**Corruption risks in “Policies”**

In the last session of the workshop, on 16 October, participants were split into groups and asked to reflect upon corruption risks using the different components of the PNRPS, using a set template and reflecting on who has the power/mandate, what is the abuse, and who benefits from it. Below is the unedited table submitted for the “Policies” components and activities of the PNRPS.

| **Component and Key Activities** | **Corruption Risks – Means and Players** | **Likelihood** | **Effect** | **Root Cause /enabling condition of corruption risks** | **Interventions Needed** |
| --- | --- | --- | --- | --- | --- |
| **1 and 2 – Enabling Policies and Governance**  **Key Activities for Enabling Policies:**   * Establish national legislation on REDD-plus * Engage Climate Change Commission (CCC) with the PNRPS * Address potential jurisdictional conflicts and/or overlaps * Clarify legal carbon ownership and tenure up front * Establish quantifiable national forestry emissions reduction targets * Develop a “menu” of legal options for REDD-plus at the national and local levels * Establish institutional mechanisms * Review forestry sector definitions * Develop a long term policy on Payment for Ecosystems Services (PES) * Ensure REDD-plus social and environmental Safeguards   **Key Activities for Governance:**   * Conduct broad consultations and meaningful engagement * Integrate REDD-plus in sectoral plans * Establish equitable benefit sharing schemes * Create a national REDD-plus policy advocacy community * Establish national and subnational REDD-plus coordinating agencies |  |  |  |  |  |
| **ACTIVITIES DISCUSSED** |  |  |  |  |  |
| ***Establish national legislation on REDD-plus*** | Lobbying in the formulation of legislation on RP – private entities forwarding their interests e.g. biological products from forests, would do anything to avoid stopping their operations   * NCR, QC – ordinance against plastics. Groups/business hampered by ordinance because demand for products reduced. * Talk to lawmakers privately, bribery   PLAYERS:  Congresspersons  President  Administrative agencies  Vis a vis lobby groups   * Bill drafted in Congress – pro and con. Certain interest groups approach legislators with resp. position papers * Corruption: private business interests to protect – diff tools: encourage passage of law and in return contribute to campaign fund; or to pass a watered down version of the law |  |  |  | Active monitoring of passages of the law  Participating in public hearings  Exert pressure on the lawmakers, hold them accountable |
| Threshold question even before corruption: Will it ever pass?   * Dynamics of REDD specifically * Too early in discussing corruption here |  |  |  | Look for someone who can champion, environmentalists, but little chance of being prioritized |
| Incorporated into NCCAP, but also a section in SFM bill |  |  |  |  |
| ***Clarify legal carbon ownership and tenure up front***  (ASec. Nicer: Carbon issue more important than others) | Already existing and looking at it for profit  NCIP: Also more pressing problem for IPs, carbon cowboys  DENR AO on carbon rights, 4 policy research on clarifying carbon rts   * Highlights of study (Edna) * Pending with FMB, EO or AO on CR that would lay down who own the carbon in different lands * Governance system very important * CCC oversight * DENR operational arm * NCIP * All can comment because it will be new, does not define kinds of carbon (sequestration, potential etc.) | 1 | Inequitable sharing of benefits, purposes of REDD plus will not be achieved  Exploitation of IPs – will include community policies  Unsustainability |  | Separate REDD+ specific FPIC  FPIC for non-IPs |
| The way we assign who has the carbon, who has the right to benefit, how do we trade  Various options of looking at what are carbon rights, characterizing it  Where there is no clear understanding among people, very big risk for corruption, even if we cannot say there is corr yet  Since property rt, inherently imply conservative notion, usually defined accdg to exiting principles   * Regalian doctrine, classified by other consti principles * Moving forward:   + What is Property is defined by law – we need to have leg def of prop and CR   + Aspect emanating from natural rights – prop as a basic part of HR, but boundaries have to be defined by law   + No quarrel that there should be dist, if nor prop rt at least the benefit | Condition that can lead to risk – government and IP dispensing a type of service/certain privilege, pertains to IP  **Bec of unclear policy and regulatory framework, people abuse it in the dispensation of the privilege/rights to use the resource, property**  Corruption risk – potential or probability of it happening  Likelihood of actually happening  Envision what is really happening |  |  | Carbon rts a new animal of property established by consensus of the countries of the world using global standards   * KP   Nationally assigned – ang pag aawyaan ay who amongus in the country and thpo what extens |
| e.g. forest carbon project   * No trust fund, no share for IPs * Final MOA – 5 revisions, condition for the risk: maybe there is no reviewing authority what the people are doing, reviewing and monitoring the transactions on the ground. |  |  |  | Legislation, clear distribution of benefits –gov share, revenue tax, government owned: make it clear saan pupunta ang pera |
| **FPIC** No pro-forma MOas for mining, logging,   * Common entry point for corruption: FPIC * No clear comm policy on how they share the walth * Shift to Neutral, ignorant ang NCIP what are CR |  |  |  |  |
| ***Establish quantifiable national forestry emissions reduction targets*** | Without proper baseline of forest cover, opportunity for departments … NFMS   * Problem is we don't have baseline – verifiable, quaitifiable, true on the grounds, standards   Tailor fitting the baseline to accommodate vested interests   * Bigger income and * Fraud in data, baseline and emissions scenario |  |  |  | DENR |
| ***Review forestry sector definitions*** | Permanent forest delineation without consulting IPs – and in traditional systems there  Iba ang definition and legal classification of land na nasa Pres. Dec. as opposed to forest cover definition |  |  |  |  |
| Ombudsman: The most common form of corruption: good/service by gov or priv sector to be dispensed and service is scarce, e.g. land   * Someone can give more than the others to be able to get the allocation * Apply to all whether its carbon rights, or |  |  |  |  |
| The fact that there is permanently delineation without consultation, exclusion from tenurial rights to the benefit of government (who made the delineations)   * Caraga: all delineations in all communities there was consultation – following boundaries established previously   To exclusively allocate the lands  Distinction between public and private interests – there has to be private interests involved – not as government in its public capacity | - |  |  |  |
| Vested interests – definition of gov on what constitutes this and that, can be used to favor   * FMB: already settled   To get discussion going: the process of defining, may possible bang corruption na mangyari   * What is the purpose of forest definition – v important in defining baseline * Pero sa ngayon kasama ang forest plantation (pinapalaki ang forest definition) * Is FMB conducting at a regular basis the definition   CONCLUSION: not an activity where corruption risks can be identified – “forest definition” being referred to, and this cannot be negotiated |  |  |  |  |
| ***Develop a long term policy on Payment for Ecosystems Services (PES)*** | Who does this?  May mafa-favor dyan  Inter-agency  Private interest of companies who use ecosystem services – exclusion of resources that have to be compensated for  Pmt rights to get favorable treatment in pmt of  Interference/intervention from private interests  Bribes for favorable treatment under policy on PES/user fee requirements  Could be LGU (territory and monitoring) over IP (taking care) rights  Legal question – user fees for water use | 1 | Monopoly of use of scarce resource  Use of profit for gov  Uneven dist of gov  Unsustainable use of resource  Butuan |  | Create policy that is widely consulted with all SH concerned – no delay  (consultative policy  Transparency mechs in pl formulation  Redress policy and grievance mechanism in the implementation  Very clear policy – penalty, or discretion on part of deciding authority |
| Pag Malabo ang provisions ng policy, implementers will have discretion, #1 cause of corruption  Sometimes intended, sometimes unintentional |  |  |  | Clear policy  Redress mechanism – reduce possibility of corruption |
| New property regime ang REDD - |  |  |  |  |
| ***Establish equitable benefit sharing schemes*** | By law: lobbying – broader than carbon  Distribution schemes a  IP structure also transparent so that the benefits in community can be distributed equitably |  |  |  | Very clear, what benefits will be used from, where will the money go |
| Complicated nature of carbon ownership – rife for corruption risk |  |  |  |  |