



CLIMATE**FOCUS**

Legal issues in blue carbon

Lessons from REDD+

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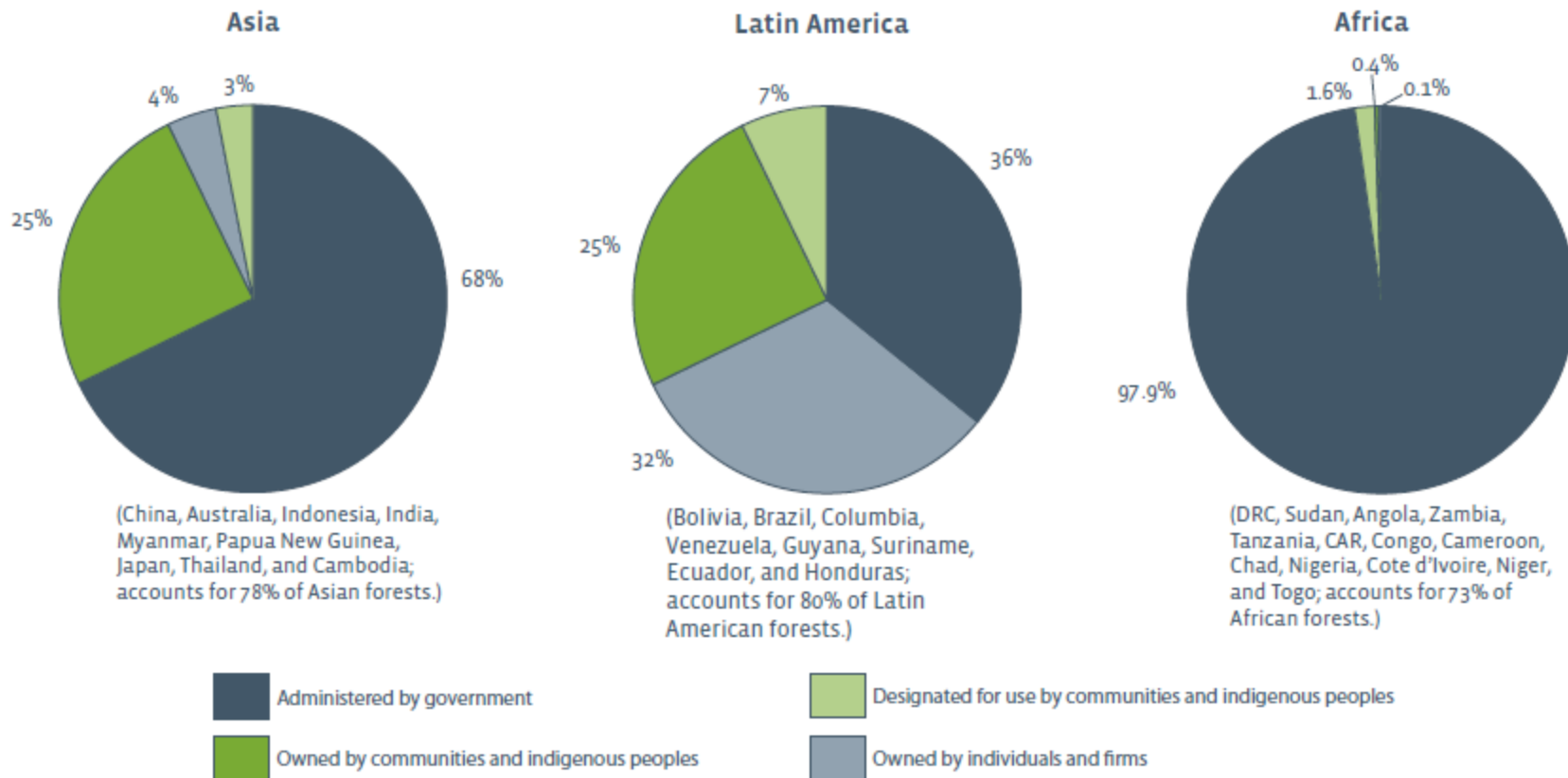
11 January
2012





Rights to REDD+ broader than tenure/title

FIGURE 1: STATUTORY FOREST TENURE DISTRIBUTION AMONG THREE REGIONS, 2008



Sources: Sunderlin et al. 2008, RRI and ITTO 2009.

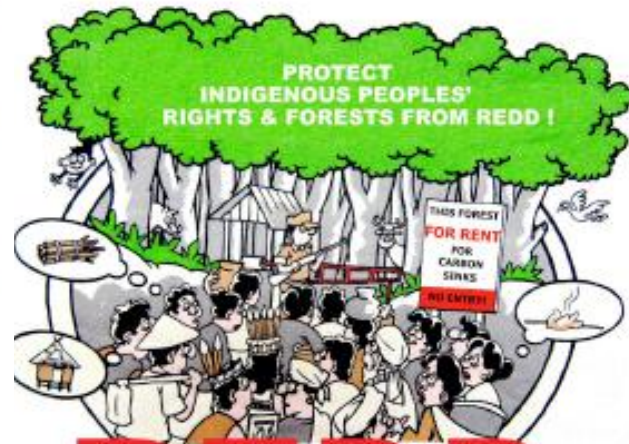


Land and tenure a potential flash point

- Fear of gov expropriation and loss of tenure has created significant opposition to REDD+



NO to CO₂lonialism!



REDD
A FALSE SOLUTION TO CLIMATE CHANGE





Right holders

- Public international law
 - Agreement between sovereign nations
 - Rights of non-state actors
- Domestic law
 - Need to look beyond tenure/title only
 - Ownership/title to land **≠** absolute title to benefits
 - Need to identify all rights holders -> include customary law, use rights, access rights etc.
 - Consultation in demonstration activity design, development, implementation
 - Impacts/relationship to legislative process



Other factors that affect existing rights

- Role of gov -> 2 sided coin
 - Granting concessions that can have a negative impact
 - > logging, aquaculture, zoning/development etc.
- Vs.
- Domestic legislation that can have a positive impact
- Different implications/considerations depending on your focus (project v.s broader policy intervention)



Implications for blue carbon

- A number of similar issues
- Some differences?
 - Fishing rights (analogous to hunting?)?
 - Less likely to have people living in the ecosystems?



Questions?

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