya's sectoral policies and local socio-economic settings. It reveals that the REDD+ process in Kenya draws useful experience and expertise from the forestry sector. The sectoral expertise and experience of the forestry sector however reinforces path dependency in a manner that limits multi-stakeholder engagement in Kenya's REDD+ process. This poor stakeholder engagement is fuelled by institutional failures such as lack of cross-sectoral consultative mechanisms and centralisation regimes in resource decisions resulting in multiple implementation deficits such as failure to harness expertise across sectors and exclusion of local communities in the national process. Most importantly, the institutional failures exacerbate underlying drivers of deforestation that conflict with REDD+ rules, hence the lack of coherence with certain policy measures in the lands and agriculture sectors (e.g. resettlement and agricultural mechanisation). Ultimately, the interplay at the national level significantly determines the interplay at the local level. Positive interplay creates enabling conditions (capacity, institutions, and investments) for local on-the-ground implementation of REDD+ while negative interplay at the national level impedes the same. Accordingly, there is need for institutional reforms at the national level, particularly in favour of a cross-sectoral consultative framework that devolves REDD+ functions to different sectors and local communities while leaving its coordination to the forestry sector. Such a framework should recognise cross-sectoral trade-offs between national agendas (e.g. food security, economic growth and emission reduction) and support

investments in win-win initiatives such as climate smart agriculture that mutually supports forest protection/emission reduction, food security and economic development.

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