

CLIMA – The Climate Show – Episode 18

[epi_18_justine_forrest.mp3](#)

Transcript

00:00:04 Linnéa Nordlander

Hi and welcome to the Climate Show, a podcast that explores the law and politics of climate change.

This podcast is brought to you by the University of Copenhagen.

00:00:16

Hi. We are Beatrice Martinez and Linnéa Nordlander.

00:00:19 Alessandro Monti

And Alessandro Monti.

00:00:20 Beatriz Martinez Romera

And we are your host at the climate show.

00:00:24 Beatriz Martinez Romera

For a start, an essential part of the emissions reduction plans of many countries. But the international regulation of forests is complex. Issues of deforestation, reforestation and afforestation are competing with other land uses, such as agriculture.

00:00:39 Linnéa Nordlander

Because of this complexity, it has been notoriously difficult to regulate forests as carbon sinks over the years. Forests were part of the Kyoto Protocol, but measuring their exact carbon sequestration proved to be a challenge.

00:00:52 Alessandro Monti

Regulation led to the creation of the Red Plus framework, which has its own limitations. In this episode, Justin Bendel, Madikeri fellow working as part of the interval project on the implementation of forest regulation and pacts, how the climate change regime has regulated the issue of forests as carbon sinks, and how forests will play an important role. In the future, enjoy the show.

00:01:14 Justine Bendel

Hello, I'm Justine Bendel. I'm a Marie Curie fellow at the University of Copenhagen in the Center for International Governance. It is my pleasure to be at the climate show today with Professor, Professor Christina Voigt, Professor of law at the University of Oslo in Norway and the Chair of the IUCN World Commission on Environmental for over 10 years. She also worked. As legal advisor and negotiator for the Government of Norway in the in the UN climate negotiations, and she is currently the first Co chair of the Paris Agreements Compliance and Implementation committee, Christina it is with great pleasure that I welcome you on the climate show. Thank you so much for joining us.

00:01:49 Christina Voigt

Thank you, Justine. It's a pleasure for me being here.

00:01:53 Justine Bendel

Christina, I'm taking this opportunity over having you here in Copenhagen for the conference on Forest at the crossroads of international law, which is part of my mercury project that explores the different facets of international law and how it affects forests I conduct here at the that I conduct here at the University of Copenhagen. I'm particularly interested in how international law, including the climate regime, but also beyond. It regulates forests and how these interactions take place concretely. But today I would like to spend some time reflecting on how forests are regulated in the climate regime, specifically, since it is your area of expertise. And so starting from the beginning, can you tell us why forests are relevant for climate change? And how forests are understood in the climate change regime?

00:02:37 Christina Voigt

Of course. Well, thank you. First of all for having me here. It's a really great pleasure and thanks for. Asking that particular question, let's start with the science. Let's start with why forests are important in the climate context. I mean, you have to understand the carbon cycle. For us a a, a very important or fulfill a very important function of carbon cycle by sequestering CO₂ and storing it. Carbon and the biomass, but also release you too. It's always important to think about that for us both. Think but also a source. But the biomass and the soils are important because that is where it's used to be stored away. It's taken out of the atmosphere and stored away. And that usually for a long, long time, unless they are cut down. And then they're of course release the CO₂ that is stored in the biomass and in the soil. And that reduces the sequestration capacity and at the same time releases greenhouse gases. So the significant deforestation that we've seen over the last several 100 years in the northern parts of the world have caused a really huge amounts of CO₂ to be released and it is very

important, of course, to try to keep the forests that are still on our planet. For most other things there that climate services. But of course for us also home to buy diversity, many people live in forests and particular indigenous people, so they have a much wider benefit than just the pure climate benefit.

00:04:14 Justine Bendel

Thank you so much and more specifically, when looking at the Paris Agreement, we have Article 5 that says that and I quote parties should take action to convert, conserve and enhance as appropriate sinks and reservoirs, including forests and of course. And they mentioned forests specifically out of all the other things that they could have. Showing clearly that they have a special role, but what exactly is so special about for?

00:04:41 Christina Voigt

What is the special vote for us that, that, that deserves a particular article in the past? Again, that's a really good question. Well, first of all, forest have that important climate regulatory function that I just explained. But why do we have Article 5? I think that that is a really intriguing.

Question we have Article 5 because of Article 5, paragraph 2. Which I'm sure we come back to it, which captures all the red plastic decisions, is the mechanism to address reducing deforestation and forest degradation in developing countries and both developed countries as donors and developing countries as hosts for red plus activities. Were interested in capturing Red plus in the context of the Paris Agreement. That's how we got to Article 5, paragraph 2. But other countries feared that it couldn't just be an issue in developing countries. It couldn't just be article 4-2, and that's why we are also got Article 41, which is just spread out, which addresses all parties, not just developing countries, to enhance their sinks and reservoirs. So there is a balance there, between protecting forests in developed countries or everywhere else in Article 5/1. End in developing countries Article 5 too, but behind of it is of course the understanding that forests play a particular role, and but it's it's unique in the context of the pairs agreement because we don't have any other sector that has received its own article. That's really only for us and before Paris.

00:06:22 Justine Bendel

One of the ways in which forests became important in the climate region was through the land use and land use change and forestry emission. And how they were accounted for in carbon budgets of states. And can you tell us a bit more about how it was under the Kyoto Protocol and the regime under that, that the Kyoto Protocol and what is left of it currently? So what were the specificities of forests in the past and that made them harder to get a global agreement? On later on, and So what have we left from?

00:06:53 Christina Voigt

Hmm. Ohh well, I mean this this alone may require an entire hour. If you want me to go through the entire LULUCF land use, land change history regulation. But going back to the Kyoto Protocol protocol to the United Nations Framework Convention on Climate Change, the Kyoto Protocol had a very, strongly bifurcated approach to parties. So they had developed country parties in one box basically and developing country parties in quite another box. So for developed country parties, their forests were regulated through a whole set of. Which guided land use, land use change and forestry LULUCF very detailed guidance on how LULUCF emissions and removals needed to be reflected in the national inventories, and also then be accounted for. And when it came to emissions trading, how you what kind of reference levels you you were supposed to? Have what level of entrepreneur, entrepreneur city you had to prove because for us through quite a bit on their own, without any human interference? But is that an emission reduction? Is the removal. So there's a whole complicated set, detailed set of guidance which is still relevant for developed country parties in the context of their inventories emission inventories, but for developing countries which did not have any quantifiable emission reduction obligations under the Kyoto Protocol, they, their forests were captured. To a very limited extent through the Clean Development Mechanism were developed country bodies could finance projects in developing countries. Across the whole scale or scope of different projects, but also projects concerning afforestation and reforestation that we're very, very limited number of projects, it was very difficult to to account for them. But there was a small way to to capture also forests in developing countries.

00:08:56 Justine Bendel

Thank you so much. And so do you think though, how that will develop this whole LULUCF sector under the Paris Agreement now, especially in light of the new EU regulation that that is trying to specify and go a little bit more into details from what happened under the Kyoto Protocol.

00:09:15 Christina Voigt

Yeah. Yeah. Well, the EU regulations are much more specific and much more complicated as well with respect to UM, to for us and and you know, one question is what are the reference levels? How to adjust historic reference levels? What to count against? That is very very challenging, but the EU is doing very significant strides and it's not just the EU, for example. Also Norway, who is not an EU member, but. There's bound to it by the European Economic Agreement, so there's there's a lot of things happening and it's quite interesting to watch how these rules become much, much more concise and stringent over time. But as I said, the reason why we moved from Kyoto to Paris is to capture really all parties in a fairly comprehensive agreement that doesn't really build that distinction anymore between developed and developing countries.

00:10:19 Justine Bendel

And another distinction that I wanted to touch upon is between agriculture and forests and this sort of big divide that has been done at the political level where these two don't mix yet. Maybe in the reality is a lot. More complex relationship and and then. That's why I wanted to ask you about how do you see this relation relationship evolve under the climate regime and how these two areas, agriculture and forests, can affect each other and?

00:10:46 Christina Voigt

Yeah, very good question and and really, really important one because agriculture is the main driver of deforestation really agriculture leads to land use change, conversion of forested land into agricultural lands. First, deforestation and conversion to cattle farms and and and soy, soy plantations, and so forth. So agriculture is really the main driver of deforestation and how how do these two areas relate or sectors in the context of the Paris Agreement, not so much. We have a work program on agriculture which does its own thing, and then there is nothing really currently happening on forests, but where they do interact is in the context of the NDC, because, at least for developed country parties, but also increasingly more for developing countries and this is economy wide. They have to cover the entire emissions from all sectors, which means that parties have to look at who are the drivers, what are the emission portfolio from the forest sector, from the energy sector, from the land use sector, from agriculture and so forth. And they have to set up their own emission targets and in order to, you know, reduce emissions, they have to have a very good look at how agriculture relates to forests and energy. So it's the economy wide scope that actually brings to the table the interaction between agriculture, for example.

00:12:17 Justine Bendel

Yeah, that's really interesting. This is the the place where this dialogue happens is mostly this is very interesting.

00:12:21 Christina Voigt

Exactly, yeah. And it's domestic. No, it's not an international regulatory framework but and that's where it needs to happen because you have to have interaction between the different ministries and agriculture is usually very different ministry than environment and they barely talk to each other or finance or trade. You know they all sit in different houses. But in order to have an economy wide, comprehensive NDC, you really have to have these different ministries and people and sectors talking to each other.

00:12:51 Justine Bendel

Yeah. And so something else also that I wanted to touch upon of course is the management of forests and deforestation and forest degradation, as you mentioned, red plus before. And so, of course, deforestation has been at the very high political discussion for a very long time at the global level especially, and that resulted in red plus the reducing emissions from deforestation for the great addition in developing countries as you.

00:13:19 Justine Bendel

Mentioned. So I wanted to talk a bit more specifically about that program, so that that you know so well and so can you explain in a little more details what this program intends to do and how has it been used over the years because it's been around for a while. So we are at the stage where we can look back and and make an assessment of how successful and we were, which parts were more or less successful.

00:13:41 Justine Bendel

In your opinion?

00:13:42 Christina Voigt

Absolutely. But let me step back a moment. The red plus, as you just said, reducing emissions from deforestation and forest degradation as well as sustainable management and forest and conservation and enhancement of forest carbon stocks, that's the plus and direct plus is it's a whole range of activities. It's a cooperation mechanism established under the United Nations Framework Convention on Climate Change, were developed and developing countries cooperate in order to reduce emissions from the forest sector and the important thing is that the red players emerged out of the Clean development mechanism, which I already mentioned, where there were particular small projects in the forest sector that could be implemented to reduce emissions. And it just did not work because there was a lot of leakage. You know you protect forests in one spot. It increases deforestation somewhere else or reversals so out of that red plus emerged. And the idea was developed and developing countries worked together, developing countries implement red plus activities on a national light spaces so it covers the entire country, not just small projects. But the reference level is supposed to be national and they implement forest policies that reduce greenhouse gas emissions from the forest sector as compared to historical emissions, and those results are then being paid for through either bilateral or multilateral funding mechanisms. And the money comes from either private money or the developed countries public funding. Now, has it worked? As you said, it's a while ago there is a set of I can't even remember. Like 12 decisions or 1314 decisions that the the COP had taken and all these decisions together were then implemented into Article 5, paragraph two of the payers agreement. So it's a while ago, well replace has certainly increased awareness

about for us and for its importance in the context of climate change policy and governance

00:15:52 Christina Voigt

It has led to significant results as well in some countries in some countries to reversals, for example, Brazil, who was quite a leader in the field and then under the previous Bolsonaro regime, as we all know, it went the other way. But President Lula currently is trying to get back on track. Significant amounts of funding have flown billions of dollars have have been paid for the results in the forest sector. So I think we've seen quite an uptake on red plays over the last 10 years maybe, but I dare say that red has not been used to its full potential. I think there is much more that could have been and still can be done with it given you know political willingness and and funding willing.

00:16:41 Justine Bendel

Yeah. And one thing you you mentioned is also the financing. So this is a results based payment set up. So it shares a lot of characteristics, characteristics with other and environmental development projects outside of Redbox in terms of the structure that that it follows and and so the financing becomes even more important. In that context of and, how does the financing sort of affect the successor of that plus activities? And so could you tell us a little bit more of. How do you think this financing is working and and and how? How is it set up?

00:17:19 Christina Voigt

Uh, it's. It's a multifaceted structure. You know, there, there are a number of bilateral agreements. I worked for the Norwegian Government, for example, on the bilateral agreement with Brazil, with Indonesia, with Guyana, with Tanzania where a developed country partner cooperates with the developing countries and that developing countries country. If it's able to put forward results, emission reduction results that are measured. Reported independently, verified can then be paid and another has paid billions of dollars in the last 10 years. I think altogether like \$2.3 billion. And it really significant player in this field and so is Germany. So is Denmark as well. Sweden, Australia and the United States. Have recently come on board, but we also have multilateral funding channels, for example through the green, green Green GCF, the Green Carbon Fund and the Green Climate Fund. I'm sorry, the GCF is interesting because it ran a pilot program on results based payments. Red Plus for the last five years. This is something that was financed with \$500 million, half a billion dollars. And actually as we speak last night and that's why I worked so late. There is a new round of negotiations to extend that first pilot program to a more longer lasting program. With the funding cabinet still being negotiated, or something between 600 million and \$1.2 billion for rent plus results

based payments, which means both that the the money is is there and also that the GCF is is putting quite significant trust in red plus going forward.

00:19:16 Justine Bendel

Ohh, that's interesting, I'm going ahead but one of the big criticism of Red plus over the years has been its impact on forest communities Plus has been created safeguards, but have to be implemented for every project. But what is interesting also about the safeguards is this the legal status that they are in this Gray area between binding and binding as the whole of red plus. But I suppose the safeguards are very key component of red plus and do you think there are enough checks? Do you think they are, the better way in in this regard for red plus activities?

00:20:03 Christina Voigt

Very good question, Justine. Yeah, well, it red Plus the the framework for red plus the whole governance structure is interesting because it has this whole set of safeguards and safeguards are there to ensure that red plus activities do not cause negative side effects on nature, biodiversity or on people like you said, displacement of people.

00:20:26 Christina Voigt

That's one purpose of safeguards. The other one is to lead to additional core benefits beyond just carbon benefits. Now those safeguards they were negotiated actually here in Copenhagen in 2009, they were adopted in Cancun later. And for countries to request results based payments, they have to provide. Summary of information on how they address and respect safeguards. They do not have to in a way to provide results or measured evidence that they actually do respect, but they have to provide information that they're doing as well as they can. I think the safeguards could have been stronger in terms of the legal value or nature, but I think it's very important to recognize that they're they and they do do recognize explicitly rights of indigenous peoples. That was the first time ever in the climate regime that had happened when they were when they were adopted, but they could have been stronger. But I think we we have to be fair even if I'm not saying everything is perfect with red plus. But what Red Plus did it makes all this information publicly available, so everyone interested in WhatsApp actually happening to indigenous peoples to local communities have access to a whole set of of data. And another question that I often have is what would have happened in the absence of red plus? Would we have been better off? Would some of these indigenous communities have been better off? Maybe some would have. But we also have evidence that many indigenous communities in quite a lot of countries have strengthened in their participatory rights in the recognition of their tenure rights, because in the wake. Have read many countries, for example, Indonesia actually had a whole national program on on mapping tenure rights and and and land rights of indigenous

people. So there is quite a lot of positive elements to to read as well, which we should not forget. But of course we need to learn from the mistakes that have happened and address.

00:22:46 Christina Voigt

But if you allow me to say one more word here is that when we talk about Red plus in the context of the UN climate regime, it's that national wide policy based approach where countries have to have a national red strategy and then implement it. But we also have something else that's called Red Plus and that's the voluntary carbon market. But that's a completely different animal, something completely different, but it just happens to, you know, use red plus. But that's private company. These buying purchasing credits, implementing small projects and then using those those credits for, you know offsets for other companies that is not bad. Plus under the Framework Convention on Climate Change and it is in particular those projects that have caused quite significant harm to indigenous people. But that's a. Different, different animal altogether and we need to distinguish what? Yeah, what?

00:23:41 Justine Bendel

We're talking about. Yeah. Yeah. This is an important distinction. We don't want to get the confusion here. I have a sort of a final question for you. And it's more about trying to link your role and work in the Compliance committee and see whether you see a potential. For the Paris Agreement Implementation Compliance Committee to ever hear and talk or make decisions on forest related issues.

00:24:06 Christina Voigt

Hmm, yeah, interesting one. I mean, from the outside, you probably would think that the answer is no, because the compliance committee only deals with compliance and that's illegal obligations and nothing in red is, you know, it's it's voluntary, it's there's no legal obligation to to do anything with regard to red. But the pairs agreement compliance.

00:24:26 Christina Voigt

It's a bit more than that. The Paris agreement, implementation and Compliance Committee PAICC as we call it and they did set implementation part. That's important because the committee is supposed to function in a facilitative manner, which means it is supposed to help bodies addressing any challenges that they may have with implementing any provision of the peers agreement, including Article 5, two theoretically. So what is possible? What is thinkable is that if a party wants to engage in red but it times for example the the guidance too complicated or doesn't know where to start to establish a right strategy, it just has challenges with implementing article 5,

paragraph two. It could theoretically come to the Compliance committee and say please help us. We have an implementation challenge. That is something the Paris Agreement we would like to do. We don't know how to do it. We have no capacity or knowledge or whatever it is. And then the committees work would be triggered and the committee would have to think about how can we help that party. How can we support that particular party and can enrich out to respective bodies under the Paris Agreement? Try to enhance capacity or even find? That hasn't happened yet. No, no party has triggered the implementation function of the Compliance Committee. But it's not unthinkable.

00:25:48 Justine Bendel

Yes, I you know, I'm a big advocate of compliance committees in general, so I had to make sure that we all know this is a possibility exactly. So to conclude, I wanted to ask you if there is anything else that you would like to say about forests in the climate regime, if we have missed something that you think was important for our listeners to to be made aware of.

00:26:12 Christina Voigt

Well, what we currently see is that the climate regime and the international regime to protect nature. For example, the conventional biological diversity, are moving closer together. We are talking about the triple planetary crisis. That's climate change, its biodiversity or nature loss and pollution. But climate change and biodiversity are two really global challenges that need to be addressed. Quite rapidly, in order to turn the tide, and there are a lot of overlaps between protecting nature, including protecting forests, and at the same time reducing greenhouse gas emissions, increasing adaptive capacity as well to climate impact. So that field of law that looks at the synergetic interference or synergies between. Protecting nature, protecting the climate system is a very interesting, fascinating. Because it brings together different silos, basically of international legal treaties into a comprehensive system. And I think that's where we need to go. We need to find these synergies in order to address these various international crises simultaneously.

00:27:27 Justine Bendel

Because I think this is a was a very important that needed to be said in the and now that we are in the biological decade or then this is the opportunity to take to make sure these linkages are made that is.

00:27:39 Justine Bendel

So thank you so much Christina, for being here today with us and for having spent a bit of your time and shared with us your, your thoughts and all your knowledge that you have on this issue. So it's been a a great topic and and a great opportunity for us to to

learn from you and and to the audience. I hope you enjoyed this episode of the Climate Show and see you soon.

00:28:00 Justine Bendel

The next episode.

00:28:08 Linnéa Nordlander

Thank you for listening to this episode. If you would like to learn more about Professor Foxworth and the Interfor project, check out the links in the Shona. Stay tuned for our next step.