



Roundtable

THE RULE OF LAW, CLIMATE JUSTICE & SUSTAINABLE LAND USE

Tools for Equity, Certainty and Transparency in the Post-2015 Development Agenda

Tuesday, December 09, 2014, 4:45 p.m. - 6:15 p.m.
UNFCCC Convention Centre, 300 Paracas Room
Lima, Peru

By bringing together different stakeholders, the present roundtable - organized on the margins of the 20th Conference of the Parties of the United Nations Framework Convention on Climate Change by the International Development Law Organization (IDLO) and the Global Forest Coalition (GFC) - will explore the contribution of rule of law to sustainable land use and climate justice; identify how rule of law principles - such as equity, certainty and transparency - can contribute to a more just and sustainable Post-2015 development agenda; and discuss how the needs and voices of the vulnerable and marginalized can be meaningfully incorporated into "sustainable landscapes governance" in different regions.

CONTEXT

At the center of the emerging climate and development agenda are "landscapes" - terrestrial resource base where people interact on forestry, agriculture, food and energy systems, water management, conservation, value chains and infrastructure. As CIFOR notes, sustainable landscapes are the home and resource base for the 500 million smallholder farms that produce an estimated 80% of the food consumed in developing countries. Forests provide invaluable ecosystem services in landscapes, supporting agriculture, livelihoods and human health and well-being. Yet landscapes are becoming increasingly degraded, with losses of ecosystem services, soil, freshwater and forest resources, reversing recent development gains and threatening food security. In many countries, the most vulnerable are already experiencing the impacts of climate change - not only economic losses, but also health and social costs.

Different parts of the landscape provide different goods and services necessary to support livelihoods and economic development, and what happens in one part of the landscape has an impact on the others. Yet, in local and national law and policy frameworks, and in the current UNFCCC negotiations, agriculture, forestry and other land uses are still addressed in parallel tracks and at different political levels.

During CoP-20, global negotiations are being finalized to define a new international accord on climate change, which seeks to achieve global greenhouse gas emission reductions (mitigation) and adaptation (resilience), supported by accountable climate finance, clean technologies and stakeholder participation. Rule of Law principles such as equity, transparency and certainty can inform these debates at all levels, to support climate justice.



Rules of Law Principles, Climate Justice and Sustainable Land Use

Climate change presents an existential threat to the wellbeing of all society, especially the poorest and most marginalized groups. Women, children and indigenous peoples in the world's poorest countries are significantly affected by changes in land use due to climate change. Weak regulations, institutions and redress measures are foreclosing opportunities for more sustainable landscapes on all levels, leading to inequitable, un-transparent and ultimately, ineffective climate policies. Rule of law responses, guided by global calls for climate justice, offer principled approaches and innovative legal strategies to support climate mitigation, adaptation and finance for sustainable development. In the context of the ongoing negotiations on the Post-2015 development framework, rule of law principles can make an important contribution to climate justice. Specifically:

- **Legal certainty, through coherent legal and institutional frameworks**, can help to coordinate to ensure coherent regulations, standards and licensing procedures among diverse sectors that affect land use, such as forestry, energy, minerals and agriculture. Conflicting laws and policies can create disincentives for low-carbon initiatives while coherence can deliver many co-benefits.
- **Equitable burden and benefit-sharing arrangements, along with strong social and environmental safeguards**, can foster rather than frustrate land tenure rights and environmental management so that livelihoods are protected and development brings sustainable benefits for all.
- **Transparency, access to information and access to justice, supported by broad stakeholder engagement is crucial** to drafting and implementing comprehensive and inclusive laws and policies for climate-compatible development. Processes must be established to ensure that the needs and perspectives of vulnerable and marginalized groups, especially women, children and indigenous peoples, are properly considered.