

GCF – GOVERNORS' CLIMATE AND FORESTS TASK FORCE Indonesia



Legal Frameworks & Institutional Arrangements for Subnational REDD+ September, 21, 2011

Session Description

- **Session description:**
- ***Effective REDD legal frameworks*** are essential to creating a *safe and predictable environment* for governments, landowners, companies and investors engaging in the low carbon forest based economy at the national and sub-national level.
- Through discussion of best practices and successful instruments, this session intends to help GCF member states and provinces to:
 - ▣ ***Identify common challenges*** and
 - ▣ ***Tailor solutions to their own REDD policies, laws, and regulations.***

REDD Legal Framework – Key Issues

- 1 - Institutional Framework (Design and Models)
- 2 – Planning Instruments
- 3 - Regulatory Institutions/Supervision / Monitoring
- 4 - Accountability and Registry
- 5 - Governance (Civil Society and Government's)
- 6 - Economic Benefits Distribution Mechanisms (Legal Models)
- 7 – Execution Instruments and Mechanisms (Market and non Market)
- 8 - Interoperability with National Structure (Subnational and National Schemes - Gap's)
- 9 - International Cooperation (Legal Models - Gap's and Legal Challenges)
- 10 - Nested Approach (Models - Jurisdiction Scalable Solutions and Harmonization between the different levels)

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ACRE – BRAZIL

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ACRE - Legal Framework & Institutional Arrangements for Subnational REDD+

September, 21, 2011

Brazil ...

□ **Brazil – Making Commitments**

- **Law 12.187 – National Climate Change Policy (NCCP)**
- Voluntary National Target – 36.1 to 38.9 by 2020
- **80% Deforestation Reduction until 2020**
- **October 26, 2010 – Executive Summary – Mitigation Plan:**
 - BERM – Brazilian Emission Reduction Market (Stock Exchange)
 - NAMAs Communication
 - LULUCF – Amazon Region and Cerrado (minus 668MtCo2e / year by 2020)
 - Degraded Pastures recovery - minus 83 to 104 MtCO2e / year by 2020
 - Livestock - minus 22 MtCO2e / year by 2020
 - Energy efficiency measures / Use of Biofuels / Increase of Hydropower generation -
 - Industry – Substitution of native forest-based charcoal by planted forest-based charcoal in the steel industry

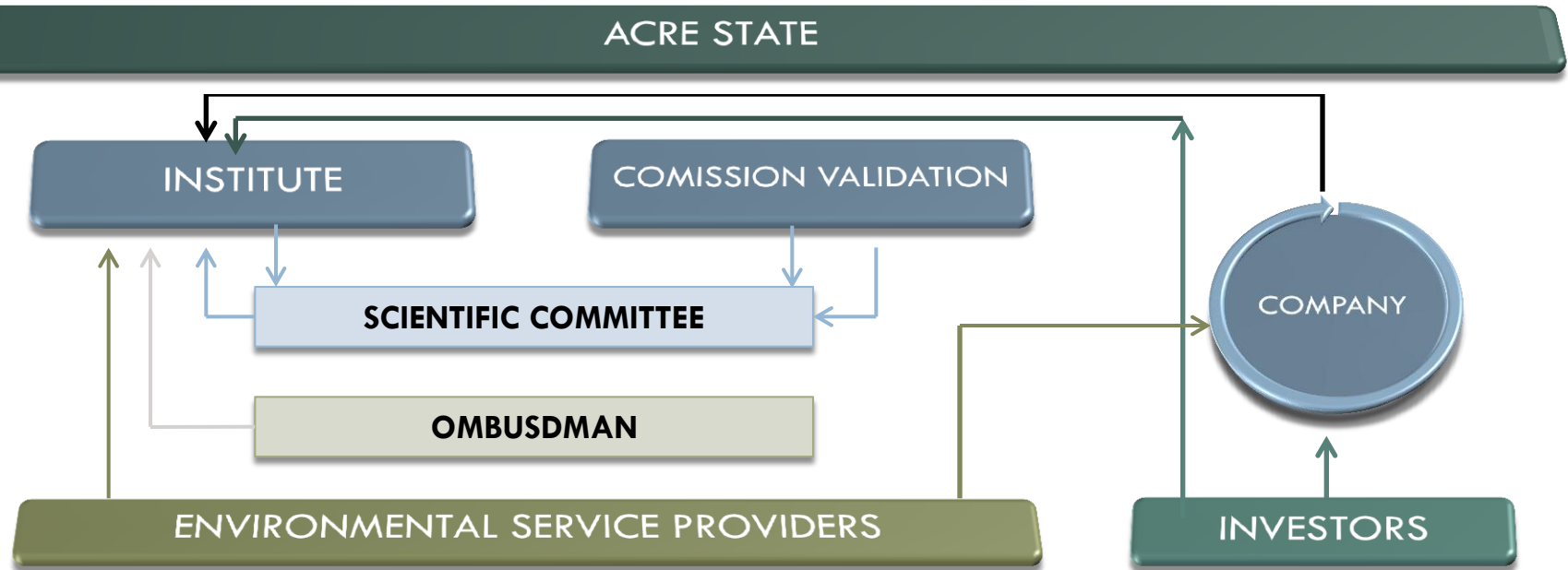


■ **REDD Bill of Law number 195/2011**

Acre Legal Framework

- **Acre Legal Framework -Law – 2.308, 22 October 2010 - SISA – Jurisdictional Level Approach**
- REDD and Environmental Services (Incentive System more than PES)
- Institutional Framework (Design and Models)
- Planning Instruments - (Programs – Sub-programs and Projects)
- Regulatory, Monitoring and Registry Mechanisms
- Governance Mechanisms (Civil Society and Government)
- Execution Instruments (PPP – Public Private Partnership - Environmental Services Company)
- Economic and Benefits Distribution Mechanisms
- Interoperability with National Structure (Subnational and National Schemes - Gap´s)
- International Cooperation (Legal Models - Gap´s and Legal Challenges)

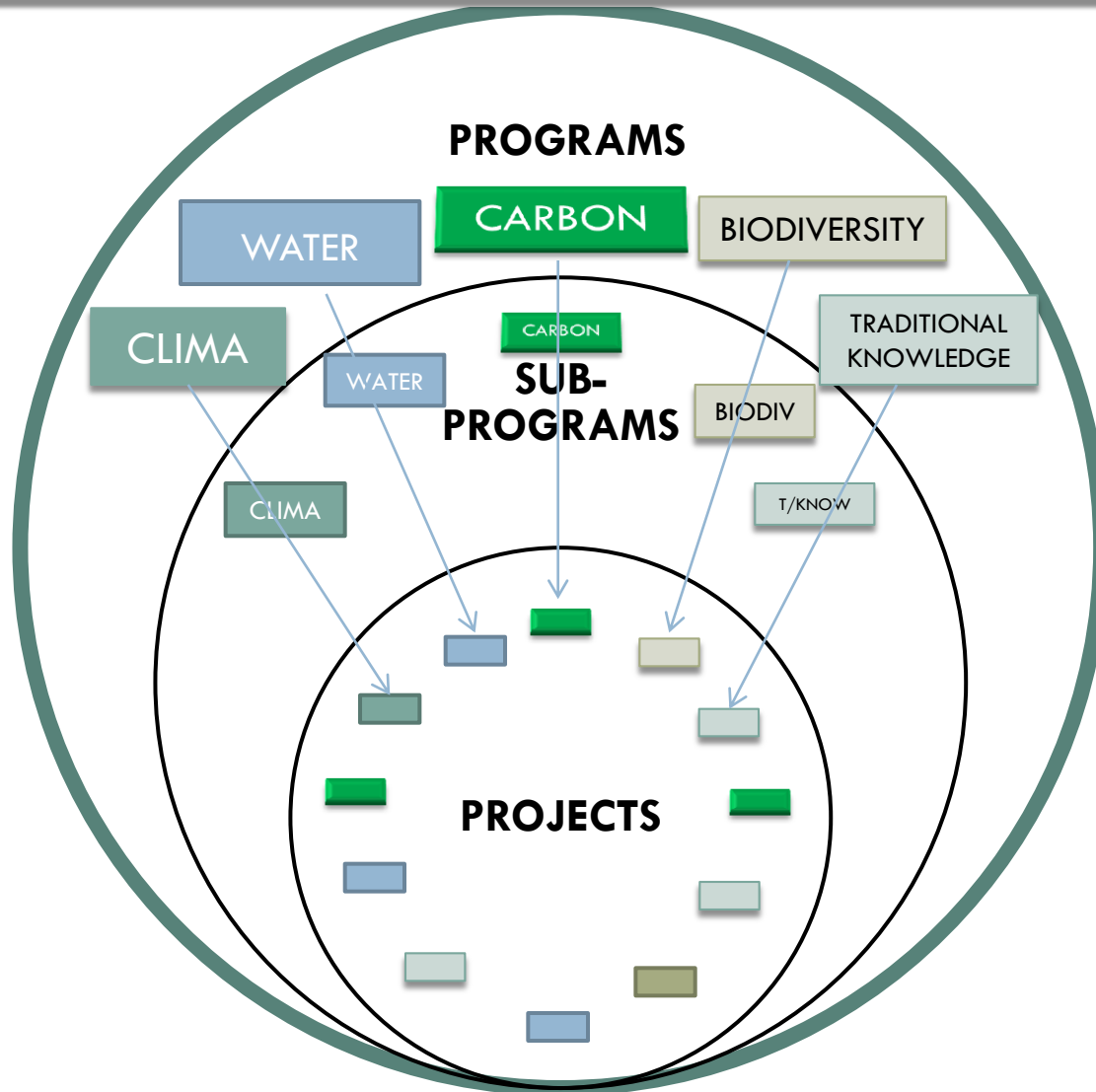
Institutional Framework (Design and Models)



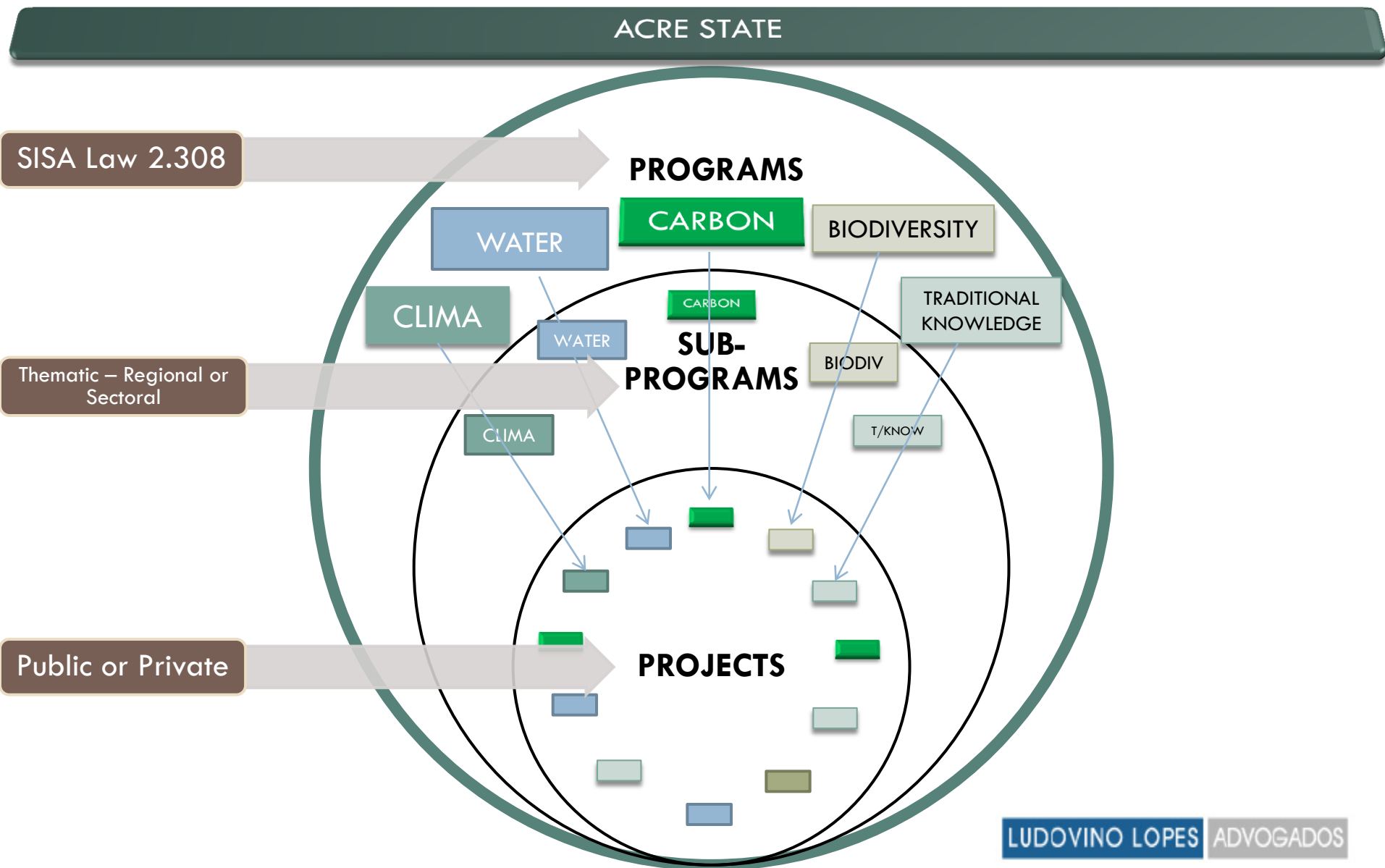
- The Institutional Instruments and Mechanisms:
- 1. **Institute for Climate Change Regulation, Control and Registry**, legal, technical and scientific integrity of the system through government regulation.
- 2. **State Commission for Validation and Monitoring**, composed of government and civil society representatives, validate the Institute Rules
- 3. **Company for the Development of Environmental Services**, a public-private partnership that incorporates market-based incentives and is responsible for ensuring the economic viability of socially and environmentally motivated projects
- 4. **a Scientific Committee**, composed of recognized experts from diverse scientific fields
- 5. **an Ombudsman's Office**, to receive and address citizens' reports of mismanagement or misconduct

Planing Instruments – Nested Approach

ACRE STATE



Planing Instruments – Nested Approach



Planing Instruments – Nested Approach

BRAZILIAN FEDERAL GOVERNMENT

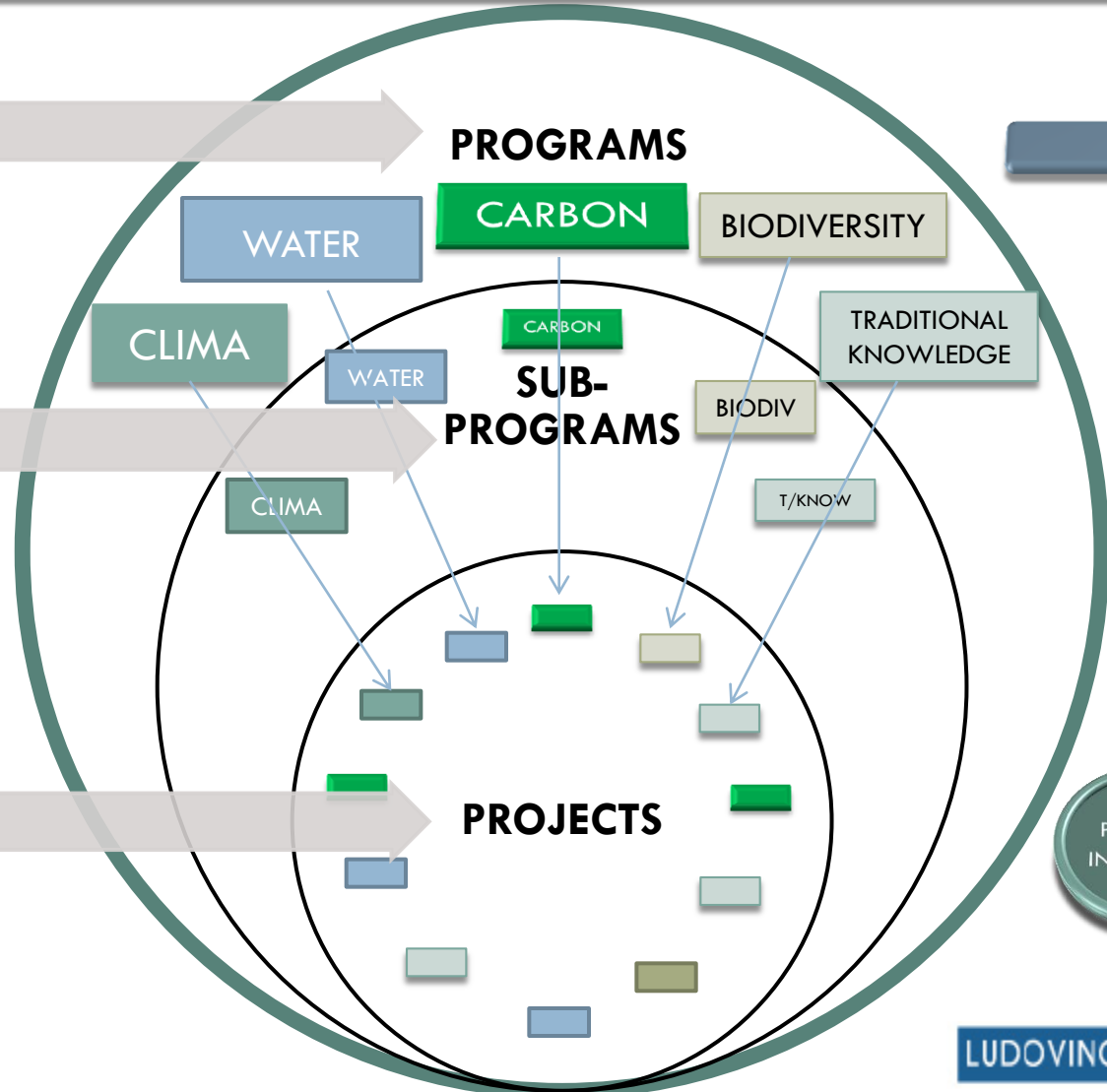
ACRE STATE

SISA Law 2.308

INSTITUTE

Thematic – Regional or Sectoral

Public or Private



Execution Instruments

- **PPP – Public Private Partnership - Environmental Services Company**
 - **PPP** Private Public Partnership Legal Model
 - Trade **Public Assets** without Binding Process.
 - **Public and Private Investment** directly on the Company, Programs, Sub Programs or Projects.
 - **Carbon Credits** ("services" or "activities of the Environmental Services Providers")
 - Not dependable exclusively on the "**legal title of the land**", without legal limitations existing on the **Forest Concession Models and National Security Land legislation.**
-
- **Enforceable** under Brazilian Law and International Laws.



How SISA works

□ **Interoperability with National and International Structure**

□ **National - (Subnational and National Schemes - Gap's)**

□ Federal Law 12.187 – National Climate Change Policy (NCCP)



□ Future Baselines

□ Sub-National Cooperation (BMRE – Brazilian Market)



REDD

□ **International - The “REDD Offset Working Group”(ROW):**

□ Legal and institutional mechanisms required to enable California to recognize international REDD-based emission offsets for compliance purposes; and

□ Key policy and technical elements for the sectoral REDD program in order for REDD-based offsets to be recognized in a compliance program.

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Thank You !

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