The GLOBE Forest Legislation Study, 1st edition

****Embargoed until 6 AM CET Monday October 28 2013. Key findings presented at Oslo REDD Exchange 29-30 October 2013 in Oslo. Full study to be launched on November 18 2013 at UNFCCC COP 19 in Warsaw***

KEY FINDINGS OF REPORT:

National legislation is crucial for REDD+ to be implemented in a way that is effective, fair and transparent, while reducing the risk of corruption.

There are a growing number of REDD+ demonstration sites and pilot projects. However, these are not underpinned by adequate national legislation, leaving forest communities in a legal void.

Parliaments can play a key role in providing oversight of REDD+ financial flows and increase the public’s participation and confidence in REDD.

Reforms that are essential for REDD+ implementation include approval procedures for REDD+ projects and programmes and clarifying which state institutions are responsible for supervising REDD+.

Countries do not have to wait for the international process to act.

QUOTES

Senator Alejandro Encinas, Mexico says: “Urgent engagement with parliaments, and advancement of strong national forest legislation, is now crucial if a REDD+ deal is to be reached in 2015. Achieving this goal is still possible.”

Adam Matthews, Secretary General, GLOBE international says: “The Global Legislators Organisation (GLOBE) is working with legislators from all political parties in six key forest nations to develop the national legal and regulatory frameworks that will be the foundation for the successful application of REDD. Legislators hold the key to REDD’s success and must be supported.”

GLOBE Forest Legislation Study: 1st edition

The study analyses legislation related to REDD+ and provides recommendations for legislative reform in the key forested countries Brazil, DRC, Indonesia and Mexico.

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1 REDD+ = Reducing Emissions from Deforestation and Forest Degradation, including Conservation, Sustainable Forest Management and Enhancement of Carbon Stocks)
Why parliaments and national legislation are important to reduce deforestation and reach agreement on REDD+

Finding 1: Clearer rules to resolve land use disputes are needed to prevent forests coming second to economic interests

In many developing countries, the absence of legal clarity and coordination in relation to land use sees land given over to agriculture, mining and oil exploration. These economic uses are usually to the detriment of forests.

Example: The DRC Mining Ministry has granted 7,732 mining permits to mining companies of which 629 (3.5 million hectares) encroach on protected forest areas.

Finding 2: Agreement is needed on how to share REDD+ benefits with local communities

Parliaments can provide certainty, transparency and accountability in deciding benefit sharing rules for REDD by advancing national legislation. Local communities and indigenous groups who own land should receive significant shares of the benefits.

Background: A huge amount of money is at stake. REDD+ has already mobilized approximately 4.5 billion USD in pledges from 2010 to 2012 and has a potential to become a significant future source of revenue for developing countries. It is crucial to decide in advance who will benefit from the revenues of REDD or conflict could arise.

Example from report: Brazil and Mexico are good examples of countries where special protections for these groups already exist in current laws.

Finding 3: Preventing corruption and financial misuse

The GLOBE Forest Legislation Study points to the need for safeguards to prevent fraud and corruption. Parliaments can play an important role in providing oversight of REDD+ financial flows.

It is essential that criminal legislation targets not only individual forest users but also larger players, such as corporations and their shareholders.

Background: Corruption and financial misuse are threats to REDD+ due to the large amounts of money involved. This risk is highlighted by a recent Interpol report (August 2013).

Finding 4: Providing checks and balances and promoting public trust in REDD

Enhanced public participation in REDD decision-making will provide checks and balances in the system and promote public trust in REDD+.

Example from report: Mexico is the country that has the best protection in terms of social safeguards for REDD (General Law on Sustainable Forest Management) including requirements to inform and get the consent of local communities before initiating REDD activities.

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2 ‘Emergency Finance for Forests’, report from The Prince’s Rainforest Project, October 2011
Next steps

Countries do not have to wait for the international process to act. National REDD legislation could be developed now for forest governance, sustainable rural development and conservation.

While land tenure reform remains a central part of achieving REDD+ objectives in the long term, they should not be held up as a barrier to implement other important REDD+ activities.

The study identifies a set of urgent reforms that are essential for REDD implementation to begin. While these vary by country, some essential components include: Approval procedures for REDD+ projects and programmes, clarifying which state institutions are responsible for supervising REDD, preliminary benefit sharing arrangements, anti-corruption provisions and legislation to provide clarity for investors and enable public participation.

In the past five years, a number of international initiatives have launched parallel processes to support REDD, including the World Bank Forest Carbon Partnership and the UN-REDD. More coordination is urgently needed to make sure they do not support conflicting standards and laws.

Why we should speed up efforts to reduce global deforestation (background information)

A new global deal on climate change is due to be reached in 2015. A deal is crucial to prevent dangerous climate change and limiting average global warming to 2 degrees Celsius above pre-industrial levels.

Any global climate deal must include forests and REDD+ to be successful because deforestation and forest degradation account for 8-20% of global greenhouse gas emissions.

REDD+ is a mechanism conceived under the UN Climate Change negotiations in 2005, where developed economies with emission reduction obligations pay developing countries, which contain most of the world’s major intact forests. This is a way to put a price tag on the important role forests play in absorbing and “locking up” carbon dioxide.

Over the past years, REDD+ has shifted from being the ‘low-hanging fruit’ of the international climate negotiations to becoming a stumbling block. As international negotiations fail to resolve key issues, governments and international institutions can help break the deadlock by channelling more support to advance national legislation, thereby creating the political space for an international deal.

Throughout the history of REDD+, starting in 2005, parliaments have been overlooked in international REDD+ negotiations and support programmes.

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