



Networking for equity
in forest climate policy

Carbon rights and REDD+: Towards a common understanding:

www.redd-net.org/themes/carbon-rights



CLIMATE FOCUS

**Carbon rights in
REDD+: towards a
common
understanding**

**An introduction to carbon
rights**

**REDD-net side event at
COP16, hosted by CATIE**

**Robert O'Sullivan
Climate Focus**

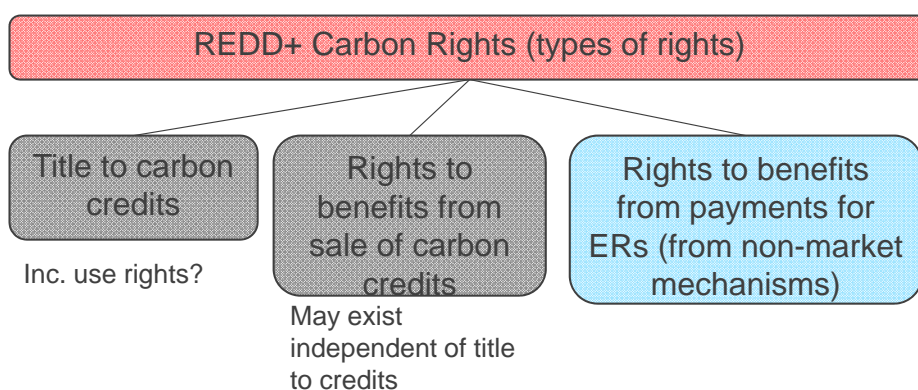
Definitions

- **Carbon Rights:** Includes rights to carbon credits and/or rights to benefits from the sale of carbon credits or other payments or benefits received from emission reductions or removals
- **Carbon Credit:** Tradeable units (credits, offsets, allowances) that includes a bundle of legal rights, e.g. ownership, sale, use. In most jurisdictions a (quasi) property right

3 Climate Focus, July 10

Title, Presenter

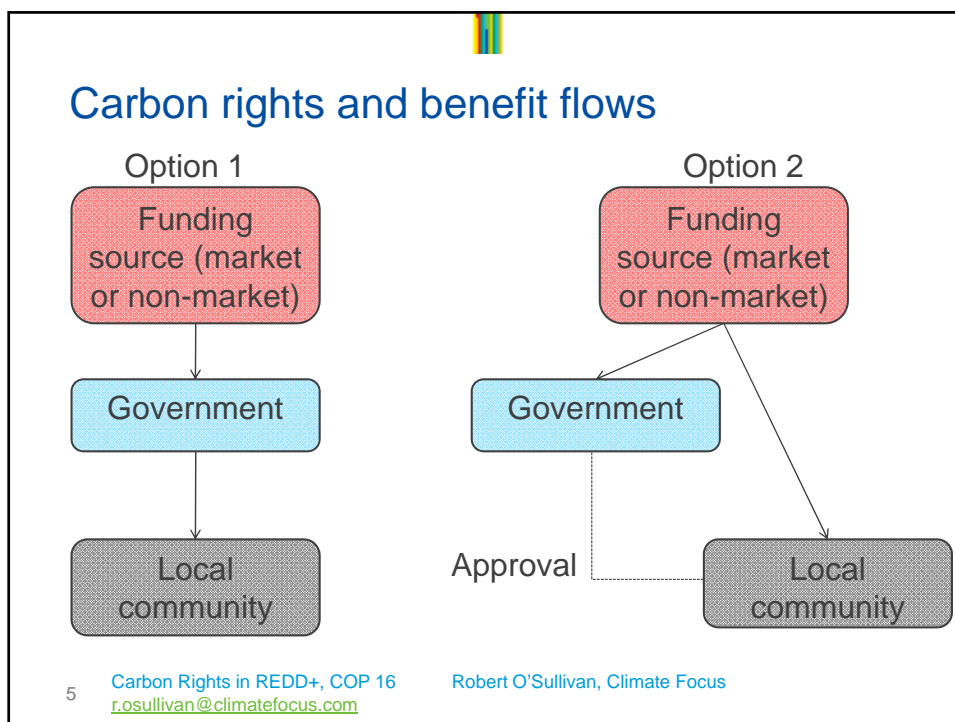
What are REDD+ carbon rights?




Legal nature: defined by international law, domestic law, or contract

4 Carbon Rights in REDD+, COP 16
r.osullivan@climatefocus.com

Robert O'Sullivan, Climate Focus





Networking for equity
in forest climate policy

Carbon rights and REDD+: Towards a common understanding:

www.redd-net.org/themes/carbon-rights



Networking for equity
in forest climate policy

Carbon rights in REDD+: towards a common understanding

REDD-net side event at COP16, hosted by CATIE

Cancun Messe, Saturday 04 December

**Evolution of Carbon rights in the context of
REDD+: Implications for rural and indigenous
Communities in Costa Rica**

Guillermo Navarro,
CATIE and REDD-net, Costa Rica

Contents

1. *Forest land tenure rights*
2. *Forest rights:*
 - *Forest Product rights (wood)*
 - *Environmental services rights*
3. *Carbon rights*
4. *Emerging issues surrounding carbon rights in the FCPF process*

Forest land tenure rights

1. **National Parks, biological and Forest Reserves** – poor institutional performance.
2. **Protected wilderness areas with mixed State and private tenure** - Disputes with State, and restrictions on forest use in private land.
3. **Private Forest land** (69%), owned land, forest and trees, but State hold patrimonial rights over natural forest.
4. **Indigenous reserves** (24 communities, 6.5%).
 - Inalienable, non-transferable, and exclusive use to indigenous peoples.
 - Titled to ADII's.
 - However 40% in hands of non-indigenous peoples.

Forest rights: on timber

Forest Law

- No rights for **land use change**.
- No management rights in defined protected areas for **water and slope** in private land.
- It conditions **management rights to permits**.
- **No right to manage their owned forests**
- **It conditions alienation rights to access markets:** transportation permit, species ban, and it can not export logs.
- **Indigenous communities** do not have access to commercial use of their forest. Forest products only for local consumption. (Forest and Indigenous Law)

Forest rights: on Env. Services

Forest Law:

1. **Defines ES**, a **compensation** for ES provided by managed plantations and forests.
2. **Defines fiscal funds:** Fuel/Water tax, forest fund, etc...
3. Creates **allocation institution:** FONAFIFO
4. Defines **allocation mechanism:** (PES). it return rights to people.
5. **Special concessions on indigenous territories:**
 - 62,346Ha in 20 indigenous communities (10%)
 - There is no interference of FONAFIFO on internal allocation.
 - There are higher quotas for ADIIs (800ha per contract).

Carbon rights

1. The system is **not explicit** about carbon property rights.
2. **Deducting from Civil code:**
 - carbon stored on trees belong to owner of the tree. The legal tenant of the land owns the tree.
 - Legal tenant of the carbon/tree/land can negotiate carbon and capture benefits.
3. **Constitutional Court** – “the asset into which a forest/plantation may turn is an actual right derived from ownership of the land”.
4. Forest owners who receive PES should **transfer carbon rights** to FONAFIFO who bundle the carbon for international transactions (State property).
5. Forest owners and **indigenous communities can negotiate with third parties.**

Carbon Rights issues in FCPF process

1. **Carbon transactions** are regulated by **public law** when State is one of the parties, otherwise **civil code** apply.
2. RPP suggests a **National Geographic Registry of carbon rights** to exclude overlaps, to allow to know stock improvement through MRV, and regulate to prevent frauds.
3. **Targeting forests** under risk of deforestation
4. **National approach** to prevent leakage
5. Payments based on **performance**
6. Independent **MRV** based on a reference scenario
7. **Land titling program, and pay off land in parks and reserves**
8. **Promote SFM** in private and indigenous lands with an incentive package (credit, PES, marketing support).

Lessons learned from REDD+ debate in CR

1. Costa Rica has a clear and **coherent relation among land, forest, and carbon rights** in State and private land.
2. Costa Rica has a strong and functional institutional and legal framework that supports land, forest and carbon rights. **Forest rights for timber should be returned to forest owners** as in the case of ES and carbon rights.
3. REDD+ can be an opportunity for making adjustment for consolidating and improving **forest and carbon governance**.
4. Land, forest and carbon rights development, and institutional reform are processes that **take time**; therefore, REDD+ mechanism cannot expect to create accelerated changes for their implementation.
5. Costa Rican indigenous communities should have the right to access not only PES, but also **commercial forest harvesting of timber** in as a necessary condition achieve a **sustainable development of their communities** based on their natural resources.



Networking for equity
in forest climate policy

Carbon rights and REDD+: Towards a common understanding:

[www.redd-net.org/themes/carbon-
rights](http://www.redd-net.org/themes/carbon-rights)

Civil society perspective on the carbon rights debate in the Philippines

Forester Marlea P. Muñoz
WISE
CoDeREDD, Philippines

FOREST plus PEOPLE





1. AnthroWatch (AW)
2. Conservation International-Philippines (CI-P)
3. Environmental Leadership and Training Institute (ELTI)
4. Environmental Legal Assistance Center, Inc. (ELAC)
5. Fauna & Flora International (FFI)
6. Go Organic Mindanao (GOM)
7. IDIS Interface Development Interventions (IDIS)
8. Kalahan Educational Foundation (KEF)
9. Non-Timber Forest Products- Exchange Programme (NTFP-EP)
10. Upholding Life and Nature (ULAN)
11. Philippine Federation for Environmental Concerns (PFEC)
12. Women's Initiative for Society, Culture, and Environment (WISE)

Community Development through REDD

Communities Developing REDD

Conservation and Development through REDD

CoDe REDD Philippines is composed of forest based communities and civil society organizations that are involved in livelihood, conservation, and community development projects in the Philippine forests and are working towards pro-community and pro-conservation REDD thru REDD-plus advocacy

DISCUSSION POINTS

1. What do we have in the Philippines so far?
2. Is there a debate about carbon rights in REDD+ in the Philippines? If so, what are the concerns that local communities and civil society groups raised and why?
3. What solutions have been proposed and are they likely to be effective?
4. What needs to happen at international and national levels to ensure that carbon rights are interpreted in a way which is beneficial to local communities?

FOREST plus PEOPLE



PHILIPPINE CONTEXT: WE WERE NOT ON THE REDD/ REDD-PLUS MAP...

But We HAVE

- A strong research community and national capacity to engage in forestry projects;
- Relatively decentralized natural resource management capable of instituting local-level REDD-plus projects, enabling environmental, social and rights-based policies and frameworks;
- A robust civil society capable of supporting REDD-plus development and implementation at multiple scales; and
- Significant opportunities to generate social and environmental co-benefits.

FOREST plus PEOPLE



PHILIPPINE CONTEXT

1. No specific legislation on REDD-plus but the elements needed for implementation are subsumed in a number of existing laws on the environment and forested areas.
2. Climate Change Act of 2009 (RA 9729) does not mention REDD, but mentions forestry.
3. The National Framework Strategy on Climate Change or NFSCC mentions REDD-plus.
4. An Executive Order assigned the Department of Environment and Natural Resources as the operational arm for REDD-plus implementation

FOREST plus PEOPLE



PHILIPPINE CONTEXT
WE HAVE LAWS AND REGULATIONS
INFLUENCING

1. ENVIRONMENTAL CONSERVATION
AND ENFORCEMENT
2. SAFEGUARDS
3. BENEFIT SHARING

FOREST plus PEOPLE



DEBATE on CARBON RIGHTS?
NOT IN THE OPEN...
BUT CONCERNS ARE DISCUSSED

1. ISSUE OF TRUST –Buyers, Permitting System,
Tenure/ Management Instruments/ Land Use
2. OWNERSHIP AND RIGHTS, CULTURE AND
DOMAINS
3. CAPACITY AND ACCESS TO INFORMATION
4. POLICIES and DECISION MAKING PROCESS
5. PAYMENT AND BENEFIT SHARING
6. BASIC SERVICES: HEALTH AND EDUCATION

FOREST plus PEOPLE



SOLUTIONS? NO ENDPOINTS YET, BUT EFFORTS ARE UNDERWAY

1. CoDe REDD Philippines and partners, including IUCN, Nature and Poverty, BMU/GTZ, and SDC
2. Government Agencies: Department of Environment and Natural Resource (DENR), National Commission on Indigenous Peoples (NCIP), Climate Change Commission (CCC)
3. The Philippine National REDD-plus Strategy (PNRPS)
4. Working Groups on particular components of the PNPRS

FOREST plus PEOPLE



EFFORTS RELEVANT TO CARBON RIGHTS

1. Conduct of in-depth policy studies (forest policy, drivers of DD, carbon rights, FPIC assessment) with specific recommendations and proposals for action (equitable benefit-sharing schemes in REDD-plus (BSRp), policy on payment of ecosystems services (PESRp), Safeguards in REDD-plus (SRp)
2. Craft and implement a communication and media plan: policy and behavioural change levels
3. Organize governing structures for decision making: policy, funds, grievances
4. Initiation of demonstration sites in various modes of implementation (with BMU/GTZ and EU)

FOREST plus PEOPLE



WHAT NEEDS TO HAPPEN INTERNATIONALLY AND NATIONALLY

- Concrete integration of at least the following in the respected “requests” and “calls”:
 - UDHR, UNDRIP, CEDAW, CBD, UNFCCC, UNFF ,
- Continuous venues or platforms for learning and sharing
- ODAs and other resource institutions to respect our PNPRS
- Responsible implementation of the PNPRS

FOREST plus PEOPLE



Thanks to:

- **Department of Environment and Natural Resources**
- **CoDe REDD Philippines and partners**
- **Women's Initiatives for Society, Culture, and Environment (WISE) Inc.**
- **RECOFTC**, The Center for People and Forests
- **Maria Cristina S. Guerrero**, Non-Timber Forest Products – Exchange Programme for South and Southeast Asia
- **Jacob Phelps, Edward L. Webb**, Dept. Biological Sciences, National University of Singapore
- **Atty. Gerthie Mayo- Anda and Atty. Ronald Carandang**, Environmental Legal Assistance Center
- **Antonio G.M. La Viña, JSD**, Dean, Ateneo School of Government
- **Dr. Bernd Markuss-Liss**, BMU/GTZ Principal Adviser on Adaptation and REDD

FOREST plus PEOPLE



REDD-plus PEOPLE: Hope. Justice. Sustainability.

December 6, 2010, 6.00-8.00pm, Merida Room, Be Live
 Grand Cancun Hotel (along Hotel Area)
 BUS NO. 2 from Cancun Messe

Sharing/ Discussion Status of the Negotiations	DR. ROWIE BOQUIREN Conservation International- Philippines/CoDe REDD Philippines MS. VICKY CORPUZ Tebtebba
Sharing/ Discussion The Urgency of A REDD-plus Decision By Cancun: Prospects and Implications	DEAN TONY LA VINA Ateneo School of Government
Open Forum Getting Ready for REDD-plus	EVENT PARTICIPANTS
Launching The International Launching Of Forest Plus People: the Philippine National REDD-plus Strategy (PNRPS)	ATTY. LUCILLE SERING Head, Philippine Delegation Vice Chair, Climate Change Commission, Philippines

FOREST plus PEOPLE

Networking for equity
in forest climate policy

Carbon rights and REDD+: Towards a common understanding:

[www.redd-net.org/themes/carbon-
rights](http://www.redd-net.org/themes/carbon-rights)