



REVIEW OF CARBON RIGHTS AND BENEFIT-SHARING ARRANGEMENTS FOR REDD+ IN KENYA

Ref.
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Expert(s)	Country	Volume (md)	Amount (€)	Beneficiary	Funding	Start date	End date	Partner(s)	Reference
Olivier Bouyer	Kenya	17	13,000 €	UNDP Kenya	UNDP Kenya	Apr. 2013	May 2013	n/a	UNDP Kenya country office

Detailed description of the project	Services provided
<p>The Government of Kenya (GoK) has been engaged in a number of activities to prepare the country for a REDD+ mechanism, mostly with support from the World Bank's FCPF. The country is also a partner member of UN-REDD. To advance and complement these current efforts in REDD+ readiness, the GoK has recently requested the UN-REDD Programme to provide targeted assistance for developing capacities on REDD+ governance, with a focus on two critical areas:</p> <ul style="list-style-type: none"> • How to identify and respond to corruption risks in REDD+; and • Scoping of carbon rights and benefit sharing arrangements in REDD+ (in anticipation of investment opportunities). <p>Within the UN-REDD partnership, UNDP has the lead in these areas of work, and has accordingly been working with the Government and other country stakeholders on a proposal for work to be carried out. The proposed study focused on the second area and aimed to:</p> <ul style="list-style-type: none"> • Frame the national debate taking into account the international context: discussions on the concepts of effectiveness, efficiency and equity, proposals made by the FCPF, UN-REDD, voluntary carbon standards, etc.; • Analyze Kenyan policies and laws on land, forest, decentralization, etc. that may affect the right over carbon and REDD+ benefit sharing arrangements; • Analyze the arrangements relating to the right over carbon and REDD+ benefit sharing developed by eight afforestation/reforestation and REDD+ projects existing in Kenya; • Develop specific recommendations in terms of definition of the right of carbon and REDD + benefit sharing in order to introduce into the national REDD+. 	<p>The terms of reference have been met, notably through the analysis of the provisions of eight afforestation/reforestation and REDD+ existing projects in Kenya.</p> <p>Practical recommendations were made regarding the right over carbon. This right is defined as an industrial product, intangible personal property. The owner can be identified taking into account the following indicators:</p> <ul style="list-style-type: none"> • Property law, including recognized and registered customary law (the recent Act on Land Registry provides a solid basis for this); • Right of use of resources, whether through forest concessions or community forest associations. <p>Practical recommendations were also made regarding REDD+ benefit sharing:</p> <ul style="list-style-type: none"> • Clear definition of market and non-market goods and services to consider in REDD+ benefit sharing; • Setting a minimum of 30% of net environmental benefits for local communities; • Systematic development of a matrix of local actors, with roles and responsibilities, especially REDD+ revenues sharing; • Definition of the form (in kind, cash, mix of both) and frequency (ex-ante, ex-post, mix two) of payments; • Enforcement of the principle of free, prior and informed (FPIC) and a grievance resolution mechanism open to local populations.