



Interaction of REDD+ and the Polluter -Pays Principle into the Biodiversity and Ecosystem Framework and Management of the Congo Basin

Definitions

REDD+: Reduction of Emissions from Deforestation and Forest Degradation in developing countries, and the role of conservation; sustainable management of forests carbon stocks in developing countries.

Polluter-Pays Principle : Principle of international law which promotes the protection of the environment by making the responsible of a polluting activity (polluter) bears the cost of his/her pollution.

Biodiversity and Ecosystem Framework and Management: means the legal basis, management strategy and practice concerning biodiversity and ecosystems which are applicable in the Congo Basin rainforests.

Objectives

- Determine which legal basis is likely to maximize REDD+ opportunities in the Congo Basin.
- Strengthen the legal basis and enhance funding opportunities for avoiding deforestation and forest degradation in the Congo Basin rainforests.

Abstract

The focus of this paper concerns legal issues as an option for reducing drivers of deforestation and providing development opportunities.

The environmental legal framework of Congo Basin countries will be briefly analyzed regarding to the REDD+ mechanism and the Polluter Pays Principle in order to improve the management of Congo Basin forests. Especially, the interaction between the REDD+ and the Polluter Pays Principle and its possible influence in the sustainable management of biodiversity and ecosystems in the Congo Basin is taken as a background. Tools of compliance and enforcement of the environmental framework will be proposed and described respectively.

The study concludes by a recommendation addressed to policy-makers of the Congo Basin to adopt the Polluter Pays Principle in their environmental legal framework in order to provide a fair implementation of REDD+ for a sustainable management of Congo Basin forests.

Process

- Inclusion of an extended interpretation of the Polluter Pays Principle to deforestation and forest degradation in the Environmental Legal Framework.
- Taking into account REDD+ requirements in the national policies; forest reference levels, training of institutions and straiten the technology of monitoring greenhouse gas emissions.
- Adaptation of related forest areas legislation: agriculture, mining, public works, land use and land tenure, forestry concessions and rights on ownership and indigenous people.

Legal basis

- OECD** (1972) : Recommendation of the council on guiding principles concerning international economic aspects of environmental policies
 - UNCED** (1992) : Dublin Declaration; **UN** (1997): Glossary of Environmental statistics,n°67, New York (User and Beneficiary Pays Principle); **UNCED** (1992): Rio Declaration Principle 16
 - **UNFCCC**: Bali Action Plan /COP.13(2003); Decision 4/COP 15(2009); Decision 1/COP 16(2010); Guidance on systems for providing information on how safeguards are addressed and respected and modalities relating to forest reference emissions levels and forest reference level as referred in decision 1/COP.16 (2011) ,Outcome of Ad Hoc Working Group long-term Cooperative Action Under the Convention /COP17 (2011).
- Legislative Opportunities in the Congo Basin**
- **COMIFAC (2005): Treaty** on the conservation and the sustainable management of forest ecosystems in Central African and to establish the Central African Forests Commission (COMIFAC) and its **Convergence Plan Axis 1 and 9**
 - Congo Basin countries** :**National legislations** in force relevant to **Environment, Forestry** and their **related areas**

CONCLUSION

- 1. COMIFAC**
 - Adoption of a guideline which includes the Polluter Pays Principle applied to deforestation and forest degradation, and REDD+ implementation requirements
- 2. Congo Basin Countries**
 - Acceptance of the above regional guideline in the national legislations
 - Adaptation of related Forestry Laws

Temporal Interaction

- Time-limited and selective REDD+ projects completed by a Permanent Polluter Pays Principle Mechanism applied to deforestation and forest degradation

Technical Interaction

- Training of personnel from institutions of hosted REDD+ countries
- Technical assistance for Monitoring Greenhouse Gas Emissions
- Technical Assistance for the fixation of reference forest levels needed for the Polluter Pays Principle Mechanism for estimating pollution released

Financial Interaction

- REDD+ funding
- Cost of pollution from Polluter Pays Principle Mechanism applied to deforestation and forest degradation

Legal Interaction

- Incentive to discourage polluters through the Polluter Pays Principle applied to deforestation and forest degradation
- Identifying gaps, assessing applied and proposed laws, and updating related forestry laws such as Mining, Public Works, Land Tenure and Property Rights, Land Use, Forestry concessions and rights on ownership and indigenous people in order to facilitate REDD+ implementation

References

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