  

**Official COP17 Side Event**

 **Legal Preparedness for Climate Compatible Development:**

**The Role of REDD+**

Thursday 8th December 2011

18:30-20:00 Blyde River Room

UNFCCC COP17 Conference Centre, Durban

**Hosted by FAO, IDLO, UN-REDD Programme**

**& Centre for International Sustainable Development Law**

Summary

The aim of this Side Event was to discuss best practices in legal preparedness for REDD+ and present three new reports reviewing existing laws and regulations relevant to REDD+ in Mexico, Vietnam and Zambia undertaken in the context of the joint FAO, IDLO & UN-REDD Programme Legal Preparedness for REDD+ Project.

Speakers and Participants

**Co-chairs:** Prof Marie-Claire Cordonier Segger, Head of Economic Growth + Trade, IDLO and Ms Thais Linares-Juvenal, Senior Officer, UN-REDD Programme Secretariat

**Keynote address:** Mr Sebastien Jodoin, Lead Counsel for Climate Change, CISDL

**Introductions and Panellists**: Mr. Phan Hung, Legal Specialist & Programme Coordinator, IDLO; Dr Pham Quoc Hung, Expert, Ministry of Agriculture and Rural Development, Government of Vietnam; Ms Sarah Mason-Case, Legal Specialist in Climate Finance, IDLO; Mr Deuteronomy Kasaro, National Coordinator for REDD+, REDD+ Unit, Forestry Department, Ministry of Mines and Natural Resources; Mr. Jose Carlos Fernandez, Head International Affairs and Financial Promotion, CONAFOR; Mr. Hector Velasco-Perroni, Legal Specialist, IDLO.

**Participants:** the Side-Event attracted approximately 35 attendees from various initiatives and governments, including The REDD+ Desk, Gold Standard, Government of Pakistan and the Global Canopy Programme.

Outreach

The Side-Event was advertised with the attached leaflet (Annex 2) through hardcopy distribution at the International Conference Center in Durban, the official COP17 site; the Conference on Climate Law and Governance in the Global South at the University of KwaZulu-Natal in Durban; as well as through several announcements on the Climate-L listserv leading up to and during COP17 (Annex 1).

Side-Event Presentations and Discussion

**Welcoming Remarks**

Co-chairs, Prof Marie-Claire Cordonier Segger (Head of Economic Growth + Trade, IDLO) and Ms Thais Linares-Juvenal (Senior Officer, UN-REDD Programme Secretariat) provided welcoming remarks to the audience and introduced the Keynote Speaker.

**Keynote Presentation**

Mr. Sebastien Jodoin (CISDL) delivered a 20-minute keynote address, an excerpt of which follows below:

* The REDD+ readiness efforts undertaken by countries in Latin America, Africa, and Asia, involving some combination of capacity-building, research, consultations, and pilot activities, have raised a strikingly similar list of unsettled legal issues. Emerging findings stemming from REDD+ readiness activities and analysis throughout the developing world are a clear reminder of the importance of law in fostering sustainable human development. Mr Jodoin first set out the core features of a global legal agenda for REDD+ and concluded by highlighting three related roles that law can play in the REDD+ regime.
* The legal aspects of REDD+ touch upon a range of legal areas relating to property rights, human rights, livelihoods, contracts, natural resources, agriculture, and land-use, which vary from country to country. Nonetheless, the emerging global legal agenda for REDD+ has three core features that cut across the experience of most countries preparing for REDD+. First, this agenda should go beyond stakeholder engagement to focus on legal empowerment, ensuring that mechanisms for REDD+ provide opportunities for forest dependent and Indigenous communities to actively participate in the design, implementation, and monitoring of REDD+ initiatives and gain access to the benefits therefrom. Second, this agenda should provide the context-specific legal solutions and tools that can support REDD+ activities, monitoring, and access to benefits. Third, this agenda must enhance overall legal coherence, clarifying the division of legal roles and responsibilities between different actors, resolving legal conflicts and ambiguities at the intersections of different laws, legal systems, and jurisdictions, and ensuring consistency with relevant international laws and standards.
* Together, these three core components speak to the different roles that a sound legal framework can play in the REDD+ regime: it can generate the learning required to understand and address the drivers of deforestation; it can provide the certainty necessary to foster durable changes in forestry-related activities and avoid leakage; and it can enhance levels of legitimacy and local ownership of REDD+ initiatives. In doing so, existing laws and new legal reforms can provide the enabling framework for ensuring that the REDD+ mechanism operates in an equitable, efficient, and effective manner.

**Panel on Legal Preparedness for REDD+ Country Studies**

Three Country Studies conducted by IDLO in partnership with FAO and the UN-REDD Programme in Vietnam, Mexico and Zambia on Legal Preparedness for REDD+ were each presented by one IDLO specialist and one country government representative. Those three Country Studies review and analyze existing laws and instituions to identify key challenges and innovations in each case with the ultimate aim of identifying generic legal options for REDD+ implementation. The panel presentations proceeded as follows:

* **Zambia**: Ms Sarah Mason-Case (Legal Specialist in Climate Finance, IDLO) introduced the Legal Preparedness for REDD+ in Zambia Country Study as well as Mr Deuteronomy Kasaro (National Coordinator for REDD+, REDD+ Unit, Forestry Department, Ministry of Mines and Natural Resources). Mr. Kasaro delivered a PowerPoint presentation setting the context for the Country Study as well as outlining the main findings on key challenges (e.g. equitable and secure land tenure, the charcoal industry, decentralized governance) and innovations (2011 draft National Forest Policy and Forestry Bill).
* **Vietnam**: Mr. Phan Hung (Legal Specialist & Programme Coordinator, IDLO) introduced the Legal Preparedness for REDD+ in Vietnam Country Study as well as Dr Pham Quoc Hung (Expert Ministry of Agriculture and Rural Development, Government of Vietnam). Dr. Pham delivered a PowerPoint presentation setting the context for the Country Study as well as outlining the main findings on key challenges (e.g. integrated land-use planning, benefit distribution systems, inter-ministerial coordination) and innovations (e.g. Vietnam’s past experience with payment for forest ecosystem services).
* **Mexico**: Mr. Hector Velasco-Perroni (Legal Specialist, IDLO) presented on the Legal Preparedness for REDD+ in Mexico Country Study as well as introduced Mr. Jose Carlos Fernandez (Head International Affairs and Financial Promotion, CONAFOR). Mr. Fernandez delivered a presentation on Mexico’s REDD+ preparations, including with mention of their experience with payment for ecosystem services, as well as specific legal challenges faced in Mexico (e.g. definitions in the forest sector).

**Discussion and Closing Remarks**

Ms Thais Linares-Juvenal (Senior Officer, UN-REDD Programme Secretariat) provided closing remarks to the audience, noting that the terminology of “legal preparedness” is perhaps a misnomer since legal regimes and the international framework for REDD+ are ever evolving. Additionally, Ms Linares-Juvenal drew out key messages from the presentations of the country representatives emphasizing, in particular, the overwhelming importance of land and forest tenure in each country, despite their disparate geography and political administrations.

**Annex 1 : Climate-L Announcement**

Legal Preparedness for Climate Compatible Development: The Role of REDD+

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How do existing laws and regulations shape national contexts for REDD+ implementation? What could be legal challenges associated with REDD+? What innovative legal instruments can offer lessons and ideas to the REDD+ community?

This side event organized by the IDLO, FAO, UN-REDD Programme and CISDL will provide an opportunity to discuss best practices in legal preparedness for REDD+ and present three new reports reviewing existing laws and regulations relevant to REDD+ in Mexico, Vietnam and Zambia.

Co-chairs:   Prof Marie-Claire Cordonier Segger, Head of Economic Growth & Trade, IDLO and Ms Thais Linares-Juvenal, Senior Officer, UN-REDD Programme Secretariat

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**Annex 2 : Roundtable Outreach Leaflet**

(See attached)