

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

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- ↳ 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

