

Legal Preparedness for REDD: Some Sources of Support

This is a short introduction to the nature of legal preparedness for REDD+ and some of the sources of support for countries in these areas. It was prepared for the REDD+ Expert Meeting on Legal Preparedness held at FAO Headquarters on 25 September 2012. This is not a comprehensive list, especially of civil society organizations that provide support. The sources listed are mostly organizations working internationally that happen to have been invited to the meeting.

The material on specific organizations has been copied and edited from organization websites and from surveys submitted to the organizations. Kenneth Rosenbaum collected and edited the material. He is grateful for the cooperation of the listed organizations. Although quotations are not indicated, much of the material is quoted directly. Mr. Rosenbaum takes responsibility for any errors introduced in the editorial process.

This is a work in progress. Please send suggestions for additional sources of support to Kenneth Rosenbaum, kenro@syenco.com.

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I. Kinds of Legal Preparedness

This paper recognizes four broad categories of legal preparedness issues for REDD+. The first three focus mostly at the national level but may have local implications. The fourth focuses on the project level but may tie into national concerns.

1. Legal drafting or analysis of laws

Preparing for REDD+ may require reforming legislation to deal with issues surrounding the ownership of carbon rights. Perhaps the law needs to clarify who owns these rights. Perhaps it needs to deal with the sharing of benefits from the exploitation of these rights, or the safeguarding of the interests of forest-dependent people who may not have formal ownership but who may be affected by management of lands to generate value through carbon.

The situation may be more complex. Perhaps the law needs to create mechanisms to prevent fraud if these rights enter commerce. Perhaps the sale of these rights needs to be regulated or taxed. Perhaps the government wishes to subsidize the development of these rights, either directly through grants of money or services to landowners, or indirectly by offering guarantees of the validity of rights to potential buyers. Perhaps a market could arise in securities or derivatives of these rights, and that market needs government oversight. Perhaps the government forestry agency needs new powers to assure proper development of these rights. Perhaps proper development requires creation of a new agency. Perhaps implementation of existing or new laws require some standard legal documents, such as model licenses or model contracts.

A country needs legal expertise to analyze existing law, determine its adequacy, and draft new laws where required. Usually the best experts on national law are lawyers within the country, but they may have little experience dealing with REDD issues. Here outside experts can offer training or assistance.

2. Support to parliamentary processes or decision-making

A country's forest agency typically includes people with training in sciences from forestry to economics. Their training may allow them to analyze the effects and uncertainties of climate change and recommend policy responses. However, people outside the forest bureaucracy will be involved in REDD-related decisions. These include parliamentarians who would benefit from increased understanding of the technical issues or from exchanging ideas with parliamentarians in other jurisdictions who have worked with similar problems. These may also include stakeholder groups who are interested in learning how to play a more effective role in public decisions that affect them.

Legal experts in parliamentary process can help parliamentarians understand REDD+ issues better and can connect the decision-makers to a network of colleagues. They may advise the parliamentarians both in lawmaking and in oversight of the operation of existing law. Legal experts working with stakeholders can help them understand existing laws, the effect of proposed reforms, and the opportunities to participate in the process that will decide which reforms to adopt. They can show stakeholders how responsible use of transparency and accountability provisions can make the stakeholders more effective participants in REDD+ governance.

3. Support to law enforcement, prosecution, adjudication, or conflict resolution

Good law means little if it is not well implemented. Good implementation requires expertise in many areas outside the law, such as public administration and forest management. However, some areas of implementation draw upon legal expertise.

One such area is enforcement of the criminal laws. Legal experts can help a country assess the adequacy of law enforcement, train law enforcement officers, and increase cooperation among enforcement officers. Because forest products move in international trade, forest-related crimes may cross national boundaries. Countries may need assistance in coordinating with enforcement agencies in other jurisdictions.

Law enforcement involves more than forest officers and police. People who break the law must be fairly prosecuted, and that requires prosecutors and judges who understand the law and the damage done by violators. Legal advisors can help train prosecutors and judges.

Forest use often creates or brings to light disputes over rights to the forest. Sometimes these end up before the courts, but there may be faster, less expensive, more culturally acceptable, and perhaps even fairer alternatives. Legal advisors can help design grievance mechanisms and other alternative dispute resolution systems and train people in their use.

Finally, corrupt practices can undermine good law. Legal advisors can advise on reducing the incidence of corruption.

4. Project-level support

It is not too soon to think about legal support to forest carbon projects. On the one hand, that includes some national activities in the three categories above that will build a legal environment that makes REDD projects more practical. These may include clarifying tenure right systems, lowering the cost of conflict resolution, and reducing corruption.

On the other hand, local projects will have their own specific legal issues to deal with. Legal experts may help in negotiating and drafting agreements with local participants, clarifying local rights to land, advising on property transactions, creating organizations to carry on the work, helping to resolve disputes, and advising on compliance with local laws.

II. Sources of support

1. International Development Partners

FAO Legal Office

Development Law Service

<http://www.fao.org/legal/en/>

The Development Law Service is FAO's focal point for the legal aspects of development. The Service promotes the design of workable and appropriate legal frameworks by—

- providing legal advisory services to member countries;
- contributing to the development of international legal instruments;
- collecting and disseminating legal information;
- undertaking research and studies on important legal topics; and
- building capacity on legal matters.

The Legal Office maintains FAOLEX, an online database of legislation regarding agriculture and natural resources. It is available at <http://faolex.fao.org/>.

The Legal Office publishes a variety of papers on legal topics. The legislative study series home page is <http://www.fao.org/legal/publications/legislative-studies/en/>. The legal papers online home page is <http://www.fao.org/legal/publications/legal-papers-online/en/>.

Recent papers of interest include *Forest Carbon Tenure in Asia-Pacific: A comparative analysis of legal trends to define carbon rights in Asia-Pacific*, http://www.fao.org/fileadmin/user_upload/legal/docs/lpo89.pdf, and *Drafting Community Forestry Agreements From Negotiation to Signature - A Practitioner's Guide*, http://www.fao.org/fileadmin/user_upload/legal/docs/lpo86.pdf.

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GLOBE International

GLOBE Legislators' Forest Initiative (GLFI)

<http://www.globeinternational.org/>

GLOBE strengthens the role of legislators and parliaments in tackling major global environmental challenges and promotes exchanges of knowledge among legislators.

As part of the GLOBE Legislators' Forest Initiative (GLFI), <http://www.globeinternational.org/index.php/legislation-policy/legislation/forests>, GLOBE is partnering with the IUCN Environmental Law Centre to produce the GLOBE Forest Legislation Study. The aim of this study is to highlight potential legislative interventions in the GLFI countries that support REDD+.

The first phase of the GLOBE Forest Legislation Study analyzed the legal frameworks relevant to REDD+ implementation in four key forested developing countries — Brazil, the Democratic Republic of Congo, Indonesia and Mexico.

The second phase of the study is in progress. It will recommend potential areas of legislative reform to improve forest governance and to support the implementation of REDD+ in the four GLFI countries.

The Phase I report of the GLOBE Forest Legislation Study can be found at http://www.globeinternational.org/images/GFLS_Phase_I_Report_21.12.11.pdf.

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International Development Law Organization (IDLO) **IDLO Legal Preparedness for Climate Change**

<http://www.idlo.int/HomeIDLO/index.html>

IDLO is an intergovernmental organization that offers legal expertise, resources, tools and professional support to governments, multilateral partners, and civil society organizations. It carries out research and advocacy, convenes stakeholders, and acts as a catalyst for change. IDLO's work, as an inter-governmental organization, focuses on mobilizing rule of law for governance and peace building, human rights and sustainable development.

In the area of REDD+, IDLO offers capacity building and technical assistance to a full range of stakeholders. Under its Legal Preparedness for REDD+ Project with FAO and the UN-REDD Programme, IDLO conducted three Country Studies to analyze laws and institutions for REDD+ planning and implementation in Zambia, Mexico and Vietnam. Building on those Country Studies, international agreements and the expert literature, that Project also saw the publication of a crosscutting paper for policymakers on principles for legal reform, entitled "Legal Preparedness for REDD+: Enabling Laws and Institutions for Strengthened Capacity." IDLO has completed or is currently drafting similar Country Studies for Kenya, Colombia, Ecuador and Guatemala. In each of those cases, additional project phases in-country will involve the creation of Legal Action Plans and domestic capacity building to implement recommendations in order to overcome barriers to REDD+ preparedness.

IDLO also has an initiative in Legal Preparedness for Climate Change, <http://www.idlo.int/english/WhatWeDo/Programs/ClimateChange/Pages/default.aspx>, offers a range of services, including—

- Legal and institutional reform services that are tailored to country needs;
- Public dialogues, legal education and conferences;
- E-learning courses;
- Publications; and
- Awards of Excellence in Legal Scholarship on Sustainable Development.

In particular, IDLO works on Legal Preparedness for Climate Finance, <http://www.idlo.int/english/WhatWeDo/Programs/ClimateFinance/Pages/default.aspx>.

To find IDLO publications on Climate Change and Climate Finance, go to <http://www.idlo.int/english/Resources/publications/Pages/SearchProgramStream.aspx> and select either of those two programs from the drop-down menu.

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INTERPOL

Environmental Crime Programme

Wildlife Crime Working Group

Project LEAF (Law Enforcement Assistance for Forests)

<http://www.interpol.int/>

The INTERPOL Environmental Crime Programme—

- Leads global and regional operations to dismantle the criminal networks behind environmental crime, including illegal logging and traffic in protected species;
- Develops law enforcement best practice manuals, guides and other resources;
- Provides environmental law enforcement agencies with access to INTERPOL services, which include training and access to databases.

The INTERPOL Environmental Crime Programme initiates and leads a number of projects to combat the poaching, trafficking, or possession of legally protected flora and fauna. These include an illegal logging project aimed at providing support to law enforcement officers to combat forestry crime.

For more on environmental crime, go to <http://www.interpol.int/Crime-areas/Environmental-crime/Environmental-crime>

For more on the project to combat forestry crime go to

<http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-LEAF>

Useful publications include *CHAINSAW PROJECT: An INTERPOL perspective on law enforcement in illegal logging*, <http://www.interpol.int/Media/Files/Crime-areas/Environmental-crime/Chainsaw-Project-An-INTERPOL-perspective-on-law-enforcement-in-illegal-logging>

During COFO week, INTERPOL and UNEP will release a new publication, ***Green Carbon, Black Trade: Illegal Logging, Tax Fraud And Laundering In The World's Tropical Forests***. This is an INTERPOL and UNEP Rapid Response Assessment report on illegal logging that highlights the primary challenges and opportunities in combating corruption, fraud, smuggling and laundering of illegally logged forest products. The report is to be jointly launched during the COFO week by INTERPOL and UNEP.

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IUCN

Environmental Law Programme (ELP)

http://www.iucn.org/about/work/programmes/environmental_law/

The ELP assists decision makers with information, legal analysis, advisory services, legislative drafting, mentoring and capacity building at national, regional and global levels. The Programme also helps governments, non-government organizations and others to share information and discuss ideas.

ELP works through its—

- Commission on Environmental Law (CEL), <http://www.iucn.org/about/union/commissions/cel/>, a global volunteer network of over 500 environmental law specialists in more than 130 countries;
- Environmental Law Centre (ELC), http://www.iucn.org/about/work/programmes/environmental_law/elp_about/438, based in Bonn, Germany, comprising legal, policy and information specialists; and
- IUCN lawyers based in regional and country offices around the world.

With the FAO Legal Office and UNEP, ELP maintains ECOLEX, <http://www.ecolex.org/start.php>, an online environmental law library. It contains treaties, legislation, court decisions, and literature, including UNFCCC COP documents.

The IUCN ELP also publishes papers on environmental law, including the following publication on REDD: *Legal Frameworks for REDD: Design and*

Implementation at the National Level,

http://www.iucn.org/about/work/programmes/environmental_law/elp_resources/elp_res_publications/?uPubsID=3943 (English version) and

http://www.iucn.org/about/work/programmes/environmental_law/elp_resources/elp_res_publications/?uPubsID=4585 (Spanish version). The ELP has also

contributed to analysis of REDD+ benefit sharing policy models and is currently working with GLOBE International on a Joint Forest Legislation Study.

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The LEG-REDD+ Project

Coordinated through the UN-REDD Programme and drawing on the expertise of the Development Law Service of FAO (see the separate entries for these two programs in this document), the LEG-REDD+ Project aims to assist developing countries in strengthening their legal capacity for REDD+ implementation, through increasing the understanding of legal and regulatory aspects of the REDD+ mechanisms at the global level and supporting the development of robust and coherent legal frameworks for REDD+ at the national level.

Building on lessons learned from country experiences, and in collaboration with key international partners, LEG-REDD+ aims to enhance the understanding of legal challenges identified by REDD+ countries, support the legal preparedness for REDD+ and assist in the formulation of legal reforms for REDD+ implementation, adopting a participatory approach.

It works with counterparts from national governments of UN-REDD countries seeking legal support in implementing their REDD+ programs or strategies, including countries that have identified a need to update or review existing legal frameworks for the successful implementation of REDD+.

It supports ongoing national processes in the legislative review, law enforcement, or enactment of legal reforms, including the development of capacities and knowledge concerning the main legal aspects related to REDD+.

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UNDP

Parliamentary Development and Political Parties Team

http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus_areas/focus_parliamentary_dev.html

<http://www.agora-parl.org/unredd>

Parliaments will be key actors in national REDD+ processes: developing credible, inclusive national governance systems for REDD+ implementation; drafting laws and legal frameworks that will govern the way countries manage their forest; adopting and scrutinizing the REDD+ budgets for the process; and ensuring that accountability mechanisms and anti-corruption measures are built into national REDD+ systems.

UNDP provides technical assistance to more than seventy parliaments around the world in their efforts to:

- Build the capacity of legislators and technical staff
- Promote institutional reform
- Strengthen parliaments' relationships with the executive and judiciary branches of government and with civil society
- Enhance the effectiveness of women members of parliament and improve their ability to caucus and learn from one another

The Parliamentary development team can also give technical assistance in how to involve parliament in implementing REDD+ on the ground, and how to enhance the capacity of parliament on REDD+ and monitoring the REDD+ process in a country, on both a national and regional level.

The Parliamentary development team can also provide assistance on knowledge management. It can share knowledge and have e-discussions with MPs on the Agora platform, or develop handbooks for MP's on the REDD+ process.

A list of UNDP publications on parliamentary issues can be found here: <http://www.undp.org/content/undp/en/home/librarypage/democratic-governance.html?q=parliamentary>

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UN Office on Drugs and Crime (UNODC)

<http://www.unodc.org/>

UNODC assists Member States in their struggle against illicit drugs, crime and terrorism. Given UNODC's mandates and areas of expertise, there are five main roles that it can potentially play in supporting effective design and implementation of REDD+ initiatives:

1. Technical assistance in the area of Criminal Justice in order to improve capacity to prevent, interdict and prosecute cases of illegal logging and transboundary movements of wood products;
2. Capacity-building for law enforcement agencies (including forestry officials) to counter illegal logging;

3. Capacity-building for specialist anti-corruption agencies to identify and counter opportunities for corruption in the management of REDD finances (addressing vulnerabilities to corruption);
4. Providing support for the design and implementation of community-based forest protection programs (protecting livelihoods and the human rights of indigenous communities); and
5. Advocacy and research to generate awareness on the fact that illegal wood trade is a form of Transnational Organized Crime.

Examples of some relevant UNODC-supported initiatives already underway include the following:

- In Thailand, Myanmar and Viet Nam UNODC has conducted an assessment of the capacity of the national Criminal Justice System to address illegal logging and transboundary movements of wood products.
- UNODC has produced (and is still producing) several threats assessments on Transnational Organized Crime that document the extent, pattern, routes and techniques behind the trafficking of timber and other wood products.
- In Indonesia, UNODC has conducted a study on the possible consequences of REDD+ implementation on governance, mainly in terms of corruption and law enforcement capacities. This work is being undertaken in combination with a project to address illegal logging and corruption. For more on UNODC's work in Indonesia, see <http://www.unodc.org/eastasiaandpacific/en/indonesia/forest-crime.html>.
- In Colombia, UNODC has been supporting the Forest Warden Families Programme, which has been used to help ensure efficient and transparent management of Colombian state funds for programs aimed at conserving and reforesting natural lands in association with the reduction of illicit coca.
- In the Greater Mekong Subregion, UNODC is supporting the establishment of the Border Liaison Office (BLO) mechanism, which aims (among other things) to interdict illegal trafficking of timber and other forest products, as a deterrent to illegal logging.
- In Laos and Myanmar, UNODC has been working with Government authorities and opium-growing communities to establish alternative livelihood programs. Given the importance of addressing the driving factors of deforestation and forest degradation, this area of UNODC's work offers a unique opportunity to both raise awareness at the community level on the significance of forest conservation as well as ensure that forest communities benefit from REDD+ programs through community development and poverty reduction schemes.

Publications of interest:

Corruption, Environment and the United Nations Convention Against Corruption,

[http://www.unodc.org/documents/eastasiaandpacific//indonesia/publication/Corruption Environment and the UNCAC.pdf](http://www.unodc.org/documents/eastasiaandpacific//indonesia/publication/Corruption%20Environment%20and%20the%20UNCAC.pdf)

Lessons for REDD+ from measures to control illegal logging in Indonesia,
[http://www.unodc.org/documents/eastasiaandpacific//indonesia/publication/Lessons for REDD from measures to control illegal logging in Indonesia.pdf](http://www.unodc.org/documents/eastasiaandpacific//indonesia/publication/Lessons%20for%20REDD%20from%20measures%20to%20control%20illegal%20logging%20in%20Indonesia.pdf)

Preventing the risk of corruption in REDD+ in Indonesia,
[http://www.unodc.org/documents/eastasiaandpacific//indonesia/publication/Preventing the risk of corruption in REDD in Indonesia.pdf](http://www.unodc.org/documents/eastasiaandpacific//indonesia/publication/Preventing%20the%20risk%20of%20corruption%20in%20REDD%20in%20Indonesia.pdf)

The Wildlife and Forest Crime Analytic Toolkit — a publication produced by UNODC in collaboration with the International Consortium on Combating Wildlife Crime (ICCWC). ICCWC is an inter-agency partnership between the CITES Secretariat, INTERPOL, UNODC, the World Bank and the World Customs Organization. The partnership aims to bring international coordination in support of national wildlife law enforcement agencies and regional networks that act to protect natural resources. The Toolkit provides Member States with a technical resource to undertake a national analysis of the preventive and criminal justice responses to wildlife and forest crime.
<http://www.unodc.org/documents/Wildlife/Toolkit.pdf>

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UN-REDD Programme

<http://www.un-redd.org/>

The UN Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD Programme) builds on the convening role and technical expertise of FAO, UNDP and UNEP, supporting nationally-led REDD+ processes and promoting the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD+ implementation.

The Programme works with partner countries in two ways: directing support to the design and implementation of UN-REDD National Programmes; and supporting complementary national REDD+ action through common approaches, analyses, methodologies, tools, data and best practices developed through the UN-REDD Global Programme.

In the field of legal preparedness, the UN-REDD Programme draws on FAO's experience in providing legal advisory services to governments, UNDP's expertise in supporting national parliaments and UNEP's leading role in promoting regional and global legal instruments. The Programme offers legislative and parliamentary support to REDD+ countries and provided tailored legal assistance to DRC, Mongolia and Kenya in 2012 (for more information, see FAO and UNDP sections above). The Programme also commissioned the preparation of three studies of Legal Preparedness for REDD+ in Mexico, Vietnam, and Zambia by IDLO. See the links towards the bottom of the following webpage for downloads of the study reports: http://www.un-redd.org/Newsletter25/Legal_Dimension_of_REDD_Implementation/tabid/78571/Default.aspx.

Contacts: <http://www.un-redd.org/Contacts/tabid/102625/Default.aspx>



World Bank

Forest Carbon Partnership Facility (FCPF)

BioCarbon Fund

Environmental and International Law Unit (LEGEN)

Program on Forests (PROFOR)

www.worldbank.org

The World Bank provides loans, grants, policy support, and technical assistance to low- and middle-income countries. Its focus is on poverty reduction and inclusive green growth. It offers investment lending, grants, knowledge products and technical assistance in support of that mission.

Through the regular investment lending program, the World Bank finances natural resources management projects (including forestry and land reform) that may include improvements to the policy and legal framework for REDD+.

Through carbon finance operations—in particular those financed through the Forest Carbon Partnership Facility (FCPF), <http://www.forestcarbonpartnership.org/fcp/>, and the BioCarbon Fund, <http://wbcarbonfinance.org/Router.cfm?Page=BioCF>—the World Bank provides grant funding to help countries improve the policy, legal and institutional frameworks relevant for REDD+.

The World Bank also partners with other development agencies in programs funded by multiple donors, including the Program on Forests (PROFOR), <http://www.profor.info/> and the Forest Investment Program (FIP), <http://www.climateinvestmentfunds.org/cif/node/5>. PROFOR has done work on benefit sharing and governance that is relevant to legal aspects of REDD. For examples, see <http://www.profor.info/knowledge/making-benefit-sharing->

arrangements-work-forest-dependent-communities and
<http://www.profor.info/knowledge/defining-forest-governance-indicators>.

LEGEN, the Bank's Environment and International Law Unit, works with the respective technical units within the World Bank to provide legal and other broader policy advisory support to ensure that regulatory frameworks developed in the context of Bank operations reflect international best practice and take into account the particular circumstances of each beneficiary country.

For more information on LEGEN, go to www.worldbank.org/legal and expand "topics"; look for the link to environment and natural resources law. For publications, go to the "legal" page and expand "publications"; look for the link to environment, natural resources law, and international law.

Contacts:

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- PROFOR, profor@worldbank.org



2. Civil Society Organizations

Ateneo School of Government (ASoG)

<http://asg.ateneo.edu/>

ASoG provides research support and policy advice to governments. The Dean of the School, Antonio G.M. La Viña, having been extensively involved in the UNFCCC negotiations, as negotiator on REDD+ and facilitator of the AWG-LCA REDD+ Finance discussions, is able to advise the Philippine government on outstanding issues at the international and regional levels and enable a more informed decision-making process at the national level on REDD+-related actions. The School also maintains several consultants with expertise on specific aspects of REDD+, such as safeguards and finance.

The School is formally affiliated and actively engaged in CoDe-REDD Philippines, a coalition of civil society organizations engaged in the development and implementation of REDD+ in the country. Through CoDe-REDD, ASoG contributed significantly to the formulation and formal adoption of the Philippine National REDD-Plus Strategy (PNRPS), which now serves as the standard policy document that guides REDD+ practitioners in their various activities. ASoG continues to engage in a number of activities operationalizing the PNRPS, and as such contributes to the sustained strengthening of REDD+ policy and its translation into concrete action.

The School is currently engaged in two projects under the UN-REDD global programme, for implementation in the Philippines: (1) capacity-building for REDD+ safeguards implementation at the local level, and (2) the conduct of a REDD+ Corruption Risk Assessment. The first initiative is aimed at enabling local communities to utilize existing legal and policy mechanisms to enforce REDD+ safeguards, while the second aspires to understand corruption issues prevalent in the forestry sector to anticipate and address risks to REDD+ readiness implementation. ASoG is also involved in the development of National REDD+ Safeguards Framework and Guidelines under the UN-REDD Philippine Programme, which output is intended to assist in establishing a systematic and structural approach to the application of safeguards in REDD+ readiness in the country.

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ClientEarth (CE)**Climate and Forests Programme — Latin America**

<http://www.clientearth.org/>

CE is a non-profit environmental law organization headquartered in London, with offices in Brussels, and Warsaw. They are public interest lawyers working at the interface of law, science and policy. Using the power of the law, they develop legal strategies and tools to address major environmental issues.

CE improves understanding of the role of, and opportunity presented by, the UNFCCC REDD+ safeguards; enhances their effective implementation; and increases the capacity of REDD+ countries to engage effectively in legal and policy reform. CE promotes the safeguards as an opportunity to better realize a countries' own aspirations for improved forest governance, consistent with their commitments and aspirations to respect the human rights of forest peoples and other local communities.

CE is now working in Latin America, with a focus on Honduras, Guatemala, Costa Rica, Brazil, Mexico and Ecuador. Its program has three main components.

- a. Development of guidance documents and tools—
 - to analyze each UNFCCC REDD safeguard under the context of relevant and applicable international and regional law. A draft document will be ready in October and the final document will be delivered in March 2013.
 - to identify and analyze the relevant “safeguards, standards or policies” developed or being piloted under REDD+ voluntary and multilateral programs/initiatives, and map out how these intersect with the UNFCCC REDD+ safeguards. A draft document will be ready in October and the final document will be delivered in March 2013.
 - to help countries determine which domestic systems (legal and institutional) need to be in place to effectively address the UNFCCC REDD+ safeguards, and how to track improvements in their effectiveness over time. A draft document will be ready in September 2013 and the final document will be delivered in December 2014.

- b. Capacity building of governmental and non-governmental actors

CE is engaging governmental and non-governmental actors in the development of the guidance documents/tools, aiming to build the capacity of government officials, civil society, local community and indigenous peoples leaders to design, implement and enforce REDD+ safeguards.

- c. Development of in-country, regional and international knowledge and awareness over the role of the safeguards

CE is facilitating a regional platform (annual workshops and a website) where governmental and non-governmental actors can discuss safeguard-

related concerns, present lessons learned, and engage with relevant stakeholders.

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Climate Focus

<http://www.climatefocus.com/>

Climate Focus is an advisory company committed to the development of policies and projects that reduce greenhouse gas emissions. Climate Focus provides clients with a comprehensive suite of services including international and national policy analysis and design, country level REDD+ readiness planning and REDD+ implementation advice, project structuring and development advice, carbon contract drafting and negotiation and due diligence.

Specific services to governments include:

- Advice on the amendment of national laws and policies to incorporate REDD+ issues, including through creating facilitative legal and policy frameworks for REDD+ projects.
- Advice and analysis on the development of national accounting frameworks and registries for REDD+.
- Analysis of forest carbon rights under national law, both at general level and in specific projects.
- Advice on the establishment of “nesting” frameworks for REDD+ under national law.
- Preparing Readiness Preparation Proposals (R-PPs) for participation in international REDD+ schemes, such as the Forest Carbon Partnership Facility.

Publications of interest:

Climate Focus & Forest Trends, “Nested Approaches to REDD+: An Overview of Issues and Options”,
http://www.climatefocus.com/documents/nesting_projects_and_redd_briefing_document

Robert O’Sullivan (Climate Focus) et al, “National REDD+ Registries - An Overview of Issues and Design Options”,
http://www.climatefocus.com/documents/national_redd_registries__an_overview_of_issues_and_design_options

Climate Focus, “Towards Building a Governance Framework for REDD+ Financing”,

http://www.climatefocus.com/documents/files/towards_building_a_governance_framework_for_redd_financing.pdf

Climate Focus, “Consolidating National REDD+ Accounting and Subnational Activities : Applications in Ghana”,
http://www.climatefocus.com/documents/designing_subnational_redd_frameworks_for_ghana

Climate Focus, “Developing Effective National REDD Programmes; REDD And NAMAs”,
http://www.climatefocus.com/documents/developing_effective_national_redd_programmes_redd_and_namas

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REDD+ Law Project

<http://www.4cmr.group.cam.ac.uk/forestcarbon>

The REDD+ Law Project is an independent research and advisory initiative led by law firm Baker & McKenzie in partnership with the Department of Land Economy, University of Cambridge. Drawing on Baker & McKenzie’s experience with REDD+ projects in the voluntary market, the Project focuses on the legal frameworks required to attract investment (particularly from risk-averse private sector investors) and deliver climate, biodiversity and community benefits. The Project is currently undertaking research in both Africa and Asia, with initial outputs expected from May 2013.

Pioneering forest carbon projects, by private sector developers as well as international conservation groups, have had varied levels of success. Common to most projects are legal failures related to weak governance structures, such as:

- uncertainty about what kinds of activities are permitted on different categories of land
- weak land tenure administration systems
- a lack of clearly defined carbon rights
- unclear or restrictive rules regarding foreign investment
- absent, inappropriate or unclear rules for revenue sharing, including provisions for community participation in the project development process, and
- uncertainty over the general governance of REDD+ projects.

The REDD+ Law Project is taking the early experience from real REDD+ projects and using this as critical input for the development of effective law and policy. This work will help countries to overcome legal barriers and develop their own legal systems to ensure that REDD+ policy works in practice.

The research and analysis of the Project (including a survey of the current state of international and domestic policy frameworks that exist for REDD+, comparative studies, and tools such as model rules and contract terms) will be presented online in the *REDD+ Rulebook*. The *Rulebook* will be accessible not only to governments but also to other REDD+ stakeholders (including forest-dependent communities, the business sector, academics, civil society groups and individual citizens). The Project will also offer capacity-building training based on the research and analysis presented in the *Rulebook*.

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World Resources Institute (WRI)

The Governance of Forests Initiative (GFI)

<http://www.wri.org/project/governance-of-forests-initiative>

GFI is a partnership that works with local NGOs to help assess the state of forest governance, which includes assessment of the adequacy of laws. It carries out evidence-based assessments of forest governance and engages decision-makers at all levels to advance reforms.

GFI has developed a Framework of Indicators to use in assessing the state of forest governance. The indicators look at four areas:

- Tenure of Forest Land and Resources
- Coordination of Land Use
- Forest Institutions and Decision-Making
- Forest Management and Law Enforcement

GFI's network of civil society partners in Brazil, Cameroon, Indonesia, and the United States are using the GFI Framework of Indicators to improve forest governance through a three step process: (1) carrying out evidence-based assessments of forest governance, (2) developing practical solutions to identified governance challenges, and (3) engaging in constructive dialogues with governments and other forest stakeholders to advance governance reforms.

The GFI network especially aims to influence international and domestic initiatives under REDD+. The network develops research and analysis to inform international and domestic policy-makers, donor institutions, and other stakeholders of the critical role of forest governance in developing robust REDD+ institutions and addressing the drivers of deforestation.

GFI's current work on forest governance and REDD+ includes:

- Tracking how emerging REDD+ country strategies are addressing forest governance challenges
- Exploring options for using governance indicators to monitor implementation of REDD+ programs
- Developing recommendations on how to design information systems for REDD+ safeguards.

For more on the GFI Framework of Indicators, see <http://www.wri.org/publication/governance-of-forests-initiative-indicator-framework>

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