

Implications of UNFCCC REDD+ Framework for legal compliance in land conversion

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Environmental Law

- ⌘ International Framework
 - ⌘ REDD+ Safeguards
 - ⌘ Drivers of Deforestation
- ⌘ National Implementation
 - ⌘ REDD+ Strategy/Action Plan
 - ⌘ Safeguards Information Systems (SIS)
- ⌘ Focus on the Mekong
 - ⌘ State of Safeguards Implementation
 - ⌘ Addressing Drivers through REDD+



Overview

⌘ Relevant Safeguards – Appendix I

- ⌘ (a) “consistent with the objectives of national forest programmes and relevant international conventions and agreements”
- ⌘ (b) “effective national forest governance structures”
- ⌘ (c) “respect...rights of indigenous peoples and members of local communities”
- ⌘ (e) mitigation actions do not contribute to conversion of forests, but rather protect and conserve natural forests

⌘ Para 70 on relevant mitigation actions in developing countries

⌘ Para 71 requests parties develop national strategy/plan, forest reference (emission) level, forest monitoring system, and SIS.

⌘ Para 72 requests developing country national strategies: - ⌘ “address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards”

Cancun Agreements

⌘ Decision 9/CP.19 – Finance

- ⌘ In order to receive results-based payments countries must report on how they are addressing and respecting safeguards

⌘ Decision 11/CP.19 – Forests

- ⌘ National definition of forests

⌘ Decision 15/CP.19 – Drivers

- ⌘ Challenges and concerns

- ⌘ Only “encourages” parties to address drivers
- ⌘ Warsaw final report interpretation note that IP livelihoods not drivers, but text was not revised
- ⌘ Failed to address international/industrial drivers

Warsaw Framework: Finance, Forests & Drivers



National Policies, Laws, and Regulations (PLRs)

- ⌘ Countries assess existing legal framework for coherence with safeguards
- ⌘ “Gap analysis” needed to identify where new laws and policies are required for implementation of safeguards
- ⌘ Few countries have undertaken to date, including:
 - ⌘ Mexico, Costa Rica, and Vietnam

Reporting and Safeguards Information Systems (SIS)

- ⌘ Decision 12/CP.17 of the Durban Outcome states that an SIS should provide information on how all Cancun safeguards are addressed and respected
- ⌘ Countries should begin reporting after the start of implementation of Cancun Agreement para 70 activities
- ⌘ Frequency of reporting consistent with national reporting: every four years
- ⌘ No guidance on what information the SIS should contain; strong resistance to discussing additional guidance at COP20

Vietnam

- ⌘ Advancing with national implementation
- ⌘ Has undertaken a gap analysis and is using existing PLRs to operationalize REDD+ Safeguards
- ⌘ Specific strategies for key agricultural drivers, but conversion is legal
- ⌘ Proposed actions to address illegal logging, with a focus on funding and enforcement
- ⌘ Existing legal framework poses some challenges for REDD+ implementation, particularly related to land and carbon rights, indigenous peoples
- ⌘ Lack of UNFCCC guidance resulting in ambiguity for SG implementation

Cambodia

- ⌘ High percentage of forest cover and rates of deforestation, from industrial agriculture and logging
- ⌘ REDD+ implementation focuses on decentralization and community management initiatives for forest management
- ⌘ Initial steps within REDD+ towards addressing safeguards and drivers
 - ⌘ As of April 2014, report on UNFCCC and other international safeguards as a step towards national approach to safeguards;
 - ⌘ began assessment on drivers of deforestation

Lao PDR, Thailand, and Burma

↳ Lao PDR

- ⌘ Undertook government reforms due to high levels of deforestation, but lacks funding to fully implement
- ⌘ REDD+ initiatives seek to address main drivers: agriculture and illegal logging

↳ Thailand

- ⌘ REDD strategy still under development
- ⌘ Inconsistent land tenure laws
- ⌘ Agriculture is the main driver of deforestation
- ⌘ Widespread illegal logging

↳ Burma

- ⌘ Insecure tenure and weak forest and land governance
- ⌘ Drivers of deforestation: agriculture, logging, energy and infrastructure development
- ⌘ Similar proposed REDD+ initiatives to address agriculture, tenure, and illegal logging

Opportunities for REDD+ to address conversion

- ⌘ Results based-payments contingent on addressing safeguards
- ⌘ SIS – guidance needed for country implementation and reporting on safeguards
- ⌘ Addressing tenure issues, logging, agricultural conversion in national REDD+ strategies
- ⌘ Potential for non-carbon benefits to address drivers

