



Forest Carbon Partnership Facility

Technical Assessment: Final ER-PD for Fiji

Twentieth Meeting of the Carbon Fund (CF20)
Washington DC, July 8 – 11, 2019

Presentation of TAP

- Technical assessment conducted Dec. 2018 to June 2019 by the following team:

Person	TAP expertise
Ken Andrasko	Team Lead and Sustainable Program Design
Fred Stolle & Pontus Olofsson	Carbon accounting expert
Harrison Kojwang	Safeguards
Eliki Senivasa	Local expert
Ludovino Lopes	Legal expert

Overall assessment of final ER-PD

		Initial review	1 st assessment	2 nd assessment
II. Level of Ambition	YES	4	4	4
	NO	0	0	0
	N.A.	-	-	-
III. Carbon Accounting	YES	23	27	34
	NO	11	7	0
	N.A.	10	10	10
IV. Safeguards	YES	3	4	6
	NO	3	2	0
	N.A.	1	1	1
V. Sustainable Program Design and Implementation	YES	7	8	10
	NO	4	3	1
	N.A.	3	3	3
VI. ER Program Transactions	YES	3	4	4
	NO	5	4	4
	N.A.	3	3	3

+ 25 TAP OBSERVATIONS. Key changes are in C accounting ...

V. Sustainable Program Design and Implementation

Ind 33.1 The design and implementation of the Benefit-Sharing Plan comply with relevant applicable laws, including national laws and any legally binding national obligations under relevant international laws [Description of the legal context of the benefit-sharing arrangements 16.3]	NO
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- **New ER-PD section 15.3 describes legal context** for Benefit Sharing arrangements: key acts, regulations and Constitution sections regarding legal authority for BS.
- **Most aspects of BS arrangements are fully described.** ER-PD identifies legal or regulatory authority for 6 models of BS in Fiji -- from which the BS Plan and mechanism will select one.
- **But BS mechanism has not yet been selected; and BS Plan not yet drafted.** Thus explicit discussion of the full legal context, any limitations that exist, or further decisions or legal foundation needed for the final BS mechanism and Plan are not provided.
- Description of **legally binding obligations for Fiji under relevant international laws – relevant to BS arrangements -- needs to be added.**

VI. ER Program Transactions: 1

Ind 36.1 ER Program Entity demonstrates its authority to enter into an ERPA with Carbon Fund prior to the start of ERPA negotiations, either through:

- i. Reference to an existing legal and regulatory framework stipulating such authority; and/or**
- ii. In the form of a letter from the relevant overarching governmental authority (e.g., the presidency, chancellery, etc.) or from the relevant governmental body authorized to confirm such authority.**

NO

- **Still no legal evidence** that Ministry of Economy has authority:
 - To represent the host country,
 - To negotiate and enter into international commercial agreements (like ER-PA)
 - To act in the name and representation of the private land owners and the ITaukei Native land owners.
- **Cabinet Decision** endorses REDD+ and supports Min. of Economy (Annex 17-1). But: **Does not refer to signature of the ERPA and future transfer of Title of ERs** (only refers to LOI).

VI. ER Program Transactions - 2

- Future legal and regulatory dispositions still in development, via **New Forest Bill**.
 - But: **no draft text of Bill, and not yet passed.**
- **Draft Forest Bill has provisions directly addressing ER-PA issues, inc.:**
 - Registering and allowing trading of carbon titles under the ER-PA;
 - Issuing Emission Reduction Licenses to Carbon Title Holder to participate in ER activities, and comply with procedures under the ER-PA;
 - Empowering Min. of Forestry to enter lands where ER activities are being conducted to monitor for the ER-PA.
- **Interpretation of existing legal framework likely will form the basis for Program addressing ownership of ERs – But legal procedures needed.**
- **Legal contractual models and covenants need to be created and adopted for Native and private lands.**
- **MAJOR non-conformity** with MF, since the evidence provided is insufficient and could lead to breakdown in the systems delivery.

VI. ER Program Transactions - 2

Ind 37.3 The information contained in a national or centralized REDD+ Programs and Projects Data Management System is available to the public via the internet in the national official language of the host country (other means may be considered as required).

NO

- A REDD+ Programs and Projects Data Management **System is not yet fully operational, nor available to public.**
- **Eventually**, ER-PD proposes to share via Min. of Forestry internet in official language (p 180).
- **Minor non-conformity:** evidence insufficient, but does not lead to breakdown in systems delivery.
- Should be met when system goes online.



Concluding remarks:

Fiji offers fairly unique factors to CF Portfolio

- 90% of lands in country involved.
- Fiji restructured scale of ER Program: from \$110m initially to \$42m, and addressed BAU activity issue of TAP.
- Builds on iTaukei customary cultural traditions: land tenure, land use practices, Grievance Mechanism, Benefit sharing traditions -- ~ unique proposal.
- Offers diversity contribution to CF's portfolio: strong traditional peoples-driven Program, in the Pacific.
- Final challenges:
 - resolving authority for and title to ERs, potentially partly via passing a new Forest Act;
 - final Benefit Sharing Plan and legal arrangements;
 - Data Management System up and publicly accessible.

TAP appreciates Fiji team's hard work and welcoming spirit! 8

Thank You!

