



WORKSHOP AGENDA

Legal and Institutional Frameworks and their impact on Ecosystem Services transactions

Hotel Ariosto Lima, Peru
AUGUST 6-8, 2008

Since January 2008, the IUCN Environmental Law Center and Tropical America Katoomba Group have implemented a legal analysis initiative with the aim of understanding the legal underpinnings of water and carbon contracts for Payments for Ecosystem Services (PES) deals. Consultants from Peru, Bolivia, Brazil and Colombia have selected projects to analyze based on a comprehensive legal questionnaire. This workshop aims to understand the results from their studies and develop guidelines for the legal and institutional structures required to support PES schemes and their implementation.

Participants:

Alejandro Iza (IUCN Environmental Law Centre)
Thomas Greiber (IUCN Environmental Law Centre)
Carina Bracer (Tropical América Katoomba Group)
Jim Salzman (Duke University, Katoomba Group Board)

Country Assessment consultants:

Milagros Sandoval (SPDA- Peru)
José Luís Capella (SPDA- Perú)
Carla Gomez-Wichtendahl (IUCN Commission on Env. Law- Bolivia)
Warwick Manfrinato (Plant BR- Brasil)
Sabrina Macedo (Ambiental PV- Brasil)
Fabián Navarrete Le Bas (Ecoversa- Colombia)
Javier Blanco (Ecoversa- Colombia)

Partners/Contributors:

Robert O' Sullivan (Climate Focus- USA)
Gunars Platais (World Bank - Washington DC)
Natalia Calderón (Fundacion Amigos de la Naturaleza- Bolivia)
Rodrigo Sales (Baker Mackenzie- Latin America)
Raúl Telles do Vale (Instituto Socioambiental- Brasil)
Steven Panfil (Climate Community Biodiversity Standards)
Manolo Morales (Ecolex/Cedenma- Ecuador)
Eduardo Rolón (Instituto Nacional de Ecología- México)
Victor Merino (USAID- Peru office)
Rolando Castro (CEDERENA- Costa Rica)
Miguel Pulgar Vidal (SPDA- Peru)
Richard Smith (Instituto del Bien Comun- Perú)

Location for Hotel Accommodation and Meetings:

Hotel Ariosto
<http://www.hotelariosto.com.pe/>
Av. La Paz 769, Miraflores
Telf. 051 1 444-1414 / 444-1416

Airport transportation and pick up will be organized for your arrival

Key legal topics to be presented in country assessment reports, and discussed:

1. Existing and future legal and institutional framework related to PES
2. Property Rights: in the law and in practice: for land, for the ecosystem service
3. Contracts: parties to, legal standing of, objective of, obligations in, time and duration, payments, fiscal implications of selling ES
4. Securities and Risk allocation: registries, insurance, burden of proof, evidence, government roles
5. Negotiation Process: typical mechanisms and approaches, participants, expertise, terms of discussion, conflict resolution or mediation
6. Monitoring, non-compliance, enforcement: How compliance is defined, authorities, costs of, self assessment, instruments for enforcement
7. Dispute Resolution: provisions in the legislation, legal standing
8. Public participation: access to information, transparency, accountability

Overall project outputs we hope to develop during this workshop with you:

1. Publication “Legal Issue in design of PES deals” IUCN/KG/other partners, including:
 - Succinct Case studies of projects in countries
 - Legal issues gap analysis per country and across Latin America
 - Summary of guidelines for projects to develop deals
2. Guidelines for “Getting Started Manual” Steps related to how project participants and related institutions deal with legal issues identified in the study.
3. Template tools, sample contracts, MOU’s and other legal guidance tools for project developers.
4. Plan of action for governance needs to address legal gaps and opportunities, including “Rapid Response” interventions with specific governments.
5. Others recommended at the Workshop

| Tuesday 5 August 2008 | |
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| | Arrival of overseas participants and transfer to workshop location |

| Wednesday 6 August 2008 | |
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| 9:00 – 9:30 | Welcome by Thomas Greiber, IUCN ELC and Carina Bracer, TAKG: <ul style="list-style-type: none"> - Introduction to the Initiative, and to the water and carbon country assessments - Goals and Adoption of the workshop agenda |
| 9:30 – 10:00 | Roundtable of participants: <ul style="list-style-type: none"> - Get to know each other a bit better - Short presentation of each participant and his/her expectations |
| 10:00 - 10:30 | Session I.: Experiences on Water-related PES Consultants to present the findings of their research (20 min) and others to provide initial feedback (10 min) |
| 10:30 – 11:00 | 1) Presentation Bolivia- water 2) Presentation Brazil – water |
| 11:00 – 11:15 | <i>COFFEE BREAK</i> |
| 11:15 – 11:45 | Session I. (continued): 3) Presentation Peru- water |
| 11:45 – 12:15 | 4) Presentation Colombia- water |
| 12:15 – 12:45 | Commentary on experiences & similarities in Costa Rica, Mexico and Ecuador |
| 12:45 – 14:00 | <i>LUNCHEON BREAK</i> |
| 14:00 – 15:00 | Session II.: Evaluation Summary and analysis of experiences on water-related PES |
| 15:00 – 15:30 | Session III.: Experiences on Carbon-related PES Consultants to present the findings of their research (20 min) and others to provide initial feedback (10 min) |
| 15:30 – 15:45 | <i>COFFEE BREAK</i> |
| 15:45 – 16:15 | 2) Presentation Brazil |
| 16:15 – 16:45 | 3) Presentation Colombia |
| 16:45- 17:00 | Commentary on experiences & similarities in Bolivia (Natalia Calderon) |
| 17:00- 18:00 | Session IV.: Evaluation Summary and analysis of experiences on carbon-related PES |

| Thursday 7 August 2008 | |
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| 8:30 – 9:00 | Recap of previous day |
| 9:00- 9:30 | Presentation of OAS Legal Study and Findings (via Video-teleconference, if possible) by Adriana Casas |

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| | Session V.: Breakup in 2 groups (water & carbon) Development of guidelines by each group on the Key Legal topics that appear in each country assessment |
| 9:30 – 11:00 | 1) Necessary legal and institutional frameworks (chaired by Alejandro (water), Gunars (carbon)) |
| 11:00 – 11:30 | <i>COFFEE BREAK</i> |
| 11:30 – 12:45 | Session V. (continued): 2) Legal implications of property and resource rights in PES (chaired by Raul Telles (carbon), and Eduardo Rolón (water)) |
| 12:45 – 14:00 | <i>LUNCHEON BREAK</i> |
| 14:00 – 15:30 | Session V. (continued): 3) Contract negotiation process and design implications for PES (chaired by Rodrigo Sales (carbon), and Rolando Castro (water)) |
| 15:30 – 16:00 | <i>COFFEE BREAK</i> |
| 16:00 – 17:30 | Session VI.: Carbon and Water groups return to present draft guidelines for the key legal topics Presentation of findings by each group followed by discussion |

| Friday 8 August 2008 | |
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| 9:30 – 10:00 | Recap of previous day |
| 10:00 – 11:30 | Session VII.: Gap analysis of reports and governance work What needs to be done to finalize the country reports and guidelines after the workshop? What gaps and needs do government policy and program designers have? |
| 11:30 – 11:45 | <i>COFFEE BREAK</i> |
| 11:45 – 12:45 | Session VIII.: Development of tools What basic tools exist? How should information and support be made accessible to the audiences we care about? What are the critical elements of some key tools the group identifies as important? Draft tools based on the results of this study Additional needs in this regards... |
| 12:45 – 14:00 | <i>LUNCHEON BREAK</i> |
| 14:00 – 15:30 | Discussion of any further issues requiring clarification, ways forward and next steps What future Plan of Action / Rapid Responses can we design? |
| 16:00 | Meeting closed |