

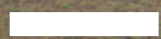


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# KENYA'S TASK FORCE ON ANTI-CORRUPTION FOR REDD+



Assessment report





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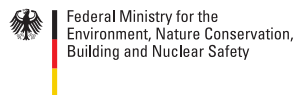
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## LIST OF ABBREVIATIONS

<b>CSO</b>	Civil society organisation
<b>EACC</b>	Ethics and Anti-Corruption Commission
<b>ILEPA</b>	Indigenous Livelihoods Enhancement Partners Association
<b>KFS</b>	Kenya Forest Service
<b>MEWNR</b>	Ministry of Environment, Water and Natural Resources
<b>NACOFA</b>	National Alliance for Community Forest Associations
<b>RCO</b>	REDD+ Coordination Office
<b>REDD+</b>	Reducing Emissions from Deforestation and Forest Degradation mechanism
<b>R-PP</b>	Readiness preparation proposal
<b>TI Kenya</b>	Transparency International Kenya
<b>UNDP</b>	United Nations Development Programme
<b>UN-REDD</b>	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries

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# EXECUTIVE SUMMARY

**This report assesses the Kenya Task Force for Anti-Corruption in Reducing Emissions from Deforestation and Forest Degradation mechanism (REDD+), which was an informal<sup>1</sup> multi-stakeholder forum that brought together national actors working on forest governance, anti-corruption and transparency in order to contribute to the development of the strategy for the implementation of REDD+ in Kenya.**

The goal of the assessment, first, is to gather lessons learned in relation to how the Task Force was created, the achievements it recorded and the challenges it faced; and secondly, to make recommendations for its future work and replicability.

The approach used to generate findings was qualitative and participative: information was collected from primary sources (interviews with key informants, including Task Force members) and secondary sources (relevant documents produced by the Task Force and other relevant actors). In general, the findings are based on what interviewed stakeholders have themselves identified as important, although a significant challenge was that, as the Task Force was an informal initiative that ended two years ago, it was difficult to find specific information about what it did. Ultimately however, this has not affected the quality of the findings, which are presented in relation to the Task Force's background, its relevance and effectiveness.<sup>2</sup>

## BACKGROUND

Activities for the implementation of REDD+ in Kenya have progressed slowly. Implementation started in 2008, and a national REDD readiness preparation proposal (R-PP) was adopted in 2010. Technical assistance and support was provided by the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) in 2012–13, and an “Initiation Plan for Designing the National REDD+ Governance System” was implemented in 2014–15.<sup>3</sup> Governance in the forest sector was identified very early on as a challenging issue and a primary factor for the high rate of forest degradation witnessed across the country. For this reason, a specific paper on corruption was produced as part of the technical support that Kenya received from UN-REDD, and this became the key milestone for creating the Task Force, as it identified specific corruption risks to tackle.

The creation of a dedicated body to address forest-related corruption risks was one of the main recommendations in the 2013 “Corruption Risk Assessment for REDD+ in Kenya”. This study was the result of close collaboration between the National REDD+ Coordination Office (RCO) under the Ministry of Environment, Water and Natural Resources (MEWNR), the Ethics and Anti-Corruption Commission (EACC), and Transparency International Kenya (TI Kenya). It was this core group, supported by technical staff from UN-REDD, which set up the Task Force in October 2014.

The Task Force had three main objectives:

1. to advance a multi-stakeholder dialogue on the interface between REDD+ and anti-corruption efforts;
2. to provide guidance on anti-corruption and transparency measures to government and stakeholders; and
3. to implement joint actions.

It included eight members, all chosen because of their role at the interface of REDD+ and anti-corruption: the RCO and EACC as co-chairs, the Kenya Forest Service (KFS), the National Treasury, the National Alliance for Community Forest Associations (NACOF), the Indigenous Livelihoods Enhancement Partners Association (ILEPA) and TI Kenya. Representatives from the National Land Commission and the Council of Governors were also invited to join, but never took part in the initiative.

The Task Force was operational between October 2014 and September 2015, during which time its workplan was provided in the “Initiation Plan”. Specifically, the Task Force was the main body responsible for the implementation of activities under Output 2 of this plan (“Transparency in REDD+ is promoted and capacities to mitigate corruption risks are enhanced”). In the end, the amount of work completed by the Task Force, as described below, was impressive. The momentum behind the initiative waned as time progressed, however: the group met monthly in 2014, but only twice in 2015 and not once in 2016 or 2017. Never officially disbanded, the Task Force still exists on paper.

## RELEVANCE

By all accounts, the Task Force appears to have been a very relevant initiative given the challenges and dynamics facing the REDD+ process in Kenya. This high level of relevance is due to how the Task Force was seen as responding to three issues: the high level of corruption in the country’s forest sector; the low awareness of anti-corruption and transparency issues among REDD+ stakeholders; and the tensions that exist among government institutions, civil society and communities around forest governance.

The three issues represent critical gaps favouring an environment in which corruption thrives, and the creation of the Task Force addressed each of them. First, it sought to advance and integrate the anti-corruption agenda in the forest sector by having the EACC engage with sectoral agencies such as the MEWNR and KFS. Secondly, it made increasing awareness of anti-corruption and transparency one of its central areas of work. And thirdly, the design of the Task Force, as a multi-stakeholder forum, served to make sure that discussions were collaborative rather than adversarial.

Relevance was undermined by some challenges, chiefly the lack of participation of the Council of Governors and the National Land Commission. The latter’s absence is particularly notable as many of the corruption risks identified in the forest sector, such as evictions, relate to land rights. The Task Force also focused almost exclusively on national stakeholders and national policies, whereas a significant role in REDD+ implementation will have to be played by sub-national actors, in particular county governments.

## EFFECTIVENESS

Overall, the Task Force should be seen as quite effective at pursuing its objectives, especially given the nature of the initiative, which was in many ways a pilot scheme and had few resources. Some important challenges, however, limited how much it achieved. These are discussed in greater detail below. Overall, the Task Force has proven to be an initiative worth pursuing and, with some adjustments, it could have a stronger impact still.

Before discussing positive outcomes and challenges, it is worth summarising the activities completed by the Task Force. These included: regular meetings, where information was shared and collaborative efforts planned; a review of relevant policies and legislative acts (such as the Climate Change Act and the KFS Code of Conduct); and awareness-raising and stakeholder engagement.

The work of the Task Force led to several positive outcomes, two of which are particularly significant. The first key outcome relates to awareness-raising around the role that corruption plays in forest management and REDD+. Individual Task Force members were the beneficiaries of this outcome, nearly all of them stating that their awareness and understanding of anti-corruption and transparency increased thanks to their participation in the initiative. The Task Force also organised a sensitisation workshop in Narok County, which brought together key stakeholders from local government, communities and civil society. This was a stand-alone event, however, and its ultimate impact is unclear.

The second key positive outcome is the code of conduct and ethics for the KFS. The idea of developing the code of conduct, which the KFS did not have at the time, came from the KFS and EACC representatives on the Task Force, but contributions from other members also helped to shape it. At the end of 2016, the KFS board approved the code, which includes several articles specifically targeting corruption. In general, while the extent to which the Task Force influenced the code (compared, for example, to actors internal to the KFS) is unclear, the fact that this document was developed within the Task Force is evidence of its significant contribution.

Several challenges limited what the Task Force could achieve, the most important among which were: the lack of financial resources; high staff turnover; and the fact that the initiative was informal and only bound by a memorandum of understanding between its members. Lack of funding certainly played a large role in what the Task Force could do, but turnover was also important, as it involved staff from two core organisations (EACC and TI Kenya).

## CONCLUSION AND RECOMMENDATIONS

The assessment has found that the Task Force was extremely relevant to Kenya's context in relation to REDD+, and also effective. It responded directly to clear and known gaps in relation to anti-corruption efforts in the forest sector, and achieved several positive outcomes: it increased awareness among key stakeholders and contributed to the adoption of a code of conduct for the KFS. Some challenges were also identified, however, which undermined what the Task Force could have been and what it achieved.

### Key factors for replicability

Looking at the possibility of reviving the Task Force in Kenya, and also replicating it in other countries where REDD+ is being or will be implemented, it is useful to highlight several key factors for the successful replicability of the initiative:

- ✓ **Membership and setting** – The Task Force must be: a) based on multi-stakeholder, multi-sectoral engagement, which provides space for civil society participation; b) the result of a process of gradual inclusivity; and c) strongly relevant to the national context.
- ✓ **Mandate** – The Task Force must have a strong mandate: in Kenya, the inclusion and active role of the EACC, an independent government body specialising in the fight against corruption, was fundamental in this respect.
- ✓ **Sustainability and resources** – The Task Force should be anchored in trust and goodwill, not financial resources. At the same time, it should be given funding appropriate to its mandate.



In conclusion, the following concrete recommendations are made in the hope that they can be of use if plans for reviving the Task Force are developed:

- **Expand the Task Force membership.** To increase relevance, the Task Force should devise a long-term strategy to ensure the participation of the National Land Commission and private sector representatives.
- **Develop a vision and/or strategy.** Looking to the future, it would be important that members have a chance to work together to shape what their vision and strategy for the work of Task Force should be, rather than starting directly from a fixed workplan.
- **Reach out to county-level stakeholders.** The Task Force should strive to create more links between Nairobi-based and county-level stakeholders.
- **Allocate more resources for activities.** The Task Force should have funding consistent with the scope of work agreed in its workplan. However, it would be important to avoid creating competition, for example by funding only activities, not staff costs.
- **Adopt a clear workplan and transparent procedures.** The Task Force should ensure that its workplan is developed by all members and regularly reviewed.
- **Ensure a written record of work.** Finally, it would be important to make sure that the Task Force keeps a more rigorous written record of its work, partly to mitigate the challenge of high staff turnover among participating organisations.



Forest in Rift Valley  
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# INTRODUCTION

**This assessment focuses on the Kenya Task Force for Anti-Corruption in REDD+, an informal body<sup>4</sup> that was operational between 2014 and 2015, and whose work was tied into the development of the strategy for the implementation of REDD+ in Kenya.**

Specifically, the goal of the assessment, which was commissioned by Transparency International, was to conduct a participatory review of the approach that the Task Force developed and used in Kenya. The focus was very much on gathering lessons learned in relation to how the Task Force was created, the achievements it recorded and the challenges it faced, and what recommendations can be made on this basis for its future work and replicability.

Activities for the implementation of REDD+ in Kenya have progressed slowly: started in 2008, they led to the adoption of a national REDD R-PP in June 2010; technical assistance and limited financial support from the UN-REDD Programme in 2012–13; and the implementation of an “Initiation Plan for Designing the National REDD+ Governance System” in 2014–15. Preparedness efforts then appear to have halted for 2016 and most of 2017.<sup>5</sup> The work of the Task Force itself fell under the “Initiation Plan” and responded directly to challenges in forest governance and corruption that are very specific to Kenya. Indeed, what characterised the approach behind the creation of the Task Force was less its innovation (multi-stakeholder forums have proliferated in Kenya in recent years) and more its specificity: the Task Force was not, in fact, a body created to promote engagement generally, but engagement around anti-corruption in REDD+.

It is also worth noting that the Kenya Task Force was not the only example of its kind. According to staff from the UN-REDD Programme, similar initiatives were set up in other countries, including Bhutan and Bangladesh. And while the assessment did not seek to compare the experience in Kenya with that of other countries, the hope is that, by identifying lessons learned and specific factors of success, the assessment can make a contribution to improving the model and replicating it wherever it may be deemed relevant.

Methodologically, the assessment sought to measure the Task Force’s achievements against the OECD-DAC evaluation criteria of relevance and effectiveness.<sup>6</sup> The approach was qualitative in nature: lines of inquiry were developed and information sought from primary and secondary sources. These included a review of key documents, including Task Force agendas and reports, REDD+ implementation documents and official legal documents (see Annex I), and interviews with key informants, mainly Task Force members and other stakeholders (see Annex II). To the maximum extent possible, the assessment sought to be participative, and most of the findings are based on what interviewed stakeholders themselves identified as being important. Data collection and analysis was not without challenges, chief among them the fact that, as an informal initiative that ended two years ago, it was difficult to find specific information about what the Task Force did. Ultimately, the challenges faced did not affect the quality of the findings.

The assessment report is structured in four sections. The first presents a short background to the Task Force, tracking its creation in the context of REDD+ implementation in Kenya. The second looks at findings related to relevance, focusing on achievements and then challenges. The third looks at findings related to effectiveness, following the same structure. The fourth and final section presents the assessment’s conclusions and recommendations for the future of the Task Force.

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# BACKGROUND TO THE TASK FORCE

**The Kenya Task Force on Anti-Corruption for REDD+ was officially created in October 2014 on the heels of the Government of Kenya’s preparations to join the REDD+ mechanism. These efforts officially started in 2008–09 under the stewardship of the KFS and resulted in the formulation and adoption of the national REDD R-PP in June 2010.<sup>7</sup> That same year, Kenya became an observer country to the UN-REDD Programme and a participant in the Forest Carbon Partnership Facility.**

The R-PP led the Kenyan government to request and receive targeted support from the UN-REDD Programme, in 2012–13. These funds were then used, among other things, to produce a series of analytical papers with a strong focus on forest governance, which the R-PP had already identified as a key issue for the implementation of REDD+ activities in the country. One of these papers dealt specifically with the risks and challenges of corruption, and became the stepping-stone for the creation of the Task Force. The “Corruption Risk Assessment for REDD+ in Kenya”, published in November 2013, was the result of a close collaboration between the RCO under the MEWNR,<sup>8</sup> the EACC and TI Kenya. This core group initially came together with the assistance of the UN-REDD Programme technical staff and was responsible for the design of the assessment, which filled a critical gap by providing an in-depth look at the issue of corruption in the management of forests in Kenya.

One of the main recommendations of the assessment was “to explore a more dedicated task force and formal grievance and redress mechanism that can work on forest-related corruption, including REDD+”.<sup>9</sup> This ended up being the Task Force on Anti-Corruption, which was indeed led by the core group of the RCO, EACC and TI Kenya. Officially, the work of the Task Force was framed as part of the “Initiation Plan for Designing the National REDD+ Governance System”, an initiative that expanded REDD+ readiness activities following the end of the UN-REDD targeted support. The “Initiation Plan” lasted for one year (2014–15) and was funded by the UN Development Programme (UNDP).

From the beginning, the Task Force was created with three main objectives:

1. to advance a multi-stakeholder dialogue on the interface between REDD+ and anti-corruption efforts
2. to provide guidance on anti-corruption and transparency measures for government and stakeholders
3. to implement joint actions

In line with the above, the Task Force was thus designed to include key stakeholders working at the interface of REDD+ and the fight against corruption. As an inclusive forum, its members were chosen from the government, multi-lateral agencies and civil society. Originally they included eight organisations: the MEWNR, the EACC, the KFS, the RCO, the National Treasury, TI Kenya, ILEPA and NACOFA.<sup>10</sup> Additionally, the National Land Commission and the Council of Governors (through the Sub-Committee on the Environment) were added as core members at the first meeting of the Task Force, in October 2014, and thus officially invited to join the initiative. UNDP provided secretarial functions, under the mantle of UN-REDD. For more information, the official Terms of Reference for the Task Force are included as Annex III.

Overall, the choice of members was carefully made, with the main criterion being the inclusion of both REDD+ stakeholders and anti-corruption organisations. In this context, the participation of the EACC was of particular importance for how the Task Force was intended to advance the anti-corruption and transparency agenda, and for this reason the Commission was invited as a co-chair, alongside the RCO.

The work of the Task Force was tied to the implementation of the “Initiation Plan” (mentioned above). This had three outputs, one of which was that “transparency in REDD+ is promoted and capacities to mitigate corruption risks are enhanced”. A series of activities and indicators of success were included and served as the Task Force’s workplan, as per the table below.<sup>11</sup>

OUTPUT	ACTIVITIES	INDICATOR	BASELINE	TARGET
Transparency in REDD+ is promoted and capacities to mitigate corruption risks are enhanced	<ol style="list-style-type: none"> <li>1. A REDD+ Registry is outlined, adapted to Kenya</li> <li>2. Coordination is fostered between MEWNR and EACC</li> <li>3. Stakeholders are aware of corruption risks on REDD+ and carbon finance, and trained in how to monitor and address them</li> </ol>	<p>Stakeholders discuss type of information required to monitor REDD+ projects</p> <p>A Task Force on REDD+ and anti-corruption is established and meets regularly</p>	<p>A Corruption Risk Assessment for REDD+ in Kenya is available, but actions are not defined</p> <p>In addition, there is lack of a platform to monitor REDD+ pilot projects</p>	<p>An outline of a REDD+ registry is elaborated</p> <p>An Anti-Corruption for REDD+ Task Force is operational and recognised by both environmental and governance constituencies</p>

As per the members’ original intention, the Task Force remained operational for the duration of the “Initiation Plan”, from October 2014 to September 2015. The intensity of the work and the regularity of meetings decreased with time, however: this is discussed in greater detail in the section on effectiveness.

The Task Force was never officially disbanded, and it therefore still exists on paper; however, it only had two meetings in 2015 and did not meet at all in either 2016 or 2017. The main reason for this appears to be that, as funding for “Initiation Plan” activities ended in 2015, nothing replaced it. This affected REDD+ implementation in Kenya in general, and it effectively put a hold on most preparedness efforts, including the work of the Task Force.



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# RELEVANCE OF THE TASK FORCE

**By all accounts, the Task Force was a very relevant initiative given the challenges and dynamics facing the REDD+ process in Kenya.**

Based on the information collected through the review of key documents and interviews with key informants, this high level of relevance is due to how the Task Force was seen as responding to three main issues: the level of corruption in the country's forest sector; the low awareness of anti-corruption and transparency issues among REDD+ stakeholders; and the tensions that exist among government institutions, civil society and communities around forest governance. Each of the issues and how the Task Force addressed them is discussed below.

## **1. Level of corruption in the forest sector**

– Corruption in Kenya is an extremely significant challenge for good governance and development.<sup>12</sup> But in the forestry sector it appears to be even more pervasive: the “Corruption Risk Assessment for REDD+ in Kenya” report even suggests that corruption and the lack of transparency and accountability in the forest governance system are largely responsible for the massive deforestation and forest degradation that the country has experienced in the post-independence period.<sup>13</sup> The dynamics behind this are complex, but involve multiple governance failures within both the government agencies mandated to manage forests, the community forests associations created to assist them, and the overarching political system in which forests (and land more generally) are routinely used as assets to trade for political aims. The negative impact of corruption is confirmed by a number of other sources, both primary (other stakeholders from the forest sector<sup>14</sup>) and secondary (relevant documents reviewed<sup>15</sup>), which highlight the specific history of corruption in the management of Kenya forests, and the responsibility of key institutions in permitting, if not even facilitating, this practice.

The Task Force addressed this issue head-on: specifically, having the EACC chair the group was intended to strengthen the Commission's mandate to push its anti-corruption agenda vis-à-vis other participating government agencies (the KFS, the MEWNR and the National Treasury), as well as NACOFA, with which it would not have otherwise regularly interacted. The participation of ILEPA and TI Kenya was also supposed to support this objective: as civil society actors, they were in fact seen as guarantors of transparency and accountability.

## **2. Low awareness of anti-corruption and transparency issues among REDD+ stakeholders**

– In Kenya there still is a very low level of awareness about what REDD+ is, how the process should progress, and what benefits will come of it. Beyond this, most Task Force members interviewed for the assessment underlined that even among REDD+ stakeholders there is a very low level of awareness about issues of anti-corruption and transparency, and what role they should play in REDD+ strategies. This appears to be particularly true for those participants coming from technical sectors (for example, forestry, natural resource management, and so on). Several sources also stress that awareness is even lower among communities living in and around forests, a challenge that is made more problematic by their lack of capacity for meaningful engagement in policy formulation.

As the table in the previous section shows, increasing awareness of anti-corruption and transparency was central to the work of the Task Force. And this was supposed to happen not only among national REDD+ stakeholders, meaning the Task Force members themselves and their organisations, but also among communities. The Task Force had in fact the ambition to implement a wide array of community and stakeholder engagement activities at the county level.

**3. Tensions between government, civil society and communities** – There has been, and there continues to be, a significant amount of tension in Kenya between government and civil society advocates, especially on issues that are of strategic interest to the former. This certainly includes forests, which are regularly used as bargaining chips by the country's political elites. This tension has existed for a long time and is closely related to the country's governance system, which is heavily characterised by patronage networks and weak institutional capacity, especially for oversight and law enforcement.<sup>16</sup> The context has recently changed, however, for the better in some ways, and for the worse in others. On the positive side, Kenya adopted a new Constitution in 2010, which includes important elements for strengthening good governance over natural resources. On the negative side, the space for civil dissent and opposition in the country has shrunk significantly in the last few years: the government in particular has been passing legislation to limit the role that civil society organisations (CSOs) play in society.<sup>17</sup>

In many ways, the Task Force was designed specifically to address this issue. As one stakeholder said: "the Task Force represented a strategy to penetrate through the political system, without generating conflict between government and civil society."<sup>18</sup>

Overall, the way in which the Task Force was set up allowed it, at least on paper, to respond to all three issues mentioned above, each of which reflects a critical gap in relation to how corruption risks in the forest sector are addressed and managed. The multi-stakeholder nature of the Task Force is a particular point of strength, as it supported constructive engagement between government agencies and CSOs, avoiding antagonistic dynamics that can be the norm with non-governmental organisation-led advocacy efforts, in Kenya and elsewhere. This is a specificity of the Task Force's mandate.

The assessment also identified several challenges that, if addressed, could make the initiative even more relevant. The first is about the composition of the Task Force, and specifically the fact that representatives from the National Land Commission and the Council of Governors, although invited, never took part in the meetings. The lack of participation from the National Land Commission is particularly problematic, as many of the dynamics of corruption identified in the forest sector – such as evictions, excisions and the role of forest-dwelling indigenous people – are related to land rights. Some Task Force members also lamented the lack of private sector representatives, especially in light of the role that companies can have in corruption.<sup>19</sup> In terms of composition, the participation of CSOs could also be improved: while it is in fact clear why TI Kenya and ILEPA took part in the Task Force, why other important CSOs with relevant expertise were excluded is not.

Finally, a challenge to relevance comes from how the Task Force was mainly focused on national policies and the engagement of national stakeholders – this in spite of the need, widely acknowledged, to engage a wider array of local stakeholders, from communities to county officials. The presence of NACOFA in the Task Force and the organisation of a stakeholder sensitisation workshop in Narok County (see below) are indicative of the recognition of the need to pay more attention to actors outside of Nairobi, but the mandate of the Task Force was less clear on this front.

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# EFFECTIVENESS OF THE TASK FORCE

Before discussing the outcomes achieved, it is necessary to briefly review the activities completed by the Task Force, which are ultimately different from those included in the workplan under the “Initiation Plan”.

During the time it was operational, the Task Force's activities can be summarised as follows:

- **Meetings** – The Task Force met regularly over the year, allowing its members to share information and collaborate on initiatives that they themselves identified. In total, there are records of six meetings, although only two were held in 2015, and none in 2016 or 2017. As mentioned before, the RCO and EACC co-chaired meetings, but these were hosted, in turn, by most member organisations.
- **Review of key policies and legislative acts** – The Task Force reviewed relevant national policies and legislation with the aim of making recommendations to promote anti-corruption and transparency. Interviewed members mentioned that the Task Force looked at: the Natural Resource Management (Benefit Sharing) Bill; the Climate Change Act; and the Forest Conservation Bill. The Task Force also worked on the KFS Code of Conduct, a case that is discussed in more detail below.
- **Awareness-raising and stakeholder engagement** – The Task Force worked to promote awareness on REDD+, as well as anti-corruption and transparency, at two levels: first, among the Task Force members themselves, through the regular meetings; and secondly, with local stakeholders through community sensitisation workshops outside of Nairobi. Only one such event took place, however, in Narok County, where a two-day workshop was held in August 2015 with the aim of catalysing “county-level discussions on strengthening forest and REDD+ governance in support of climate change response programmes, environmental protection and socio-economic development”.<sup>20</sup>

- **Research on key issues** – Finally, some Task Force members said that research was also commissioned and presented on issues relevant to REDD+, for example on free, prior and informed consent. However, the assignment could not find enough information about this activity, for example in relation to what the research was used for or who carried it out.

There are several positive outcomes that the assessment has identified as the direct result of the work of the Task Force, as just described. Of these, two stood out as particularly positive, and thus indicative of the effectiveness that the Task Force had, and could have again in the future: the creation of a platform that facilitated information-sharing and collaboration among specialised actors, and the development of the KFS Code of Conduct.

The successful creation of an information-sharing and collaborative platform is the first positive outcome, also in line with what the initiative was *intended* to achieve. Overall, this success depends not only on what the Task Force represented, but also on how effectively it worked to facilitate engagement among and between stakeholders who – on issues of anti-corruption, transparency and accountability – did not interact regularly. All the Task Force members interviewed for the assessment expressed genuine appreciation for the opportunity that the initiative provided in this regard; several also said that the interaction with people from different sectors led them to learn about common challenges and possible solutions related to REDD+ implementation. Ultimately, this can be seen mainly as a process outcome, linked to the nature and quality of Task Force meetings, but it is extremely important, as it arguably contributed to increasing the level of trust among its members. While in fact other REDD+



stakeholder engagement activities had taken place before its creation, a specific forum such as the Task Force, focusing on those issues and bringing together those actors, had never previously existed.

Furthermore, the Task Force helped to increase not only awareness of key issues, but also understanding among key REDD+ stakeholders. The main beneficiaries of this outcome were again the Task Force members themselves, who repeatedly confirmed how their participation in the initiative served to make them more knowledgeable about issues related to anti-corruption and transparency – issues which, by their own admission, they were not previously familiar with. Additionally, several Task Force members also said they had a greater understanding of how corruption could be prevented: the NACOFA representative, for example, said that his understanding of anti-corruption

practices increased thanks to the Task Force, and that he appreciated in particular the sharing of reports on these issues by other members.<sup>21</sup>

Another example of a key outcome in terms of awareness-raising was the meeting with county-level administrators and community representatives in Narok County. The Task Force was entirely responsible for the organisation of this workshop, a two-day event that brought together around 35 participants from the county. Ultimately, however, this outcome should be seen as more valuable in relation to the relevance than the effectiveness criterion. As a one-off event, with scarce evidence of any follow-up, the event should in fact be seen as positive, but its overall impact remains uncertain.

### Key Outcome: REDD+ Stakeholder engagement in Narok County

The Task Force organised a two-day event with the aim of “catalysing County-level discussions on strengthening forest and REDD+ governance in support of climate change response programmes, environmental protection and socio-economic development”. The choice of Narok County was both strategic and opportunistic: the county was seen as strategic as it includes part of the Mau Forest, one of Kenya’s main forested areas; and one of the Task Force members, the ILEPA representative, was at the time transitioning from the CSO to the Narok County government.

Positively, the event brought together key stakeholders from local government (including the Narok County Executive Committee Member for the Environment), communities and civil society. Several Task Force members gave presentations: the RCO on the status of REDD+ implementation, the KFS on climate change mitigation, and the EACC on the *Corruption Risk Assessment* report. Other positive outcomes from the workshop, other than increased awareness, included the building of trust between stakeholders and the start of a separate initiative, funded by UNDP, focusing on charcoal production.<sup>22</sup> Follow-up has been a challenge, however, as it appears that the Task Force has not engaged with the same group of stakeholders ever since the meeting.

The second positive achievement of the Task Force was the work that it did on the code of conduct and ethics for the KFS. Working on this was a proposal made by the Task Force itself, and came from the participation of two institutions (the EACC and the KFS) with key roles to play in REDD+. One of the key responsibilities of the EACC, vis-à-vis other national

government institutions, was in fact to work with them to integrate codes of conduct relating to ethical and anti-corruption issues. And one of the key tasks of the KFS representative in the Task Force, who at the time was the agency's Acting Head for Internal Audit, was the development of such a code.

## Key outcome: Development and adoption of the KFS Code of Conduct

Working on codes of conduct was not explicitly part of the Task Force's workplan, as defined in the "Initiation Plan". The decision, however, came from the direct interaction between the EACC and KFS representatives on the Task Force. As one member recalls, "as the Task Force we asked ourselves, what do we need to fight corruption? What value can we add? So we thought that the KFS is one of the major stakeholders and then we focused on the code of conduct."<sup>23</sup>

Work on the code of conduct was thus facilitated by the fact that the KFS participant had a specific mandate from its agency, and that the EACC had a standard code of conduct for other agencies to use and adapt. And while the KFS and EACC worked closely on the development of the code, other members also contributed their insights: the code was in fact a regular agenda item in Task Force meetings, and members' feedback was used to shape the document.

The Board of the KFS approved the final version of the code of conduct towards the end of 2016. The document includes several articles specifically targeting corruption, including on improper enrichment (Article 11), gifts and benefits in kind (Article 13), and conflict of interest (Article 14). At present, the KFS is organising sensitisation activities on the code for its staff.<sup>24</sup>

*Overall, the extent to which the Task Force, or individual members, influenced the content of the KFS code, compared for example with the role played by stakeholders internal to that organisation, remains unclear; however, the fact that the code was developed within the Task Force is evidence of its strong and significant contribution.*

A third positive outcome should also be mentioned, although it is not as clear-cut as the previous two. Most members interviewed for the assessment spoke positively about the work that the Task Force did in reviewing key legislative acts, which were being discussed or developed by the Kenyan authorities at the time. Unlike with the KFS Code of Conduct, however, it is not clear how the Task Force's contributions in these engagements led to the anti-corruption and transparency provisions integrated in national law, at least based on information collected for this assessment.

The last point about positive outcomes is how members saw the Task Force as having clear added value for the work of their individual organisations. The EACC, for example, does not generally organise awareness-raising events, and certainly not on specific issues such as forest management, but participating in the Task Force created the opportunity for them to take part in the community sensitisation workshop in Narok. ILEPA and TI Kenya, as CSOs, do not have many opportunities for a direct line of communication to government officials: the existence of the Task Force provided this and therefore had clear strategic value for them.

Positive outcomes notwithstanding, several challenges limited what the Task Force could achieve, the most important among which were: the lack of financial resources; high staff turnover; and the fact that the initiative was informal and only bound by a memorandum of understanding between the members.

Nearly all the stakeholders interviewed mentioned the lack of funds (and to a lesser extent also time) as the main challenge faced. The Task Force had in fact an ambitious mandate and was a central piece in the achievement of a key output under the "Initiation Plan". And while some outcomes were achieved, others were not. For example, the Task Force was supposed to work on the development of a national REDD+ Registry and the exploration of a complaints mechanism. Neither of these issues appear to have been part of the Task Force's core work. The Task Force's efforts on increased awareness were also supposed to be wider than the single workshop in Narok Country: at one point, in fact, the members had identified a total of five counties to target under this activity. On the REDD+ Registry and awareness-raising, expectations

were clearly not met, and this can be largely attributed to the lack of funding, which was also a factor in the increasing irregularity of the Task Force's meetings.

Staff turnover was another important challenge. As an informal initiative, the Task Force relied heavily on its members to act as "champions" for its work, contributing to its activities on a voluntary basis and ensuring that their own organisations had a sufficient level of goodwill for the initiative (by, among other things, hosting Task Force meetings). However, there were a few replacements that, according to members interviewed, had a somewhat negative effect on how the Task Force worked. Specifically, representatives from the EACC and TI Kenya, which had played a central role in establishing the Task Force itself, were replaced shortly after its creation. This affected the dynamics between members and undercut some of the momentum behind the initiative, putting more responsibility onto the RCO (and UNDP as the funding agency and de facto secretariat) and limiting the role of the EEAC.

A last challenge appears to have been the informal nature of the Task Force, which was bound only by a memorandum of understanding between its members. This had advantages, but also disadvantages. On the positive side was the opportunity to cut through administrative red tape to create a direct line of communication among REDD+ stakeholders from government and civil society. On the negative one, the Task Force suffered from unclear working procedures, including around the availability and use of the financial resources at its disposal. This was less of a problem at the beginning, when members' goodwill was high, but as the Task Force's work progressed, it appears to have undermined cohesion among members, some of whom saw the initiative as being too driven by the RCO. The Task Force also did not maintain a precise record of its work, including meeting notes and event reports.



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# CONCLUSION AND RECOMMENDATIONS

Overall, the assessment has found that the Task Force was extremely relevant to Kenya's context in relation to REDD+, and also effective.

It responded directly to clear and known gaps in relation to anti-corruption efforts in the forest sector, and achieved several positive outcomes: it increased awareness and cooperation among key stakeholders and contributed to the adoption of a code of conduct for the KFS. Some challenges were also identified, however, which undermined what the Task Force could have been and what it achieved: lack of funds, high

staff turnover and the body's informal nature ultimately meant that the Task Force fell short of what it was expected to achieve, unable to sustain the goodwill of members. These challenges likely contributed to the fact the Task Force has been dormant for almost two years, although the stall in the implementation of REDD+ readiness activities played a larger role in this.

## Key factors for replicability

Looking at the possibility of reviving the Task Force in Kenya, and also replicating it in other countries where REDD+ is being or will be implemented, it is useful to highlight several key factors for the successful replicability of the initiative:

- **It was based on multi-stakeholder, multi-sectoral engagement** – A key factor behind the Task Force's effectiveness is how it comprised members from government agencies, multi-lateral organisations and civil society. This make-up is necessary for achieving positive outcomes, but so is the fact that many of the members came from different sectors and thus were able to learn not just about anti-corruption and transparency, but also about one another's work.
- **It was the result of gradual inclusivity** – Inclusivity is an important element for the success of initiatives such as the Task Force. However, an underestimated aspect is how its growth was gradual: it started from three core members (RCO, EACC and TI Kenya) and then moved to a larger group, which then moved to an even larger group through specific activities. This gradual inclusivity was helpful in building trust and keeping momentum going in the early stages of the initiative.
- **It gave a central role to the EACC** – The Task Force would have been much weaker without the EACC, a government agency with a strong and independent mandate to advance an anti-corruption agenda vis-à-vis other government agencies.
- **It provided space for civil society participation** – Linked to the multi-stakeholder aspect, also key to the Task Force work is the inclusion of civil society, which ensured a level of accountability that would not have been present had this only included government representatives.
- **It was very relevant to the context** – The fact that corruption is a key challenge in the forest sector and in REDD+ implementation in Kenya was a factor contributing to the relevance of the Task Force. **It was built on trust and goodwill, not financial resources** – The informal nature of the Task Force made it different from a simple project consortium, emphasising the importance of members' commitment and goodwill. This worked and it should be kept in mind even as funds are allocated to the Task Force in the future.

In conclusion, the following concrete recommendations are made in the hope that they can be of use given that plans for reviving the Task Force are being considered in the context of efforts to jump-start REDD+ activities in Kenya:

- **Expand the Task Force membership.** To increase relevance, the Task Force should devise a strategy to ensure the participation of the National Land Commission and to relevant representatives from the private sector. The presence of both is necessary in fact to ensure that the Task Force can properly address the most important challenges to forest degradation. Past experience has, however, shown that invitations may not be enough; a strategy could therefore focus on finding the right individual “champions” and cultivating a long-term relationship that could result in institutional buy-in.
- **Develop a vision and/or strategy.** Looking to the future, it is important that members have a chance to work together in shaping what their vision and strategy for the work of Task Force should be. This would serve to make the initiative more participative and sustainable than it has been to date, and allow each member to contribute at a different and altogether higher level than just working from an already existing workplan.
- **Reach out to county-level stakeholders.** The Task Force should strive to create more links between Nairobi-based stakeholders and county-level stakeholders. This would have a double objective: first, it would serve to increase awareness about the need to address corruption risks in REDD+ among a greater number of important stakeholders; and secondly, it would allow the Task Force to channel local voices into national level debates, and vice versa. In practice, this could take the form of identifying focal points in target counties – local government officers and civil society representatives who can regularly check in with, and contribute to, the work of the Task Force.
- **Allocate more resources for activities.** The Task Force should have funding consistent with the scope of work agreed in its workplan. However, it will be important to ensure that this is made available in a way that does not make the Task Force just another arena for competition over funding. This could be done by, for example, clarifying the Task Force’s governance system, and making funding available only for activities and not staff. Also, as some members remarked on the complicated requirements for obtaining funds through UNDP, a different organisation might be considered for managing the Task Force’s financial resources.
- **Adopt a clear workplan and transparent procedures.** The Task Force draws some important advantages from being an informal body, and could therefore very well retain this status. If it does, it should continue to ensure that its work is guided by a workplan that is developed by all members and regularly reviewed.
- **Ensure a written record of work.** Linked to the above, it will be important for the Task Force to make sure that it keeps a more rigorous written record of its work. This should include, at a minimum, meeting and activity reports. However, it would also be good to have an introduction package: a collection of documents and relevant resources useful for anyone joining the Task Force for the first time. This could help to mitigate the consequences of staff turnover.

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# ANNEX I: LIST OF DOCUMENTS REVIEWED

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Transparency International, *Keeping REDD+ Clean: A step-by-step guide to preventing corruption*, (2012).

Transparency International, *REDD+ and corruption risks for Africa's forests*, (2016).

UNDP, "Task Force on Anti-Corruption for REDD+ Launched", (November 2014).

# ANNEX II: LIST OF PEOPLE INTERVIEWED

NAME	AGENCY	ROLE
Alfred N. Gichu	National REDD+ Coordination Office, Ministry of Environment, Water and Natural Resources (MEWNR)	Task Force member
Estelle Fach	UN United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD)	Technical advisor
Gerald M. Ngatia	National Alliance of Community Forest Associations (NACOFA)	Task Force member
Jared Aduwo	Ethics and Anti-Corruption Commission (EACC)	Task Force member
Judy Ndichu	UN United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD)	Task Force Coordinator
Patrick Ole Twala	Indigenous Livelihoods Enhancement Partners (ILEPA)	Task Force member
Pauline Mwende	Kenya Forest Service (KFS)	Task Force member
Psamson Nzioki	Transparency International Kenya (TI Kenya)	Task Force member
Teresa Maina	Green Belt Movement	Sector stakeholder



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# ANNEX III: TERMS OF REFERENCE FOR THE KENYA TASK FORCE FOR ANTI-CORRUPTION IN REDD+

30th October 2014

*Adopted at the inaugural meeting, Held on Thursday 23rd October at the Ministry of the Environment, Water and Natural Resources*

## 1. BACKGROUND

Kenya is pursuing a REDD+ system, in alignment with the UN Framework Convention on Climate Change (UNFCCC), with support from the United Nations (UN-REDD Programme), the World Bank (Forest Carbon Partnership Facility) and other partners. The national REDD+ readiness plan of Kenya was recognized internationally in 2010 and, subsequently, a National REDD+ Office established to lead and coordinate the building of the REDD+ system in Kenya. The credibility and functioning of a REDD+ system relies on a robust implementation framework, where governance measures, including transparency and accountability mechanisms, are indispensable (as per key social safeguard measures that were set out in the UNFCCC's *Cancun Agreements*, 2010). At the same time, Kenya has inscribed the fight against corruption as a political priority: Article 79 of the new Constitution of Kenya calls for the creation of an independent Ethics and Anti-Corruption Commission (EACC), which was enacted in 2011. In order to enhance the linkages between international governance standards for REDD+ and national efforts to combat corruption, a "Kenya Task Force on Anti-Corruption for REDD+" has been proposed and created, with the aim of fostering a genuine multi-stakeholder technical and policy dialogue on the interface between REDD+ and corruption. It is hereafter referred to as "the Task Force" and can be abbreviated as KTFACR+.

## 2. MANDATE

The Task Force is established to advance a multi-stakeholder dialogue on the interface between REDD+ and anti-corruption efforts, to provide guidance to Government and stakeholders, and to implement joint actions.

## 3. COMPOSITION

The core members, representing the major stakeholders, are:

- The Ministry of Environment, Water and Natural Resources– MEWNR (1 representative)
- The Ethics and Anti-Corruption Commission– EACC (2 representatives, reflecting different functions)
- The Kenya Forest Services–KFS (1 representative)
- The National REDD+ Office (1 representative)
- The National Land Commission (1 representative)
- The National Treasury (1 representative)
- Transparency International (Kenya chapter) – TI (1 representative)
- Indigenous Livelihoods Enhancement Partners - ILEPA (1 representative)

- The National Alliance for Community Forest Associations - NACOFA (1 representative)
- The Council of Governors, through its Sub-Committee on the Environment (1 representative)

The members attend Task Force meetings and contribute to decisions on behalf of their organization and not in their personal capacities. To ensure continuity and coherence of work, the participating institutions will nominate a representing individual to regularly attend the meetings of the Task Force. Only exceptionally, when the nominated member is unable to participate in a specific meeting, they may propose someone else to attend.

Observers will be invited on a needs-basis, according to the issues under deliberation. They can comprise the private sector, academia (in particular the Environment Society of Kenya and the Kenya Institute for Public Policy Research and Analysis), the Ministry of Agriculture, and independent experts

#### 4. ROLES

The Task Force, through its representatives, shall:

- Discuss issues and approaches, and agree on priorities and actions, to mitigate corruption risks in REDD+ and related activities.
  - Define its roadmaps and work plans, as well as the terms of reference of the activities and events under the lead of the Task Force.
  - Ensure implementation of the agreed anti-corruption & REDD+ activities, either directly or by mobilizing the capacities of their respective organizations or partners.
  - Promote the work of the Task Force through different platforms and events, as well as via the communication means of the respective members' organizations (e.g. websites, newsletters, public events, media contacts).
  - Regularly report back to the management, members & networks of their own organizations, gathering in return feedback to be shared back with the Task Force.
  - Engage with other stakeholders, and with consultative groups, and regularly report on progress and results of the work of the Task Force.
- Provide regular inputs into the objectives and design of key elements of Kenya's REDD+ institutional framework, such as the REDD+ registry, the National Stakeholder Engagement Plan, the REDD+ finance work, the FPIC guidelines, and the anti-corruption for REDD+ awareness campaign, among others.
  - Identify and build on linkages with ongoing initiatives undertaken by Task Force representatives (such as hotlines, the forthcoming East Africa illegal timber/charcoal trade & REDD+ project, and the integrated public complaints and referral mechanism, among others).
  - Review and, if required, adopt products prepared under the auspices of the Task Force.

#### 5. MANAGEMENT ARRANGEMENTS

- Chair: The Task Force will be chaired by the EACC for the first 6 months (up to the end of April 2015), with the possibility of renewal. Members will decide on the Chair by collegial agreement. The Chair will run the meetings and ensure fruitful discussions and a collaborative work spirit. Co-chairing with the host organization is a feasible alternative.
- Secretariat: The Secretariat of the Task Force will be provided by the MEWNR, via the National REDD+ Office, with the support of the UN-REDD Programme (via the UNDP/REDD+ team in Nairobi). The roles of the Secretariat will include:
  - Prepare and facilitate the organization of the meetings of the Task Force
  - Provide technical inputs and invite experts to contribute as needed
  - Prepare background and draft documents, in prior consultation with the Chair and members of the Task Force
  - Record and circulate minutes and reports of meetings and activities

- iii. Meetings & Events: The internal functioning of the Task Force will be guided as follows:
  - a. The Task Force shall convene ideally on a monthly basis and at least six times a year, in the offices of one of the participating institutions (or at the UN offices or at a rented place on an exceptional basis).
  - b. The Task Force will work collegially and will make decisions on consensus.
  - c. A quorum of at least six member organizations (out of the core ten) is needed for the Task Force to make decisions on key activities.
  - d. At the start or conclusion of meetings, the management of the host organization will be briefed on the work of the Task Force.
  - e. The host institution will provide snacks or lunch depending on the duration of the meeting.
  - f. No DSA shall be provided for the regular meetings of the Task Force, except when members have to travel from another city to the venue of a meeting or an activity.
  - g. Transportation fees maybe provided according to available finance and in accordance of the rules of the financing source.

## 6. DURATION & FINANCE

The Task Force is established for one year as of its Inaugural Meeting on 23rd October 2014, with possibility of extension depending on results, identified work ahead and by consensual agreement among the members.

The *Kenya REDD+ Governance Initiative*, which receives support from the UN-REDD Programme, will finance some of the activities proposed by the Task Force. Co-financing from member organizations and from other sources will be explored on a needs basis.

## 7. AMENDMENTS

The above Terms of Reference may be amended by endorsement of at least seven out of the ten core members, and ideally by consensus.



The Task Force members in Naivasha © Kenya's Task Force on Anti-Corruption for REDD+

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# END NOTES

1. This means that the Task Force, as it was created, did not have legal standing and was not an officially recognised body within Kenya's REDD+ institutional architecture.
2. The two criteria were chosen in collaboration with TI as they were deemed the most appropriate for this type of assessment.
3. REDD+ preparedness efforts were put on hold for 2016 and most of 2017, apparently on account of a funding gap.
4. Informal is used to indicate that the Task Force, as it was created, did not have legal standing and was not an officially recognised body within Kenya's REDD+ institutional architecture.
5. It was not clear why efforts were put on hold. Information collected for the assessment suggests that this might have been due to the fact that Kenya was not, at the time, chosen as a priority country for REDD+.
6. The OECD-DAC defines relevance as "the extent to which the aid activity is suited to the priorities and policies of the target group, recipient and donor", and effectiveness as a "measure of the extent to which an aid activity attains its objectives" (see: [www.oecd.org/dac/evaluation/dacriteriaforevaluatingdevelopmentassistance.htm](http://www.oecd.org/dac/evaluation/dacriteriaforevaluatingdevelopmentassistance.htm); accessed on 15 September 2017).
7. *REDD Readiness Preparation Proposal Kenya*, Government of Kenya, June 2010. A revised version of the proposal was also published in October 2010.
8. Between 2010 and 2013, responsibility for REDD+ preparedness passed from the KFS to the MEWNR, where the RCO was eventually established.
9. "A Corruption Risk Assessment for REDD+ in Kenya", *Kenya REDD+ Analytical Series No. 1*, November 2013:8.
10. Civil society organisations on the Task Force included ILEPA and TI Kenya.
11. Initiation Plan for Designing the National REDD+ Governance System, Government of Kenya (MEWNR) and UNDP, April 2014:14.
12. According to the Corruption Perceptions Index 2016, Kenya ranked 146 out of 176 countries (see link: [www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016), accessed on 25 September 2017).
13. "A Corruption Risk Assessment for REDD+ in Kenya", *Kenya REDD+ Analytical Series No. 1*, November 2013.
14. Interview with key stakeholder (September 2017).
15. See Annex I for a complete list of documents reviewed.
16. See, for example: Mkutu, K. and Gerald Wandera, *Policing the Periphery: Opportunities and Challenges for Kenya Police Reserves*, Working Paper, Small Arms Survey (March 2013).
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18. Interview with Task Force member (August 2017).
19. "A Corruption Risk Assessment for REDD+ in Kenya", *Kenya REDD+ Analytical Series No. 1*, November 2013.
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21. Interview with Task Force member (August 2017).
22. Interview with Task Force member (September 2017).
23. Interview with Task Force member (September 2017).
24. Interview with Task Force member (September 2017).



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