



Regional: Legal Toolkit for the Protection of Vital Ecosystems for Climate, Biodiversity and Livelihoods

Project Name	Legal Toolkit for the Protection of Vital Ecosystems for Climate, Biodiversity and Livelihoods		
Project Number	56316-001		
Country / Economy	Regional Nepal		
Project Status	Active		
Project Type / Modality of Assistance	Technical Assistance		
Source of Funding / Amount	TA 10061-REG: Legal Toolkit for the Protection of Forests		
	Technical Assistance Special Fund		US\$ 500,000.00
Strategic Agendas	Environmentally sustainable growth Inclusive economic growth		
Drivers of Change	Gender Equity and Mainstreaming Governance and capacity development Knowledge solutions Partnerships Private sector development		
Sector / Subsector	Agriculture, natural resources and rural development / Forestry		
Gender Equity and Mainstreaming	Some gender elements		
Description	The TA will produce a legal toolkit to provide expanded policy options and legal mechanisms for the protection of ecosystems that are vital carbon sinks, home to rich biodiversity and sources of livelihoods. Although the TA will have particular focus on forests, it will cover oceans, given their significance to food and economic security and climate change especially in the Pacific DMCs.		

Project Rationale and Linkage to Country/Regional Strategy	<p>Forest and ocean conservation and protection are critical to the United Nations (UN) 2030 Agenda and global biodiversity protection efforts and have been incorporated in DMCs' national development plans. Managed sustainably, these natural capital assets mitigate and protect communities from global climate change, while sheltering them from the effects of extreme poverty. Nevertheless, as a consequence of rapid deforestation, Asia and the Pacific has become the least forested region in the world. Similarly, nearly 90% of the world's marine fish stocks are now fully exploited, overexploited, or depleted, jeopardizing ocean ecosystems, food security, and livelihoods. These problems have been caused by direct drivers such as infrastructure expansion and illegal logging and fishing, and indirect drivers such as poverty and ineffective implementation and weak enforcement of laws.</p> <p>Improvements to legal frameworks, coupled with effective implementation and enforcement of laws, can help address the numerous problems facing forests and oceans. An updated understanding is needed on why Asia and the Pacific's legal frameworks for forest protection are inadequately implemented and enforced. Reasons may include poorly drafted laws with unclear definitions, rights, and obligations; unclear or overlapping institutional arrangements; a weak evidence base; poorly resourced enforcement agencies; and insufficient judicial capacity, among other issues to be identified. Further, forest laws tend to provide weak administrative enforcement mechanisms, often split among different agencies and criminal penalties. Civil liability regimes are not usually well designed, which creates judicial challenges for compliance and enforcement. At times, important judicial remedies such as restoration are completely omitted.</p> <p>Asia and the Pacific's legal regimes for protecting forests are generally outdated compared international commitments to reduce emissions from deforestation and forest degradation in developing countries and nationally determined contributions under the Paris Agreement. Regimes for forest protection have also failed to keep pace with emerging technologies for monitoring forests. Further, there is a need to better understand the ideal scope of forest protection laws, given their land tenure, provision of environmental services, and intersections with other sector laws. Effective forest laws should set out mechanisms to ensure that all stakeholders are incentivized to interact with one another peacefully, under a principle of 'do no harm.' Depending on the context, these stakeholders may include local communities and indigenous peoples that rely on forests for sustainable livelihoods, frontline forest guards and forest managers, international timber companies, adjacent or encroaching commercial agriculturalists, and increasingly, carbon market participants working across different domains with diverse interests. As a result, no single national body in many DMCs is ultimately responsible for understanding, coordinating, implementing, and enforcing forest laws; and existing bodies are captured by interest groups. While interest groups' competing priorities can lead to competition and conflict, they are inherently capable of being aligned around a common interest in ensuring the preservation of the immediate and external benefits that forests provide, including environmental services. The potential benefits justify legislative interventions and regional coordination, underpinned by the highest standards of legal and environmental knowledge.</p> <p>Despite the potential benefits of coordination, no internationally recognized source of model forest legislation exists to guide governments, legislators, civil society organizations (CSOs), and other stakeholders on forest sector legal reforms. Using ADB's convening power to develop a model forest act would build on initiatives such as the UN Forest Instrument, and bring together expertise from diverse initiatives, including the Task Force on International Forest Governance of the International Union of Forest Research Organizations and the Food Systems, Land Use and Restoration Impact Program funded by the Global Environment Facility. A model forest act would set out general provisions that the DMCs may adopt into domestic law, including objectives, instruments, principles, and institutions for forest protection, conservation, management, and adequate enforcement, in the modern context. The initiative to develop general provisions for the model forest act will also facilitate national and regional dialogue on forest protection, conservation, and management, by engaging with stakeholders involved in the drafting, implementation, and enforcement of forest laws and related laws. It will also give voice to local communities and indigenous peoples as key stakeholders, and the private sector as part of the solution.</p> <p>The Pacific Ocean faces comparable challenges, such as illegal, unreported, and unregulated fishing and unsustainable levels of fish stocks, with overfishing particularly acute in the Pacific DMCs. Illegal activities and unsustainable fishing practices have had a significant impact on small island developing states in the Pacific, where fisheries are a key source of livelihood. Further, according to the International Union for Conservation of Nature, climate change is compounding food security issues in the Pacific DMCs, with harvests from fisheries expected to fall by 10%-30% by 2050. For example, according to Conservation International, four million metric tons of tuna per year are fished from the waters of Pacific Island countries, which supply more than 30% of the global market for tuna.</p> <p>Pacific DMCs have some of the largest exclusive economic zones (ocean areas that fall under their national jurisdiction) in the world and identify as 'large ocean states.' With the exclusive right to explore, exploit, control, and manage the living resources in their exclusive economic zones, Pacific DMCs collectively are arguably the Pacific Ocean's primary custodians. Nevertheless, more resources and tools are needed to promote sustainable fishing management and practices' through better policy measures, updates to fisheries laws and regulations in line with current scientific data on size limits and vulnerable species, and more effective implementation of national fisheries laws and regulations. Moreover, for Pacific DMCs, regional cooperation is critical to secure better governance, more effective fisheries management, and more benefits from this vital resource.</p>
Impact	improved design, implementation and enforcement of laws for the protection of vital ecosystems for climate, biodiversity and livelihoods in ADB DMCs
Project Outcome	
Description of Outcome	Legal toolkit for the protection of forests and promotion of sustainable fishing practices developed and collaboration amongst stakeholders strengthened
Progress Toward Outcome	
Implementation Progress	
Description of Project Outputs	Policy briefs on general reasons why forest laws are difficult to implement and enforce published General Part of the Model Forest Act with accompanying legislative guide developed Assessment of fishing policies and legal frameworks in Pacific DMCs conducted
Status of Implementation Progress (Outputs, Activities, and Issues)	
Geographical Location	Nepal - Nation-wide
Summary of Environmental and Social Aspects	
Environmental Aspects	
Involuntary Resettlement	
Indigenous Peoples	
Stakeholder Communication, Participation, and Consultation	
During Project Design	
During Project Implementation	
Responsible ADB Officer	Pak, Christina U.
Responsible ADB Department	Office of the General Counsel
Responsible ADB Division	Office of the General Counsel
Executing Agencies	Asian Development Bank
Timetable	
Concept Clearance	09 Nov 2022
Fact Finding	09 Nov 2022 to 11 Nov 2022

MRM	-
Approval	19 Dec 2022
Last Review Mission	-
Last PDS Update	19 Dec 2022

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Financing Plan/TA Utilization						Cumulative Disbursements		
ADB	Cofinancing	Counterpart				Total	Date	Amount
		Gov	Beneficiaries	Project Sponsor	Others			
500,000.00	0.00	0.00	0.00	0.00	0.00	500,000.00	-	0.00

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