

Tel. (92-51-9245589)
Fax. (92-51-9245590)

No.F.5 (4)/2010-F-II
GOVERNMENT OF PAKISTAN
CLIMATE CHANGE DIVISION



*Inspector General Forests /
National Focal Point for REDD+*

Islamabad: October 27, 2014

Mr. Mario Boccucci
Head, UN-REDD Programme Secretariat
Geneva, Switzerland

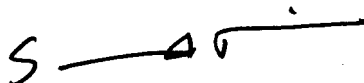
**Subject: Request for Targeted Support to “Tenure and Legal Preparedness
Activities for REDD+ in Pakistan”**

Dear Mario

Warm greetings from Islamabad. Currently, Pakistan is undertaking multipronged actions in compliance to the Cancun agreement and Warsaw Framework on REDD+. Being a UN-REDD Programme partner and in view of specific readiness needs of the country (not covered in R-PP), we have enlisted a number of areas for technical assistance out of the on-going Global Programme (Targeted Support). One of the priority areas which Pakistan has to focus in readiness phase pertains to PLR reforms for incorporating REDD+ in relevant sections. Legal preparedness and tenure activities are cross-cutting and relate to multiple Work Areas including: (1) MRV & monitoring, (2) national REDD+ governance, (3) stakeholder engagement, (4) multiple benefits, (5) transparent, equitable, accountable, management and (6) sector transformation.

Progressing towards REDD+ inclusive PLR, Pakistan’s national focal point for REDD+ has developed a proposal on “Tenure and Legal Preparedness Activities for REDD+ in Pakistan” at a modest cost of USD 60,000 which is enclosed herewith. In developing this proposal for UN-REDD support, we have consulted concerned national /provincial REDD+ partners, FAO headquarters as well as country and A-P regional offices. The proposal contains time-bound and result-oriented activities and will definitely supplement the process of preparing and implementing National REDD+ Strategy. May you please support it for funding from GP (TS) through FAO. We seek to build even stronger partnership with UN-REDD Programme during its current and forthcoming phases.

With best regards,


(Syed Mahmood Nasir)

REQUEST FOR TARGETED SUPPORT

Tenure and Legal Preparedness Activities for REDD+ in Pakistan

I. SUMMARY OF REQUEST (complete cells in white)	
Main objective	<p>One of main objectives of this request is to increase Pakistan's preparedness for REDD+ through increased knowledge and capacity related to the country's relevant legal and institutional framework at the national and provincial levels.</p> <p>The request also seeks to advance the understanding on land tenure issues in the context of REDD+ and identify enabling tenure conditions with a view of reducing the drivers of deforestation and degradation.</p>
Main results expected	<ul style="list-style-type: none"> • Data gathering and compilation and archiving to serve as a decision-support tool towards an institutional and legal reform process in the context of REDD+. • Identification of areas for reforms and capacity improvements that would create an appropriate legal and institutional framework for REDD+ and advance land and forest tenure conditions for REDD+. • Improved national stakeholders' legal and tenure related capacities for REDD+ so that they will be able, in the longer term, to engage in policy development processes and legal, regulatory and institutional reforms, if appropriate.
Total amount requested (US\$)	USD 60,000
Related Work Area/s as defined in the <u>UN-REDD Programme Strategy 2011-2015</u>	<p>Legal preparedness and tenure activities are cross-cutting and relate to multiple Work Areas including: 1) MRV & monitoring, 2) National REDD+ governance, 3) Stakeholder engagement, 4) Multiple Benefits, 5) Transparent, Equitable and Accountable Management, and 6) Sector Transformation.</p>
Planned period of implementation	8 months (November 2014 – June 2015)

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Please select below type of funding as appropriate
<input type="checkbox"/> Request for funding for REDD + activities implemented in support of existing UN-REDD National Programmes. <input checked="" type="checkbox"/> Request for funding for REDD+ activities complementary to other nationally-defined REDD+ activities (national strategies, RPP and/or bilaterally funded REDD+ activities) or for initiation of REDD+ activities.

II. BACKGROUND¹

Please describe the background to the request. Examples of relevant content:

- Brief description of status of REDD+ readiness in the country and the national REDD+ efforts.
- Rationale for the needed support (it should represent additional and specific contribution to national REDD+ efforts with a view to fill gaps or to leverage other activities).
- Clearly provide linkages to National REDD+ strategies.
- If the country has a UN-REDD National Programme or is the pipeline for a National Programme, review how the needed support fits into the National Programme/R-PP.
- If the request is addressing results of a country needs assessment, please contextualize within overall results of the needs assessment.

Pakistan began its REDD+ development process in 2010 and became a UN REDD partner country in 2011, demonstrating its commitment to reducing deforestation and degradation within its borders. Pakistan initiated REDD+ training and capacity building activities and the process of preparing its REDD+ Roadmap with the funding from One-UN Programme on Environment. The UN-REDD Programme supplemented the Roadmap process through Targeted Support. The on-going UN-REDD (TS) support relates to developing an MRV/NFMS Action Plan as well as training on remote sensing based forest monitoring) and GHG inventories. The proposed activities under this project on the legal and policy framework and tenure in the context of REDD+ will complement the work to date and contribute to the development of the Pakistan National REDD+ Strategy in compliance with UNFCCC decisions. This work will also be closely coordinated with the effort to conduct a Country Needs Assessment (CNA).

The success of a REDD+ strategy requires a comprehensive approach, considering the overall policy and institutional landscape of the country. For instance, according to Pakistan's R-PP (2013), issues like forestry, REDD+ climate change are not detailed in the Provincial and Local Government Acts and protection of trees and wildlife is considered only in a very broad manner. This may pose risks of policy and institutional gaps or overlaps which may impede the implementation of REDD+ in Pakistan. Most importantly, the lack of clarity over Pakistan's policy and institutional framework for REDD+ needs to be addressed so that institutional responsibilities and activities are shared appropriately between several stakeholders.

FAO has been engaging with Pakistan in various activities related to tenure, which may soon very likely include some support to contextualize the Voluntary Guidelines on responsible tenure governance for Pakistan. This project will contribute to the outcomes of Tenure and legal preparedness activities for REDD+ in Pakistan by identifying enabling conditions for successful forest and land tenure in Pakistan. Clarity around tenure rules and regulations, the roles and responsibilities of institutions and rights holders, and the processes involved in securing tenure will significantly reduce risks and spur interest and investment in developing REDD+. Efforts to reform and clarify tenure may also increase the opportunities for equitable distribution of revenues generated through a national REDD+ programme. Despite some attempts to clarify tenure rights in Pakistan, the lack of transparent administrative processes and of comprehensive legal frameworks at both national and provincial levels result in a situation where insecure tenure conditions have been leading to land and forest degradation. A better understanding of the tenure situation and its possible implications for REDD+ implementation at both national and provincial levels will be a necessary first step to the identification of enabling tenure

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¹ Depending on the phase of the country in its REDD+ efforts, some of these details are relevant. Others may be too detailed and can be further elaborated if the request is approved.

conditions that are of specific importance to REDD+ in Pakistan. Due to limited funds, the project activities during the current phase are being restricted to two territorial jurisdictions. Up scaling of the activity will be undertaken as and when funds are available.

III. SPECIFIC OBJECTIVES

Please describe the main objectives and activities of the request.

- Provide details on type of support requested and include any needs for in-kind support such as knowledge, capacity building or technical information.
- If the country has a UN-REDD National Programme, describe how the requested support will fill gaps / be complementary to the already received funding for the National Programme.

Output 1. Data acquisition and compilation to serve as a decision-support system towards institutional and legal reform process in the context of REDD+

Activities:

- 1.1: Data mapping on policies, laws and regulations based on secondary information***
- 1.2: Holding consultative meetings with relevant stakeholders for validation of information***
- 1.2: Managing and disseminating REDD+ legal data / information***

Output 2. Comprehensive analysis of the policy, legal and institutional frameworks pertaining to REDD+ including those related to land and forest tenure.

Activities:

- 2.1: Engaging professional services for analysis and review of legal and institutional frameworks pertaining to REDD+ including those related to land and forest tenure.***
- 2.2: Analysis of the PLR and institutional frameworks pertaining to REDD+ and forest / land tenure***
- 2.3: Gap analysis for legal, regulatory and institutional capacity to align with international REDD+ legal frameworks***

Output 3. Policy recommendations for developing a comprehensive institutional and legal framework to address issues related to land tenure and international compliance with REDD+ strategies

Activities:

- 3.1: Consultative meeting with key stakeholders to discuss and finalize policy recommendations***
- 3.2: Publication and dissemination of project completion report***

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IV. IMPLEMENTATION

Please describe the implementing arrangements for the activities planned.

- Include the main implementing institutions and partner institutions.
- Describe how it is foreseen that environmental and social safeguards will be secured.
- Explain what measures were taken to engage indigenous peoples and civil society, as applicable

The project shall be executed, under the guidelines and financial rules of FAO. All the activities will be undertaken in consultation with the REDD+ National focal Point Climate Change Division REDD+ NFP and more specifically in line with the national needs and international obligations. A lead consultant will be hired who in turn will hire research associates on legal issues and forest land tenure on mutually agreed TORs. The NFP REDD+ shall support the lead consultant to hire the best research associates who will also help build the critical mass for taking REDD+ into practice as Pakistan enters into the next phases of implementation of UNFCCC agreement/s on REDD+ and LULUCF.

The lead consultant will be supported by FAO legal and tenure experts who will coordinate with other

UN-REDD partner agencies and who will provide inputs based on their international experience with PLR review processes and tenure reform in other countries.

The attention to PLRs and tenure will lay the foundation for securing environmental and social safeguards by bringing attention to the "transparent and effective forest governance structures" and also by ensuring that "actions complement and are consistent with the objectives of forest programmes and relevant international conventions and agreements". The Cancun Agreement specifically requests developing Parties "to address...land tenure issues, forest governance issues..." (UNFCCC/CP/2010/7/Add.1-Decision 1/CP.16, paragraph 72.

Indigenous/ local people, elected Guzara Advisory Committees and civil society will be engaged in the consultation and validation workshop/s and meetings. Efforts will be made to attain gender balance among participants by making extra efforts to identify and involve capable women as well.

V. FUNDING SOURCE

Please indicate any co-funding for the planned activities.

There is no co-funding available for this activity.

VI. SUMMARIZED WORKPLAN / LEVEL OF EFFORTS / BUDGET

Description of planned outputs and activities	Person-Months	Total Cost
Project Coordination	6	10,000
Lead Consultant with agreed team of Research Associates	6	30,000
Travel for consultative meetings and workshops	3 meetings	5,000
Data / information acquisition, compilation and dissemination	Lump sum	5,000
Workshops and consultative meetings costs (including in Murree- Kahuta AJK and GB)	6 numbers	10,000
TOTAL requested from UN-REDD		US\$ 60,000

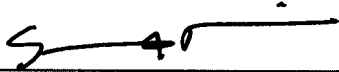
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VII. MONITORING OF PROGRESS AND REPORTING

Please describe how the progress of planned activities and outputs will be monitored and reported by time.

FAO's Regional Asia-Pacific UN-REDD Programme Officer (Ben Vickers) as well as the REDD+ Legal Expert (Caroline DeVit) and REDD+ Tenure Specialist (Amanda Bradley) will be responsible for monitoring the progress of the planned activities. A detailed workplan with specific deliverables and due dates will be agreed in advance with the consultant. FAO will regularly monitor the progress of the activities and provide technical support as needed.

IV. UN-REDD COUNTRY FOCAL POINT (name and title)²	Syed Mahmood Nasir Inspector General Forests
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(Signature)

Name and title	Syed Mahmood Nasir, Inspector General Forests National Focal Point REDD+, Pakistan
Institution and address	Forestry Wing, Climate Change Division, Government of Pakistan, Islamabad, Pakistan
Phone number / E-mail	+92-51-924 5589 / mnasirn@yahoo.com

²It is recommended that the UN-REDD Country Focal Point submits the request. See also footnotes on page 1.

ANNEX

Additional Background

This concept note describes the context, objectives of possible tenure and legal preparedness activities for REDD+ in Pakistan. Legal preparedness support contributes to the assessment of national Policies, Laws and Regulations (PLRs) and institutional arrangements pertaining to REDD+ and to identify gaps and overlaps for REDD+ implementation.

Decline of forest-based emissions is critical to limiting global warming. The UN's Intergovernmental Panel on Climate Change (IPCC) estimated in 2007 that the forest sector and other sectors that impact land use – through deforestation, forest degradation and other changes in forests – contributes approximately 17 per cent of global greenhouse gas emissions,⁴ or approximately 5.8 Gt of carbon dioxide equivalent (CO₂-e), per year. These emissions are mainly taking place in tropical developing countries. Therefore, the United Nations Framework on Climate Change (UNFCCC) has recognized the protection of forests as an important mitigation strategy, as demonstrated in its adoption of Reducing Emissions from Deforestation and forest Degradation (REDD) which has assumed central importance in the global fight against climate change.

The conventional natural resource management systems in Pakistan are based on traditional management systems whereas there is a need for a comprehensive review of the management processes to incorporate new emerging concepts such as REDD+, forest conservation or sustainable forest management as these are important contemporary concepts for modern environmental conservation and management. These new concepts need to be incorporated in the national policy and institutional processes, especially those that relate to forestry and land-use. Land use and forest management are dealt with both at the Federal and provincial levels; therefore an active engagement at both these levels is necessary for an effective control. The level of engagements has to be determined in accordance with the Constitutional framework of the country as well as other legal frameworks, both at the provincial and national levels.

While the 18th Constitutional Amendment devolved power from the federal government to the provincial level in some areas, the institutional arrangements still aren't fully clear. However, Pakistan's international commitment to REDD remains primarily the responsibility of the Federal Government according to principles of international law. At the same time, the role of various federal entities changed in post 18th Amendment but remains crucial and important. As a result, there is a lack of clarity as to the distribution of responsibilities between the provincial governments and the Office of the Inspector General of Forests (OIGF) regarding forest governance. Although several provincial level initiatives have sprung up in the meantime, it is not clear how these initiatives contribute to the development of the national REDD+ strategy of Pakistan.

Policy initiatives at the provincial level include for example the adoption of provincial forest policies in Punjab and Khyber Pakhtunkhwa (Pakistan's R-PP, 2013). Another example is the review of Baluchistan's Forest Act and the Wildlife, Biodiversity and Protected Areas Act undertaken by the Forest and Wildlife Department of this province. At the national level, a Draft National Forest Policy has also been proposed to replace the 1980 National Forest Policy.

These policies as well as policies in other sectors (land-use, biodiversity, climate change, etc.) are crucial for the success of REDD+ in Pakistan. Concern for forests is reflected by the inclusion of REDD+ in the draft

Climate Change Policy of Pakistan, which has now been approved. Furthermore, the Ministry of Natural Disaster Management, supported by UNDP, has developed a Project Identification Form (PIF) for the Global Environment Facility (GEF), which explicitly aims to access funds through the GEF's REDD/SFM window. Despite this first attempt to address the concept of REDD+, the success of a REDD+ strategy requires a comprehensive approach, considering the overall policy and institutional landscape of the country. For instance, according to Pakistan's R-PP (2013), issues like forestry, REDD+ or climate change are not detailed in the Provincial Local Government Acts and protection of trees and wildlife is considered only in a very broad manner. Institutional gaps or overlaps may impede the implementation of REDD+ in Pakistan in the future. Most importantly, the lack of clarity over Pakistan's policy and institutional framework for REDD+ needs to be addressed so that institutional responsibilities and activities are shared appropriately between several stakeholders.

Enactment of a comprehensive legal framework for establishing more equitable access to property and more transparent land administration could, many analysts believe, contribute to both political and economic development objectives. Given Pakistan's history, however, the preparation and administration of such a framework would require substantial and sustained leadership on the part of both federal and provincial governments.

The eradication of hunger and poverty, and the sustainable use of the environment, depend in large measure on how people, communities and others gain access to natural resources such as land, fisheries and forests. The livelihoods of many, particularly the rural poor, are based on secure and equitable access to and control over these resources. They are the source of food and shelter; the basis for social, cultural and religious practices; and a central factor in economic growth.

Additional Information on Objectives and Implementation

The work will engage all stakeholders at the Federal, Provincial and District levels to carry out a comprehensive review of existing legal, regulatory, policy and administrative frameworks in the context of the REDD+. The reviews will take place through consultative workshops and other rapid assessment methods. These activities will be conducted at both the national and provincial levels in order to contextualize the issues at different levels and ensure a wider perspective on concerns and priorities. Based on the outcome of these consultations, a comprehensive report will be prepared to support implementation of REDD+ in Pakistan with practical recommendations for each level i.e. national and provincial.

The assessment will identify areas where further legal and tenure capacity development is needed and ways to address the gaps and inconsistencies, as identified by the analysis, both at the national level and in the selected province. Recommendations will be based on a consultative and participatory approach and collected in a report. This report will also contain information on areas for legal, regulatory and institutional reforms (i.e. where the drafting of amendments and new texts may be necessary for REDD+ implementation) as well as other possible avenues. Most importantly, the recommendation report will also identify lessons learnt from the analysis led at the level of the selected province and provide recommendations for the duplication of the analysis in other provinces.

Assessing the status of Pakistan's legal and institutional frameworks and identifying enabling tenure conditions for REDD+ implementation are important steps towards REDD+ success. Legal and tenure

preparedness activities could support these efforts by providing an analysis of existing PLRs as well as implementation arrangements and institutional arrangements at both the national and provincial levels that relate to various aspects of REDD+, with a strong emphasis on land and forest tenure issues. This will include the identification of legal and institutional gaps and overlaps for REDD+ implementation and in a specific federating unit or area that shall be identified by the lead consultant . At the provincial level, particular attention will be paid to customary law. Recommendations will then focus on ways to address those gaps based on a participatory and consultative approach.

In response to growing and widespread interest, FAO and its partners embarked on the development of guidelines on responsible tenure governance. This initiative built on and supports the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (Voluntary Guidelines on the Right to Food), which were adopted by the FAO Council at its Hundred and Twenty-seventh Session in November 2004, and the 2006 *International Conference on Agrarian Reform and Rural Development* (ICARRD). These instruments are relatively short documents that provide frameworks that can be used when developing strategies, policies, laws, programmes and activities.

These Guidelines are consistent with, and draw on, international and regional instruments, including the Millennium Development Goals, that address human rights and tenure rights. When readers of these Guidelines seek to improve tenure governance, they are encouraged to regularly review such instruments for their applicable obligations and voluntary commitments, and to gain additional guidance.

The Guidelines were finalized through intergovernmental negotiations, and with the participation of civil society, the private sector and research institutes. The Committee led the negotiations on World Food Security (CFS), which formally endorsed the Guidelines at its Thirty-eighth Session on 11 May 2012. Since then, its implementation has been encouraged by the UN General Assembly, Rio +20 declaration, G20, Francophone Parliamentary Assembly and Ministers from 80 countries at the recent 5th Berlin Agriculture Ministers' Summit.

FAO has been engaging with Pakistan in various activities related to tenure, which may soon very likely include some support to contextualize the Voluntary Guidelines on responsible tenure governance for Pakistan. This project will contribute to the outcomes of Tenure and legal preparedness activities for REDD+ in Pakistan by identifying enabling conditions for successful forest and land tenure in Pakistan.