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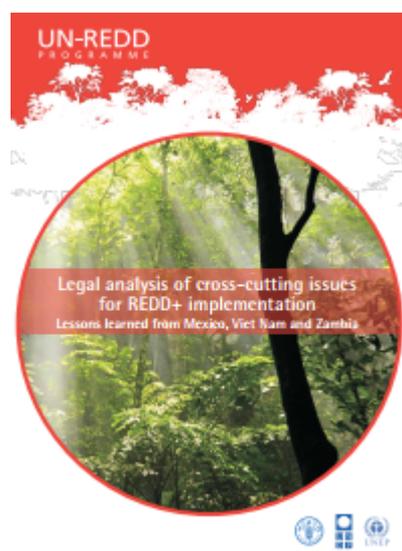
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Legal analysis of cross-cutting issues for REDD+ implementation. Lessons learned from Mexico, Viet Nam and Zambia

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Summary

This paper builds on the legal priorities identified by key stakeholders during national workshops held in November 2011 in Hanoi, Lusaka and Mexico City to discuss the country studies commissioned by FAO in 2011 for the UN-REDD Programme. The study has been reviewed by government representatives from the three countries, the UN-REDD Programme's partner agencies and international experts.

The main legal issues that affect REDD+ implementation identified by national stakeholders and analyzed contextually in this study include:

- definition of rights (land, forest carbon) and REDD+ terminology (trees, environmental services, forests, deforestation, degradation, carbon stocks, etc.);
- formal recognition of customary and indigenous rights;
- identification of major drivers of deforestation and forest degradation and harmonization of legal inconsistencies across sectors;
- legal arrangements needed to strengthen REDD+ institutional coordination;
- public participation processes and FPIC mechanisms that need to be in place;
- decentralized mechanisms that need to be regulated to support REDD+ implementation at local level;
- benefit distribution mechanisms that need to be developed and regulated; and
- reform of investment laws.

The three countries studied in this analysis represent a range of regional contexts that differ in terms of economic development, social and cultural values, geographical data, climate, political regime, administrative and institutional frameworks, and parliamentary activities. In addition, depending on the country, forests have different roles in the national and local economy. Therefore, the legal instruments needed to implement REDD+ successfully will vary according to specific national contexts and local priorities. The principles of human dignity, non-discrimination, equity and justice, gender equality, consultation and participation, rule of law, transparency and accountability should be considered in each step of the development law process.

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