

FAO Legal and Ethics Office

Development Law Service (LEGN) and Legislative Support to REDD+

Patrice Talla
Legal Officer (LEGN)

Legal Preparedness for REDD+: Exploring needs and sources of expert
support

25 September 2012, FAO Rome



LEGN provides

➤ Legal Information

Online legislative database (FAOLEX) faolex.fao.org/faolex/index.htm

➤ Legal Research

Legislative studies & legal papers online www.fao.org/legal/pub-e.htm

➤ Legal Advice

Technical assistance on legislative drafting www.fao.org/legal/advserv/advice-e.htm

Core Functions of the Development Law Service (LEGN)

- Legal advisory services to member countries
- Contribution to the development of international legal instruments
- Collection and dissemination of legal information
- Undertaking research and studies on important legal topics, and
- Building capacity on legal matters.

Subject areas

- Food safety, food security, right to food
- Animal health, veterinary drugs, animal feeds
- Plant protection & pesticides
- Seeds & plant genetic resources
- **Land tenure, use & administration**
- **Forestry, wildlife & protected areas**
- **Rural institutions and farmers' organizations**
- **Environment**
- Fisheries & aquaculture
- Water resources
- Biosafety and biotechnology
- Other member country priorities (e.g. agricultural trade, organic agriculture, bioenergy, biosecurity)

Causes of natural resources mismanagement and linkages with REDD+

- Weak policy and legal framework
- Weak institutional arrangements
- Minimal enforcement capacity
- Insufficient data and information on forest and other natural resources
- Corruption in the public and private sector

Main objectives of the services provided by LEGN on REDD+

- Build strong foundations for good governance in forests and other natural resources
- Protect forest rights and define responsibilities
- Establish predictable, appropriate and fair rules for encouraging investments and facilitating the operation of markets
- Set norms for environmentally responsible behavior.

Methodology

- **Collaborative:** suggestions for law reform provided alongside advice from technical experts
- **Participatory:** genuine involvement of all stakeholders concerned, from central governmental institutions to rural communities, to accommodate multiple interests at stake
- **Independent:** disinterested advice drawing on international experience and based on objective analysis
- **Tailor-made:** laws crafted to meet particular needs and concerns of individual countries or specific regions

Basic principles of the services provided by LEGN on REDD+

- Each country needs tailored advice: the effectiveness of legal solutions depends on their suitability with specific national contexts
- Countries can learn from each other, giving the similarity of problems or challenges faced
- National laws must reflect international obligations
- Law-making requires a multidisciplinary approach and close collaboration between legal experts and both national and international specialists of the discipline

LEGN and global standards setting

Global standards, such as the provisions of Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry

- Facilitate sustainable management and use of natural resources
- Protect and define rights and responsibilities.

REDD+ and Voluntary Guidelines on Responsible Governance of land, fisheries and forests

OBJECTIVES AND SCOPE OF THE VOLUNTARY GUIDELINES

- Good governance of tenure of land, fisheries and forests;
- Realization of food security, right to adequate food and poverty alleviation; through
- Empowerment of vulnerable and marginalized people; and
- Implementation of natural resources management best practices

REDD+ and Voluntary Guidelines on Responsible Governance of land, fisheries and forests

The Guidelines aim to:

- improve tenure governance by providing guidance on the rights to use, manage and control land, fisheries and forests;
- contribute to the improvement and development of the policy, legal and organizational frameworks regulating the range of tenure rights that exist over these resources;
- enhance the transparency and improve the functioning of tenure systems;
- strengthen the capacities and operations of implementing agencies, including judicial authorities; local governments; organizations of farmers and small-scale producers.

***Thank You for Your
Attention***

www.fao.org/legal