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Review of Nigeria's draft National Programme Document as presented at the 6th UN-REDD Policy Board Meeting

Introduction

The National Programme Document for Nigeria was presented (in draft form) to 6th Policy Board meeting of UN-REDD in Da Lat, Viet Nam (21 – 22 March 2011). Comments on that National Programme Document were sought by 15 April 2010.

Global Witness has reviewed Nigeria's draft National Programme Document (NPD) to provide a detailed analysis with respect to:

- 1) How the document addresses illegality, corruption and law enforcement issues;
- 2) The system proposed to monitor governance, and environmental and social impacts;
- 3) How fiscal transparency has been addressed; and
- 4) Stakeholders' participation in the implementation of the national REDD+ programme.

Putting Nigeria's National Programme in context

Nigeria has proposed a two track approach to implement its National Programme under UN-REDD:

- (i) At the national level – the Programme focuses on institutional and technical capacity building
- (ii) The 2nd track is institutional and strategy building and demonstration activities in Cross River State (which is Nigeria's most forested state, containing over 50% of the country's remaining tropical high forest).

We are encouraged that Nigeria has taken some positive steps towards protecting its forests with a moratorium on logging in Cross River State since December 2008, which we understand is supported by a well-resourced state-level Anti-Deforestation Task Force.

Nigeria proposes to start with implementation of REDD+ in Cross River State and build up to other states, and eventually encompass the whole country. This approach is to be supported by a Preliminary National Strategy, which will be undertaken by Nigeria to support the eventual expansion of REDD+ across the Nigeria's other states (p. 45).

This proposal should be viewed in the broader context of the Cancun Agreement on REDD+ (Decision 1/CP.16 of the UNFCCC). In particular, that Agreement provides REDD+ can be implemented and monitored at the sub-national level, but only where this is appropriate, and as an interim measure (paragraph 71 of Decision 1/CP.16). Given this context, further details should be provided on how quickly Nigeria will move from implementing REDD+ in Cross River State, to national implementation, and why this time frame is appropriate in the circumstances.

The principal concern with sub-national implementation of REDD+ is, of course, the risk of emissions displacement (also referred to as "leakage"). In particular we are concerned by the risk of illegal cross-border trade between Cross River State and the other states in Nigeria and with its neighbouring countries, such as Cameroon. Leakage is not adequately addressed in the National Programme Document.

Even though most of Nigeria's forests are in Cross-River state, the drivers of deforestation and forest degradation may come from the other states. Of particular concern is that the National Programme Document (p.21) acknowledges that a ban on timber export has lowered domestic timber prices and pushed up domestic demand. This increases the risk of leakage.

The NPD recognises that internal leakage is a significant risk for REDD+ in Nigeria. The National Programme Document acknowledges that in the other states of Nigeria, "forest laws are often obsolete and weakly enforced" in the other. There is also an admission that National, state and local forest authorities often lack capacity, proper training or equipment. This needs to be addressed.

An assessment of intra-national displacement risks and measures is planned (p. 45), but more information is needed on what concrete actions Nigeria intends to undertake to address this problem, both within the country and across borders with its neighbours.

Detailed analysis Nigeria's draft National Programme Document

1. Illegality, corruption and law enforcement:

a. Does the NPD proposal adequately describe the role of weak law enforcement, illegality and corruption in driving deforestation and forest degradation?

Nigeria's draft National Programme Document (NPD) acknowledges a number of different activities driving deforestation and forest degradation, which are in turn driven by underlying factors including 'governance, macro-economic and capacity issues' (p. 20 of the draft NPD). According to the NPD, responsibility for the implementation of forest management lies at state level. However, it also notes that the state level "management capacity of the state forestry departments and local organisations is mostly low, with poor funding, low staff morale, limited technical training and often high levels of government corruption" (p. 20). In addition, the NPD accepts that "across the board at the state level, forest laws are often obsolete and weakly enforced" (p. 21).

Corruption is identified as having a "high" impact on deforestation and forest degradation both within Nigeria as a whole and more specifically within Cross River State (Cross River State). (See Table 3 on page 21). With regard to Cross River State, the NPD recognises "poor conservation and poor enforcement of forest laws, policies and regulations" as a driver of deforestation (p.21).

The NPD does not describe the role that illegality plays in driving deforestation and forest degradation in Nigeria. However, it does propose the establishment of an Anti-Deforestation Task Force to control illegal timber harvesting, implying that illegality plays some role and needs to be tackled.

Recommendations

The NPD should include greater detail in its analysis of the drivers of deforestation, which is currently limited to five paragraphs and a short table. A number of statements could be elaborated further to provide a clearer picture of how weak law enforcement, illegality and corruption impair efforts to combat deforestation and forest degradation.

Statements which could be elaborated upon include:

- "Underlying factors such as governance, macro-economics and capacity issues" are mentioned. What are these factors and how do they drive deforestation and forest degradation?
- At the state level "forest laws are often obsolete". The NPD could provide a description of which laws are considered obsolete and why. Moreover, the NPD could also describe those forest laws which are *not* considered obsolete, and this analysis could inform the law reform process.

- The NPD describes high levels of government corruption. What form does this corruption take? How far up the government ladder does corruption permeate?

The NPD should also elaborate further on the role illegal trade, both within Nigeria and between Nigeria and its regional neighbours, plays as a driver of deforestation and forest degradation and how this is impacted by corruption and weak law enforcement.

b. Does the NPD identify the primary actors involved in illegality or corruption?

The NPD does not specifically identify the primary actors involved in weak law enforcement, illegality or corruption.

Recommendation

While governance issues and corruption are cited as having indirect influence on deforestation and forest degradation, it would be informative to understand the extent to which the primary actors pursue illegal activities, take advantage of weak governance or are implicitly involved in corruption and how this accentuates their impact on deforestation and forest degradation. This would be particularly beneficial in the context of the discussion on agricultural expansion, logging and fuel wood harvesting/charcoal production

Furthermore, the proposal would be improved by an assessment of the actors involved in any illegal trade, both within Nigeria and between Nigeria and its regional neighbours.

c. What measures are proposed to address weak law enforcement?

The NPD provides little information on current efforts at the federal level to address weak law enforcement. It does, however, acknowledge the establishment of the Nigerian Environmental Standards, Enforcement, and Regulatory Agency (NESREA) which may have help address weak law enforcement through issuing appropriate Regulations (p. 16). However, the NPD provides insufficient detail on this.

The NPD also notes the establishment of Cross River State's Anti-Deforestation Task Force to "control illegal timber harvesting" and implement the moratorium on logging, which has been in place since December 2008 (recently extended indefinitely). The NPD states that the government has committed "significant human and financial resources to the Task Force" (p. 24).

Recommendations

The NESREA and the Anti-Deforestation Task Force provide possible avenues to address the problems of weak law enforcement and corruption, although insufficient detail is given on the specific mandate of those two agencies to do so.

In the Results Framework (Output 2.1), the NPD indicates that there will be an “assessment of deforestation drivers and challenges to forest governance and potential responses at national level” (p. 49). The NPD should, however, elaborate further on what these potential responses may be.

The NPD should also include a specific assessment of the institutional capacity needed to strengthen law enforcement.

d. Do they recognise the importance of regional cooperation in tackling these issues?

Regional cooperation with Nigeria’s neighbours (particularly Cameroon) is vital if it is to properly tackle weak law enforcement, illegality and corruption in the forest sector. The NPD recognises the need for regional cooperation in the implementation of REDD+, however it fails to address specific law enforcement cooperation.

Output 1.4 (p. 49, and Table 2 on p. 44) includes an aim to strengthen Nigeria’s “role and engagement in the international community”, in particular in the Economic Community of West Africa States (ECOWAS) and in South-South Cooperation (p. 49). This is to include “training on international climate policy negotiations, active support to Nigeria’s role on REDD+ cooperation with ECOWAS, and promoting South-South cooperation with REDD+”. While there is no specific mention of promoting regional cooperation in tackling issues of weak law enforcement, illegality and corruption within the NPD, Output 1.4 provides an avenue through which this could be explored.

Nigeria’s desire to take regional leadership on REDD+, through cooperation with ECOWAS, is welcome.

Recommendation

Nigeria should look into potential strategies for regional cooperation with bordering countries specifically to address weak law enforcement, illegality and corruption in the forest sector.

According to the NPD, Nigeria plans to undertake an assessment to examine the risk of displacement (or leakage) (p. 45). Further information is needed on what concrete actions Nigeria will undertake to address this problem both within the country and with its regional neighbours.

2. Monitoring System:

a. How will governance be monitored and assessed?

Although the NPD makes express reference to monitoring of the REDD+ safeguards from the Cancun Agreement, it fails to address the specific monitoring of governance, either in Cross River State or in Nigeria as a whole.

Box 3 (p. 38) recognises the REDD+ safeguards from the UNFCCC Cancun Agreement, including transparent and effective national forest governance structures.

In addition, Box 2 (p. 26) lists “key issues for MRV of REDD+ that complies with IPCC guidelines on greenhouse gas estimates”, one of which is to be the “inclusion of ‘REDD+ Safeguards’ in the monitoring system” because it “improves governance”. Moreover, the NPD states that the monitoring system (phase 2) will include data and information on social and environmental safeguards, including governance (p. 25).

The NPD indicates that the national MRV system and the monitoring system to be established in Cross River State will include monitoring of the REDD+ safeguards (p. 51). The Cross River State monitoring system is to include analysis, stakeholder consultation, and identification of indicators and establishment of a monitoring, reporting and recourse mechanisms for safeguards (p. 52).

However, when discussing the development of monitoring systems both nationally and for Cross River State, the NPD makes no mention of governance safeguards (p. 78-81). Moreover, under Table 3 (p. 56) “Assessment of Programme’s design against internationally-adopted REDD+ readiness components”, Component 4 is listed as concerning the REDD+ monitoring system. This component, however, focuses on designing and establishing a monitoring system for (i) MRV on emissions reductions and removals; and (ii) impacts and benefits of REDD+ over time. There is no explicit reference to governance monitoring.

Moreover, Output 3.3 (p. 46) under the Results Framework includes a planned assessment of participatory governance. However, the NPD later states that while this has been developed, it has not yet been included in the programme document (p.55).

Recommendations

The NPD should elaborate specifically on how governance monitoring will be addressed in Component 4 of Table 3, which describes designing and establishing a monitoring system for the impacts and benefits of REDD+.

Governance monitoring and assessment is a key component of the Cancun REDD+ safeguards and must be included in the design of any monitoring system. The NPD states that the National Advisory Council on REDD+ is the apex governance body for Nigeria’s REDD+ programme and it is mandated to “review, approve and provide continuous guidance and support to the REDD+ monitoring and evaluation process”. This body should support the development of governance monitoring and assessment.

b. How will the environmental and social impacts of proposed actions be monitored and assessed?

The NPD states that both the national MRV system and the monitoring system for Cross River State will include monitoring of the safeguards (p. 51), with work on social and environmental safeguards initially and principally carried out in Cross River State (p. 52).

The NPD asserts that preparation of the Cross River State REDD+ strategy will embrace work on social and environmental safeguards. This is to include analysis, stakeholder consultation, and identification of indicators and establishment of monitoring, reporting and recourse mechanisms for safeguards. Moreover, the NPD declares that the “state-wide forest monitoring system will incorporate safeguards as well as the multiple benefits” (p. 52). Furthermore it states that “field-level demonstration activities will also address social and environmental safeguards, testing their design and monitoring from a pragmatic perspective” (p. 52).

Within the Outcomes and Outputs of the Results Framework (p. 44), the NPD provides several references to social and environmental monitoring. One of the expected results of Outcome 3 is the establishment of a “cadre of trained experts and interested stakeholders on key REDD+ readiness issues” such as forest monitoring and social and environmental safeguards (p. 43).

Recommendations

The NPD recognises the importance of social and environmental safeguards and makes reference to the need to develop and monitor them. However, the monitoring system has not yet been designed. The NPD should, at least, identify who is to carry out the monitoring referred to. It is important that any system developed be transparent and includes a degree of independence.

c. Does the proposal address the need to establish a monitoring system that includes independent monitoring, assessment and review of REDD+ implementation?

Nigeria’s draft NPD provides little detail on the potential for independent monitoring to be included in the monitoring system, although it does provide that the National Advisory Council (NAC) on REDD+ will review, approve and provide continuous guidance and support to REDD+ implementation.

Further, a National Technical Committee (NTC) on REDD+, which consists of “specialists on forestry, climate change and development affairs”, is mandated to “make recommendations on the effective planning and implementation of REDD+” and “liaise between respective REDD+ institutions, stakeholder groups, UN-REDD agencies and Development Partners for effective planning and implementation of REDD+ activities” (p. 22).

Recommendations

The NPD needs to elaborate on the mechanism and processes by which the National Advisory Council on REDD+ is to review, approve and provide support for REDD+ implementation. Furthermore, the membership of the National Advisory Council should be clarified, along with its level of autonomy and, therefore, the independence and transparency level of the monitoring system. This would also be useful with regard to the National Technical Committee on REDD+.

Furthermore, the relationship between the National Advisory Council and the National Technical Committee is unclear. It is apparent they both have roles

supporting REDD+ implementation and could potentially be tasked with assessment and monitoring. However, the hierarchy and level of feedback between the two is not explained. Providing a clearer picture of the relationship between these bodies would be constructive.

3. Does the proposal address the need to assess and improve the level of Fiscal Transparency?

The NPD states that during the design of Nigeria's National Programme, stakeholders were consulted and asked to define potential risks, benefits and safeguards. One particular governance risk identified by stakeholders was a lack of transparency in funding (p. 38).

In response, the NPD proposes the development of a REDD+ database and archiving system which will take the form of a 'multi-purpose' national forest inventory (NFI). This database will form the basis for a future REDD+ registry and is to ensure the transparency of future financial flows (p. 81).

Recommendations

The NPD has acknowledged concerns about a potential lack of transparency of REDD+ funds and briefly suggests a mechanism to address this issue. However, this is not discussed in sufficient detail. The proposal should elaborate further on the design of the suggested REDD+ database, for example will it provide for the independent assessment and auditing of financial flows.

Fiscal transparency should receive greater attention in the NPD, especially in light of the recognition of high levels of government corruption.

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